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В КОНТЕКСТЕ НАЦИОНАЛЬНЫХ ИНТЕРЕСОВ РОССИИ:  
К 80-ЛЕТИЮ ОСВОБОЖДЕНИЯ КРЫМА  
И УКРАИНЫ ОТ НАЦИСТСКОЙ ОККУПАЦИИ  
И 110-ЛЕТИЮ НАЧАЛА ПЕРВОЙ МИРОВОЙ ВОЙНЫ

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Ч 494 Черноморско-Средиземноморский регион в контексте национальных интересов России: к 80-летию освобождения Крыма и Украины от нацистской оккупации и 110-летию начала Первой мировой войны: материалы Международной научно-практической конференции / ответственные редакторы В.В. Касьянов, А.В. Баранов; Министерство науки и высшего образования Российской Федерации; Кубанский государственный университет. – Краснодар: Кубанский гос. ун-т, 2024. – 662 с. – 500 экз.  
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В издании представлены результаты исследований истории и современного политического развития Черноморско-Средиземноморского региона в контексте 80-летия освобождения Крыма и Украины от нацистской оккупации и 110-летия начала Первой мировой войны. Проведен анализ исторических, политических и социокультурных аспектов обеспечения национальных интересов России в Черноморско-Средиземноморском регионе.

Адресуется историкам, политологам, конфликтологам, социологам, специалистам в сфере международных отношений и регионоведения.

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**M. Stojadinović**

## **THE ESTABLISHMENT OF SERBIAN STATEHOOD IN THE 19<sup>TH</sup> CENTURY – THE TREATY OF BUCHAREST AND SRETENJE CONSTITUTION FROM A CONTEMPORARY PERSPECTIVE\***

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\* Чланак на Међународној научно-практичној конференцији «Црноморско-Средњеморски регион у контексту националних интереса Русије: за 80.годишњицу ослобођења Крима и Украјине од нацистичке отплате и 110. годишњицу почетка Првог светског рата», објављен у целости, произашао је из рада у оквиру научно-истраживачких активности Института за политичке студије, финансираног од стране Министарства науке, технолошког развоја и иновација Републике Србије.

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The Treaty of Bucharest is the first international document that mentions Serbia. It is also important from the aspect of Serbian struggle for autonomy in the future events in the 19<sup>th</sup> century. The paper will analyse the context of the importance of not only the Treaty of Bucharest, but also the most significant historical events that established the path to the creation of Serbian independence. Bearing in mind the current geopolitical events, Serbia is once again under the attack of great powers, which results in numerous challenges. The most important thing is that in the time of historical revisionism and rewriting of history, we always must remember the most important values and achievements that our country reached much earlier than it is thought today.

**Keywords:** the Bucharest Agreement, United Nations Security Council resolution 1244, the Sretenje Constitution, democracy, human rights, Serbian statehood.

**М. Стоядинович**

### **СТАНОВЛЕНИЕ СЕРБСКОЙ ГОСУДАРСТВЕННОСТИ В XIX ВЕКЕ – БУХАРЕСТСКИЙ МИРНЫЙ ДОГОВОР И СРЕТЕНСКАЯ КОНСТИТУЦИЯ С СОВРЕМЕННОЙ ТОЧКИ ЗРЕНИЯ\***

Бухарестский мирный договор – первый международный документ, в котором упоминается Сербия. Он также важен с точки зрения сербской борьбы за автономию в будущих событиях XIX в. В статье будет проанализирован контекст значения не только Бухарестского мирного договора, но и наиболее значимых исторических событий, которые проложили путь к обретению Сербией независимости. Принимая во внимание текущие геополитические события, Сербия вновь подвергается нападкам великих держав, что приводит к многочисленным проблемам. Самое главное, что во времена исторического ревизионизма и переписывания истории мы всегда должны помнить о важнейших ценностях и достижениях, которых наша страна достигла гораздо раньше, чем это принято считать сегодня.

**Ключевые слова:** Бухарестское соглашение, резолюция 1244 Совета Безопасности ООН, Сретенская Конституция, демократия, права человека, сербская государственность.

The significant geopolitical and geostrategic position of our country is extremely one can say very favourable or unfavourable at the same time. Whenever an army goes somewhere, it seems that it has to pass through our country. The fact that we built a house in the middle of the road led to the fact that we have always been attractive to great powers. That also led to the fact that the Balkans represent one of the neuralgic points that unite different civilizations. One proverb perhaps most vividly depicts the position of Serbia, but also of many other countries that share a similar fate over the centuries, and that is, “When elephants fight, the grass suffers”. This ancient proverb of the Kikuyu people, a tribal group in Kenya, is as true today as it was when the words were first spoken thousands of years ago. The essence of this proverb is its simplicity – when the big clash, the small suffer the most.

