



REGIONALISM – STRENGTHENING OR  
SUBVERSION OF THE NATIONAL STATE?  
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The Proposal of the New Statute of the  
Autonomous Province of Vojvodina –  
*Tool of Separation or Tool of  
Integration of Vojvodina to Serbia?*



# INTRODUCTION – The problem

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- According to the 2006 Constitution the highest legal act of Vojvodina, the Statute should be enacted by both: the Vojvodina Assembly and the Serbian National Assembly not later than 31-st December 2008.
- The Proposal of the new Statute of AP Vojvodina enacted with  $\frac{3}{4}$  majority in the Vojvodina Assembly in October 2008, but still pending in Serbian Assembly.
- In this presentation there will be a short analyses of the disputed proposal of the Statute and also we search for answer to the question what is behind a strong resistance against the Statute in Belgrade? Is the Statute tool of separation or opposite?
- Our hypothesis is that AP Vojvodina is practically out of the legal system of Serbia since 1990, and the Statute aims to integrate Vojvodina back and not to take it out from Serbia, within the present Constit.



# INTRODUCTION – Statistical facts and short political history of Vojvodina

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- Some basic data of Vojvodina:
- Political Status: Constitutionally guaranteed territorial autonomy in Serbia
- Territory: 21000 km<sup>2</sup>
- Population: 2 million
- Contribution to the overall tax and revenue incomes of Serbia: cc. 35%
- National composition: Serbs (65%), Hungarians (14%), Croats and Bunjevacs (4%), Slovaks (3%), Roma (2%), Rumanians (1.5%) etc.
- Cultivated land: 2 million acres, mainly 1 class
- Capital: Novi Sad (350.000)
- Territorial division: 6 towns and 39 municipalities
- Economy: developed food industry (breweries, cooking oil factories, sugar factories, milk factories), natural gas and oil fields. GDP over Serbian average



# Short political history

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- The present territory of Vojvodina was till 1920 part of Hungary or Hungary within Austria but ethnic Serbs are also inhabiting part of the territory till 15 Century.
- 1848-1860 Vojvodina as autonomous region of Serbs within Hungary was established by the Austrian Crown in 1849 as a kind of prize for the loyalty of Serbs towards Crown during the 1848 Hungarian revolution. It existed till 1860 but it was not implemented in practice.
- 1861-1914 Serb autonomy movement in Hungary
- 1920-1941 Seceded from Hungary united with Serbia. Vojvodina was not recognized as territorial unit or autonomy in the Kingdom of Yugoslavia, but political movement remained permanently. Economic and cultural motivations behind autonomy movement.
- 1944-1990 Autonomy within Serbia. Between 1974-1990 almost fully equal with the Six federal Republics and Kosovo. All there branches of power.
- 1990-2001 Formal autonomy. Expelled from the legal system of Serbia.
- 2001-2006 Autonomy partially restored with 2002 Omnibus Law
- 2006 New constitutional Status – pending political conflict



# Vojvodina in the 2006 Constitution

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- Constitution of Serbia enacted in November 2006 regulates the position of AP Vojvodina in detail:
- 13 Articles are regulating the position, competencies and financing of the AP Vojvodina:
- A.12 Right of citizens to provincial autonomy (Basic principles)
- **176 Concept of the provincial autonomy**
- 177 Definition and division of competencies
- 178 Delegation of competencies from Republic to aut. province
- 179 Right to autonomous organization of bodies
- 180 The Assembly of the autonomous province
- 181 Cooperation of autonomous provinces
- 182 Existing autonomous provinces and formation of new provinces
- **183 Competences of autonomous provinces**
- 184 Financial autonomy of autonomous provinces
- 185 Regulations of the autonomous provinces
- 186 Monitoring the autonomous provinces
- 187 Protection of the provincial autonomy



# Novelties in the constitutional position of Vojvodina in 2006 Constitution

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- a) More areas of autonomous regulation of issues of provincial interest in 26 areas of autonomous regulation: from health care, education, culture, industry, fairs, traffic, agriculture, forestry, hunting and fishing, dams and channels, urban planning etc.
- B) Guaranteed property and ownership for AP
- C) Guaranteed direct revenues and amount of Budget, at least 7% of the Budget of the Republic
- D) Constitutional lawsuit for the protection of the right to provincial autonomy.
- Shortcoming: scope of regulation (issues of provincial interest), revenues or the property is not defined in Constitution. Everything should be regulated by Republican laws / not enacted in constitutional deadlines.



