

## **NEW CONSTITUTION AND VISAS DOMINATED DISCUSSION OF SERBIAN NGOS WITH EU COMMISSIONER FIGEL'**

Two days before the start of Serbia's referendum on the constitution, **EU Commissioner for Education, Training, Culture and Multilingualism Ján Figel'** met with 14 leaders\* of civil society for a roundtable discussion on Serbia's prospects vis-à-vis the European Union and the long-term development of the country. Organized by the Bratislava-based *Pontis Foundation* and the Delegation of the European Commission in Belgrade, the event took place on Thursday, October 26, 2006 during Commissioner's official visit to Serbia. It was prepared as a follow-up to a similar roundtable discussion with Miroslav Lajčák, Political Director at the Slovak Foreign Ministry in Belgrade last month.

The first part of Thursday's roundtable was dominated by an exchange of views on the new Serbian constitution which is to replace the one drawn up in 1990 by the autocratic government of Slobodan Milošević. According to the majority of participants, the new constitution does not represent a clear break with the Milošević era that ended six years ago. On the contrary, it might significantly derail the whole fragile Serbian democratic development. Some civil society leaders were strongly concerned that the international community has either ignored or tacitly supported the new constitution.

The list of objections against the legislative process and draft constitution itself presented at Thursday's roundtable was long and significant. According to NGO leaders attending the event, it is a deeply flawed document, drafted without any public or parliamentary discussion, and rushed forward to a public vote for tactical reasons regarding Kosovo. It puts the judiciary under the control of the government and parliament, does not offer satisfactory autonomy to Vojvodina (and was not even discussed with its regional authorities), allows the national government to fire elected local officials, ties the parliamentary mandate to political parties, and makes it hard to integrate international agreements into Serbian law – which will be a serious hurdle on the future integration process of Serbia with the EU.

Being a result of dubious political deals within the current Serbian political establishment, including with the ultranationalist Radical Party, the new constitution mirrors some of their isolationist agenda (such as Article 10 about the Serbian language *and* Cyrillic script becoming the official state language in Serbia). Moreover, the entire document is full of contradictions regarding human and minority rights. If passed, it was argued, the new constitution will be very difficult to change or amend afterwards.

A massive, government-financed campaign has had a very nationalist tone, presenting a "yes" vote as patriotic duty. Yet, Serbian civil society is deeply divided in its reaction to the constitutional and national referendum scheduled for October 28-29, 2006. Three distinctive responses could be identified at the roundtable:

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\* Full list of the participants is attached to the document.

- **A Boycott Campaign**

This is the most visible civic campaign, led by NGOs convinced that the best response to the proposed new constitution is a massive boycott of the national referendum. Handicapped by a late start, this campaign has strong emotional appeal, polarizing the whole civic sector. Some statements by well-known human rights activists such as Sonja Biserko and Biljana Kovačević-Vučo were interpreted as “if you are not for the boycott, you are pro-government.”

- **Active “No”**

A group of NGOs led by the *Civic Initiatives* has advised citizens to take part in the national referendum and vote “no.” Having organized several regional roundtables and TV debates, they have already started preparing a post-referendum campaign for changes in the new constitution by collecting suggestions from citizens and opinions of experts.

- **Passive “Yes”**

Despite all the short-comings, the new constitution is a result of a domestic political process. Being aware of Serbian political realities, this group of NGOs acknowledges that there was no other legal way of passing a draft through parliament than a back-door political deal. The new document also includes some positive elements (including a provision for the market economy and improvement of human rights), and according to Slobodan Marković of the *Belgrade Fund for Political Excellence* represents a step forward from old constitution of 1990.

Commissioner Figel’ commented during the roundtable that every country has its destiny in its own hands. For Serbia, it is important to be in the center of the Western Balkans, not geographically, but politically. To be central means to be cooperative, communicative, open-minded, and open-hearted toward Europe and Serbia’s neighbors. The role of Serbian NGOs is to push forward transparency, openness, rules, and civic education in the country. “*You have to be the catalyst of so many issues on all levels: regional, national, and European regarding Serbia,*” he said.

According to Commissioner Figel’, the year 2007 can be an important period for re-starting this process, also with the help of the EU. He invited NGO leaders to talk more to the Commission *via* its Delegation in Belgrade. Figel’ also stressed the fact that the European Commission is paying increasing attention to the Western Balkans and to Serbia in particular. In the last few weeks, two of his other colleagues from the European Commission came to Belgrade for an official visit, which was not the case few years ago.

During the roundtable, all Serbian participants repeatedly welcomed recent news from Brussels about steps towards liberalization of the visa regime for some categories of Serbian citizens (students, researchers, etc.). Some of them, especially those with gray hair, made comments that they will have to become students again to ease their travel to Europe. With the entrance of Romania and Bulgaria to the EU in 2007, Serbia will be surrounded by more countries with visa requirements.

Limits on free travel even to direct neighbors in the region will have an increasing negative impact on country’s social and economic modernization. In the long-term perspective, EU member states have to consider more substantial changes in the entire visa regime for all categories of Serbian population. Only then, Serbia can start moving down the road of becoming a “*cooperative, communicative and open-minded*” state at the center of the Western Balkans – a desirable vision for the EU that Commissioner Figel’ mentioned during the roundtable.

**OTHER RECOMMENDATIONS FOR THE EUROPEAN COMMISSION:**

- To prepare and publish a thorough **analysis of the new Serbian constitution** highlighting the possible impact on the EU integration process
- To insist on **continuity** of economic, social, and educational reforms after the forthcoming elections as the crucial condition for democratic development of Serbia
- To restructure and rationalize the funds it gives to the Serbian government for the reform of the judicial and legal systems. The European Commission should use NGOs for performance and results **monitoring** in its programs implemented through Serbian government agencies
- To support **education courses on the EU** and the European value system at higher education institutions in Serbia
- To insist on creating a Serbian **state body in charge of youth** at the ministry of education that could serve as a national partner for EC-related programs
- To carry out a **better promotion campaign** on EU-funded projects welcomed by the general public (e.g. bridges and other infrastructure projects), because public credit for many of them is stolen by Serbian government politicians
- To consider Serbian civil sector as a real partner in the EU integration process and build mechanisms for **regular dialogue** in the near future