

# Political History of the Balkans (1989–2018)



Edited by

JÓZSEF DÚRÓ  
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Edited by  
József Dúró – Zoltán Egeresi

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## Introduction

This book has the intention of revealing the recent political history of the Balkans. The region has received much attention during the last nearly thirty years: military conflicts, interethnic tensions, nation- and state-building and the slow process of Europeanisation granted a special status for the Balkans. The short 20<sup>th</sup> century started in Sarajevo with the assassination of Archduke Franz Ferdinand of Austria and ended with Sarajevo's assault. The dissolution of Yugoslavia was a gradual process resulting in successive wars between Serbia and the other member states (Ten-Day War in Slovenia, war in Croatia between 1991 and 1995, war in Bosnia and Herzegovina in 1992–1995 and the war in Kosovo with the mass involvement of NATO forces in 1998–1999). Some member states, like Macedonia (FYROM) and Montenegro managed to leave the federation without bloody conflicts. Almost at the same time as the dismemberment of Yugoslavia, ethnic tensions appeared in Bulgaria (in fact, they already appeared during the late Zhivkov era in the form of the name-changing campaign in 1984–1985 and the 'big excursion' in 1989) and Romania's mainly Hungarian-inhabited central region, in the Szeklerland. Nevertheless, these countries managed to avoid major conflicts.

Simultaneously, the majority of Balkan states had to face political transition from communist regimes to democratic ones. However, the corrupt and clientelistic power-holders (eventually relying on war rhetoric) slowed the process of the transition down in order to preserve their power; thus communist elites have remained integral parts of these countries after the regime change. This feature of the political history of the region shaped the entire transition process, which – coupled with other factors – resulted in weak democracies.

In line with the road to democracy, the local elites had to adopt new economic policies in order to support the integration of their respective countries into the more and more globalising world economy, beginning the slow process of EU integration. This policy change (switching from a planned economy to a free market) was accompanied by the bankruptcy of several state companies and the collapse of several sectors (especially mining and heavy industry), resulting in skyrocketing unemployment and social tensions. Thus, the 1990s demonstrated a great drama for the majority of the inhabitants of the countries under consideration in the form of wars, tensions, economic and social insecurities.

The instability and challenges led to even deeper social and demographic crises such as the sharp decline in fertility rates and mass emigration to Western Europe (and to a limited extent, in case of Muslims, to Turkey) which affected the social security and pension system and also weakened the basis of economic growth. The lack of workforce has become apparent by the mid-2010s in several countries undermining the possible economic catching up to the more developed core-EU countries, but even to the more developed Central European countries, as well.

After the war of Kosovo, the era of bloody conflicts was over in the region. Nevertheless, ethnic and social tensions still prevail as several unrests and riots demonstrated (in 2004



in Kosovo, in 2014 in Bosnia and Herzegovina, in 2015 in Macedonia). The global financial crisis hindered the process of catching up, aggravated social tensions and gave a new, fresh impetus to emigration to the West. In case of Greece, the country had to face a deep economic downturn resulting in mass unemployment, social tensions and strong reliance on EU support.

Despite the slow economic recovery of the 2010s, challenges have remained permanent. Perpetual corruption and clientelistic networks hinder the process of catching up. Due to corruption and the lack of real willingness to make reforms along with the internal political and economic difficulties of the EU, enlargement has also lost its momentum. The last country that managed to accede to the European Union was Croatia in July 2013. Even though every country in the region has the ambition to become a member, the accession process has virtually stalled. Under such circumstances, the importance of other actors, such as Russia and Turkey has started to grow, and their growing influence has received increased attention. However, in spite of their power projection, the European Union remains the focal point for the region.

Their importance to the EU has been demonstrated throughout the migration crisis in 2015–2016, when around one million refugees (mainly Syrians and Afghans) traversed the region towards Germany and Scandinavia. Although the EU has managed to conclude an agreement with Turkey (which is actually a declaration) and the Balkan road was closed by the transit states, this challenge had a major impact on Central European and Western European countries, undermining the cohesion of the EU and also revealing the weaknesses of the community.

In short, the states of the Balkan Peninsula went through a tremendous change since the end of the Cold War. While the Balkans have been associated with nationalism, violence and wars, backwardness and omnipresent corruption, the region also received major attention from the international (academic) community. Thus, the region offered a great number of case studies for Political Science researches.

Several comprehensive books have been published about the various aspects of politics in the Balkan states after the regime change and wars, like Tom Gallagher's volume,<sup>1</sup> or Robert Bideleux and Ian Jeffries's comprehensive work about the region.<sup>2</sup> Věra Stojarová and Peter Emerson's book<sup>3</sup> on party politics has also provided an overview about political developments.

This book endeavours to present a broad overview about the main political changes in the region until 2018, giving an update about the most recent political developments. Thus, the time frame of the research covers nearly thirty years of democratic transition between 1989–1991 and 2018 (the only exception is the chapter on Greece, where the starting point is 1974, the collapse of the military junta). By doing so, it intends to reveal the differences between the various transition – and later on, democratisation – processes in the examined countries, the factors that shaped these processes and current challenges, as well.

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<sup>1</sup> GALLAGHER 2005.

<sup>2</sup> BIDELEUX–JEFFRIES 2007.

<sup>3</sup> STOJAROVÁ–EMERSON 2010.

This volume offers 10 country case studies and one chapter about the theoretical background (Transitology). The aim of the book is to portray the political trajectory of the countries in consideration from the process of regime change to the most recent developments. Consequently, the case studies all apply a similar structure: outlining the features of the fall of the communist regime, portraying the main transformations in the institutional background (constitution) and revealing the main features of the current political system.

The chapter about Albania, penned by Ilir Kalemaj, reveals why the expected rapid democratisation went wrong and how the antagonism between political actors slowed down the process. The prospects for EU-enlargement facilitated the transformation; however, the willingness of the political elite to implement substantial harmonisation packages is questionable.

Marin Lessenski gives an overview about the political developments in Bulgaria since the regime change. Although the country managed to overcome the interethnic tensions without major conflict (especially compared to the country's western neighbourhood), the slow process of economic, social and political catching up to the core-EU countries has given rise to displeasure.

The case of Croatia, outlined by Sandro Knezović, shows how the Homeland War and the semi-authoritarian regime slowed down the democratisation process and how the political elites made efforts to reach EU membership status. Thus, Croatia became a good example for the importance of the EU's transformative power in shaping political institutions.

The chapter devoted to portray the political history of Greece has a different time frame than the rest of the case studies in this volume. The author, Othon Anastasakis chose 1974 as the start for his analysis due to the domestic dynamics of the country being different from other Balkan states. After the unsuccessful unification attempt of Cyprus and Greece, the military junta ruling the country lost its power, opening the door to democratisation. Greece serves as a unique case in the region. As the author demonstrates, it had a different political trajectory than its northern neighbours did.

Jeton Mehmeti writes about the difficulties and challenges of the Kosovar state-building. Although the gradual institution building process evolving from international supervision to independence achieved a lot of goals, the chapter also points out the persisting challenges. The country, which has been recognised by more than one hundred countries since its declaration of independence in 2008, still faces several issues, e.g. corruption, poverty and weak rule of law.

In her piece, Jovana Marović outlines the democratic transformation of Montenegro. She analyses the factors that led to the DPS and its leader (Milo Đukanović) managing to retain power during the past thirty years and how the party adapted to the challenges emerging after 1990. Despite the efforts to accede to the European Union, the political elite of the country failed to increase institutional independence and the rule of law, making the prospective success for becoming a member state questionable.

Tibor Toró analyses the political history of the previous thirty years in the case of Romania. He portrayed the path dependency in Romanian politics stemming from the way democratic transition was realised in the country. He outlines three elements that played a crucial part in shaping the political system: the capture of state by post-communist elites in the early 1990s, the implementation of a semi-presidential system and the strong position of the executive with regards to the legislature.

In the chapters outlining the recent political history of North Macedonia and Serbia, Zoltán Egeresi attempts to provide an overview about the main political dynamics of these countries from the ethnic tensions to armed conflicts. He also describes the difficult road of transition as well as the evolution of the party and constitutional system.

Josip Lučev's chapter about Slovenia presents the successful case of transition, as Slovenia was able to create a stable democratic system and managed to avoid massive involvement in the Yugoslav War, resulting in rapid Europeanisation and successful accession to the EU as early as 2004. However, as Lučev argues, the economic crisis of 2008–2009, which resulted in recession, and subsequent slow recovery changed the political dynamics in the country.

In the introductory chapter, József Dúró gave a theoretical overview of Transitology and the applicability of theories in case of the Balkan states. He argues that due to various historical and social factors, the region requires a more diverse approach, as country-specific issues influenced the process of transition and later on the case of democratisation.

József Dúró and Zoltán Egeresi

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# Transition, Consolidation and Defective Democracies in the Balkans

*József Dúró*

After the fall of communist regimes in Central and Eastern Europe, political scientists started to research newly established political systems in the region. In Greece, democracy was re-introduced in 1974, but post-communist countries faced the problems of democratisation from 1989–1990 on. Some countries became democracies relatively quickly, though not without problems (e.g. Slovenia), while authoritarian tendencies appeared in other countries (e.g. Croatia and Yugoslavia in the 1990s). This short chapter is not aimed at giving a full and comprehensive picture about the last 30 years but rather providing a framework to this book. In this sense, it is rather a literature review on transition paradigm, consolidation and defective democracies. The purpose of this paper is to help the understanding of the politics and the processes of Balkan countries detailed in the following chapters.

## **A Brief Introduction to Transitology**

Nowadays, it is common knowledge that all the countries in the Balkans took part in the third democratic wave started in 1974,<sup>1</sup> and they became democracies. In political science, however, the term ‘democracy’ is not as simple as it looks. Scholars developed numerous definitions of democracy, and it is a question of taste, which of these definitions is used in a research. This chapter does not aim at choosing one definition – it is almost impossible to find the perfect concept of democracy. Nevertheless, depending on the criteria of democracy, the number of countries belonging to this group can vary. On the one hand, Schumpeter (1942) argues that democracy is only a procedure where there is “free competition for a free vote”.<sup>2</sup> This approach means that fair election is a sufficient condition of democracy. In the Balkans, however, OSCE reports sometimes draw our attention to vote buying, allegations of electoral irregularities, even frauds, etc. Nevertheless, these events do not really influence the results of the elections, so most countries fulfil this minimalist criterion of democracy.

On the other hand, there are concepts, e.g. Dahl’s polyarchy,<sup>3</sup> which contain substantive elements (e.g. constitutional guarantees, participation). These definitions highlight very well the difficulties of creating a proper definition of democracy. In most countries, corruption

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<sup>1</sup> HUNTINGTON 1991.

<sup>2</sup> SCHUMPETER 1942, 271.

<sup>3</sup> DAHL 1971.

emerged as a huge problem, and there are worrying trends in relation to the rule of law, and in some countries minority rights have not yet been fully ensured. As the chapters show, procedural democracy exists in every examined country, but there are some insufficiencies in terms of substantive elements. Thus, it is necessary to review the literature on democratic transition and consolidation.

Dankwart Rustow is considered the father of transitology. According to his model of transition, democratisation has three stages: prolonged and inconclusive struggle, a decision phase and the habituation phase.<sup>4</sup> In the first period, a crisis of the system unfolds. The deepening of this crisis results in the second stage, when usually members of the political elite have to agree on the transition with the opposition forces. In the last phase, the rules of democracy are spread and become a habit. This book focuses on the third phase, namely, the consolidation of democracy, and draws attention to the successes and failures of this process.

Early works, e.g. one of the most important articles on democratic transition,<sup>5</sup> however, almost ignored the role of international political environment in regime changes. It is not surprising as the books concentrate on transitions in Latin America and Southern Europe. However, international politics played a significant role in regime changes in the post-communist bloc, particularly in the Balkans in the 1990s and early 2000s. Admittedly, the most important event was the crisis and later the collapse of the Soviet Union, which allowed the peaceful democratic transition in most countries. Later, Western countries were important players in the pacification of the territory of the former Yugoslavia, and in the democratisation of some countries of the region.

The disintegration of Yugoslavia led to civil war/independence war in which three successor states – Yugoslavia (made up by Serbia and Montenegro), Croatia, and Bosnia and Herzegovina – were taking part for years. This war did not help in establishing democratic regimes in these countries, even though, some kinds of multi-party systems were founded. Other constituent parts of the former Socialist Federal Republic of Yugoslavia, namely Slovenia and the Former Yugoslav Republic of Macedonia (FYROM), gained their independence relatively easily. Following the end of the war, Croatia, and Bosnia and Herzegovina became independent states, though in the latter one, the formal and informal influence of the Western powers, mainly the European Union, has remained strong. Moreover, the NATO bombing of Yugoslavia in 1999 helped overthrow the regime of Slobodan Milošević, and transform the country into a more democratic system. In parallel, after the death of Franjo Tuđman in Croatia, opposition parties won both the presidential and the parliamentary elections, and they established a parliamentary system. These events made the consolidation of democracy possible in these countries. The youngest countries in the peninsula became independent after the changes in Yugoslavia: Montenegro left the State Union in 2006, while Kosovo declared her independence in 2008, though it has not been recognised by many countries, e.g. Serbia, Romania, Bosnia and Herzegovina, and Greece from the Balkans.

As far as the literature on the democratic transition in Central and Eastern Europe is concerned, one of the first and most important theories was elaborated by Offe (1991). Offe suggests that scholars and decision-makers have to deal not only with democratisation and

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<sup>4</sup> RUSTOW 1970, 337–363.

<sup>5</sup> O'DONNELL et al. 1986.

economic liberalisation, but also with the question of stateness and state-building<sup>6</sup> which were ignored by O'Donnell et al. (1986). It was important due to the fact that post-communist countries inherited weak institutions. In some cases, the new independent states needed to establish an almost totally new political system. The most well-known case is probably Bosnia and Herzegovina. Her political system was founded by the Dayton Agreement in 1995. Nonetheless, the creation of an effective federal government is not a success story due to ethnic and/or religious tensions. On the other hand, lower levels of the state, mostly the two entities – the Federation of Bosnia and Herzegovina, and the Serb Republic (*Republika Srpska*) – enjoy large autonomy, and this combined with the pressure from the European Union can keep the entities together.

Kuzio (2001) adds another important point of view which has emerged in the region, namely, the separation of stateness and nationhood.<sup>7</sup> This distinction has been clearly relevant in the Balkans. Multi-ethnic societies (e.g. in Bosnia and Herzegovina) and relevant national minorities (e.g. Albanians in FYROM, Turks in Bulgaria, Hungarians in Romania and Serbia) resulted in a lot of conflicts among political actors. Several governments in most countries of the regions tried to establish a nation state and sought for ethnic homogeneity. Nowadays, far-right nationalist parties still propagate the idea of a homogeneous nation state, and the problems of ethnic minorities have not yet been solved in every country.

The transformation of old institutions and building new ones, as well as the handling of ethnic diversity did not take place without disagreements, and some politicians sometimes danced on the edge of rules. This led us to the next question: Have democracies in the Balkans been already consolidated?

## What Is a Consolidated Democracy?

The political changes in Eastern Europe in the early 1990s resulted in a new way of research. Scholars started to concentrate on the results of the transition process instead of the process itself, namely, whether democracy survives in these countries, and if it does, for how long it will. During the 1990s, a new question was put into the limelight which focused on the consolidation of the established systems. The simplest definition of consolidated democracy was elaborated by Adam Przeworski: democracy “becomes the only game in town”.<sup>8</sup> It very well highlights the most important feature of a consolidated democracy, namely, that no one among the most important political actors questions democracy as a framework of the political competition. Following the Millennium, most parties and politicians accepted the democratic rules in their countries, and now, only a limited number wants to overthrow democracy. The economic crisis broken out in 2008 shook the developed countries, and anti-system parties appeared or became stronger, even in Greece where both the Communist Party of Greece (KKE) and the far-right Golden Dawn challenge some values of democracy and capitalism, so in this sense, the consolidation of democracy has not yet been finished.

<sup>6</sup> OFFE 1991, 865–892.

<sup>7</sup> KUZIO 2001, 168–177.

<sup>8</sup> PRZEWORSKI 1991, 26.

A bit more complicated, though a still very simple concept was developed by Huntington. According to his two-turnover test, democracy can be considered a consolidated one if there have been at least two peaceful democratic changes in a government.<sup>9</sup> This approach can be easily measured. For example, in Greece the first New Democracy-led governments were followed by socialist cabinets led by Papandreou between 1981 and 1989. Papandreou was replaced by Tsannetakis in 1989. These changes in the executive branch show that Greece is a consolidated democracy. These two very plain definitions and their different results underline the fact that establishing a proper concept of consolidation, if it is possible at all, needs further efforts.

Some more complex concepts of consolidated democracy were born during the 1990s. Linz and Stepan (1996), for instance, state that five conditions are needed to achieve a consolidated democracy.<sup>10</sup> These conditions have to exist in five arenas of democracy. According to Linz and Stepan, a strong civil society (1<sup>st</sup> arena) is the basis of a consolidated democracy because political society (2<sup>nd</sup> arena) has to be legitimised by the first arena. The political society and the state apparatus (4<sup>th</sup> arena) respect the rule of law (3<sup>rd</sup> arena) which originates in the civil society. The state apparatus gets a normative support from the civil society and a financial one from the political society. This latter is a result of a well-functioning economic society (5<sup>th</sup> arena) which creates the financial background via taxation.<sup>11</sup> This ideal type of a consolidated democracy, however, cannot be achieved easily.

In the Balkans, it is almost impossible due to the lack of a strong civil society because communist regimes suppressed them almost totally. As a result, civil societies in post-communist countries are not really able to play the role of a strong controlling mechanism. Moreover, the rule of law, and basically the proper functioning of the state apparatus were also undermined by the high level of corruption. Corruption and tax avoidance are also huge problems in economy.

Another approach was carried out by Larry Diamond at the end of that decade. Diamond argues that consolidation has to be examined at three levels along two dimensions.<sup>12</sup> At the level of the elite, the most important actors of public life and mainly the political leaders consider democracy the best political system, and the institutional framework is also supported by them. They “respect each other’s right to compete peacefully for power”.<sup>13</sup> All the relevant political organisations (e.g. parties, trade unions etc.) also support democracy and its institutional framework. It means that there is no significant group which wants to dismantle democracy and to use antidemocratic methods (e.g. coups). Finally, there is a level of mass public, where at least 70% believes in democracy and prefer it to other kinds of systems, while a maximum of 15% wants to replace it with an authoritarian regime. As a consequence, antidemocratic movements do not have a high level of support among the voters.<sup>14</sup>

As the chapters of this book show, most countries fulfil these criteria because the most important political players do not question democracy.<sup>15</sup> Although there have been several backlashes which have not necessarily strengthened democracy. In Greece, the Golden Dawn

<sup>9</sup> HUNTINGTON 1991, 266–267.

<sup>10</sup> LINZ–STEPAN 1996.

<sup>11</sup> LINZ–STEPAN 1996, 14.

<sup>12</sup> DIAMOND 1999.

<sup>13</sup> DIAMOND 1999, 66.

<sup>14</sup> DIAMOND 1999, 66–69.

<sup>15</sup> KRASTEV 2002, 39–53.



entered the Parliament in 2012, while the Communist Party of Greece has been present in the legislature since the fall of the military junta in 1974. Both parties question the basis of the current socio-economic system of the country. In Serbia, one of the strongest parties (Serbian Radical Party) opposed the whole system after 2000 until its split in 2008. It also means that the Serbian democracy made steps towards consolidation, as the new party (Serbian Progressive Party) has been in government since 2012 and seems to be committed to the European integration. In Macedonia, the opposition did not recognise the results of the elections and boycotted the Parliament.

Thus, Diamond (1999) finds the democratic deepening, the political institutionalisation, and the regime performance necessary. Deepening means that the existing formal structures have to be made more democratic (i.e. inclusive). Political institutionalisation refers to the process of channelling of various interests into politics through parties and interest organisations. It is important, as it causes stable support not only for the system but also for the parties. And finally, regime performance implies that the state “must produce sufficiently positive policy outcomes to build broad political legitimacy”.<sup>16</sup> Insufficiencies can be found in every country to some extent, such as the functioning of the federal level in Bosnia and Herzegovina, level of corruption in most countries or minority rights in some of them.

Another important concept was elaborated by Plasser, Ulram and Waldrauch (1998). They define consolidation as a competition for political positions in competitive, free and fair elections, where social pluralism is not limited by the state, and there is separation of powers and the system of checks and balances exists.<sup>17</sup> Ulram and Plasser (2001) later draw attention to other factors. They argue that along the institutional conditions, basic human rights and the rule of law are equally vital parts of a consolidated democracy.<sup>18</sup> It is another ideal type of consolidated democracy, and most of its features has already been analysed, however, it reflects another important part, namely, the separation of powers. Constitutions of the examined countries mostly guarantee the mutual independence of the executive branch, legislature and judiciary. However, political actors have attempted to influence or even control the judicial branch in various countries of the region several times, and have tried to use it as a political tool. Thus, a stronger executive and/or legislative branch can be usually observed in these countries, which phenomenon leads to the question of defective democracies.

But before turning to defective democracies, it is important to have a closer look at measuring consolidation. Dawisha suggests four tests:<sup>19</sup>

1. two-turnover test
2. low public support for anti-system parties
3. high commitment to democratic values
4. elite consensus about democratic norms

As it can be seen, Huntington’s two-turnover test<sup>20</sup> is the first one, but it has already been detailed above. Dawisha also thinks that low public support for anti-system parties is a good indicator of a consolidated democracy. This is at least questionable due to the fact that Italy

<sup>16</sup> DIAMOND 1999, 76.

<sup>17</sup> PLASSER et al. 1998.

<sup>18</sup> ULRAM–PLASSER 2001, 115–137.

<sup>19</sup> DAWISHA 1997, 40–65.

<sup>20</sup> HUNTINGTON 1991, 266–267.



has been a consolidated democracy with the presence of a strong communist party and a small post-fascist party. On the other hand, anti-system parties are irrelevant in Albania which is not considered a consolidated democracy. The third and fourth points highlight the fact that democracy cannot work properly without the voters' approval and the supportive behaviour of politicians. The attitudes of voters towards democracy can be easily measured by opinion polls, and politicians' actions can also be observed. In the Balkans, both the most important politicians and the citizens support democracy as a desirable political system, however, voters are quite disappointed with the existing form of democracy in their countries.<sup>21</sup>

To sum up, most scholars agree that consolidation is not as simple as it seems at first sight. It contains not only democratic institutions but other important elements, such as the rule of law, commitment to democracy, strong civil society etc. Hence, consolidation has not ended yet in the Balkans due to some insufficiencies. Consolidation, on the other hand, has also been criticised by numerous authors. O'Donnell (1996) argues that consolidation is not a teleological process as it was considered by many scholars because some countries have been unconsolidated for 20 years, which shows that this teleological thinking does not work in every case.<sup>22</sup>

Thomas Carothers (2002) criticises the whole transition paradigm.<sup>23</sup> He criticises five assumptions of this paradigm. The first one is that every country which is on her way from a tyrannical rule can be considered a transitional country. Secondly, he mostly reinstates Rustow's stages: opening, breakthrough and consolidation. Carothers states that the path of democratisation is not straightforward as countries in transition can remain in one stage or even go backwards. Thirdly, he also draws attention to the role of elections. As he argues, lots of authors overestimated the importance of elections in these countries because "political participation beyond voting remains shallow and governmental accountability is weak".<sup>24</sup> The fourth assumption what he criticises is that conditions or rather the environment of the transition are not among the most important factors in the outcome of the transition process. Finally, he does not accept the assumption that the third-wave democratic transitions were carried out in functioning states. Thus, Carothers suggests to abandon this paradigm, as it was a product of the early 1990s, i.e. of the third wave of democratisation, but by 2000, things changed.

Transitions in the Balkans can easily reinforce the criticism made by Carothers. Yugoslavia and Croatia moved away from the communist rule in the early 1990s, however, the newly established systems can hardly be considered liberal democracies. As Krastev (2002) points out, societies (e.g. societies of the former Yugoslavia) prefer self-determination to democratisation.<sup>25</sup> These two cases also help reject the second and third assumptions. It is therefore more important to examine the fourth and the fifth one. Transitions in the Balkans clearly highlight the fact that underlying conditions play an important role in the nature of transition. The process not only differed in Romania, Bulgaria or in the former Yugoslavia: big differences can be observed among the transitions of the former members of Yugoslavia

<sup>21</sup> KRASTEV 2002, 39.

<sup>22</sup> O'DONNELL 1996, 34–51.

<sup>23</sup> CAROTHERS 2002, 5–21.

<sup>24</sup> CAROTHERS 2002, 15.

<sup>25</sup> KRASTEV 2002, 43.

(e.g. Slovenia and Croatia). Moreover, and it is related to the fifth criticism, democracy in Bosnia and Herzegovina was not established on a well-functioning state.

Carothers' article became extremely relevant. Diamond, Fukuyama, Horowitz and Plattner also acknowledged its importance in a debate on the 25<sup>th</sup> anniversary of the changes of 1989.<sup>26</sup> Horowitz emphasises that small differences between countries can be exceptionally important, hence, scholars and democracy activists should not follow 'standard formulas'. Diamond agrees and, in addition, he points out that civil society needs to be helped on after the transition because the process can be turned back.

Another point of view has appeared in recent years, mostly represented by Ivan Krastev. He argues that populism in East-Central Europe is not a result of the failure of liberalism which overlaps consolidation in some cases but of its success due to the growing hostility of the public towards liberalism.<sup>27</sup> This argument implies that the region cannot be understood by using 'Western' concepts. Krastev sees the current situation in post-communist Europe as a crisis of liberal democracy itself instead of the failure of democratisation, which is related to the global economic crisis and the decline of the EU as a worldwide political actor.<sup>28</sup> It can be a consequence of the elite-driven, top-down nature of the transition and consolidation. Following Krastev's thread, it is clear that democratisation and consolidation in particular resulted in political systems not necessarily anticipated.

## Defective Democracies

Either transition paradigm is approved and in this case, consolidation has not ended yet or rather rejected, most political systems in post-communist Europe and in the Balkans in particular are not the best examples of well-functioning liberal democracies. But if they are not perfect liberal democracies, what kind of democracies are they? In the second half of the 1990s, when it became clear that newly established democracies are not perfect, interesting approaches appeared in political science about these defective democracies.

O'Donnell (1994) argues that newly democratised countries are not consolidated or are not institutionalised democracies.<sup>29</sup> O'Donnell's concept is based mostly on Latin American experiences (i.e. presidential systems), where the winning candidate in presidential elections sees accountability to courts or to the legislature as obstructions of her/his full power. As there are no presidential systems in the Balkans, this definition is barely useful, however, the attitudes of the heads of governments are similar to those of the presidents as they also feel other institutions as a threat to their full authority. Although some leaders would change the constitution of the country to remove these barriers, he/she has rarely had the necessary majority to amend or modify the fundamental law. Nevertheless, political leaders have been suspected of using courts for political purposes. In this sense, most countries in the Balkans can be considered delegative democracies.

Although there are mostly parliamentary systems in the Balkans, it does not mean that presidents have only a marginal role in politics. Heads of state in several countries of

<sup>26</sup> DIAMOND et al. 2014, 86–100.

<sup>27</sup> KRASTEV 2007, 56–63.

<sup>28</sup> KRASTEV 2016, 35–39.

<sup>29</sup> O'DONNELL 1994, 55–69.

Southeast Europe are elected directly by the people, hence, they have strong legitimacy and a large informal influence on politics. The clearest case is Serbia where the power of the president is relatively weak, still party leaders are usually presidential candidates, too. Boris Tadić became the head of state as the leader of the Democratic Party. He was later followed by Tomislav Nikolić who had been Chairman of the Serbian Progressive Party, and last time Aleksandar Vučić ran for the presidency not only as party leader but also as incumbent Prime Minister. The current President of Montenegro is Milo Đukanović who is considered the informal leader of the country.

Larry Diamond (1996) depicted the nature of Latin American democracies as ‘illiberal’ mostly because of the critical situation of human rights.<sup>30</sup> He later defined illiberal democracies as systems where individual rights and freedoms are restricted.<sup>31</sup> Nevertheless, the level of human rights abuse in the Balkans is probably much lower than that of Latin America, and the violation of human rights is not the most serious problem in Southeast Europe, even if it is an existing phenomenon in some countries.

The most well-known concept of defective democracies was elaborated by Fareed Zakaria. Zakaria (1997) pays attention to constitutional liberalism which combines the rule of law and individual liberty.<sup>32</sup> In that sense, people have basic individual rights (e.g. the right to life or to property) which have to be secured by the state. On the other hand, the government shall limit its own power. This second condition is more problematic in the Balkans. Lots of governments try to widen their powers by changing the legal environment or rarely, simply breaking the law. Zakaria mentions some countries from the Balkans as clear examples of illiberal democracy. The first one is Romania<sup>33</sup> which was governed by Ion Iliescu from 1990 to 1996 (the article was published in 1997, right after the electoral victory of the centre-right parties). But the author also sees problems in Milošević’s Serbia (then Yugoslavia) and in Bosnia.<sup>34</sup> Nowadays, authoritarian tendencies are not common in the Balkans compared to the 1990s, however, there are still many problems with constitutional liberalism, such as minority rights or even free and fair elections.

A more detailed classification was created by Wolfgang Merkel.<sup>35</sup> In the first half of his article, Merkel details the pre-conditions of an embedded (i.e. liberal) democracy. According to him, embedded democracy is made up by five partial regimes, namely, “a democratic electoral regime, political rights of participation, civil rights, horizontal accountability, and the guarantee that the effective power to govern lies in the hands of democratically elected representatives”.<sup>36</sup> Merkel states that if the entire logic of constitutionalism changes due to the damage of one of these partial regimes, the democracy is no longer embedded. He differentiates four types of defective democracies. In exclusive democracies, universal suffrage is not ensured because a huge group is excluded from it. The most important feature of a domain democracy is that non-elected veto powers (e.g. military) take political domains mainly from the elected government. In an illiberal democracy, the judiciary cannot really

<sup>30</sup> DIAMOND 1996, 52–106.

<sup>31</sup> DIAMOND 1999.

<sup>32</sup> ZAKARIA 1997, 22–43.

<sup>33</sup> ZAKARIA 1997, 23.

<sup>34</sup> ZAKARIA 1997, 35.

<sup>35</sup> MERKEL 2002, 33–58.

<sup>36</sup> MERKEL 2002, 36.

limit the power of executive and legislative branches. It is similar to a delegative democracy where the power of the executive is only weakly limited by the judiciary and the legislature.<sup>37</sup>

Merkel's work is important because he also classified Eastern European countries. In the Balkans, the only liberal democracy was Slovenia right after the Millennium, as he did not examine Greece which is usually researched along with Portugal and Spain instead of the post-communist states of the region. The remaining countries taken into account in this article are categorised as illiberal democracies, which highlights the weak judiciary control. That was the case not only in Romania and Bulgaria, but also in Albania and in two successor states of the former Yugoslavia: Croatia and Macedonia.<sup>38</sup>

Merkel's classification has a clear benefit: it makes a distinction among the defective democracies. It seems to be also beyond dispute that there are no non-elected veto players in Southeast Europe. Civil control over the military is relatively strong and neither guerrillas nor landlords, entrepreneurs etc. can take the power. It is common, however, in some countries that entrepreneurs or tycoons establish their own party, and run in the elections as did Dan Diaconescu in Romania. Leaders have failed to dismantle the importance of legislature, that is the reason why delegative democracies are also rare in the Balkans. Most countries have a parliamentary or at least quasi-parliamentary system (e.g. Romania is somewhere between a classic semi-presidential and a parliamentary system) where the legislature is one of the key players in the political system, and to which the executive is usually accountable.

## What Is in the Balkans?

Krastev (2002) criticises the three leading paradigms dealing with the democratisation of the Balkan countries. Although he rejects these paradigms, he acknowledges some of their results. Firstly, Krastev analyses the 'bad legacies' paradigm and notes that by focusing on ethnic tensions, it failed to separate problems of post-communism from post-Yugoslav problems. Krastev basically agrees with Carothers' criticism related to the transition paradigm. The last paradigm is the integration paradigm compared to the second one by Krastev. He argues that this perspective sees democracy at its institutionalisation. Krastev suggests the establishment of a new approach that concentrates on citizens.<sup>39</sup>

Although Krastev's article is relatively old (2002), most of its questions are still valid. The status of Kosovo has not yet been solved restfully, some questions have not been answered in relation to the future of Macedonia, and the situation in Bosnia and Herzegovina based on the Dayton Agreement has not moved towards a stable and well-functioning state. Therefore, the most worrisome risk is not a war, but a state collapse.<sup>40</sup>

Ágh (1998) draws attention to the process of Westernisation and Europeanisation along with democratisation and consolidation. He argues that 'Return to Europe' as Europeanisation became one of the most important slogans and also a goal of the governments in East Central Europe and the Balkans.<sup>41</sup> As it can be observed, countries in the Balkans

<sup>37</sup> MERKEL 2002, 49–50.

<sup>38</sup> MERKEL 2002, 51.

<sup>39</sup> KRASTEV 2002.

<sup>40</sup> KRASTEV 2002.

<sup>41</sup> ÁGH 1998.

either joined the EU or they are on their way to the European Union. Greece is once again a special case in the Balkans, as she became a member of the European Communities in 1981. Slovenia, Romania and Bulgaria took part in the first two waves of the Eastern enlargement in 2004 and 2007. But in parallel, the Western Balkans became one of the priorities of the further widening of the EU in 2003. The Western Balkans consists of the successor states of the former Yugoslavia except for Slovenia and Albania. Croatia joined the EU in 2013, negotiations are in progress with Serbia, and Montenegro, Albania and Macedonia are official candidate countries, while Bosnia and Herzegovina applied for EU membership, and Kosovo which has not been recognised yet by all the member states is a potential candidate. Europeanisation in the sense of ‘back to Europe’ seems to exist and work, although not without problems (e.g. the status of Kosovo).

However, Krastev (2002) argues that most analysts’ conclusion of the Balkans was wrong. The problems of democratisation originate not only in specific factors such as Balkan factors (e.g. ethnic tensions) and post-communist factors (e.g. the democratisation of the polity in parallel with restructuring the economy), but also in the growing gap between the elite and voters, and in this sense, it is a failure of representation. As Krastev concludes, international actors weaken democracy by punishing the elite who does not follow the line of the International Monetary Fund, however, excusing the elite who does not keep its promises to voters. Thus, Krastev recommends the re-thinking of democracy assistance along the change of the electoral system, role of referenda, and NGOs among others. He also emphasises the need of country-specific packages because politics in the Balkans are different.<sup>42</sup>

As Krastev (2017) states, post-communist states even within the European Union differ from the Western European ones. Cynicism emerged after the transition and liberal reforms, trust in public institutions is very low, and Eastern Europeans are disillusioned because their dream about welfare and security after joining the EU did not come true.<sup>43</sup> Krastev also explains the behaviour of Eastern European societies in the migrant crisis this way. This argument once again highlights the necessity of proper analysis of these countries.

One important factor has not yet been mentioned, however, Krastev also draws attention to it. And it is the problem of demography.<sup>44</sup> Most of the Eastern European societies are aging. Moreover, millions of people from these countries moved to Western Europe to work or to live. This process was reinforced by the EU enlargement. Although the amount of money transferred from the West to the home country is high, it does not replace the decreasing number of births. This can be the biggest problem which the region has to face.

## Conclusion

This chapter demonstrated the most important paradigms, findings, and criticism of the literature on democratic transitions. The focus of researches moved from transition to consolidation and democratisation in the 1990s, however, this paradigm was criticised by some scholars. Thus, approaches have been refined by time, and now they concentrate more on

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<sup>42</sup> KRASTEV 2002.

<sup>43</sup> KRASTEV 2017, 49.

<sup>44</sup> KRASTEV 2017, 50.

country-specific issues. It became also clear, that democracies in the region have their own weaknesses, hence, various classifications of defective democracies also emerged.

Krastev was among the first scholars to pay attention to the fact that not all the problems of the Balkans can be explained by the schemes of experts, and a deeper understanding of the region is desired. Consequently, democracy assistance needs to be re-thought, and more country-specific policy packages are also needed. And this point of view leads back to Diamond's conclusion: it is extremely important to have the right analysis of each country because comparative and theoretical works must meet "facts on the ground".<sup>45</sup> This book ensures it.

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<sup>45</sup> DIAMOND et al. 2014, 100.

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# **Albania: A Taxing Journey Toward Democratic Consolidation and European Integration**

*Ilir Kalemaj*

## **Introduction**

Albania is one of the most difficult democratising cases amongst its former communist Eastern European peers, although puzzling enough, Albania had consistently followed a separate path from the myriad of problems that were occurring in neighbouring Yugoslavia in the early 1990s. Chief among these were the ethnic conflict that involved most of Yugoslavia in the secessionist and separatist wars that were driven by expansionist nationalisms and used ethnic markers to achieve full-blown political goals. Albania remaining unscathed from such conflict, can be explained by its ethnic homogeneity, but also a period of autarchy and isolation especially after 1975, when the breakup with China occurred and that combined with an economically paralysed state and general poverty, led Albanians to massively flee the country in the aftermath of the totalitarian regime. So, the desire of the majority of people was to leave the country, rather than fight to expand it through irredentist wars, which at the time meant evoking nationalist claims vis-à-vis Albanian-speaking territories in former Yugoslavia etc. This was the major reason, coupled with reasonably high foreign pressures that constrained Albanian politicians not to take any step in the dangerous road of irredentist claims, which by that time were already enough threatening to take the volatile Western Balkans faster downhill.

