

# HELSINKI Bulletin



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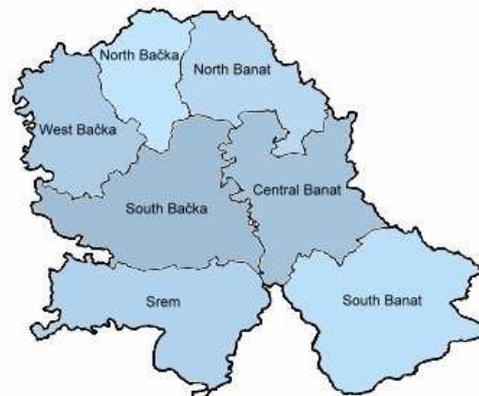
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## SYMMETRIC OR ASYMMETRIC SERBIA?

A public debate on constitutional revision begun even before Serbia's new 2006 Constitution was declared. Dissatisfied with the constitutional frame for Vojvodina's autonomy, the province's autonomists mostly insisted on the issue. At the Third Vojvodina Convention last December they once again emphasized the need for constitutional amendment. Some speakers at the convention even said that autonomy was no longer a frame that could satisfy citizens of Vojvodina. Inability of the ruling coalition to reach a consensus on the draft Vojvodina statute just fueled their frustrations. In addition, the problems hampering parliamentary and governmental proceedings, and the imperative need to buffer political and economic effects of the global crisis brought constitutional amendment to the fore.

In an interview with the *Vecernje Novosti* daily, President Boris Tadic said not only laws had to be revised but also the "very Constitution in some parts." "For instance, in the section providing the number of MPs. I personally see no reason why Serbia needs 250 MPs since 150 would be quite enough for the coun-

try of its size," he said. Constitutional amendments, as Tadic put it, should solve "the problem of regionalization and decentralization." "It wouldn't be logical that only Vojvodina as a region has its rights defined whereas other regions in Serbia would also want the same rights for themselves. Should we have Vojvodina only /with defined rights/ Serbia would be an asymmetrical state, which would permanently generate instability. Quite soon we shall have to open this question too, and amend and improve our Constitution vis-à-vis regionalization," said Tadic.<sup>1</sup>



<sup>1</sup> «Boris Tadic – Ready to Rein in the Crisis,» *Vecernje Novosti*, April 29, 2009.

## Tricks and Survival

Tadic's statement met with clashing reactions at Serbia's political scene. "Those are dangerous and silly stories," said Dragan Sormaz of the Democratic Party of Serbia (DSS). "If it's true that he intends to have the Constitution amended, it seems to me that he has dangerous plans for state order, and if it's only about a marketing trick then it's yet another in the series of Boris Tadic's deceptions."<sup>2</sup>

According to Andreja Mladenovic, Sormaz's party colleague, "fewer members of the cabinet do not necessitate constitutional amendment but just common sense." For him, Tadic's statement was "barren propaganda."<sup>3</sup> Tomislav Nikolic, leader of the Serbian Progressive Party (SNS), shares his view. "The President's marketing team has again decided to present him to the public eye as a man concerned with the state," said Nikolic.<sup>4</sup> His deputy, Dragan Todorovic, asked himself, "How come that all this occurred to him now rather than at the time the ruling coalition was being formed...Fewer deputies would not bring progress to Serbia. This is a task for an efficient government, capable of coping with actual crisis," said Todorovic.<sup>5</sup> "Tadic's proposal is out of place," commented Dubravka Filipovski of the New Serbia party. "The question is whether such possible amendment would secure a two-third parliamentary majority, but also whether Serbia could afford the costs of a referendum to yes a constitutional amendment," she said.<sup>6</sup> Dragan Markovic, leader of the Unified Serbia party that participates in the ruling coalition, said he would not back a constitutional

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<sup>2</sup> „Are Constitutional Amendements Necessary?“ [www.b92.net/info](http://www.b92.net/info)

<sup>3</sup> „Opposition: Proposed Constitutional Amendment Discloses the Regime's Inability,“ [www.rtv.rs/sr/vesti](http://www.rtv.rs/sr/vesti)

<sup>4</sup> Ibid.

<sup>5</sup> "Tadic Announces Constitutional Amendment,“ [www.politika.rs](http://www.politika.rs)

<sup>6</sup> Ibid.

amendment because only MPs from Belgrade and Novi Sad could be present at a session rather than at least one MP from each town.<sup>7</sup> Zeljko Ivanji of the G17 Plus asked himself, "Why should we be concerned just with the number of MPs and small political parties? By such logic, we need to reconsider state officials' immunity, which is too broad in my view, but also the procedure of electing the President of the Republic. All those issues can be rearranged in different ways."<sup>8</sup>

