

Žolt Lazar

Radivoj Stepanov

VOJVODINIANS' VIEW ON THE CONSTITUTIONAL AND LEGAL STATUS OF VOJVODINA

As a part of the study on sociological aspects of multiculturalism and regionalization in Vojvodina, the status of the Province has been brought to attention. It is an attempt at filling the gap, at least partially, within the domain of empirical research of the above mentioned issue, which is failing to keep pace with the numerous discussions and all elaborate theories on regionalization, adopted or developed recently in Serbia and Vojvodina (for further reference, see Stepanov, Lazar, 2002; Komšić, 2001). Two groups of factors influence the revival of the regional discourse: internal, which clearly implies that regionalization can be the way to overhaul the devastating consequences of centralization in the 90s and external factors which motivate Serbia, and Vojvodina in particular, to take part in the intensive processes of regional organization and regional cooperation which are present in its surroundings especially in EU countries.¹ However, according to some political analysts, it is beyond doubt that this issue is “the most controversial among all constitutional issues, which will give rise to disputes among politicians and impose a threat to achieving constitutional consensus” (Vujačić, 2003: 37).

The findings of the survey show that the public opinion on the status of the province is very clear-cut.

1 It is important to bear in mind that among regionalized European countries there are not only big but small countries, similar to Serbia, territory wise. For example: Belgium has 3 regions and 9 provinces; Denmark - 15 regions; Sweden - 24 regions; The Netherlands - 11 regions; Finland - 12 regions; Norway - 19 regions; Austria - 9 independent provinces; Hungary - 7 regions etc.

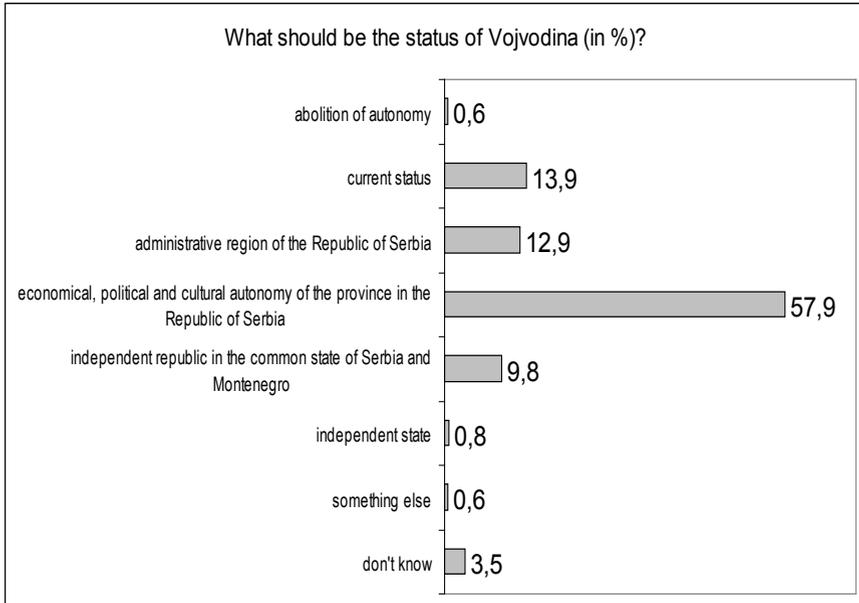


Chart 1

As we can clearly see, the percentage of respondents with extreme points of view is statistically insignificant because only 1.5% of respondents are in favor of the abolition of autonomy and Vojvodina as an independent state. The other important finding is that only 3.5% of respondents say that they “don’t know”, which implies that the respondents didn’t try to avoid answering the question, that is to say, the number of people who don’t have an opinion on this important issue is negligible.

The fact that the highest percentage of respondents were in favor of “economical, political and cultural autonomy of the province in the Republic of Serbia” (58%), implies strong orientation towards integral autonomy of the province of Vojvodina which would mean that the local government would have all the legal authorities back, the most important being legislative power and the ability to have all the finances for all social affairs determined by the province at its disposal.² It is beyond doubt that the declared orientation is the result of the crisis related to having trust in public institutions, which was created when the autonomy was suspended by passing constitutional amendments in 1989 and which culminated in quasi-pluralistic, authoritative regime of Slobodan Milošević when the legal and political institutions were literally destroyed by anomy and corruption. At the time, the administration of justice couldn’t face political pressures and became susceptible to

² This is not a novelty, because Vojvodina has always had different kinds of independence.

the interests and influences of political and pseudo-political authority (Beljanski, 2003).³ Therefore, orientation towards the integral autonomy can be interpreted as the expectations of Vojvodinians that the new provincial legislative and executive authorities would be reinstated and that they would be worthy of their betrayed trust.

