

The word “referendum” resonated in the Serbian public when it came from the most powerful man in the country, in connection with one of the projects that currently occupies the great attention of citizens, and thus overshadowed some of the previous mentions of the referendum.

Speaking about the project of building a mine for the exploitation of jadarite ore in the vicinity of Loznica, which is planned to be launched by the company Rio Tinto, and due to the warning of experts on possible negative consequences for the ecosystem and resentment of the local population, Serbian President Aleksandar Vucic proposed a referendum. This announcement comes at a time when state institutions are working hard to adopt amendments to the Constitution concerning the judiciary, which, according to the law, would have to be confirmed in a republic referendum. According to previous announcements, it could take place in the fall of this year.

While a possible referendum on Rio Tinto overshadows the much more important one, but more boring for the citizens (voters) - the referendum on constitutional changes, which helps the authorities, this type of voting threatens to become a new political tool for confusing the public and achieving political goals - as the polygraph has often been used in domestic political discourse lately.

### **What exactly is a referendum and how is it conducted?**

Among the referendums that are currently being discussed - for Rio Tinto and the constitutional changes, it is important to distinguish that the former would most likely be conducted as local, while the latter is general, for the whole of Serbia.

Voting for or against the construction of the Jadar project, planned by Rio Tinto in the Jadar Valley, would involve the citizens directly involved in the project. However, opinions could be heard that this is a project that could leave potential environmental consequences for the whole of Serbia, and therefore it would be good for all residents to have the opportunity to comment on it.

For the purposes of this analysis, we will assume that it is a local vote to see what the differences are between the two.

Before calling any referendum, both local and republican, a new Law on Referendum should be passed, as the lawyers pointed out, considering that the existing law dates from 1994 and is not harmonized with the Constitution adopted in 2006.

A local referendum exists as a legal possibility according to the regulations at our disposal, and the provisions for calling it are similar to those in the case of voting at the republic level.

For both, it is necessary for the referendum question to be clearly and unambiguously worded and to be answered with “yes” or “no” or “for or against”. Drawing up a referendum question is a particularly important part because differences in wording can very well influence voters’ opinions.

An even more important obligation, which should precede both the drafting of the question and the voting itself, is to objectively and completely inform the citizens about all aspects of the decision for which they should vote.

This means the transparent presentation of all documents - for example, those contracts with Rio Tinto, expert analysis such as environmental risk assessments, or in the case of changes to the Constitution, transparency of the complete procedure for adopting new legal solutions concerning justice.

In order to adopt the decision for which the citizens voted, it is necessary that the majority of the voters who voted for it, and not the majority of the registered voters, as is the case somewhere. The decision made in the referendum is binding.

Referendums can be monitored by independent observers - such as the CRTA, CeSiD, the OSCE and others - in compliance with legal procedures, as is the case when they monitor the conduct of elections and monitor the election process. In 2006, CeSiD monitored the implementation of the republic referendum when the current Constitution of the Republic of Serbia was adopted. This is an important control mechanism, especially in the current conditions in Serbia and where the entire election process is being called into question, which raises suspicions that similar problems could arise with the referendum.

### **The old term in the new function of political marketing**

Referendum as a procedure that needs to be implemented in order to amend the Constitution, is mentioned in the Serbian public constantly but quietly in several important topics - constitutional changes on the judiciary that require a referendum, the issue of Kosovo, if the preamble of the Constitution is changed, would also require referendum, and the latest topic is the local referendum for the Jadar project.

For the last few years, since there has been pressure from the EU to implement changes to the highest legal act in the area of justice, there has been talk in a referendum that should follow. This topic remains politically “silent” for several reasons: the issue of the judicial system and the changes that need to be made are not something that the general public understands or feel that it affects them, and this cannot be turned into an attractive political campaign. On the other hand, the part of the professional public that understands what it means to change the structure of the judicial system in this way, has serious objections to

## How will Rio Tinto project and changes to the Constitution in Serbia be voted on?

the proposed solution. resolving changes. Those objections boil down to a clear message - the executive branch, led by the Serbian Progressive Party, is trying to take away the independence of the judiciary.

That is why the referendum on Rio Tint is coming to light, as a demonstration exercise and a hitherto unused force for mobilizing citizens. Apart from going to the polls, why not “demonstrate democracy” by going to the referendum - someone from the government may have wondered. Someone who realized that ecology is a new important topic around which an increasing number of citizens gather, but insufficiently channeled.

They gather around various environmental movements, protests, initiatives, but if they were given an institutional mechanism to decide on environmental issues - and where better mechanism than direct voting in a referendum, then the government would take the lead and direct the will of citizens around this questions.

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