Furthermore, Albania had signed a trade and cooperation agreement with the European Union in 1992, when Albania as a result became eligible for PHARE funding – under the external relations aid scheme. Although the new political elite opted for a fast breakthrough with the past, trying to adopt a quick turnover and radical market economy by firing up the privatisation of state assets and rapidly downsizing the bureaucracy, these reforms that elsewhere proved to be successful, in Albania did not give the desired effect. Meanwhile, democratisation was difficult and political consensus minimal. The main reasons have been a weak legacy of political culture, an intense domestic political warfare and poor constitutional and institutional checks. These in turn were combined with a weak and voiceless civil society and lack of a vibrant middle class.

In the present chapter, first I delineate the last years of Communism, starting with an overview of the 1980s, while mainly focusing on the key events and tendencies, to proceed then with the process of regime change in the immediate aftermath of the Communist system. Then, I briefly discuss the political institutions and their changes, for example the



constitution, the parliament, the electoral system, the government and other important, special features. Then it goes on with governments and party politics (elections, main dynamics of politics) before I wrap up the conclusions in the end.

## The Last Years of Communism

Albania has been the only totalitarian country in the former Eastern Europe, with the exception of the Soviet Union under Stalin's rule. Different from Polish authoritarianism, Czech mature post-totalitarianism, Bulgaria's frozen post-totalitarianism<sup>1</sup> or the decentralist communist system of Yugoslavia, Albania adopted Stalin's model of totalitarianism. It was a model that was well kept even after Khrushchev denounced Stalin's crimes, which resulted in Albania breaking the ties with the Soviets, because of Hoxha's fear of revisionism which would rehabilitate some of his political opponents. After the break with China, Albania went totally autarchic and isolated in the international system, until becoming the last communist regime to be overthrown in the former Eastern Europe, if we do not count here some former Soviet Republics which neither started, nor completed the transition to democratic rule.

On the other hand, the identifying features of the Albanian communism went from rapid and forced collectivisation in the early 1950s to violent livestock gathering by the state in the late 1980s. That started and ended a cycle that was doomed from the start, at least when it came to economic planning. Furthermore, they took absurd proportions, like the Albanian-style internment "gulags" (such as Tepelene or Torovice), or the horrifying prisons, as the examples of Burrel and Spaç testify. Moreover, most of the population endured unspeakable suffering, from rationing of food to harsh punishment for so-called anti-regime propaganda – the infamous Article 55 of the Criminal Code. On the other hand, Albania during communism has steadfastly resisted both internal and external shocks, as well as the calls for change. It went as far as not to have any political or cultural dissidents or underground (samizdat) publications and other forms of cultural resistance, like elsewhere in Central Europe, as the example of the Visegrád countries during the Cold War can testify. Every effort to form some sort of pluralism of thought, let alone assembly or rival political organisation was met with fire and fury by the Communist regime, which was truly monocratic both in name and practice.

The last years of Communism in Albania were characterised by brutal food shortages and desperate attempts of trying to escape the country, until hundreds of discontented and oppressed youth took over the Western embassies in Albania and were in the end offered free passage as political asylum seekers. Under these conditions, the regime that was now ruled by Ramiz Alia, the successor of Hoxha after his death in 1985, started to show the first vestiges of opening up by the beginning of the 1990s, long after such reforms have started in all of the former Eastern European countries. But it was the student protests that erupted at the end of the 1990s that finally sent the spark that forced the hand of Alia and his collaborators to take seriously the students' protests and to initialise the process of political pluralism. A critical psychological factor was no doubt the execution of the Romanian dictator Ceaușescu and his wife by a firing squad and the violent removal of Stalin's monument from the centre of Tirana by a self-organised mob.

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<sup>1</sup> LINZ–STEPAN 1996.

## The Process of Regime Change

The immediate period after the collapse of communism that had divided Eastern Europe from its Western counterpart, was ripe for new and challenging ideological currents and political pluralism that challenged the core beliefs of the communist dogma and monocratic regimes. More often than not, these countries had to deal with the issue of the triple transition toward “democracy, market economy and state-building”,<sup>2</sup> as well as the issue of revisiting the concept of national identity. In federations such as the Soviet Union, Czechoslovakia and Yugoslavia, the (re)creation of new national identities that would be congruent to new state borders<sup>3</sup> was one of the most difficult issues to deal with and set up a whole different game that rivalled the paradigm of “democracy as the only game in town”.<sup>4</sup> As was often the case in many of these transitioning countries of Eastern Europe, the dominant ethnic group in many newly established states found themselves to have little proportional numerical supremacy. This had significant consequences for everyday politics because it raised the old forgotten spectre of ethnic markers which was especially problematic in the relations that newly nationalising states created with their minorities.

Although Albania had the luxury as a monoethnic state to escape the prolonged nation-building stages that most of former Eastern European countries were facing, still nationalist mobilisation was too lucrative a card not to be used instrumentally for domestic political goals, as the events after 1991–1992 clearly show. It was during these turbulent early years that new windows of opportunity opened up for nationalist discourse and identity issues becoming a trend.

The Democratic Party leadership used an ethnically inclusive rhetoric that was addressed to Albanians inside and outside state borders with promises for its revindication and a more active role to be played by the ‘homeland’ in the affairs of ethnic kin, while allowing the diaspora to actively take part in domestic politics. After coming to power, however, the discourse was suddenly ‘normalised’, with nation and state mapping onto each other in the political and cultural discourse, while dissenting nationalist voices that visualised a pan-Albanian federation were marginalised. This shift mostly happened because of the rising pressures of international actors that could not tolerate such discourse on the eve of ethnic conflict ruptures in nearby rump Yugoslavia, as well as an internal longing for escaping the impoverished country after decades of full isolation, rather than trying to expand the nationalist map through irredentist policies.<sup>5</sup>

Then came the period of other political unstable years which culminated in 1997 until 1999, with Albania breaking down after the collapse of some Ponzi schemes where Albanian citizens saw the loosing of 1.3 billion Dollars and the Socialist Party saw the opportunity to come to power in a big coalition that included some right-wing parties and members of the civil society. The popular revolts soon led to the anarchy of armed groups and the paralysing of the state, which made the government inexistent in the most parts of the territory for a few months, until order was restored and elections were called. The elections were heavily disputed but they brought to power the new left-wing coalition that

<sup>2</sup> OFFE 1996.

<sup>3</sup> See more in GELLNER 1983.

<sup>4</sup> DI PALMA 1990, 113.

<sup>5</sup> KALEMAJ 2014.

continued in various forms to rule for the next eight years, until the 2005 political elections. The economy during these turbulent years was in shatters, from a 13% economic all-time high growth in 1996 to a rapid downturn and depression in 1997 when it had a negative growth for the first and last time in the post-communist period. The new government had to face the double challenge of restoring trust in institutions while redoubling the efforts to get the economy back to its feet. But as an observer has duly pointed out: “[h]owever, Albania recovered from the pyramid scheme crisis within a relatively brief period, and continued its reform agenda, making progress on many fronts”.<sup>6</sup>

On the other hand, Kosovo’s crises situation suddenly erupted at this instance, with many Kosovar refugees fleeing to Albania to escape ethnic cleansing and persecution from Serbia’s strongman, Slobodan Milosevic’s regime. Albania, with the assistance of the international community managed the crisis well, considering its own lack of infrastructure and the burden on its weak public finances. Most of the burden was actually shared by the people directly because most offered their own homes to shelter the Kosovars that were fleeing the mass cleansing of Milosevic’s regime. The dynamic of events in this first decade of post-communist period, from state and institutional building at home to confrontation with a volatile Western Balkans in a region that historically has been considered a “powder keg”, led ultimately to a chaotic period with much progress checked by retreats and spill-backs that resembled that of a tango danced in reverse.

The end of the monocratic system in Albania and the emergence of political pluralism, made possible a diversification of views regarding the Albanian national question, in particular with reference to Kosovo. Sali Berisha who was elected the first post-communist president and the Democratic Party that he led, showed renewed interest in the fate of the Albanians in Kosovo and the Albanian diaspora at large in Yugoslavia. Berisha had an early connection to Kosovo, being born in Tropoja that borders Kosovo and having most relatives on Kosovo’s side of the border. This was an abrupt change from Hoxha and the generally Southern leadership of the communist era which were closer to Belgrade than Pristina.

However, the political landscape in Albania at the time was fast-changing, with the start of the anti-communist student protests and the emergence of the first opposition party, the Democratic Party.<sup>7</sup> The new government prioritised the fight against corruption, state capture and organised crime and worked in tandem with international actors to address these emerging issues that prevented a rapid and successful integration of the country in the European Union.

From the early post-communist years that Berisha and the Democratic Party came to power, the main political and public discourse shifted to an EU and NATO enlargement agenda as the top priorities of official Tirana policy and has remained so to this date. Like in many countries in the region and generally as a symptom of former communist Eastern European countries, membership in Western “clubs” reinforced or replaced the lack of legitimacy coming from normal political processes domestically. Soon the directives for the negotiation of a Stabilization and Association Agreement with Albania were adopted on 31 January 2003. On this date, Chief Commissioner Prodi officially launches the negotiations for a SAA between the EU and Albania. Later, in June in the same year, at the

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<sup>6</sup> BIBERAJ 2015.

<sup>7</sup> The party was formed on December 12, 1990.

Thessaloniki Summit, the SAP was confirmed as the European Union policy for the Western Balkans. The EU perspective for these countries was confirmed based on the Regatta principle, which meant that evaluation was going to be based on individual progress.<sup>8</sup> Then, in December 2005, the Council of Ministers made the decision on the principles of a revised European Partnership for Albania, whereas on 12 June 2006, finally the SAA was signed at the General Affairs and External Relations Council, thus signalling a significant progress on the path toward the candidate status, albeit lagging behind in its integration speed, even by regional progress.

Meanwhile in April 3, 2008, Albania was finally accepted in NATO, a high achievement for the poverty-stricken country that further legitimised the progress done in the past two decades by being able to consolidate its rule of law and democratic credentials in the eyes of the international community. The admission to this high-level military-security organisation which was in a way consecrated as the beacon of the free world – especially during the turbulent years of the Cold War – was also a major political victory for the centre-right democratic party which used it as a political capital to win the next local elections.

Meanwhile, the process of visa liberalisation started with an agreement in Zagreb in 2007 and was successfully concluded in 2010 when the Council approved visa-free travel to the Schengen Area for Albanian citizens. Shortly thereafter, on 28 April 2009 Albania formally applied for membership in the European Union. On 24 June 2014, under the Greek EU Presidency of the time, the Council agreed to grant Albania the candidate status, which was endorsed by the EU Council a few days later.

In March 2015, at the fifth “High Level Dialogue meeting” between Albania and the EU, the EU Commissioner for Enlargement – Johannes Hahn, notified Albania for a start date for accession negotiations to begin. This required the following two conditions to be met: First, the government needed to reopen political dialogue with the parliamentary opposition and second, Albania must deliver quality reforms for all five earlier identified key areas not yet complied with, which were and continue to be: public administration, the rule of law, corruption, organised crime, fundamental rights.<sup>9</sup> This official stance was fully supported by the European Parliament through its pass of a Resolution comment in April 2015, which basically agreed with all conclusions drawn by the Commission’s latest 2014 Progress Report on Albania.

The Albanian Parliament approved constitutional amendments on justice reforms on 22 July 2016. Albania had hoped to open membership negotiations by December 2016. Although the Commission recommended the launch of negotiations on 9 November 2016, on 26 November Germany announced that it would veto the opening accession talks until 2018. In early 2017, the EU Parliament warned the government leaders that the parliamentary elections in June must be “free and fair” before negotiations could begin to admit the country into the Union. The MEPs also expressed concern about Albania’s “selective justice, corruption, the overall length of judicial proceedings and political interference in investigations and court cases” but the EU Press Release left room for some optimism when it said toward the end that: “It is important for Albania to maintain today’s reform

<sup>8</sup> European Commission 2013.

<sup>9</sup> “Albania needs to implement EU-related reforms credibly, and ensure that its June parliamentary elections are free and fair, if it is to start EU accession negotiations.” European Parliament 2017.

momentum and we must be ready to support it as much as possible in this process.”<sup>10</sup> The fate of the Judicial Reform for which repeatedly Brussels, as well as Washington have consistently expressed the urge not only to see it finalised on paper but also implemented in practice is the real test of political willingness. The quantifiable measure of success is the arrest of what the current American Ambassador in Albania, Mr. Donald Lu has called euphemistically “the big fish” that need to go behind bars. These “big fish” range from corrupt judges and prosecutors to big political weights that only a fair and equal justice need to demonstrate how they have enriched themselves in a very short period beyond all reasonable calculations. The old dictum “follow the money” can be very useful in instructing the new law enforcement specialists to go after the pioneers of state capture and organised crime, thereby dealing with the oldest problems that prevent the successful integration of the country in the European Union.

### **Political Institutions and Their Changes**

Albania operated under the auspices of the Main Constitutional Dispositions<sup>11</sup> until 1998, because a proposed constitution by the then President Sali Berisha in 1994 was defeated in a national referendum. The first parliament that was constituted in 1991 had 250 deputies. On 22 March – in the preliminary elections that were called by the Communist Government in the belief that they would carry an easy win – the opposition won. This parliament had a total of 155 deputies, while later this number dropped to 140 deputies, a number that continues today. The electoral system in the whole decade of the 1990s and also in the beginning of the 2000s, continued to be the majoritarian one with national proportional correction, the so-called German model, since it borrowed characteristics from its German counterpart. Under this system, 100 deputies were directly elected from the 100 electoral zones that Albania was divided into, while 40 deputies came from national proportional lists of the parties and coalitions. Under this system, the threshold to qualify for the national proportional system for the parties was 2.5% and 4% for the coalitions.

From 1992 to 2014, the territory was divided into 12 districts, as 65 municipalities and 308 communes. Then, on 31 July 2014, the Albanian Parliament passed Law 115/2014 *For Administrative-Territorial Division of Local Government Units in the Republic of Albania*. The new territorial division created only two new levels: 12 districts and 61 municipalities, thus getting rid of the previous communes that were largely rural areas or groups of villages collected together. Also it reduced a bit the number of municipalities. This new and simplified territorial division was made effective after the local elections of 2015.<sup>12</sup>

Meanwhile, the two biggest political parties that have continually shaped the political system in Albania SP and DP decided to effectively rule out the electoral weight of smaller parties which could be a hindrance to stability and especially get rid of the Socialist Movement for Integration that was created by former Socialist Prime Minister and Deputy Prime Minister (in various times), Ilir Meta. Thus, they proposed a regional proportional system.

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<sup>10</sup> European Commission 2017.

<sup>11</sup> Ligj 1991.

<sup>12</sup> Official Journal 2014.

This so-called “Spanish system”, because of its parallels with the Spanish model was meant to improve several components.

According to Kastriot Islami, who was largely thought as the brain behind the formula, the new system would bring several advantages by correcting some of the inefficiencies of the previous model. Among those, he pointed out the following: 1. getting rid of the tension that accompanied the two-round system of the past.<sup>13</sup> This is important since it used to create the so-called “Dushku” effect, named after an infamous Albanian village/zone, which paradoxically elected a number of deputies in the second round after the biggest party on the left, the Socialist Party, ordered its voters to re-direct their votes to its political allies in order to get them in the Parliament through the proportional national list. Also among other reasons he enlisted were the following: 2. guarantees fair representation; consolidates the political system; 4. because it gives the voters the opportunity to select its favourite leader, party and program; 5. because it reinforces the role and cohesion of political parties; 6. because it eliminates the “salamander” type electoral zones; 7. it eliminates North–South political divide; 8. it prioritises regional and national development.<sup>14</sup> Yet another reason that politicians of both camps were propagating was the fairer gender balance that it would guarantee due to the fact that the previous existing majoritarian system was fairly unfair to women candidates.

The opponents on the other hand, both smaller political parties and civil society actors, strongly criticised the new law because it was detrimental to the democratic process. It also inhibited the role of smaller parties that represented certain segments of the society and it would give the monopoly of the political power solely to the duopoly of the two biggest parties: Socialists and Democrats. The political opposition to this law went as far as to enter a hunger strike inside the confines of the Parliament led by the Socialist Movement for Integration and its leader, Ilir Meta.

The effects of the new electoral system, seen in retrospective, seem more negative than positive. The number of women in parliament has increased a little, which in itself is a positive signal. But that was mainly done because of a new law on representative gender-based quotas, than voluntary inclusion by party leaders of women candidates. Although it removed North–South political divides, it made general representation much worse with only a handful of parties being represented in the Parliament (seven altogether) and of these several represented only by one or two deputies. On the positive note, it helped create more stable governances and the new governments were able to sit in for the full mandate, thus improving the political instability that characterised the early 2000s. Thus Prime Minister Berisha of the Democratic Party had the luxury of a stable rule for two four-year consecutive mandates from 2005 to 2013 and it seems that current Prime Minister Edi Rama, after winning in June 2017 a second parliamentary majority, is headed toward a successful *déjà vu*.

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<sup>13</sup> ISLAMI 1998.

<sup>14</sup> ISLAMI 1998.



## Governments and Party Politics

The data reveals that in 1992 in Albania, with the start of the democratic transition and power shifts from the autocracy of communists to a multi-party system, a new opportunity for power grabbing and elite rivalisation came up and this was reflected in the mushrooming of the political parties, a trend which continues to the present date.<sup>15</sup> The years 1992–1996 were years of overnight state industry transfer of hands to private entities. Massive privatisation was followed also in other areas of societal and economic life. On the other hand, massive emigration started with the shattering of foreign embassies' walls by disappointed Albanian youth who simply had nothing to lose and wanted to break free from a poverty-stricken Albania. More than 1 million Albanians left in those years, with half a million settling in Greece, 300 thousands in Italy and the rest in Germany and other European states. This coupling of rapid privatisation with remittances sent home by the new emigrant waves, resulted in an economic boom that was very welcomed in a country that had very little to offer in terms of comparative advantage even by regional standards. It also brought many risks altogether, including deep polarity divides, major societal ruptures and prices skyrocketing overnight, thus dealing simultaneously with high inflation and high unemployment.

In 1992, Albania experienced the first free post-communist elections which brought the right-wing Democratic Party and other opposition parties and groups to power. The DP and its allies stayed in power until the collapse of the pyramid schemes in 1997 when they were replaced by the SP and its allies. From 1997 to 1999, the government had to fight many internal crises like the assassination of a leading opposition figure, Azem Hajdari and external crises, like the humanitarian disaster in neighbouring Kosovo which faced ethnic cleansing from Serb paramilitary troops and sought refuge in Albania and Macedonia and to a lesser extent to other countries, as well. However, this period was more an effort to return the missing state back and to recreate the institutions that were shattered by the civil conflict of 1997, rather than an effort to secure a strong foundation for democratisation. Prime Minister Fatos Nano was credited to share power with a number of former prominent leaders from the opposition and in general a rather liberal way of governing. Also of symbolic importance was the inclusion of some noted journalists and civil activists in important functions in the government and state apparatus.

But these were seen as efforts to secure a relatively comfortable governance, without the common nuisance from the opposition, rather than credible efforts of democratisation and addressing legitimacy questions. Democracy standards continued to suffer and as a result, the political crisis became acute. The temporary *détente* between the Socialists and the Democrats in 2002, following the consensual election of President Moisiu, was only a fleeting example of success that resembled just a glimpse of hope, amidst the overall scepticism that surrounded both camps. As a result of such a degree of disbelief between the two parties and respective political leaders, Albania continued to have an antagonistic political scene, where the opponent was demonised and considered an enemy, rather than simply a political adversary with whom pacts were possible.

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<sup>15</sup> According to the National Electoral Commission, there are 135 registered political parties in Albania, although only half of them participate in local or national elections.

Albanian elections can be taken as an example of democratic deformation and lack of consolidation of good practices, because of their irregularities and mutual contestation that falls into the line of partisan politics. In turn, it enforces the notion of a problematic country that while is on the track of joining the EU, being a candidate country that waits to open negotiation chapters in the coming months, it still has problems often encountered by new and weak states. The international observers in the country have consistently rated Albanian elections as problematic, partially free or generally regular and free, but with minor problems.<sup>16</sup>

The elections of 1996, won by a landslide by the Democratic Party, were considered especially problematic, then the elections of 1997 that were won vice-versa by the Socialist Party under extraordinary conditions and to some degree those of 2001 because of electoral rules that favoured the governing coalition. The majoritarian system, corrected with a national proportional system or the so-called “German system” that Albania had at the time was later on changed to a regional proportional system, the so-called “Spanish system” that divided the country on regions and fixed a certain number of deputies for each district/region. The new proportional system also gave free reigns to party chairmen to make their own lists and to basically place higher on the party lists their favourites, which was highly criticised by the civil society activists as a step back in the democratisation process. On the other hand, though, it highly increased the representation of women in parliament and also in local elections, where half of municipality councils have to be women to correct the gender gap. The decriminalisation act of parliament that was passed with mutual agreement between the DP that proposed it and the SP that is currently governing the country after winning the second election in a row, have also started to clean up the parliament from deputies that have criminal precedents. A political veto that covers the investigation of current and active politicians’ wealth is also recently proposed by the opposition but is facing a stiff resistance from the majority which claims that this is already provided by the new institutions that are created by the consensual Justice Reform.

International observers, such as OSCE and ODIHR roles have often been disputed. As I have stressed elsewhere: “The OSCE public stances are often politicized and attributed specific political interpretation by different political parties, to remove sensitive issues away from public scrutiny, technocratizing the speech. [...] International actors not only have largely played a significant role in influencing the political processes in Albania but in addition their actions or inactions have often been treated as rock solid evidence of fairness and beyond domestic judgment.”<sup>17</sup>

The often-opaque nature of politics in Albania, when many sensitive issues are solved away from public eyes, have led to a degree of anomie and social withdrawing, which coupled with lack of a consolidated political culture, have led often to a weak and voiceless civil society. Seeking legitimacy chiefly from the outside (the international actors) rather than inside (local agents) has been usually more profitable in short-term gains for local politicians and they have used this to their advantage. This in turn has influenced the prolongation of the transition toward a consolidated democracy, solid rule of law and functioning free market economy, able to withstand the forces of foreign competition and to create well-being for its citizens.

<sup>16</sup> KALEMAJ 2008, 169–174.

<sup>17</sup> KALEMAJ 2016, 107–112.



The last general elections in 2017 were a special challenging test because they were preceded by uncertainty until the last moment. The opposition led by the Democratic Party first refused to go to what it called “rigged electoral process” and required the creation of a technical government composed of representatives of both sides of the political spectrum in order to create the proper climate. In order to achieve this goal, it started nation-wide protests and kept close contact with the international community by lobbying and advocacy. In the end, the compromise was achieved when the DP proposed six ministers while the SP and its Premier Edi Rama maintained the rest of the actual ministers. They went to elections with the DP fiercely attacking the minor coalition partner, the Socialist Movement for Integration but not so much the Socialist Party because of the pact. Although the DP largely concentrated on an economic electoral platform, talking about the necessity to bring back the flat tax system, get rid of an increasingly criminalised economy and fight money laundering and corruption, the SP proved largely victorious. Its strategy was simple and it was basically a one-man show by the current Prime Minister Rama. By using popular language and also blaming the Socialist Movement for Integration and its other allies in government for the mischiefs and corruption, he promised to govern in the name of all Albanians if elected by a simple majority. Contrary to all initial predictions, Rama and the SP won a straightforward simple majority which the opposition was quick to denounce as rigged, the elections bought with money generated from illicit trade and the involvement of underground figures in the electoral battle. However, the elections were largely recognised by international observers, which nonetheless noted that forms of abuse, such as the use of administration on behalf of collecting votes for the SP or patterns of family voting have been noted. The SP had thus the opportunity to create the government all by itself.<sup>18</sup>

Currently and curiously the Democratic Party and the Socialist Movement for Integration are strong coalition partners in opposition and they were recently joined by the fourth largest parliamentary party (the Party for Justice, Integration and Unity). On paper, the government is nonetheless strong and has a solid parliamentary majority, while the opposition has recently tried to base its message on the necessity for change and has come up with an economic platform that seeks to fight oligarchs, prevent widespread corruption and annihilate organised crime. Critics have noted that the opposition should instead focus on the upcoming local elections because it is too late on the organisation part and might suffer a great loss due to the nature of local elections, the gerrymandering (political map drawing) and administrative strengths where the SP has the upper hand.

Meanwhile, the civil society has increasingly grown fragile, with an exception of a massive protest against the building of skyscrapers in the centre of Tirana which require *inter alia* the demolition of the National Theatre. The media on the other hand has recently shown some signs of vitality with two international cooperation of two recent televisions, one affiliated with CNN and the other a subsidiary of Euronews. There is some hope that this will further open up space for democratisation and freedom of expression and will allow more competition by different media actors.

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<sup>18</sup> OSCE 2017.

## Conclusion

Albania in retrospective seemed to be initially a likely case of rapid democratisation, given its positive factors at start, like the ethnically homogeneous population, the religious coexistence and generally an indifferent attitude toward organised religion as the result of the Communist legacy, which declared Albania constitutionally the first world atheist state back in 1976. This was a must for state and identity-building in a country with four state recognised religions (in the post-communist period) and many others that mushroomed later on. Also, given the vibrant youth eager to emigrate for better prospects, the country's democratisation challenges proved to be arduous in the long run. Nonetheless, Albania faced one of the most difficult trajectories to democratisation, even compared to regional standards in the eve of the ethnic wars that led to the dismemberment of Yugoslavia.

I have argued elsewhere that “political antagonism, the increased authoritarian tendencies and lack of institutional bedrock, were the primary factors that can explain the Albanian case in temporal axes from early 1992 to present day.”<sup>19</sup> Some critical junctures have had a more significant impact on Albania's lack of progress as the main impediments of Albania's democratisation process.

Albania's difficulty with democratisation lies especially in a continuous political antagonism that is based neither on principles, nor ideology divides. The roots of the problem is the extreme political antagonism that is chiefly manifested in the electoral battles and is often vested in a technical jargon about the rules of engagements in devising electoral systems as it was specifically mentioned above. This in turn, is often fuelled by personal attacks in order to fill the ideological vacuum, to keep the attention away from major economic and infrastructure problems and the inability of the political class to offer long lasting solutions.

In general, there is a paradox that lies between the promises of the European integration that the whole political class backs up unanimously, and also supported by the absolute majority of all Albanian citizens and the little will showed to follow up the suit to realise the necessary reforms to perform the homework required by EU institutions. If the Western Balkans backyard is to be integrated only and if the homework are dealt with and measured individually for each state by Brussels, Albania has repeatedly failed the test so far not because of philosophical differences, neither because of identity politics or state-building impasses, nor because of minority rights or problems with neighbours, but simply and chiefly because of a lack of political will to follow suit with the EU recommendations. This is a *conditio sine qua non* for opening the negotiations, which has kept Albania in place so far, not being among the next wave of countries with a promise of accession by 2022–2023, like Montenegro for example. The Albanian Government remains convinced that it will open the negotiations chapters with the European Union by the summer of 2019 after the negative answer it received in June 2018. This will allow it to proceed smoothly with legislation transposition, as well as to effectively address the problems in the justice system through judiciary reforms and reduce informality through new regulations, while removing bottlenecks that hinder business and entrepreneurship development. These combined measures in turn, will enable the country to successfully

<sup>19</sup> KALEMAJ 2016, 107–112.

speed up the fight against the systemic corruption and organised crime, which are the main impediments to full EU integration as far as the annual reports of the EU Commission indicate.

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# Bulgaria: A Lesson in Learning the Hard Way?

*Marin Lessenski*

## Introduction

In public and political debates, the late communist and the transition period are divisive and open for discussion. The optics are still changing according to the perspective of the beholder and cause polarising views. For example, a recent surge in nostalgia sees the 1980s as a peak and benchmark in Bulgaria's development. But this makes all the more important to revisit the milestones and trends of the period.

"7 Lost Years" read the title of a 1998 article about Bulgaria.<sup>1</sup> It concerned NATO accession, but was pretty much applicable for Bulgaria's transition development. The country was a relative latecomer to many reforms in the economy,<sup>2</sup> EU and NATO accession. Bulgaria's starting point was not enviable. Bulgaria was known as the closest Soviet satellite with Todor Zhivkov, the longest running dictator in the bloc. Zhivkov resisted even the Perestroika of the 1980s, viewing with suspicion Gorbachev's policies. In the 1970s, the regime has started to nurture nationalism along with the communist ideology. In the mid and late 1980s, the regime began the infamous assimilation and expulsion of Bulgarian Turks. Domestic and international tensions ran high and at the time the country was in even greater danger of conflict than its Balkan neighbours. The country was accumulating debt, leading to bankruptcy in 1990 and through the early transition botched economic policies and nepotism led to unprecedented economic and financial crisis in 1996–1997. The citizens are still frustrated with the uneven social and economic catching up with the West and deficits mar the quality of democracy and judiciary.

There was a lot of bad news, but there was also good news. Despite the danger of interethnic conflict (or even conflict with neighbouring Turkey), the country managed to solve these outstanding issues to avoid the type of conflict as its close neighbours in former Yugoslavia. The Round Table of 1990 managed to negotiate the basic path of transition to democracy and market economy, enshrined in the constitution of 1991. All Bulgarian citizens were provided equal political and civil rights. The party system emerged soon as well as other civil society organisations in line with the freedom of assembly. The first multiparty general elections took place in June 1990 and at the time of writing nearly 30 years free and fair elections have been taking place with a peaceful change of power.

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<sup>1</sup> SIMON 1998.

<sup>2</sup> МИХОВ 1999.

After 1997, a new political consensus about the development of the country has been reached, following the crisis of 1995–1996. A currency board and reforms stabilised the economy; the country took course to EU and NATO membership. In 2004, the country acceded to NATO. In 2007, it became EU member as part of the fifth enlargement.

## The Last Years of Communism

There were several main trends that probably influenced developments in Bulgaria in the 1980s more than anything else. The first one was the growing affection of Todor Zhivkov's regime for nationalistic mobilisation. Started in the 1970s, the nationalistic surge peaked in the 1980s. More and more, the emphasis shifted away from communist orthodoxy to nationalist ideology.

The other factor was the starting of *Perestroika* in the USSR by Mikhail Gorbachev. It was met with suspicion by the Bulgarian leadership. Todor Zhivkov would not oppose openly the Soviet leader's new policy, but was very reluctant to introduce any meaningful *Glasnost and Perestroika*. Zhivkov famously told a gathering of trade union activists in 1987: "Comrades, we have decided to wait, to see [...] Thus we will lay low for this storm to pass, but after this we will see what to do [...] If the storm does not pass, then we will rebuild ourselves [i.e. introduce *perestroika*]." <sup>3</sup>

The third one was the forceful change of names of and the expulsion of Bulgarian Turks. Partly fearing a "Cyprus scenario" with irredentist threat by the Turkish minority in the country, partly pursuing nationalist mobilisation, the Zhivkov regime carried out the so-called "Revival" or "Rebirth" process from 1982 to 1989 with a peak in 1985. <sup>4</sup> The regime claimed that the Bulgarian Muslims were the descendants of forcefully Islamised Bulgarians and had to be assimilated. Eventually, many were forced to leave and by 1989, a mass exodus occurred as hundreds of thousands of people left their possessions and went to Turkey. <sup>5</sup>

The 1980s were a period of economic problems for the regime, too. The foreign debt in the period 1985–1989 tripled. <sup>6</sup> The exodus of the Turkish population caused severe labour shortage and economic problems. The regime was accumulating debt, increasingly relying on Western finances, which caused some opening as for example in relations with West Germany. There were ambitions for catching up with the West especially in technology, with Bulgaria specialising in copycat computer technologies within the Eastern Bloc. In 1989, Zhivkov decided to introduce some changes by very limited economic liberalisation with the so-called "Decree (Ukaz) 56 for Economic Activity".

<sup>3</sup> Former communist leader Todor Zhivkov reportedly speaking to trade union members in 1987, audio recording. Translation of the author. See Recording of Todor Zhivkov 1987.

<sup>4</sup> For a thorough account see AVRAMOV 2016.

<sup>5</sup> The accounts vary, with 462,767 Bulgarian citizens residing in Turkey in 1990, according to ANGELOV–LESSENSKI 2017.

<sup>6</sup> See STOEV 2004, 90–97.

## The Process of Regime Change

Todor Zhivkov resigned on 10 November 1989 in what was described as an internal coup.<sup>7</sup> In the months prior the resignation, a group of government and party functionaries, allegedly with Moscow's blessing, began planning the ousting of Zhivkov. The date is generally considered the fall of the regime and the beginning of democratisation. However, it might be that both those within the party, who removed Zhivkov, and many of the *intelligentsia* believed that the system could be reformed, not removed.<sup>8</sup>

The emerging opposition had other plans and wanted transition to democracy. A number of "informal" opposition organisations were created and several events took place that helped shape the course of transition. These included the creation of the Club for the Support of Glasnost and Perestroika in 1988, led by Zhelyo Zhelev, who later became Bulgaria's president. On 7 December 1989, the Union of the Democratic Forces (UDF) was created by several independent organisations and new or restored parties and became the main political opposition to the former communist party.<sup>9</sup>

Furthermore, Bulgaria had to resolve the question of the rights of the Turkish and Muslim community after the assimilation events. In December 1989, demonstrations for religious freedom and later for the return of names took place. The BCP leadership decided to return the names and in early 1990, a "small round table" took place – as it was called by some of the participants in the process – to decide on the return of names, the civil and political rights of Bulgarian Turks and Muslims, resolving peacefully a potential ethnic conflict.

These early events culminated in the decision to hold a National Round Table with the aim of negotiating the main elements and steps of political transition. The two main negotiating sides were the still ruling Bulgarian Communist Party (BCP), renamed to Bulgarian Socialist Party (BSP) in April 1990<sup>10</sup> and the opposition Union of the Democratic Forces (UDF). The round table took place from 3 January 1990 to 14 May 1990 with the declared goal of "carrying out peaceful transition from totalitarian to democratic social setup".<sup>11</sup> The main prerequisites for transition that were agreed included pluralistic and competitive democracy with free and fair elections, removing the monopoly of the communist party with the merger of party and state, convening a Grand National Assembly to change the constitution by democratising it.

## Political Institutions and Their Changes

As agreed by the Round Table, the first free elections took place in June 1990 to elect the 7<sup>th</sup> Grand National Assembly. It was convened for a limited period from 10 July 1990 to 2 October 1991. The main goal of its work was a new constitution of the country to lay the foundations of a democratic state based on the rule of law. Since then the constitution was changed five times, but the only more substantial change was in 2005 in relation to

<sup>7</sup> LINZ–STEPAN 1996, 338–339.

<sup>8</sup> GRUEV 2015b, 17–18.

<sup>9</sup> MALINOV 2010, 3; FISH–BROOKS 2000.

<sup>10</sup> See KANDILAROV 2011b, 343.

<sup>11</sup> Dokumenti 1990.

the accession to the European Union. The 1990 constitution was not adopted without controversies. There was the “Protest of the 39”; the opposition members of parliament protested against the people and methods of adopting the new constitution as the former communist party acquired a majority after the elections and had the major say.<sup>12</sup> The constitution was nevertheless signed on 12 July 1991 by 313 of the 400 members of parliament.

The new constitution<sup>13</sup> defined Bulgaria as a parliamentary republic. Article 1 (1) made sure to confirm that Bulgaria was a unitary state with local self-government and “no autonomous territorial formations shall be allowed to exist therein” (Article 2 (1)). The rule of law was enshrined (Article 4) as well as the individual rights of citizens: The Bulgarian language was defined as the official language of the state Article 6 (2). Article 11 (4) provided that: “There shall be no political parties on ethnic, racial or religious lines, nor parties, which seek the violent seizure of state power.” The Bulgarian Parliament – National Assembly (Narodno Sabranie) was constituted as a unicameral, with 240 members, with a term of four years (Chapter 3 of the Constitution). In Article 62 (1) (Previous text of Article 62- SG 12/07), the National Assembly was vested with the legislative authority and would exercise parliamentary control. As a parliamentary republic, the national assembly has broad powers, among them “Art. 84. 1. Pass, amend, supplement, and repeal the laws”; “6. Elect and remove the Prime Minister and, on his motion, the members of the Council of Ministers”.

Bulgaria is a parliamentary republic, but the Round Table and then the constitution identified the institution of the president as the head of state to be elected directly by voters for a five year term.<sup>14</sup> Despite the limited powers, the president may play a significant role by vetoing laws, approving senior appointments and appointing a caretaker government, some of which played a critical part in Bulgaria’s development.

In the very early transition, the president (the term “chairman” was also used at the time) was indirectly elected. The first chairman was Petar Mladenov of the Bulgarian Communist Party, former foreign minister and one of the communist party plotters against Zhivkov. After Mladenov resigned in consequence of a scandal,<sup>15</sup> the former dissident Zhelyo Zhelev of UDF was elected president by the parliament with Atanas Semerdzhiev from BSP as vice-president.

In 1992, the first direct elections for president took place, electing the president and vice-president for a five year term. Zhelyo Zhelev of the UDF won in 1992 a five year term until 1996. He was succeeded by another UDF nomination Petar Stoyanov, who won the 1996 elections. In 2001, the position changed to another party as the BSP leader Georgi Parvanov won the elections. He was re-elected in 2006 for a second term until 2011.<sup>16</sup> In 2011, Rossen Plevneliev nominated by the centre-right GERB won the elections. In 2016, the presidency was won again by a BSP nomination, Rumen Radev, for a five year term.

The Council of Ministers (Ministerski savet) is the government of Bulgaria, consisting of a Prime Minister, Deputy Prime Ministers and ministers [Article 108 (1)],<sup>17</sup> to direct and

<sup>12</sup> See RIBAREVA–NIKOLOVA 2000.

<sup>13</sup> National Assembly 1991.

<sup>14</sup> National Assembly 1991, Chapter four, Article 92 (1), Article 93 (1).