“Current status” of the province, which 14% of respondents were in favor of, at the time of the survey was defined by the *Constitutional amendment of the Republic of Serbia* passed in 1989, the *Constitution* drawn up in 1990, and the *Law on authorities of the Autonomous Province* (the continuation: *Law on authorities*), which was passed in February 2002 (see *Službeni glasnik Republike Srbije*, no. 6/2002). This status, supported mainly and most probably by respondents who are nostalgic about the rule of Slobodan Milošević⁴ is actually a mixture of practically suspended powers of provincial authorities and partially returned administrative government offices. Not well defined in the constitution, and in legal terms illogically designed, this position, up to the moment when the *Law on authorities* was passed, had depended exclusively on the will of the republic government. The only difference between 5 years prior to October 5, 2000 and after, was the fact that at the time when the Socialist Party of Serbia (SPS) was in power, the status of Vojvodina was used as the means of irrational centralization of Serbia, which had all the characteristics of an early state-socialism system, whereas when the Democratic Opposition of Serbia (DOS) was in power that position was (and still is!) the object of bargaining among coalition parties, especially between Vojvodinian and Serbian political parties. It is of utmost importance to say that not even the above mentioned *Law on authorities* is a step towards constitutional and legal redefinition of Vojvodina's status, and for a lot of reasons, among which the most important is the current suspension of legislative authority of the Assembly of Vojvodina as well as the complete financial dependence of provincial authorities and inherited authorities on the budget of the Republic.⁵

Legislative power and other kinds of authority of the republic and the province are major factors that can prevent confrontations and possible

3 Inhabitants used to have complete trust in the judiciary because Vojvodina had one of the best-organized and expertly judiciaries in former Yugoslavia. Among judicial rulings which reflected the quality of the rulings and their significance related to law practice in the period from 1961 to 1970, out of a total of 678 sentences related to criminal and civil legal proceedings, the Supreme Court of Vojvodina issued 173 legal rulings (25.5%), right behind the Supreme Court of Croatia (28.3%), and above Supreme Courts of Bosnia and Herzegovina (24.6%), Slovenia (9.35%), Serbia (6.1%), Macedonia (3.7%) and Montenegro (2.5%). When it comes to Serbia, the Supreme Court of Vojvodina participated in issuing 80.7% of judicial rulings (for further reference Beljanski, 2003: 183-184).

4 An additional argument in favor of this declaration is the fact that the majority of respondents (more than 62%) who are in favor of maintaining the “current status” of Vojvodina, which originated when Milošević was in power, would like Serbia to be a united country without any provinces or regions (see table 1).

5 The budget of the Autonomous Province of Vojvodina is just one of the items of the budget of the Republic of Serbia.

misunderstandings. In other words, the republic should have two kinds of authority, full authority and basic legislative authority, whereas the autonomous province of Vojvodina should be able to sort out the relations at first hand, which are not within jurisdiction of the Republic.⁶ We should bear in mind that not only do democracy and freedom, the rule of law and autonomy go hand in hand but their universal principles cannot be accomplished without cancellation of ideologies (in politics), decentralization (of the state) and deregulation (of administration and legislation).⁷

13% of respondents were in favor of Vojvodina as the “administrative region of the Republic of Serbia”, majority of them in favor of actual abolition of autonomy of the province in a more subtle way, and a certain amount of respondents who don’t actually know what it would mean and cannot perceive the consequences of such a status. However, we have seen that supporting this kind of regionalization can be misused with the aim of labeling certain old-fashioned and conservative political alternatives as democratic. For example, in some towns of Vojvodina, during the promotion of the constitutional framework of the non-governmental organization Forum iuris, it was perceived that citizens are not fully satisfied with the suggested concept of regional asymmetry. Therefore, the suggestion was that the Constitution should differentiate between: constitutional autonomy and regional autonomy. Constitutional autonomy would be granted to two provinces with regional autonomy (i.e. Vojvodina and Kosovo), whereas regional autonomies would be granted according to European standards of regional integration.⁸

The last statistically important group consists of respondents who are in favor of “independent republic in the common state of Serbia and Montenegro”, almost 10% of them. In relation to considered findings it is important to say that more than two thirds of respondents wish for the integral or integral autonomy of Vojvodina at least (“economical, political, and cultural autonomy of the province in the Republic of Serbia” + “an independent republic in the common state of Serbia and Montenegro = 67.7%) as well as that such a preference of inhabitants has been constant since the democratic changes.