Building strong and stable institutions is only possible in a democratic environment that gives them legitimacy. On the other hand, in order for democracy to be realized in practice, as Robert Dahl [6] says, an unusual set of favorable conditions is needed, among which he includes literacy, education, human rights, an honest and independent judiciary, the autonomy of organizations and pluralism, wealth distribution and income level uniformity. Democracy belongs to the group of very complex phenomena for the existence of which, therefore, it is not only the existence of one factor that is important, but it represents a set of multiple factors that intertwine and complement each other.

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исследовательской деятельности Института политических исследований, финансируемой Министерством науки, технологического развития и инноваций Республики Сербия.

The 19th century is of exceptional importance from the aspect of the establishment of the modern Serbian state conceived by the First Serbian Uprising in 1804.

„The eighth point of the Treaty of Bucharest from 1812 is the fundamental document of international law on which Serbia's statehood is based in the new century. In the few literary and historiographical works from the first half of the 19<sup>th</sup> century, contemporaries noted the importance of that peace agreement, but did not give value assessments [3, p. 111]“.

The Treaty of Bucharest can be seen as the starting point of the birth of Serbian autonomy. Signed in 1812 and concluded with the end of the Russo-Turkish War, this peace had a great influence on the position of the insurgent Serbia.

In the eighth point of the Treaty, the Port committed itself to granting amnesty to the Serbs, while the future autonomy of Serbia was vaguely stated. As a framework for future self-government, the privileges enjoyed by “subjects in the islands of the Archipelago and in other regions”, a moderate tax that the Serbs will pay directly and about which the Port will “immediately” agree with the Serbian people are listed. On the other hand, the insurgents were obliged to demolish the fortresses built during the uprising, and allow the Turkish army to return to the fortified cities where it was stationed before the outbreak of the uprising [3, p. 111–127].

Another important document of Serbian path for independence is the Sretenje Constitution [5]. The Sretenje Constitution can be said to be Serbian first constitution, although the history of constitutionalism should perhaps be sought a little earlier. These all are the reasons why Serbia should stand up and fight against stubborn Western criticism that it is a country of so-called “young democracy”.

The First Serbian Uprising marked the end of one era of rule over its territory. The revolutionary spirit in Serbia was born on the foundations of such events, which has never subsided until today mostly provoked by revolutionary events in French.

Candlemas is an important holiday in the Serbian Orthodox Church and in the people in general. On Sretenje in 1804, the Assembly was held in Orašac, which started the First Serbian Uprising. The Second Serbian Uprising was continuation of freedom fight which was crucial for farther development of Serbian state under Prince Miloš. The Sretenje Constitution was also adopted on this holiday in 1835. That is why this date is celebrated as Statehood Day and Constitutional Day in Serbia at the same time. Although unfairly short-lived, this constitution left a deep mark on the constitution of Serbian statehood.

Dimitrije Davidović is considered to be the creator of the idea, although it can be debated whether the ideas of other more prominent Serbs, including Miloš Obrenović himself, are woven into it. As Sima Avramović states when revising the conditions of creation of the Sretenje Constitution, it is unlikely that Miloš could have any article imposed in this Constitution without his consent [1, p. 34].

At the same time, the Sretenje Constitution c. was created to a large extent under the influence of the French Constitution from 1791 and the Constitutional Charter from 1814. There are historical data that show that even though the constitution was supposed to limit Prince Miloš, the Prince of Serbia was aware of the need to create a constitution even before, and that he gave the order to do so long before the Miletine Rebellion. So, the Miletine Rebellion only accelerated the revolutionary trends in our region.

The Sretenje Constitution was extremely advanced at the time, but this also contributed to the fact that its duration was extremely short. None of the great powers were

satisfied with a small Serbia that implemented revolutionary ideas of freedom in feudal conditions.

One of the most significant contribution of Sretenje Constitution is division of power. Let's remember that the idea of the division of power originates as a modern legacy in many works, the most significant of which is certainly *De l'Esprit des Lois* from 1748. According to Montesquieu, "government should be such that a citizen cannot fear another citizen... When the legislative and executive powers are united in the same person or in a legal body, there is no freedom, because there is a fear that that monarch or senate will pass tyrannical laws in order to execute them in a tyrannical manner. In law, no one can be limited by his own will, but by someone else's [2, p. 110]“.

Although this division of power it is not implied until its full potential the residuals of this division emerged in the Sretenje Constitution. Legislative power is exercised by the Prince and the Soviet, which in this constitution is called the State Soviet. Therefore, in addition to prescribing in the first chapter that the Principality of Serbia is independent and placing the sizeren and protector in the same position, the Constitution calls the Soviet State, which highlights this attribute of the still independent principality. The State Soviet is composed of six ministries: justice, internal affairs, finance, external affairs, the army and the high priesthood, and from an unspecified number of the members of the state councils themselves, the president and the secretary. As can be noticed, vassal Serbia had a ministries of foreign affairs and army, which are also attributes of the independence of a state.