<sup>15</sup> The scandal broke out over the disputed account of what he said, watching a protest rally. Reportedly, it was: “It is better for the tanks to come.” See RIBAREVA–NIKOLOVA 2000, 13.

<sup>16</sup> OSCE 2007, 20.

<sup>17</sup> National Assembly 1991, Chapter five: Council of Ministers.



conduct the State's domestic and foreign policy in accordance with the Constitution and the laws [Article 105 (1)]. The government exercises considerable powers and the prime minister is in practice the most important figure.

In the 1991 Constitution, Bulgaria retained its unitary character. The local self-government and local administration is provisioned in Article 135–146. In 1999, the current setup was adopted with 28 regions (*oblast*) with governors, appointed by the executive Council of Ministers. Article 143 (3) provided that “the municipalities are self-governed by directly elected mayors and councils”.

In August 1991, the Grand National Assembly voted a law on the election of the members of parliament, municipal councillors and mayors, which introduced principles largely used to this day. These include proportional representation for allocating the 240 seats in parliament and the 4% threshold for entering parliament. There were only two exceptions. The adopted electoral system for the Grand National Assembly was a mixed type proportional and majoritarian with 200 proportional and 200 majoritarian seats.<sup>18</sup> In 2009, a mixed system was used again with 31 out of the 240 seats using a majoritarian “winner takes all” system.

NATO and EU memberships play a profound role in the development of Bulgaria. But the decision to join the two organisations came late and was not easy. The political divide with regards to NATO was very broad. While the democratic opposition of UDF supported closer relations and membership, the BSP leadership and voters were very negatively predisposed. It was only after the profound shock due to the 1995–1996 economic and political crisis that a political and public consensus was reached. This allowed three successive governments to prepare and accede to NATO in 2004, starting with emergency actions by a caretaker government in early 1997.

Despite that membership in the EU was not as contested an issue as membership in NATO, and Bulgaria submitted an application in 1995,<sup>19</sup> the country did not seriously move towards EU accession until after the 1997 threshold. The government of Ivan Kostov took advantage of the improved context and started preparations for accession.<sup>20</sup> Bulgaria was working hard and fast to cover EU requirements and catch-up for lost time. In 2001, Bulgaria received visa-free travel with the Schengen countries after introducing a number of necessary measures. The negotiations with the EU were opened in 2000, provisionally concluded in 2004 and the accession treaty signed in 2005 to formally enter on 1 January 2007. The EU conditionality within the Copenhagen framework became a key impetus for the political and economic reforms in Bulgaria.

From 2007, as it entered the European Union, Bulgaria held European Parliamentary elections. In the 2007 elections, the BSP and the GERB won 5 seats each from the 18 seats in total, MRF – 4, Ataka – 3 and NMSS – 1 seat.<sup>21</sup> In the 2009 elections, GERB won 5, the BSP-led coalition – 4, MRF – 3, Ataka – 2, NMSS – 2 and the centre-right Blue Coalition – 2. In 2014, GERB won 6 seats, the BSP-led coalition – 4 seats, MRF – 4, the new populist Bulgaria without Censorship – 2 and the centre-right Reformist Bloc – 1 seat out of the 17 seats available.<sup>22</sup>

<sup>18</sup> TODOROV 2014, 147.

<sup>19</sup> Europe Agreement 1995.

<sup>20</sup> GRABBE 2006, 112.

<sup>21</sup> GERB 2007.

<sup>22</sup> European Elections 2009; European Elections 2014.



## Governments and Party Politics

The first elections of the transition period took place in June 1990 to elect a Grand National Assembly. They employed the mixed system with 200 seats in the proportional and 200 seats in the majoritarian system. The former communist Bulgarian Socialist Party won an overwhelming majority with 211 seats, the democratic opposition of UDF had 144 seats, and the Turkish minority MRF had 24 seats. Three smaller parties won the rest of the seats: the Bulgarian Agrarian National Union (BANU) won 16 seats, the Alternative Socialist Party coalition – 3 seats, and the left nationalist Fatherland Labour Party – 2 seats.<sup>23</sup> The election results and the reactions to it remain disputed to this day with a suspicion of foul play on behalf of the ruling BSP. But what mattered was that the results were recognised and the GNA convened, despite the fact that the opposition recognised the elections as free, but not fair. These first elections provided the normative and organisational blueprint for elections in Bulgaria for years to come.

From February 1990 to September 1990, there was the first government of the BCP's<sup>24</sup> Andrei Lukanov, former economy minister in Zhivkov's government and key figure in his downfall. The second government of Lukanov was appointed by the Grand National Assembly after the first free elections. Lukanov is associated with the profound crisis in the period, colloquially known as the "Lukanov winter". He stopped payments on the foreign debt of Bulgaria, leading to years of graver problems. The crisis continued under the short-lived government of Dimitar Popov from December 1990 to November 1991, backed by a diverse coalition by BSP, the UDF and the small BANU ("agrarians").<sup>25</sup> It was touted as "programmatic", "non-partisan" and had to stabilise economically the country with some attempts at economic liberalisation.

After the end of the Grand National Assembly, new general elections took place in October 1991. Three parties entered parliament. The UDF, which was a coalition of parties at the time, won 110 seats out of 240, a BSP-led coalition won 106 seats and the MRF had 24 seats.<sup>26</sup> The UDF formed a minority government with its leader Filip Dimitrov as Prime Minister from November 1991 until December 1992. The young UDF tried to start reforms, among other things, with a focus on restitution and privatisation. In foreign policy it sought closer relations with the West, especially the USA and President Zhelyo Zhelev helped join the Francophonie. In 1992, Bulgaria was the first to recognise the independent Macedonia, BiH, Croatia and Slovenia.<sup>27</sup> But this government was also marked by a significant rift within the pro-democratic forces as President Zhelev, former leader and founder of the UDF, heavily criticised the cabinet over its confrontation with trade unions, the media, the presidency and the opposition.

Philip Dimitrov lost a vote of confidence in October 1992 as the MRF decided not to support him. In the period of December 1992 – September 1994, the Lyuben Berov cabinet touted as another "expert government" came to power in December 1992 with the somewhat tacit support by the BSP and MRF. This cabinet became emblematic of the period, weak

<sup>23</sup> Bulgaria, Parliamentary Chamber 1990.

<sup>24</sup> BCP changed its name to Bulgarian Socialist Party on 3 April 1990.

<sup>25</sup> Also translated into English as Bulgarian Agrarian People's Union (BAPU).

<sup>26</sup> Bulgaria, Parliamentary Chamber 1991.

<sup>27</sup> METODIEV 2015, 306–319.

and reportedly dependent on vested interests.<sup>28</sup> Following a political crisis, President Zhelyo Zhelev appointed a new, caretaker government by the first (and so far only) female Prime Minister Reneta Indzhova to prepare snap elections for parliament.

In December 1994, Bulgaria held another general election. A BSP-led coalition won 125 seats out of 240, UDF won 69 seats, the People's Union coalition (the Bulgarian Agrarian National Union and the Democratic Party) had 18 seats, MRF had 15, the Bulgarian Business Bloc (one of the early populist parties) had 13 seats. A BSP government with its leader Zhan Videnov as Prime Minister was formed. The Videnov Government botched policies such as price controls brought the country into an even deeper crisis.<sup>29</sup> The government failed to agree on a new deferment on foreign debt. The banking sector collapsed after politically connected and incompetent bankers syphoned the system. The hyperinflation and food deficit led to mass protests in the winter of 1996 and 1997 with citizens storming the parliament.<sup>30</sup> Videnov resigned due to internal party pressure, but the BSP decided not to form another government and to cede power.

President Petar Stoyanov, who was a UDF nomination, appointed a caretaker government led by Sofia Mayor Stefan Sofianski. The April 1997 elections results<sup>31</sup> brought an overwhelming victory for the opposition United Democratic Forces coalition<sup>32</sup> with 137 seats out of 240, the BSP-led coalition won 58 seats, an MRF-led coalition had 19 seats, the Bulgarian Euro-Left had 14 seats and the Bulgarian Business Bloc had 12 seats. The snap elections of 1997 brought to power the government of Ivan Kostov, leader of the Union of Democratic Forces, which was already a party dubbed in one article at the time "Bulgarian Democracy's Organizational Weapon".<sup>33</sup>

The deep economic and political crisis under the socialist government of Videnov led to widespread discontent and provided the next government with a clean slate for long-delayed economic and social policies and foreign policy agenda. A number of key reforms were commenced in this period, which influenced the trajectory of development for decades. The first task was to stabilise the economy and the financial system. A currency board was introduced in 1997 with the Bulgarian Lev pegged to the Deutsche Mark (later Euro) and is still in place to remain until entry into the Eurozone. The country decided to take course to NATO and EU membership, which at the time were seen as the "twin" accessions under the "return to Europe" moto.

But in 2001, when Ivan Kostov's cabinet was growing unpopular and, the society wary of the burden of reforms a new, charismatic player entered politics. This was Simeon, the former king who has just returned to the country. Simeon was an actual "Tsar" of Bulgaria from 1943 to 1946 as a little boy, but lived in exile. In 2001, in a matter of months, Simeon Saxe-Coburg-Gotha launched a political movement named after himself – National Movement

<sup>28</sup> KOLEV 2015.

<sup>29</sup> HRISTOVA-STANCHEV 2004, 21–31.

<sup>30</sup> AMANPOUR 1997.

<sup>31</sup> OSCE 1997.

<sup>32</sup> The United Democratic Forces (Obedineni Demokratichni Sili) was the coalition around the Union of the Democratic Forces (Sayuz na Demokratichnite Sili).

<sup>33</sup> FISH-BROOKS 2000.

Simeon the Second (NMSS, NDSV in Bulgarian)<sup>34</sup> with a coalition of smaller parties and won the 2001 elections, sweeping aside the main parties that dominated politics until then. The NMSS-led coalition won half of the seats in parliament – 120 out of 240, the incumbent United Democratic Forces (UDF-led coalition) had just 51 seats, BSP had 48 and MRF 21.<sup>35</sup> After the election victory, Simeon became Prime Minister, shedding aside ambitions to restore the monarchy as some speculated or hoped. He led a coalition government of his party NMSS and MRF, but also included two BSP ministers, ensuring broader support. Simeon retained the priorities of EU and NATO membership.

The 2005 elections brought a new coalition government, led by the BSP and its leader Sergey Stanishev, but on the ticket of the MRF. The Turkish minority MRF and NMSS of Simeon were the junior partners. BSP had won 82 out of the 240 seats, NMSS had 53 and MRF had 34 seats. The opposition consisted of the centre-right United Democratic Forces with 20 seats, the centre-right Democrats for Strong Bulgaria of former UDF leader Ivan Kostov with 17 seats, the new nationalist Ataka with 21 seats and the Bulgarian People's Union ("agrarians") with 13 seats.<sup>36</sup> The so-called "Tripartite" coalition led by Stanishev oversaw the entry of Bulgaria into the EU in 2007. But the relative prosperity in the period of the Simeon and Stanishev Government was slowly replaced by the impact of the global economic crisis on Bulgaria. There was growing public discontent and Brussels had frozen significant funds over suspected irregularities, setting the stage for the 2009 general elections.

The BSP and Stanishev lost the 2009 elections to the up-and-coming GERB party, an acronym meaning "coat of arms" of Citizens for the European Development of Bulgaria, a centre-right party. It was formed in December 2006 by another charismatic leader – Boyko Borissov, former secretary general of the interior ministry (police) in the Simeon Government and later Mayor of Sofia Capital City.

The 2009 elections featured a mixed type system of 31 majoritarian and 209 proportional seats (the only other was the 1990 Grand National Assembly), meant to benefit the incumbent BSP. But the competitor of GERB won 26 seats and MRF 5 seats of those 31 majoritarian seats. The final results showed that GERB won 91 proportional and 26 majoritarian seats, the BSP-led Coalition for Bulgaria had 40 proportional seats, MRF had 33 proportional seats and 5 majoritarian, the nationalist Ataka had 21 proportional seats, the centre-right Blue Coalition had 15 proportional seats and the populist Order, Law and Justice party (RZS) won 10 seats.<sup>37</sup> The winner GERB formed a minority government with 117 out of the 240 seats.

Borissov's cabinet resigned in the winter of 2013 over mass protests, triggered by electricity bills and relaying the growing frustration over the economic and social conditions. The caretaker cabinet of Marin Raykov, appointed by President Rossen Plevneliev, prepared early elections.

The May 2013 snap elections brought a BSP–MRF coalition in parliament, occasionally backed by Ataka. The BSP-led Coalition for Bulgaria had 84 seats, MRF had 36 seats

<sup>34</sup> The movement was transformed into a party and later renamed in 2007 and 2008 to National Movement for Stability and Progress, using the old abbreviation NDSV in Bulgarian.

<sup>35</sup> OSCE 2001, 19.

<sup>36</sup> OSCE 2005, 17.

<sup>37</sup> GERB won one additional seat after additional ruling. For the election results see OSCE 2009, 28.

and Ataka had 23 seats. The opposition GERB won 97 seats.<sup>38</sup> A government was formed with Prime Minister Plamen Oresharski. But the new cabinet was from the onset met with massive protests over the appointment of tycoon and MRF MP Delyan Peevski as head of the State Agency for National Security.<sup>39</sup> The appointment was revoked, but the protests continued. These were the longest running protests in Bulgarian history for over consecutive 400 days. They ended after the government collapsed due to MRF's withdrawal from the coalition and the bankruptcy of one of the largest banks – Corpbank, which caused billions of Euros in losses.<sup>40</sup> A new caretaker government was appointed by President Rossen Plevneliev with Georgi Bliznashki as Prime Minister to prepare new snap elections.

In the early elections of 2014, eight parties entered the parliament. GERB won 84 seats out of 240, BSP Left Bulgaria coalition had 39, MRF won 38, the centre-right Reformist Bloc – 23, the nationalist Patriotic Front coalition – 19, the populist Bulgaria without Censorship – 15, the nationalist Ataka – 11 and the centre-left Alternative for Bulgarian Renaissance (ABV) won 11.<sup>41</sup>

After the elections in 2014, GERB formed a coalition with the small centre-right coalition of the Reformist Bloc and the small centre-left ABV of former BSP leader and President Georgi Parvanov, which later withdrew in the summer of 2016. Following the loss of the late 2016 presidential elections by GERB to the opposing BSP-backed candidate, Borissov resigned again in January 2017. Another caretaker government appointed by the new President Rumen Radev with Ognyan Gerdzhikov as Prime Minister came to power.

In the March 2017 snap elections,<sup>42</sup> Boyko Borissov and his GERB won the elections and formed another government. GERB's junior partner became the loose United Patriots coalition of three nationalist parties – National Front for Salvation of Bulgaria (NFSB), Ataka, IMRO – Bulgarian National Movement (VMRO). GERB had 95 of the 240 seats, its partners – 25 seats. The opposition BSP-led coalition had 80 seats, MRF – 26 seats and the new Volya (“Will” in English) of tycoon Vesselin Mareshki had 12 seats. The high point of the third Borissov cabinet was Bulgaria taking over the rotating Presidency of the Council of the EU in the first half of 2018. The presidency made the EU accession of the Western Balkans its priority, among other things.

There are two broad periods with regards to party system development in Bulgaria. The first period dates from the start of political liberalisation from 1990 to 2001. This period was dominated by three parties or the coalitions they led – the left Bulgarian Socialist Party, the centre-right Union of the Democratic Forces and the Turkish minority Movement for Rights and Freedoms.

The Bulgarian Communist Party (BCP) changed its name to Bulgarian Socialist Party (BSP)<sup>43</sup> in April 1990 and continued to dominate the left part of the spectrum. Despite some attempts at creating alternatives, the BSP had never been seriously challenged in its field. As a rule, it had coalition partners for elections, but they were satellites with little influence. The BSP was slow to transform, entertaining initially the idea of a “third way” between

<sup>38</sup> OSCE 2013, 28.

<sup>39</sup> BBC 2013.

<sup>40</sup> WILLIAMS-TSOLOVA 2014.

<sup>41</sup> OSCE 2014, 26.

<sup>42</sup> OSCE 2017, 29.

<sup>43</sup> See KANDILAROV 2011b.

communism and a social-democracy.<sup>44</sup> After 1997 it changed some of its basic tenets after accepting NATO accession and supporting EU membership<sup>45</sup> and became member of the Party of European Socialists.

The Union of the Democratic Forces (UDF) – started as a democratic, pro-Western opposition and largely centre-right union of diverse parties in 1989, but it has had as founders and partners social democratic parties and other organisations.<sup>46</sup> UDF underwent several transformations, becoming a centre-right party in 1998. From the early transition in the 1990s, the UDF took hold of the larger urban centres and had its most emblematic governments in 1992 and 1997. In 1998, it became member of the European People's Party. Its decline started in 2001, gradually fragmenting and losing relevance, but there is still a small party with this name and other successor parties, such as the Democrats for Strong Bulgaria (also EPP member).

The third biggest party from this period was the Movement for Rights and Freedoms (MRF), founded and still dominated by Ahmed Dogan. Founded on 4 January 1990, it is regarded as the party of the Turkish minority in the country. It has remained one of the most influential players to this day. It has often manoeuvred to its advantage to play the king-maker between the roughly equal BSP and UDF. MRF is member of ALDE. The attempts through the years to challenge MRF and Dogan's leadership within the Turkish community have failed, giving birth to smaller parties that struggled to survive. As a rule, these were established by former MRF leading figures. E.g. in 2012, the People's Party Freedom and Dignity was founded by Kasim Dal, former Dogan's deputy, in 2016 the Democrats for Responsibility, Freedom and Tolerance party was established by Lyutvi Mestan, former formal leader of MRF. Mestan's party, known with the abbreviation DOST (meaning "friend" in Turkish) had high hopes for replacing Dogan and the MRF as it had the support of high level officials from Turkey and the influential Bulgarian-born Turkish diaspora organisations in neighbouring Turkey,<sup>47</sup> but again the party failed to gain traction. It is worth noting that there has been an interesting dynamic between the MRF and other Turkish minority parties in Bulgaria and the large diaspora of Bulgarian Turks living in Turkey.<sup>48</sup> With their well-organised associations, political clout in Turkey, money and numbers they have been able to exert influence in the community political matters, but their influence is limited as the MRF and Dogan always managed to take control of the situation.

The existing party model was substantially and suddenly altered with the 2001 elections<sup>49</sup> and the arrival of former king Simeon. Simeon entered politics as a charismatic leader and established a political movement after him – National Movement Simeon II/the Second (NMSS), officially registered in 2002. In addition to the novelty of a former royal leading the executive in a parliamentary democracy, NMSS proved that founding a leadership party

<sup>44</sup> KANEV 2011, 238.

<sup>45</sup> MITEV 2011, 52.

<sup>46</sup> See MALINOV 2010 and KANEV 2011, including the 1997 United Democratic Forces coalition with the Bulgarian Social Democratic Party, the Bulgarian Euro-Left (BEL).

<sup>47</sup> TSOLOVA 2017.

<sup>48</sup> Nearly 370,000 Bulgarian-born people reside in Turkey as of 2014, making up the largest share of the foreign-born population with 37.6% at the time according to the Turkish Statistical Institute 2014.

<sup>49</sup> See KARASIMEONOV 2010, 127.

to break the status quo is a winning tactic to be emulated later on. In 2005, it lost the elections and in 2009 remained outside of parliament.

The example of Simeon informed Boyko Borissov, who entered politics himself in 2005 as Mayor of Sofia and in 2006 established his party GERB, or Citizens for the European Development of Bulgaria. Borissov also won the 2005 and 2007 local elections in Sofia, becoming Mayor of Sofia. His party GERB won the parliamentary elections in 2009, 2014 and 2017, the presidential elections in 2011 and GERB mayors control the major cities in the country. GERB joined the European People's Party (EPP) as a centre-right party in 2008.

The nationalist Ataka party, established in 2005 by Volen Siderov (initially running as a coalition)<sup>50</sup> is among the indicative phenomenon of the period. It won a significant number of votes in 2005, 2009 and 2013, running on the anti-status quo platform and pro-Russian sentiments. Siderov came second in the 2006 presidential elections and the party joined the cabinet in 2017 with a coalition of other nationalist parties – the IMRO – Bulgarian National Movement (VMRO) and the National Front for the Salvation of Bulgaria.

In addition, in the 2000s there was a surge of small parties on local level, often dubbed “business parties” as they revolved around tycoons.<sup>51</sup> Some of them managed to get into the national parliament as LIDER of energy tycoon Hristo Kovachki, established in 2007, managed to enter parliament in 2014 with the coalition of Bulgaria without Censorship of Nikolay Barekov, who himself entered the European Parliament in 2014. The “Volya” (meaning “Will”) party of tycoon Veselin Mareshki, established in 2007 with some name revisions, won 12 seats in the 2017 elections with all Volya candidates being employees or relatives of the party leader.<sup>52</sup> Though such parties remained with limited national influence, they had enough success to be able to influence decision-making at either local or national level.

## Conclusion

Speaking broadly, in the 1990–2001 period, the main cleavages were “communist” vs. “anti-communist”, “liberal democracy” vs. “reformed socialism”,<sup>53</sup> “pro-Western” vs. “pro-Russian” orientation of the country. The socialists adhered to “gradualism”<sup>54</sup> in changes, advocating for a slow path, sometimes leading to inconclusive steps and results. The centre-left advocated for more resolute reforms. Symbolically, BSP were the colour “red” and UDF claimed the colour “blue” and later parties such as GERB sought after the symbolism. In the 2000s, the twin accessions to NATO in 2004 and especially the EU in 2007 structured the political and public agenda within a mainstream consensus. Bulgaria was and remained highly supportive

<sup>50</sup> KARASIMEONOV 2010, 151.

<sup>51</sup> LYUBENOV 2017. The start of such parties can be traced to the Bulgarian Business Bloc of George Ganchev, who competed for presidency in 1996, to the presence mainly in the municipal councils of – e.g. the Movement “Our City” established in the city of Varna in 2007, the political party “European Middle Class” in the city of Burgas and a party dubbed “Burgas” in the same city, etc.

<sup>52</sup> See the article of SPASOV 2017.

<sup>53</sup> KARASIMEONOV 2010, 37.

<sup>54</sup> FISH–BROOKS 2010, 5.



of the EU with trust in EU institutions three times higher than those in the national ones.<sup>55</sup> But as the global economic crisis coincided with the EU membership, some of the public frustrations were projected onto it, further aggravated by the refugee crisis and Brexit. A number of parties started to run on anti-mainstream sentiments to gather the votes of the disillusioned. But despite discontent and rhetoric, only about 20% of the people would reject EU membership,<sup>56</sup> which represents the consensus basis for the long-term development of the country.

At the end of the day, those seeing a glass half empty are re-evaluating the entire transition experience unhappy with the slow catching up, the social and economic problems and messy politics. Those seeing a glass half full would point to the peaceful transition in contrast to many of the neighbours, the ability to mobilise in important moments as in the EU accession process, the overall direction and positive developments in a long-term perspective.

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<sup>55</sup> 33% tend to trust EU institutions and 10% tend to trust Bulgarian institutions more. See LESSENSKI 2017.

<sup>56</sup> Data from the 2016 opinion survey "Would you vote for a party that supports the exit of Bulgaria from the EU?" in LESSENSKI 2017.

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# Croatia: From a War-torn Country to the EU and NATO Membership

*Sandro Knezović*

## Introduction

The desire to become a part of the European club was undoubtedly a crucial motor of political changes in Croatia. As in any other former communist country, the EC (EU today) was regarded as a model of economic prosperity, political stability and cultural diversity that the country should become part of. It was generally represented as something exactly the opposite to the model the country had experienced during more than half of a century under the communist rule.

Furthermore, unlike in ex-communist countries that have never been a part of a multinational socialist federation, this goal was always deeply interlinked with the major desire of the Croatian nation and that is to exercise its right for self-determination and to form an independent national state. So symbolically, to ‘become a member of the European club’ implied to become independent and therefore the idea of Europeanism gained an even larger amount of support than it was rational to expect in the turbulent last decade of the previous millennium in Croatia.<sup>1</sup>

Namely, ‘the real transition’ in Croatia, as well as in a number of other countries from the region started in 1999, followed by paramount democratic changes and introduction of the first consistent policy of the EU towards the region – *The Stabilisation and Association Process (SAP)*. The SAP represented a milestone in the relations between the EU and the region, and Croatia accordingly, mainly owing to the fact that it was for the first time in modern history that the possibility for full EU membership of the countries from the region was clearly confirmed. This was a major precondition for EU conditionality to work for the EU side and even more, it was essential for transitional enthusiasm and pro-European attitude in the countries from the region and Croatia in particular. One should not forget another aspect of the new EU’s policy towards the region that was of utmost importance, especially for Croatia as a most developed country, and it is the so-called ‘own merits’ policy that guaranteed the individual assessment of each country concerned in its reforms progress and path towards full-fledged EU membership.

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<sup>1</sup> BILANDZIC 1991.

From that time on, the country is experiencing a very different dynamics of the reforms process and relations with the EU that is followed by the change of substance of perception of the EU in public and political elites as well. The discourse of the debate on pros and cons for joining the EU became dominated by a rather pragmatic manner and clear arguments regardless of the position on the respective issue.

So, it is obvious that one can differentiate two periods of Croatian recent history with almost opposite attitude towards the meaning and clarity of perception of ‘the European concept’. Changes that happened during the turn of the century clearly show the importance of new framework of relations between the EU and countries from the region that positively affected the political development in Croatia in particular. The perspective of EU membership was a crucial motor that helped the country to pass through its ‘democratic catharsis’ and reach some standards of democratic development that were almost unthinkable less than twenty years ago. In the final phase of the EU integration process, where the country was 6–7 years ago, it enabled Croatia to achieve some very painful compromises required for its successful finalisation.

## **The Last Years of Communism**

In order to understand the current developments as well as ones that this paper will modestly try to predict, it is recommendable to turn a little bit to the past and to try glancing at the way former Yugoslavia dissolved and Croatia gained its independence and sovereignty. Having in mind the size limitations of this research, this part will concentrate in short only on the period after the fall of the Berlin Wall, despite the fact that we can find the roots of the whole process much before.

After the death of Tito,<sup>2</sup> who ensured the preservation of the ‘Fraternity and Unity myth’, tensions among the republics appeared. As a result, the League of Communists of Yugoslavia dissolved and the first multi-party elections were called, and nationalist parties also had the chance to take part in the political life, which catalysed the ongoing process of the dissolution.

The so-called Antibureaucratic revolution that had started from Belgrade with the political upsurge of Slobodan Milosevic resulted in the abolition of the autonomy of two provinces (Kosovo and Vojvodina) and the assurance of his absolute political domination among Montenegrin political elites. Having done this, he managed to completely block the decision-making process in the highest executive body of the dissolving federation (Federal Executive Council) and to put an additional pressure on the other republics (especially Slovenia and Croatia) that were opposing to his unitary concept of Yugoslavia and opting in favour of the more loose confederative model. Apart from this, he succeeded in recruiting the Serbian population in Croatia, as well as in Bosnia and Herzegovina, to support his political agenda of redrawing Serbia’s boundaries to include the other republics’ territories where Serbs were living, in case of the dissolution of Yugoslavia. By means of strong nationalist propaganda and transfer of troops, weapons as well as significant financial support, he managed to light the fire of their rebellion that resulted in the occupation of more than 30% of Croatian territory.

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<sup>2</sup> Josip Broz Tito – President of the Socialist Federal Republic of Yugoslavia, died in 1980.

The war broke out, and Croatia became heavily involved in it. The war also meant the end of political stability. Croatia needed to fight a war before starting its path towards Europe, moreover, lots of its territories were under occupation. Hence, it is obvious that unlike most of the ex-socialist states that have found the opportunity to change their societal, political and economic system and to start with their path towards *the* European club in the ‘historical year of 1989’ simply by changing their state sign, Croatia unfortunately had to take a different, much more difficult road to get to where it is now. It was forced to fight the war for its independence, a significant part of its territory had been occupied for almost four years, communication between its continental and coastal part almost made impossible and any kind of development blocked.

## The Process of Regime Change

So, Croatia as a country that was, apart from Slovenia, economically and structurally the most developed among the ex-socialist countries, instead of having a possibility to use such a position to advance further and to start its process of accession to the EU (at that time EC) and NATO, was forced to cope with the aforementioned situation of a war-torn country, as well as to fight for recognition of its sovereignty at the international arena. Both efforts were more than demanding having in mind that Croatia was, while being under the weapons imports embargo, facing the force (ex JNA and various Serb paramilitary forces) that was surpassingly stronger, better equipped and supported by the local population, as well as the international community that seemed, at least from the Croatian point of view, “to have difficulties comprehending” what was actually going on in ex-Yugoslavia, and trying to preserve it even though it was obviously not functioning for a significant period of time.<sup>3</sup>

The development of Croatian politics did not help create a functioning democracy. The first multi-party election was won by the HDZ (*Hrvatska demokratska zajednica* – Croatian Democratic Union) under the leadership of ex-communist dissident and nationalist historian Franjo Tuđman who was elected president.<sup>4</sup> In the beginning of its history, HDZ was a catch-all movement of liberals, nationalists, conservatives and modernisers as well. HDZ did not dissolve after the regime change unlike other large umbrella organisations of the opposition forces in Central and Eastern Europe.

So, unlike during the first period of the transition, in the mid-1990s Croatia became more frequently regarded as a part of a backward southeastern region rather than a part of the Central European group of advanced transition countries. The initial attitude towards the country was directly related to the estimation of its transformational capacities, such as the type of the former communist regime (rather open unlike in other ex-socialist countries), political, religious and cultural tradition (mainly in reference to its history within the Habsburg Empire), level of economic development (far better than the average in ex-communist states at that time) etc.

<sup>3</sup> An excellent example for this is a statement of the former French President Mitterrand in the eve of the dissolution of former Yugoslavia, according to which there is no reason to support the dissolution of some European countries, while the rest of Europe is in the middle of the process of unification.

<sup>4</sup> Details on that in the next section.

As it was identified by scholars,<sup>5</sup> this sort of change of perception of potentials of the Croatian transition happened owing mainly to two important factors: the war and the low quality of the transformation process. The war made transitional processes (i.e. the transformation of society, economic and political system in the country) of secondary importance, owing to the fact that the defence of a new-born state against the aggression and secession of its parts was given a top priority position. It is not difficult to find a theoretical confirmation to the argument that it is highly unlikely to expect from a country to start dealing with problems of political transformation unless it has its main issues of existence resolved. Even more, that can be regarded as an issue of general consent among experts dealing with democratic consolidation worldwide, not to speak about the absolute incompatibility of war with processes of democratic consolidation.

In Croatia, the war and occupation dramatically endangered the territorial integrity of the country, and hence any kind of democratic consolidation as such. After the international recognition of Croatia's independence and sovereignty, the state borders were formally confirmed, but not entirely controlled by the country's authorities until the peaceful reintegration of Eastern Slavonia in 1998 was finalised. The problem of the Croatian democratic consolidation was affected by the war in Bosnia and Herzegovina as well, owing to the fact that development on the ground led to the creation of parallel Croatian authorities in the country loyal to the government in Zagreb that, owing to the fact that the territorial integrity of BiH at that time was rather questionable, kept the issue of Croatia's eastern borders open due to secessionist aspiration from its side.

Therefore one may conclude, as stressed in the introduction that 'the real process of democratic transition' in the region and in Croatia as well, started with 'a decade of delay' and especially for the purpose of this research it has to be taken into consideration with special attention.

## Political Institutions and Their Changes

Owing to the fact that, according to Article 1 of the Croatian Constitution,<sup>6</sup> the nation exercises its power by electing its representatives, it is obvious that the concept of representative governance is accepted, and in line with that the Constitution (Article 70) clearly states that the Croatian Parliament is a representative body of the Croatian citizens, as well as the main body of the legislative branch in the country.

In the light of a discussion about the role of a parliament and its relations with other branches of power at that time, it is useful to mention that the Croatian President had the right for a life-long seat in the House of Counties after the expiration of his presidential mandate. Apart from that, he had a so-called 'virile right' that was characteristic for a pre-modern electoral history and represented a right to individually appoint several persons to the representative body and thus influence its structure and political relation within it. According to the 1990 Constitution, the president was entitled to name five representatives

<sup>5</sup> KASAPOVIC 2001.

<sup>6</sup> *The Constitution of the Republic of Croatia* s. a.

to the House of Counties, and owing to that he used his position to strengthen the absolute majority of his party in it.

This is only one of a number of examples of the fact that the functioning of the Croatian Parliament in the first decade of post-communist transformation was conducted in a paradoxical way. While the huge symbolic importance of the Croatian Parliament was almost unquestioned, its real political importance was somewhat different and marked with marginalisation of its position in the political system, especially in relation to a dominant executive branch personalised in the position of the country's president as well as to some non-institutional political subjects, such as political parties, security services, informal interest groups etc.<sup>7</sup>

The significant symbolical importance of the Croatian Parliament is derived from its historical role of 'guardian of the Croatian sovereignty', owing to the fact that during the centuries, regardless of wider political frameworks that Croatia was part of (Habsburg Empire, Austro-Hungarian Monarchy, Kingdom SHS, socialist Yugoslavia), it represented a main institutional guarantee of individual political life. In general, this was frequently used as a proof of continuity of the Croatian municipal right as well as a basic argument for the right to form a modern Croatian national state.<sup>8</sup>

However, the development in the 1990s shows the evolution from a complicated representative body during communist times, followed by a marginalised representative body with limited functionality in the era of the dominant executive branch to a better structured and functional unicameral representative body that represents a recognisable political counterbalance to an executive branch in a new parliamentary system after 2001. Namely, the bicameral structure of the parliament introduced with the 1990 Constitution was questioned from the very beginning of its existence, mainly because of the fact that its essential ratio of defending the regional representation and decentralisation was rather questionable in a unitary state of Croatia in the 1990s. As it was already mentioned, the legal and political position of the president of the republic was among the most controversial issues of the Croatian political system in the 1990s. During the period of drafting the 1990 Constitution, a need for a powerful institution of the president in the semi-presidential political system was based on the argument about the specific environment in which the country started its state-building process, that was marked with turbulence, armed conflicts, and that required functional and stable authorities that cannot be achieved with a pure parliamentary system characterised with the fragmentation of the party system, instable parliamentary majorities and very weak governments.<sup>9</sup>

It would not be incorrect to conclude that the constitutional conception of governance was formulated mainly according to the understanding and preferences of the first Croatian President who was, owing to a clear majority of its party won in the 1990 elections, in position to significantly influence the main determinants of the constitution. In accordance to his 'degaulleistic perception' of politics, marked with beliefs related to historic roles of national leaders in the process of state-building, the first Croatian constitution was characterised by a dominating presidential position with competences for individual decision-making

<sup>7</sup> KASAPOVIC 1993.

<sup>8</sup> As it was mentioned, this symbolic importance is incorporated in the Preamble of the Croatian Constitution, representing a basis for the proclamation of independence.

<sup>9</sup> CULAR 2005.



on the important political issues. Furthermore, the populist nature of the HDZ, that used to function more as a movement than as a party, required a leader in a traditional sense, whose undisputed authority will have an integrative effect on different factions within the aforementioned movement and prevent its dissolution.

Despite the fact that the constitution itself provided the president with a significant amount of power, such as the right to appoint and dismiss the president of the government and their members, the right to issue legislations with the power of law in extraordinary circumstances and many others. The prevailing interpretations of the accumulation of power in the hands of the president during the 1990s tend to find main reasons for that in a combination between the aforementioned constitutional provisions and the environment, as well as the manner in which the governance was conducted. During the entire time in office (1990–1999), President Tudjman could rely on an undisputable parliamentary majority of the party where he preserved the position of unchallenged leader. Apart from that, he established a parallel mechanism of presidential bodies and advisers that were functioning *de facto* as highest decision-making bodies responsible only to the president. In addition, as it was partially mentioned before, the complexity of the bicameral parliamentary procedure combined with extreme conditions in the period of aggression and occupation of a significant part of the country, created a situation where the executive branch (especially the president) had a clear political initiative. These were the main reasons for constitutional changes in the beginning of this decade that followed the political changes in the 2000s and marked a new beginning in the political life of Croatia and a new dynamics in the relation with the Euro-Atlantic community. One of the main characteristics of the new constitutional setting is the transformation of the political system from a semi-presidential to a parliamentary one, with a dramatically lower authority of the president *vis-à-vis* the prime minister within the executive branch as well as improved position of a legislative branch, i.e. of a new unicameral parliament in general.

Working bodies of the parliament are undoubtedly among the most important mechanisms of functionality of parliament and its oversight of the executive branch. Their structure and number, as well as competences are determined in the Rules of Procedure of the Croatian Parliament. So-called parliamentary committees were formed in order to ensure the debate on very specific topics before the final parliamentary procedure and preparation of materials for the plenary sessions. However, the fact that they are field-oriented gives them a sort of legitimacy to influence or at least to shape the final decision in the parliament, which also makes parliament itself more legitimate and efficient in the decision-making process *vis-à-vis* the executive branch in the given issue and hence to a certain extent contributes to its oversight of the political system in general.

Owing to a changing international environment marked with integration processes and new dynamics of both domestic and foreign policy, as well as to a significant increase of the importance of parliament in the political system of Croatia after the constitutional changes, the representative body assumes more competences and responsibilities that requires division and specialisation of labour and responsible decision-making, where the role of parliamentary committees becomes more visible. One may conclude that parliamentary committees have an extraordinary significance in this constellation, especially with regards to specific relations between the legislative and executive branch.

Besides typical legislative competence (adoption of laws), the Croatian Parliament has an authority over the confirmation of international treaties (ratification), concluded by representatives of the country's executive branch with international partners. Taking into consideration the fact that international treaties are not considered relevant until they were ratified in the parliament, it is obvious that this form of confirmation gives a power of oversight over the executive branch's conduct of foreign policy to the representative body.<sup>10</sup>

Apart from the fact that, like in any other parliamentary system, the representative body appoints and dismisses the government, there are some other mechanisms that ensure its oversight over the executive branch, like the right of MPs to question members of the government during the so-called 'actual morning session' and the right for interpellation.