6 More on actual authorities in *Projekat Ustava Republike Srbije*, 2002: 82-83.

7 There are three characteristic examples of successful transitions of countries which were sooner or later centralized, converting their autocratic, fascistic governments into highly democratic ones, which respected the constitution, and decentralized and regionalized the country. These are: Germany, Spain and Italy.

8 Taking into account the positive foreign experience, but without assuming the actual regional conception, and having in mind regional inheritance and contemporary regional processes, Forum iuris suggested the asymmetrical conception of regionalization in The Republic of Serbia which is a “complex, decentralized country” (*Projekat Ustava Republike Srbije*, 2002: 24). The Republic of Serbia would comprise the autonomous province of Vojvodina, the autonomous province of Kosovo, the city of Belgrade, autonomous territorial units and boroughs. Therefore, besides autonomous provinces of Vojvodina and Kosovo and boroughs as territorial units, there is a chance at forming one or more autonomous territorial units with similar or fewer authorities than those of the provinces.

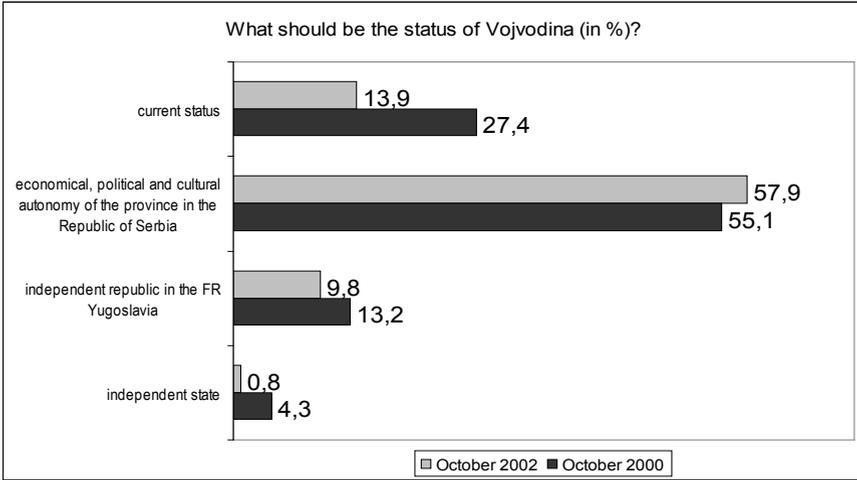


Chart 2⁹

Since October 2002 (see Lazar, Marinković, 2001)¹⁰ the percentage of respondents in favor of integral autonomy slightly increased (55.1 – 57.9%), whereas the percentage of respondents in favor of the Republic of Vojvodina decreased (13.2 – 9.8%). However, the total is almost the same as 2 years later. All this implies that the referendum of the people of Vojvodina on its status would certainly result in real autonomy of the province, that is to say, the kind of autonomy which would be based on real authorities of the Vojvodinian government. At the same time, the tendency of decrease of those who are in favor of Vojvodina as an independent republic, together with a slight increase of those who are in favor of integral autonomy, points out to the fact that the people of Vojvodina have become very realistic and are obviously aware of the altered social context in which the process of reinstating governmental and political issues of the province and the republic of Serbia likewise, is taking place. This is even more explicit when it comes to those who are in favor of Vojvodina as an independent state and the percentage decrease of such respondents over the 2 years was manifold (4.3 – 0.8%). It is beyond doubt – as far as Vojvodinians are concerned – that the extreme points of view of some inhabitants are the result of extreme situations (country isolation, sanctions, war environment and NATO aggression on FR Yugoslavia), and not the opposite.

9 In the case of the findings from October 2002, $\Sigma f < 100$, because we are comparing only the answers which were offered to respondents in both surveys.

10 The research sample consisted of 516 respondents over the age of 18, in seven cities in Vojvodina. The survey was done from October 9 to October 15, 2000, that is to say, immediately after October 5, when the former Yugoslavian president Slobodan Milošević was overthrown, and after the second round of parliamentary elections in Vojvodina (October 8, 2000) in which the Democratic opposition won 117, out of 120 mandates.