The chapter that is worthy of admiration, on the one hand, and which was the reason for the repeal of the Sretenje Constitution, on the other hand, is called “General rights of Serbs”. This magnificent constitution, apart from other democratic provisions and principles found in it, is completed by a unique catalogue of human rights and freedoms. Human rights and freedoms are placed in the Sretenje Constitution after the provisions on state power. Nowadays, it is customary to regulate this matter at the beginning, immediately after the introduction of the constitution, in order to show that the state exists because of the people, and not because of the people because of the state. However, if it is taken into account that many constitutions did not even regulate this matter, then the Sretenje Constitution cannot be criticized for this kind of constitutional system.

The Sretenje Constitution guarantees the inviolability of property by declaring the one who completely or partially disturbs someone in the exercise of the right of military service or deprives him completely or partially of that right. Since the time of Dušan's law, Serbia has had legal regulations that guaranteed every slave freedom on its territory. The Sretenje Constitution revives that idea and stipulates that a slave is free the moment he enters Serbian territory, regardless of whether someone brought him to Serbia or he escaped. Serbs only have the ability to buy slaves and not to sell them.

The abolition of feudalism by a revolutionary little Serbia, as well as numerous freedom and democratic improvements without which today's democracy cannot even be imagined, did not suit the great powers at that time. They had a decisive say when it comes to the fate of this constitution. The Constitution was repealed but the idea of freedom continued to live, which can be seen based on later events and struggles that were yet to come for the Serbian people. One thing is certain, the Serbs always fought for their freedom, and that freedom does not exist without a state.

The Sretenje Constitution is one of the first steps of revolutionary Serbian spirit in the name of the fight for democracy. This is why the western argument that Serbia

is so called „young democracy” is not so valid. The Treaty of Bucharest is first international document important for Serbian independence, and the Sretenje Constitution is not only the first Serbian constitution but also the constitution that revolutionised Serbian future.

If we look at this from a modern perspective the Treaty of Bucharest has a lot of similarities with a very important document for the Republic of Serbia today. Here, we are referring primarily to UN Security Council Resolution 1244 [4]. We should certainly take into account all the specifics of the adoption, signatories and other differences which exists but if they are all ignored, the essence of the Treaty of Bucharest important for the Republic of Serbia is still exists within Resolution 1244.

This resolution confirms the commitment of all member states to the sovereignty and territorial integrity of the FR Yugoslavia and other states of the region, as stated in the Helsinki Document and Annex 2, but at the same time reaffirming the appeal from previous resolutions for broad autonomy and essential self-governance for Kosovo\*.

It confirms that after the withdrawal, an agreed number of Yugoslav and Serbian military and police personnel will be allowed to return to Kosovo\* to perform their duties in accordance with Annex 2. It emphasizes that the people of Kosovo\* will be able to enjoy substantial autonomy within the FR Yugoslavia, and that they will provide a transitional administration, which will establish and supervise the development of temporary democratic institutions of self-government, in order to ensure the conditions for a peaceful and normal life for all residents of Kosovo\*.

In the time of historical revisionism and rewriting of history when its content is dictated by complex geopolitical processes, it is necessary to update Serbian history again and again so that our history would never be forgotten and so that the contribution and sufferings of the Serbian people would be viewed through the prism of contemporary social processes. In this sense, it is important to emphasize again and again how difficult it was for our country to fight for freedom in the constant challenge of pressure from powerful states.

Today, things are getting complicated to a great extent on the geopolitical level. Russia appears again as a guarantor of the territorial integrity and sovereignty of the Republic of Serbia and a friend in crisis situations. The pandemic has shown how the cooperation of all countries on the common path is important. At the same time it was an indicator of a major failure that instead of cooperation led to the emergence of war in that field as well.

At the same time, the continuous struggle for the territorial integrity and sovereignty of the Republic of Serbia continues to battle throughout its entire history. On its way to preserving its statehood, it was often attacked by great powers. International law has shown double standards in almost all situations, and the creation of the crisis in Kosovo and Metohija has opened Pandora's Box. Today, when the Republic of Serbia still refers to international law, it seems that the West does not care at all about it. This leads to extremely inhumane conditions in which Serbs in Kosovo\* live. Suddenly, neither Resolution 1244 nor any other document or agreement is valid anymore. Serbia is being asked to abandon its national interests and bow to the pressures of the big ones. It means renouncing an independent path and choosing one of the parties. The pressure due to the non-introduction of sanctions against Russia is great, and it is present in all fields: economic, energetic, political, scientific and cultural. However, despite all these challenges, Serbia will continue with a foreign policy of neutrality and maintaining fraternal ties with Russia.

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- \* Kosovo is the part of national territory of Republic of Serbia.



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