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**The 2020 Parliamentary Elections in Serbia
The Festival of Democracy or Legitimising the
Backslide of Democracy?**

By

Vladimir Medjak

Vice President of the European Movement in Serbia

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“HERMES” Institute of International Affairs, Security & Geoeconomy

www.hermesresearch.eu

Email: info@hermesresearch.eu

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Vladimir Medjak, (in Serbian *Владимир Међак*), Ph.D, born in 1976, is the Vice-President of the European Movement in Serbia since 2017 and has 20 years of experience in EU affairs.

He has 14 years of experience of working in the Serbian Government on EU integration of Serbia. He was a Chief Legal Expert of the Negotiation Team of Serbia for Accession Negotiation to the EU in the period 2015 - 2017. He was Assistant Director in the former Serbian European Integration Office (SEIO) of the Government of Serbia, responsible for harmonization of legislation, negotiations and implementation of the Stabilisation and Association Agreement (SAA) and accession negotiations.

He received his doctorate at the Faculty of Political Sciences in Belgrade in 2013, his M.A. at Faculty of Political sciences and diplomacy at University of Bologna, Italy in 2002 and he graduated from the Faculty of Law in Belgrade in 2000.

Introduction

Serbia is to hold regular parliamentary elections on June 21st, 2020. They were originally called for April 24th, 2020 but were postponed due to COVID-19 outbreak. The winner of these elections is already known since (political, financial and media) domination of the ruling Serbian Progressive Party (Srpska Napredna Stranka - SNS) is unchallenged¹. The only unknown factor with these elections is who will be able to pass the election threshold of 3%, reduced urgently from 5%, in February 2020.

The paper will elaborate on the deteriorating state of democracy and media freedoms in Serbia under which these elections will be held and what possible changes in Serbia's politics they will bring. It will also elaborate on the quality of the work of the National Assembly observed in the last couple of years that represents the interlude for these elections. The new convocation will inherit a poor situation in the National Assembly, from the incumbent 2016 - 2020 convocation, that had a historical opportunity to bring the country closer to the EU membership, an opportunity that was regrettably missed, by far.

State of Democracy, Media and Political Freedoms

When Serbia officially started accession negotiations with the EU in January 2014, the country was described by the "Freedom House" ("*Freedom in the World and Nations in Transition*" reports) as a free country² with a semi consolidated democracy³. European Commission (EC) in its "*Opinion on Serbia's application for EU membership*" prepared in 2011 concluded that Serbia could, with increased efforts, be ready for EU membership in a medium-term period in almost all elements of EU acquis (medium term is estimated in five years)⁴.

¹SNS became the ruling party of Serbia in 2012, Aleksandar Vucic became the Prime Minister in 2014 and later the President of Serbia in 2017.

²Freedomhouse.org, (2014). *Freedom in the World 2014*. [online] Available at: <https://freedomhouse.org/sites/default/files/FIW2014%20Booklet.pdf>.

³Damnjanovic, M. (2016). *Nations in Transit 2016*. [online] Available at: <https://freedomhouse.org/country/serbia/nations-transit/2016>.

⁴Mei.gov.rs, (2011). *Commission opinion on Serbia's Application*. [online] Available at: <https://www.mei.gov.rs/eng/documents/eu-documents/commission-opinion-on-serbiai-039-s-application>.

In the spring 2020, six years later, Serbia has lost the status of a free country in 2019 (now it is considered by “*Freedom House*” to be partially free⁵) and has lost the status of semi-consolidated democracy in 2020 (being considered now as transitional or hybrid regime⁶, and slipping further to authoritarian regimes). Additionally, Serbia has scored a drop of 10 points only since 2017 (from scoring 76/100 in 2017⁷ to 66/100 in 2019⁸) on freedom in the world scale and 12 points aggregate drop since 2010, recording one of the highest drops in the democracy in the world in the previous decade.⁹

In its 2019 report on “*Freedom in the world*” “*Freedom House*” reported that:

*“Serbia’s status declined from Free to Partly Free due to deterioration in the conduct of elections, continued attempts by the Government and allied media outlets to undermine independent journalists through legal harassment and smear campaigns, and President Aleksandar Vučić’s de facto accumulation of executive powers that conflict with his constitutional role.”*¹⁰

In the 2020 “*Nations in transition*” report “*Freedom House*” reported that “*The state of Serbia’s democratic institutions and freedoms continued to deteriorate in 2019, resulting in the country’s lowest democracy score in Nations in Transit since 2001.*”¹¹ The year 2001 was the first year after democratic changes in Serbia following the fall of the authoritarian regime of Slobodan Milosevic in October 2000.