Also, according to Article 91 of the Croatian Constitution, the parliament may exercise the oversight of the government, i.e. the entire public administration, with its special boards for investigation that have the right to question and investigate certain activities of the government and public administration. In the parliamentary praxis in different countries, they act very often as hearing boards or some form of special courts for state officials and employees.<sup>11</sup>

One may conclude that significant political changes have taken place in the Croatian political system during the last decade. These changes have had a positive impact on the transitional reform process on the country's path towards its place in Euro-Atlantic structures. Croatia had drastically changed its reputation and general image in the international community that was confirmed on several occasions, in particular by its successful accession to NATO (2009) and the EU (2013).

## **Governments and Party Politics**

As a consequence of the inability to reach any kind of compromise on federal level regarding the course of political and economic reforms, and awareness that the transformation towards democracy and market economy in the existing federal framework is highly unlikely to happen, the ideas favouring the conduct of free multi-party elections started to be more frequently advocated in two north-western republics (Slovenia and Croatia). During 1989, the first political organisations emerged in Croatia as a core of future formation of different parties and started arguing for defence of the Croatian sovereignty, conduct of the first free elections and introduction of a multi-party democratic system. Reform oriented forces started growing stronger in the society and that process affected directly the Communist Party as well, which was of crucial importance for further developments in the Croatian political transformation.

The decision on the conduct of free multi-party elections has been made in December 1989, in a very complex interaction of party in power and new opposition movements and parties, marked by mass public demonstrations, different petitions in support to the demands of the representatives of the opposition forwarded to the parliament and other

<sup>10</sup> An excellent example for that is the so-called Border Agreement with Slovenia that has been signed by the Prime Minister but never ratified in the parliament and hence was never considered relevant.

<sup>11</sup> While the praxis in Croatia on this matter is still in the developing phase, these kinds of boards are very well known in countries like the U.S., France etc.

state bodies. In this context one should not underestimate the importance of international developments – the fall of the communist regime in Europe, and the violent break-up of the Ceaușescu regime in Romania. While these developments undoubtedly prompted the decision on the conduct of free multi-party elections, the crucial motive that helped overcoming political differences within Croatia and coming up with this sort of step in the process of initiation of transition was a need to form the apparatus capable of ensuring the defence of the country from a brutal aggression and basic elements for creation of a new sovereign state. In line with that, in a very short period, changes of the constitution were adopted, along with the first draft of elections legislation, as well as a number of other legislations necessary for the conduct of the first free multi-party elections.

A majority electoral system was established in Croatia that contained the use of the principle of absolute majority and two-round elections. The basis for the establishment of such a system was the French electoral system from the year 1986 that apart from the above-mentioned included the following: uninominal election counties, and a threshold of 7% for the participation in the second round of the elections, as well as the methodology of division of the state into electoral counties that drastically affects the outcome of the elections.<sup>12</sup>

It was obvious that the elections were taken as a precondition of the general political reconstruction and therefore one may conclude that they were treated mainly as an instrument in that process. This is proof that the so-called functional interpretation of democracy prevailed. In that sense, majority elections were regarded almost as a necessary precondition for the creation of a democratic system and, taking into consideration the fact that the number of different minor parties was growing and producing a high percent of polarisation, a guarantee for the concentration of the political spectrum was required for the creation of a sustainable government. According to that interpretation, proportional representation could have had a negative impact on the atomisation of the political life and hence on the stability of the political system as such, especially having in mind the turbulent environment in which it was created.

Political interests of particular parties related to their expectations in the electoral process significantly influenced the choice of the model of the electoral system. The Communist Party in power (SKH–SDP) advocated for the majority system owing to the fact that at that time it had a developed organisational structure with solid financial support and connections with the population. Given the fact that this type of electoral system ‘favours’ big parties while discriminating the small ones, from their position it was reasonable to expect that the outcome of the elections organised in such a way would be favourable.

The second big party (HDZ, Croatian Democratic Union) managed to gain significant support of the population and significant financial support from the Croatian diaspora and hence to take the advantage of majority elections and take the power. Remaining small parties with limited influence objected to the electoral system, mainly because of the fact that it left very limited manoeuvring space for them in the political arena that was clearly visible from the results of the elections.

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<sup>12</sup> ZAKOSEK 2002.

The D'Hondt method of votes counting contributed as well to the final outcome of the elections, distorting the results and creating a so-called artificial majority in the parliament.

So, it was obvious that the electoral system had a crucial role in determining the results of the election and in that case, thanks to the majority system, an absolute majority of one party has been created on the basis of the relative majority of votes.

The elections undoubtedly represent the most important political process in transitional countries, given the fact that they mark a real beginning of transformation from a totalitarian to a democratic political system. In the former Yugoslav Federation they did not represent only the form of the delegitimation of the old political system but of the former federation as such and hence acted as a milestone on the path towards Croatian independence and sovereignty. Despite the fact that, as we stated before, the 1990 elections cannot be regarded as constitutional, they represent a turning point in the modern Croatian history and therefore they are of utmost importance. In general, from the elections that followed one could have expected to contribute to the consolidation of a young democracy by ensuring the peaceful change of the party in power, as it was the case in other countries. However, that was not the case in Croatia. The next ten years represented an era of absolute dominance of the HDZ, where elections became a tool for the legitimation of the political situation in the country and various types of electoral systems were changed according to the preference of political elites in different electoral periods.

Despite their instrumentalisation, numerous functions of the elections and expectations from them in the initial stage of the post-communist period made their legitimacy almost unquestionable so they were very frequently conducted. During the decade after the first elections in the 1990s, there have been three elections held for the House of Representatives of the Parliament (1992, 1995, 2000), which reveals the fact that the regular term of mandates has been shortened from four to approximately less than two and a half years. Apart from that, there have been two elections for the House of Counties of the Parliament (1993, 1997) and three presidential elections (1993, 1997, 2000).<sup>13</sup>

As it was mentioned before, in accordance with political preferences of political elites, a very high level of institutional reformism marked this period in Croatia. During only ten years, all major models of electoral systems have been applied – the system of absolute majority (1990), two types of combined electoral systems (1992, 1995) and the system of proportional representation (2000). Given the fact that it is very difficult to find a similar trend in any other transitional country during the 1990s, it is obvious that decision makers, by changing different systems, tried to follow the change of preferences of the electorate and adjust the general institutional framework to the needs of the party in power.

The political system itself tells enough about the character of governance, owing to the fact that its semi-presidential form with the strong position of the president, coupled with various mechanisms that ensured the domination of the party in power, made the constitutional declaration about the multi-party system rather questionable and the level of democratisation dependent on the ruling party's political will.

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<sup>13</sup> Apart from that, a constitutional referendum was held in 1991, and up to now it seems to be the only one conducted in modern Croatian history.

In general, one may conclude that the first decade of political transformation was not successful and find various reasons for a stalemate of Croatia's development, as well as for the fact that it found itself lagging behind the countries that showed significantly lower transitional potential in the early 1990s. Having achieved formal international recognition of its statehood, the country needed to achieve another goal in order to finalise the first phase of its state-building process, and that was the liberation of the occupied territories. With two victorious military missions in 1995 (Flash in May and Storm in August) and peaceful reintegration of Eastern Slavonia in 1998, Croatia has taken control over its entire territory and by achieving that satisfied the basic precondition for the 'real start' of the transition process. However, it takes political will to initiate such a process and that is the main reason why we can conclude that 'the real transition' started with the political changes in late 1999 and early 2000.

On the 3<sup>rd</sup> of January 2000, a coalition of six opposition parties led by the centre-left Social Democratic Party (SDP) and the centre-right Croatian Social Liberal Party (HSLHS) swept the parliamentary elections, taking 71 of the 151 seats (including six seats reserved for Croatians living abroad). Thereupon presidential elections took place, following the death of Franjo Tuđman, and the HDZ candidate failed to reach the second round, which represented an end of an era of their absolute dominance in the Croatian political life.<sup>14</sup>

The victory of the coalition of opposition parties undoubtedly opened new opportunities for Croatia's transitional reforms conduct and integration into the Euro-Atlantic community, the processes that have been frozen for long owing to the lack of political will of the previous regime and its negative image abroad.

One of the crucial preconditions for a new start was a structural change in the political system, i.e. reductions of the unnecessarily strong position of the president and improvement of the position of parliament in it. It was announced by the government in the very beginning of its mandate that it wants to depoliticise the bodies of state, which have been bastions of nationalist party support for the past decade. In order to create institutions that citizens can start to have faith in, it planned to bring under parliamentary scrutiny especially the army, police and security services. Constitutional changes that have taken place in the 2000s had shown a strong determination of new political elites to change the political praxis in Croatia, avoid unreasonable dominance of the executive branch in the future and make the state apparatus more efficient and compatible with the difficult tasks of reforms process and EU and NATO accession before it.

The new government *inherited* a semi-isolated country with a weak democratic and economic system, burdened by negative results of shady privatisation that has taken place during the 1990s. Political and economic problems were likely to force a successor to remain focused on internal issues.

Besides this, unlike its predecessor, the new government has shown a clear political will to fulfil its obligation to fully co-operate with the International Criminal Tribunal for the former Yugoslavia (ICTY). Also, very soon after taking power, the government made it clear that issues of most serious concern of the international community, such as the return of refugees and regional co-operation will be placed very high on the government list

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<sup>14</sup> CULAR 2005.

of priorities,<sup>15</sup> as well as that some ‘unpopular’ measures like rationalisation in the sector of economy and state administration, especially the downsizing of the large and costly security sector, will be conducted.

The recognisable success of the coalition government brought the country closer to the Euro-Atlantic community and changed the overall picture of Croatia abroad. It had started the painful process of transitional reforms, changed the political discourse and brought the country ‘back to the right track’. Nevertheless, the situation was everything but rosy owing to the difficult political and economic reality, burdened by complicated relations with the region, EU, NATO and a number of other problems.

From that period onwards, different governments and coalitions in power were changing places. What was important for the functionality of the electoral system is the fact that the new framework provided by the parliamentary system ensured a relatively stable framework in which democratic processes run smoothly, including the changes in the cabinet, providing an environment for the sustainable reforms process necessary for the successful EU and NATO accession process. While the elections have produced difficult situations in which it was not easy to form a stable coalition government, the established political framework provided for a firm and broad coalition in the parliament, across the political spectrum, supporting the process of European integration. The project was recognised as the one of highest strategic importance for the state and the aforementioned coalition prevented daily political disputes from slowing it down or blocking it. On the other hand, the system of proportional representation cleansed the parliamentary life of the absolute domination of big parties and made sure that any government in the upcoming period will be formed by a coalition. This was of utmost importance for the development of a consensual model of governance that was fundamental for the evolution of a political culture comparable to that of western societies, at least to a certain extent. In practical terms, it proved instrumental in cleansing the system of concepts like ‘fathers of nation’, that was burdening the country in the 1990s.

## Conclusion

The transformation of the political system in Croatia to a certain extent may be compared with similar processes in societies of Central and Eastern Europe. However, this process in Croatia has some special characteristics that differentiate it from the aforementioned ones: the state building process had been conducted in parallel with the Homeland War that significantly affected the dynamics of the political transformation during the 1990s. Apart from the burden of war, there was another element that had negatively affected the transformation process in the 1990s, and that was the semi-autocratic nature of the political elites that were, while declaratively opting for ‘European Croatia’, showing very modest political will for their claims. The combination of these two elements left the country far behind the average pace of the transition shown by the countries of ‘the fifth enlargement’. Political and economic systems burdened with consequences of war and the rudimentary democratic culture praxis simply could not offer answers to transitional challenges that followed the fall of the communist system.

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<sup>15</sup> Full co-operation with the ICTY, return of refugees and regional co-operation were three main conditions for the normalisation of relations with the international community, and with the EU in particular.



Therefore, it is legitimate to argue that the ‘real transition’ in Croatia started with ‘a decade of delay’ in comparison with Central and Eastern European countries. The turn of the century brought the semi-autocratic regime to an end, opening new perspectives for the Croatian democratic future. The most important consequences were the transitional reforms and integration into the Euro-Atlantic community, the processes that have been frozen for a long period of time, which have started taking place and began ‘moving the country forward’. In that sense, the inauguration of the Stabilisation and Association Process (SAP) from the EU side at the Zagreb Summit (2000), that for the first time offered a possibility for full-fledged EU membership for countries from the region, represented a main turning point in the relations between the EU and Croatia and a main motor of transitional reforms. Its conditionality and mechanism had an extraordinary importance for the pace and direction of Croatian transitional efforts, while the principle of ‘own merits’ guaranteed the individual evaluation of each country from the region and removed political concerns from the regional SAP package that were dominating the political discourse in the country.

The complex of changes had a significant impact on the whole political system and political preferences in general. Apart from that, the changed political environment brought the practice of consensual power sharing for the first time to Croatia, due to the fact that political performances of parties made the individual formation of government impossible, so the ‘era of coalition’ started in the 2000s and continued until the present. The importance of the fact that no single party can form the government in the period of crucial transition changes speaks enough for itself while on the other hand there is a symbolic proof of the positive impact of the process of European integration into the political praxis in Croatia, and into the parliamentary one in particular.

Therefore, it is obvious that the process of European integration was of utmost importance for the process of political transformation in Croatia. As it was presented in this text, it helped changing the political discourse in the country, introducing new elements that made trends of the Croatian society comparable with those of the European Union and eliminated its rudimentary pieces, marked with populist rhetoric and values that had a negative impact on the transitional process and political preferences in Croatia. The continuation of this process and the finalisation of the accession to the EU were irreplaceable guarantees for the continuation of positive trends in the Croatian political transformation and represented a major priority for both political elites and society in general. Only that ensured a sustainable democratic development in the country and offered it a possibility to support similar processes in the region, where Croatia with its experience had already played a significant role as a promoter of the EU in its long-term efforts for regional stabilisation.

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# Greece: From Zenith to Nadir: The Post-1974 Political Experience of Greece

*Othon Anastasakis*

## Introduction

The history of Greece, as a democratic polity, is a mixed bag of successes and failures, highs and lows, expectations and disappointments. Indeed, the political background of Greece is a very engaging case of lessons learned for many countries in the southern and eastern periphery of Europe, going through democratisation, reform and Europeanisation. The most recent transition of Greece to democracy starts in 1974 with the fall of the military junta, the last authoritarian regime to rule the country between 1967–1974. From then on, Greece went through a successful transformation by establishing a new constitution, abolishing the monarchy, opening up its party system and putting the military firmly under civilian rule. For the next three decades, the country became a consolidated democracy with a stable party system, uninterrupted growth, anchored in the liberal context of the European Union. Greece, together with the other two southern European states, Spain and Portugal, became a model of transition for the post-communist countries of Central and Eastern Europe, aspirant member states of the EU. But from 2009 and beyond, most of these achievements were challenged as a result of the economic crisis which hit Greece more than any other country in the European Union. The 2010s reversed the earlier economic advances, upset political stability and social peace, taking the country back to the times of anti-German rhetoric with its roots in the 1940s, ideological polarisation between right and left reminiscent of the 1950s, social mobilisation resonant of the 1960s, Euroscepticism similar to the 1970s, political populism suggestive of the 1980s, and, by losing one fourth of the country's GDP, returning the economy to the levels of the 1990s. From a forward looking successful model, Greece became a backward looking European liability. But what happened that in a time span of 30 years, the country's international image went from zenith to nadir?

This chapter traces the trajectory of a country which rose from the ashes of a military regime to become a stable polity and a prosperous economy before falling into economic decline and political radicalisation. The first part of this paper discusses briefly the foundations of the post-1974 Third Hellenic Republic as it entered the new age of democratic transition, witnessing the peaceful succession in power from a right-wing conservative to a centre-left government. The second part looks at the main features of the current constitutionalism of Greece, the foundation of the present democracy and its practice in the party politicised

context. The third section looks at the post-1989 period in Greece, as a paradoxical period of increasing influence abroad and failed modernisation at home. The fourth part discusses the impact of the ten year economic crisis (2009–2018) on the political landscape of Greece and the radicalisation and fragmentation of the party system. The conclusions look at Greece today – 10 years from the start of the crisis and more reaching half a century from the initial transition euphoria – as it timidly exits from one of the deepest crises in the country’s history and what this means for the future.

### **The New Age of Transition to Democracy: The Formative Years (1974–1989)**

The fall of the military regime in 1974 marked a new beginning for Greek politics and society, following a long turbulent post-WWII period of ideological divisions between right-wing and left-wing forces, exclusionary political practices, U.S. interventionism and a strong military in politics. The collapse of the dictatorship, following a military defeat from Turkey in Cyprus and the division of the island in July 1974, signalled the first decisive step of transition from authoritarian rule to democratic governance. The change of guard was a peaceful process from above, an elite based compromise, managed by Konstantinos Karamanlis, the leader of the reformed conservative, right-wing party, renamed from the pre-1967 National Radical Union to the post-1974 New Democracy, bringing back the political class which had been marginalised during the years of dictatorship. Karamanlis after winning the 17 November 1974 democratic elections, made some quick and decisive steps towards a steady transition to democracy by legalising the, since 1948 outlawed, communist party, by conducting a plebiscite on the question of the monarchy, whose overwhelming outcome (69.2%) led to the abolition of the latter and the declaration of the Third Hellenic Republic.<sup>1</sup> In parallel, a series of trials against the military conspirators, known as “the trial of the instigators of the 21<sup>st</sup> April 1967 coup”, and the heavy sentences imposed upon them signalled that the young democracy was ready to stand on its constitutional feet, over and above any extra- or para-constitutional interventions, including the military which from then on was subsumed firmly under civilian rule. With all these steps in the right direction, Karamanlis made the most important strategic decision of his time, to commit to the accession of Greece into the European Communities, at a time when a large part of the Greek population viewed the West with suspicion. Karamanlis’s strategy was threefold, in that it aimed to bind Greece to democratic Western Europe, to limit U.S. paternalism in domestic politics and to strengthen the security of Greece vis-à-vis Turkey. During his time in office, Greece negotiated its accession into the club and became a member state in 1981. Yet, despite the domestic and external achievements, there was a sense that the political process was still based on elites whose continuity with the pre-1967 political class was indisputable, and that those who had been excluded for so long had not spoken yet. These attitudes were successfully captured by the charismatic and astute leader Andreas Papandreu, the radical politician of the Centre Union Party of the 1960s and were translated

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<sup>1</sup> KOLIPOULOS–VEREMIS 2010, 153–154.

into a victorious political discourse that would bring his Panhellenic Socialist Movement (PASOK) to the forefront of Greek politics.

In 1981, PASOK, a centre-left party which had been formed from fragmented resistance movements during the period of the dictatorship came to power and dominated the 1980s and beyond. This was, the second decisive moment in post-authoritarian Greek politics, a moment of an electoral revolution, under the banner of “change”. PASOK won a convincing victory of 48.1% of the national vote, which brought about a radically new political class with different ideas, a more inclusionary and equitable message and a promise for a radical break with the pre-1974 past.<sup>2</sup>

PASOK and its leader Andreas Papandreou remained in power until 1989 and changed the face of Greek politics irrevocably. Opinions are deeply divided on the legacies of the socialist 1980s for Greece, with those who argue in favour and those who argue strongly against. The former claim that PASOK brought about a fairer and more egalitarian society, which was needed after years of social injustice and political exclusion. Indeed among the most prominent changes, PASOK recognised the left-wing Resistance movements of World War II which had been ostracised after the Greek civil war, it adopted sweeping reforms of social policy by introducing a welfare state, and most prominently the “National Health System”, expanding health care coverage to a wider population and making modern medical procedures available in rural areas for the first time, it brought about the modernisation and liberalisation of the civil and penal codes by introducing reforms in family law and the rights of women, it eliminated the authoritarian structures of the Greek educational system. The economic policy of PASOK was at the heart of its political philosophy marked by increases in public spending, expansionary policies and a policy of redistribution.<sup>3</sup>

For its critics, PASOK contributed greatly to the consolidation of some of the more perennial problems of the Greek polity, including the swelling of the public sector, the linkages between the state apparatus and the party machinery, the spread of clientelistic practices, the introduction of a flat, anti-elitist system of educational mediocrity. The expenditure programme of the Papandreou Government during 1981–1989 has been also described by the critics as excessive, not accompanied by corresponding revenues, leading to increases in budget deficits and public debt, both of which became constant features of the economic policies of Greece adopted by all subsequent governments, and leading eventually to the economic debacle of the 2010s. As for Andreas Papandreou himself, opinions are also divided between his followers who see him as a benevolent and daring leader who understood the needs of his society and made the necessary changes, and his critics who see him as a populist tactician who glorified a valueless society, access to easy money, the lust for political power and the consolidation of strong and rigid interest groups. Papandreou’s charisma, style of leadership and appeal to the people was emulated by many subsequent politicians in Greece, from the far-right to the radical left.

The 1980s were the formative years of the membership of Greece in the European Communities, where PASOK followed a tactical, non-ideological approach. A skilful orator, Papandreou won a ticket on his Euroscepticism and anti-NATO rhetoric but as Prime

<sup>2</sup> KOLIPOULOS–VEREMIS 2010, 161–162.

<sup>3</sup> GALLANT 2001, 200–201.

Minister retained the country in both organisations, negotiating successfully benefits and subsidies from the EEC for Greece. Together with the other Mediterranean countries, France, Italy, Spain and Portugal, he managed to introduce the structural funds from the EC budget for the support and development of the economically disadvantaged regions of the EU. While this was a major achievement, underwriting the modernisation of the country's infrastructure and agricultural sector, a lot of criticism has been levelled against the ineffective and politically expedient use of these funds by the political elites, which was often the case. Be that as it may, the European Communities became a very popular anchor for the country and despite its original Eurosceptic discourse, PASOK converted to a firm advocate of the deepening of European integration, supporting all the big EU projects such as the single market, the eastern enlargement, the common foreign and security policy and the single currency.

The two initial terms in office of PASOK ended with domestic financial and political scandals which rocked the system and led to a short period of electoral instability. Between June 1989 and April 1990, Greece conducted three electoral battles, it experimented with two short lived coalition governments before the New Democracy came back to power in 1991. That year, despite the polarisation and vitriolic political confrontations, signalled the third historical electoral moment in the democratisation of the country, what some scholars have termed the real moment of democratic consolidation in Greece. The inclusion of the communist party in the two short-lived coalition governments was a breakthrough of political reconciliation and coming to terms with an emotional and politically sensitive past of post-war politics which had its references in the Greek civil war of the 1940s. The fact that this took place in parallel with the momentous collapse of communism in international politics, was also an indication that Greece entered the new international order as a more mature society, ready to re-engage with its Balkan neighbours, having buried its own bitter and divisive past.

## **Setting the Rules of the Political Game: Constitution and Political Praxis**

The post-dictatorial constitution of Greece, which entered into force in 1975, established the Third Hellenic Republic, defined the contours of parliamentary democracy, confirmed the separation of powers and secured civil and political liberties; it has been revised since then three times, one comprehensive in 1986, and two less extensive ones in 2001 and 2008. The original text established a “presidential parliamentary democracy” attributing executive power to an elected – by the Parliament – President and the Government, and legislative power to a single national Parliament elected directly by the people. The 1986 constitutional revision curtailed many of the powers that had been attributed originally to the President, making the latter a largely ceremonial figure and the Prime Minister the strongest political figure in Greek politics. This constitutional revision reflected the reality of a difficult co-habitation between Prime Minister Andreas Papandreou, and President Konstantinos Karamanlis and was largely led by political calculations of the former towards the latter. As Greece has no second chamber, no federal system and no constitutional court, the power of the Prime Minister and his government in institutional

terms became omnipotent. At the same time, while legislation belongs to the Parliament, according to the constitution, in practice, legislative initiatives were overwhelmingly the domain of the cabinet whose power was further enhanced by the right to amend bills that were pending in the Parliament. Amendments to pending legislation have been the major power of a government to keep party discipline and attend to particularistic interests. The 2001 revision referred mostly to a broader spectrum of regulations to reflect environmental, technological and societal changes. As for the 2008 revision, this was more about ambitious intentions and less about outcomes, whereby only 3 out of 38 proposals for amendments passed through parliament in the end.

During all that time, the political landscape of Greece was dominated by a two-party system which kept on gathering around 80% of the electoral vote. An alternation between New Democracy and PASOK in government from 1974 until 2012 defined the identity of Greek bipartisanship. The latter was enhanced by an electoral system of “reinforced proportionality”, a form of semi-proportional representation with a majority bonus. The party that won a plurality of votes was awarded extra seats which effectively worked to the benefit of the stronger party and at the expense of smaller parties. At the same time, smaller parties in Greece needed to reach an electoral threshold of 3% in order to be represented in parliament. Such provisions helped the party that won a plurality to achieve an absolute majority (151 out of 300 seats), intended to enhance governmental stability. This system contributed to the consolidation of a party system dominated by two parties and strong single party governments and worked against the option of coalitions, which with the (previously mentioned) exception in 1989–1990, had limited appeal in Greek politics.

The two main parties represented an ideological division between centre-right and centre-left, a pattern consistent with many other western European party systems, eventually both Greek parties joining the wider European families of Christian Democracy and Social Democracy, respectively. The smaller parties in Greece were more ephemeral, with the exception of the communist party (KKE), the third most resilient political force in the Greek Parliament, even after the collapse of international communism. The domination of Greek bipartisanship created a sense that Greek politics were stable and predictable with these two parties fighting each other during elections, aiming at the more volatile voters of the centre space. The one-party government pattern was able to project a sense of government stability and to form majorities in the parliament which were necessary for law making, yet at the same time facilitated the exploitation of the state by the governing party, as an instrument of favouritism and clientelistic practices towards citizens. The roots of the subsequent Greek crisis had in their core the mismanaged, expensive and dysfunctional state which was consistently captured by the two alternating parties, when in power.

### **The Strength Abroad of Greece and Failed Modernisation at Home: The Post-1989 Years**

When Andreas Papandreou was voted in 1981, he was sincere in one thing. He called for “change” in Greek politics but very rarely used the word “reform” in his electoral speeches. And “change” he did. While many of the changes were in a socially desirable direction, PASOK failed to modernise the state structures and societal agencies of the Greek polity.

PASOK pursued social redistribution, it created a new middle class and a new plutocracy, but kept the state as the main coordinator of the new economy and society. At the beginning of the 1990s, the need for “reform” was imminent, also as a result of the country’s Europeanisation and integration within the EU structures and projects of which both parties had by then become firm advocates. But while both of these agreed that they wanted to remain at the European core, in reality they both avoided all the necessary reforms which would have guaranteed them a safe place in it.

During the years of the New Democracy in power, between 1989 and 1993, Prime Minister Konstantinos Mitsotakis attempted to bring about a reformist agenda along the lines of EU exigencies, by focusing on cutting government spending, advancing the privatisation of state enterprises and the reform of the public sector. However, the New Democracy Government met with a strong opposition to what were regarded as crude “neoliberal reforms” and enjoyed a very thin majority in parliament. The reform agenda became the official “project” of the Greek Government, during the years of Kostas Simitis, successor of Andreas Papandreou, as the new leader of PASOK and Prime Minister between 1996 and 2003. The years of Simitis in power were closely linked with the new narrative of “modernisation”, defined as reforms oriented towards the Greek economy and society as well as towards the post-Papandreou socialist party itself. Simitis’s modernisation project was bold and comprehensive in its aspirations. It professed the adoption of the Maastricht criteria in order for the country to join the common currency, as well as a number of structural reforms in the fields of privatisation, labour market and pension system. Such a reform agenda was not only compatible with the needs of European integration and globalisation, it was also consistent with the new social democratic “third way” norms in Europe. Being a loyal member of Europe’s social democracy meant for Simitis the transformation of PASOK into a “modern” political party, distancing itself from the hierarchical and clientelistic party practices of the past.

In the end, most of these priorities for reform remained unfulfilled in sectors such as the pension system, the labour market and the public administration, obstructed by powerful vested interests, street protests and a series of political and financial scandals. Under Kostas Simitis’s premiership, Greece prepared for the 2004 Olympics in Athens, as well as the country’s accession to the single currency in 2001, both of which became the two grand national goals of his time in office; both schemes, in their ambition, left bitter legacies in Greece, the former for the country’s finances and debt levels and the latter for a fudged Euro entry based on false statistics and feeble preparedness. The political powerlessness and social unwillingness for reform continued during the succeeding government of New Democracy (2003–2009) under the premiership of Kostas Karamanlis, his party elected to reform the state and fight corruption, only to end up burdening the state with more deficit and with debt at an even faster rate and adding further scandals in the public life Greece. Simitis’s failed vision had been replaced by Karamanlis’s lack of vision.

Paradoxically, while the country was struggling with its modernisation project, its economy was growing among the fastest rates in the EU and its external appeal was increasing. For Greece, the demise of the communist rule meant the emergence of new opportunities for re-engagement with the post-communist Balkan states. The end of the Cold War found Greece as the most stable democracy, the most prosperous economy and the only country in the region to enjoy membership of all major Western international



organisations. Moreover, for the first time, Greece, traditionally a country of emigration to Western Europe, North America and Australia, experienced a massive influx of immigrants from East European countries, particularly from neighbouring Albania, Bulgaria and Romania. During the 1990s, the percentage of immigrants rose to around one-tenth of the population, challenging the hitherto homogenous image of the Greek society.

At the same time, Greek business became more extrovert and Greek capital was among the first to invest in the Balkan states. Although a small and marginal player in the context of the EU economy, the substantial economic influence of Greece in the Balkans, with a much higher GDP per head and a more experienced private economy, resulted in it becoming a chief source of foreign direct investment (FDI) and a major trading partner for the region. Greek companies in sectors such as banking, food processing, manufacturing, retail and telecommunications established large-scale operations in Albania, Bulgaria, Romania and some of the former Yugoslav countries. In addition, Greece became a firm advocate of the region's European integration, contributing to the most impressive EU accession promise to date by the European Council of the EU to the Balkans states, during the summit of Thessaloniki in June 2003.

The regional commitment of Greece was further sealed by progress in its relations with Turkey and lifting its veto to Turkey's start of accession talks with the EU in 1999. After the 1974 Turkish military invasion in the north of Cyprus, Greek–Turkish relations were dominated by disputes over the Aegean (air space, continental shelf, territorial waters and demilitarisation of the Greek islands). Greece had severe reservations about Turkey becoming a member of the EU as long as the question of the division of Cyprus and a number of bilateral Aegean disputes were not addressed. In 1996, Greece and Turkey came to the brink of war, owing to conflicting claims of sovereignty over the islet of Imia (Kardak in Turkish) in the Aegean. Against this hostile background, the 1999 introduction of a policy of Greek–Turkish rapprochement, pursued vigorously by the Greek Minister of Foreign Affairs, George Papandreou, and Minister of Foreign Affairs of Turkey, İsmail Cem, was significant in that it led the way for a wide range of bilateral agreements between the two countries in the fields of trade, banking, energy, transport and tourism, during the subsequent years.<sup>4</sup>

## **Economic Decline and Political Radicalisation: The Post-2009 Period**

It was in October 2009 when the Finance Minister of the recently elected PASOK in power, George Papakonstantinou announced that the Greek deficit was at 12.5% of the Greek GDP, and not at 8% as had been registered.<sup>5</sup> What the Minister had hoped for, was to lay the blame for economic excesses on the previous government and by acknowledging that the deficit was higher than believed, to justify some tougher measures and to eventually claim success for bringing down a very high deficit. But while the expectation was for this to be an internal matter of political manipulation, it became a global international sensation, at a time of the global financial crisis, and spiralled out of control. The international markets started doubting the solvency of Greece and with it the future of the Euro. During the next

<sup>4</sup> KOLIOPOULOS–VEREMIS 2010, 190–191.

<sup>5</sup> ARDAGNA–CASELLI 2014, 293.



decade, Greece became what many called an international economic protectorate, ruled by the Troika (IMF, the European Commission and the European Central Bank), its economic policy designed by the Eurogroup under the command of Germany.<sup>6</sup> The country was placed under strict conditionality and austerity, it was excluded from international markets and was forced to survive on IMF and EU loans. Greece experienced recession and stagnation for nine consecutive years, it lost 25% of its GDP, its private sector was shattered, unemployment rate peaked at 27% in 2014 (and 55% youth unemployment) leading to a big wave of emigration and brain drain of almost half a million people. At the same time, under the threat of exit from the Euro (Grexit) like a sword of Damocles and the imposition of three consecutive Memoranda by the creditors, the Greek governments had to adopt a tsunami of reforms in the labour market, pension system, privatisation, taxation, health service and public administration. This onslaught of changes led to a series of protests and social mobilisation against the external and internal political and economic elites. Intense polarisation between pro-memorandum/anti-memorandum voices and austerity/anti-austerity views dominated the everyday life of a country at the verge of bankruptcy.

For many the root of the crisis lied in Greek politics and the defective nature of political praxis. What started in 2009 as a severe economic crisis developed very quickly into a political crisis of extraordinary proportions. The financial collapse of the Greek state and the sharp drop in personal incomes led voters to mistrust politicians and spread their vote across a wide range of political parties from extreme right to extreme left. The June 2012 elections were yet another big moment of parliamentary change in the post-1974 electoral history of Greece, the outcome of which was a revolutionary break with the party landscape and a vote of rejection of the majority of the political class. The 2012 elections brought in parliament 146 (out of 300) first time MPs. Its most remarkable outcome, however, was the collapse of the ND–PASOK bipartisanship whose last gasp had taken place in the 2009 elections. The 2012 parliamentary landscape changed colours and from the blue-green domination, it became a multi-chromatic national parliament where the blues and the greens managed to win just 112 seats together (a shared 33%), on top of which came the extra 50 seats that went to the first party ND which had narrowly beat the new rising star of Greek politics, the radical left party of SYRIZA by less than 3%.

The message from the June 2012 elections was that parties would have to form coalitions if they wanted to govern. Thus a coalition was produced which included the New Democracy, PASOK and the Europhile Democratic Left, the latter withdrawing its support from the coalition a year later, leaving the two parties to struggle for their survival in power. SYRIZA was the new force in Greek politics, a left-wing populist party, resembling a Latin American style redistributionist and socialist political formation. Its leader Alexis Tsipras and the party's discourse, (reminiscent in style of the early Andreas Papandreou years), labelled the political class as dishonest, the media and business as crooks, Germany and the creditors as the neo-liberal enemies of Greece and courted the weaker social strata and the losers of the crisis by adopting a fierce anti-austerity discourse. SYRIZA which had started as a cluster of disparate political forces of the left – ranging from some pro-European, left-wing voices to the more extremist, far left and anti-European groups – became the main beneficiary of disaffection with the memoranda

<sup>6</sup> PAPANIMITRIOU–ZARTALOUDIS 2015, 39–40.

and the magnet for disgruntled politicians, trade unionists and intellectuals from PASOK, the latter reducing itself to unprecedented single digit electoral figures; from a powerful 44% in 2009, to a modest 13% in 2012, and a humiliating 4.7% in the 2015 elections, the term “pasokification” came to represent party fragmentation and social democratic collapse, as the most extreme example of a struggling European social democracy.

This electoral commotion exhibited its dark side in the election for the first time of a neo-Nazi party, the Golden Dawn which gained a resounding 6.9% of the national vote and an impressive number of 18 seats in the parliament. The rise of the Golden Dawn from 0.9% in the 2009 national elections to 6.9% in the 2012 national elections was the most worrying development in the parliamentary and wider political life of the country.<sup>7</sup> The Golden Dawn made its presence felt in Greek politics by resorting to violence, anti-immigrant criminal activities, neo-Nazi salutes and provocative behaviour in parliament. The sudden rise of the far-right is a paradox in a country that had suffered from brutal Nazi occupation, and where military authoritarianism had been discredited after the fall of the military junta. During the previous two decades, Greece had developed its own parliamentary brand of xenophobic right through the presence of a party called LAOS (Popular Orthodox Rally), a breakaway group of MPs from the New Democracy, advocating conservative nationalism and a reaction to immigration. While most of the voters of LAOS went to Golden Dawn, the latter aimed at a wider public audience of disaffection with politics, austerity and immigration, and did even better in the subsequent elections becoming third force in the 2014 European elections with a 9.38% of the votes.<sup>8</sup>

The major breakthrough came with the parliamentary elections in January 2015 which brought SYRIZA, a left-wing party for the first time in power, and with it, expectations for a tougher stance vis-à-vis the creditors, and the end of austerity. However, it soon became clear that SYRIZA as an opposition party had promised the undeliverable and following a dramatic eight months (January–August 2015) of failed negotiations with creditors, imminent bankruptcy of the Greek economy, near Grexit from the Euro, anti-austerity referendum victory and capital controls, SYRIZA as a government succumbed to the impossibility of the task. In a context of general despair, the government, passed quickly a third tougher memorandum through parliament, proclaimed new elections in September 2015 with a completely different pro-memorandum agenda and won them again. From then on, together with its seemingly odd coalition partner (the national-conservative Independent Greeks), it pursued a U-turn (despite the outcome of the anti-austerity referendum which they, themselves, had conducted by adopting a strong anti-austerity stance) and a much stricter austerity policy. With SYRIZA in power, most parties from right to left had adopted, as governments the same memorandum agenda, whether they liked it or not. The post-2015 years were less eventful than the years before, with more political stability and social numbness, leading gradually to a certain improvement of the macro-economic indicators – primary surplus, slow de-escalation of unemployment and some privatisations – but with persistent problems in the real economy, private sector, long-term unemployment, over-taxation, low productivity and squeeze of the middle class.

<sup>7</sup> KARYOTIS–RÜDIG 2015, 137.

