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Cultural Policy in Serbia: National Report

The opinions expressed in this report are those of the authors and do not necessarily engage the responsibility of the Council of Europe.

Project team

Project director: Milena Sestic Dragicevic

Contributors: Aleksandra Jovicevic, Branka Andjelkovic, Branka Sekaric, Branka Prpa, Jovan Despotovic, Ljiljana Stojiljkovic, Miroslava Djurovic, Sreten Ugricic, Vesna Djukic-Dojcinovic

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This is the first time that a national report on cultural policy has been written and this fact has great significance for the Ministry of Culture and Public Information as a first step towards strategy of cultural development in Serbia.

We also would like to thank the Panel of Examiners: chairperson, **Norbert Riedl**, rapporteur **Bill Dufton**, and its members, **Deiana Danailova**, **Suzanne Litzel**, and **George Dolivo**, for their contribution to this “joint (ad)venture”. We are eagerly awaiting their independent report and recommendations.

Ministry of Culture and Public Information
Republic of Serbia
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FOREWORD BY THE SERBIAN MINISTER OF CULTURE

When in 2001 I took over the position of the Minister of Culture of Republic of Serbia, little did I know in what kind of venture I have been putting myself. I was very optimistic, thinking that the more difficult part of work was over, since we managed finally to overthrow a regime of Slobodan Milosevic, which for ten years brought destruction and poverty not only to Serbia, but also represented a major threat to all the peoples and countries in the region. I was thinking that the easier part of the job was ahead of us, meaning to reconstruct and reestablish old values and important aspects of culture. However, already during the process of recruiting my deputies and assistants, as well as managers and directors of major cultural institutions, I was confronted with a number of difficulties, which I have never envisioned or encountered before.

A constant brain drain, which was taking place in the decade before, during which more than 300,000 young professionals and university-educated people left Serbia for good, was acutely visible. According to some statistics in Serbia, in 1991, there were only 6% of university-educated people and 15% illiterate people. In February 2001, in Serbia there was only 3% of university educated people left, while percentage of illiteracy remained the same. Not only did we lack experts in various fields of culture, but also a public to which cultural production of better quality would be aimed at. My first task, thus, was to search for capable people who would be ready to dedicate themselves to a complicated, and more often than not, ungrateful work. During that process, my primary goal was to avoid usual traps of a newly established democracy to recruit people who had political qualities rather than those whose professional biography recommended them. Luckily, in a few months, my collaborators and I managed to find "ideal" people for key positions and it could be said, that we all started from the scratch. A decade of negligence and destruction was visible all over, from deteriorating cultural monuments and buildings to a high percentage of piracy in publishing, record and video industry; as well as in the non-functioning institutions of culture, non-existing or non-applicable old laws in every field of culture, lack of funds or their unjustified and unbalanced distribution, and no existing international cooperation and communication.

As mentioned before, a decade before 2001 was not easy for Serbia, or for the whole region. The wars in Slovenia, Croatia, Bosnia, and Kosovo have provided the international media with pictures and correspondence of chaos and devastation. The same international media was now less generous in their coverage of the efforts of people, who belonged to what is known as "second Serbia", in an attempt to create democracy, through various artistic and cultural events in which new civic and cultural values emerged. The enormous intellectual potential of these people, along with the efforts of a new democratic government, gradually became a guarantee that our nation will eventually turn its focus from the problems of the past to the many possibilities of the future.

Therefore, the work of the newly created Ministry of Culture took two main directions: to create a new, modern cultural policy in accordance to the global, or more precisely, European trends; and an attempt to reconstruct and revitalize an amicable and healthy environment for the development and growth of culture and arts in Serbia. Only two years after, there can be no doubt that the new relationships both

in the country and in the region, are built on the principles of tolerance, respect for cultural, religious, and ethnic pluralism, non-violence and dialogue on all levels. In June 2002, the Ministry of Culture became also the Ministry of Public Information, which enlarged its focus on an in-depth regional analysis, taking into account the prevailing historical and geographical context, the close cultural links among the countries of the region, and the active participation of the governmental authorities, media and civil society.

Coming from the civil background, I believe more today than ever, that sustainable peace, economic stability and social development are not possible without radical improvement in all the fields of competence of the Ministry of Culture and Public Information. That is why we have enlarged the notion of culture in order to bring in many important issues. We started to develop a coherent and integrated strategic approach to strengthened Ministry's cooperation with other aspects of the society, highlighting such priorities as culture for education, culture for democracy, creation of cultural networks, cultural diversity, cultural industries, and independent media. The success of democratic values and the promotion of civil culture in historically troubled and complex country such as Serbia depend a lot on understanding and tolerance of other cultures and religions. Education in culture, in particular through teaching culture of others, human rights and civic education play an important role in this regard. Such efforts are not only part of the Ministerial work, but also of a vast undertaking that requires the active participation of institutions, civil society, and media and in particular artists and cultural workers.

In order to create a more democratic cultural policy we started to change the conditions of cultural participation. We decided to embrace cultural diversity of our country rather than to work on cultural homogeneity as it was before. At the same time, we tried to improve our artistic and cultural landscape to reflect the changes of our social landscape, especially because the international context in which our national policy is developing is also constantly changing.

One of the most difficult aspects of the work, proved to be a new legislation, since our attempt was to improve cultural milieu by legal mechanisms. What we have found out in the process was that it was necessary to change and introduce new laws on cultural industries (cinema and publishing laws), protection of cultural heritage, (museums, libraries and archives), as well as the law on performing arts, in order to introduce new international rules and regulations. The legal framework of Serbia's cultural policy, however, is typical of a country in transition: the specific laws and regulations in the field of culture are still in the draft process since it is not easy to harmonize them with international legislative of EU, CoE and WTO. Furthermore, there are a number of laws, which are indirectly related to culture, including many general and specific regulations of international exchange, financial policy and fiscal system, which are constantly changing. At the same time, one of the most important laws regarding intellectual rights and property, the Copyright Law, is a federal law and is not under our jurisdiction. However, upon the initiative of the Ministry of Culture and Public Information an inter-Ministerial body was created to persecute and diminish piracy at all levels of creativity and cultural industries. A unanimous action should be implemented at all levels of the society to protect individual creativity and intellectual property and to make public awareness of cultural industry potential. It must be said that it is not easy to make specific laws in culture, when other, more general laws are not ready. Serbian society is undergoing an exceptionally dramatic and rapid

transformation, and further changes, even fundamental in some areas, can be expected in the legal framework of cultural policy, as well.

Therefore, in examining any specific subject in culture, several categories of regulations have to be taken into consideration at the same time. This is even more so in the case of financing--special legislation dealing specifically with culture (taxation, structure and management of cultural institutions, social security rights of artist, etc.) has to be taken into account. In spite of the fact that the federal Law on Ethnic Communities has been adopted a year ago, on the whole, legislation in the field of culture still does not adequately reflect the regional cultural and national variety. However, the Law on Local Self-Governance was introduced on September 2002. According to this law, local administration and self-governement bodies in counties, cities, districts, municipalities and towns are in charge of cultural protection and many cultural activites on a local level. Simultaneously, a part of the state budget allocated to culture has been given to local authorities. These laws represent an important starting point in a decentralisation of culture since responsibility for the cultural policy has been shared with local authorities. This clearly leads to a cultural identity, more precisely to the way a given community looks at itself and presents itself to outsiders.

Since the financing of cultural activities on the municipal level is still lower than it is necessary, the local authorities dealing with culture will have to raise their attention to the problem and prepare a serial of measures for improving the situation. We at the Ministry think that it is especially necessary to develop a new cultural infrastructure in a form of national network, which will at the same time preserve the already existing cultural programs, while introducing the new ones. The network of theatres, cultural centers, and halls of culture must be given a new and clearly defined role to bring the culture outside of regular centers. The precondition for this lies in establishing the current and future proprietary status, program activities, ways in which they are financed, and territorial scope of the activities on local level. It is obvious that further measures of decentralization are both possible and necessary, but these will depend on the overall degree of decentralization, notably in financial matters. Any process which draws on local resources and know-how in order to enhance people based quality of life, social justice and environmental care, carried out by local authorities is now defined as local development.

In addition, cultural industries also play a major part in the development of the society. Recently the Serbian government has adopted a global strategy to help sustainable development of small and medium companies, including cinema, publishing and music industries. Through this action, the government has recognized the value (measured by employment) and dynamism (measured by growth) of creativity to its economy. This is especially obvious in the field of cinema, music and publishing, where culture industries contribute to the development of cities, region and nation. For example, the Ministry decided to create an open competition to support film production and enlarged its budget to help development of cinema industry, especially because it was recognized as one of nation's best exporting products. Looking beyond obvious economic indicators (more employment in the sector) this will certainly contribute to operational convergence between media/information industries and the cultural/arts sector as our final goal. The outcome of this operational convergence is complex and challenging, covering a diverse range of activities, from individual creativity to national and international festivals as a basis for cultural tourism and improvement of national identity.

However, the biggest problem in culture lays in its financing. The financing scheme is based on annual programs of cultural activities, actions and events not only of national institutions but also of local institutions, NGO's and individuals. The state budget expenditure increased for all items but mostly for investments, international cooperation, protection of archival materials, music and theatres, but least for information technology, cinema houses, and houses of culture.

Since Serbia is a country in transition, many changes are still to come, especially in the view of the recently started privatization and strengthening of market economy. This will inevitably have an effect also on cultural activities, especially on their financing, which will benefit from financing through tax exemptions and donations.

Concrete projects on improving cultural life in provinces, festivals, exhibitions, etc., and many aspects of socially related art events for sustainable development have so far been identified as priorities. Some of the small-scale projects are submitted directly to competent committees within the Ministry in each field of culture and arts. In the field of the preservation and promotion of cultural diversity, more than hundred sites have been reconstructed and protected. The Ministry is also working to ensure that the heritage is more fully integrated into the economic and social life of the community and respects the environment. For example, we are now working on reconstructing the National Theatre, Synagogue and an art gallery in the town of Subotica, on the border with Hungary not only to promote sustainable development but also to emphasize the rich multicultural heritage and to promote a cultural tourism in this city.

