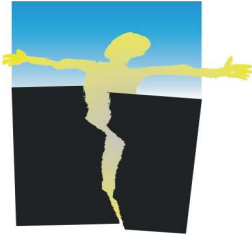


# HELSINKI Bulletin



*Helsinki Committee for Human Rights in Serbia*

Rige od Fere str. #20, 11000 Belgrade, Serbia  
tel./fax +381 11 30 32 408; e-mail office@helsinki.org.rs ;  
www.helsinki.org.rs

*Nº 51 • December 2009*

---

---

## **Vojvodina's Statute: First Major Step towards Modernization And Decentralization**

Adoption of Vojvodina's Statute is a major event indicative of an irrevocable trend. Though obstructed and postponed so many times, the adoption of the Statute is a step towards a new frame within which the province will be making better use of its own resources and the possibilities EU provides, particularly for regional development.

At the same time, the adoption is a victory of the political current for a decentralized and modern Serbia. It will surely encourage other regions as well to seek decentralization and loosen Belgrade's grip.

The newly adopted Statute fits into the legal frame of the 2006 Constitution. However, Vojvodina will hardly be in the position to fully effectuate the powers transferred to it under the Statute unless it controls all of its resources. Given that the Law on Transfer of Authorities fails to define some crucial questions such as property and finances the actual implementation of the powers the province has been invested with remains to be seen.

The conservative bloc with Vojislav Kostunica at helm sees the Statute as a separatist threat. Apart from Kostunica's Democratic Party of Serbia /DSS/ the loudest opponents of the Statute are the Serb Progressive Party /SNS/, the Serb Radical Party /SRS/, the Serb Orthodox Church and the Serb Academy of Arts and

Science /SANU/, along with some university circles. They will be seizing every opportunity that has anything to do with Vojvodina to stand in the way of the advocates of autonomy.

### **Battle for Statute**

The Assembly of Vojvodina declared the new Statute on November 19, 2009, whereas the republican parliament adopted the Law on Transfer of Authorities to Vojvodina and gave a green light to the Statute on November 30, 2009. Out of 163 MPs attending the parliamentary session, 138 gave their vote to the Law and 137 for the Statute. Nikolic's "progressists" did not participate in the vote.

Though the media had been severely campaigning against the Statute, its very adoption found little echo in the public. The months-long campaign abounding in dirty tricks, humiliation, unprincipled stands and incompetence,<sup>1</sup> as Provincial Secretary for Administration, Regulations and National Minorities Tamas Korhec labeled it, could not have but fastened on people's mind. Besides, neither autonomists nor their opponents are satisfied with the adopted provisions – the former because they got less than they expected and the latter because they take that the former got more than they would be ready to give them.

---

<sup>1</sup> *Dnevnik*, December 5, 2009.

Ever since the provincial parliament adopted it (October 2008) the Statute has been strongly denied and politically criminalized. Sandor Egersi, president of the provincial parliament, tried hard to counteract the negative effects of the propaganda against the Statute by touring towns in Serbia and presenting its contents. All his efforts were in vain since main sources of resistance were in Belgrade rather than in provinces.<sup>2</sup>

The official Belgrade's attitude towards suggestions and initiatives coming from Vojvodina, and towards the Statute itself, mirror its stance about a more important issue – decentralization of Serbia. According to economist Vladimir Gligorov, Belgrade's attitude towards decentralization actually reveals its aspirations for powers it want to keep for itself. "There is a strong, centralistic tendency in Serbia – simply because centralism invests the central government, the President, the administration, the police, the army and the Church with more power... There is also a strong resistance to any transfer of authority to lower levels of governance, particularly if such transfers are lasting and unchangeable," says Gligorov.<sup>3</sup>

### **Opposition by conservative bloc**

Parts of Serbia's intellectual elites, rightist parties, Church, various quasi-patriotic organizations and the so-called analysts teamed up to oppose "Vojvodina laws," the Statute in the first place. The fact that both Kosovo and Montenegro declared independence before the Statute came under discussion only fueled their resistance. "A separatist ideology is already rooted in Vojvodina," claims political analyst Slobodan Antonic and warns that adoption of a "crypto-federalist Statute" and "institutional corpus separatum" would destroy the country's constitutional whole. "Hence, Vojvodina will become a semi-state with sufficient resources of its own enabling its elite to rerun the scenario of Slovenian and Montenegrin separa-

tists. All it /Vojvodina/ has to do is to take over the already developed secessionist idea and put in action the acquired media, institutional and finances resources – and we are getting yet another state on Serbia's soil," says Antonic.<sup>4</sup>