<sup>8</sup> KARYOTIS–RÜDIG 2015, 137.

During the years of economic hardship, the resilience of Greece was tested on other sectors related to a deteriorating geopolitical environment and rising instability in the neighbourhood of Greece. The wars in Syria created a massive refugee problem for Europe which culminated in 2015, with Greece yet again at the epicentre of international attention. As the main entry point to Europe and the Schengen area of free movement from the South-East, Greece was severely affected by a huge influx of refugees, from Syria, in particular, and of economic migrants from Sub-Saharan Africa, Pakistan and Afghanistan seeking refuge in Western Europe, through the Aegean Sea. In addition, the rise of authoritarianism in Turkey, the 2016 attempted coup and problems in the whole of the Middle East put new strains on the geostrategic position of Greece and created additional stresses for Greek politics in the field of foreign policy. The second decade of the 21<sup>st</sup> century had been a major challenge for Greece, a country under tremendous economic pressure, going through a reconfiguration of its political landscape, in a geopolitical environment of fear and a weaker EU. By the end of the second decade of the 21<sup>st</sup> century, the mainstream centre-right/centre-left political pattern had completed its course, with new political formations testing the political ground and domestic politics looking much more volatile and unpredictable than before.

## Conclusion

Looking at the tremendous crisis of the Greek economy, the dramatic decline of the country's GDP and personal incomes, the fragmentation and radicalisation of politics, it is remarkable how the Greek democracy endured, in face of so many internal and external challenges. At home, a society in turmoil turned its back on the political class but did not seek alternative authoritarian solutions, the institutions continued to function by and large often under emergency and abnormal circumstances and the country remained within the liberal core of the European Union and the Eurozone. While the quality of democracy was affected by the rise of populist politics from the radical right and the radical left, in the end all the parties which were involved in coalition governments during the years 2009 to 2019 were forced to continue on the same path. The second decade of the 21<sup>st</sup> century saw a wide range of parties in government, all of which through their frequently irresponsible behaviour, as government or opposition, and the role they played in prolonging and delaying the exit from one of the worse crises in the economic history of Greece, they nevertheless had to respect the rules of parliamentary democracy in passing a series of laws which were highly unpopular and terribly stressful for the Greek people. Abroad, the rise of illiberalism in EU member states like Hungary and Poland, neighbouring countries like Turkey, and further afield in Russia, did not affect the liberal democracy of Greece towards a more illiberal direction. Greece resisted the voices of external populism although it often succumbed to the local traditions of its own home-grown historical populism. The well-known pattern of party polarisation between government and opposition continued to exist, the state even with its limited resources continued to be the instrument of the governing party, the parties continued to want to manipulate the media to suit their purposes and the reform process, this time imposed by the creditors in exchange for loans, continued to generate resistance and opportunistic considerations of political cost.

To conclude, the post-1974 Greek paradigm, while broadly speaking a positive macropolitical democratic experience is also a case of many antitheses: it is an example of high expectations and lower performances; a political class that professes modernisation but refuses to implement it; a vulnerable peripheral European economy with significant potential; a fragile western partner with substantial geostrategic significance. A core underlying theme in the democratic consolidation of Greece is that modernisation and reform has suffered from a series of missed opportunities or at best the adoption of half-baked, temporary measures. Much like the struggles of Sisyphus, the tasks must be repeated again and again until they become Herculean, more difficult with time. In the end, it became apparent that the country's political establishment lacked any long-term perspective in times of growth, which is the correct time to proceed with reforms, and was forced to adopt them during the period of dramatic decline. To be fair, Europe shares some of the responsibility, in that it failed to address appropriately a very difficult situation and to use effectively its transformational power beyond the mere use of a very strict conditionality and a blame game against Greece. There are many domestic and external reasons why Greece failed to use the crisis as an opportunity, despite some changes that took place for the better. So, while Greece is slowly recuperating from a prolonged calamity, it will take many years before the economy stands back on its own feet, the Greek society finds its dynamism and the Greek political class reaches a higher level of maturity and responsibility.

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# Kosovo: State-building in the Making

*Jeton Mehmeti*

## Introduction

In February 2018, Kosovo celebrated its first decade as an independent state. Ten years earlier, Kosovo members of parliament signed the declaration of independence from Serbia. The major EU powers, like Germany, the United Kingdom, France and Italy, as well as the United States were among the first to recognise Kosovo as an independent state. Serbia strongly opposed the Kosovo independence and even sought the opinion of the International Court of Justice (ICJ), claiming that the unilateral declaration of independence of Kosovo is in violation of international law. ICJ delivered its opinion on 22 July 2010, concluding that the declaration of independence of 17 February 2008 did not violate the general international law because international law contains no “prohibition on declarations of independence”, nor did the declaration of independence violate UN Security Council Resolution 1244, since this did not describe the final status of Kosovo, nor had the Security Council reserved for itself the decision on the final status.<sup>1</sup>

The decision for the unilateral declaration of independence came as a result of the inability of the international community to reach a consensus over the political status of Kosovo. The United Nations, the European Union, the United States and Russia were divided in their opinions over the future of Kosovo. In November 2005, the Secretary-General appointed Martti Ahtisaari, the former President of Finland, as his Special Envoy for the future status process for Kosovo. After leading a long process of direct talks and bilateral negotiations between the leadership of Serbia and Kosovo who were unable to reach an agreement on the future status of Kosovo, in 2007 Ahtisaari submitted his report with concrete recommendations. He stated that Kosovo is a unique case that demands a unique solution and does not create a precedent for other unresolved conflicts.<sup>2</sup> Therefore he suggested that: a) integration into Serbia is not a viable option after the repression of Serbia that involved the tragic loss of civilian lives and the displacement and expulsion of a massive scale of Kosovo Albanians from Kosovo; b) continued international administration is not sustainable – although the United Nations Interim Administration Mission in Kosovo (UNMIK) had made considerable achievements in Kosovo, especially in creating Kosovo institutions and assisting them to take on the responsibility of managing the affairs of Kosovo. UNMIK has not been able to develop a viable economy, because the uncertain political status of Kosovo has

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<sup>1</sup> UN News 2010.

<sup>2</sup> OBER et al. 2007.

left it unable to access international financial institutions or fully integrate into the regional economy and attract foreign capital. Under UNMIK Kosovo, unlike its neighbours, was also unable to participate effectively in any meaningful process towards admission into the European Union. Therefore, the only viable option, suggested by Ahtisaari, is independence with international supervision.<sup>3</sup>

Based on Ahtisaari's proposal,<sup>4</sup> on 17 February 2008 the Kosovo Assembly adopted the declaration of independence. The number of recognitions gradually rose to 115 as of today.<sup>5</sup> But, the success of Kosovo in the international arena has been modest, with only a few memberships in the international organisations, most notably in FIFA and UEFA. Kosovo did not become a member of the United Nations either, and since it has still not been recognised by two thirds of UN member states, with two permanent members (Russia and China) even imposing their veto, Kosovo's chances for UN membership remains slim. Even UN's cultural agency UNESCO, rejected Kosovo's membership in 2015, "handling a sizable political victory to Serbia which had fought a fierce battle against the bid for months".<sup>6</sup> Kosovo's path towards the European Union has been equally unclear. The enlargement strategy of the European Commission for the Western Balkan countries states that "Kosovo has an opportunity [...] to advance on its European path once objective circumstances allow".<sup>7</sup> However, apart from the Stabilization of Association Agreement (SAA) signed between the European Union and Kosovo, no other concrete steps have been taken towards EU membership.

Kosovo's membership in international organisations, to some extent, depends on the progress of the dialogue between Serbia and Kosovo, which has been going on since 2011 under the auspices of the European Union. The ultimate goal of the Brussels dialogue between Belgrade and Pristina was to normalise the relations between the two states and reach mutual recognition, which would enable Serbia to accelerate its EU membership process and gain numerous financial benefits, while for Kosovo it would open the door to UN membership.<sup>8</sup> However, the dialogue itself has created more confusion than solution. The technical dialogues that started in 2011, culminated into "landmark"<sup>9</sup> agreements. After 10 rounds of talks chaired by Catherine Ashton, the EU high representative, both prime ministers signed the 15-point agreement<sup>10</sup> that aims to normalise relations between the two countries. Global

<sup>3</sup> OBER et al. 2007.

<sup>4</sup> Proposal 2007.

<sup>5</sup> Kosovo Thanks You 2018.

<sup>6</sup> BRUNWASSER 2015.

<sup>7</sup> European Commission 2018.

<sup>8</sup> Ifimes 2018.

<sup>9</sup> BBC 2015.

<sup>10</sup> The 15 point agreement consists of the followings: 1. There will be an Association/Community of Serb majority municipalities in Kosovo. Membership will be open to any other municipality provided the members are in agreement. 2. The Community/Association will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule). 3. The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, Vice President, Assembly, Council. 4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning. 5. The Association/Community will exercise other additional competences as may be delegated by the

political organisations, such as the UN, NATO, the European Council and others, considered this a historical event and praised both leaders for their courage. Four U.S. congressmen even officially nominated Ashton, Thaçi, and Dačić for the 2014 Nobel Peace Prize for their efforts in improving relations between Kosovo and Serbia. So far the dialogue has shown only modest results due to obstructions caused by the participating parties in their attempts to achieve certain goals.<sup>11</sup>

The prolongation of the dialogue has enabled political survival to certain politicians. That is why the deadline has been set to end the dialogue and reach the legally binding agreement between Serbia and Kosovo in the first half of 2019. Now the dialogue is carried out by the presidents of two countries, Aleksandar Vučić and Hashim Thaçi, who, by an arbitrary action, took over the dialogue which should be led by the prime ministers of Serbia and Kosovo. A permanent solution to bring peace and stability between the two countries, according to Vučić and Thaçi, is to redefine state borders, according to which the two countries would exchange territories and inhabitants so that northern Kosovo would belong to Serbia, while most of the Preševo valley would belong to Kosovo. According to Vučić and Thaçi this would solve the problem by enabling a permanent demarcation of borders between Serbs and Albanians. However, analysts warn that this would not be a solution but instead it may cause new conflicts, and at least two million new refugees.<sup>12</sup>

This is a descriptive paper that aims to provide an overview of the latest political history of Kosovo and the transition from international supervision to self-governance. The paper shows the transition of competences and governance from the international community to local authorities. It uses a chronological approach of major developments, with special emphasis on institutional building since the end of the 1999 war.

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central authorities. 6. The Community/Association shall have a representative role to the central authorities and will have a seat in the communities' consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged. 7. There shall be one police force in Kosovo called Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP. 8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures. 9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvečan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Internal Affairs from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the north will reflect the ethnic composition of the population in the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Srbica and Vucitrn). The regional commander of the four municipalities will cooperate with other regional commanders. 10. The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities. A division of the Appellate Court, composed both by administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed of a majority of K/S judges. Appropriate judges will sit dependent on the nature of the case involved. 11. Municipal elections shall be organised in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards. 12. An implementation plan including time frame shall be produced by April 26. In implementing this agreement, the principle of transparent funding will be addressed. 13. Discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15. 14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU paths. 15. An implementation committee will be established by the two sides, with the facilitation of the EU.

<sup>11</sup> Government of the Republic of Kosovo 2015.

<sup>12</sup> Ifimes 2018.



## Kosovo under International Supervision

After 78 days of NATO airstrike campaigns on Serbian military forces in both Kosovo and Serbian territory, the former government of Yugoslavia eventually accepted the armistice on 10 June 1999.<sup>13</sup> On the same day, the Security Council of the United Nations adopted Resolution 1244, which became the juridical foundation for the international administration in Kosovo. According to Resolution 1244, the Secretary-General was requested to appoint an international representative who became known as the Special Representative of the Secretary-General (SRSG). He was in charge of a new civil administration in Kosovo, the UNMIK and became the main international civil authority. SRSG was given full legislative, executive and legal authority.<sup>14</sup> In the following years, the SRSG would sign UNMIK Regulations, which were legislative provisions; would make executive decisions and would appoint and remove prosecutors, as well as decide when to arrest and take into custody anyone suspected of violating the law.

Resolution 1244 paved the way for the creation of local self-government institutions. In January 2000, the SRSG adopted a regulation<sup>15</sup> which nullified all local institutions like the Presidency, the Interim Government and the Kosovo Assembly. These were the primary institutions which during the 1990s had been operating as parallel institutions assisting the people of Kosovo with their political, social and military organisation. According to this Regulation, all these institutions should cease to exist by 31 January 2000 and the representatives of these institutions would be part of the Joint Interim Administrative Structure, which involved the Kosovo Transitional Council (KTC) and the Interim Administration Council (IAC).

IAC was composed of eight members with voting right: four international and four local. The IAC meetings were held every two weeks and were chaired by the SRSG or his deputy. According to some observers, IAC aimed to increase the cooperation between international and local members, lowering the enmity between Albanians and Serbs, as well as lessening the tensions between newly formed Albanian political parties.<sup>16</sup> IAC could provide recommendations on amending certain regulations or propose new regulations. Decisions were made based on a consensus or at least 1/3 of the votes. If both a consensus and the 1/3 voting failed, the SRSG had the authority to make a decision based on his own judgment.

As KTC had no decision making competences, its sole objective was to deal with political discussions. KTC was composed of IAC members, representatives of religious institutions, ethnic communities, and civil organisations; KTC had 36 members and was a “shop of unlimited chatting, but also, a precursor of normally created institutions”.<sup>17</sup> IAC and KTC had symbolic roles but never succeeded in challenging the absolute legislative, executive and legal power of the SRSG.

<sup>13</sup> This is known as the “Kumanovo Treaty”, named after the Macedonian city where the agreement was signed between the International Forces for Security (KFOR) and the Government of the Federal Republic of Yugoslavia.

<sup>14</sup> UNMIK Regulation 1999.

<sup>15</sup> UNMIK Regulation 2000.

<sup>16</sup> KING–WHIT 2006, 127.

<sup>17</sup> KING–WHIT 2006, 127.

## Independence with International Supervision

The ad-hoc bodies like IAC and KTC were replaced with a more formal agreement as stipulated in the Constitutional Framework for Provisional Self-Government in Kosovo.<sup>18</sup> The working group assigned for drafting the Constitutional Framework was composed of 15 members from both international and local representatives. The Constitutional Framework was passed with the majority of votes from the IAC. This document paved the way towards the implementation of the first national elections and the functioning of the Provisional Institutions for Self-Government (PISG) in Kosovo. The Constitutional Framework foresaw the establishment and functioning of the Kosovo Assembly, the Presidency, the composition and competences of the Government, the functioning of the local self-government institutions and independent agencies. Nevertheless, the SRSG continued to have huge competences and as the years passed, UNMIK transferred its capabilities to the local institutions.

The transition of UNMIK competencies to the governmental institutions was successful, which eventually led to the declaration of independence. On 17 February 2008, members of the Kosovo Assembly adopted the declaration of independence. The plan for the declaration of independence was outlined in Martti Ahtisaari's proposal, officially known as the Comprehensive Proposal for the Kosovo Status Settlement. According to this document, which was adopted by the Security Council in March 2007, he suggested that the only viable option for Kosovo was independence, and the achievement of it has to be supervised for an initial period by the international community. It also suggested that Kosovo, or part of it, could not join any other country, its armed forces should be limited and Serb minority protection should be guaranteed. Based on such recommendations and the political will, members of the Kosovo Assembly officially declared Kosovo an independent state. On 9 April 2008, the Constitution of Kosovo was ratified at the Kosovo Assembly and came into effect on 15 June 2008. The flag of Kosovo together with the national anthem were also adopted by the Assembly soon after the declaration of independence. The Constitution makes a clear separation of powers among the executive, legislative and judiciary powers. Kosovo identifies itself as a parliamentary democracy, where political parties participate freely in national and local elections.

To ensure that Kosovo will fully implement the Ahtisaari Plan, the International Civilian Office (ICO) was opened in Kosovo. During its mandate from 2008 until 2012, the OIC made sure that everything the Plan foresaw was turned into a law. Thus, all that was required by the Ahtisaari Plan, especially suggestions regarding minority protection, was either integrated into the Constitution or integrated into several subsequent laws passed by the Kosovo Assembly.

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<sup>18</sup> UNMIK Regulation 2001.

## Building Its Own Institutions

### The Parliament

According to the Constitution of the Republic of Kosovo,<sup>19</sup> the Assembly is the legislative institution of the state directly elected by the people. The Assembly has 120 deputies elected by secret ballot on the basis of open lists. A political party, coalition of political parties, or citizen's initiative, that has applied to be certified to participate in the elections should submit a candidate list to the Central Elections Commission. At least 30% of the candidates on each list should be female.<sup>20</sup> Each certified political entity appears on an "open list" ballot. According to the law, the electors vote for one certified political entity and for a specified number of individual candidates from the chosen political entity's candidate list. During the 2007 general elections, electors had the right to vote for up to ten candidates from the chosen political entity's candidate list. This form of voting, however, created room for the manipulation of ballots, as the elections administration staff could easily write on a ballot without leaving any trace. The same voting system was applied during the 2010 elections except that this time electors could vote for up to five individual candidates. The same system is applicable until today.

The seats in the Assembly are distributed amongst all parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly. In the framework of this distribution, twenty of the one hundred twenty (120) seats are guaranteed to the representatives of the minority communities: 1. Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community have the total number of seats won through the open election, with a minimum of ten seats guaranteed in any case; 2. Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities have the total number of seats won through the open election, with a minimum number of seats in the Assembly guaranteed as follows: one seat to the individual representatives of Roma, Ashkali and Egyptian communities and one more extra seat to that community the candidate of which gets the highest overall votes (all together four seats); three seats to the representatives of the Bosnian community; two seats to the representatives of the Turkish community and one seat to the representative of the Gorani community. The mandate of the legislature lasts for four years.<sup>21</sup>

As the highest representative and law-making institution, the Assembly has the following responsibilities: adopts laws, resolutions and other general acts; makes decisions to amend the Constitution by two thirds of all its deputies, including two thirds of all deputies holding seats reserved and guaranteed for representatives of communities that are not in majority in Kosovo; announces referenda in accordance with the law; ratifies international treaties; approves the budget of the Republic of Kosovo; elects and dismisses the President and Deputy Presidents of the Assembly; elects and may dismiss the President of the Republic of Kosovo in accordance with the Constitution; elects the Government and expresses no confidence in it;

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<sup>19</sup> Constitution of the Republic of Kosovo 2008, Chapter IV.

<sup>20</sup> Law No. 03/L-073 2008.

<sup>21</sup> Law No. 03/L-073 2008.

oversees the work of the Government and other public institutions that report to the Assembly in accordance with the Constitution and the law; elects members of the Kosovo Judicial Council and the Kosovo Prosecutorial Council in accordance with the Constitution; proposes the judges for the Constitutional Court; oversees foreign and security policies; gives consent to the President's decree announcing a State of Emergency; decides with regards to general interest issues as set forth by law.

Committees of the Assembly constitute one of the main bodies of the Assembly. There are standing, functional and ad hoc committees, and as of today the Kosovo Assembly has overall 14 Committees. Although according to the Constitution, the Assembly stands on top of the hierarchy of powers, in reality the Kosovo Assembly does not enjoy that position and is not at the same level as the Kosovo Government. The Assembly has not developed to such a level of being able to process in time and in a responsible manner all the documents and propositions that come from the Government. In other words, the Assembly's administration is not at the same competitive level with the Government's administration. As a result, most of the draft-laws, strategies and other documents sent to the Assembly are approved without any substantial change with regards to the content of laws and strategies.

## **The Government**

The Kosovo Government is one of the largest governments in South East Europe in terms of ministries. The number of ministries has been increasing since 2001, from 9 to 19 ministries in 2012, and to 21 today. UNMIK's Regulation 2001/19 describes the role and functions of the Prime Minister's Office and the ministries that had to be created at first: Ministry of Economy and Finances, Ministry of Trade and Industry, Ministry of Education, Science and Technology, Ministry of Culture, Youth and Sport, Ministry of Health, Environment and Spatial Planning, Ministry of Labour and Social Welfare, Ministry of Transport and Telecommunication, Ministry of Public Service, Ministry of Agriculture and Rural Development. UNMIK's Regulation 2001/19 was amended 9 times, making the number of ministries multiple each time. In 2002, the number increased to 10 when the Ministry of Environment and Spatial Planning was separated from the Ministry of Health. In 2005, another 5 ministries were formed: Ministry for Communities and Return, Ministry for Energy and Mines, Ministry of Local Governments, Ministry of Justice and Ministry of Internal Affairs. After the declaration of independence in 2008, the Government created two additional ministries: Ministry of Force and Security and Ministry of Foreign Affairs. In 2010, the Government took a decision to create the Ministry for European Integration. In 2011 the Ministry of Energy and Mines discontinued its operation, while the Ministry of Economy and Finances was divided into two. In the same year, the Ministry of Diaspora was set up, as well.<sup>22</sup> Later on, the Ministry of Regional Development and the Ministry of Innovation were created.

There is no doubt, that the relatively huge number of ministries bears a huge financial cost on Kosovo. Today, the Government consists of the Prime Minister, 6 Deputy Prime Ministers, 21 Ministers and over 70 Deputy Ministers. All of them are allowed to have political advisors. The huge number of ministries is mainly due to the absence of a law on

<sup>22</sup> More on the chronology of the creation of ministries see GAP Institute s. a.

Government. Such a law would make it possible that instead of the Government, the Kosovo Assembly would have the ability to make decisions about the ministries. As the Constitution of Kosovo describes, the competencies of the Government are the following: proposes and implements the internal and foreign policies of the country; promotes the economic development of the country; proposes draft laws and other acts to the Assembly; makes decisions and issues legal acts or regulations necessary for the implementation of laws; proposes the budget of the Republic of Kosovo; guides and oversees the work of administration bodies; guides the activities and the development of public services; proposes to the President of the Republic of Kosovo the appointment and dismissal of the heads of diplomatic missions of the Republic of Kosovo; proposes amendments to the Constitution; may refer Constitutional questions to the Constitutional Court; exercises other executive functions not assigned to other central or local level bodies.<sup>23</sup>

Kosovo has held five national elections after the war, in 2001, 2004, 2007, 2010, 2014 and 2017. The following politicians served as prime ministers: Bajram Rexhepi (2002–2004), Bajram Kosumi (2005–2006), Agim Çeku (2006–2008), Hashim Thaçi (2008–2014), Isa Mustafa (2014–2017) and Ramush Haradinaj (2004–2005 and 2017 –) Most of them have not finished the regular four year term in office due to several reasons. It is worth noting that all governments were based either on pre-election or post-election coalitions. The biggest and most relevant coalition parties, from which prime ministers of the country were elected, are the following: the Kosovo Democratic Party (PDK), or the Alliance for the Future of Kosovo (AAK), or the Kosovo Democratic League (LDK). The former two were formed after the demilitarisation of the Kosovo Liberation Army after the end of the war in 1999, while the latter was formed as a pacifist movement during the 1990s. Smaller political parties were always part of the government coalitions, too. Among the four largest political parties in Kosovo, LDK, PDK and AAK, identify themselves as a centre-right oriented parties, while the opposition party, the Self-Determination Movement positions itself as a leftist party. However, the political identity and ideology of most political parties in Kosovo is not well-established, as there is often a mismatch between their political identity and their public policies.

### **Local self-governments**

Kosovo is divided into 38 municipalities. There are five basic laws that regulate the legal functions and competences of municipalities, namely the Law on Local Self-Government, Law on Local Government Finances, Law on Administrative Municipal Boundaries, Law on Public Private Partnership and the Law on Local Election. The Law on Local Self-Government<sup>24</sup> establishes the legal basis for a sustainable local self-government system in Kosovo. The territory of a municipality includes settlements of cadastral zones within the municipal boundaries.<sup>25</sup> Settlements include towns, urban neighbourhoods and villages. Hence the division of municipalities is based on geographical circumstances and not on

<sup>23</sup> Constitution of the Republic of Kosovo 2008, Chapter VI.

<sup>24</sup> Law No. 03/L-040 2008.

<sup>25</sup> Law No. 03/L-041 2008.

ethnic components. The governing body of each municipality is the Municipal Assembly and the Mayor. The Mayor is the highest institution of the municipality and he/she is directly elected by the citizens of that municipality for a four-year term. In Kosovo's post war history there has been only one female mayor, Mimoza Kusari-Lila, who was the mayor of the city of Gjakova. The members of the Assembly and the Mayor are elected by a direct election organised in every four year.<sup>26</sup>

There are two main financial resources for municipalities: own source revenues and operating grants. Operating grants are allocated from the Kosovo Budget and are divided into three types of grants: a general grant, a specific grant for education and a specific grant for health. The general grant amount consists of ten percent of budgeted central government total revenues.<sup>27</sup> According to the law, each municipality receives a lump-sum amount of 140,000 Euros per year, less than 1 Euro for each member of the population, or zero Euro for municipalities with a population that equals or is greater than 140,000 inhabitants.<sup>28</sup> The specific grant for education is meant to finance the cost of providing a minimum standard level of pre-primary, primary and secondary education and the amount is based on the students' enrolment. The specific grant for health is meant to finance the costs of providing a minimum standard level of public primary healthcare and the amount is based on the normalised population. Municipalities are also entitled to have their own source revenues, which are revenues from the following categories: municipal taxes, fees and other payments for public services; rents of immovable property situated in the municipality; revenues from the sale of municipal assets; revenues from undertakings wholly or partially owned by the municipality, etc. It should be noted however, that central government grants are the main source of municipal revenues representing 80% of the total municipal revenues, while municipal own source revenues make up the remaining 20%.<sup>29</sup>

There have been six local elections organised in Kosovo since the end of the 1999 war. These local elections were held in 2000, 2002, 2007, 2009, 2013 and 2017. After the amendment of the Law on Local Self-Government in 2007, the local election system was changed. Today, the Mayor is elected directly by the people and not by the Municipal Assembly. According to the Law on Local-Government, the mayor's term ends when he resigns or when he has been missing from work for more than a month without any valid justification, or for violating other laws. Kosovo mayors represent different political parties. In addition to mayors coming from political parties like PDK, AAK and LDK, other political parties, such as Vetëvendosje (Self-determination in English), the Alliance New Kosovo (AKR), the Social Democratic Party (PSD), Nisma and the Serb List, also govern in some municipalities. There are independent candidates who have managed to win electoral campaigns as well. Like in the central level, political parties enter into government coalition at local level, too. The political map of municipalities has been constantly changing, with Pristina offering the biggest change when in 2013 Shpend Ahmeti, a candidate from Vetvendosje managed to win the capital from Isa Mustafa from LDK. LDK had won Pristina in all past elections.

<sup>26</sup> Law No. 03/L-072 2008.

<sup>27</sup> Law No. 03/L-049 2008.

<sup>28</sup> The law contains a formula that specifies how the remainder of the general grant is allocated among municipalities.

<sup>29</sup> EBEL-PÉTERI 2007.

## The President

The President is the head of state and represents the unity of the people of Kosovo. The President of Kosovo, who should be older than 35, is elected by the Assembly in secret ballot.<sup>30</sup> The President is elected by a two thirds majority of all deputies of the Assembly and has a five year term in office. The first President after the war was Ibrahim Rugova, who served until his death in 2006. Rugova was a prominent Kosovo Albanian political leader, who advocated for a peaceful resistance to Serbian rule and led a popular struggle for independence since he entered into politics in 1989. His peaceful approach earned him the nickname “Gandhi of the Balkans”. His successor, Fatmir Sejdiu served until his resignation in 2010. Sejdiu was found guilty by the Constitutional Court for violating the Constitution for being the President of the country and the President of the Democratic League of Kosovo political party at the same time. In 2011, Behxhet Pacolli became the third president. After two months he stepped down because his election was found unconstitutional. The next president was Atifete Jahjaga, who previously served as Deputy Director of the Kosovo Police, holding the rank of Major General. Jahjaga was essentially proposed and supported as a consensual candidate of the U.S. Ambassador in Kosovo, Christopher Dell. Although she had a good reputation as a police commander, most of the political leaders had been uninformed about her political leanings. This, however, did not stop the Parliament from voting her as President. In fact, she is the only president to be elected in the first round of the elections and became the first female head of state in Kosovo. She is also the first President to end her full term in office. Her successor and current President is Hashim Thaçi, the former Prime Minister. Thaçi’s election as President was done under heavy objections made by the opposition party Vetëvendosje, who considered him to be unfit for a consensual president of the country.

## The judicial system

The judicial power in Kosovo is exercised by the courts, while the highest judicial authority is the Supreme Court of Kosovo. At least 15% of its judges are from minorities, and its president is appointed by the President of Kosovo for a non-renewable term of seven years.<sup>31</sup> The independence and impartiality of the judicial system is ensured by the Kosovo Judicial Council, a non-partisan institution that ensures that Kosovo courts are independent, professional and fully reflecting the multi ethnic nature of Kosovo. Another important and independent institution is the State Prosecutor with the authority and responsibility for the prosecution of persons charged with criminal acts. Another significant institution in Kosovo is the Constitutional Court, which is the final authority for the interpretation of the Constitution and the compliance of laws within the Constitution. The Constitutional Court is composed of nine judges, of whom three are internationals. Since its foundation in 2008, the Constitutional Court has made certain important decisions, including the dismissal of two Kosovo Presidents, Fatmir Sejdiu and Behxhet Pacolli. Other courts in Kosovo apart from the Supreme Court include, the Commercial Court, District Court, Municipal Court and High Court.

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<sup>30</sup> Constitution of the Republic of Kosovo 2008, Chapter V, President of the Republic of Kosovo.

<sup>31</sup> Constitution of the Republic of Kosovo 2008, Chapter VII, Judicial System.



With regards to the laws of power in Kosovo, from 1999 until 2010 there were three sets of laws applicable in Kosovo, namely: non-discriminatory pre-1989 laws of former Yugoslavia, UNMIK Regulations and laws adopted by the Kosovo Assembly after the declaration of independence on 17 February 2008. Since 2010, the only applicable laws are those of the Kosovo Assembly and a limited number of UNMIK regulations. Among the most significant laws adopted after the declaration of independence are the so-called “Ahtisaari laws”. The Final Comprehensive Proposal for a Kosovo Status Settlement, also known as the Ahtisaari Package, contained a number of recommendations for the Kosovo Government to follow after the declaration of independence, including the approval of specific laws within the first 120 days, including Kosovo’s most basic laws that guarantee the statehood. Between 20 February – 16 December 2008, a total of 49 laws were approved with an accelerated procedure.<sup>32</sup>

When speaking about the rule of law in Kosovo, one has to consider the role of the EULEX, too. The European Union Rule of Law Mission in Kosovo (EULEX) was the largest civilian mission ever launched to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. With regard to the judiciary, EULEX has two main functions: one is to investigate crimes and bring suspects to justice and second to mentor, monitor and advise its Kosovo colleagues. EULEX is an expensive and large mission, with a total staff of 3,200 at some point. The mission was deployed in 2008 and ended its mandate in mid-June 2018.

## Conclusion

In the past two decades, Kosovo went through a transformation period during which from a post-war country, it became an internationally supervised territory, and later transferred into a self-governmental country. In this period, peacekeeping and institutional building has been given priority over economic development and social welfare. The transition of power and competences from the Special Representative of the Secretary-General to Kosovo authorities was done in a smooth and gradual manner. Although UNMIK still exists in Kosovo, its role has significantly diminished. The power and authority today is distributed according to the provision of the Constitution of the Republic of Kosovo. There is a clear distinction between the three estates, the legislative, the executive and the judiciary. After the declaration of independence in 2008, the Kosovo Assembly has managed to adopt a significant number of laws, including the “Ahtisaari laws”, which are necessary for the Kosovo statehood. The International Civilian Office, whose main objective was to assess the implementation of the “Ahtisaari criteria” after the declaration of independence, ended its mandate in 2012, concluding that Kosovo is now responsible for its own governance. Despite the progress in institutional building, Kosovo faces significant challenges too, especially with regard to the rule of law, the fight against corruption, economic development and poverty reduction. As the institutions are already there, facing these challenges requires political will, concrete strategies and better public policies. Indeed Kosovo has shown significant progress in building institutions, but the way ahead is even more challenging and demanding as long as EU integration remains a long term target.

<sup>32</sup> See GAP Institute 2010.



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# Montenegro: A Long Road to Democracy

*Jovana Marović*

## Introduction

As a result of the collapse of the Socialist Federal Republic of Yugoslavia (SFRY), seven new states emerged, which with different success during the 1990s have started the transformation process: political, economic and social. Throughout the Yugoslav-period, Montenegro, as one of the six republics, was the least interesting for scholars and media. First of all, because it was the smallest and at the same time the least developed federal member alongside with Bosnia and Herzegovina and Macedonia,<sup>1</sup> with just over 600,000 inhabitants,<sup>2</sup> but also as a republic that avoided open conflicts on its territory.

Still, Montenegrin transition is not an uninteresting case. The same political elite (the same political party) has managed all processes after the fall of communism, adapting its political and ideological (but primarily rhetorical) course. Apart from never experiencing a democratic change of government, i.e. via elections, Montenegro has not experimented too much with institutional arrangements either. Both of the “post-communist constitutions” shaped in a similar way a political system based on the principles of parliamentary democracy, with some modifications in practice when the presidents of the long-standing ruling party were at the same time the heads of state. While the principles and way of functioning of the executive and the legislative branches have slightly changed since the 1990s, the biggest changes have been introduced for the judicial branch that has not yet reached the required level of independence despite the requirements that Montenegro must fulfil in order to become a member of the European Union, which is one of the state’s foreign policy goals. The continuity of the same ruling elite has deleted the line separating the leading Democratic Party of Socialists (DPS) from the state (apparatus).

This chapter aims to chronologically point out to key events that marked the Montenegrin political history after the fall of communism, including: the most important political trends and events; changes in the political system (constitutional arrangements); key trends and debates on electoral processes.

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<sup>1</sup> BIEBER 2003, 11.

<sup>2</sup> 620,029, see MONSTAT 2011.

## The “January Anti-Bureaucratic (AB) Revolution”

The change of the Montenegrin communist leadership in January 1989 was caused by various reasons. One of the burning issues was the economic crisis in the SFRY and the republic itself. Foreign debt in the SFRY amounted to 12.3 billion Dollars in 1979, and inflation exceeded 20%. Inflation in Montenegro continued to grow after 1979, the economic and social crisis deepened, with unjustified demands for price increase.

Such a situation in the SFRY corresponded to the growing nationalism, in Slovenia, for example, those who propagated an independent state, in Croatia, the Yugoslav confederation, and in Montenegro, a nationalism that had its roots in Serbia. This nationalism was advocated by an initiative for a more dominant federal state, which in most republics was seen as centralism and the return of “Serbian hegemony”.

During the nearly fifty-year existence of the SFRY, the Montenegrins occupied many managerial positions in federal institutions<sup>3</sup> while Montenegro, along with Bosnia and Herzegovina, remained throughout the Tito period<sup>4</sup> the most pro-Yugoslav of all the republics.<sup>5</sup> Thus, although economic differences between the republics had affected the division along these lines and liberal tendencies in those economically more stable, Montenegro remained invulnerable both to nationalism and liberalism. Hence, it could be said that changes in the governing structure of the Montenegrin League of Communists (Savez Komunista Crne Gore, SKCG) came about due to the great dissatisfaction of the citizens combined with the extremely bad economic situation, but also because of the naïve belief of the then party leadership that the growing Serbian nationalism in the republic was not dangerous and the tendency to minimize its potential influence.<sup>6</sup>

The new Serbian nationalism was developed during the 1970s and 1980s and published in the memorandum of the Serbian Academy of Sciences and Arts (SANU) which had further negative effects on the already tense relations between the federal units.<sup>7</sup> Though the Central Committee of the Montenegrin SKCG condemned the appearance of the SANU memorandum in 1986, as a document with strong nationalistic language, support signatures were collected in the country, including those from the party members. During the same year, Slobodan Milošević as the newly appointed head of the Serbian communists took over the realisation of this memorandum, which had far-reaching consequences for Montenegro. In order to obtain majority at the federal level, Milošević needed Montenegrin support (and vote)<sup>8</sup> so the instrumentalisation of a loyal leadership in Montenegro turned out to be one of his priorities. The demands for greater rights within the republics<sup>9</sup> and new constitutional and legal status of the two provinces (within the republic of Serbia)<sup>10</sup> have followed the

<sup>3</sup> Montenegro also had the largest number of party members per capita of all republics.

<sup>4</sup> RAKOČEVIĆ 2013.

<sup>5</sup> ROBERTS 2007, 423.

<sup>6</sup> RAKOČEVIĆ 2013.

<sup>7</sup> The SANU memorandum argued for a fundamental reorganisation of the state but also condemned the decentralisation of the country and pointed to the discrimination of Serbia over such an arrangement.

<sup>8</sup> Serbia, two provinces, plus Montenegro (4 vs. 4).

<sup>9</sup> As part of the SFRY, Montenegro enjoyed certain rights under the 1974 Federal Constitution. Namely, it had numerous institutions such as the Constitutional Court, the Parliament, the Government, the Ministry of Foreign Affairs and the Central Bank.

<sup>10</sup> Kosovo and Vojvodina.

crisis. When the autonomous provinces rejected amendments to the 1974 federal constitution imposed without consultations, Milošević went with mass mobilisations and demonstrations. A series of protests in Montenegro had taken place during the summer of 1988 and these protests started with gatherings of workers due to poor working conditions. While the then leadership of the SKCG involved police intervention to suppress protests, the Serbian political establishment logistically supported the protests in Montenegro that induced changes within the party during the second round of protests. Throughout the AB revolution, the old political elite was labelled as “anti-Serbian” which necessarily qualified the new one as pro-Serbian. It remained pro-Serbian until 1997 when the division of the party happened. The old Communist leadership was overthrown by demonstrations in Podgorica on 10–11 January 1989, involving thousands of Montenegrin citizens. The new leadership troika – Milo Đukanović, Momir Bulatović, Svetozar Marović – dominated the Montenegrin political scene during the next decade, and some of them, to this day.