The Serbian society, at the moment, is developed enough to be able to draw lessons from its tragic recent past and is ready to offer to its inhabitants a possibility to create a culture of dialogue, founded both on respect for differences and on recognition of composite, dynamic cultural identity, sustained by shared values. In this light, the Ministry of Culture and Public Information of Serbia will make sure to continue in contributing further the process of improvement of political, economic, social and cultural conditions. This will primarily be carried through diversifying cultural contents and methods by promoting universally shared values; enhancing artistic and intellectual capacities for participation in the emerging knowledge society; strengthening of cultural networks within and outside the country; protecting cultural diversity and encouraging pluralism among cultures; promoting access to information and means of communication and awareness raising regarding ethical issues, strengthening of independent and pluralist media. Hopefully, majority of these goals (listed below) will be accomplished in a reasonable time frame so that we could proudly hand the torch of culture to future generations.

LIST OF ACTIONS RELATED TO STRATEGIC GOALS

- | | |
|---|---|
| 1. Effecting the balance between protection of cultural heritage and promotion of contemporary creative practices | Successful culture and cultural policy needs both: cultural heritage as a dynamic part of the culture and contemporary creative practices as an important hallmark of a modern identity |
| 2. Reforming and upgrading the work of cultural institutions | Flexible cultural policy adapted to the needs and issues of the cultural institutions in transition, alongside clear definition of rights and obligations |
| 3. Revitalizing cultural industries | Promotion of the work of small and medium companies in the fields of cinematography, publishing and multi-media as vital parts of a nation's image and a means for its promotion abroad |
| 4. Decentralizing cultural policy | Transferrance of certain cultural policy rights and obligations to various levels of the government, clearly coordinated on the level of the Republic |
| 5. Promoting cultural heritage and creative work of the ethnic communities | Paying due respect to the fact that the citizens of the Republic of Serbia have multiple roots and identities |
| 6. Promoting the scope and quality of the international cooperation | Protecting cultural diversity and encouraging pluralism and dialog among cultures |
| 7. Introducing new «legislative philosophy» | Introduction of European standards into the existing legislation – more freedom as well as responsibility and provision of abundant incentives to all forms of creativity |
| 8. Education and training | Setting the highest professional standards for cultural workers and agents |
| 9. Democratic culture and cultural democracy | Culture as a «dimension» and a decisive factor of the social and economic advancement i.e. the stabilization of a democratic society |

**CULTURAL POLICY IN THE
REPUBLIC OF SERBIA**

EXECUTIVE SUMMARY

The Ministry of Culture has responsibility for establishing institutions and policies for the development of cultural affairs on a sustainable basis to enhance the individual, social, civic and economic development of the country. The Ministry demonstrates a strong willingness to reform national and local administration and to amend decision-making processes to provide greater transparency in cultural policy. It is committed to innovative cultural policy models and instruments and to contributing to the building of civil society institutions in the field of culture, arts and media. It has planned a major programme of rehabilitation of national and regional cultural sites and facilities.

The present organization of cultural, arts and media institutions is weak, not covering border regions of Serbia. Institutions are not stimulated to provide appropriate strategies for developing and implementing cultural policy. In spite of the existing institutional framework professionals in culture do not participate in the processes of life-long learning, retraining and improving professional skills. Institutional capacities are limited by a lack of competent management at the national, regional and local level, and inter-level and inter-departmental co-operation and separation of responsibilities and functions are not clearly defined.

Taking into account more than 10 years of devastation, extreme centralization, estatization and manipulation with culture, necessary priorities of the Ministry today are:

- Decentralization and deestatization of culture
- Establishing environment stimulating market orientation of cultural institutions and their efficient and effective work
- New legal framework for culture (harmonization with European standards)
- Multiculturalism as one of the key characteristics of Serbian society and culture
- Re-establishing regional co-operation and ties
- Active co-operation in accession processes to CoE, EU and WTO

Cultural policy reform is and will be based on democratic, transparent and sound principals involving both institutional and NGO sector.

Special accent has been put on the reform of main national cultural institutions and the public sector in general, demanding introduction of new managerial and marketing techniques.

Research in the field of cultural development has to be supported in order to provide all relevant information about employment, financing of culture, participation trends etc. that are necessary for further development of cultural policy instruments.

This will also be important for implementation of privatization process, property issues, which would lead to transformation of cultural sector as a part of general transformation of Serbian society.

Important aspect concerns international cultural co-operation through different financial, educational and information distribution incentives.

In conclusion, it can be said that relevant debates about cultural policy issues are also on the agenda of media and professional association, which will contribute toward refinement of cultural policy model and instruments.

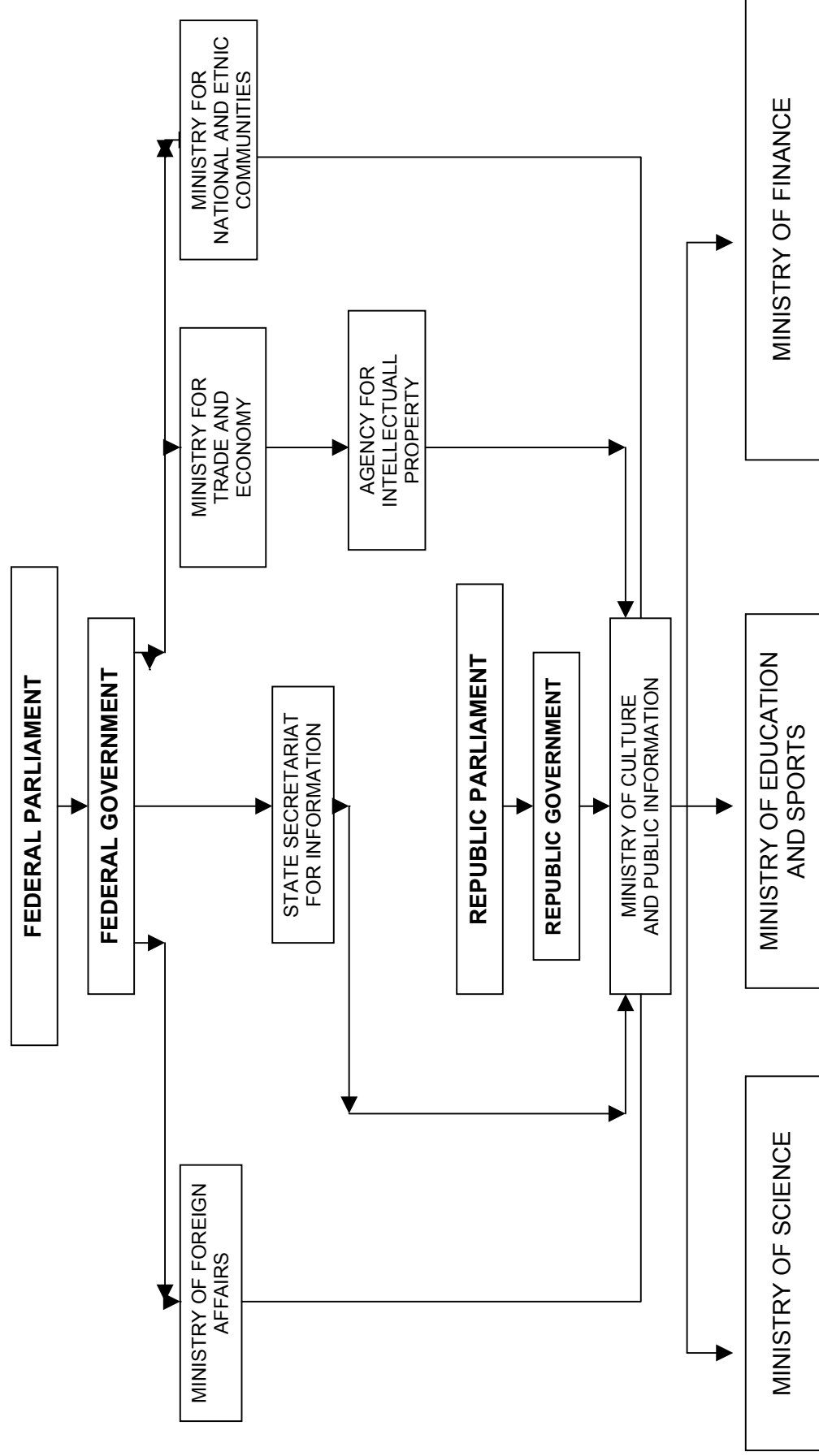
1. Historical Perspective: Cultural Policies and Instruments

