



Weekly Briefing

Serbia Social briefing:
Social Developments in Serbia
IIPE

China-CEE Institute

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Introduction

Society in Serbia in the month of February was preoccupied with two problems that just appear on the horizon, threatening to become further complicated down the road due to previous negative experiences or the incompatible attitudes of conflicted actors. On the one hand, citizens and authorities in Serbia started to prepare for possible spring floods which have several times in the past produced disasters, victims and material damage. On the other, working text of the amendments to the Serbian constitution concerning the status of judiciary met with united criticism from judicial dignitaries and independent experts. The Ministry of Justice as a creator of the original proposal, however, seems determined not to yield in the public debate that the proposal provoked.

1) Flood emergency and the reaction to it

Quick melting of snow, heavy rains and consequential rise of watercourse levels provoked the bursting of some river banks in the southern region of Serbia. Large areas of land were flooded and the evacuation of hundreds of people proceeded. State of emergency was duly proclaimed. Regional emergency headquarters were promptly established, all state companies' capacities were mobilized, and volunteers joined the plans for protection against floods. Monitoring of the situation became permanent. Unusually high temperatures for this period of year threat to quickly melt the snow from higher mountainous regions and further aggravate the situation.

Since 2010, Serbia has developed ambitious plans for construction of defensive ramparts against floods. As a preventive measure, water from artificial lakes is supposed to be released and sacks with sand piled on the most critical points. The head of department for risk management of the Sector for emergency situations of the Ministry of Internal Affairs called an urgent session of the State headquarters for emergencies. During the session plans for activities of protection and rescue for the whole territory of Serbia were discussed. It was

pointed out that the positive aspect of the crisis is the long period of drought that preceded the flood problem, therefore the capacity of land to absorb extraordinary water quantities is enhanced due to its dryness. The central headquarters informed all the local mayors and officials to enact all preventive measures for any future problems that might arise. In some of the areas affected by crisis rescue teams were sent to provide additional help.

Office for Kosovo and Metohija of the Serbian government promised help to flooded communities in this autonomous Serbian region. Resources for reconstruction and compensation of flooded crops were promised by the Deputy Head of the office. In the longer term, Office plans to finance the building of canals which will regulate watercourses in future.

Two most populated cities in the country, Belgrade and Novi Sad, are settled on the banks of Europe's largest river – the Danube. Novi Sad has designed an Operative plan for defense against floods and formed a local team for its implementation. The plan provides for coordination among state and communal enterprises, institutions and other economic subjects included in the defense system, as well as a list of materials and technical equipment needed for the purpose. The city also owns a monitoring system of the state of watercourses, sewers and canals and the citizens were called upon not to abuse the canals for waste disposal purposes. The melting of snow in the Alps which is expected in April/May will certainly rise the Danube water table, therefore the monitoring is required to be permanent.

On the other hand, Mayor's deputy in the capital city of Belgrade, Andreja Mladenović, acting at the same time as the Deputy Commander of the Headquarters for emergency situations, has declared that the city territory is still not endangered. Belgrade lies on the confluence of rivers Sava and Danube, making it vulnerable from both directions. However, Mladenović ordered to the communal water company "Belgrade waters" to proceed with a detailed analysis of the state of water basins and the canals network. He also instructed

Belgrade's districts to continually inform him on the preventive and operative measures which they perform.

2) Constitutional amendments of the judicial system

Constitutional amendments are part of the strategy conceived in the National strategy and the Action plan for Chapter 23 of the negotiation process for the accession to the European Union. However, it seems that they are not in the spirit of these documents. In accordance with the recommendations from the screening report for Chapter 23, the independent and responsible judiciary is to be formed based on the European standards and the recommendations of the Venice Commission, with the aim of creating a system of proposal, selection, movement and cessation of judicial function totally independent from political influence.

The amendments purport to change the membership of the High Judicial Council (HJC), which has the authority to select judges. It should be made of five judges and five renowned lawyers, chosen by the National Assembly. Some experts claim that this model of membership enables the Assembly to control the process of selection of judges, since the criteria of "renowned lawyer" is not defined clearly, therefore opening the possibility for the Assembly to fill the HJC with loyal people.

Furthermore, proposed amendments give to the Minister of Justice the right to instigate disciplinary and suspension processes against judges and court presidents. This measure is a breach of the principle of separation of powers since it gives to a minister as a representative of the executive branch of power authority to influence the judicial branch.

Third problem which was noted by the opponents of the proposal is a provision which states that the first selection for judicial or prosecutor position is available only to persons that have finished special training in the institution for judicial training founded by the law. This provision actually has in mind the Judicial Academy, an already existing institution for special training of future members of the judiciary system. However, in courts in Serbia currently work

1500 professional associates which act as assistants to judges, writing the judgments and doing most of the judicial work for years. These associates have not passed the Judicial Academy's training but are definitely well equipped to be selected as judges. This new amendment would surely preclude them from the selection and leave them in the status of assistants until retirement. Of course, the problem is not only of social nature, but of professional as well. It is hardly possible to imagine that the freshly trained students from the Judicial Academy can compete in knowledge and expertise with long-term judicial assistants. The best solution would obviously be to open the judicial positions to any person that fulfills the criteria of education, professional experience and moral integrity, regardless of whether he acquired that criterion through the training program at the Academy or through the practice in some of the courts in Serbia.

The question of independent and professional judiciary is one of the most important issues in Serbian society. According to some surveys more than 80 percent of judges perceive that the selection and promotion processes are based on personal relations, nepotism, various kinds of influences. Citizens do not put enough confidence in the work of the judiciary accusing them of corruption and incompetence. It is undeniable that judicial processes in Serbia tend to last unallowably long and that the network of courts is inadequately set, with uneven burden of cases placed on the judges in larger cities. Professional association of judges and all relevant non-governmental organizations which were part of the public discussion process for the constitutional amendments have stated in unison that the proposed amendments represent a step backwards for the independence and integrity of Serbian judiciary and create a system in which judiciary would only formally exist as a separate branch of power in its own right. They have requested the Ministry of Justice to stop the proposed amendments, to form a working group which will consist of representatives of judiciary and eminent professors of constitutional law and which will design a new proposal based on the original Action plan platform.

The Ministry has so far denied the accusations of departure from the National Strategy and the Action Plan. It states that the interest of the citizens is to gain absolute control of the judicial process through their elected representatives in the Assembly. This dispute will surely continue to occupy attention of media and society in large.

Conclusion

Floods contingency plans and the public debate on judicial reform seem to be the two most prominent topics in Serbia in February. Both of them have just started to gain momentum. With the approach of spring, floods will become more intensive and widespread, due to snow melting and heavy rain forecasts. The debate on judicial reform can hardly evade the radicalization since the Ministry is currently unwilling to yield and it lacks support from all the relevant professional and public factors for its proposals.