Given that no new party was established, this change was different from the transition of most Eastern European countries. There were no demands for reforms and democratisation at its core. In that sense, this could also be regarded as an “internal conflict”, although the newly appointed elite had not been in the party’s top leadership positions by then. At the same time, the changes advocated by the new leadership were more linked with the “achievements of the January revolution”, and not with democracy. So, the newly established way of governing could hardly be classified as a democratic, but rather as a hybrid one which combined democratic and autocratic elements.<sup>11</sup> Nevertheless, the mechanisms behind the “after the January revolution” autocratic period (clientelism, positioning of loyal cadre at the managerial positions, media control, manipulations with electoral lists) are still in force today even to a greater extent. Though these mechanisms are not so brutal or obvious, they are more developed because of the thirty-year-long rule and control.

The new leadership of the SKCG has decided to remain in a common state with Serbia. This decision was also the outcome of the 1992 referendum. The DPS<sup>12</sup> fully controlled the state apparatus and financial resources, which is one of the reasons for the high percentage of votes (95.96% of 66.4% citizens who voted at the referendum) in favour of a common state advocated by this party although the turnout during the referendum was low. Since all the other republics had opted for independence by that time, this meant staying in the newly established Federal Republic of Yugoslavia (FRY) with Serbia.

## The U-turn of the DPS

Until 1996, the DPS cooperated closely and was a close ally of Milošević’s regime in Belgrade. Although the party succeeded in securing an absolute majority in the parliament at the 1996 elections, the political leadership – President of the state and the party Momir Bulatović and Prime Minister and Vice President of the party Milo Đukanović – soon started to disagree on the alliance with Milošević. Paradoxically, the conflict between the two party leaders arose only a few months after the DPS had won a convincing victory in the elections.

<sup>11</sup> DARMANOVIĆ–GOATI 2016, 15.

<sup>12</sup> The Democratic Party of Socialists was created by the simple renaming of the SKCG at the 1991 Congress.

If one takes into account that the DPS at that time was often – before Đukanović came to its forehead – called the oligarchic party, the conflict could be reduced to the struggle for power within the party and in the state itself. So, the most obvious reason for the split in the party was one connected to Milošević, but there are also interpretations that the cause is linked with some particular interests.<sup>13</sup> The faction of the party that supported Đukanović completely dissociated the DPS from Milošević's regime.<sup>14</sup> The final turnaround in re-orientation towards the West was strengthened by Đukanović's victory in the second round of the presidential elections in 1997, and by securing the required majority in the parliament a year later in coalition with the Social Democratic Party (SDP) and several smaller parties.

Strong support for the reformist forces in the country came from the international community, including financial assistance from the EU and U.S., which at that time turned away from Milošević. Control over economic activity and financial assistance enabled the DPS to develop a strong patronage and a clientelistic network alongside with positioning members and allies at high positions in key institutions, corruption and ability to change and adapt.<sup>15</sup>

Although Serbia's democratic changes during the autumn of 2000 made a shift from Milošević's policy, the DPS launched a campaign for Montenegro's independence, and its leader Đukanović placed himself at the forefront of the Independence Movement.<sup>16</sup> However, precisely because of democratic changes in Serbia, as well as due to the fear of instability in the Western Balkans and new potential conflicts, the European Union intervened in signing the Belgrade Agreement in March 2002, which obliged Serbia and Montenegro to stay in the common state for three more years.<sup>17</sup>

As part of a compromise agreement reached with the two political blocks, the EU has prescribed that more than 55% of the voters will have to vote for independence before any dissolution of the state union can happen. "The EU engagement in this case could be characterized as 'postmodern diplomacy', because the engagement was aimed directly to an internal situation in another<sup>18</sup> country."<sup>19</sup>

Taking into account the important issue of deciding on state status and restoring the Montenegrin statehood, it is understandable that the voter turnout was high at 86.5%. In May 2006, at the referendum, Montenegrin citizens voted 55.5% to support the idea of Montenegrin independence. Despite controversies<sup>20</sup> and a large number of complaints about the regularity of the process by the bloc for the state union, the OSCE estimated that "the

<sup>13</sup> DARMANOVIĆ–GOATI 2016, 19.

<sup>14</sup> The division within the ruling party in 1997 marked the strong polarisation of the society. Basically, the Montenegrin society was divided into two almost equal blocks: pro-Montenegrin–independents and pro-Serbian–unionists.

<sup>15</sup> DŽANKIĆ–KEIL 2017, 403.

<sup>16</sup> The Independence Movement was headed by the ruling DPS, while the political block advocating a common state with Serbia was grouped under the leadership of the Socialist People's Party and included the Serb People's Party (SNS), the Democratic Serb Party (DSS), and the People's Party (NS).

<sup>17</sup> The State Union of Serbia and Montenegro.

<sup>18</sup> Non-EU country.

<sup>19</sup> FRIIS 2007, 67–88.

<sup>20</sup> Montenegrins registered as permanent residents in Serbia were not eligible to vote and this was criticised by pro-unionists. See OSCE/ODIHR 2006, 8.

referendum was conducted in line with OSCE and other international standards related to democratic electoral processes”.<sup>21</sup>

The results of the referendum have contributed to the positioning of the DPS as the guardian of Montenegrin sovereignty and nation. However, the post-referendum period has not reduced the strong polarisations of the society. An additional cause for polarisation is NATO membership to which citizens and parties, despite the integration in 2017, still have divided views, while there is a consensus among political parties on EU membership.

Although Montenegro is implementing reforms under the EU conditionality since 2010 when it has become a candidate for membership in this supranational community, progress in democratisation is modest. Success within the integration process, especially after the formal opening of negotiations in 2012, can be reduced to formal opening of the negotiating chapters,<sup>22</sup> work on amending legislation and strategic documents and drafting action plans. In practice, enforcement of the regulation is at an unsatisfactory level, while a lack of transparency and accountability continue to be burning issues. The start of the EU negotiations was conditioned by progress within seven areas, including freedom of the media and effective anti-corruption activities,<sup>23</sup> and these areas are still crucial for the shift from undemocratic practices to the strengthening of the the rule of law and democratisation.

## The Political System in Montenegro

Outlines of the Montenegrin political system were defined shortly after the multiparty system establishment in 1990 and have not changed significantly to this day. The Montenegrin constitutions<sup>24</sup> from 1992 and 2007 stipulate division of power typical for parliamentary systems. It is an arrangement with soft division of power where the government is responsible to the parliament; the parliament directly decides on the election of the government, and at the same time oversees and controls its work. The Parliament has a central role with legislative and control powers. In practice, certain elements of the semi-presidential system existed from 1990–1997 and 1998–2002 when the presidents of the ruling party Bulatović and Đukanović were at the same time the heads of the state.<sup>25</sup> Under the Montenegrin Constitution, the President of the state is not obliged to withdraw from the position of the party president or to leave the party membership. Yet, by retaining the party president position, the head of state has greater political power and influence, controls the party decision-making mechanism, and thus has greater control over the work of the executive and legislative branch. In the 1992 Constitution, Montenegro opted for

<sup>21</sup> OSCE 2006, 2.

<sup>22</sup> Between July 2012 and August 2018 Montenegro has opened 31 negotiation chapters including the most demanding ones on the rule of law (Judiciary and Fundamental Rights [23] and Justice, Home and Security [24]) and provisionally closed three (Science and Research [25], Education and Culture [26] and External Relations [30]).

<sup>23</sup> European Commission 2010.

<sup>24</sup> The main goal of the constitution, as the highest legal act, is to create stability within the political system and to protect the fundamental principles and rights within a society. Consequently, the Constitution includes the competences of the central government and basic values.

<sup>25</sup> Such a situation was repeated this year, as Đukanović was re-elected as the country's President in April 2018 with a five-year mandate.



a President elected by citizens with more or less ceremonial role. Such a model is also retained with the 2007 Constitution.

## Parliament

The Montenegrin Parliament is unicameral and consists of 81 MPs with a four-year mandate, elected by citizens voting directly. Extraordinary parliamentary elections are frequent. So far, the mandate of the parliament has been shortened five times, and by the decision of the members of parliament (MPs) each time. The Constitution stipulates that shortening of the mandate may be initiated by a minimum of 25 MPs, the Government or the President of the State.<sup>26</sup> The Parliament decides by a simple majority at a session that must be attended by more than half of the total number of MPs. Supermajority is required when the Parliament decides on the rights and freedoms for citizens, Montenegrin citizenship, etc., while a two-thirds majority is needed for changing the electoral legislation.

The legislative part of the role of Parliament is mostly reduced to the voting for the proposals of the Government, as elsewhere, although the possibility of proposing legislation also has 6,000 citizens through the MPs they authorise. In accordance with the requirements arising from the European integration process, a decentralised model for checking harmonisation with the *acquis communautaire* has been established within the Parliament – seven permanent parliamentary committees perform this responsibility.

Although the European integration process has contributed to the understanding that parliament is not just a voting machine but also an important channel for the control of the executive, progress in that direction is rather symbolic. In line with this and based on the initiatives of the civil society and opposition parties, transparency of its work and openness towards the interested parties has been achieved. In this respect, the Parliament has also developed participation procedures, while two standing committees, the Committee for the Fight against Corruption and the Committee for European Integration, have been established. However, the control function has never been strong. In spite of improvements aimed at strengthening the oversight of this institution over the executive, such as the adoption of a special law on the parliamentary inquiry<sup>27</sup> as a particularly powerful mechanism, but also the improvement of other control mechanisms, MPs have never been sufficiently active.<sup>28</sup> The control function was nearly completely “removed” in 2017, as the opposition was fully out of parliament for almost the whole year. As a result, the Parliament conducted only one control hearing in 2017 and adopted conclusions that did not produce any mandatory activity for the institutions.<sup>29</sup>

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<sup>26</sup> Article 84 of the Constitution of Montenegro, see Constitution of Montenegro 2007.

<sup>27</sup> Law on Parliamentary Inquiry 2012.

<sup>28</sup> MAROVIĆ 2014.

<sup>29</sup> VICKOVIĆ 2018.

## Government

The Government of Montenegro represents the executive branch. In all the previous cabinets within the nine governments,<sup>30</sup> DPS has constituted the majority and all prime ministers have been from this party.<sup>31</sup> Milo Đukanović was Prime Minister six times, Filip Vujanović, Željko Šturanović, Igor Lukšić and Duško Marković<sup>32</sup> once. Although the number of ministries has changed, the government has modestly been transformed in its way of functioning and organisation (organisational units). The state administration reform faces numerous difficulties and so far three strategic frameworks have been altered to provide the modernisation of management and rationalisation of the number of employees.

## President of Montenegro

As already mentioned, the head of state is elected by citizens and his term lasts five years. The same person can be chosen at most twice. His/her jurisdiction is protocol-ceremonial, such as representing the state, proclaiming the law and announcing elections.

Montenegro has until now had three presidents: Momir Bulatović (1990–1998), Filip Vujanović (2003–2018) and Milo Đukanović (1998–2002, 2018–). Bearing in mind that, since 1990, Montenegro has went through four different state arrangements. Filip Vujanović has served as President on three occasions<sup>33</sup> and his third term was tested before the Constitutional Court which decided in his favour.

Pursuant to the powers most often held by the presidents within parliamentary systems, the head of state proposes the prime minister candidate, which, in a sense, gives him/her political influence, especially when more than one party has approximately the same support from citizens. However, in Montenegro such room for influence has never appeared.

## Judicial system

Just as the existence of a constitution does not imply constitutionality, the adoption and existence of a law does not imply legitimacy. With this clarification of the constitutional control, it could be said that the judicial power is actually controlled by the legislature and vice versa. Constitutional courts are another guarantor of human rights and freedoms and, therefore, the basis of democratic systems.

The Montenegrin judicial system has experienced most of the significant changes from all branches of the government, and the most significant changes were introduced by the constitutional amendments in 2013. These changes represent a significant step in securing the independence of this branch and imply the election of judges by the Judicial Council

<sup>30</sup> Plus the Government of the Electoral Trust.

<sup>31</sup> Since 1998, all the governments were coalitions.

<sup>32</sup> Current Prime Minister.

<sup>33</sup> Although the constitution foresees two.

and not by the Parliament.<sup>34</sup> Also, the 2013 amendments stipulate that the Supreme State Prosecutor is elected by the same majority in the Parliament as the Judge of the Constitutional Court (two-thirds majority in the first round three-fifths majority in the second). Despite progress in defining the framework for the functioning of the judiciary, progress in securing its independence in practice has not yet been achieved.

## **Elections**

Though formal termination with a one-party system took place in December 1990 when the elections were held where several parties participated, this was not seen as a final breakaway from the communist system or socialism. The real transition started only seven years later.

Since the introduction of the multi-party system, a proportional system has been used with the different number of constituencies (1–14) and census/threshold (3–5%). At the moment, the whole country is one constituency with an electoral census at 3% while mandates are distributed on the basis of the D'Hondt method. Closed unblocked lists are used, meaning that the political parties are obliged to allocate half of their mandates according to the order set out in the electoral lists prior to elections.

During the thirty-year period, one party dominates the political scene, the DPS, which has won all the previous elections. Although formally elected through direct elections, the DPS rule is illiberal also because of the way it is elected.<sup>35</sup> Numerous corruption allegations, irregularities and affairs, including the audio recording affair, have impaired the conditions for a fair political competition.

## **New Name of the Same Game – Elections in 1990**

The first multi-party elections were held on December 9, 1990, where SKCG under the new political leadership won 56.2%. This victory was attained due to a number of factors, including the popularity of a new leadership loyal to the Serbian national movement and the weakness of the opposition.

SKCG entered the election race with great advantage over its competitors. In the fifty-year period this party ruled completely unharmed. Therefore, this party has controlled the entire state apparatus, as well as almost all (of) the industry and state resources. All major media were under the control of the SKCG, which provided easy access for the propaganda of the ruling party. In these media, there was limited space for opposition attitudes. In addition, the SKCG welcomed the elections with a fully-fledged, decades-long party infrastructure. Contrary to the SKCG, the opposition parties did not possess almost any infrastructure and functioned dominantly thanks to the engagement of their executives, experts, as well

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<sup>34</sup> In order to be free from political influence, the election of the President of the Supreme Court is also no longer the competence of the Parliament.

<sup>35</sup> Although, as already pointed out, Montenegro avoided open conflicts on its territory, it was hit with a situation in the country especially by the sanctions imposed to the Federal Republic of Yugoslavia by the United Nations in 1992. Drug, cigarettes and human trafficking were just some of the crimes that Đukanović has been charged by domestic and international media.

as citizens who gathered around common ideas and values. Because of all of the above, the SKCG won a majority in the parliament and its leader Momir Bulatović victory at the first Montenegrin presidential elections.

The SKCG, unlike most other similar Eastern European parties, has not tried to make a clear ideological breakaway from the previous regime. On the contrary, using the fact that most of the Montenegrin population still believed in the idea of self-managing socialism, SKCG presented itself as the only legitimate guardian of the communist legacy and the only guarantor of maintaining the territorial integrity of the state. In this way, a significant number of voters were attracted, who neither wanted nor were prepared for radical changes in society. Unlike SKCG, which hence profiled itself as a promoter of *status quo*, the strongest opposition parties represented different, albeit completely opposite, visions of the future of Montenegro. The Alliance of Reform Forces (Savez reformskih snaga)<sup>36</sup> was part of the wider Yugoslav Movement, which considered that Yugoslavia, and hence Montenegro, should go through as other post-communist countries. This implied, first of all, the creation of a functional democratic state, as well as turning to a market economy, and then gradually engaging in the European integration processes. In this way, a party system has been established in Montenegro, which is still in existence and defined in political theory as a multiparty system with a dominant party.

### **The birth of the domination of DPS (1992)**

The SKCG, now the Democratic Party of Socialists (DPS), once again won the absolute majority, which was a curiosity in the European context. “Observed comparatively, DPS is the only party in the post-communist countries of the South Eastern Europe that has managed to preserve in the second elections the absolute majority in the parliament gained in the first elections”.<sup>37</sup> How big the DPS dominance was is best illustrated by the presidential elections held in parallel with the parliamentary elections. Two DPS candidates (although Branko Kostić was not nominated by the DPS but by the Association of Warriors from 1991–1992) together won two thirds of the votes and faced each other in the second round where the DPS leader Momir Bulatović took victory. Nevertheless, despite the DPS domination, Montenegro got its first coalition government, made up of all relevant parliamentary parties as well as non-partisan representatives. It lasted less than a year, when DPS continued its absolute rule, while the other parties withdrew to the opposition.<sup>38</sup> Also, these were the first elections where, as a dominant political issue, was

<sup>36</sup> The Alliance of Reform Forces was not a unique party, but it was a set of more civic parties, primarily of social democratic and liberal political orientations. By contrast, the People’s Party (Narodna stranka) pioneered its ideas from pre-Communist and monarchical Montenegro. Their proclaimed goal was to return to the values of traditional Orthodox Montenegrin. The Democratic Coalition, which was made by a large number of parties representing Albanians and Bosniak-Muslim citizens in Montenegro, also entered the Parliament.

<sup>37</sup> GOATI 2001, 146.

<sup>38</sup> These elections had another interesting feature, namely more than 21% of the votes went to the parties which did not pass the threshold/census at the end. Probably the most important reason for such a large number of bullets was the significant proliferation of parties, many even with similar programs and names (with identical prefixes of Serbian, Communist, Socialist).

one on Montenegrin statehood and sovereignty and its relationship with Serbia.<sup>39</sup> Parallel to the parliamentary and presidential elections in 1992, for the first time in Montenegro, elections for the federal parliament were held where Montenegro delegated 30 deputies. The federal elections were held twice during 1992 and DPS won a convincing majority on both.

### **Pyrrhic victory (1996)**

The parliamentary elections in 1996 were the first and until now the last where Montenegro was not a single constituency. Facing these elections, the ruling DPS, without consulting the opposition, decided to divide Montenegro into 14 electorates (constituencies). DPS again won the absolute majority with 51%, thanks to the new electoral system. It almost took up two-thirds of the seats in Parliament.

These elections were marked by a new political phenomenon: the formation of the National League, the coalition of the Liberal Alliance and the People's Party. For the first time in Montenegro, there was a coalition between parties that almost did not have any touching points. First of all, these two parties had completely opposing views on Montenegro's state status and then on a whole range of other political and economic issues. This coalition has won so far, excluding the DPS, the largest percentage of votes in the elections in Montenegro. However, the synergetic effect was not achieved, which is why it was basically formed, because this relatively high percentage of votes represented the sum of the votes of its constituents from the previous elections. Despite the convincing victory, conflicts in the DPS started shortly and led to a final breakout in the party a year later.

### **First steps towards a new state status: Presidential and parliamentary elections in 1997 and 1998**

The 1997 presidential elections are by far the most important elections held in the modern history of Montenegro. By then, the seemingly, very homogenous and party-disciplined structure was divided into two almost equal parts. Đukanović prevailed in the party (DPS) due to the support of prominent members who controlled the ministries of finance, interior and the state security service. Bulatović came to the forefront of the newly founded Socialist People's Party (Socijalistička narodna partija, SNP).

As expected, Bulatović was supported by the Serbian leadership and federal government structures. Đukanović, on the other hand, was supported by a large part of the

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<sup>39</sup> DPS maintained close ties with the leadership of the FRY and Serbia, namely the Socialist Party of Serbia (Socijalistička partija Srbije [SPS]) and its President Milošević. Similar positions were also those of the People's Party and even the Serbian Radical Party (which in the 1992 election achieved a remarkable result and won 8 seats) but with Montenegro as a part of Serbia. Contrary to them, several parties clearly advocated the independence of the state. These parties had appeared in the first elections within the Alliance of Reform Forces. Among them, the most important one was the Liberal Alliance of Montenegro but it is also important to mention the Social Democratic Party of the Reformists, which, after being united with another party of social democratic orientation, will later become a long-time coalition partner of the DPS.

international community and during the second round of elections, the pro-independents opposition also stood by him, whose voters might have been key to securing the final victory of Đukanović with about 5,500 votes in favour. It should be emphasised that the supporters of the defeated party, who did not even admit the election results, were sent to the streets for the first time in Montenegro and, as an epilogue, had a big demonstration in front of the government building during the new president's inauguration.

The conflict within the DPS marked the polarisation of the society, first in accordance with the party division and alliance with Milošević, and lately for or against Montenegrin independence/community with Serbia. Since neither of the two parties which emerged from the dissolution of the DPS had a convincing majority anymore, it had to come from opposition lines. For this support, the opposition had demanded a minimum assurance for democratic elections.<sup>40</sup> Only the Socialist People's Party did not sign the agreement. The most important provision of this agreement was that Montenegro had to once again become one constituency while the electoral threshold was set at 3%. As far as parliamentary elections were concerned, the coalition led by the DPS won 49.5% of the votes, while SNP became the second strongest party with 36%.

### **Elections in 2001, 2002 and 2003**

After the 2001 parliamentary elections, which spanned 81% of the registered voters, the two strongest blocks led by the DPS and SNP received roughly the same number of votes. However, the LSCG provided a minority to DPS and the coalition around it, with the promise of calling for a referendum on the independence of Montenegro. Still, after the DPS signed the already mentioned Belgrade Agreement, the LSCG, as well as the smaller coalition partner of the DPS, the SDP, left the government.

The 2002 parliamentary elections were very successful for the ruling coalition, which succeeded in winning a sufficient majority of votes that was not dependent on other political entities. This election cycle also included the presidential election in 2003. It should be noted that this election could not be organised on two occasions during 2002, due to the boycott of most of the opposition. Thereafter, the electoral law was changed and the requirement that half of the electorate had to vote (50% of the total electorate) was excluded from the law. The election was finally held in May 2003. Filip Vujanović, the DPS candidate won by two-thirds. The only opposition party that had the candidate in these elections was the Liberal Party, and one independent candidate was also involved.

### **Elections in 2006–2009**

Parliamentary elections 2006 were the first after the restoration of independence. Consequently, all as expected, referendum topics were central within the electoral campaign. The SNP lost its primacy, and its role was taken over by the Serbian List (Srpska lista) headed by Andrija Mandić. The new party, the Movement for Change (Pokret za promjene,

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<sup>40</sup> Agreement on the minimum of principles for the development of democratic infrastructure.

PzP), not active during the referendum, achieved a notable result during these elections winning 11 seats. The coalition of the Liberal and the Bosniak Party, as well as a part of the Albanian parties, has joined the parliament.

Two years later (2008), the first presidential elections in independent Montenegro were held. Filip Vujanović again was at the head of the DPS, who already succeeded in the first round.<sup>41</sup> Parliamentary elections in 2009 brought a similar epilogue. As for the topics that dominated the campaign, national issues were still in the focus alongside the European and Euro-Atlantic integration. DPS has continued to argue for itself that it was the only safe choice to preserve Montenegro's independence, its path to the EU and NATO, along with the economic progress. In addition, the list led by the DPS also comprised some of the minorities' parties, which further strengthened their position.

In terms of the results, it is only worth mentioning a new redistribution in the opposition, where the SNP returned to its forefront, which managed to recover a significant part of the electorate. This led to the significant fall of the PzP, as well as the successor of the former Serbian List, the New Serbian Democracy (Nova Srpska Demokratija, NOVA).

### **Protests, opposition fragmentation, coup d'état – Elections in 2012, 2013 and 2016**

With regards to the parliamentary elections in 2012, where the "Coalition for a European Montenegro", made up of the DPS, SDP and the Liberal Party, won 165,380 votes and 39 seats in the Parliament and later formed a government with minority parties. One year later, the presidential elections were much more interesting.

The opposition in Montenegro is extremely dispersive, and currently, according to the data of the Ministry of Public Administration from January 2018, 54 political parties are registered. During the presidential elections of 2013 when the opposition candidate Miodrag Lekić narrowly lost to the DPS candidate Filip Vujanović, the political scene had the outlines of a two-party system since most of the opposition was grouped around a single candidate. However, the trend of political party division continued and culminated with a record number of parties during the 2016 election. Also, during 2017, this trend continued with the membership splits within the Socialist People's Party and the Democratic Alliance – DEMOS.

In January 2016, the long-term DPS coalition partner SDP left the government but it survived thanks to the support of the Positive Montenegro (Pozitivna Crna Gora)<sup>42</sup> who left parliament after the election of that same year since it did not receive the necessary support from the citizens. The period between elections was also marked by sporadic protests (during 2015 and 2016) organised by the then strongest political group in the parliament, the Democratic Front coalition,<sup>43</sup> but they were not successful because of unclear

<sup>41</sup> His rivals were leaders of the three strongest opposition parties: the Serbian List, the Movement for Change and the Socialist People's Party.

<sup>42</sup> Established in 2012.

<sup>43</sup> Founded in 2012, it is a right-wing opposition coalition which is currently constituted by six parties including the NOVA and the PzP. Two DF leaders are being charged for involvement in a coup d'état case and the proceedings before the court are underway.



articulated demands but also the impossibility to spread the social significance of protests and make a shift from nationalistic symbols and rhetoric.

Election Day 2016 was marked by the still alleged coup d'état, which likely contributed to the narrow victory of the DPS. Opposition parties refused to participate in the parliament's work until the organisation of new elections, but part of them returned to the parliament in late 2017.<sup>44</sup>

Confidence in the electoral process has not been achieved despite some initiatives, such as the "Government of the Electoral Trust".<sup>45</sup> Its results were extremely thin due to the limited time frame in which this interim government operated (less than five months), obstruction by the government officials including non-timely access to crucial documents for oversight, the lack of coordination by the opposition parties involved in the work of this government, but also due to the provisions of the *lex specialis*, Law on the Implementation of the Agreement on Creating Conditions for Free and Fair Elections, which enabled the participation of the opposition in the government.<sup>46</sup>

### **Đukanović won the election before it started<sup>47</sup> – Presidential elections in 2018**

In the 2018 presidential election, Milo Đukanović has returned to public office. No one else from the DPS, so its highest bodies assessed, could have ensured victory in the presidential elections. And all of this unfolded after he already served six mandates as Prime Minister and one as president.<sup>48</sup> The election campaign lasted just over three weeks, as the opposition could not agree upon a common candidate, and the DPS was waiting tactically for their decision. As a result, Đukanović won 53.9% of the votes in the first round, while Mladen Bojanić, the candidate of the largest part of the opposition, won 33.4%.

## **Conclusion**

The recent Montenegrin political history and transformation of the country, as well as the ruling party, can be divided into three phases (1990–1997, 1997–2006, 2006-onwards). During this period, the same party secured its place in the centre of political life. Although the establishment of a multiparty system in 1990 introduced elements of the democratic system, the transition started with a formal breakaway from Milošević's policy in 1997. Until then, the legacy of the communist system and weak opposition infrastructure influenced the autocratic elements and practices to be more visible than democratic. However, these

<sup>44</sup> The Democratic Front and two independent MPs, while the so-called civic opposition (DEMOS, URA, Democrats) are still out of Parliament.

<sup>45</sup> A few months before the 2016 elections, ministers from the opposition controlled the line ministries for finance, interior, agriculture and labour and social welfare. The opposition also participated in the control of the state resources at the various levels, including 142 public administration posts, and, alongside the above-mentioned ministerial posts, also a deputy prime minister position. Such government was supposed to provide the minimum requirements for the free and fair elections.

<sup>46</sup> Based on this law, the control could only be carried out for 2016 data.

<sup>47</sup> MAROVIĆ 2018.

<sup>48</sup> MAROVIĆ 2018.



autocratic practices have not been eradicated yet, so it could be said that the longstanding ruling party still combines autocratic and democratic practices. The latter ones have largely been developed under the auspices of the European integration process, but the weakness of the EU conditionality policy is also reflected in the case of Montenegro. Namely, given that Montenegro has been negotiating for full membership in the EU for more than six years, the impact of democratic efforts should be more visible and tangible. Montenegro has common problems with the rest of the Western Balkans and they relate to the lack of media freedom, corruption at all levels, a strong clientelistic network, a politicised administration that prevents faster democratisation and strengthening of the rule of law. Montenegro is specific as having the same party in power since the establishment of a multiparty system, hence undemocratic practices such as party recruitment, abuse of public resources, positioning of loyal cadres, election irregularities, are even more rooted and their consequences are harder to remedy. Despite the undemocratic rule, the DPS managed to remain in power due to the transformative (primarily rhetorical) power of its leader, manipulations, shifts in politics and dispersion of the opposition.

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# North Macedonia: Disputed State and Bifurcated Society

*Zoltán Egeresi*

## Introduction

During the last thirty years, North Macedonia had to face various controversies, the burden of disputed historical legacies as well as political scandals and even armed conflicts. Many of these issues stem from the country's 20<sup>th</sup> century history. After several revolts, the current North Macedonian state's territory became part of Serbia by the end of the Balkan Wars (1912–1913) and WWI (due to the Treaty of Neuilly, 1919) after nearly six centuries of Ottoman rule. In the interwar period, it constituted the district of Vardar (named after the main river of the region) without special rights or autonomy. After the Second World War, the then North Macedonia became a republic of Yugoslavia benefitting Josip Broz Tito's policy to counterbalance the Serbian hegemonic endeavours and to increase the numerically smaller nation's room for manoeuvre in the federal state.

Although the Yugoslav era brought some major improvements for the country, in comparison with other member states, it failed to abolish the relative economic underdevelopment vis-à-vis the more developed parts of the country. On the other hand, this era was crucial for the formation of the Macedonian identity as well. The Macedonian efforts were supported by Belgrade to strengthen their separate identity (partially) based on great historical ancestors and the Ancient Macedonian state, which raised concerns in Greece.

North Macedonia, as one of the smallest countries in the region, had to face several major problems after its declaration of independence: along with the political transition it had to settle the inter-ethnic conflict between the (Slavic) Macedonian majority and the Albanian minority, to find a solution to its name dispute with Greece that hindered its accession to international organisations and to begin an economic modernisation by adapting the challenges of the EU integration and globalisation. Its geopolitical location granted a special status. As North Macedonia occupies a strategic position between Serbia, Albania, Bulgaria and Greece, it is directly affected by its neighbours' national interests (see the naming and identity disputes) and has become the part of greater geopolitical games within the region (Greek–Turkish rivalry, Albanian question and so on). Thus, the country's labelling as a lamb surrounded by four wolves seems to be adequate.

This chapter aims at revealing the recent history of North Macedonia and shows how it intended to handle the above-mentioned challenges. It reveals the main features of the transition and describes the circumstances of the various disputes affecting the

North Macedonian statehood. It examines the road to the Ohrid Framework Agreement and the dynamics of inter-ethnic cooperation in the country. The chapter also shows the main political developments of the last nearly thirty years as well as the main features of its political institutions.

## Transition Period

Being one of the member states of Yugoslavia, North Macedonia had to tackle similar challenges at the end of the 1980s to the others, such as rising nationalism and economic difficulties. Macedonia with a population of around 2 million people was the second smallest member state of Yugoslavia (after Montenegro). In economic terms, it was the less developed one and it relied greatly on the subsidies of the richer member states. Consequently, the dissolution of Yugoslavia pushed Macedonia in a dangerous position and caused a huge fall in the country's GDP.<sup>1</sup>

The period of uncertainty with the threat of Serbian claims to incorporate the country into Serbia or the challenge of any Albanian secessionist movement fuelled Macedonian nationalism, which resulted in rallies for a 'United Macedonia' and for the protection of the prosecuted Macedonian minority in Northern Greece. Along with the regime changes in the region, these factors convinced the communist leadership to hold the first multi-party elections in November and December 1990. While no party was able to gain simple majority, Nikola Kljusev was requested to form a technocratic government. The parliament declared the Republic of Macedonia as a 'sovereign territory' (but not as an independent state) and elected Kiro Gligorov as President.<sup>2</sup> Although preliminarily the Macedonian politicians envisaged remaining within Yugoslavia, the summer of 1991 clearly showed that the dissolution of the state was unstoppable. Consequently, the government announced to hold a referendum on independence on 8 September 1991 where 95.3% of the participants voted for secession with a high, 75.7% turnout. After this result, a new constitution was adopted in November 1991 which outlined the country as a Macedonian state granting limited minority rights to its own 'nationalities' and pushed for centralisation. The nationalist overtone of the constitution, the references to the Ancient Macedonia and the lack of adequate minority rights infuriated the Albanian minority that made up some 25% of the population, and the neighbouring Greece as well, which resulted in the long-lasting naming dispute. Despite any difficulties, the country declared its independence on 21 November 1991.

Unlike Slovenia, Croatia and Bosnia and Herzegovina, North Macedonia's secession from Yugoslavia took place without fighting. The fact that the proportion of the Serbian population in Macedonia was low and that the Serb-dominated Yugoslav Army had to use its capacities mainly in the Western part of Yugoslavia, paved the way towards a relatively calm process of self-determination.<sup>3</sup>

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<sup>1</sup> BIDELEUX–JEFFRIES 2007, 448–460.

<sup>2</sup> BIDELEUX–JEFFRIES 2007, 412.

<sup>3</sup> JUHÁSZ 1999.

## The Troubles of Recognition and the Naming Dispute

Immediately after the declaration of independence, the country had to face three ‘recognition crises’. Firstly, the Serbian Orthodox Church refused to accept the independence of the Macedonian Orthodox Church. Secondly, Bulgarians raised concerns about the Macedonian identity and language by claiming that Macedonian was a dialect of the Bulgarian. Despite this controversy, Sofia recognised the country among the first states, and in 1999, the two countries signed an agreement<sup>4</sup> stating that Macedonian is a distinct language.<sup>5</sup>

The third, and probably the biggest challenge came from the South. For Greece, the chosen name of the country (Republic of Macedonia) and the Macedonian nationalism represented a threat towards its territorial integrity and consequently Athens refused the recognition of the country with its own name. Moreover, as Greece declared, the use of Ancient Macedonian symbols was contradictory and unacceptable, as it considered them its own.<sup>6</sup>

The Greek public opinion reacted harshly to the independence and its irritation had palpable repercussions overshadowing bilateral relations. The anger was expressed in huge demonstrations, like the ‘Rally for Macedonia’ in Thessaloniki (the capital of Central Macedonia, a province in Greece) in 1992, followed by other, minor ones. Athens decided to stand up against the usage of the term ‘Macedonia’ in its new neighbour’s official name, and successfully hindered Macedonia’s UN membership application for almost one year. Although the parties did not support the idea at the beginning, finally, the country became member of the UN under the name of ‘former Yugoslav Republic of Macedonia’ (FYROM). While this name was used for the successful UN application mainly, various states accepted this designation in the upcoming months. As Greece was unable to accept the use of the name of the country, Athens launched an embargo against the country in 1994, which lasted almost two years damaging significantly Macedonia’s economy.<sup>7</sup>

The two parties reached an interim agreement on 13 September 1995 in New York that ended the embargo and served as a *modus vivendi* in bilateral relations. The agreement forced Macedonia to modify its constitution and change the debated state symbols for more acceptable ones, such as removing the Vergina Sun from its flag. The two parties agreed to avoid to use the ‘naming dispute’ to hinder Macedonia’s accession to international

<sup>4</sup> JUHÁSZ 1999.

<sup>5</sup> Despite the agreements, the Bulgarian public opinion mostly perceives North Macedonians as Bulgarians speaking a distinct dialect.

<sup>6</sup> The ambiguity over North Macedonia stems from ancient times. The present-day North Macedonia was part of the Ancient Macedonia that managed to conquer the Greek cities and the majority of the Persian Empire under Phillip II and Alexander the Great. After the death of Alexander, the Kingdom of Macedonia ruled the region that was conquered by the Romans in the 2<sup>nd</sup> century B.C. The Romans kept the name ‘Macedonia’ for the new province. The name persisted during the Byzantine era and appeared again in late Ottoman times used for a broad geographical region. At the beginning of the 20<sup>th</sup> century, the region of Macedonia was an area covering approximately 60 thousand km<sup>2</sup> and having a multi-ethnic population composed of Slavs, Albanians, Greeks, Jews and Turks and consisted of several Vilayets (Ottoman administrative units). This territory was divided between Bulgaria, Greece and Serbia as the result of the first and second Balkan War in 1912–1913. The present-day North Macedonia got its current borders in 1946 as a member state of Yugoslavia: firstly, under the name of People’s Republic of Macedonia, replaced by the Socialist Republic of Macedonia in 1963. Before declaring its independence in 1991, it dropped the “Socialist” word from its official name.

<sup>7</sup> PÓKA 2017, 26.

organisations and Greece recognised Macedonia only under the provisional name of Former Yugoslav Republic of Macedonia; however, the upcoming decades showed that they did not manage to overcome the controversy and Athens blocked its NATO and EU integration.

In the following roughly two and a half decades, Skopje and Athens intended to find a mutually acceptable term. The Greek side opposed all the name-versions containing the word ‘Macedonia’, thus proposals such as “New Macedonia” or “Upper Macedonia” were refused. Athens supported several name-options, like “Vardar Republic” or “Republic of Skopje”, which were rejected by Skopje.

The situation was aggravated when Greece hindered successfully in 2008 North Macedonia’s invitation to join NATO, and in 2009 to launch EU accession negotiations with them. After this refusal, the Nicola Gruevski-led government opted for a more nationalistic narrative openly infuriating the Greeks: the so-called Antiquisation Campaign was launched to reinvigorate Macedonian identity. The ‘Skopje 2014’ project that aimed to reconstruct the downtown of Skopje by erecting ancient-style buildings and sculptures emphasising the ancient (Macedonian) history of the country clearly demonstrated the government’s willingness to resist Athens’s wishes and channel Macedonian nationalism to its own political support. A huge sculpture of Alexander the Great was placed in the heart of the town, while on the opposite side of the Vardar River, his father’s, Phillip II of Macedon’s statue was erected. Other towns also inaugurated statues of these two historical personalities of great importance. In addition, the international airport of Skopje was renamed to ‘Alexander the Great Airport’.