"The Liberal Democratic Party has been warning for long that most constitutional solutions the amendment of which is in the focus now are bad," said Zoran Ostojic.<sup>9</sup> According to Branko Ruzic, head of the parliamentary caucus of the Socialist Party of Serbia (SPS), his party would not join the discussion on the constitutional amendment and all parliamentary parties should have their say about the matter.<sup>10</sup> Momo Colakovic, MP from the Party of United Pensioners of Serbia (PUPS), backed Tadic but added that his idea stood poor chances.<sup>11</sup> Rasim Ljajic, leader of the Sandzak Democratic Party (SDP), also gave his support to the idea about fewer MPs but added that a smaller cabinet was more realistic as it did not necessitate constitutional amendment. "What we should do now is to accomplish what can be accomplished under governmental authority and without a costly and endless procedure. Here I have in mind a cutback in the number of ministries, secretaries of state and the people working for the administration," said Ljajic.<sup>12</sup>

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<sup>7</sup> „Opposition: Proposed Constitutional Amendment Discloses the Regime's Inability,“ [www.rts.rs/sr/vesti](http://www.rts.rs/sr/vesti)

<sup>8</sup> Ibid.

<sup>9</sup> „The Majority Decides the Fate of the Constitution,“ [www.novosti.rs](http://www.novosti.rs)

<sup>10</sup> "Tadic Announces Constitutional Amendment,“ [www.politika.rs](http://www.politika.rs)

<sup>11</sup> Ibid.

<sup>12</sup> „Are Constitutional Amendements Necessary?“ [www.b92.net/info/vesti](http://www.b92.net/info/vesti)

“I wouldn’t know whether we need more or less MPs but what I know is that the Parliament should be more efficient,” said Nenad Canak, president of the League of Vojvodina Social Democrats (LSV). Canak insisted on constitutional change in the section on territorial arrangement, which is, as he put it, vital for Serbia’s survival.<sup>13</sup> According to Vladan Batic, president of the Democratic Christian Party of Serbia (DHSS), Tadic’s statement directly correlates with the parliamentary vote on budget rebalance. “In a way, one can conclude between the lines that this is all about blackmailing of sorts of the SVM (Alliance of Vojvodina Hungarians) to force them to vote for budget rebalance,” said Batic.<sup>14</sup>

### Sumadija: a European Region



It is common knowledge that the Alliance of Vojvodina Hungarians (SVM) is not exactly happy with the relations within the ruling coalition and the dynamism of passing major laws (on Vojvodina’s competences, national councils, etc.) Speaking of his forthcoming meeting with the President of the Republic, Istvan Pastor, SVM leader, said he expected the President to explain “his concrete ideas about constitutional re-

forms,” as well as “his stance on the position of four SVM MPs within the ruling coalition.” “Occasionally we are under the impression that our few MPs are being marginalized and that draft law are submitted to us, therefore, as something final, as if we were in the opposition,” said Pastor.<sup>15</sup> In an interview with the *Politika* daily Pastor said he saw no reason for constitutional amendment when it came to Serbia’s regionalization. According to him, the position of future regions is crucial in the initiative launched by Tadic. “If that position is beyond the constitutional frame, the Constitution must be changed,” he said.<sup>16</sup> In the opinion of Vladimir Todoric, editor of the “Serbian Legal Review,” regionalization without constitutional amendment would give an upper hand to Vojvodina and secure the province a better constitutional position when compared with other regions as the Constitution would provide it a status of a special prov-

<sup>15</sup> „Constitution Not to Be Amended on the Account of Regionalization,” May 6, 2009., [www.politika.rs](http://www.politika.rs)

<sup>16</sup> SVM leader said much bigger political problem for him was the fact that “Constitution is not enforced due to the lack of political will to respect the Constitution in the circles that have voted it in the first place.” A special attention should be paid to a point he made in the said interview. Namely, referring to the possibility that regionalization results in a discrepancy between a region and a province, and in establishment of several regions within one province, he said, “A province and a region are not synonymous words but parallel notions.” Stevan Lilic, president of Association of Lawyers for Democracy, shares his view. “The use of terms province and region is far from being irrelevant as it the term itself denotes the very essence of the function of each,” said Lilic. The incumbent Constitution allows the possibility of establishing new provinces but refers not to regionalization in the manner it is referred to within the EU. “Over here,” continued Lilic, “regions are perceived almost as districts whereas Europe speaks of the so-called Euro-regions that transcend national borders rather than of regions. And Euro-regions would hardly fit into Serbia’s existing constitution frame.” „Constitution Bans Provinces,” [www.politika.rs](http://www.politika.rs)

<sup>13</sup> „Opposition: Proposed Constitutional Amendment Discloses the Regime’s Inability,” [www.rts.rs/sr/vesti](http://www.rts.rs/sr/vesti)

<sup>14</sup> „Tadic: Some Sections of the Constitution Need Amendment,” Mondo Agency, April 29, 2009.

ince.<sup>17</sup> “Why Vojvodina should be invested with more authority than other regions?” asked Veroljub Stevanovic, president of the coalition “Together for Sumadija.” In Stevanovic’s view, Serbia must be a decentralized country of regions, in which Sumadija would be invested with the same authority as any other European region.<sup>18</sup> The asymmetry Boris Tadic referred to in his interview and Todoric underlined obviously frustrates political actors.