Vojislav Kostunica, DSS leader, commented the draft statute and the subsequent law as Serbia's "return to the status of a paralyzed state." "That's a step towards federalization or dismantlement of Serbia by the model of the 1974 Constitution," said Kostunica.<sup>5</sup> According to him, the actual government bestows on Vojvodina elements of statehood and turns it into a state within a state.<sup>6</sup>

Miroslav Alimpic, professor at the Novi Sad University, shares his view. "The incumbent government prepares the terrain for Vojvodina's secession. Autonomists or their political heirs have evolved considerably. They no longer demand just political, economic and cultural autonomy but also total separation from Serbia and establishment of a republic with all characteristics and prerogatives of an independent state," says Alimpic.<sup>7</sup> What Serbia needs, he stresses, are law and order, peace, work, discipline and political stability – and the only way to reach these goals without unnecessary delay is to withdraw everything dealing with Vojvodina from procedure. All DSS officials agreed that "unconstitutional draft statute should be withdrawn from parliamentary procedure and returned to the provincial assembly, which must adjust it to the Constitution."<sup>8</sup>

Another course of action "Vojvodina's separatists" are taking to attain their goal, say their critics, is establishment of "crypto-state institutions" such as Vojvodina's Academy of Arts and Sciences /VANU/. Slobodan Antonic indicates that the statutory provisions on VANU are significant symbolically and says, "Revival of VANU is a symbolic prelude to creation of a new state and a new nation." For a small country such as Serbia, "regional academies of sciences

<sup>2</sup> *Dnevnik*, 28. novembar 2009.

<sup>3</sup> *Dnevnik*, 2. septembar 2009.

<sup>4</sup> [www.nspm.rs](http://www.nspm.rs).

<sup>5</sup> *Večernje novosti*, 12. novembar 2009.

<sup>6</sup> Isto.

<sup>7</sup> Miroslav Alimpic, „Serbia and Vojvodina: People Must Know the Truth," at [www.nemasale.rs](http://www.nemasale.rs).

<sup>8</sup> *Dnevnik*, October 12, 2009.

are senseless and cannot be either scientifically or functionally justified.”<sup>9</sup>

Synod of the Serb Orthodox Church also expressed its concern over the establishment of VANU. “Un-constitutional establishment of the so-called Vojvodina’s Academy of Arts and Sciences is supposed to endow Vojvodina Serbs with a specific national identity,” says Synod in a release. “The Synod is much concerned over sovereignty and territorial integrity of the state of Serbia which were first seriously undermined – and temporarily, we hope – by seizure and occupation of Kosovo and Metohija, and then by the attempt to turn the Autonomous Province of Vojvodina into a new state within a state,” quotes the release. “As this draft statute opens the door to further decomposition and destruction of the already shrunk and crippled Serbian state, we appeal to the President of the Republic, the Premier and the Parliament to present this communication and request of ours to the parliamentary session discussing the issue, and hope MPs would consider our argumentation with due attention and vote against such an obviously unconstitutional act,” concludes the release.

### Final assaults at Statute

Ideological duo of the New Serbian Thought magazine, Slobodan Antonic and Djordje Vukadinovic, publicized an open letter to the President and MPs on the very day the draft statute and law on transfer of powers were on the parliamentary agenda. The two warn that the process of decentralization in Serbia is uncontrolled and thoughtless, and that all the consequences of renouncement of a number of major state powers have not been considered. “Today’s Serbia is too small to accommodate a ‘region’ such as Vojvodina...A state-like entity with two million citizens established north of Sava and Danube rivers is a quasi-state organism within Serbia and – a time institutional bomb with delayed action.” In more favorable international circumstances “the newly cre-

ated bureaucratic monster may easily transform into a quasi-nation and a quasi-state,” say the authors of the letter and, hence, appeal to the President of the Republic and MPs to deny “support to this deadly concept for Serbia’s decentralization.”<sup>10</sup>