In the following years, the relations between Macedonia and Greece were mired in a stalemate.<sup>8</sup> Despite the various terms proposed by the UN Mediator, Matthew Nimetz, the parties failed to agree. Skopje even issued a proceeding against Greece to the International Law of Justice claiming that Athens violated the interim agreement by objecting the country’s accession to NATO in 2008.<sup>9</sup>

The political developments in 2016–2017 brought changes in the naming dispute and the new, Zoran Zaev-led government gave fresh impetus towards the negotiations with Greece, which were resumed in January 2018. After the meeting with his Greek counterpart Alexis Tsipras in Davos, Zaev changed the name of Skopje’s airport and renamed the Alexander the Great highway to ‘Friendship Highway’. These positive gestures opened the way for further rapprochement. Finally, among the options proposed by Skopje, the two sides agreed to accept the name of “Republic of North Macedonia” to use for all purposes at the agreement signed at Lake Prespa, on 17 June 2018.<sup>10</sup> The agreement stated: “The nationality of the Second Party shall be Macedonian/citizen of the Republic of North Macedonia” (Article 3/a). The agreement admitted that the official language of Macedonia is Macedonian. The two sides confirmed the current existing frontiers thus refusing any violations of them. The commitment towards the territorial integrity intended to prevent Greek concerns about any Macedonian territorial claims (Article 3 and 6). The agreement also stated that the parties acknowledged “that their respective understanding of the term “Macedonia” and “Macedonian” refers to a different

<sup>8</sup> PÓKA 2017.

<sup>9</sup> ICJ 2011.

<sup>10</sup> Final Agreement 2019.

historical context and cultural heritage” [Article 7(1)]. Shortly, it ensured that for the Greeks the term of ‘Macedonia’ refers to their ancient region called ‘Macedonia’, which is connected to the Hellenic civilisation, culture and history, while for Macedonians the same expression refers to their own history unrelated to the Hellenic civilisation and heritage. The agreement also stipulated the formation of commissions to revise the textbooks and maps in both countries. The parties also concluded that the Macedonian language belongs to the South Slavic language group. The agreement also regulated the upgrading of diplomatic relations and envisaged further economic relations. Greece also promised to lift its objection towards Macedonia’s accession to NATO and the EU.

The Macedonian parliament ratified the agreement roughly two weeks later despite the main opposition party’s harsh objection. A referendum was held on the renaming issue on 30 September: 94.2% of the voters voted for ‘yes’; however, the low turnout (36.9%) clearly showed the lack of interest of the majority of the population.<sup>11</sup> After these controversial developments, the parliament voted to start the renaming process. Thus, as of the end of 2018, the naming dispute between Macedonia and Greece seems to be over. Athens also demonstrated its commitment to lift its resistance towards Macedonia’s accession to international organisations. In July 2018, Macedonia was officially invited to NATO.<sup>12</sup>

## The Bifurcated Society: The Road to the Ohrid Agreement

Beyond the external challenges, like the naming dispute with Greece, the country had to face domestic, inter-ethnic tensions as well. According to the census of 1991 (boycotted by many Albanians, Turks and Roma which made a new census necessary in 1994), ethnic Macedonians constituted only 64.6% of the population of the country. The Albanians, living traditionally in the western and northern part of the country, along the borders with Albania and Kosovo, constituted some 20–25% of the whole population. According to the census of 1981, the proportion of those with Albanian identity was only 19.8%, while in 1991 it reached 21%, in 1994 it reached 22.9%, while the census of 2002 showed that some 25% of the country’s population declared themselves Albanians constituting the second biggest ethnic group.<sup>13</sup> Taking into consideration their relatively higher birth rate, there were speculations that their number would be significantly higher after a few years. Albanian leaders frequently stated that the community’s real size is bigger than the official numbers, and they argued that around 40% of the population belongs to the Albanian minority.<sup>14</sup>

Despite the size of the Albanian population, the independent Macedonian state appeared to be exclusively Macedonian – this means for instance, that until the Ohrid Framework Agreement, Slavic Macedonians occupied more than 90% of the public

<sup>11</sup> Referendum 2018.

<sup>12</sup> PAMUK 2018.

<sup>13</sup> The third biggest ethnic group, the Turks constituted only 4.5–3.5% of Macedonia while Gipsies (2.9–1.9%), Serbs (2.1–1.2%) constituted only a really small part of the population. Other ethnic groups, such as Vlachs, Torbeshes etc. gave the remaining 4–2%.

<sup>14</sup> BIDELEUX–JEFFRIES 2007, 406.



sector jobs, police force and represented some 90% of the university students.<sup>15</sup> The 1991 constitution also disappointed the Albanians as they got limited rights that made them feel second-class citizens.<sup>16</sup> Although the usage of minority language was possible for local self-governments, the percentage of threshold to do so was too high (50%) and they did not get the right to use their language in the parliament. Furthermore, they also raised concerns about the lack of Albanian university education. Before the dissolution of Yugoslavia, Albanians usually pursued their studies at the University of Pristina due to which their number in the Macedonian higher education system was around 1–2%. This has changed after 1991 as after the dissolution of Yugoslavia, Albanians living in Macedonia have become less mobile with no opportunity for a distinct university in the country.

Due to the marginalisation of the sizeable Albanian community, their political parties have campaigned during the 1990s and early 2000s to boost their rights and even to create a federal or a bi-national state, (some politicians went further by claiming the secession of the Albanian inhabited territories from Macedonia) without major success. Despite the minor achievements of the Albanian parties, the war in Kosovo and the refugee crisis – some 250–500 thousand people fled to Macedonia – created a huge economic burden for the country and intensified the tensions between the two communities.<sup>17</sup>

These tensions between the Macedonian and Albanian communities led to armed conflict in 2001. The insurgency lasted from January to September and resulted in around 4,000 people's death and nearly one hundred thousand people fled their homes.<sup>18</sup> At the beginning, the insurgents were rather related to Serbia and Kosovo's Albanian community, but gained sympathy within many Macedonian Albanians, too. The insurgents established the National Liberation Army (UÇK – Ushtria Çlirimtare Kombëtare), while later on another organisation, the Albanian National Army (AKS – Armata Kombëtare Shqiptare) emerged and continued the fight against the Macedonian state. The UÇK aimed at creating a federal state composed from an ethnic Albanian and a Macedonian part.

The majority of the Albanians in Macedonia did not support the armed conflict – the overwhelming majority of the Albanian deputies condemned the attacks.<sup>19</sup> However, as later on the insurgency gained momentum, the Albanian parties also changed their discourse to a more radical one in line with the success of the UÇK and pushed for greater rights for the Albanian community.

Preliminarily, the centre of the Albanian belligerents was Tanusevci – a small village near the Kosovar border that played an important role in smuggling arms during the war of Kosovo – and they had frequent clashes with Macedonian armed forces. With the help of NATO forces, the Macedonian army could clear the area in March, so the rebels were relocated to the area of Tetovo and later they even managed to reach Skopje.<sup>20</sup>

Despite the presence of international troops and efforts to control the situation, clashes were continuing near the Kosovar border and in the area of Tetovo. The ethnic tensions even reached a higher level when pogroms were taken place in Bitola in April 2001. In May,

<sup>15</sup> BIDELEUX–JEFFRIES 2007, 407.

<sup>16</sup> CSAPLÁR–DEGOVICS 2009, 190.

<sup>17</sup> CSAPLÁR–DEGOVICS 2009, 192–193.

<sup>18</sup> CSAPLÁR–DEGOVICS 2009, 200.

<sup>19</sup> BIDELEUX–JEFFRIES 2007, 423–424.

<sup>20</sup> NÉMETH 2015, 3.

the then Prime Minister Georgievski managed to create with the support of the mediation of Javier Solana a unity government.<sup>21</sup> Under NATO pressure, Georgievski announced that the government was ready to rewrite the constitution to provide greater rights to Albanians declaring them a constituent nation and promoting the Albanian language as the second official language in the state. Amnesty was also offered to the UÇK rebels.<sup>22</sup> In spite of these offers, the conflict did not end, thus the government officially asked for the help of NATO that sent some 3,000 troops to the country. Due to the international pressure, negotiations were launched between the two belligerent sides on 18 July. The following weeks brought achievements in several issues culminating in the signature of the Ohrid Framework Agreement on 13 August 2001. The agreement included, among others, changes in the constitution, the introduction of a double majority system in the parliament providing the minorities more influence over the state affairs, acceptance of Albanian as second official language in municipalities where their percentage reached at least 20% of the total population, proportional representation of Albanians in the government administration, and law of enforcement as well as in the constitutional court, establishment of state-run Albanian higher education, amnesty for the militants who had not committed indictable crimes.<sup>23</sup>

The breakthrough in the Albanian–Macedonian negotiations did not cease the conflict: several clashes occurred in the next weeks as the process of disarmament went slow. The Macedonian Parliament accepted the required constitutional and legal amendments during the upcoming month; on 7 March 2002, the amnesty law was passed.

## Main Political Developments since the Regime Change

The communist leadership opened the way to the democratic transition in 1990. The first multiparty elections were held in November 1990 and won by the newly founded right wing, a nationalist party, the VMRO-DPMNE<sup>24</sup> under the chairmanship of Ljubčo Georgievski. While the party did not manage to acquire a simple majority, but it refused to enter in a coalition with any Albanian party, finally it was unable to form a government. Thus, an academician, Nikola Klijsev became the first Prime Minister of the independent country in 1991, being a non-partisan premier; he was taken down by a no-confidence vote in July 1992.<sup>25</sup>

Due to the support of President Kiro Gligorov (renowned communist politician who became head of the country in early 1991), Branko Crvenkovski a young leader – the head of the former communist party that transformed into the Social Democratic Union of Macedonia (SDSM) – formed the government by giving ministerial posts for some Albanian politicians. This measure to co-opt prominent Albanian politicians to the system helped to preserve inter-ethnic peace in spite of the bloody wars in the neighbourhood. Although

<sup>21</sup> CSAPLÁR-DEGOVICS 2009, 197.

<sup>22</sup> BIDELEUX-JEFFRIES 2007, 434.

<sup>23</sup> BIDELEUX-JEFFRIES 2007, 441.

<sup>24</sup> The full name of the party: Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity. The party established itself as the heir of the VMRO, the late 19<sup>th</sup> century paramilitary movement fighting for Macedonia's independence.

<sup>25</sup> BIDELEUX-JEFFRIES 2007, 414.

incidents occurred between the two communities during the 1990s, these have not become a starting point of a major armed conflict. To preserve the fragile peace was eased by the presence of NATO forces: the organisation sent some troops as of 1992 in order to prevent the escalation of any inter-ethnic clashes. The strategic importance of North Macedonia was behind of this decision as any armed conflict would have repercussions to the whole region and would affect directly the NATO members like Greece or Turkey. In November 1992, the UN Security Council also decided to send some military personnel to the country.<sup>26</sup>

The elections of 1994 resulted in the victory of the SDSM and Crvenkovski kept his power by creating a coalition with the Albanian Party for Democratic Prosperity and the Liberal Party. In the same year, Kiro Gligorov managed to win the presidential elections. The second Crvenkovski Government had to face growing inter-ethnic tensions as the Albanian community opened a private university in Tetovo in 1995 that was closed by the authorities and the rector, Fadil Sulejmani of the institution was arrested.<sup>27</sup> Notwithstanding the tensions, the two communities managed not to lose control and keep the inter-ethnic cooperation alive, thus the number of Albanian students accepted to Macedonian universities started to increase. In 1995, the government managed to conclude an interim agreement with Greece that lifted the economic embargo launched in 1993.

The relatively peaceful domestic political stage was disturbed by the assassination attempt against Kiro Gligorov in October 1995; the case was publicly linked to the mafia. The emerging corruption scandals, the high unemployment rate rising to 40% and growing inter-ethnic tensions and clashes damaged Crvenkovski's reputation; the Albanian coalition partner even withdraw its participation from the government. In such circumstances, the election in October and November 1998 brought the victory of the VMRO-DPMNE and Ljubčo Georgievski became the Prime Minister.

Georgievski managed to make some economic and diplomatic successes at the beginning of his premiership. He signed an agreement with Taiwan to contribute with financial support to the establishment of the first free-trade zone of the country, he also brokered a deal with Greece to launch a pipeline project from Thessaloniki to Skopje. Moreover, he was the one, who concluded an agreement with his Bulgarian counterpart, Ivan Kostov in 1999 by settling the 'Macedonian language issue'.<sup>28</sup>

The war in Kosovo in 1999 also affected the country as several hundred thousand Kosovar refugees crossed the border from the North. The Macedonians were worried about the influx of Albanians, however, the majority of these refugees returned to their home in July 1999, after the end of the bombings. Although the war in the northern neighbourhood was over, and the threat of armed conflict seemed to be low, in January 2001 the situation changed dramatically when an Albanian insurgent bombed a train. The war in Kosovo that resulted in the introduction of international control and the de facto secession of the province from Serbia helped to articulate the Albanian minority's demands. Armed groups from Kosovo appeared in Macedonia and engaged in an armed conflict with the Macedonian military and law enforcement forces.

<sup>26</sup> BIDELEUX–JEFFRIES 2007, 415.

<sup>27</sup> CSAPLÁR–DEGOVICS 2009, 184.

<sup>28</sup> BIDELEUX–JEFFRIES 2007, 421.

As it was already mentioned, the international community that wanted to avoid the escalation of the conflict pushed the fighting parties to find a solution. Thus, they signed the Ohrid Framework Agreement in 2001 that intended to co-opt the Albanian minority into the state administration. Ali Ahmeti, former head of the UÇK had launched a new Albanian party called Democratic Union for Integration (DUI) in June 2002. Despite its shortcomings, the Ohrid Framework Agreement, managed to give better representation for the Albanian community and it contributed to decrease the number of clashes in Macedonia after 2002.

At the elections in September 2002, the SDSM and its allies (the ‘Together for Macedonia’ Alliance) got the most of the votes, while DUI became the strongest Albanian party. The victorious Macedonian coalition renewed the tradition to invite one of the Albanian parties to the government, thus Crvenkovski entered into coalition with DUI despite the antipathy of many Macedonians towards Ali Ahmeti. This political compromise and the stabilisation of the country had a positive effect on its EU integration prospects and the government submitted its application for EU membership.

As President Trajkovski died in an aircraft accident in 2004, new presidential elections were held in the same year where Crvenkovski acquired the majority of votes. He was followed by Hari Kostov as Prime Minister. Kostov’s main political project was to implement the regulations of the Ohrid Framework Agreement concerning the local self-government. The proposed changes, like the readjustment of the municipality borders resulted in the promotion of the Albanian language in several places. This reform attempt created anger among Macedonians and led to several demonstrations. A referendum was held on this issue in November 2004 where 96% of the participants voted against it, but due to the low turnout (slightly more than 25%) the referendum was invalid.<sup>29</sup>

Despite the success, Kostov unexpectedly resigned in 2004 and Vlado Bučkovski, the party’s vice president became the next Prime Minister. In 2006, the Nicola Gruevski-led VMRO-DPMNE and its coalition allies won the elections. His victory represented a change in domestic political dynamics as he managed to keep the power for the upcoming roughly ten years. Despite the internal challenges, protests and scandals, the VMRO-DPMNE won the elections in 2008, 2011, 2014 and 2016.

All of these were early elections stemming from international failures, internal scandals and political stalemates. In 2008, the DUI proposed to hold early elections after Greece vetoed the country’s bid for NATO membership. The ruling VMRO-DPMNE supported the idea and was able to become, again, the strongest party after the elections in July and entered into coalition with the DUI.

Due to corruption scandals leading to mass protests and parliamentary boycott of the opposition parties – mainly those organised by the SDSM – Gruevski called for early elections in 2011, one year before it was originally scheduled.<sup>30</sup> The alliance led by the VMRO-DPMNE managed to win the elections and form a new government by creating a new coalition with DUI. The cooperation between the two major governing parties broke up when they did not manage to reach an agreement concerning the common candidate for the presidential elections of 2014. Consequently, early elections were held simultaneously

<sup>29</sup> CSAPLÁR-DEGOVICS 2009.

<sup>30</sup> JAKOV MARUSIC 2011.

with the second round of the presidential elections. Both elections brought victory for the VMRO-DPMNE: the party got with its allies all together 61 seats, thus reached the simple majority in the parliament and its candidate, Gjorge Ivanov won the presidential elections with 55% of the votes.

The officially declared aim of the Gruevski-led government was to boost the economic development of the country and settle the ongoing dispute with Greece thus launching the country's EU and NATO accession process. The ambitions to solve the long-lasting naming dispute were proved to be too optimistic as Athens did not accept the Macedonian proposals and successfully objected the NATO invitation of the country. Thus, Gruevski chose to rely on Macedonian nationalism and launched the already mentioned Antiquisation Campaign. After the economic crisis of 2008–2009, even if the efforts of the government to boost the country's competitiveness had some results, they could not achieve a major change with regards to the traditionally high unemployment rate. The EU accession was also in a deadlock, mainly linked to the opposition of Greece and Bulgaria. The EU's criticism over the political instability and corruption in the country increased. Furthermore, Albanian parties also started to press more harshly the need for broader cultural rights.

Increasingly until the end of the Gruevski era, the intense political division between the Macedonian parties (i.e. the VMRO-DPMNE and SDSM) were deepening and led to frequent demonstrations, political crises and early elections. These tensions were boosted by corruption and other abuse of power related scandals. For instance, in 2015 because of a taping scandal, the SDSM left the parliament: Gruevski was accused to wiretapping some 6,000 opposition politicians and journalists by using the secret services.<sup>31</sup>

This serious political crisis was settled by the EU's mediation: the Prizno Agreement signed in 2015 foresaw the resignation of the government at the beginning of 2016 and holding new elections in the same year, as well as the appointment of a new Special Prosecutor to investigate and the nomination of some Ministers by the SDSM.<sup>32</sup>

Gruevski resigned according to the agreement; nevertheless, President Ivanov's decision to pardon 56 politicians involved in corruption scandals – jeopardising the Special Prosecutor's investigation – in April 2016 led to a new wave of mass protests (nicknamed 'colourful revolution'). Under this social pressure, Ivanov annulled his decision.<sup>33</sup>

The particularity of the Macedonian party system always forced the VMRO-DPMNE to enter into coalition with Albanian parties, usually with the DUI: the right-wing party has never managed to get a strong majority and it always had to find a coalition partner against the left-wing SDSM. The political co-optation of the Albanian parties secured the power of Gruevski despite the scandals; however, after the December 2016 elections (where the VMRO-DPMNE got, again, the most of the votes),<sup>34</sup> he was not able to convince the Albanian parties to establish a new government. The DUI, which usually served as a trustable coalition partner for Gruevski, lost several mandates in favour of the emerging new Albanian parties, like the Besa or the Alliance for Albanians, which pushed its leadership to turn its back to the VMRO-DPMNE. Furthermore, in early 2017, the Albanian

<sup>31</sup> MILANOV 2017, 4.

<sup>32</sup> European Commission 2015.

<sup>33</sup> BRAUN–NÉMETH 2016, 5.

<sup>34</sup> SEKULARAC–CASULE 2016.

parties created an alliance and pressed for more rights and requested the fast resolution of the name dispute.<sup>35</sup>

This political instability led to a stalemate that gave an opportunity to the left to acquire the power. SDSM leader Zoran Zaev entered into coalition talks with the Albanian parties open to accept a partnership. The negotiations led to an agreement that strengthened the status of the Albanian community and granted Zaev the adequate majority in the parliament. He declared his readiness to form a government in 2017; however, the president, Georgi Ivanov refused to nominate him to the Prime Ministerial post referring to ‘technical problems’ that hindered its nomination. The new political stalemate was handled by the pressure coming from the EU: Zaev finally could form its SDSM-led government in 2017 and made significant steps in solving the naming dispute thus facilitating the country’s accession to the EU and NATO.

## Political Institutions

### *The Constitution*

Macedonia accepted its constitution on 17 November 1991, after the successful referendum of independence. The preamble of the constitution stated that the “national state of the Macedonian people, in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia”; this raised criticism among Albanians and other minority groups who felt intimidated and ignored by the emerging Macedonian nationalism. This highly disputed preamble was later modified (IV. amendment) by repealing the concept of the Macedonian national state.<sup>36</sup> The constitution went through major modifications after the signature of the Ohrid Framework Agreement that granted 15 amendments. These changes broadened the right of the Albanians. The constitution is divided into ten chapters where the tenth contains the amendments.

According to the constitution, the country is a parliamentary republic, where the government holds the power. The president has rather representative tasks; however, he or she can directly influence the domestic politics, like in 2017, when Gjorge Ivanov refused to ask Zaev to form a government despite his parliamentary support.

### *Electoral system*

The president is elected by direct vote for a five-year-period in two-round elections. Parliamentary elections are held in every four year according to the law. It has been changed several times as the country used between 1990 and 1994 a plurality electoral system with, in 1998, a paralleled mixed system; in 2002, a proportional system was introduced with six

<sup>35</sup> MILANOV 2017, 10.

<sup>36</sup> See the Constitution of the Republic of Macedonia 2011.

electoral districts.<sup>37</sup> As of 2018, the Parliament (Sobranie) consists of 123 seats from which 120 deputies are elected from six 20-seat constituencies based on a closed list proportional representation. In 2008, the Gruevski Government introduced some modifications in the system: it added three mandates that are single-member constituencies for Macedonians living abroad.<sup>38</sup>

The constitution grants the right for referendum. The signature of 150,000 people eligible for voting is enough to hold the referendum. There were only three referenda in the country during the last thirty years: one about its independence in 1991, one about the administrative system in 2004 and one about the name of the country in 2018.

### *Administrative divisions*

The fifth chapter of the constitution contains the provisions concerning the administrative system. At its declaration of independence, Macedonia was divided into 128 municipalities (opština) whose number was reduced to 80 under the administrative provisions of the Ohrid Framework Agreement. The agreement also gave more rights to the minority groups in the local self-government, thus the use of their language if their percentage reaches 20% within the administrative border of the municipality and the right to use their national flags.

### *The party system*

The party system of Macedonia mirrors the internal divisions of its bifurcated society. Subsequently, ethnic parties dominate the political spectrum that seeks to reproduce the traditional left–right cleavages. Thus, there are two main Macedonian parties, the VMRO-DPMNE in the right and the SDSM in the left, which compete for power. The percentage of their political support is relatively similar, which means that they constantly replace each other at the government – except for the period of 2006–2016 when Nicola Gruevski hardly managed to create a pre-dominant party system favouring the right. Other Macedonian parties play a minor role in the political arena and they intend to enter into election coalitions with one of the two major parties. By doing this, they can secure a few parliamentary seats.

The VMRO-DPMNE was founded by Ljubčo Georgievski in 1990 and he ruled the party during the 1990s until his resignation due the electoral failure in 2002. He intended to stay behind the scenes and keep his leverage on his party; however, his protégé, Nicola Gruevski (former financial minister) rose to eminence and became independent. Georgievski later quit the VMRO-DPMNE. By creating his own clientele in the party, Gruevski managed to stay at the top until his resignation in December 2017<sup>39</sup> and he was followed by Hristijan Mickoski.

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<sup>37</sup> ŠEDO 2010, 168.

<sup>38</sup> Inter-Parliamentary Union s. a.

<sup>39</sup> IBNA 2017.



The introduction of a multi-party system pushed the ruling communist party, the League of Communists of Macedonia to evolve by renaming itself to the League of Communists of Macedonia – Party for Democratic Change (SKM-PDP). The political circumstances compelled the party elite to introduce even deeper transformation and reforms, which manifested in the foundation of the Social Democratic Union of Macedonia in April 1991. The party positioned itself in the centre-left as a social democratic party. This change helped to win the parliamentary elections in autumn 1992. This victory cemented the party's rule during the 1990s as well as its leader's, Branko Crvenkovski's dominance in the SDSM. He remained the chairman until 2004, when he ascended to the presidency in 2004. After 2009, he assumed again the party leadership until 2013. After his resignation, Zoran Zaev was elected to the head of the SDSM.

For Albanians, two main parties are competing for their votes – usually each getting some 200–250 thousand of votes. In place of a 'classical' left–right political division, the main Albanian parties, the Democratic Party of Albanians (DPA) and the Democratic Union for Integration (DUI) identify themselves with the national cause. Their main aim was to strengthen the rights of the Albanian community and to facilitate and control the implementation of the Ohrid Framework Agreement. The DPA was established by a merger of two Albanian parties, the Party for Democratic Prosperity of Albanians (PDPA) and the People's Democratic Party (NDP), while the DUI was formed in 2002 by the Albanian leaders of the 2001 insurgency. Later on, after the 2008 elections, Gruevski switched from DPA to DUI, which has become the usual coalition partner for the VMRO-DPMNE for the upcoming years.<sup>40</sup>

In 2016, the hegemony of the two main Albanian political parties was successfully challenged by new Albanian political movements like Besa or the Alliance for Albanians.<sup>41</sup> These parties appeared as new political forces criticising the 'established' ones because of their involvement in corruption. Other minority groups, such as Turks or Vlachs also possess their own political parties that run in coalition with the VMRO-DPMNE and the SDSM.

## Conclusion

Macedonia had to tackle with several major problems to overcome since its declaration of independence. Depending on how the past nearly thirty years are presented, the glass can be half empty or half full. The political elite managed to conclude the transitional period and to introduce a functioning multi-party system. Despite these achievements, the system itself is criticised by international actors: electoral manipulations and clashes during the elections appeared frequently since 1991 in the critics of the OSCE or the EU. The governmental abuse of power and corruption also appear as usual 'epithets' in descriptions about Macedonian domestic politics – however, it is far from being a unique case in the region.

Unlike in Croatia, Bosnia and Herzegovina and Kosovo, Macedonia's efforts to avoid civil war or large-scale ethnic conflict were also successful. Despite the relatively high proportion of one distinct minority group (Albanians give some 25–30% of the population)

<sup>40</sup> Balkan Insight 2010.

<sup>41</sup> SEKULARAC–CASULE 2016.



and the presence of Macedonian nationalism, the local elite managed to find a seemingly viable solution to co-opt the minority under the strong support and pressure of the international community. The so-called Ohrid Framework Agreement signed in order to end the Albanian insurgency in 2001 made a huge step to accommodate Albanian demands and pacify the society, even if clashes occurred sporadically in the upcoming years.

The long-lasting naming dispute with Greece, paralysing the country's accession to the EU and NATO seems to be also solved after the agreement at Lake Prespa, in July 2018. After lifting the Greek obstruction to the transatlantic integration, the country's prospect to become a member in the above-mentioned organisations has increased. It was invited to NATO after the agreement, and the negotiations with the EU will get fresh impetus, especially if the political leadership manages to handle the constant problem of corruption and weak state of the rule of law.

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# Romania: A Fuzzy Transition

*Tibor Toró*

## Introduction

The Romanian post-communist transition was one of the most radical one in Central and Eastern Europe, full of ups and downs, political and institutional conflicts. The country was one of the last bastions of Communism and the real democratic turn came late, in 1996. However, after this second radical shift the country was quickly labelled a leader from laggard in European integration as governments were eager to accept the conditionality prescribed by the European Union.

This paper does not have the possibility to present a detailed and chronological account of the Romanian political system between 1989–2018, it can only offer comments, interpretational possibilities and cues for people interested in Romanian politics. It will argue that both from an institutional and political perspective, despite the positive aspects and changes of the past almost three decades, these institutional arrangements are not without problems, and that at the heart of these problems and challenges are decisions taken in the early periods of the post-socialist transitions and structural characteristics of the transition itself. Furthermore, it argues that in many cases, these constitutional and systemic flaws were not corrected, in some cases were worsened in the past decades.

The structure of the paper is the following. First, the main characteristics of the Romanian regime change will be tackled, and a lot of emphasis will be put on elite reproduction. Second, three neuralgic elements of the Romanian political institutional system will be presented, the problems of the executive, the problems of the legislature and the electoral law. The third part focuses on party politics from three approaches: institutional characteristics, personal factors, and ideological and discursive cleavages.

## The Process of Regime Change

The Romanian communism was one of the severest in the region, Ceaușescu choosing national communism to underpin and legitimise his system.<sup>1</sup> Beyond this, the Romanian communist party was one of the strongest in the region as a large number of the population was member of the party, and the secret service (Securitate) had an extensive network

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<sup>1</sup> For a detailed account of the Romanian national communism see VERDERY 1991.

of informants sustaining its hegemony. From an economic perspective, Romania received significant foreign loans in order to sustain its economic system, however, Ceaușescu decided to pay it back, resulting in severe austerity measures in the 1980s.<sup>2</sup>

Not surprisingly, dissent and the emergence of alternative elite groups was low among Romanians, making Romania the last in the Eastern European countries to apprise against the communist regime. Change was a violent and contested process.<sup>3</sup> As a result, there is no consensus among the political elite on the nature of the events in 1989, thus a central question in the public discourse is related to their interpretation. These, however, are not merely about historical truth but legitimise the political positions of some actors and the viability of the political institutions.

There are two major interpretations that shaped post-communist politics. The first one argues that the 1989 events were an “authentic revolution” that swiped off communism. In this context the ascension of those in power (e.g. Ion Iliescu, the first President, and Petre Roman, the first Prime Minister of the country) is accidental. Also, by becoming the prominent figures of the revolution they were chosen by the people to orchestrate the regime change.<sup>4</sup> The other interpretation argues that only the happening of the first few days in Timișoara can be considered a popular uprising. The latter events were nothing but a coup, through which second and third liner communists, with the help of the army and the secret service seized power.<sup>5</sup>

These interpretations are important for several reasons. First, the National Salvation Front (FSN) seized power already in December 1989, and re-organised state institutions. Basically, it developed a parallel state structure, which pervaded all levels of the society. Despite this, it participated in the May 1990 elections as a political party. In other words, it needed the revolutionary legitimacy in order to show the support of the people. Second, the main ideological cleavage of the 1990s, the communist–anti-communist, is rooted in these interpretations. Although present generally in all CEE countries, its general topics (law on lustration, the polarisation between “the protectors of democratic values” and “those responsible for the sins of the previous system”)<sup>6</sup> did not gain political and public support in the first years of transition. Third, many of these interpretations were interiorised by the public, fuelling nationalistic, anti-minority and anti-liberal sentiment, influencing negatively the outcomes of democratic transition.<sup>7</sup>

From the perspective of elite studies, most of the authors agree that Romania can be characterised by elite-reproduction. The regime change was orchestrated by the FSN, which seized control in 1989. Having an open and democratic character in the first few days, slowly it was taken over by the members of the old cultural, political and economic elite. Later, they decided to transform it into a political party and won the election in 1990. Their leader, Ion Iliescu, an iconic reform-communist, won the presidential elections. Most of the scientific literature agrees that FSN and Iliescu stalled democratic transition building

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<sup>2</sup> This decision was in the country’s advantage after the regime change, as Romania became the country with the smallest foreign debt. The disastrous economic leadership of the Iliescu regime could not take advantage of the situation.

<sup>3</sup> There is no room to present the 1989 events in detail. For a detailed account see ROPER 2000.

<sup>4</sup> CESEREANU 2004, 73–88.

<sup>5</sup> CESEREANU 2004, 65–72.

<sup>6</sup> EYAL 2005.

<sup>7</sup> TISMANEANU 1998.

an “original democracy”, as they called it. The main characteristic of this system was the following: delaying mass privatisation, rule of law and the construction of democratic institutions and ultra-nationalist, chauvinistic and populist nationalist rhetoric. Many argue that this was used by the emerging new political elite to stabilise its power,<sup>8</sup> however, this could not have been possible without the openness to these ideas by the Romanian population and the lack of response of the other, democratic parties. In this perspective Alina Mungiu argues that the Romanian public was not receptive to the anti-communist rhetoric of the opposition and was insecure regarding the liberal and market economy-based ideas promoted by these parties.<sup>9</sup> Also, it found security in nationalistic rhetoric and believed the unitary and forgiving rhetoric of Iliescu.<sup>10</sup>

Although elite-studies were not a central focus of the Romanian Transitology literature, most of the authors agree that Romania can be characterised by elite-reproduction, but it was harshly debated which social strata managed to preserve its powers. One major theory argues that the main winners of transition were the technocracy, which tried to grab both political and economic power.<sup>11</sup> They were the ones who formed the FSN, which offered a seemingly integrative and representative alternative for the society. Also, by using their social and symbolic capital they managed to dominate the already existing power-structures, such as the media and the state-apparatus and to marginalise the dissident intelligentsia.<sup>12</sup> Another theory argues that the post-socialist transition was managed by the joint forces of the second liner nomenclature and the higher technocracy. The latter group used its political capital to obtain economic power, and in order to achieve this offered support for the government controlled by the former.<sup>13</sup> This theory is backed up by the empirical research of Tudor and Gavrilăscu, who argue that many members of government between 1990 and 2003 had communist ties.<sup>14</sup>

## Regime Consolidation

As already mentioned, the 1990–1996 period was characterised by an authoritarian turn, as the ultranationalist coalition led by Iliescu seized power, blocking the democratisation of the country and political and economic reform. Major changes occurred in 1996, when the democratic opposition won the elections. This changed the fate of the country in several ways. On the one hand, the new Romanian Government committed itself to implement all necessary political and economic reforms in order to start the accession process to the European Union and NATO. On the other hand, a consensus was created among the political elite<sup>15</sup> that

<sup>8</sup> GALLAGHER 1999.

<sup>9</sup> This belief was the strongest in the de-collectivisation and re-privatisation of collective land-ownership in rural Romania. Anthropological works show that the privatisation and individualisation of economy produced deep conflicts and insecurity among villagers (VERDERY 1999).

<sup>10</sup> MUNGIU 1995.

<sup>11</sup> ZAMFIR 2003.

<sup>12</sup> CULIC 2002, 60–78; PASTI 1995.

<sup>13</sup> GALLAGHER 1999.

<sup>14</sup> TUDOR–GAVRILESCU 2002, 179–181.

<sup>15</sup> An important shift comes from the Social Democratic Party, which in the 2000s breaks with its post-communist past and the legacy of PSD and openly supports EU accession.

the model to follow is the Western-style democratisation and not the Eastern Orthodox culture. From an ideological perspective, this decision was preceded by a harsh debate among the Romanian intelligentsia,<sup>16</sup> and many analysts compare it to a similar debate from the beginning of the 20<sup>th</sup> century between the “modernists” and “anti-modernists”, which shaped decisively the Romanian national identity.<sup>17</sup>

The democratic turn and Europeanisation of the country had several prerequisites. First, and foremost, from an economic perspective, the Iliescu regime failed to stabilise the country. As privatisation and economic reforms were delayed, the economic crisis deepened and led the country to near bankruptcy. Gradually Iliescu lost public support, and the public became receptive to the messages regarding major interventions of the democratic opposition. Second, in the 1990–1996 period international and European organisations constantly criticised the Romanian Government setting up stricter conditionality in their accession talks. Romania clearly became the “black sheep” of the region, at a moment, even the possibility of omission became conceivable. As a result, the post-1996 governments adopt major and important reforms in several domains, such as the rule of law, economy or human rights.<sup>18</sup>

## Political Institutions and Their Changes

Romania adopted its new constitution in 1991, which replaced the old Communist rule. The document was revised in 2003 and talks about a second revision were initiated in 2012 as a result of the political crisis. All constitutional talks were initiated by left-wing governments.

Most analysts argue that Romania can be categorised as semi-presidential as the country has a dual executive (a directly elected, but constitutionally limited president, and a prime minister which is controlled by parliament), however, political scientists argue that as a result of constitutional ambiguities, it is not clear whether the presidential or parliamentary component is stronger. The Romanian legislative power is bicameral, however, Romanian bicameralism is symmetrical in almost all dimensions. The Romanian electoral system is proportional which was changed to a hybrid (formally majoritarian with proportional correction) regime between 2008 and 2016.

The following sections will present the major debates and systemic problems regarding the institutional setting. I will argue that most of the registered political crisis were initiated by the lack of clear constitutional provisions regarding these systemic elements, or at least had a component which was related to these ambiguities, as political actors exploited them in their own favour. Also, I will focus on the particularities of the system which distinguish Romania from other Central and Eastern European countries. The first section addresses the question of semi-presidentialism, the second concentrates on the problems related to the legislature, while the third one focuses on the changes of the electoral system and their consequences.

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<sup>16</sup> The debate is presented in detail in ANDREESCU 1996.

<sup>17</sup> MUNGIU-PIPIDI 2002, 152–172.

<sup>18</sup> On the power of EU conditionality see SCHIMMELFENNIG–SEDELMEIER 2004, 661–679.

## Semi-presidentialism with presidential flavour

Frison-Roche in a comparative paper on Central and Eastern European semi-presidential regimes argues that the political elites of post-communist countries had chosen this regime in order to ensure the power sharing between the old and new elites and to avoid conflicts arisen from mutual suspicion. He argues that the division of the executive power secured ex-communists that they would not lose all power and the anti-communist opposition to maintain control of the power they won.<sup>19</sup> In a closer analysis of the Romania case, however, one could argue that the choice of regime had other driving forces. In the early 1990s, power was assured by FSN and Iliescu, semi-presidentialism was appealing because it offered political credibility and legitimacy, as it offered constitutional limits to the president and formal power-sharing mechanisms, which were useless in a political environment where the president had full political control over the prime minister and the parliamentary majority.<sup>20</sup>

Nonetheless this is true, the constitutional choice of semi-presidentialism encoded a potential conflict in the Romanian political system, which as Dan Pavel argues in an introductory article dedicated to its analysis had become chronic.<sup>21</sup> As one can see in Table 1 most president–prime minister relations were conflictual at some point.

Table 1.