Access to media and freedom of journalist to do their job is being restricted in the last few years. In 2019 Serbia has dropped 14 places on the 2019 “*World Press Freedom Index*” and now ranks 90th on the list of 180 countries, according to the “*Reporters Without*

⁵Freedomhouse.org, (2020). *Freedom in the World 2020*. [online] Available at: <https://freedomhouse.org/country/serbia/freedom-world/2020>.

⁶Damnjanovic, M. (2020). *Nations in Transit 2020*. [online] Available at: <https://freedomhouse.org/country/serbia/nations-transit/2020>.

⁷Freedomhouse.org, (2017). *Freedom in the World 2017*. [online] Available at: <https://freedomhouse.org/country/serbia/freedom-world/2017>.

⁸Freedomhouse.org, (2020). *Freedom in the World 2020*. [online] Available at: <https://freedomhouse.org/country/serbia/freedom-world/2020>.

⁹Rs.n1info.com, (2020). *Fridom Haus: Srbija u Grupi Zemalja sa NejvecimPadom Sloboda od 2020*. [online] Available at: <http://rs.n1info.com/Vesti/a574720/Fridom-Haus-Srbija-u-grupi-zemalja-sa-najvecim-padom-sloboda-od-2010.html>.

¹⁰Freedomhouse.org, (2019). *Freedom in the World 2019*. [online] Available at: <https://freedomhouse.org/country/serbia/freedom-world/2019>.

¹¹Damnjanovic, M. (2020). *Nations in Transit 2020*. [online] Available at: <https://freedomhouse.org/country/serbia/nations-transit/2020>.

Borders” global media watchdog¹². Serbia ranked 54th out of 180 countries in 2014. The 2019 Report states that:

*“After six years under the leadership of Aleksandar Vucic, first as Prime Minister and then as President, Serbia has become a country where it is often dangerous to be a journalist and where fake news is gaining in visibility and popularity at an alarming rate. While authorities have been successful in prosecuting those responsible for the murder of journalist Slavko Curuvija in 1999, most other investigations into attacks on media personnel have stalled or shelved, such as investigations into the attacks against journalist Milan Jovanovic, whose house was set on fire in December 2018 while he and his wife were asleep inside. The number of attacks on media has risen sharply, while officials increasingly use inflammatory rhetoric against journalists. Some courageous journalists continue to cover dangerous subjects such as crime and corruption. However, due to the high concentration of media ownership in the country, their stories are usually only available on the Internet. Collision between politicians and media, widespread Government-tolerated fake news, and mistreatment of a whistleblower, Aleksandar Obradovic, also remain a great source of concern.”*¹³

Number of attacks on journalists is rising, from 23 reported attacks in 2013 to 119 reported attacks in 2019, according to the data base of “*Independent Association of Journalists of Serbia (NUNS)*.”¹⁴

When it comes to accession negotiations, after six years, Serbia has still not gone through half of the accession negotiations (opening 18 and closing only two out of 35 negotiations chapters). In the most important chapters 23 (Judiciary and fundamental right) and 24 (Justice freedom and security), that represent the backbone of the development of the rule

¹²Rsf.org, (2020). *Serbia, a Worrying State*. [online] Available at: <https://rsf.org/en/serbia>.

¹³Rsf.org, (2020). *Serbia, a Worrying State*. [online] Available at: <https://rsf.org/en/serbia>.

¹⁴Bazenuns.rs, (2020). *Pregled Baze Napada Na Novinare Po Godinama*. [online] Available at: <https://www.bazenuns.rs/srpski/napadi-na-novinare>.

of law necessary to join the EU, Serbia has not still managed to fulfill interim benchmarks¹⁵ set by the EU in 2016. In the meantime the Head of Serbia's EU accession negotiation team (professor dr Tanja Miscevic) resigned in September 2019 (new Head of the Team has not been appointed after 9 months) and several members of the Negotiation team were either dismissed by the Government or resigned their posts. The main EU accession coordination service of the Government, the European Integration Office (established in 2004), has been transformed into Ministry of EU integrations in 2017. All this led to the deconstruction of the negotiation structures developed in the previous decade. However, full impact of this deconstruction cannot be seen today since during 2019 Serbia has opened only two negotiation chapters (one in June and one in December), bringing negotiations almost to a halt.

As it is evident from "*Freedom House*" reports; democracy in Serbia has suffered a serious backslide in the previous period. Situation in the National Assembly and in the media, and recent changes of election legislation made in February 2020 are the most important factors in the assessment of 2020 parliamentary elections in Serbia.