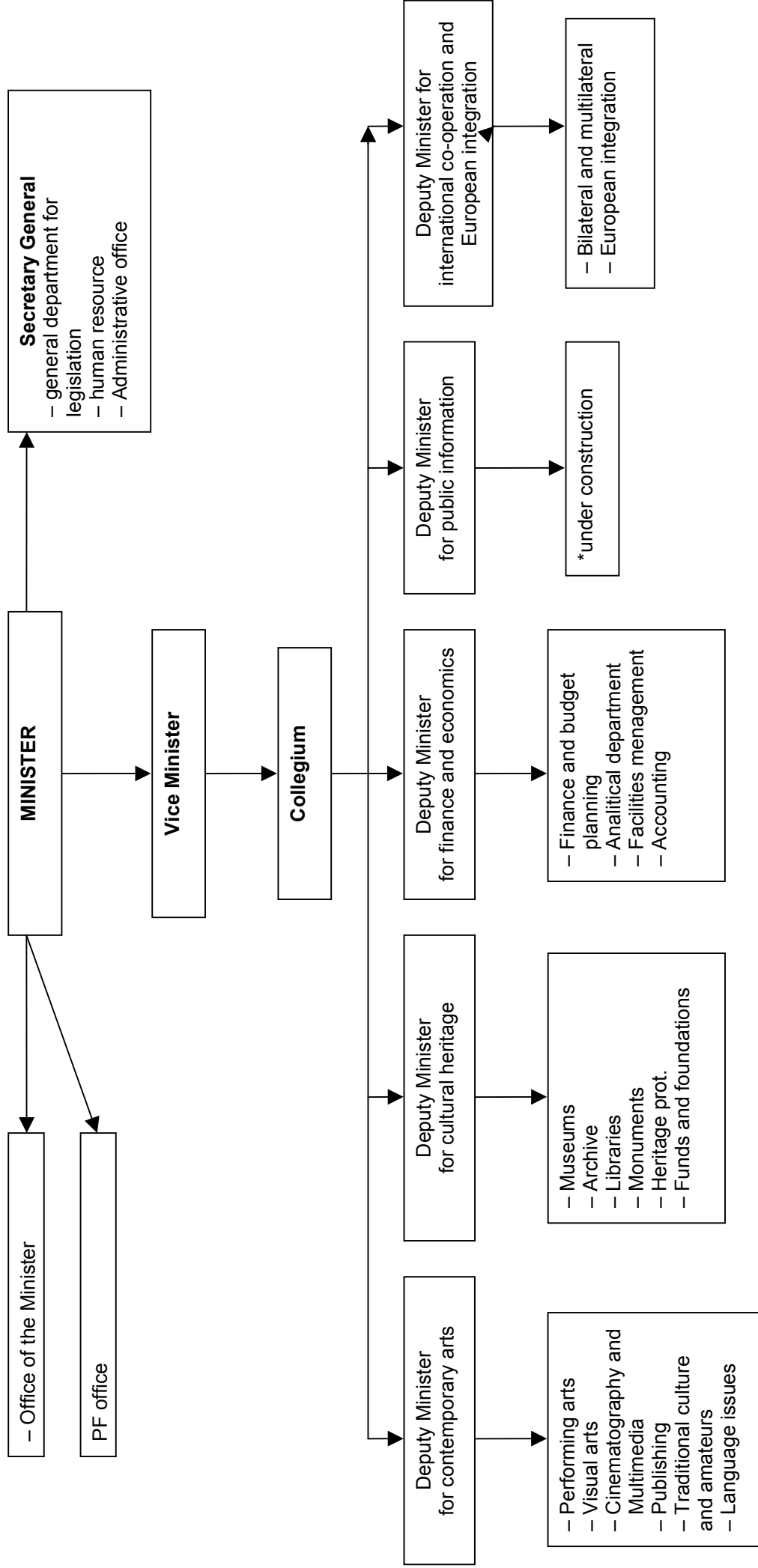
The cultural policy of Serbia after the World War II was developed within general political and ideological framework, emphasizing the role of culture as a promoter of socialistic values. The development could be divided into four phases:

1. 1945 – 1953: Social Realism and Repressive Cultural Model: The first phase was characterized by social realism copied from a Stalin's model of culture in the USSR. The function of culture in the ideological space was the utilitarian and did not allow thinking of culture as a field of individual freedom of any sort. Luckily, this phase lasted briefly and was succeeded by a whole series of progressive cultural actions.
2. 1953 – 1974: Democracy in Culture: the second phase evolved in two parallel cultural developments: one was still under strong state and ideological control but the other, more creative and more vivid, slowly conquered artistic freedoms. By the end of the 60s and beginning of the 70s many art forms got their institutions; prestigious international festivals were established, as well as large network of municipal cultural institutions (houses of culture, libraries and cinemas.) But, at the same time, many individual artists were sanctioned and their work banned (films, theater plays and productions, book etc.) This was not an officially proclaimed policy; it was executed through political and ideological pressure.
3. 1974 – 1989: Decentralization and Self-Management: This phase is unique for its cultural decentralization and specific cultural policy in former Yugoslavia. Serbia had some additional particularities due to its multi-ethnic and multi-cultural character. Two autonomous provinces (Vojvodina and Kosovo) obtained full competencies over cultural policy on account of their multi-ethnic and cultural structure. Cultural system was transformed, introducing "self-managing communities" of interest, and "free labor exchange", stimulating close links among cultural institutions and local economies ("Theatre communes", corporate galleries and colonies, etc.). At the same time, from mid 80' the strong nationalistic movement emerged among official and unofficial political and cultural institutions, stimulated in particular by liberalization of the media.
4. 1990 – 2000: Culture of nationalism: The culture in Serbia was marked by the lack of general concept and strategy, precisely by the lack of clear definition of cultural policy. This situation therefore created marginalization of culture as creative impulse and process of modernization of society, emphasizing the role of culture as a "keeper" and promoter of national identity. The self-management was abolished as a system, and cultural institutions were subjected to state/municipal authority, which appointed directors and controlled their activities.

2. Competence, decision-making and administration

2.1. Organisational structure (organigram)





2.2. Overall Description of the System

The political system of the Republic of Serbia gives overall competency for culture to the Ministry of Culture, which partly shares its responsibilities with the Regional Secretariat of Culture of Vojvodina (under the “Omnibus law” /February 2002). The law was passed in accordance with general policy of decentralization.

At the federal level (FRY) the Ministry of Foreign Affairs is in charge of general bilateral and multilateral international co-operation with international institutions and governments and the Ministry of Ethnic Communities is in charge of general policy of multiculturalism. Several functions in the cultural field are within the competence of Ministry of Education and Sport (art education, art management training, youth and student cultural activities and institutions), or other ministries, such as cultural programs and activities linked to different professions (Army, Police), or to specific groups – Ministry of Social Affairs (disabled, refugees, etc.)

The Ministry of Culture and Public Information of Republic of Serbia is in charge of policy and strategy of cultural development, support of the key national cultural institutions (there are twenty major national cultural institutions), legal issues in the field of culture and organization of cultural heritage protection system.

Regional Secretariat of Culture - Vojvodina is in charge of specific issues of cultural policy at its territory on account of the special needs and ethnic structure of this province. It is also in charge of major regional cultural institutions.

City councils (4 major cities: Belgrade, Nis, Kragujevac, Novi Sad) are key partners in developing cultural policy and participation in cultural life owing to the fact that most diversified network of cultural institutions are under their jurisdiction: i.e. theatres, libraries, museums as well as care about free-lance artists. The City Council of Belgrade founded most important international festivals (BITEF, FEST, BEMUS ...) and cultural institutions, which sometimes are of importance for the whole Serbian territory (i.e. the Theatre Museum).

Municipalities (local self-governments) are developing cultural policy to stimulate participation in cultural life, amateur activities, local cultural institutions and civil initiatives.

(There are 150 municipalities in Serbia, which usually consist of a town and 10 to 15 neighboring villages).

2.3. Inter-ministerial and Intergovernmental co-operation

Despite unsolved problems within the Yugoslav federation, intergovernmental co-operation, actually co-operation between the line-ministries of Serbia and FRY is good when it comes to issues of international co-operation and integration initiatives. Unfortunately, official co-operation between Serbian and Montenegrin governments in the field of culture barely exists, although there are certain relations between cultural institutions and artist through mutual projects and initiatives.

Inter-ministerial co-operation on the level of the Serbian government has not been institutionalized. However, links are sporadically established on specific issues and problems/projects. The necessity to create interministerial working groups (even interministerial funds) has been underlined on many occasions especially with regard to links between culture and education and science. The lines between tourism and culture, as well as cultural industries and economic sector, have not yet been recognized or publicly debated.

3. Cultural policy – General Objectives and Priorities

3.1. Main Elements of Current National Cultural Policy Model

The Serbian model is different from state models in former East-European countries due to the specific legacy of the self-management system in which relative freedom of art production existed and majority of cultural institutions were under the jurisdiction of city councils. In addition, since 1980 there is a certain possibility for independent groups of artists to produce and market their works.

It should be taken into account that existing system of institutions, arts groups and associations was created and developed at the entire territory of former Yugoslavia. With the collapse of former Yugoslavia the art production (films, books, journals, festivals, etc.) lost their markets and audiences. The result was too cumbersome cultural infrastructure, demanding (in %) more and more public funds. It was partially the reason why the “retaking” of socially owned (self-managed) cultural institutions by central government in the 90’s has failed to provoke higher protests (as it was seen as a step that guaranteed their survival).

Since 2001 cultural policy model demonstrates a slight change from a previous one. The Ministry of Culture has introduced new procedures and transparency.

a) Open competitions for financing projects in several areas:

- film production
- journals of arts and culture
- book purchase for libraries
- visual art purchase for museums

b) Public announcements of all given grants and subsidies in daily newspapers

On both: competitions and grant requests the treatment of public institutions and NGO-s is equal, and for the first time the Ministry of Culture is actively promoting independent civil initiatives in arts and culture exclusively on account of their quality and competence of the projects.

Decision-making process in some fields has been transferred to independent committees. Still, we have to underline that in other fields decision-making is under the authority of the Minister and Deputy Ministers. That is the reason why cultural policy model can be described as combined etatist-democratic model.

3.2. National Definition of Culture

There is no national definition of culture in the Serbian cultural policy – but the use of the word – culture – has several levels as everywhere in the world. In the narrow sense culture is used to cover areas of competence of the Ministry of Culture, such as: arts, artistic production, institutions, projects and heritage. In a broader sense, the definition of culture also covers artistic education, research in the field of arts and culture, cultural industries, cultural tourism – areas of responsibilities of other Ministries within the Serbian Government. In its widest sense the word culture is used to cover lifestyles, values and vision of Serbian multi-ethnic society. Very often in a public discourse, government officials use the notion of culture in this widest meaning, stressing the importance of value changes within the cultural system, which includes the norms, opinions, lifestyles (i.e. “decontamination” of culture, de-commercialization, fighting consumerism and chauvinism, etc.).