### **Vojvodina Can Wait**

Since eight months after the draft Vojvodina statute has been submitted to the republican parliament for adoption the ruling coalition is still unable to reach a consensus on it – due, among other things, to the afore-mentioned frustration – some begun to interpret President Tadic’s initiative as a skillful maneuver to postpone the statute’s adoption. By opening up the question of regionalization, says DSS Vice-President Borko Ilic, the regime admits that it is divided over the Statute of Vojvodina. Ilic reminds that DS has turned refused to consider regionalization when DSS came up with it. “Now when the state is deep in problems and a statute that turns a province into a state is on the agenda, the cornered regime initiates constitutional amendment and creates additional confusion,” he says.<sup>19</sup> Dragoslav Petrovic, head of the “For a European Serbia” caucus in the provincial parliament, opposed such interpretation by saying, “The statute has nothing to do with regionalization and amendment of the Constitution.” He said he believed a law on transfer of authority, along with a new statute of Vojvodina, would be adopted by the

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<sup>17</sup> „Constitution Bans Provinces,” [www.politika.rs](http://www.politika.rs)

<sup>18</sup> „Same Rights for Sumadija and Vojvodina,” *Nedeljni Telegraf*, May 6, 2009.

<sup>19</sup> „Same Rights for Everyone,” [www.novosti.rs](http://www.novosti.rs)

end of May.<sup>20</sup> However, Suzana Grubjesic of the G17 Plus said she doubted the two acts would be adopted by that time. In her view, the issues of regionalization and constitutional amendment have not been raised just to “hush up” and postpone the statute and the law on transfer of authority.<sup>21</sup>

Vojvodina has been waiting for its autonomy for two decades and wait another year or two, said Nenad Canak (LSV). Giving support to Tadic’s initiative, Canak said, “Without substantive decentralization and regionalization there is no stability in the country. The proposed statute anyway figures as a continuation of Milosevic’s policy and, therefore, the status of Vojvodina needs to be defined through constitutional amendment.”<sup>22</sup> Other political actors too,<sup>23</sup> at least those concerned with the country’s modernization, spoke in favor of constitutional amendment but also warned – like Ivanji and Ljajic – that that implied a long and costly process to be tackled with great care.<sup>24</sup> On the other hand, politicians using intensive national rhetoric interpreted Tadic’s idea as nothing but a trick, an attempt to divert public attention from “incapable government” and preparation of

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<sup>20</sup> Ibid.

<sup>21</sup> “Midsummer Night’s Dream in May,” *Dnevnik*, May 11, 2009. Ms. Grubjesic also said, „The law to be adopted only transfers authority from Belgrade to Novi Sad, not to Sid, Kovin, Sombor, Zrenjanin...The law actually keeps Vojvodina centralized, whereas real decentralization necessitates transfer of authority to local communities.”

<sup>22</sup> Ibid.

<sup>23</sup> „We are not satisfied with many constitutional provisions but whether or not we shall support constitutional amendment hinges on the final official draft,” said Istvan Pastor.

<sup>24</sup> According to Ivanji, unless the draft obtains parliamentary support, which it uncertain at this point, it will be impossible to place it on the agenda in another year to come. Slobodan Vucetic, former president of the Constitutional Court of Serbia, says that constitutional amendment entails „a dragging procedure” and, therefore, the task should not be undertaken for the sake of petty changes.

the terrain for new elections. “A possible scenario is as follows: when the regime finds itself in a dead alley and the country on the verge of collapse, the question of constitutional reform is raised. As it is already obvious that the reform will not get parliamentary support that will be an excellent alibi for calling elections,” said Milos Aligrudic, head of the DSS parliamentary caucus.<sup>25</sup>



## Conclusion

The idea about constitutional amendment is not a new one and President Tadic is not the first to raise the issue. His initiative revealed the splits within the ruling coalition but also strong opposition to centralization by some politicians dreading that would “boil down Serbia to Belgrade pashahood.”<sup>26</sup> Tadic justified his initiative by reduction of expenditure and more efficient parliament. He spoke about the need to reduce the number of MPs and change electoral laws and the laws on registration and financing of political parties rather than about, say, the need to restrict the influence of the executive power, turn MPs from partisan delegates into real representatives of citizens, and the parliament into real legislative power and mouthpiece of popular will. Without such substantive changes Serbia remain shackled by partocracy.

Tadic’s idea about Serbia’s stabilization and arrangement as a symmetrical state through regionalization and decentralization with other regions enjoying the same rights as Vojvodina still needs to undergo serious “consideration” (by autonomists and other political actors). What can be said for sure at this point is that “symmetry” will ensure Vojvodina less than it expects and demands, while the regime will secure for itself more space to maneuver and cope with various “conditioning” including those from Vojvodina. However, the real question is, “Is Vojvodina’s asymmetric position a true source of instability?” Regionalization does not imply symmetry, on the contrary – it implies asymmetry, i.e. different degrees of autonomy for regions depending on their specific historical, political, cultural and social characteristics.

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<sup>25</sup> Ibid.

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<sup>26</sup> „Tadic Announces Constitutional Amendment,” [www.politika.rs](http://www.politika.rs)