Work of the National Assembly in the previous four years has been shaped by frequent use of urgent procedures, disregard for Rule of Procedure (RoP) and use of language inappropriate for a civilized European country planning to join the EU. All this led to one part of the opposition to leave the Assembly and start a parliamentary boycott in December 2018. Initially six parties and some independent MPs with some 40-45 MPs in total (out of 250) started the boycott. Smaller part of them returned to benches in the spring 2019 but the majority persisted in the boycott until the elections. Majority of them are now boycotting the elections as well (mostly gathered in the alliance, so-called "*Union for Serbia*").

National Assembly (NA) is under full domination of the Government. Ruling majority led by SNS (104 MPs) has a comfortable majority (with coalition partners) of

¹⁵Benchmarks are criteria that must be met to move to the next phase of negotiations. Criteria for opening accession negotiations in these two chapters was to develop actions plans with the vision of how Serbia plans to reach full harmonization with the EU standards in these two chapters. Interim benchmarks (defined based on Serbia's action plans in these chapters) gave a set of criteria that needs to be fulfilled to move to reaching the criteria for closing these chapters. According to Serbia's action plans for these chapters, interim benchmarks should have been met in 2017/2018 at the latest. The most important benchmark is amending the Constitution to allow for full independence of the judiciary (chapter 23). Action plan for Chapter 23 available at: <https://www.mpravde.gov.rs/files/Action%20plan%20Ch%2023.pdf>.

156-160 out of 250 MPs (necessary majority being 126)¹⁶. According to unofficial estimates SNS has 700.000 members, in a country of less than 7 million citizens¹⁷. Communist Party of Yugoslavia (KPJ) in 1981 had approximately 2.1 million members in the entire SFR Yugoslavia¹⁸.

However, this domination did not lead to a better planning of parliamentary activities and honoring the RoP in the situation when opposition is totally marginalized. An effective legislative plan of the National Assembly cannot be prepared by the National Assembly for years since the Government in its annual plan announces one set of legislation only to submit different proposals. Urgency of procedures has been a major factor in deterioration of the legislative functioning of the National Assembly. In the period June 2016 - June 2019, out of 435 adopted laws (not counting ratifications of international agreements), 210 (48.27%) were adopted under urgent procedure¹⁹. All these laws were adopted on the proposal of the Government requesting urgent procedure. The fact that the Constitution provides that regular session start in the first week of March and October, lasting for 90 days, giving the Government a good window for planning its drafting activities, does not lead to better planning. Laws are proposed and adopted as they go. Additionally, not even this Constitutional provision, that National Assembly would convene in the first week of March, was honored in 2017, when the National Assembly convened on March 1st, 2020 (when first sitting was held) only to hold a second sitting on April 21st, 2020 because Presidential elections were held on April 2nd, 2020 and SNS did not want the opposition to have a possibility to criticize Aleksandar Vucic publicly²⁰ during campaign²¹. Similar situation occurred in 2014 as well, only due to snap elections for the Belgrade city Assembly. Calling sessions was also often done in a short period of time, sometimes even only one day in advance (Rules of Procedure require seven days).

¹⁶Parlament.rs, (2020). *Parliamentary Groups*. [online] Available at: <http://www.parlament.rs/national-assembly/composition/parliamentary-groups/parliamentary-groups.498.html>.

¹⁷B92.net, (2018). "Novosti": 700.000 Građana u Džepu Ima Člansku Kartu SNS. [online] Available at: https://www.b92.net/info/vesti/index.php?yyyy=2018&mm=07&dd=05&nav_category=12&nav_id=1415196.

¹⁸Kommunist.free.fr, (2003). *Članstvo SKJ 1981-82 Godine*. [online] Available at: <http://komunist.free.fr/arhiva/dec2003/clanstvo.html>.

¹⁹Otvoreniparlament.rs, (2020). *Analize I statistike*. [online] Available at: <https://otvoreniparlament.rs/statistika/zakoni-po-hitnom-postupku>.

²⁰Sessions of the National Assembly are broadcasted live on national television, RTS.

²¹Parlament.rs, (2020). *Sessions*. [online] Available at: <http://www.parlament.rs/activities/national-assembly/sessions.544.html?offset=4>.