It is very interesting that the percentage of respondents who were in favor of the current status, practically halved in the research that was conducted in 2002 (27.4 – 13.9%). The balance (13.5%) is almost the same as the percentage of respondents who were in favor of Vojvodina as the administrative region in 2002, which implies that a certain number of inhabitants has accepted the current model of abolition of Vojvodina's autonomy, promoted and partially defined by some political parties which came to power after October 5, 2000.

The overall picture of Vojvodinians' preference is even more complete by comparing responses to the question "What does the future of Vojvodina most depend on?":

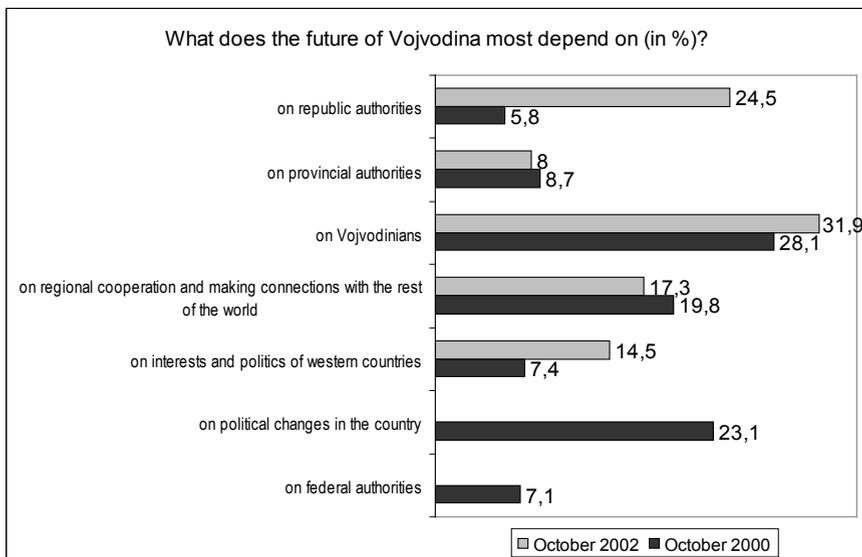


Chart 3¹¹

As we can clearly see (Chart 3), in the fall of 2002 "political changes in the country" and "federal authorities" did not figure as key factors in determining the future of Vojvodina. That is understandable taking into account that the political changes were perceived as an act (Milošević losing the elections) rather than a process, whereas the authority of the Federal Republic of Yugoslavia was expropriated when the survey was done, getting ready for the future union of Serbia and Montenegro. These responses, after 2 years' time, probably turned into perceiving "republic authority" (5.8 – 24.5%) and "interests and the politics of western countries" (7.4 – 14.5%), as key

11 According to survey that was done in October 2002, the remaining 3,9% of respondents gave about a dozen individual answers; 0,8% of them were in favor of something else rather than the offered and 3,1% of them closed: "I don't know".

factors in determining the future of Vojvodina. In our opinion, considerable percentage increase of respondents (more than 4 times), who perceive the republic authorities as the key factor in determining the future of the province, doesn't reflect much the expectations and the trust in the above motioned but a realistic perception of the factors which have the true power to determine the process of constitutional and legal redefinition of the province's status.

However, it is very interesting that "the inhabitants of Vojvodina" remain the most frequent factor in both researches, with slight percentage increase (28.1 – 31.9%), which only proves the previous findings on orientation of a considerable number of Vojvodinians towards civil initiative (Lazar, Marinković, 2001: 180). At the same time, the orientation towards "regional cooperation and making connections with the rest of the world" as a factor that can determine the future of Vojvodina decreased compared to the previous research (19.8 – 17.3%). It is a very interesting tendency considering the fact that the cooperation of Vojvodina with neighboring regions and the European Union in a two year long period (2000-2002) was only reinforced. Besides, it became more and more apparent that some standards which were set or were to be set, first in the province, would not only be the prerequisite for achieving European and world integrations but also the landmark for improving certain laws, constitutional and legal options in the Republic of Serbia itself.