# PROPOSAL OF THE NEW STATUTE

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- Supreme and basic legal act of Vojvodina, it should be proposed by Vojvodina Assembly and approved by Serbian National Assembly to come into force.
- Structure:
- I. Chapter, General Provisions: Articles 1-19
- II. Chapter, Exercising Human and Minority Rights, Articles 20-26
- III. Chapter, Competencies of APV, Articles 27- 32
- IV. Chapter, Bodies and authorities of the APV, Articles 33-61
- V. Chapter, Financing of the APV, Articles 62-63
- VI. Chapter, Hierarchy of Legal Acts and their Publication, Articles 64-66
- VII. Chapter, Amending procedure of the Statute, Articles 67-68
- VIII. Chapter, Final Provisions, Articles 69-70



# NEW STATUTE - COMPETENCIES

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- Essence of Autonomy: Internal structure of provincial authorities, finances, property, basic values are all serving and are depending on powers and competencies!
- Principles used for tailoring the chapter of competences of APV:
  - - areas determined by the Constitution and Omnibus law
  - - more autonomy in areas in which comparatively regional governments has powers,
  - - merging executive and administrative powers in areas in which Vojvodina yet there is a double track of competences with local offices of republican administration.
  - - more autonomy in areas in which decentralization from 2002 resulted overall progress, more efficiency and benefit,
  - - more autonomy in areas in which Vojvodina is specific: multiculturalism, protection of minorities, water economy, forestry, fishing etc.



## What is mostly criticized?

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- a) Structure resembling to Constitution – Basic provisions etc.
- b) Regulating issues, which should be regulated by laws of Serbia according to the constitution (not enacted in deadlines) – this way Statute determines the content of future laws. (Competencies: issues of a provincial importance,)
- c) Interregional cooperation and opening representative office in Brussels



# Two different approaches

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- **Drafters** had ambition to prepare a supreme basic Act of APV with content regulating every important issue for the autonomy, including competencies, basic values, property, financing etc. Such content would somehow determine the content of laws that are indeed necessary. However all such solutions are formulated in a way that they should be in accordance with the Law of Serbia.
- **Critics** would prefer minimalistic Statute, regulating merely internal organization of provincial authorities without political and value oriented Basic provisions giving full discretion for the Republican parliament to determine every issue concerning competencies, property, incomes etc.



# THE ESSENCE OF THE PROBLEM CONCERNING THE AUTONOMY

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- The core of the problem lays in autonomous competencies, primarily competencies to regulate and to execute laws and Asymmetry of territorial org
- 2002 Omnibus law provide administrative powers but not defined issues to be regulated by AP.
- Autonomy needs division of regulatory powers between Central State and autonomous territory, to define what areas are autonomous responsibilities of AP. Furthermore to allow also powers and money to execute regulations in those areas. For example provincial interest within education is education on minority languages, or libraries within culture, or regional motorways in area of traffic etc.
- The problem is that if you define areas of provincial interest (with Serbian Law on the competencies of Vojvodina) it means that Serb Parliament should still regulate those areas but only for the territory outside Vojvodina! Majority is not ready to accept that those Serbian laws will not be in force in Voivodina. Asymmetric structure.



# Roots of resistance against Autonomy

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- A) Deeply rooted opposition in the influential academic and political elite in Belgrade against autonomy and every kind of decentralization. Conviction resembling to the XIX Century State idea that strong state needs one common identity, centralized state structure etc.
- B) The autonomy of Vojvodina after II. World War is by many in Belgrade seen as anti-Serb, communist project, because they perceive that autonomy of Vojvodina is absolutely superfluous after the unification with Serbia, they fear that autonomy will boost separate Vojvodina identity of Serb resulting secession.
- C) Economic reasons. Autonomy will limit the influence of central authorities. Vojvodina is traditionally the most developed part of Serbia with discipline in paying taxes. Bread basket and oil and gas resources are also in Vojvodina. Economic exploitation.



## Attempts to resolve the legal and political crises

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- Draft Law on Vojvodina (competencies and other issues), some changes in the proposal of the Statute by Vojvodina Assembly.
- Why is the autonomy of APV in the previously elaborated way interest of whole Serbia?
  - A) More administrative efficiency
  - B) Decentralization and more democracy
  - C) Higher standards of human and minority rights
  - D) Managing a political conflict, enduring solution
  - E) Integrating majority and minorities in Vojvodina – autonomy common denominator



THANK FOR YOUR PATIANCE!

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THE END