Even though SNS has a significant majority in the National Assembly, it has used every opportunity to further reduce the space for opposition. There was a custom in the National Assembly (before 2016) to have the opposition MPs chairing certain Parliamentary Committees (three to four out of 20 Committees) to have more participative and inclusive approach. However, today only one - the Committee on EU affairs - is chaired by an opposition MP. During adoption of 2018 budget (in December 2017) previously unprecedented practice of obstructing debate by the ruling majority was introduced. Namely, SNS MPs would submit 300 pointless amendments to the article 1 of the first chapter on the agenda in order to spend all the time (10 hours) RoP dedicates to debate on amendments. At the end of the debate, they would simply not vote for their own amendments. This way, any debate on amendments proposed by MPs was prevented since time would elapse while still debating the article 1. Both budgets for 2018 and for 2019 were adopted in such a manner, and this obstruction was used throughout 2018 in all sessions. Due to such a behavior of SNS and due to physical attack on one opposition politician in November 2019²², part of the opposition left the National Assembly and started to boycott its works. Once the part of the opposition left the National Assembly, ruling majority stopped with this practice.

Debate in the National Assembly has never been particularly polite but in the period since 2016 it has reached the new low. The use of hate and misogynist speech, having a slander campaign against the opposition has become a “*new normality*” in the National Assembly. Additionally, this slander campaign has been extended not only to political opponents and opposition MPs in the National Assembly and opposition outside of it, but to individuals not being in politics, only for their actions and free speech that was not in favor of the SNS and the Government. The fiercest attacks were made in 2019 against a judge of Belgrade Court of Appeal for raising his voice against the rushed amendment of the Criminal code and introduction of life sentence as a possible penalty, in only 12 days, without proper professional public debate and analysis. Similar were attacks against the Rector of Belgrade University after Belgrade University revoked the Ph.D. title of the incumbent Minister of finances and former Mayor of Belgrade for plagiarism (Minister is still in office and is a potential candidate to become the new Prime Minister). State officials leading independent bodies (established by the National Assembly) like the

²²Rs.n1info.com, (2018). *Serbian Opposition Leader Brutally Beaten*. [online] Available at: <http://rs.n1info.com/English/NEWS/a438363/Serbian-opposition-leader-brutally-beaten.html>.

Commissioner for Personal Data Protection and Free Access to Information, the Ombudsman and Commissioner for Equality were targeted in a smear campaign by ruling party MPs while performing their duties prescribed by the law. After their term in office ended and new officials were appointed by the current convocation of the National Assembly, attacks on these institutions stopped. It must be emphasized that all independent bodies were established in the period 2005 - 2010 by the National Assembly to assist it in performing its oversight of the executive branch. However, to avoid debating and adopting annual reports of these independent bodies - knowing what can be written in those reports - the National Assembly simply did not adopt these reports in the period 2014 - 2019, even though it is obligated to do so by the law.

All this facts were noted in the EC Annual Progress Report published in June 2019. In essence, the Commission found that *“The ruling coalition’s parliamentary practices led to a deterioration of legislative debate and scrutiny, and undermined the parliament’s oversight of the executive.”*²³

In a reaction to the EC Report, the National Assembly stopped using the urgent procedures of adopting laws and it immediately debated and adopted reports of independent bodies for 2018, but not for the period 2014-2017. On the contrary to the way budgets for 2018 and 2019 were adopted without proper debate, the National Assembly now had dedicated an entire sitting to debating the 2020 budget. However, during the state of emergency caused by the pandemic in 2020, the Government adopted the amendments to the budget with a decree²⁴. This decree together with 41 other decrees adopted during the state of emergency was approved by the National Assembly in a single sitting during the state of emergency on April 28th, 2020. Only 10 days later (May 8th, 2020) the National Assembly held a regular session since the state of emergency ended on May 6th, 2020. Having in mind significance of amendments and billions of euro of loans Serbia will take based on amended budget, this brings the country to the third budget adopted without proper parliamentary debate.

Changes made (even though only superficial) in the conduct in the National Assembly, show how much situation in it is a product of deliberate and elaborated action developed to undermine this institution, as well as all the other institutions in Serbia,

²³European Commission, (2019). *Serbia 2019 Report*. [online] Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>.

²⁴A possibility allowed by Serbian Constitution during the state of emergency.

making it possible to concentrate powers with the President, as the “*Freedom House*” report demonstrated. However, even though urgent procedures stopped and RoP are mostly respected after the EU Commissions Annual Progress Report, the slander campaign has never stopped. It has even increased its intensity. A good example of intensity of slander campaign against the opposition boycotting the National Assembly and parliamentary elections was the session in February 2020 when two members of the Council of the Regulatory Authority for Electronic Media (REM) were appointed. During the debate on appointing two candidates, a candidate that was later appointed to the Council was not mentioned even once by MPs during the debate. At the same time, leader of the largest opposition party boycotting the elections (who personally is not an MP or there is a direct connection between him and the topic of debate, as required by the RoP), Dragan Djilas, was mentioned 57 times during six hours of debate, always in a derogatory and highly insulting manner.