Over the parliamentary debate the SNS leader, Tomislav Nikolic, asked, “How far you think you can go with the so-called autonomy without anyone calling you to account for making a state within a state? And how come that only Vojvodina is committed to European values? What do you think the rest of us are? Savages?”<sup>11</sup> The Vojvodina Statute has a quasi-constitutional structure because it has a preamble referring to citizens of Vojvodina, which our Constitution does not recognize, and because it defines a territory, emblems, a capital, property...Since over one hundred competences are transferred from Serbia to Vojvodina, we are going to get Serbia composed of two parts, politically and administratively – Serbia proper as it was at the time of Brioni Yugoslavia and Vojvodina,” said DSS Vice-president Slobodan Samardzic.<sup>12</sup> As for Dragan Todorovic, SRS vice-president, adoption of the Statute will be among the government’s “historically most harmful motions,” even “more harmful than occupation of Kosovo.” “While Kosovo was snatched away from us, Vojvodina will be given away with our blessing. By adopting the Statute Serbia gives up Vojvodina and paves the way for a new federal unit,” he said.<sup>13</sup> “I dislike this edifice,” said Gordana Pop-Lazic of SRS, “because this is where states were being dissolved. This is a historical session, and you will go down in history, Mr. Cvetkovic, as a man who signed the Cvetkovic-Canak agreement.”<sup>14</sup>

“Autonomy, yes – state in a state, no,” this was how MP Branko Ruzic self-confidentially voiced the maxim of Socialist Party of Serbia – Unified Serbia parliamentary caucus. Even before the parliamentary debate begun, the Socialists behaved triumphantly. Namely the draft statute under parliamentary discussion differed the version adopted by Vojvodina

<sup>9</sup> Slobodan Antonic, „Battle for Vojvodina“ at [www.nspm.rs](http://www.nspm.rs).

<sup>10</sup> [www.nspm.rs](http://www.nspm.rs).

<sup>11</sup> *Dnevnik*.

<sup>12</sup> *Glas Javnosti*, November 25, 2009.

<sup>13</sup> *Glas Javnosti*, November 25, 2009.

<sup>14</sup> *Danas*, November 25, 2009.

parliament on October 14, 2008 – it was amended by SPS's "legal and technical corrections." "This is the biggest defeat of autonomist in the past two decades. Their concept for Vojvodina as a republic failed. Anyone claiming he got a republic by getting Vojvodina Academy of Arts and Science must be just a maestro of advertising," commented Ivica Dacic, SPS leader.<sup>15</sup>

Commenting of the new version of the statute, Slobodan Antonic pointed out that "most horrible provisions have been deleted" and that "the Statute can no more be a tool for mobilizing and integration of the opposition." "No doubt that the opposition will continue to assault the Statute. But after Dacic's amendments, it will be hard to convince citizens that this document is so disastrous to necessitate any action beyond institutions." "Therefore, the opposition should focus on the Law on Transfer of Powers," says Antonic, "because it sets the foundation for institution-building in Vojvodina, the elite of which – eager to maximally spread its power – will be trying to take over all the competences it is not allowed to have. The opposition must act in the interest of this country and people, and do all it can so that the autonomist bureaucracy gets as little as possible power and money," says Antonic.<sup>16</sup>

### **Autonomists' response**

Autonomists are dissatisfied though the Statute is now adopted. "We continue advocating," said Istvan Pastor, president of the Alliance of Vojvodina Hungarians, "an autonomy for Vojvodina that implies legislative, executive and judicial powers." "We take this Statute almost insignificant and no attainment at all," said Nenad Canak, LSV leader, "because it doesn't even touch on legislative, judicial and executive powers, let alone sources of income and property. And these are five fundamental demands our League insisted on when it came to the high-

est legal act of the Autonomous Province of Vojvodina."<sup>17</sup>

Critical remarks coming from the ranks of autonomists were strong. For instance, that centralistic and nationalistic Serbia uses the Statute to show its muscles to Vojvodina and to humiliate it.<sup>18</sup> The draft statute was called "an act for legal parade only" stripped of any sound legal justification. In political terms, the Statute was interpreted as consent to an inferior status and humiliation, actually, "an act upholding the fat provincial bureaucracy that only sits on its hands since Vojvodina is not invested with any real powers."<sup>19</sup>

"Actually, neither the old nor the new statute gives Vojvodina anything that would justify its existence and benefit. The republican parliament was not only displeased with this specific draft statute, it is displeased with any draft statute whatsoever, it is displeased with Vojvodina's very existence and name," said Radivoje Stepanov, professor at the Novi Sad University. "Vojvodina needs not a statute, it needs a constitution," he concludes. Djordje Subotic, president of the Vojvodina Club, shares this view. "Vojvodina needs a constitution that defines its statehood, including judicial, executive and legislative powers, its right to decide on its property, sources of income, natural and labor resources," he says.<sup>20</sup> Asked why politicians in power would not consider a constitution for Vojvodina, Stepanov replies, "Because, like all authoritarians, they stick to a distorted, simplified and pragmatic formula for a state: keep up, rather than give up."<sup>21</sup>

The Alliance of Vojvodina Social Democrats /SDPV/ called the Statute a miserable bylaw, whereas the Law on Transfer of Powers a misnamed act because it only provides "entrusted tasks." Vojvodina is still a pending issue and Serbia cannot become a modern state with its actual constitution, says SDPV.<sup>22</sup>

<sup>17</sup> *Dnevnik*, October 16, 2009.

