

## **Serbian Unity Congress Comments** on the **Proposed Diaspora Law**

The Serbian Unity Congress welcomes Serbia's efforts in developing legislation to formalize ways to retain and strengthen ties between the Serbian Diaspora and Homeland in order to improve the inclusion of the Serbian Diaspora in the work toward a better future for its people and to contribute to sustaining Diaspora's Serbian identity. This effort is a proper acknowledgement of Diaspora's (well established) desire to participate constructively in Serbia's democratization and economic prosperity and the fact that a Diaspora exists because of its identity.

We welcome your invitation for comments from the Diaspora, as we are the affected party. We have reviewed the proposed legislation and are pleased to take this opportunity to submit our feedback from a Diaspora perspective with our recommendations.

### **I. GOALS**

The goals of the legislation are to sustain Diaspora's Serbian identity and facilitate Diaspora's contribution to Serbia's welfare as a way of strengthening ties.

We agree that Serbia should make every effort to maximize the level and benefit of Diaspora's potential contribution to Serbia's future. Both Serbia and the Diaspora want the best possible future for the Serbian people. Serbia's nurturing of Diaspora's identity can only add to the spiritual connection with the Homeland and the desire to stay linked and involved. It is a given that we have a mutual interest in a productive investment in Serbia's future. This is a basic ingredient of our Diaspora – Homeland relationship. It makes us partners who want to be invested in a common endeavor.

### **II. BASIC PREMISES**

We agree in general with the following underlying premises of your recommended legislation regarding the Diaspora:

- **Definition** – Criteria that determine Diaspora membership need to be as inclusive as possible to welcome as broad a population as possible as a way of both maximizing the size and attachment of the Diaspora and optimizing the benefits Serbia can achieve;
- **Relationship with the Homeland** – The Diaspora is a part of the body of the Serbian people and needs its own representation in the Homeland;
- **Organizational Structure** – There needs to be an organizational infrastructure that will facilitate and direct both Diaspora's representation and participation in the Homeland as well as the flow of cultural information and communication from the Homeland to the Diaspora.
- **Identity** -- The size and continued attachment of the Diaspora to the homeland need to be sustained by assisting in ways that help its members retain a Serbian identity;
- **Contribution** -- Diaspora's contributing participation can come in many forms: professional, financial, experiential, etc.

While we agree in general on the above, in some of the cases, we have a different perspective on how best to develop them. Our different approach is recommended and further elaborated below.

Additionally, we would include another premise, which we believe is key to Diaspora's successful involvement:

- ***Diaspora Involvement*** – Because the Diaspora is investing in Serbia's present and future through professional expertise, time, financial resources, etc. its role is that of an investor and needs to be treated in the same way. As a rule, investor commitment is directly tied to how actively the investor is involved in the management of his/her investment.

### III. PROGRAMS

**Proposed** -- In "Члан 5 – Очување и јачање веза матице и дијаспоре" the legislation calls for programs through whose objectives the Diaspora – Homeland partnership would achieve the mutually reinforcing goals of sustaining Diaspora's Serbian identity and the Diaspora's contribution to Serbia's welfare. These programs summarized below are a good start.

#### ***Identity***

- Educational programs to retain Serbian language, writing and culture through cultural information centers abroad and educational opportunities for the Diaspora in Serbia
- Recognition through awards for Diaspora members' contribution to the goal of strengthening Diaspora-Homeland ties

#### ***Diaspora Engagement***

- Economic -- Promotion of economic cooperation, creation of conditions for the return of professional cadres to temporary and permanent assignments in Serbia, improvement of Serbia's image in Diaspora host countries to induce investment in Serbia;

**Needed** -- We would stress however that consistent with the stated goals, Serbia cannot any longer ignore and/or postpone addressing a major issue.

#### ***Rehabilitation***

- In line with the premise that the definition of Diaspora needs to be as inclusive and as welcoming as possible with the goal of enabling the largest possible Diaspora, it **MUST** include the thousands whose rights of citizenship were revoked by the communist regime because they were deemed a political risk. There must be a legally mandated rehabilitation of the affected non-criminal parties that goes into effect as soon and as easily as possible.

### IV. DIASPORA – HOMELAND RELATIONSHIP

This is the most fundamental concept that requires much better clarification. It is the basis of the partnership and working relationship. We are in agreement that the Serbian Diaspora as part of the Serbian nation located outside of the Homeland can and should be involved in the Serbian nation, and to do so it needs a mechanism, a body through which it represents itself and exercises its role as a partner in the welfare of the Homeland. The current and proposed organizational structures do not satisfy this criteria and as such imply a lack of commitment by Serbia to genuinely embrace its Diaspora in a real partnership for the stated goals. This is why.