According to the new methodology of running accession negotiations, published by the EC in February²⁵ and adopted by the Council in March 2020, development and functioning of democratic institutions is now a parameter of progress. It will be assessed separately, within the cluster of “*Fundamental issues,*” together with chapters 23 and 24, chapters on public procurement, financial control and political and economic criteria.

Protests, Boycott, and EU Mediation

Situation in the National Assembly and physical attack on opposition politician in November 2018 triggered mass protests around Serbia that were organized on weekly basis in many cities in Serbia. They lasted throughout 2019. Protests were peaceful and main demands were focused on securing free and fair elections and freedom of media. These protests have brought tens of thousands of people in the streets, every week, which was unthinkable few months before, demonstrating the level of frustration among citizens. The way the protests simply faded away due to inability of the opposition to channel that frustration also speaks on the capabilities of the opposition.

In the fall 2019, under the auspice of members of the European Parliament (Vladimir Bilcik, EPP and Tanja Fajon, S&D) dealing with Serbia and with assistance of

²⁵European Commission, (2020). *Enhancing the Accession Process – A Credible EU Perspective for the Western Balkans*. [online] Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf.

civil society in Serbia, namely the “*Open Society Foundation*” inter party dialogue was launched in order to improve the conditions of election process and allowing the opposition to brake the boycott (that was already declared) and take part in 2020 elections. Effectively, engaging in a dialogue meant that the Government admitted the situation is not as good as it tried to portray it. Several rounds have been held, and certain concrete actions have been agreed²⁶ and many of them implemented by the Government and National Assembly. However, this did not lead to reduction of tension or elimination of hate speech in the National Assembly or in the public discourse by the SNS and the Government. Subsequently, the outbreak of COVID-19 led to complete marginalization of all political actors in the media except President Aleksandar Vucic and SNS and to an actual suspension of the National Assembly, for almost two months. This made Serbia among the few if not the only European country, which Parliament did not play a role during the pandemic. Leaders of the opposition were even accused for trying to undermine efforts to fight COVID-19, by pro-Government tabloid media, for criticizing the Governments measures²⁷. A journalist was even arrested for reporting on poor conditions in one of the major Serbia’s hospital²⁸. She was released a day after only after strong international and public pressure raised against Serbian Government.

All these demonstrate that freedom of elections is doubtful for the first time since the fall of Slobodan Milosevic in 2000. In 2018 EC Progress Report reported on 2017 presidential elections when Vucic was elected President that “*the playing field was tilted.*” A lot of allegations of electoral fraud, reports of pressure on voters working in state owned companies or public administration to vote for Vucic, votes being bought for favors or cash, including videos of ballots being put in ballot boxes after elections, were made. Mild reaction of institutions and inability (some would say incompetence) of the opposition to seriously corroborate these claims of election fraud brought everything to an end. However, bad aftertaste remained bringing Serbia back to late 90s’, the time that all Serbs

²⁶Europa.rs, (2019). *3rd Inter-party Dialogue in the National Assembly of the Republic of Serbia on Improving the Conditions for Holding Parliamentary Elections*. [online] Available at: <http://europa.rs/3rd-inter-party-dialogue-in-the-national-assembly-of-the-republic-of-serbia-on-improving-the-conditions-for-holding-parliamentary-elections/?lang=en>

²⁷Alo.rs, (2020). *Mirijevo Gori Građani Rekli Glasno Ne Svima Koji Navijaju Za Koronu Protiv Srbije*. [online] Available at: <https://www.alo.rs/vesti/drustvo/gradani-rekli-glasno-ne-svima-koji-navijaju-za-koronu-protiv-srbije-video/307984/vest>.

²⁸Europeanwesternbalkans.com, (2020). *Serbian Journalist Arrested for Reporting on Difficult Working Conditions of Medical Staff in COVID-19 Pandemic*. [online] Available at: <https://europeanwesternbalkans.com/2020/04/02/serbian-journalist-arrested-for-reporting-on-difficult-working-conditions-of-medical-staff-in-covid-19-pandemic/>.

thought was long gone, never to come again. It also shows that election process in Serbia should be under careful (international) observation, following the entire process and not just the election day assessing if the elections were free and fair. Due to COVID-19 pandemic it would not be possible to have full-fledged international observation mission (OSCE or EU), leaving this election only to local observation, namely parties that participate in elections and local CSO monitoring them.

One thing that cannot be debated is the total and complete media domination of both Vucic and SNS in all TV stations with national frequency. Only one major TV, the N1 (a CNN affiliate), is not under control of the Government and SNS. However, it can be seen only in parts of Serbia where SBB cable operating company provides the signal (covering approximately 50% of households in Serbia with cable TV). In the other parts of Serbia where state owned Telekom provides the cable TV, N1 does not have access to the network.