3.3. Do Cultural Objectives Reflect the CoE Principles?

Serbian cultural policy and its objectives certainly reflect all the main cultural policy principles of CoE, although we must admit that there are still sectors and instruments of cultural policy which have not yet been considered, namely:

- arm’s – length principle in decision-making process
- participation in the cultural life
- employment issues

Other principles – decentralization, multiculturalism, gender issue, and promotion of artistic creativity are developed as much as financial circumstances of the Republic of Serbia are allowing.

The system of cultural policy in Serbia is giving complete autonomy to regional, city and municipal authorities to lead their own cultural policy and develop their own instruments. This freedom has its positive and its negative sides: if the city or municipality considers culture as one of the priority area in that case instruments and mechanism of financing culture at the local level are very well developed. In opposite case, especially when it comes to small municipalities, cultural life is neglected and there is no national mechanism to compensate for it.

4. Current Issues in Cultural Policy

4.1. Priorities in the Period 1996–2000

- Etatization (centralization of decision-making process in the hands of the Minister);
- Politisation of culture: rising of internal embargo as a reaction to the international (preventing institutions and individual artists from entering European cultural networks, supporting cultural exchange only with few countries, etc.);
- Using culture as a tool for raising nationalistic feelings;
- Promoting commercial folk culture as a tool of evasion or annihilation of critical thinking;
- Placing an emphasis on certain cultural institutions and project relevant to Serbian history or national identity.

Since January 2001 in line with transition to democracy and market economy new objectives of cultural policy have been introduced:

- Decentralization and de-etatization of culture promoting equality between the national, regional and municipal authorities, as well as private and civic cultural initiatives;
- Enabling environment for market-oriented cultural institutions and their efficient and effective work;
- New legal framework for culture (harmonization with European standards);
- Multiculturalism as one of the key characteristics of Serbian society and culture;
- Re-establishing regional co-operation and ties;
- Active co-operation in accession processes to European integration (Council of Europe, WTO, and EU).

4.2. Recent policy issues and debates

4.2.1. New Forms of International Cultural Co-operation

One of the most important tasks of the Ministry of Culture was to re-establish the broken links with all international institutions and organizations. This, of course, is a mutual task for the Ministry of Culture as well as for all other line-ministries in Serbia and on the federal level.

The Ministry together with majority of relevant cultural institutions and individuals are very active in formal and informal co-operation with international community, its projects and initiatives: Council of Europe, Stability pact, Central European Initiative, UNESCO etc.

Special efforts are made to prepare and organize the Ministry itself and cultural institutions for WTO and EU accession process.

The Ministry is also very active in initiating and designing new models of bilateral agreements of cultural co-operation. Special attention has been paid to stimulate institutions to enter regional and international co-operation projects or networking although there are no mobility funds or funding for network fees or projects.

4.2.2. Heritage Development

Activities concerning the protection of cultural monuments are carried out by institutes for the protection of cultural monuments: in addition to the central institution, the Institute for the Protection of Cultural Monuments of the Republic of Serbia, there are eleven regional institutes with territorial jurisdiction over the monument funds on their territory. With the exception of Kosovo, where 3 institutes used to work, this network of institutes covers the entire territory of the Republic of Serbia.

On the whole, the past decade represents a period of stagnation. It was not caused by the poor organization of the service, the institutional network, or human resource potential, but rather by circumstances in which the service functioned, problems of economic, political and administrative character, the concentration of power and funding, as well as different kinds of pressures, which hindered professional approach, influenced the results, and decreased the efficiency of the service.

In the past year, notable efforts have been made to correct omissions and shortcomings from the preceding period, to provide better working conditions and to lead the protection service into the mainstream of modern conservation. In spite of visible changes in service organization and significant efforts aimed at defining a development strategy and conservation policy which would favor conservation planning and determining intervention priorities on the basis of the kind and degree of endangering to the heritage involved, insufficient funding still hinders or makes impossible the realization of most planned conservation activities. In such circumstances, professional work, as well as timely engagement in expert, preventive, and operational tasks of protection and preservation of cultural heritage, is rendered much more difficult.

Certain progress has been achieved in the field of re-establishing international professional contacts and cooperation with institutions and organizations in the conservation field, with the goal of improving methodology and knowledge in this area, as well as opening possibilities of expert consultation for the more complex professional problems.

In considering the future of the monument protection service, the prevailing attitude is that it is not necessary to start with reorganizing the existing network of institutes in order to define its development strategy. On the whole, this network is quite satisfactory, with the possible revision of the territorial jurisdiction of certain institutes, which cover too much territory, such as institutes in Nis and Kraljevo.

A clearly defined conservation policy, including an improvement of the existing service by modernizing all its segments, from legal protection, documentation, categorization, technical protection, to presentation and utilization – represent possible directions for enhancing the heritage protection service.

A high degree of professionalism, responsibility and efficiency – these are necessary conditions for the functioning of every modern conservation service, and they can be achieved by a well thought out development strategy of this service, which would, in short, have to take into account the following goals:

1. Affirming discipline by strengthening the existing institutions;
2. Returning competence to protection institutions;
3. Providing a strong legal framework for functions of this service, as well as conditions for the laws to be enforced;
4. Creating management plans for the most important monument values;
5. Returning competence to conservators by increasing their level of expertise access to information and professional responsibility;
6. Strengthening teamwork and giving priority to team oriented organization of the activities;
7. Giving more attention to neglected segments of conservation – urban and rural sites, as well as cultural landscape – in accordance with world conservation trends;
8. Greater cooperation and integration with other disciplines (urbanism, tourism, nature protection service);
9. Involving the public in conservation activities (well considered marketing activities which would further strengthen awareness to the values of heritage in one's own environment);
10. Developing the conditions for education and training in this field, at the University level as well as through continuous professional development.

To accomplish some of these goals, it would be necessary to supplement the existing systematization of expert profiles (for instance, with the fields of marketing and information technology).

4.2.3. Strategies to Stimulate Employment in the Cultural Sector

The issue of employment has not been on the agenda of the Ministry of Culture except for the recent efforts to transform and reorganize major cultural institutions.

There are no special working groups or committees, which are exploring possibilities of entrepreneurship in culture but there are some initiatives to revitalize economic potentials of cultural industries.

Still, it has to be said that cultural and media workers as well as artist have been very active in establishing new institutions, such as: radio stations (from 100 in 1995 to 162 in 2000), television stations (from 20 in 1995 to 66 in 2000), and theaters (from 26 in 1989 to 41 in 2000).

On the other hand, the number of employees in public institutions stagnated in the same period, and currently it is general government policy to reduce the number of public employees in all fields.

4.2.4. Language Issues and Policies

Language issues and policies refer to the official definition on the use of Serbian language and its standardization. In former Yugoslavia, from 1918 to 1991, the official language was named Serbo-Croat, or Croato-Serbian, depending in which part of the country one lived. From 1991, the official use of Serbian language and script is understood to mean the use of a language and script by the Government agencies, organs of autonomous provinces, towns and municipalities, organizations exercising public authorities, public companies and public services, as well as by other organizations.

The Law on the Official Use of the Languages stipulates to which particular activities of these organs the provision applies. The official use of language and script implies communications, oral and written, between the organs and organizations and with the clients. These communications must be part of the procedures in the course of which citizens' rights, duties and responsibilities are implemented and protected. They involve keeping of records by municipal organs and organizations that exercise public authorities; issuance of public and other documents; as well as implementation of the rights and duties of employees stemming from, and based on, employment. Likewise, the official use of language is understood to mean the inscription of names of towns and villages, other geographical names, the names of squares, streets, organs, organizations, and companies, the announcements of public calls, information, and public warnings and the inscription of other public notices.

In the Republic of Serbia, the Serbian language and Cyrillic are in use. The Latin script is used in municipalities having considerable population belonging to peoples whose primary script is, in line with their tradition, Latin. In the areas where members of national minorities live, the minority languages are in official use concurrently with the Serbian language. Namely, the 1991 Statute of AP Vojvodina laid down that, alongside the Serbian language and the Cyrillic script, the Latin script and the Hungarian, Slovak, Romanian and Ruthenian languages and their scripts shall be in official use as well. In accordance with the Constitution, the Law on the Official Use of Languages, the Law on Local Self-Government and the Statute of AP Vojvodina, the municipalities have adopted new statutes governing the official use of languages and scripts. Currently, in AP Vojvodina, 20 municipalities use a national minority language in parallel with the Serbian language. Eleven municipalities use two national minority languages in parallel with Serbian language. Five municipalities and the city of Novi Sad officially use the Serbian language and three national minority languages.

Language and literature policy refers, in a broader sense, to three areas. These are the general book policy, the reading incentive policy in relation to libraries, and policy on the promotion and distribution of various forms of literature in Serbian and other languages spoken in Serbia. This last category could be defined as a specific language policy and focuses not only on writers but also on translators and publishers. Other areas of specific language issues and policies cover the conservation, protection, education on, and accessibility to the specific literary collections of old and rare books, as well as dissemination and promotion of Serbian literature abroad.

4.2.5. Relation between Media and Culture – (Identity)

According to the new Law on Ministries (June 2002), the Ministry of Culture became the Ministry of Culture and Public Information. The Ministry is now working on the legal framework and policy development in this field.

The first and completely new legal instrument in this filed is The Law on Broadcasting (adopted in July 2002).

According to the article 45 of the Broadcasting Law types of broadcasters with regard to programme content may be:

- Broadcasters of complete programmes, encompassing news, educational, cultural, scientific, sports and entertainment contents as the predominant part of their activities;
- Broadcasters of specialized programmes, the content of which fundamentally belongs to the same thematic category (sports, culture, music, education, et al);
- Broadcasters whose programmes are wholly devoted to advertising and sale of goods and services;

Programmes produced and broadcast within a public broadcasting service will be of public interest and it will encompass programmes with information, cultural, art, educational, religious, scientific, children's, entertainment, sports and other content, which ensure that the needs of citizens are met and their rights in the broadcasting sector fulfilled.

