

been noted. This is particularly true for a relationship between the legislative and executive branches of power and solutions within the Executive itself. Suggestions range from a parliamentary and chancellor model to a parliamentary model with bicephalous executive branch. The ongoing political disputes have been focused on the constitutional position of the President of the Republic, the mode of his/her election and his/her place in the system of government. Some advocate a classical parliamentary system, in which the president would be elected by the parliament, and given representative and protocolar duties only. Others argue that having in mind the fragmented party system, which is yet to be properly established, would only strengthen the government, because an unstable balance between the parliamentary majority and minority would give the government the role of an arbiter beyond the constitution and the law. Therefore they suggest a constitutional strengthen role for the President of the Republic, as an exponent of supra-party neutral power. This is going to be the subject of broad political and expert debates on the constitutional change.

- The decentralisation of power is the yet another hot constitutional issue. Political consensus has been reached in principle, but concrete solutions vary considerably. All of them, however, offer some concept of regionalisation. Disagreements emerged over the following question: symmetrical or asymmetrical regionalisation; a degree of regionalisation, i.e. a degree of autonomous competences to be given to the future regions; supervision and control of regional autonomy by central government organs; whether regions should be represented in the republican parliament directly and in what way, etc.

- All the above mentioned constitutional spheres – protection of basic rights and freedoms, including a developed minority protection system, the system of government, territorial organisation of power, along with constitutional fundamentals of a market-oriented economic system, protection of property and free enterprise should be ensured through a reliable system of constitutionality and legality. In a country in which political voluntarism ruled for decades, and where respect to laws was never the rule, but rather an exception, it is of utmost importance to set clear legal limits to political power and ensure an efficient and independent judiciary at all court instances. The general political consensus that exists in Serbia, at least verbally, is unfortunately no reliable guarantee that efficient systems of constitutionality and legality will be established. The zero point for its establishment, however, is a fair constitutional solution in the spirit of modern constitutionalism, which is beyond any doubt.

The Constitutional Charter of Serbia and Montenegro has left it up to the republics to arrange the constitutional matter nearly in full. More precisely, the responsibility for building the system of rule of law, which is the sole purpose of the upcoming constitutional changes, will rest with the member states. Whether they will be successful in this or not does not depend on the text of the constitution only. The constitution can be viable or just remain a dead letter, which depends on the future political circumstances. On the other hand, the procedure for its adoption can help us predict to a degree whether it will correspond with reality or not. The next few months in Serbia will give a clear answer to at least this question.