#### **1. A Truly Representative Organ**

As of today the Diaspora does not have a truly representative body in Serbia. The current and proposed Ministry for Diaspora is not Diaspora's representative body. It is not led or managed by Diaspora members, nor have its plans and policies been in any way determined or influenced by the Diaspora. As an example, the proposed legislation for Diaspora law was not drawn up by the Diaspora. As currently operated the Ministry serves only as a body of the Serbian government, or a

specific political party, through which Serbia communicates with the Diaspora. That is a very different concept from a body that the Diaspora uses to represent itself.

*Recommendation* – The Ministry for Diaspora needs to be managed by members of the Diaspora i.e., the Minister and top Directors need to be Diaspora. Support staff can be either from the Diaspora or Homeland. It needs to be apolitical and the staffing decisions need to be decided on the basis of professional qualifications, position needs, performance, plans and budgets. All personnel positions would be decided by the Diaspora and be immune from the current practice of political party entitlements and job allocations.

## **2. Serbia's Commitment to a Partnership with the Diaspora**

The draft legislation further proposes a larger framework with an appended infrastructure including Diaspora representatives abroad, their Congress and program councils. The proposed infrastructure and the proposed work have much value and are well conceived in objectives and plans of action. They are ambitious in that the implementation and continued operation of this model would require full time commitment of professional personnel in permanent positions. The current proposed legislation specifies that these positions be voluntary. This is unrealistic and guaranteed to fail.

*Recommendation* – This is a strong model and should be pursued but only with a real commitment to its success. That means that it be treated professionally and that the positions are full and part-time paid positions staffed by qualified personnel.

A successful Diaspora – Homeland relationship that facilitates Diaspora's engagement requires both of the above recommended modifications to the proposed legislation. The Diaspora must control its participation and investment of time, expertise and financial investments in Serbia through its own body that it runs. That body and infrastructure has to be seriously constructed and operated and fully funded. Anything less is not a serious commitment by Serbia to strengthening its ties with its Diaspora.

## **V. ORGANIZATIONAL STRUCTURE**

Some aspects of the organizational structure were touched on in the previous section. The current legislation proposes an organization that consists of:

### **1. Diaspora Representation**

- Ministry for Diaspora with representative offices in the Homeland (podrucne jedinice)
- Diaspora Country Representatives network in various countries
- A Congress of Diaspora representatives with economic, legal status and cultural councils

This framework is good and the proposed functions of the entities and personnel well conceived. But to be successful it must be treated seriously, staffed and operated professionally and the positions paid. The Diaspora-run Ministry for Diaspora would be responsible for the selection of staff and the development and oversight of the entities' missions, plans and budgets.

We would also emphasize that Serbia consider the reform of its Diaspora voting rights and practices as requiring urgent attention. The Serbian Unity Congress has worked with Bosnia and Hercegovina to assist in promoting voting by Serbian Diaspora. They have had in place for some time already an electronic and postal voting process. Serbia's system needs to be updated immediately to allow the Diaspora to vote with ease.

### **2. Homeland Liaison**

- Interministerial Council

We agree that a liaison facility is needed and this concept is good with the following modification. As our recommendation is that the Diaspora runs its own Ministry this Council would not determine the Ministry's agenda and priorities. Its function would be focused solely on liaising Serbia's government with the Diaspora Ministry – communication, consultation, joint programs, etc.

### **3. Cultural Outreach**

- Cultural-Information Centers

This is also an excellent concept and its functions well conceived. We would recommend that these Centers and the Diaspora Country Representatives share locations.

## **VI. FUNDING**

The above organizational structure and programs would be funded from Serbia's federal budget. If structured as proposed with the recommended modifications above and staffed professionally and apolitically we believe that this would give a strong impetus in strengthening Diaspora Homeland ties, increasing Diaspora attachment and investment of time, energy, professional capacity and money to the benefit of Serbia's future.

The current financial Diaspora contribution already justifies the funding of the proposed program and would strongly improve yield on that investment in the future.

## **VII. CONCLUSION**

The invitation to the Diaspora to comment on the proposed legislation is welcome. However, we feel that the drawing of legislation on Serbia's relations with and the role of its Diaspora (even the draft version) needed to have included key representatives of the Diaspora in the process. That does not seem to have been the case.

As this matter has waited this long to be addressed, we feel that it should not be rushed for adoption until Diaspora's input has been vetted by all the stakeholders in the issue – Diaspora and the Homeland. We recommend that all the input be made public and that the Ministry for Diaspora assemble a gathering to which representatives of major Diaspora organizations are invited to, jointly with Serbia's representatives, work out a final legislation that is submitted to Parliament for adoption.

This is an extremely important matter and the law that is adopted will regulate and guide the Diaspora-Homeland relations in the future. It must be done so that the ultimate goal of strengthening ties by maximizing Diaspora's contribution and attachment to the Homeland is achieved. A law that implies a lack of commitment to this partnership will be a disincentive to the Diaspora and such a law will fail in its ultimate goals.