These Programmes must also ensure diversity and balance of content upholding democratic values of modern society, particularly the respect of human rights and cultural, national, ethnic and political pluralism of views and opinions.

There are also specific public radio channels for the arts and culture, as well as private TV station – Art Channel.

The Law on Public Information is still in the drafting process. Its objectives inter alia will be to prevent hatred speech and promotion of nationalism taking into account the role of media under the Milosevic regime.

Public Radio-Television was a major producer of cultural programs - drama and TV films, educational programs, documentaries etc. both independently and in a co-operation with film production companies.

Most of the printed media were privatized over past three or four years. The available statistical data on number of news-papers shows nearly same level today as in 1989 but the data on the number of their matriculation copies shows huge decrease: for more then 50% compared to 1989.

4.2.6. Equality Issues and Cultural Policies

The gender issue still plays a minor role in the cultural policy debate, because during the post World War II period, the access for women in cultural sector was stimulated and many roles have been and still are performed by women. (However, although the women represent majority of employees in cultural sector, only 30% occupy leading positions).

4.2.7. Arts Education – Programs and Models

The debate on programs and models of art education has started recently within the Ministry of Education and Sports initiated by the University of Arts. Art education is integrated in the curricula of primary and secondary schools only in few disciplines (literature, music, and fine arts). There are no drama, film or media literacy courses, and in last ten years such workshops as extracurricular options have disappeared from great number of schools.

On the other hand, only music education was systematically developed along specific educational vertical line starting with elementary music schools (in each municipality), secondary music schools (in big cities) and higher musical education (University of Arts in Belgrade, Novi Sad, Kragujevac and Nis). Two ballet schools at the secondary level are situated in Belgrade and Novi Sad.

There are also several schools at the secondary level for design and old crafts.

Four public universities in Serbia and few private have programs in theater, film, fine arts, radio and TV, educating wide range of artists, art teachers, cultural managers and other professionals in the cultural field. It has to be said that education of cultural managers and animators started in Serbia in 1960, introducing already the thinking about productivity, efficiency and market orientation in the fields of art and culture.

Basically, we can say that higher artistic education is fulfilling the needs for different professional qualifications in all artistic fields, except ballet, dance and choreography, or puppet theaters, and currently there are various initiatives to launch adequate courses for ballet pedagogues and choreographers.

The graduates of art schools (except fine art graduates) can easily find a job, and there are many professions where the demand is greater than “the supply” (music teachers, various orchestra players, sound engineers, cultural managers, etc.).

Art education outside school curriculum is ceded to the initiatives of municipal cultural institutions (houses of culture) or individual artists, who are proposing courses, workshops, and events etc, the fee of which is mostly covered by children themselves. Public (national) art institutions do not have art education policy or departments and it was just recently that ICOM has organized a working group of museum educators to start working on project proposals and fund-raising for such programs. Still, within the system of cultural institutions there is a network of children & youth cultural centers, inherited from socialist period, which are today trying to reorient their work and include new forms and practices.

4.2.8. Cultural Industries: Development Programs and Partnerships

The Ministry of Culture has recently initiated working group for policy issues involving cultural industries development: the problem is very important for future integration to WTO and also because of their potential for economic development of Serbia. The Ministry of Science, Technology and Development produced working version of the Strategy of the Economic Development of Serbia up to 2010 in which cultural industries and media have not been taken into account. One of the main tasks of the Ministry's working group is to raise awareness and advocate for the integration of cultural industries in that document as well as in other strategic documents of Serbian government (small and medium enterprises development etc.).

In the field of cinema, whose infrastructure is mostly privatized, the first steps in creation of the new law (with the support of CoE) have been made. Meanwhile, the Ministry is working on the establishment of National Cinema Center, for which extra budget funds for 2002 have been secured. On the basis of the open competition this money is distributed to producers who will have the obligation to return a certain amount after the exploitation period and legal establishment of the National Cinema Center will follow entire procedure.

The Ministry is also working on the new publishing law, i.d. on book-policy strategy together with the expert of CoE.

Another important and very complicated issue is piracy, which systematically grew throughout the 90's due to both the international embargo (copyrights were denied and abused), as well as neglect of the previous regime to enable "small entrepreneurs" to develop and enter this field. The situation in a film/video/television market, as well as in publishing (where piracy is mostly depriving local authors and publishers of their rights— local photocopying offices are even having advertisements selling school manuals or best-selling books in "photocopy version"), is difficult and in music production nearly completely out of control (especially regarding foreign copyrights ownership).

Since the intellectual property is under the jurisdiction of federal ministries and agencies, it is very hard to create a legal policy and strategy to fight piracy in Serbia. Nevertheless, there is a strong political will to tackle this problem and there was a lot of debates and initiatives which will hopefully very soon, with the support of international governments and organization, lead to proper strategy to put this industries into the legal framework.

4.2.9. Cultural Tourism

The development of cultural tourism will certainly contribute to a greater financial and organizational independence of cultural institutions and organizations throughout the country, as well as to a decentralization of culture. However, cultural tourism in Serbia was constantly neglected: bad road infrastructure, lack of proper accommodation, poor communications, undercompetent staff, all these contributed to the very poor level of cultural tourism, although summer festivals and art colonies especially in spa towns are largely widespread.

Last year, the Ministry organized a seminar on cultural tourism in one of famous but neglected Serbian spa. It was concluded that something urgently must be done to promote various cultural sights throughout the country, such as churches, monasteries, museums and monuments, as well as ethno-villages and other specific sights. The Institute for the Cultural Development is currently conducting a research under the auspices of the Ministry of Culture how cultural tourism should be improved and what is there to offer around the country. Furthermore, the Institute is elaborating a complete strategic marketing for tourism in towns, or regions, where a highlight should be placed on rich cultural offering. Furthermore, the Ministry of Culture together with the Ministry of Tourism is planning to develop a common strategy for growth and enhancement of cultural tourism.

4.2.10. Cultural Minorities – Special Legislative Provision and Community Art Programs

The FRY is a multiethnic, multi-confessional and multi-cultural state in which live members of national and ethnic communities, such as Albanians, Hungarians, Yugoslavs, Bosnians, Roma, Croats, Slovaks, Macedonians, Romanians, Bulgarians, Ruthenians, Wallachians, Turks, etc. So, there are over 20 registered national and ethnic communities, 16 of which may be considered relevant. Some of them are territorially homogeneous: Hungarians in Vojvodina and Bosnians in Sandzak, while others are dispersed like the Roma, Haskalis/Egyptians, Tsintsars or Slovenes.

Following the democratic changes in the FRY, the Federal Ministry of National and Ethnic Communities was established at the federal level.

The Federal Ministry of Ethnic Communities is fully in charge of general policy towards ethnic communities including cultural issues. On 11 May 2001 Yugoslavia acceded to the CoE Framework convention for the protection of national minorities. After that in February the new federal Law on the Protection of Rights and Freedom of National Minorities has been approved and in April 2002 the new Cultural Center of Ethnic Communities has been created.

The Law on the Protection of Rights and Freedom of National Minorities regulates the ways in which the rights of persons belonging to national minorities will be implemented. The Law represents an additional source of the constitutional law in FRY, which stipulates rights to preservation, development and expression of ethnic, linguistic, or other specificities of national minorities (Article 11 of the Constitution). They include: the right of national affiliation, the right to co-operate with co-nationals in the country and abroad, the right to use one's native language, the right to use national symbols and all the other rights and solutions which protect the specificity of national minorities in the files of special interest to them.

The provisions aimed at the effective participation of minorities in decision-making on issues related to their specificities, in government and in administration, constitute a unique feature of this new Law. Under the terms of this Law, the national councils of national minorities are partners and consultative bodies of the government, and their members participate in decision-making on questions of importance for the specificity of national minorities.

The Ministry of Culture supports a number of cultural projects and programs of ethnic communities all over Serbia especially focusing on Roma minority due to their

previous almost complete neglect. Municipalities and Region of Vojvodina also have special programs for communities on their territories.

The Ministry of Ethnic Communities organized the youth camp “Culture of Cohabitation” in Novi Pazar, May 2001. The camp’s objective was to be the meeting place of the representatives of different religions and nations and advocates of different ideas.

The Ministry of Culture launched the project “Awareness and Understanding of the Human Rights – Perception of and Attitudes towards the Right to Cultural Autonomy of Ethnic Minorities in the Region”. The motive: in the region of permanent conflicts among the ethnic groups, the insight into people’s attitudes should be one of basic anchor points in finding the most efficient way for implementing the idea of tolerance and reconciliation programs.

4.2.11. Development of Cultural Centers and Associations

a) From Cultural Centers to Associations

Cultural centers as “houses of cultures” were created throughout Serbia immediately after World War II, even in the smallest rural communities. Their principal role was to host cultural associations and amateur arts, as well as to present art products coming from major cultural institutions (exhibitions, films, theatre plays, etc.).

Throughout the 90’s most of them succeeded to survive by renting their space to commercial activities (small shops, billiard clubs, jackpot machines entered big halls of such centers), still keeping their local cultural function by giving premises to local amateur groups and associations for their programs. Today, there are more than hundred “houses of culture” still active, and 80 of them have entered the “Capacity Building Program” supported by the French Government and organized by the Center for Professional Continuous Development of University of Arts in Belgrade.

b) Civil Society, Cultural Centers and Associations

The role of cultural associations in previous ten years was extremely diversified. From associations created within state stimulants aiming to promote nationalistic cultural policy of the state to associations created to fight such policy, this field included also amateur artist associations, artist’s unions etc. The most important cultural associations created in the 90’s, regrouped artists around certain vision fighting to break internal and external co-operation barriers. Groups such as “Dah Theater”, “Led art”, “Skart”, “Fia”, “Remont” have widely contributed to the revitalization of cultural field and introduction of new ways of management and networking in Serbia. On the other hand, amateur art associations extremely developed in the era of socialism decreased in both number and activities, not being able to find new mission and new sense in changing circumstances.

c) Legal Framework

Association of citizens can be created on both federal and national level.