The findings of the research conducted in October 2002 show that the orientation of respondents towards the certain status of Vojvodina is in total accordance with the wished-for territorial organization of Serbia¹²:

12 In this case the correlation is also statistically significant.

| What should be the status of Vojvodina? | Which form of territorial organization of Serbia is most acceptable? | | | | | |
|--|--|--|---|---|---------------------|----------------------|
| | a united state without any provinces and regions | a state with regions but without any provinces | a state with regions and autonomous provinces | a federal republic with regions and provinces | don't know | total |
| Current status | 109 62,6% 39,5% | 7 4,0% 5,7% | 29 16,7% 5,8% | 15 8,6% 6,5% | 14 8,0% 12,0% | 174 100% 13,9% |
| Administrative region of the Republic of Serbia | 53 32,7% 19,2% | 47 29,0% 38,2% | 37 22,8% 7,4% | 18 11,1% 7,8% | 7 4,3% 6,0% | 162 100% 13,0% |
| Economical, political and cultural autonomy of the province in the Republic of Serbia | 90 12,4% 32,6% | 55 7,6% 44,7% | 386 53,4% 77,0% | 133 18,4% 57,6% | 59 8,2% 50,4% | 723 100% 57,9% |
| Independent republic of Serbia and Montenegro | 11 8,9% 4,0% | 4 3,3% 3,3% | 41 33,3% 8,2% | 57 46,3% 24,7% | 10 8,1% 8,5% | 123 100% 9,8% |

Table 1

In Table 1 we can clearly see that the respondents who are in favor of certain status of the province choose, considerably above average, the corresponding form of territorial organization as the most acceptable, forming thus the pairs of correlations which, from the perspective of constitutional and legal status of the province and territorial organization of the republic, are logical and expected:

- Current status of Vojvodina ↔ Serbia as a united state, without any provinces and regions;
- Vojvodina as an administrative region of the Republic of Serbia ↔ Serbia as a state with regions but without any provinces;
- Economical, political and cultural autonomy of Vojvodina in the Republic of Serbia ↔ Serbia as a state with autonomous provinces and regions;
- Vojvodina as an independent republic in the common state of Serbia and Montenegro ↔ Serbia as a federal republic with provinces and regions.

Taking into account the findings of the research and current conceptions of regionalization along with the historical heritage of national construc-

tiveness which Vojvodina brought to Serbia,¹³ we believe that the most suitable alternative for the status of the northern province would be the one suggested by Forum iuris due to the fact that they were driven by the principles of subsidiarity, economical rationality and consecutive regionalization in suggesting the alternative for territorial division of power (*Projekat Ustava Republike Srbije*, 2002: 38). *The principle of subsidiarity or the assumption of authorities* means that everything that can be done by authorities with less power independently (autonomously), shouldn't be done by authorities with more power (*Projekat Ustava Republike Srbije*, 2002: 32-33). *The principle of economical rationality* means assuming full (economical and financial) responsibility for the future, by all levels of authority and all territorial communities (*Projekat Ustava Republike Srbije*, 2002: 32-33). *The principle of consistent regionalization* means that only in a "democratic and decentralized country which allows the right to have autonomy and self-government" (*Projekat Ustava Republike Srbije*, 2002: 78) can we find a way out of the exhausting restraints of an autocratic government and centralized country.

13 "In 1919 Vojvodina joined the Kingdom of Serbs, Croats and Slovenes, as did the Habsburg crown lands of Croatia, Slavonia, Dalmatia, Bosnia-Herzegovina, Carniola and southern Styria." (Ingrao, 2001: 191)

REFERENCES

Beljanski, Slobodan (2003) *Hronika uzaludnog otpora*. Beograd: Helsinški odbor za ljudska prava.

Ingrao, Charles (2001) The Historic Preconditions of Regionalisation: Vojvodina and the Legacy of Austria's "Southern Strategy". In – Nadia Ćuk-Skenderović (ed.) *Essays on Regionalisation*, Subotica: Agency of Local Democracy – Open University, pp. 187-192.

Komšić, Jovan (2001) Unitary or Asymmetric Regionalism. In – Nadia Ćuk-Skenderović (ed.) *Essays on Regionalisation*, Subotica: Agency of Local Democracy – Open University, pp. 157-175.

Lazar, Žolt; Dušan Marinković (2001) Regional Identity. In – Nadia Ćuk-Skenderović (ed.) *Essays on Regionalisation*, Subotica: Agency of Local Democracy – Open University, pp. 177-186.

Projekat Ustava Republike Srbije (The Republic of Serbia Constitution Project) (2002) Novi Sad: Forum iuris.

Stepanov, Radivoj; Žolt Lazar (2002) Savremene koncepcije regionalizma i problem statusa Vojvodine. *Sociološki pregled*, Vol. XXXVI, no. 1-2: 129-145.

Vujačić, Ilija (2003) Teritorijalna organizacija vlasti. *Prizma*, januar: 37-38.