BIRODI (Bureau for Social Research) published the analysis of media coverage²⁹ for the period September 1st – November 30th, 2019³⁰. Results show total domination of Vucic and total domination of positive reports about him. BIRODI conducted the research of central information broadcasts of five TV stations with national frequency (including the national TV broadcaster, RTS) and TV N1. In the period of three months, Vucic was present for more than 33 hours in information broadcast of these TVs. In the 2020 COVID-19 crisis only increased this media domination with the President holding daily press conferences and personally³¹ delivering respirators to hospitals, being in constant campaign³².

The COVID19 pandemic also exacerbated the anti-EU rhetoric's of the Government. Even being nominally pro-EU (and winning elections with pro-EU platform) the anti-EU propaganda followed by Government tolerated fake news is gaining significant strength during last years. A study on reporting about the world, covering the period

²⁹Cenzolovka.rs, (2019). BIRODI: Vučić Dominantno Pozitivno Predstavljen Na Nacionalnim Televizijama. [online] Available at: <https://www.cenzolovka.rs/etika/birodi-vucic-dominantno-pozitivno-predstavljen-na-nacionalnim-televizijama/>.

³⁰Rs.n1info.com, (2020). *Medijametar Kaže Da Je Vučić Najviše Kritikovao u Štampi*, BIRODI Navodi Suprotno. [online] Available at: <http://rs.n1info.com/Vesti/a567496/Medijametar-kaze-da-je-vucic-najvise-kritikovao-u-stampi-BIRODI-navodi-suprotno.html>.

³¹Predsednik.rs, (2020). *President Vucic Visits Novi Pazar*. [online] Available at: <https://www.predsednik.rs/en/press-center/news/president-vucic-visits-novi-pazar>.

³²Vasovic, M. (2020). *Serbia's President Turned the Pandemic into a Tacky Campaign*. [online] Available at: <https://balkaninsight.com/2020/05/07/serbias-president-turned-the-pandemic-into-a-tacky-campaign/>.

August - December 2018, shows that reporting on the EU is mostly neutral (83%), with 10.4% positive and 6.3% negative news. When compared to news on Russia it can be seen that reporting on Russia are also mostly neutral (76.5%) but with 20.8% positive news and only 2.7% negative news³³. Discrepancy with reporting on EU is more than evident, while Serbia is negotiating EU accession. Additionally, Serbian citizens have been under several months of campaign of fake news during 2019 that Serbia is joining Euro-Asian Economic Union³⁴, implying that it is all the same if Serbia joins EAEU instead of EU. All this has been at least tolerated, if not sponsored by the Government.

Looking back, the 2016 - 2020 was an ideal period for EU accession efforts. The Government had a comfortable majority in the National Assembly, a pro-EU opposition and the best economic surrounding in EU and the region, since economic crisis in 2008³⁵. With increased effort and devotion, Serbia could have been close to being ready for EU membership. However, necessary reforms have not been done and the time is lost. The EU Zagreb declaration³⁶ of May 2020 and the new EU approach towards accession has placed focus on changes that will make the difference in everyday life, linking substantive EU financial and economic support to progress in reforms and in particularly the area of rule of law. Mutual trust will have to be built and public communication on EU made by the Government will be monitored. This is a direct reflection on statements of Vucic made at the beginning of the COVID-19 outbreak that “*solidarity in Europe is dead and it was only a fairy tale*” and that only China can help Serbia³⁷.

Besides the anti-EU rhetoric used by the Government, its low score in the accession negotiations and EU accession driven reforms demonstrates that EU accession is not on the top of priorities of the Government. It remains to be seen if this will change with the new Prime Minister (if Serbia gets a new Prime Minister). In any case, the decision to start working seriously and to honestly commit to EU accession lies with the President and his

³³Birodi.rs, (2019). *Svet u Medijima: Istraživanje o Izveštavanju Medija Sa Nacionalnom Frekvencijom o EU, SAD I Rusiji*. [online] Available at: <http://www.birodi.rs/ Svet-u-medijima-istrazivanje-o-izvestavanju-medija-sa-nacionalnom-frekvencijom-o-eu-sad-i-rusiji/>.

³⁴In fact, Serbia has signed a free trade agreement (FTA) with EAEU to replace FTAs it had with Russia (since 2000), Belarus (2009) and Kazakhstan (2010).

³⁵EU and the region are Serbia's major trading partners with more than 83% of Serbia's exports being exported to EU (66,3%) and the region (17,3%).