The problem is that all associations have been created according to same criteria, although the difference between professional associations (which act more as trade

unions for the free lance artists), group of amateurs and NGOs fighting to complement public policy in certain field is such that it demands completely different legislative logic.

d) Management

Throughout the 90s newly created associations and NGOs were very active. As alternative to the established cultural system they have succeeded in obtaining international support and recognition. Due to this fact many leaders of NGOs participated in different programs of management and leadership training, which resulted in their better capacity in comparison to traditional associations or cultural institutions.

In the mid 90's, Fund for an Open Society (Soros Foundation, Yugoslavia) helped in the creation of Center for NGO support, which provided consultancy and training to numerous NGOs in Serbia.

Stimulated by different international organization and their support, many NGOs entered European and South East European networks and exchange programs, acquiring various competencies, mutually supporting each others development. That resulted in internal Serbian NGO networking, especially in the cultural field (Balkankult, Association of Alternative Theaters, etc.) and inclusion of NGO movement in the larger socio-political arena.

e) Role of Cultural Association/Amateur Arts in the Support of Creativity

The Ministry of Culture has recognized the need to help reorganization of the Serbian union of amateurs, which basically concentrated their work around festivals and manifestations (total number: 215). Statistically there are 300,000 amateurs regrouped in 2000 amateur groups (theaters, choirs, music, folklore etc.). Therefore we might say that the whole amateur sector is in "transition" due to the fact that some of the amateur companies have qualities of professional ones (for instance: choirs and folklore groups) and some are real groups of art practitioners without artistic ambitions. But many of them used to have premises and administrative staff that made them very similar to cultural institutions depending heavily on public funding.

Specific problem in contemporary cultural life in Serbia represents inherited large network of the so called "Cultural-educational communities" formed in the 50ties as associations of citizens to complement state and local cultural policy by their actions and programs. Over time they have bureaucratized and became extension of the state, unable to work and act independently of public funding.

5. Main Legal Provision in the Cultural Field

5.1. Overview of Legal Competence

The first task of the Serbian Government since 2000 was to establish the rule of law in all fields. This meant that the legal framework (including Constitution) had to be reinvented. It would be improper to start with specific concrete laws in cultural field

outside basic legal framework, which defines territorial organization of the country, property issues, process of privatization, taxation etc, etc. This is the reason why many laws relevant to culture are currently in the drafting stage while more general national laws are already in Parliamentary procedure.

The Ministry of Culture plans to evaluate all existing legislation related directly and indirectly to the field of culture in order to distinguish between the fields which need to be regulated and those where actually de-regulation is needed. One of the steps would be to establish legal data-base of the existing EU legislation (and moreover “legislative philosophy”) in order to create completely new legal framework in the “traditional” sense as well as in the areas in which we have never had legislative framework before (mostly areas connected to information technology for instance).

Meanwhile, the Ministry was very active in drafting other relevant laws and acts important for culture for instance: tax-free stimulation for investments in culture under the Law on the Profits of Legal Entities, and tax incentive for books under the Taxation Law.

1.	The Law on Public Interest in Culture	- 1992
2.	The Heritage Protection Law	- 1994
3.	The Copyright Law	- 1998
4.	The Law on Cinema	- 1991 amended 1994
5.	The Publishing Law	- 1991 amended 1994
6.	The Library Law	- 1994
7.	The Foundation and Fund Law	- 1998
8.	The Free-Lance Artists and Cultural Workers Law	- 1993 amended 1998

5.2. Legal Framework for Artists

5.2.1. Social security – Labor Relation

The status of free-lance artist (usually organized in different Professional Arts Associations, which perform artistic activities) is regulated by the Law on the rights of self-employed artist. According to the law they are entitled to health, pension and disability insurance, paid by municipalities. The Associations keep a register of free-lance artists.

In Serbia all artists employed in cultural institutions are public servants under the Public Servants' Law Regime. Collective bargaining agreements exist in the fields of theater, archives, museums, libraries and institutes for heritage protection and special section of the trade unions are bargaining, enforcing and monitoring these agreements. For free-lance artists the Law stipulates social security and retirement funds paid by municipalities. The Ministry is working on reforming a performing arts network, which will cover the whole Republic, including the introduction of a new model in which artists will be engaged on the base of contracts for each project.

5.2.2. Taxes

1. Law on the Profits of Legal Entities:
 - Legal entities may deduct 1.5% of their income in one fiscal year for all donations for culture.
2. The Income Tax Law
 - Allows deduction for incomes of private individuals spent on cultural activities.

Artists are entitled to tax deduction from 40% to 65% of their earnings received for artistic work.

3. Gifts to the museums, libraries and other cultural institutions are exempt from taxation

The tax rate on net income resulting from intellectual property rights is 20%. The Income Tax Law (RS OG No. 24/2001) in the Article 55 provides the list of activities eligible to tax deduction:

- Sculpture, tapestry, art ceramics, mosaic and stained glass – 65 per cent of income is regarded as expense, and tax deductible;
- Art photography, fresco painting and similar arts, clothes design and textile design – 55 per cent of income is regarded as expense, and tax deductible;
- Painting, graphic design, industrial design, visual communications, landscaping, restorations, translations – 50 per cent of income is regarded as expense, and tax deductible;
- Music performance, movie making – 45 per cent of income is regarded as expense, and tax deductible;
- Show programs and performance of folk music – 10 per cent of income is regarded as expense, and tax deductible;
- All other activities – 40 per cent of income is regarded as expense, and tax deductible;

The tax rate on capital gains (e.g. the net gain from the sale or other transfer of an intellectual property right) is 20%.

5.3. Cultural Industries – Film and TV

The laws regarding media sector are still in the government procedure: the Law on Telecommunication and the Law on Advertising, while the Law on Broadcasting has been adopted in July 2002. Unfortunately, the implementation of this law has not started yet, since an independent regulatory body, the Council of the Broadcasting Agency, which will be in charge of all decision-making defined by the law, has not been yet created.

5.3.1. Quotas

The public broadcasting service institutions of the Republic of Serbia and autonomous provinces, as well as the local and regional broadcasters, which are predominantly state-owned, are obliged to place at least 10% of their total annual broadcasting time at the disposal of independent radio and television productions. An independent production includes co-productions.

Programmes older than five years may account for maximum 50% of the quota in paragraph 1 of the Article 74.

5.3.2. Language

In achieving public interest in the broadcasting sector public broadcasting service is obliged to produce and broadcast programmes intended for all segments of society, without discrimination, particularly taking into consideration specific social groups such as minority and ethnic groups.

Of the total annual broadcasting time, a broadcaster is to broadcast at least 50% of programmes produced in the Serbian language, out of which at least 50% will be produced by the broadcaster itself.

Broadcasters producing and broadcasting programmes for national minorities are obliged to broadcast at least 50% of their self-produced programme in the total annual broadcasting time in the language of national minorities.

5.3.3. Film and Other Promotional Laws

There are two basic national institutions that cover filmmaking activities in Serbia: Yugoslav Cinematheque (one of the five largest film archives in the world), and the Film Institute, Former Yugoslavia was very well known for its film production, not only of long features, but also in the field of documentaries and short films, and had a production of twenty to thirty long feature films per year. However, with the dissolution of the country, since 1991 about five films per year were produced. This

situation has been changed recently, when the Ministry of Culture and Public Information initiated the creation of a new, contemporary legal regulation in the field of film, as well as the establishment of the National Cinema Center which will set up new rules of legal and production behavior, i.e. respecting author's rights, determination to stop movie and video piracy, getting closer to European Film Fund and models, getting back to various international film association. Recently, Yugoslavia has entered the Eureka Audiovisual (2001), and became very active within the South East European Cinema Network. Furthermore, in anticipation of the adoption of a new Film Law, the Ministry of Culture and Public Information has put out an open competition for state funding of new films, and 1.5 million Euros have been invested into six long feature films, and a number of short and documentaries, whose production will form a basis for a future National Film Center, which will coordinate production, distribution and protection of movies.

5.4. Copyright Amendments

5.4.1. Author's rights

Intellectual property policy is currently characterized by an ongoing effort to harmonize domestic Intellectual Property Law with the international conventional law in this field, guided by appropriate solutions from the comparative law.

The Law on Copyright and Related Rights (1998) regulates the object and the content of copyrights and related rights, the organization for collective realization of copyrights and related rights, and sanctions for infringement. That law extends copyright protection to any "original intellectual creation of the author, expressed in particular form, irrespective of its artistic, scientific or other value, its purpose, size, contents and manner of expression, as well as the permissibility of public announcement of its contents". A non-exclusive list of objects included in the scope of this protection refers to written works (books, pamphlets, articles, etc.), spoken works (lectures, speeches, orations etc.) dramatic, dramatic-musical, choreographic and pantomimic works, as well as works originating from the folklore, music works, with or without words, film works (cinema and television works) fine art works (paintings, drawings, sketches, graphics, sculptures etc.) architectural works, applied art and industrial design works.

5.4.2. Blank tapes levies

Blank tape levies are regulated by Article 35 of the Copyright and Neighboring Rights. According to the Article "any author...any performer as well as any producer...shall have the right to a compensatory royalty". Paragraphs 2,3,4 and 5 identify the payers and the recipients of royalties.

5.4.3. Public lending rights

A certain aspects of public lending rights are also regulated by the Copyright and Neighboring Rights Law.