<sup>18</sup> Djordje Subotic, „Domestic Colonialism,“ interview with E-Novine

<sup>19</sup> Marko Karadzic, "We Live a Constitutional Crisis," Ibid.

<sup>20</sup> Ibid. For Subotic, Vojvodina as a federal unit of a federal Serbia is the right measure for its autonomy.

<sup>21</sup> Radivoje Stepanov, interview with E-Novine.

<sup>22</sup> SDPV release of December 5, 2009.

<sup>15</sup> *Vecernje Novosti*, November 13, 2009.

<sup>16</sup> [www.nspm.rs](http://www.nspm.rs)

## Differences in DS

Strong criticism and accusations that the draft statute was unconstitutional also brought about differences in Democratic Party /DS/. As the biggest party in the ruling coalition DS had a final say when it came to the Statute's fate. However, there are major differences between the party's Belgrade-seated headquarters and the Novi Sad branch. Bojan Pajtic, DS key figure in Vojvodina, played an important role in the defense of the Statute from the party's centralists in Belgrade. Besides, DS did not want to make things worse than necessary because of its electoral stronghold in Vojvodina and because it couldn't afford the risk of denouncing Bojan Pajtic.

The parties advocating wide autonomy for Vojvodina have no partner in Belgrade, not even in the circles bragging about decentralization, regionalization and European integrations, said Istvan Pastor. "It took DS thirteen months to make a final decision because many party officials reason like the Radicals or the Populists when it comes to political arrangement of the Republic of Serbia. They are also advocates of a strongly centralized Serbia in which all decisions are made in Belgrade and all resources allocated by it."<sup>23</sup>

"Boris Tadic and DS leadership prove themselves as bad political calculators," says Milenko Perovic, professor at the Novi Sad University. "They are well aware that they won the last elections thanks to Vojvodina's electorate. Instead of further strengthening preconditions for future victories through the highest level of autonomy, they do quite the opposite: they undermine their own foundations by wooing nationalistic groupings," says Perovic. According to him, Tadic and the Democrats are unable to put two and two together, they are just going to and fro, and praying to God all the time that things with Vojvodina end this way or another without any harm to them.<sup>24</sup> Miroslav Ilic of SDPV even accused DS and its leader of "having lied to citizens of Vojvodina by pre-

sending themselves as progressive and pro-European forces ready that would make amends for the fatal policy of 1990s." He also accused Boris Tadic of destroying Vojvodina's political subjectivity more than Slobodan Milosevic.<sup>25</sup>

**The debate on the Statute of Vojvodina revealed that key political actors cannot reach a consensus about the decentralization model to be applied to Serbia. A "silent political war" over the Statute laid bare conceptual differences between advocates of centralism and monopoly of power on the one hand, and advocates of a comprehensive decentralization of Serbia on the other. The former demagogically hide themselves behind overemphasized national pathos and concern for Serbia's integrity and sovereignty, while the latter call for an open society and efficient administration and market economy.**

**In the society without a clear-cut strategy for the country's development and in the atmosphere of overall disorientation, autonomists were also somewhat at loss when it came to efficient action against the deliberate delay to place the draft statute at parliamentary agenda. It turned out that provincial authorities had no plan for counteracting this unnecessary delay. Four options were in play: an appeal to the Constitutional Court of Serbia, calling of a provincial referendum, including the statute issue in the process of European integrations and, finally, dissolving of the provincial parliament.**

**The ceremony of proclamation of the Statute did not put an end to the "battle for Vojvodina." Vojvodina will be unable to efficiently exercise the powers it has been invested with unless it has the right to decide on resources necessary for it.**

**New polemic, assaults and accusations will stem from the process of solving the problems of the autonomy's functioning. Those seeing Vojvodina's property and income as a material basis for implementation of "a separatist program" are not few.**

<sup>23</sup> *Dnevnik*, November 10, 2009.

<sup>24</sup> [www.autonomija.info](http://www.autonomija.info).

<sup>25</sup> A press release of September 22, 2009.