³⁶Consilium.europa.eu, (2020). *Zagreb Declaration, 6 May 2020*. [online] Available at: <https://www.consilium.europa.eu/en/press/press-releases/2020/05/06/zagreb-declaration-6-may-2020/>

³⁷Evans, Z. (2020). *Serbian President Labels European Solidarity 'Fairy Tale', Says Only China Can Assist in Coronavirus Response*. [online] Available at: <https://www.nationalreview.com/news/coronavirus-outbreak-serbian-president-aleksandar-vucic-labels-european-solidarity-fairy-tale-says-only-china-can-assist-in-coronavirus-response/>.

assessment if he can politically profit from it. New methodology of the EU and the fact that Serbia is still assessing its pros and cons, demonstrate a transactional approach to EU accession, disregarding the value based approach and substantive societal change that is necessary to really change things in Serbia that are evidently not moving in the right direction.

In these circumstances regular parliamentary elections are called. They were initially called for April 24th, 2020 but were postponed due to COVID-19. It should be noted that having elections called was the reason to have state of emergency declared, since *de jure* only the state of emergency can constitute a reason for postponing elections, which deadlines are defined by the Constitution. The manner how the state of emergency was declared, by a joint decision of the President, Prime Minister, and the Speaker of the National Assembly³⁸, instead of the National Assembly itself is a different issue. It will be discussed in decades to come, even though the Constitutional Court on May 22nd, 2020 dismissed all initiatives for assessing the constitutionality of the declaration of state of emergency (state of emergency ended on May 6th, 2020).

Part of the opposition that was boycotting the work of the National Assembly and organizing weekly rallies during 2018 - 2019, declared in the second half of 2019, that they will boycott the elections, long before elections were called. This was a premature decision. This decision opened a split in the opposition, among parties but also within parties. Due to the fact that simultaneously with parliamentary elections, local elections will be held in many municipalities; additional line of division within the opposition was created.

Ever since 1992, threshold for entry into the National Assembly was set to 5%. Parties that would make the threshold were guaranteed 15/16 seats in the National Assembly, due to use of D'Hondt³⁹ election system. In the situation where major opposition parties would boycott the elections, all polls suggested that only ruling party SNS and its coalition partner Socialist Party of Serbia (Socijalistička Partija Srbije - SPS) would make the 5% threshold. This would unmask the real state of political pluralism in

³⁸Such a possibility exists in the Constitution (article 200) if the National Assembly cannot convene to declare the state of emergency. National Assembly declaring state of emergency is the rule, everything else is an exception. However, Serbia had several states of emergency and one state of war declared in the last 30 years and function of the NA was preserved every time.

³⁹Britannica.com. *D' Hondt Formula*. [online] Available at: <https://www.britannica.com/topic/dHondt-formula>.

Serbia and make the boycott of the National Assembly a successful demonstration of the collapse of multi-party system in Serbia.

In order to avoid such a result of elections, the SNS proposed and the National Assembly adopted the change of the Law on election of MPs in February 2020 (only two and a half months before original date of elections) and to reduce the threshold to 3%. Goal of this move was to have as many parties in the National Assembly as possible to stage any sort of pluralism, but also to move far-right wing parties to the National Assembly and at least one pro-EU opposition party. This would position SNS as a pivotal centrist party, an ideal interlocutor for the EU, trying to secure further support. At this moment it is not possible to make prediction which out of 19 lists that are running these elections (apart from SNS and SPS) will enter the National Assembly.

However, seeing the list of parties running the elections, it is obvious that there are only one to two pro-EU opposition lists/parties with possibilities to enter the National Assembly. This election list is dominated by ten conservative, right and extreme right-wing parties/coalitions/movements that are all anti-EU. Most of these parties would not even bother running the elections with the 5% threshold. On parliamentary elections in 2014 and 2016 between 3.6 and 3.7 million citizens voted. This required approximately 180,000 votes to enter the Parliament. We can assume that boycott and still present COVID-19 virus will reduce the turnout. With 3 - 3,2 million citizens voting (number is purely speculative for the sake of calculation), entry threshold would be 90,000 – 96,000 votes.

Not prejudicing the result of the elections, and which lists will win seats, the National Assembly in the next convocation will be more right/extreme right wing and anti-EU oriented. In comparison, the 2014 convocation did not have (on paper at least) any anti-EU party, the first and the last time in recorded parliamentary history of Serbia.

This election will also be elections for the leader of the right wing/anti-EU leader in Serbia. Previously dominant Serbian Radical Party (Srpska Radikalna Stranka – SRS) has lost its strength with majority of its leadership and membership transferring to SNS. However, it remains to be seen which party will pass the threshold.