5.5. Cultural heritage and properties

The Cultural Heritage Protection Law from 1994 defines public services in this field. A number of special decrees and regulations further stipulate mechanisms to conduct inventories to valorize and categorize cultural heritage as well as responsibilities of archives, museums, film archives and libraries. Cultural heritage protection is one of the top priorities of the Ministry of Culture because it represents national tradition and identity of all peoples and cultures in Serbia.

The Cultural Properties Law – the current one dating from 1994, while the new law is still in the Parliamentary procedure, regulates the substance and system of protection.

According to the Cultural Properties Law, the activities carried out by the protection institutions consist of: research, recording properties which claim preliminary protection, valorization, proposing and determining cultural properties, categorization, maintaining registers and the Central Register, preparing studies, proposals and projects, providing owners and users with expert assistance in preserving and maintaining cultural properties, proposing and overseeing how technical protective measures are carried out, publishing the results of cultural property protection activities, and participating in the preparation of urban and territorial plans.

Export of cultural heritage, irrespective of the ownership form, is restricted in case of registered heritage.

The Ministry of Culture initiated drafting of the Archives Law, which currently does not exist. The law is to stipulate new legal framework for their activities according to European standards.

The Ministry is also working on drafting the new Library Law which is to classify and reorganize libraries networks according to the UNESCO standards and makes necessary legal conditions for the improvement of their activities, especially in view of the fact of e-publishing, digitalization and networking.

5.6. Legal Incentive for Public – Private Initiatives

The fact that Law on Legal Entities Profit gives right for deduction of 1.5% of their income in one fiscal year for all donations to culture is a good start but more initiatives are still needed for practical use on both sides: companies as well as stakeholders.

6. Financing of Culture

6.1. Short overview

The Republic of Serbia introduced (September 2001) a new budgetary system based on internationally accepted financing statistic codes, which enables the whole public sector to formulate and monitor all public expenditure in new ways.

This new system affected and is still affecting the Ministry of Culture itself as well as all public cultural institutions with a quite new “philosophy” of public financing, but at the same time the system, for the first time in Serbia, gives the opportunity to establish comparative analytical system which will be of great help to the Ministry to analyze and formulate new methods and instrument of cultural policy concerning public finance.

Statistical system, which is currently implemented in Serbia does not provide the real information about public expenditures for the culture because expenses for numerous institutions are under budgets of different ministries, such as: the Ministry of Education and Sports (art education, student cultural Centers etc.), the Ministry for Foreign Affairs (international co-operation), the Ministry for Science, Technology and Development (research in arts and culture), or extra-budgetary line, such as expenses for Serbian Academy for Art and Sciences, etc. Also, the city and municipalities budgets for culture have not been classified as such

The Ministry of Culture is financing the work of 173 public cultural institutions and, through projects, several hundred more cultural institutions and NGOs.

To improve the system of financing culture, Government has established an Agency for Cultural Development in June 2001. The main task of the Agency is to make and suggest programs for improvement of economic status of culture, suggests fund-raising programs on international level, monitoring and distribution of foreign donations, co-operation with public institutions and NGOs.

6.2. Cultural Expenditure per Capita

Currently not available.

6.3. Public Support for Culture

See 6.1.

6.4. Private Support

The philanthropy and donations regarding arts and culture in Serbia developed during XIX century as parts of national resurrection movements, whereby new bourgeoisie felt responsible to support creation of national cultural institutions. Serbian National Theater in Novi Sad, and all other theaters in Vojvodina, was created exclusively through private support and donations. At the same time, in Serbia donations also played a crucial role, both in the form of large individual donations, and in the form of collective small private support for the important cultural initiatives not supported by state (Gallery “Cvijeta Zuzoric” in Belgrade, was built around 1930, only through private donations of citizens).

After World War II, private property was banned, and the only form of private support to the arts was legacy of a private person to museum, etc., or his/her acting as collector on the art market.

However, enterprises (socially owned) acted as “corporate donors” until the economic crisis at the beginning of the 90’s. Nowadays, enterprises are mostly supporting art production with services or goods. Hopefully, revitalization of the Serbian economy will create better conditions for a more efficient partnership between business sector and culture.

6.5. Culture in Market Economy

The cultural market in Serbia was ruined during the 90’s due to huge inflation and lowering of the living standard. This is the reason why the number of audience decreased as well as the number of buyers of cultural/artistic goods and services, since population income has drastically diminished.

At the end of the 80’s individual expenditure for cultural goods and services represented 80% of the total expenditure for culture. It shows in itself how large the art audience was and how deep their needs, diversified practices and habits were.

In 1993–1994, owing to huge inflation (100% per day), the prices for art products, or cinema/theater event, became so insignificant – both for users and for institutions, as well as subscription (for reviews, journals etc.). Any effort in audience development and marketing became senseless.

Now, step-by-step the cultural market is recovering. Art collectors have reappeared again on the visual art market; bookshops in provinces have started to work again, as well as cinemas, private theaters, etc. Yet, there is certain reluctance to restart subscription system (publishers of many books or journals, although they had obligation to publish and send them to subscribers, failed to do so, and audience lost confidence in cultural providers for long-term services). Trust is one of the key “institutions” to be re-established between the government and population (the billboards for National Bank of Serbia bore the slogan: Everything is in Trust), and the art market will recover together with the recovery of the banking system and the tax-paying system (the new government campaign slogan is: “I love my country – first I have to pay the taxes on income.”).

6.6. Privatization

Privatization process has only begun to be considered in the public cultural field, especially cinemas, bookshop chains, publishing companies and even “houses of culture”. The Ministry of Culture in coordination with the Ministry for Privatization is actively participating in the process of privatization. Within this collaboration, the Ministry of Culture laid out a tenet that the purpose of the privatized institution can not be changed five years after privatization (to prevent privatized bookshops or cinemas from becoming merely a sort of business premises

s – Because the usual “urban” position of those institutions was extremely good – in city centers, pedestrian streets, and their market value consequently became very high).

6.7. Sectorial Breakdown

Currently not available

7. Cultural Institutions and New Partnerships

7.1. Re-allocation of public responsibilities

Although the arm’s-length principle is not used in the Serbian cultural policy model the government is transferring its authority to the boards of cultural institutions and its directors (appointed by the Ministry of Culture). In spite of the fact that the Ministry supports institutions financially, it is not interfering in their mission and goals and even less in the contents of their activities, such as choice of the repertoire and artistic expression. The links and responsibilities between the Ministry and the boards, and task division between the boards and the managers of the institutions have not yet been clearly defined.

It means that monitoring and evaluation as standard forms of relations and the apportioning of responsibilities have not yet been established. Boards usually approve one-year plans and annual reports that are sent to the Ministry for further financing.

It remains for the future to establish new role of the boards of cultural institutions as strategic policy making bodies, which coordinate government priorities with mission and strategic priorities of cultural institutions. In addition, the boards of the City of Belgrade's cultural institutions are paid and partially instructed for policy making, whereas the boards of national cultural institutions are voluntary bodies with only their own sense of responsibility and knowledge about policy priorities in culture to rely on.

7.2. Status – Role and Development of Major Cultural Institutions

National Institutions: According to the Law on the Public Interest in Culture there are 20 national cultural institutions (including Vojvodina and Kosovo) covering all sectors of culture. National Museum, National Archive, National Library and National Institute for Heritage Protection are performing the key role in the system of cultural institutions of an appropriated field, (sharing the competencies and responsibilities, organizing professional education and training, monitoring and evaluation). Some of these institutions are over-staffed and lack the new professional competencies in PR, marketing, fund-raising, human recourse management, strategic planning, etc.

Regional Institutions: are performing similar role and have similar problems as national institutions. They are both large and dependent on the national– regional budgetary allocations. (90%)

City and Municipal Institutions represent the largest network of public cultural institutions in Serbia financed basically from the city or municipal budget even if they are covering the territory of the several neighboring municipalities. For example: the City museum of Kragujevac is in charge of research and collecting of objects at the territory of five municipalities but is financed only by the City of Kragujevac. Cultural institutions in the cities are more and more stimulated to address the market.

Private Cultural Institutions started to be formed already at the beginning of the 80's: galleries, bookshops, film production groups and theatres. Now they are eligible for public funding system but still have to pay the taxes just like the other commercial activities.

A newly launched initiative advocates that the distinction be made between private profit and non-profit institutions whereby the latter will have tax benefits or other advantages for their operation.

Owners of private cultural institutions have started to create associations to lobby for their new and specific position in the market.

7.2.1. Archives:

There are 30 regional and departmental archives in Serbia, plus the Archive of Serbia in Belgrade, the Vojvodina Archive in Sremski Karlovci, and the Kosovo Archive in Pristina. To this network we can add the Archive of the Serbian Academy of Arts and Sciences and the Federal Archive in Belgrade.

The network of archives was created after the World War II, and majority of its funds consists of documents dating from XIX century (with the exception of Vojvodina archives, with documents from XVII century onwards).

The Association of Archives is very important for the network and is responsible for the issue of professional development, quality assurance, research abroad, etc. Also, there is the Association of Archive Workers, which is publishing the professional review *Arhivski pregled*.

Archives used to have important cultural function, organizing debates, lectures and exhibitions. These activities have almost disappeared recently, due to the lack of funding.

7.2.2. Libraries:

There are three parallel networks of library institutions:

- a) Public library service
- b) Educational library service (university libraries, faculty libraries, and school libraries.)
- c) Special libraries (in the Army, in religious institutions etc.)

Within public library service there are 177 regional and municipal libraries in Serbia.