On the pro-EU part of the spectrum it also remains to be seen which party will pass the threshold, particularly since the voters of pro-EU parties are the majority of population that was rallying during 2018 and are highly susceptible to the idea of boycotting the

elections. This election will also be the election for the leader of pro-EU option. If parties running elections do not enter the Parliament, pro-EU parties in the Union for Serbia leading the boycott (there are parties in the Union for Serbia that are anti-EU) will become the leader on this part of the spectrum. This particularly stands for the, formerly ruling, Democratic party (*Demokratska Stranka – DS*) (that is pro-EU and a part of Union for Serbia) that is currently in internal turmoil over the issue of boycott, with some prominent members participating in the elections. On the other hand, parties/lists that manage to enter the National Assembly would be in the better position than parties outside of it to take the pro-EU banner and attract pro-EU voters.

In any case, since most parties (apart from SNS and SPS) are fighting to meet the threshold, the domination of the SNS will be secured. SPS will most likely increase its presence in the National Assembly but cannot challenge SNS. Passing the threshold would guarantee 8 to 9 MPs and most lists would have similar number in National Assembly. Therefore, the next convocation will mostly resemble the first multiparty convocation of Serbian National Assembly after 1990 elections, when Milosevic's SPS had overwhelming two thirds majority (194/250) with several smaller parties present in the Parliament. This will probably allow SNS (with its coalition partners SPS) to achieve two thirds majority in the National Assembly. This is important if the future agreement with Kosovo* is to be passed through the Parliament. Any changes of the Constitution, as a result of future agreement with Kosovo*, would require two thirds majority in the National Assembly and a referendum to be adopted.

Regarding Kosovo*, the elections will not bring a change in the SNS policy, except that now Vucic will have clear 18 months until presidential elections in 2022 to make overall agreement with Pristina. Making such an agreement is one of key conditions for accession of Serbia to the EU. How plausible is to have such an agreement reached in the near future is impossible to predict now, due to numerous actors in the process and their incoming elections and internal political dynamics. Kosovo* issue, being the question of numerous layers and affecting the essence of the state will have to be dealt with utmost care and the final agreement will have to be able to survive the inevitable future change of political generations, once its architects are no longer in power. Therefore, it must consider interests of both parties. Kosovo* issue being so essential, is defining many other issues for

*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Serbia, like relations with Russia and NATO. Until Kosovo* issue is resolved changes in these relations are not likely to occur.

Conclusion

After these elections SNS will confirm its total control of the country and every aspect of its life. Therefore, situation will continue in the same directions as it is going today. It is difficult to imagine that SNS will change its behavior after the elections. This is particularly the case since in Serbia the President is determining direction of the country and not the parliamentary elections. In history of Serbia's multiparty system, orientation of the state changed only after presidential elections and changes of the President⁴⁰ and only once after the parliamentary election, in 2003⁴¹, but then Serbia did not have the President since the position was vacant until 2004 elections.

Situation in the state of democracy, freedom of speech and media freedom will probably continue along the same lines since there is no evidence why this would not continue to deteriorate further. With the opposition losing seats in the National Assembly, it will have to take its political actions outside institutions, trying to consolidate and prepare for presidential elections in 2022. With the opposition weakened, focus of the ruling party will be placed more on journalists (particularly investigative journalism) and civil society organizations as a loud voice against illiberal tendencies in Serbia. Thus, further confrontation and tensions can be expected.

When it comes to the EU accession, the Government has come to the point when serious changes and reforms will have to be taken if any progress is to be recorded or Serbia will come to a halt. Progress in the rule of law, particularly in the fight against high level corruption and organized crime that is predicated with existence of independent judiciary, will be the main point of measurement of progress by the EU. Readiness to resolve Kosovo* issue will not be (as it has never been) the one and only condition to join the EU, as the public in Serbia is being led to believe.

To conclude, parliamentary election will further cement current situation and backslide of democracy. They will give more room to Vucic to impose his political choices

⁴⁰In 2000 Slobodan Milosevic lost as the incumbent President and Vojislav Kostunica became President of FR Yugoslavia, in 2004 Boris Tadic won (Presidency was vacant) and in 2012 Boris Tadic lost as the incumbent President and Tomislav Nikolic (SNS) became the President.

⁴¹In 2003 Vojislav Kostunica (Democratic party of Serbia) became the Prime Minister.

and decisions on entire country, but also for making necessary decisions on issue of Kosovo*. Elections will confirm that all decision-making power resides with the President and decisions are based on his cost-benefit assessment, as stated by the “*Freedom House*” reports.