7.2.3. Literature and Publishing:

The expanding of new publishers after 1991 does not necessarily indicate an expansion in the creativity and book trade. The number of new titles is often a wrong indication of the creativity. Many excellent writers emigrated from the country and others ceased writing. It is only lately that new and important publishers have emerged and it is exactly they who stimulate the authors and book trade. Dismantling of the old system of state subsidies and transition towards the market and privatization has placed the book industry in a difficult position, especially regarding book dissemination and sale. The whole situation in the book publishing will be improved through introducing a new law on publishing in accordance with the European standards, introducing new government measures in areas such as stimulation of writing (i.e. competitions for new scripts), sponsorship, creating authors' agencies for copyrights, further improvement of the acquisition of books for libraries, etc. Also, a creation of Literature Fund would help a great deal in enabling authors to write and translate Serbian literature into various languages. In spite of the fact that there are a number of prizes for literature, they are obviously not important enough to stimulate writers.

7.2.4. Museums:

The development of museum institutions in Serbia began in the XIX century, but majority of them was established between 1945 and 1955, namely 41. The system of museums is broad and includes art museums (33), history museums (34), natural history museums (4), complex museums (56), and technical museums (10). Most of the museums are city and municipal institutions, and only seven of them are of national importance (the National Museum, the Museum of Contemporary Arts, the Ethnographical Museum, the Historical Museum of Serbia, the Museum of Applied Arts, the Museum of Natural History, and the Museum of Theatre). In addition, the Federal Historical Museum is one of the rare cultural institutions which is under the authority of the Federal Government (including Tito's Memorial House, ex-Museum of the Revolution, Working Class Movements, etc.).

Museum Association and Association of Museum Workers have started to be very active again in an attempt to motivate museum employees to create new programs and methods of work, more focused on community relations and audience development. But, the state of the building, equipment, climatisation, etc. is extremely difficult (in

the summer 2002 the Museum of Contemporary Arts removed the permanent exhibits, because of excessive temperature). The museums need urgent measures to improve their quality of preserving and exhibiting objects.

Also, there is a lack of different forms of professional continuous development, with certain exceptions, like DIANE, center for preventive protection of archeological objects (Department of the National Museum).

Only two museums (the Museum of Contemporary Arts and the National Museum) have started with the process of internal evaluation and restructuring.

As there are still no guide-lines from the Ministry of Culture for the evaluation and reform process and the majority of the museums are of municipal importance, there is no coherent policy and strategy to motivate and educate museum directors and chief curators and to involve them in the reform process or institution capacity building.

7.2.5. *Visual Arts:*

Visual arts policy in Serbia should be aimed at three goals: the quality of contemporary visual artists, the anchoring of visual artists in Serbia, and international promotion of visual art and artists. In implementing the policy, the Ministry of Culture concentrates on improving the quality of visual arts productions and the skills of the artists. To this end, it subsidized individual artists and institutions for visual art, including private galleries, which have clear concept of promoting both new and established artists, as well as supporting a number of lectures, workshops and exhibitions within the museum system. The Ministry is also working together with regional and local authorities on distributing, purchasing and encouraging a broader and deeper interest in visual arts (i.e. The Biennale of Young Artist in Vrsac, Oktobarski salon in Belgrade). Serbia has a very extensive and close-knit network of support for contemporary arts (many of these artists and galleries were very active in the last decade promoting artistic and civil freedom).

7.2.6. *Performing Arts:*

Serbia has a rich tradition in performing arts, with public performances of symphonic music, opera, dance and especially theatre, dating back to nineteenth century. The Ministry of Culture fully subsidizes the Belgrade's Philharmonic as one of its most important national institutions, as well as three National Theatres (Belgrade, Novi Sad, and Pristina) and is also in charge of two National Opera and Dance Ensembles (within the National Theatres). Except the National Theatre from Pristina, whose ensemble has been dispersed throughout the country and currently does not work, the two national theatres represent a great financial burden, being constructed on a nineteenth century model and with a great number of employees. The Ministry of Culture is working on a new theatre law, which will regulate employment, social security and pension fund for the performing artists. The reform will treat equally national, municipal and private theatres and the state budget will be allocated to those theatres and programs, which have shown high aesthetic quality. In the last decade, due to the negligence toward culture as a whole, a number of theatres barely survived and was pushed on a margin of existence. However, a number of alternative and experimental troupes flourished, and now form an Association of Alternative Theatre,

which has a strong national and international network and presentation. In Serbia there is a number of national and international festivals and the Ministry of Culture and Public Information is a general sponsor of one national festival in Novi Sad (Sterijino pozorje) and together with City of Belgrade of BITEF (Belgrade International Theatre Festival).

7.3. Emerging Partnerships or Collaborations

More and more cultural institutions are developing projects with other public or private institutions, especially at the regional level (SouthEast Europe) encouraged by different donors such as Open Society Institute, European Cultural Foundation. Pro Helvetia, Stability Pact, etc.

Also partnership with private sector is widespread if we take into account a long tradition of corporate sponsoring and necessity of cultural institutions to fund-raise for programs and projects (throughout the 90's it was the only way of survival for cultural institutions). But, bearing in mind the state of Serbian economy, it is not a paradox that major part of sponsoring nowadays is, in a fact, in-kind sponsoring which is not expressed in the budgets (sponsoring in goods and services).

It is also noteworthy to underline that major companies are financing and hosting art colonies and work shops in their premises. (Terra Kikinda, Copper Mine Bor, etc.). The Ministry of Culture also financially supports many of those colonies and projects.

8. Support to Creativity (Direct and Indirect Support)

8.1. Special Artist's Support Schemes

Within cultural policy priority of the Ministry of Culture and local governments support to creativity is mostly carried out as a financial support to the production processes of cultural institutions of NGOs based on project competition.

For free-lance artists this support is indirect, as there are no incentives for writing a book, scenario, creating visual artwork etc. They are supported for exhibiting, presenting their work of art inside and outside the country on the base of request to the Ministry.

There are only few private funds, which are supporting artist's creativity such as Borislav Pekic (for writing a novel), Madlena Jankovic Fund (usually for musicians).

As already mentioned, the support for free-lance artists is coming from their municipalities, which are legally obliged to pay social and pension security funds of the artists.

Artists are entitled to tax deduction from 40% to 65% of their earnings received for artistic work.

8.2. Status of the Artist Legislation or Relevant Policy Initiatives

The respective artistic associations administer the register of free-lance artists. During the previous regime many artists deserted “official” artists’ associations and created new, parallel ones. At this moment in Serbia we have three associations of writers, two associations of publishers, etc., which raises a new problem of the rights to keep a register of free-lance artists.

A draft of the new Association Law is also on the Parliament’s agenda and this law will affect the artistic associations, giving them possibility to earn money through their activity and to invest in further projects of NGOs. The general supposition is that the new law will facilitate artistic workshops, educational activities, and will contribute toward job creation.

A general change has also been made through the new Labor Law and new Law on Public Administration, which affects artists, fully or part-time employed in the public institutions.

8.3. Grants or other schemes for Artists

Thirteen percent of the budget for culture is allocated to funding of projects in all cultural disciplines. Since public cultural institutions and heritage protection are also entitled to apply for the same money, the amount that goes to individual artists is comparatively small (approximately about 10%).

9. Participation

9.1. Participation Trends: Audience/Consumers Figures/ Consumption Broken Down According to Discipline

Audience and Consumers Figures:

- **Performing arts:** in the fields of performing arts the number of the performances and concerts is more or less stable as well as the number of attendance. So, in 1995 there were 998.000 attendants while in 2000 there were 1.065.000. At the same time number of attendance in children theatre slightly decreased: from 376.000 to 351.000.
- **Cinemas:** 3.702.000 in 2000 – this data still indicate a great interest, in spite of the fact that private cinemas have raised the ticket price and that film audience moved toward video clubs.
- **Book sales:** Compared to 1993-4 when the number of books sales was much lower, a figure of 11 million copies sold shows that the book market is flourishing again.
- **Libraries:** the library units lent in 1998 were 5.763.000: lately this number is increasing thanks to the book purchase for libraries supported by the Ministry and local government authorities.

- **Museums:** museum attendance in 2000 was 1,361.000. However, the radical improvement of exhibition quality and international exchange of programs and exhibitions are constantly contributing to the gradual growth of museum attendance.

9.2. Programs or Policy Initiatives to Promote Participation in Cultural Life

A strategy for a new cultural policy has been dealing with more general issues in the past two years, fighting to establish new legal framework, reform of cultural institutions and the whole sector, so the instrument and forms of policy measures to promote participation in cultural life have not been developed yet. Still, many events and programs organized by public institutions or with public money enable free entrance: i.e. Belgrade Summer Festival, all the programs of the House of Culture “Studentski grad”, all events in libraries, galleries and similar.

The price of the tickets for the museums is extremely low: 0,3 Euro while at the same time concerts can achieve the price of 10 to 15 Euros.

9.3. Culture and Marginalized Groups

Serbia of 2001 has emerged from the past burdened with the inheritance of dissolved SFRY and ten years of centralized and erratic rule under the Milosevic regime. During the 1990s, the poverty rapidly gained ground in Serbia as the result of these crises, which reduced the GDP in 2000 to 45 percent and per capita income to less than 40% of the levels recorded in the late eighties.

Yugoslavia used to be considered a moderately developed society in the middle-income bracket with fairly equal distribution of income and good provision of education, culture, health and other public services. In most cases social exclusion and lack of access to public services has not been the main cause of the recent increase in poverty.

Since there is a risk that the number of people exposed to poverty in all sectors in Serbia will continue to increase, the government of Serbia launched the initiative for the adoption of the “Poverty Reduction Strategy Paper For The Republic of Serbia” which is currently being designed and the Ministry of Culture together with other line-ministries will contribute to this paper.

However, the first debate about disabled population accessibility to cultural institutions started in 1989, but stopped immediately with the beginning of the wars. The result is that only one cultural institution in Serbia is accessible to physically disabled people. There are some programs and projects to support libraries and literature for the blind but more coherent policy and strategy is obviously needed in this field.

Within the reform agenda of cultural institutions this issue should be regarded as part of audience and accessibility development in their policy and strategy, but the real result could be only achieved if a specific public fund is determined for this purpose.