*The relationship between the two branches of the executive (1990–2018)*

Time period	Prime Minister	President	Observations regarding their relation
June 1990 – October 1991	Petre Roman (FSN)	Ion Iliescu (Independent)	Conflict between the two executives, Iliescu calls the miners to Bucharest to end Roman's turn
October 1991 – November 1992	Teodor Stolojan (FSN)	Ion Iliescu (Independent)	Subordinated prime minister, no conflict
November 1992 – December 1996	Nicolae Văcăroiu (PDSR)	Ion Iliescu (PDSR)	Subordinated prime minister, no conflict
December 1996 – April 1998	Victor Ciorbea (PNȚ-CD)	Emil Constantinescu (PNȚ-CD)	"Silent" president, dominant prime minister, no conflict
April 1998 – December 1999	Radu Vasile (PNȚ-CD)	Emil Constantinescu (PNȚ-CD)	Conflictual relationship, prime minister dismissed by president through a questionable constitutional loophole
December 1999 – December 2000	Mugur Isărescu (Technocrat)	Emil Constantinescu (PNȚ-CD)	No conflict

<sup>19</sup> FRISON-ROCHE 2007.

<sup>20</sup> PERJU 2015, 246–278.

<sup>21</sup> PAVEL 2009a, 3–13.



Time period	Prime Minister	President	Observations regarding their relation
December 2000 – December 2004	Adrian Năstase (PSD)	Ion Iliescu (PSD)	“Silent” president, dominant prime minister, no conflict
December 2004 – December 2008	Călin Popescu Tăriceanu (PNL)	Traian Băsescu (PDL)	Highly conflictual cohabitation, referendum on the dismissal of the president
December 2008 – February 2012	Emil Boc (PDL)	Traian Băsescu (PDL)	Subordinated prime minister, no conflict
February 2012 – May 2012	Mihai Răzvan Ungureanu (Independent)	Traian Băsescu (PDL)	Subordinated prime minister, no conflict
May 2012 – December 2014	Victor Ponta (PSD)	Traian Băsescu (PDL)	Thermonuclear political cohabitation, referendum on the dismissal of the president
December 2014 – November 2015	Victor Ponta (PSD)	Klaus Iohannis (PNL)	Conflictual, prime minister resigns
November 2015 – January 2017	Dacian Cioloș (Technocrat)	Klaus Iohannis (PNL)	“Silent” president, dominant prime minister, no conflict
January 2017 – June 2017	Sorin Grindeanu (PSD)	Klaus Iohannis (PNL)	Conflictual, prime minister dismissed by own party
June 2017 – January 2018	Mihai Tudose (PSD)	Klaus Iohannis (PNL)	Conflictual, prime minister dismissed by own party
January 2018 –	Viorica Dăncilă (PSD)	Klaus Iohannis (PNL)	Conflictual

\* No acting prime ministers were included in the table

Source: Compilation of the author.

Analysts argue that these conflicts are rooted in the general perils of semi-presidentialism, such as cohabitation (from the 16 pairs 7 were cohabitational), and in the fuzzy Romanian constitutional arrangements.<sup>22</sup> The main problems come from the tension between how the president is elected and what rights and powers he/she has. Presidents are directly elected in Romania, thus have a strong legitimacy from the population, however, constitutionally their manoeuvring space is little. According to the constitution, the most important powers of the president are the following: 1. it represents Romania on international forums, 2. it names the prime minister after consultation with the parties (before the constitutional revision from 2003, in some special cases he may have recalled it as well), 3. it may name and revoke ministers, 4. in case of critical issues, it may participate and preside governmental meetings; and 5. it may dissolve the Parliament, however, the conditions to allow this are almost impossible to meet. Different presidents interpreted these powers differently. For example, President Băsescu interpreted these rights in order to increase his influence. In 2008 he argued that *consultation* with the parties in the case of appointing the prime

<sup>22</sup> See STURZU 2011, 309–327; PERJU 2015.

minister does not mean that he needs to *listen* to the winning parties and carved a new majority and named a prime minister of his own. Also, he interpreted that by *naming* ministers he needs to *agree* with the person appointed, thus his role is not just a formal one in the process. Moreover, he participated more than any other presidents at governmental meetings, disregarding the provision regarding when he could actually do that. In other words, he used all the constitutional loopholes to construct his own public support in the detriment of the prime minister and his party.

On the other hand, the constitution provides bases for the dismissal of the president. According to Article 95, the president can be suspended if he commits acts of high treason and if he is incapable to perform his tasks. The suspension of the president is initiated by the Parliament, after the opinion of the Constitutional Court, however, to come into force a referendum on the issue needs to be organised. Strictly legally speaking, this provision is almost impossible to trigger, however, many prime ministers interpreted this as a political tool. Actions based on Article 95 were initiated two times, in 2007 and 2012, in both cases against President Bănescu. The Constitutional Court in both cases interpreted the article in the legal sense, arguing against its implementation. Despite the Court's reservations, the parliament initiated the procedure in both cases, however, the Referendums in both cases failed.<sup>23</sup> In both of these cases, the prime minister was looking for ways to marginalise the president and reduce his influence.<sup>24</sup>

The fuzzy constitutional formulations regarding power sharing between the dual executive politicises the institutional setting and the constitutional order of the country and creates the basis for political conflict between the two institutions. Also, the loopholes and the frequent involvement of the Constitutional Court exposed the institution, as their decisions were used by political actors to strengthen their positions.

### The crisis of the legislature

Dan Pavel in an analysis written in 2009 argued that the neuralgic element of the Romanian democratic system is the legislature, because crisis weakens its activity.<sup>25</sup> This continuous crisis appears in its legitimacy among the population. As Figure 1 shows, the confidence in the Parliament is very low, never reached 25% since the post-communist transformation. Also, the lack of trust is more visible if we compare it with the confidence in the other two institutions (the church and the EU).

<sup>23</sup> In 2007, the population voted against the dismissal of the president. In 2012, although more than 85% voted 'Yes', the turnout did not reach the necessary 50% threshold.

<sup>24</sup> An eloquent example is the conflict between President Bănescu and Prime Minister Ponta on the European representation in 2012. The prime minister wanted to curtail the president's right to represent the country in the European Council. The president called for the opinion of the Constitutional Court, which interpreted the constitution in his favour. In other words, as Perju pointed out, the prime minister, while having the parliamentary majority on his side, was "left without any means of access to the European institutions".

<sup>25</sup> PAVEL 2009b, 3–17.

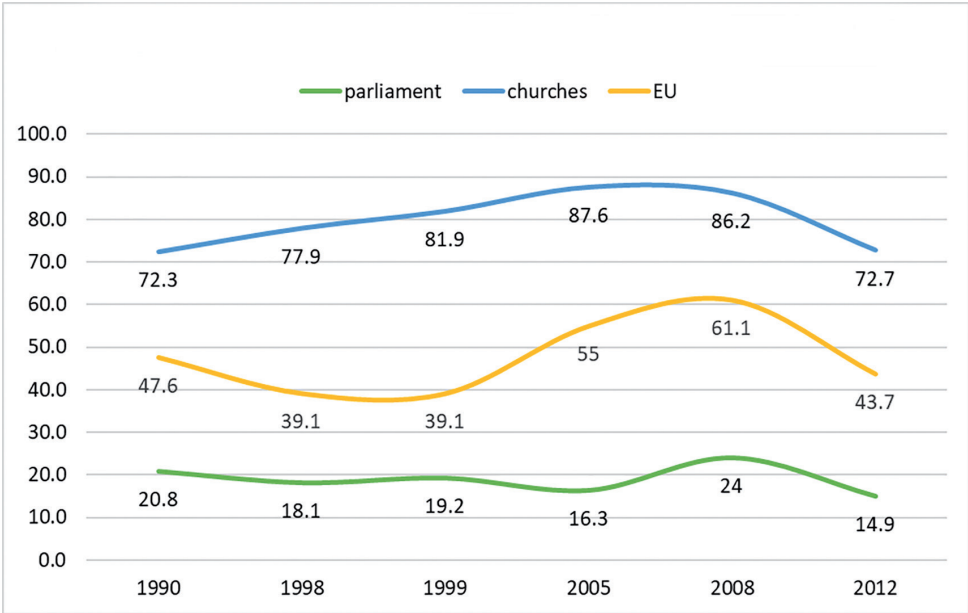


Figure 1.  
*Confidence in different institutions 1990–2012*

Source: EVS 1990, 1999, 2008; WVS 1999, 2005, 2012

Pavel argues that the crisis is generated mainly by institutional factors, namely the relationship between the parliament and the government on the one hand, and the parliament and the presidency on the other.

As pointed out earlier, the consequences of the Romanian semi-presidential system was the high possibility of tension between the president and the prime minister, and occasionally the parliament. Both executive actors tried to control the parliament and use it against the other. When the president managed to take control of the parliament (Iliescu in 1991–1996 and Băsescu in 2008–2012), it resulted in the subordination of the prime minister (Teodor Stolojan, Nicolae Văcăroiu or Emil Boc). However, when the contrary happened, such as in the 2004–2014 period, Prime Minister Călin Popescu Țăriceanu and Victor Ponta used their support in parliament to limit the power of President Băsescu. As a result, Băsescu launched an assault against the parliament. These attacks were two-folded. First, building on the lack of trust in the institution presented above, he insinuated that the parliament is captured by different interest groups and it does not represent the interest of the people. Second, he started an offensive against the size of the parliament and the bicameral system. Both actions were meant to strengthen his position in the Romanian political field and both had systemic consequences. The discursive criminalisation of interest groups was the start of the anti-corruption populism that dominates Romanian political discourse since 2004. Also, it conditioned and framed the formation of the National Anticorruption Directorate, the most important judiciary institution that shaped politics in the past decade.

The push for a single house parliament and a majoritarian system initiated a harsh debate on the Romanian parliamentarism and resulted in the electoral reform of 2008 presented in the following section. Also, in 2009, on the exact date of the presidential elections a referendum was organised on the topic. The people supported the idea of the introduction of a unicameral system, however, this can be explained by the fact that it was the main campaign message of Bănescu, who won the elections in the end. Despite the positive result, the change has not occurred since, as these types of referendums have only a consultative role in Romania, and they are not legally binding.

The debate on the efficiency of the Romanian Parliament however did not start with the initiatives of Bănescu. Apahideanu argues that the 1991 Constitution opted for bicameralism in order to dissociate itself from the Communist period, when a unicameral parliament functioned. Also, this was a return to the pre-Communist period. The only difference was that the two chambers were created as congruent and symmetric, both in legislative powers and representation.<sup>26</sup> In other words, the writers of the constitution did not consider to differentiate the two houses, they gave them a similar role. The main differences are the following. Members of both houses are elected by the same electoral system for four years, and the two elections are organised at the same time. Both houses have the right to initiate legislation, while the areas of interest are divided between the two, making in some cases the Senate the decisive house, while the Chamber of Deputies in other. Both houses are independent and have a similar structure. The main differences are mostly contextual and are related to the minimal age and number of their members, the size of the constituencies. Also, the Chamber of Deputies offers preferential seats for minorities.<sup>27</sup>

Having looked at the differences and similarities, the debate on the necessity of the second chamber could seem well grounded, however, the way how and why Bănescu had put it on the agenda, made the possibility of a reform supported by everyone almost impossible. Political scientists agree that the existing bicameral system is highly problematic, however oppose the unicameral variant. In their opinion that would clearly push Romania toward a majoritarian democratic system, which is not suitable for the Romanian political realities.<sup>28</sup> Also, they criticised Bănescu for the politicisation of the topic, arguing that mixing the referendum and the presidential elections is immoral and illegitimate, because it subordinates a topic of high importance to a political campaign.<sup>29</sup>

Another problematic feature of the Romanian legislature comes from its relationship with the government. According to the constitution, there are three types of normative acts, which have exactly the same legal force: laws, ordinances and emergency ordinances. Laws are adopted by the parliament, ordinances and emergency ordinances are adopted by the government. While simple ordinances are applied during parliamentary holidays, when the parliament actually delegates the legislative role to the government, the latter gives permanent legislative rights to the government in extraordinary situations. These situations are, however, not specified by the constitution, allowing all governments to interpret these provisions as a legislative right and a tool to bypass the parliament.

<sup>26</sup> APAHIDEANU 2014, 47–88.

<sup>27</sup> DIMA 2009, 18–36.

<sup>28</sup> See PAVEL 2009b.

<sup>29</sup> DIMA 2009.

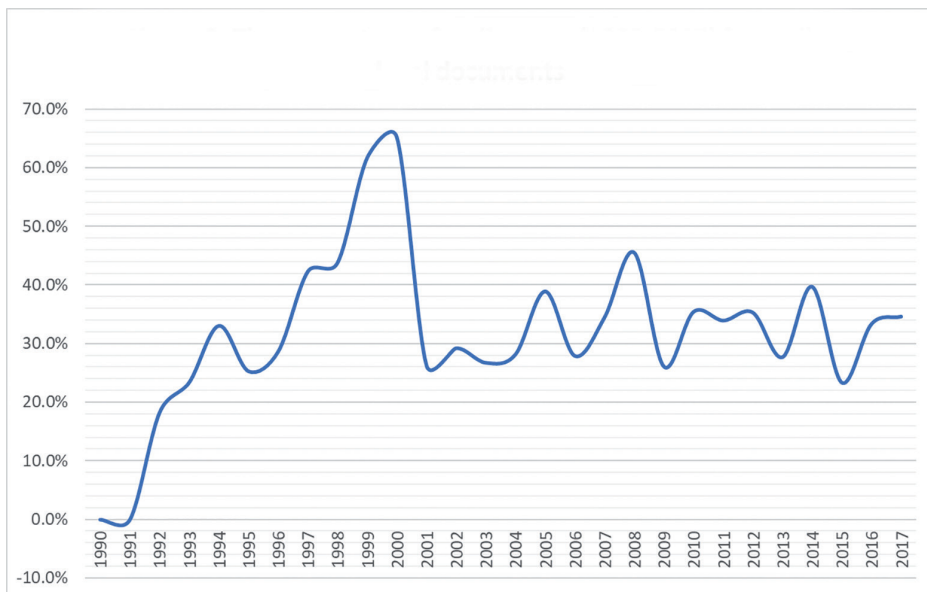


Figure 2.

*The percentage of ordinances (1990–2017) from all legal documents*

*Source:* Calculation of the author based on the data of the legal database of the Chamber of Deputies.

As Figure 2 shows, there is a large number of (mostly emergency) ordinances issued by each government since 1992, and after 2000 this adds up the 30–40% of all normative acts adopted each year. In other words, the separation of power is not only undermined by the classic dilemma related to party politics, namely that both the legislative and (one or both branches of) the executive are dominated by the same political party, but through the fact that in a significant number of cases the government takes over literally the role of the parliament by issuing normative acts.

As this short analysis on the legislative body has shown, the parliament is the most vulnerable institution of the Romanian democracy, because of three problems and challenges: its low legitimacy among the population, its problematic institutional setting with a highly symmetric and congruent bicameral setting, and its subordination and vulnerability to both branches of the executive.

### The electoral law and its consequences

In the case of the electoral system, three important issues need to be discussed: the type of the electoral system and the changes that occurred in the 1990–2018 period, the evolution of the parliamentary threshold and its consequences and the special minority representational system.

In 1990, Romania opted for a proportional closed list electoral system. Each party forms lists on county level in the case of each Chamber of the Parliament. The number of senators and deputies for each constituency is calculated by the population in each county. Therefore, each county receives one deputy to 70,000 inhabitants and a senator to 160,000 inhabitants. Also, the number of deputies representing one constituency cannot be less than 4, while the number of senators less than 2.<sup>30</sup> For the cast of votes into mandates the D'Hondt method is used.

1. As mentioned in the previous section, President Bănescu catalysed debates regarding a possible introduction of a unicameral parliament and a majoritarian electoral system. In 2007, on the same date with the European Parliament elections a referendum was organised on the topic, which could not be validated (the turnout was extremely low, 26.5%), but most of the voters (around 80%) supported the idea. As a result, a new electoral law was adopted in 2008, which formally introduced a majoritarian system (parties nominated individual candidates, and not party lists, and individual colleges were introduced), however it kept the proportional aspects (central mandate allocation for parties and the D'Hondt method) as well.<sup>31</sup> In other words, a hybrid electoral system was created, which was complicated and unintelligible enough to further question the legitimacy of the parliament.

The new system had a mixed reception. First, as Cristian Preda points out, in 2008 there was “no correspondent between the number of mandates won, the number of first placed seats obtained in colleges and the number of colleges won with absolute majorities”. PSD won the most seats with an absolute majority, it received the most votes, but it did not win the most mandates, while PDL obtained significantly smaller number of seats as colleges won.<sup>32</sup> Furthermore, not all candidates who finished first in their colleges actually received a mandate, in some cases candidates placed even 4<sup>th</sup> managed to win the seat.<sup>33</sup> These anomalies made impossible for candidates who did not receive an absolute majority of the votes to understand the system and created mistrust among the political elite.<sup>34</sup> Second, the system could not handle if a party wins an extensive part of the votes. In 2012 USL won 270 colleges in the Chamber of Deputies and 117 in the Senate (more than 85% of all mandates) with a majority and received around 60% of the votes. As the system gives mandate for those candidates who win with an absolute majority and tries to keep proportionality as well, a high number of overhang seats<sup>35</sup> (117 more exactly) were assigned. This put huge pressure on the system as public discourse was about reducing the number of seats and not increasing it. As a result of these anomalies, all parties agreed that the system needs to be changed and they decided to return to the proportional closed list system.

Some aspects of the law can be assessed positively. First, as it was hard to model which colleges are the winning ones, the system supported elite circulation, a lot of new politicians managed to win a mandate. Second, despite the proportional characteristics, the system was still based on individual constituencies, which influenced the parliamentary behaviour of

<sup>30</sup> For more detail see the webpage of the Chamber of Deputies [www.cdep.ro/pls/dic/site.page?id=108](http://www.cdep.ro/pls/dic/site.page?id=108).

<sup>31</sup> For a detailed presentation of the law see SZÉKELY 2009, 7–33; COMAN 2012, 199–224.

<sup>32</sup> PREDĂ 2013, 44–45.

<sup>33</sup> Eloquent from this perspective is the mandate won by József Kötő, who finished 7<sup>th</sup> in one of the overseas colleges and received 34 votes.

<sup>34</sup> Many of them even argued that the system is rigged.

<sup>35</sup> For the term see PUKELSHEIM 2006.

MPs. As Coman shows in an analysis, many MPs understood the differences and became more active in the 2008–2012 period than they had been in the previous one.<sup>36</sup>

2. An important issue is the evolution of the threshold. At the first elections in 1990 there was no threshold, and as a result 18 parties gained parliamentary representation in the Chamber of Deputies. This high number of parties was in the interest of Ion Iliescu and his party, the FSN at the time, because it fractured mostly the opposition, leaving FSN with a huge support. Later, in 1992 a threshold of 3% was introduced, which was raised to 5% in 2000. This stabilised the party system, only 4–6 parties and coalitions managing to get into parliament.<sup>37</sup>

## Party Politics: Institutionalisation, Intra-party Movement and Discourses

Romanian party politics has changed radically several times in the past three decades, however, the literature agrees that the party system has stabilised since 1996. The following chapter does not intend to provide a detailed presentation of political events; it mainly focuses on major systemic characteristics that shaped events. Party politics can be analysed through three approaches: its institutional characteristics, personal factors and continuities and ideology;<sup>38</sup> each of these showing a different side of the Romanian political and party system.

### Institutional characteristics

Many of the analysts argue that the Romanian party system started to stabilise after the 2000 period, when a 5% threshold was introduced in the electoral law, and the number of parties became stable between 4 and 6. However, if we look closer at their composition we could observe a high willingness for coalition and for internal institutional changes, many of the parties participating under different name and composition.

Institutionally speaking, the most stable party is the Social Democratic Party (PSD) which was the first or second strongest party at each election organised until now. Also, they managed to form governments alone or in coalition with other parties six times. The second strongest party was the “right-wing” Democratic Liberal Party (PDL), which ceased to exist in 2014, when a fusion with the National Liberal Party (PNL) was orchestrated. Although the new party kept the latter’s name, this did not mean the disappearance of PDL, as the newly formed political entity did not identify as liberal, but as a right-wing party.<sup>39</sup> A third important party is PNL, which has been represented in the parliament since 1990. The real support of the liberal party is hard to assess, as in most cases they participated in elections

<sup>36</sup> COMAN 2012.

<sup>37</sup> For the electoral results see the webpage of the Permanent Electoral Authority [www.roaep.ro/istoric/](http://www.roaep.ro/istoric/).

<sup>38</sup> This triadic approach was used by researchers to identify post-communist parties. I have slightly adapted their approach to describe Romanian party politics. For details of the method see POP-ELECHES 2008, 465–479.

<sup>39</sup> PNL had quit their position in the Alliance of Liberals and Democrats for Europe and gained access to the European People’s Party, where PDL was affiliated.



in coalition with other entities. The last relatively stable party of the party system is the Democratic Alliance of Hungarians in Romania (RMDSZ), which is a small and stable ethnic party representing Hungarians in Romania.

An interesting aspect of the Romanian party system is that most important parties can be linked to post-communist parties, as both PSD and PDL and now PNL have a direct lineage from FSN, while traditional parties (e.g. the Peasants' Party or the Liberal Party) or newly formed anti-system parties (e.g. Dan Diaconescu People's Party [PP-DD], the New Generation Party [PNG], People's Movement Party [PMP] or the National Union for the Progress of Romania [UNPR]<sup>40</sup>) could not stabilise their support. Although, these parties do not consider themselves post-communist in the classical sense of the word, but their original starting point significantly defined their success. According to Pop-Elecheș this success of the communist successor parties is three folded. First, in the early 1990s, the post-communist elite managed to cement its political power. When the real regime change came in 1996 many of these politicians were already well positioned and with strong support. Second, although the population rejected the Ceaușescu regime, it did not reject communism all together. In other words, the legitimacy of those who were affiliated with the Communist Party but were not considered key actors in the previous regime was not questioned in the transitional period.<sup>41</sup> Third, and most importantly, as already mentioned, the Ceaușescu regime suppressed all opposition, most experts and technocrats had ties with the communist party in the past. Furthermore, as the Romanian communism presented nationalistic characteristics it also resulted in an ideological ambiguity, which was exploited by the post-communist parties. As a result, post-communist parties were not confined only to the left, but they gradually occupied almost all sides of the ideological spectrum.<sup>42</sup>

Another important institutional characteristic of the Romanian party system is the high willingness of coalition of the actors. Looking at the governments in the past 28 years, almost all parties had participated in governments, resulting in coalitions with all types of ideological composition. Daniel Barbu calls this kind of system partocracy, because the main objective of parties is to stay in power and control resource allocation.<sup>43</sup> An actor participating in many of the ideologically polychrome post-communist governments is RMDSZ, which has collaborated with almost all actors of the political spectrum since 1996. In their conception, the interest of Hungarians in Romania is to participate in ideology free collaborations, which would assure the integration of Hungarians in the Romanian political sphere on the one hand, and positions and resources for the community on the other.<sup>44</sup> In other words, the Romanian party system and its collaboration patterns define the Romanian political system as a "patronage democracy",<sup>45</sup> in which the main objective of political actors is resource-allocation and the upkeep of political patronage overwrites any potential ideological opposition.

<sup>40</sup> UNPR never even participated at elections on its own but had parliamentary representation.

<sup>41</sup> This cleavage is exploited and reified by Băsescu in 2004 in a presidential debate with his main counter candidate, Adrian Năstase as well. For a brilliant analysis of this moment see IEFȚCU-FAIRCLOUGH 2007, 31–74.

<sup>42</sup> POP-ELECHES 2008.

<sup>43</sup> BARBU 2004.

<sup>44</sup> For a detailed description of the strategies followed by RMDSZ see KISS 2018.

<sup>45</sup> CHANDRA 2004.



### Personal factors and continuities

One of the main personal aspects that shape the Romanian party system is the inter-party movement of politicians. In Romania in each legislative system parties have paid particular attention to extend their power not only through a good electoral participation, but through the “transfer” of politicians from other parties. This tendency can be analysed from several perspectives. First, it strengthens that Romania can be considered a patronage democracy, as political actors do anything to keep or gain power. Second, it questions the representational factor in the Romanian democracy. Many analysts argue that the will of the people is questioned by politicians who decide to change parties, as they disregard the option of the electorate who sent them there. Third, it gives inside on intra-party loyalties and the degree of cohesion existing at the level of political parties.<sup>46</sup> Gorovei in a study focusing on this issue argues that the number of MPs deciding to change parties between two elections had constantly grown from 1992 to 2012, but gained significance in the 2008–2012 legislation, when the incumbent government managed to stay in power by attracting MPs to its own formation together with a newly created party, UNPR, which never participated in elections and did not enjoy the confidence of the voters. Also, as the comics of the situation is reflected by the fact that the fall of the government was caused by similar causes, many of the MPs migrating (back) to the opposition.

Also, the ephemeral life of some parties can be explained through these processes, as the number of MPs, migrating to stronger parties is more characteristic to these political groups (e.g. PP–DD, PMP).

### Ideological and discursive cleavages

Although I argued above that party ideology did not matter, and Romania presents the characteristics of a “patronage democracy” than one with stable ideological cleavages, this does not mean that Romanian politics is free of discursive cleavages.

One of the first discursive cleavages was the post-communist–anti-communist divide. After FSN declared that it will participate in the elections, the traditional parties (PNL, PNȚ–CD) engaged in a strong anti-communist discourse, dissociating themselves from post-communist parties. This proved to be a losing strategy, as it created resentment in the electorate.<sup>47</sup> The growing discontent with the PDSR Government after 1992 reinterpreted this cleavage. Although the anti-communist opposition won the elections in order to govern, they have chosen to collaborate with the Democratic Party, a post-communist party, and the moderate wing of the FSN. In other words, although post-communism was an important discursive theme of the elections, it did not have any practical consequence on party politics. Moreover, the real impact of the cleavage was further weakened by the fact that a significant number of the pre-2004 ministers had communist ties and that in 2000,

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<sup>46</sup> PAVEL 2012, 9–24; GOROVEI 2012, 605–635.

<sup>47</sup> MUNGIU 1995.

the PSD dissociated itself from its post-communist past, creating the basis for a modern type social-democrat party.<sup>48</sup>

A second important ideological and discursive characteristic of Romanian politics is how populism appears and influences politics. Most authors link populism to right wing nationalism and extremism,<sup>49</sup> arguing that it defined politics in the 1990–1996 period, when populist parties were co-opted by PDSR in the government. Also, many argue that there was a populist moment in 2000, when as a result of political reform and economic austerity measures a large part of the disillusioned electorate supported the PDSR and PRM.<sup>50</sup> Also, a widespread argument is that from 2004 onwards populism loses ground in Romania and since 2008 no populist party manages to become a decisive political force in central politics.

These general findings need to be critically examined on two accounts. First, as Radu Cinpoș argues in an excellent article to conclude that from 2004 nationalist populism loses ground in Romania, is only a superficial examination of the process. By presenting an agency-based approach, he argues that the right wing populism does not disappear, but it transforms and finds ground in mainstream political parties: members of the weakened populist parties find refuge in mainstream parties, and the public discourse becomes more and more receptive to nationalist populism as a casual intolerance becomes characteristic of the discursive strategies of mainstream actors.<sup>51</sup>

Second, it is not beneficial to reduce the analysis of Romanian populism to nationalistic and right-wing populism as other forms of populism appear. In the 2004 electoral campaign, the central message of Traian Băsescu was an anti-corruption stance against the post-communist oligarchy that controls and exploits the Romanian people.<sup>52</sup> Since then the discourse centred on anti-corruption became the central cleavage of Romanian politics, defining the outcome of the 2009 presidential elections and even the 2016 parliamentary elections, when a new political entity, USR, was born. An important aspect of this new type of discourse that heavily relays on Europeanisation, as its main legitimating argument comes from the EU, which criticises Romania on this account.<sup>53</sup> Also, its success can be linked to the low level of trust in society, politics and politicians, which at the end challenges and weakens democracy.<sup>54</sup>

## Conclusion

In the past 28 years Romania developed a relatively stable democracy and party system, however, underling tensions lurk around time to time challenging both the democratic and constitutional order. In this paper I have tried to argue that there is a certain kind of path

<sup>48</sup> POP-ELECHES 2008.

<sup>49</sup> See among others MINKENBERG 2015; SUM 2010, 19–29.

<sup>50</sup> MUNGIU-PIPPIDI 2001, 230–252.

<sup>51</sup> CINPOȘ 2015.

<sup>52</sup> IEȚCU-FAIRCLOUGH 2007.

<sup>53</sup> TANASOIU-RACOVITA 2012, 243.

<sup>54</sup> Many of the people supporting radical anti-corruption measures would agree with authoritarian methods of purging corruption, or that many of the young middle class does not believe in democracy and do not participate at elections.

dependency in Romanian politics, as the way how regime change was orchestrated significantly defined how political institutions and politics function in the present. From this perspective three elements were outlined: 1. the capture of the state and party system by post-communist elites and institutions in the early 1990s; 2. the constitutional arrangement of the executive that made Romania a semi-presidential system; and 3. the weak position and systemic challenges of the legislature compared to the executive.

Also, I have argued that Romania presents the characteristics of a patronage democracy, through which parties are more interested in gaining or keeping power than in developing their own ideology, or in engaging in deliberation on the nature of policies or the public good. A further characteristic of the Romanian party system that presents challenges to democracy and the principle of representation is the continuous migration of MPs from one party to the other between two elections and the changing discursive cleavages that can be observed. From this perspective, since 2004 there has been growing evidence that nationalist populism finds a new home in mainstream parties and that anti-corruption discourse makes harder and harder to initiate political debate on systemic and institutional issues.

All in all, the paper presents a subjective framing of the Romanian political realities as it emphasises elements, problems and challenges considered important by the author.

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# **Serbia: Belated Democratisation**

*Zoltán Egeresi*

## **Introduction**

The fact that a citizen who was born within the borders of the current Serbian state in 1989 can declare that he or she has lived in four different countries<sup>1</sup> without leaving the borders points out the tremendous political changes concerning the state. This chapter endeavours to give an overview about the dynamics of the Serbian political system, outlining its history during the last nearly 30 years. Serbia serves as an example of belated political transition: the communist leadership was able to survive and preserve its power after the introduction of a multi-party system. Thus, after 1990, under the rule of Slobodan Milošević, the Serbian political system became increasingly authoritarian where one party – the Socialist Party of Serbia – was able to create a hegemony and marginalise the opposition parties (especially the anti-Milošević ones). This chapter intends to reveal the factors which facilitated the regime's survival from the communist times until October 2000: which tools were used by the political regime to prevent social unrest to become a real threat.

After the collapse of the Milošević regime, early elections and frequent government changes have remained constant. Despite these difficulties, the country launched the Europeanisation process, even if several problems, like corruption, weakness of the rule of law have hindered the reforms. The belated Serbian transition resulted in a fragmented party system resulting in multi-party governments and an apparent electoral volatility. Thus, this piece portrays the features of the party system and its main constituting cleavages as well.

## **The Long Road to Regime Change – Serbia in the 1990s**

The case of Serbs in Yugoslavia was unique taking into consideration their number and their role in the formation of the country. Nevertheless, Josip Broz Tito hindered the Serbs' ability to dominate the country (compared to the interwar period) by creating a federation of six countries and two autonomous regions (Vojvodina and Kosovo). Even though Serbia was the biggest country and had a central position in many respects (e.g. they dominated the Yugoslav army), the basic principle of the state was to strengthen the smaller nations against the Serbians' attempts to restore their supremacy. However, after Tito's death, the

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<sup>1</sup> Socialist Federal Republic of Yugoslavia (1963–1992), Federal Republic of Yugoslavia (1992–2003), State Union of Serbia and Montenegro (2003–2006), Republic of Serbia (2006–).

new political leadership was too weak to resist the temptation of nationalism and failed to maintain the strong central authority that Tito had.<sup>2</sup>

The Antibureaucratic revolution (1987–1989) changed the internal balance of power in Serbia and had effects on the whole federation as well. Slobodan Milošević, the new leader of the League of Communists of Serbia (elected in 1986),<sup>3</sup> initiated a series of actions with the objective of putting his loyal cadres in important positions in the state administration, weakening the autonomy of Vojvodina and Kosovo, and establishing his political control over the country. The ‘revolution’ was executed in the forms of meetings, protests and (forced) resignations of political adversaries. His political trajectory met the growing reflections to nationalist sentiments, and especially the issues in Kosovo where Serbs were in minority (and their number was constantly decreasing). Milošević declared in his famous speech in Kosovo on 24 April 1984 that the Serbs in Kosovo should not abandon their lands despite the fact that the threat stemming from the Albanian majority. This political move paved the way for him to make an alliance with the nationalist parties, and later on, to seize power for the future.

Thus, during the last years of the 1980s, when other communist regimes started to fall in neighbouring states (in Bulgaria, Hungary and Romania), the Serbian communist leadership managed to centralise and even stabilise its power, fuelled by the growing nationalism and Serbian–Albanian antagonism over Kosovo (Albanian deputies in the Parliament of the province declared the independence of Kosovo in mid-1990).<sup>4</sup> Nevertheless, the transition to a multi-party system started in 1989–1990. In July 1990, a new party, the Socialist Party of Serbia (Socijalistička Partija Srbije – SPS) was founded as a result of the merger of the Serbian League of Communists and the Socialist Alliance of the Working People of Serbia. The SPS was closely linked to Milošević and established itself as a new political organisation.<sup>5</sup> Other parties also appeared on the political landscape, such as Vuk Drašković’s Serbian Renewal Movement (Srpski Pokret Obnove – SPO) on the right, or more ‘liberal’ parties, such as the Demokratska Stranka (DS). Realising these developments, the Serbian Parliament allowed the legal formation of opposition parties in August 1990.

Nevertheless, SPS preserved its political and economic hegemony over the state (apparatus), thus the new opposition parties faced an uphill battle challenging it. The results of the first two-stage multi-party elections held on 2 and 23 December 1990 showed the domination of SPS in domestic politics. Due to the first-past-the-post system, SPS was able to acquire almost 80% of the seats despite its 46% share of the total votes. Relying on the comfortable majority in the Parliament, and being elected President (with 63.3% of the votes) at the presidential election on 23 December 1990, Milošević continued to cement his power in the multi-party system.

In 1991, the dissolution of Yugoslavia began. Both Croatia and Slovenia declared their independence on 25 June 1991. Slovenia managed to achieve its goal by a short conflict (the Ten-Day War), while Croatia entered a long-lasting war against the secessionist movements of Serbs in Krajina (who declared the independence of the Republic of Serbian

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<sup>2</sup> JUHÁSZ 2010.

<sup>3</sup> JUHÁSZ 1999, 172–173.

<sup>4</sup> JUHÁSZ et al. 2003, 15.

<sup>5</sup> JUHÁSZ 1999, 203.



Krajina in August 1990 and occupied rapidly some 15% of the territory of the country).<sup>6</sup> After Bosnia and Herzegovina's declaration of independence, the existence of the Socialist Federal Republic of Yugoslavia became futile, the leaders of Serbia and Montenegro decided to form a new entity called the Federal Republic of Yugoslavia (FRY), based on two member states and the autonomous regions of Serbia (Macedonia declared its independence on 25 September 1991).<sup>7</sup>

This 'rump Yugoslavia' had to face international sanctions when the UN imposed a trade embargo on the country on 30 May 1992. On the following day, 31 May, the federal elections were won by SPS and the ultra-nationalist Serbian Radical Party (Srpska Radikalna Stranka – SRS)<sup>8</sup> came second. At the federal level, Serbian–American businessman Milan Panić became the Prime Minister. Later on, Panić surprised Milošević by following a more liberal and conciliatory policy by recognising Croatia and BiH, leading to internal political struggle between him and Milošević. As a result, he had to resign in 1993.

Despite the growing nationalist sentiments in Serbia and the strong support for Milošević within the electorate, some opposition parties began to organise mass rallies against the government. On 23 May 1992, they founded the Anti-Milošević Democratic Movement of Serbia, called DEPOS, which was led by the Democratic Party and SPO. Nevertheless, they failed to unite and support Panić in challenging Milošević's power. Thus, he could not beat Milošević at the presidential election on 20 December 1992, as the incumbent President acquired more than 50% of the votes. The parliamentary elections held on the same day (boycotted by Albanians and Bosniaks) were also won by the SPS, which secured some 29% of the votes due to the manipulation of the electoral process. Nevertheless, Vojislav Šešelj's Serbian Radical Party gained ground and got the second highest number of votes. The federal parliamentary elections roughly followed this pattern. The cooperation between SPS and SRS did not last long. In September, the SRS decided to propose a vote of no-confidence against the government. Mounting tensions between the two parties inclined Milošević to dissolve the Parliament and call for new elections.<sup>9</sup>

The new elections held on 26 December 1993 strengthened the position of the SPS while SRS received only some 14% of the votes. The DEPOS – which had been transformed since 1992 – came third. The economic crisis featured by hyperinflation, empty shelves in shops and a sharp decrease in wages in real terms imposed a deep economic hardship to the Serbian people. These difficulties were successfully tackled by the intervention of Dragoslav Avramović, the President of the Central Bank. His stabilisation programme reduced inflation, began to increase production and facilitated the increase of real wages. Various factors helped this economic miracle, such as the resilience of the Serbian agricultural output, or constant remittances from the Serbian Diaspora living in Western Europe and in the USA. Finally, Serbia managed to surmount the deep economic crisis.<sup>10</sup>

Simultaneously, the Serbian political elite had to face the consequences of losing the war in Croatia and in Bosnia and Herzegovina. The West's support for Croatia – which was

<sup>6</sup> KARDOS–SIMÁNDI 2004, 844–855.

<sup>7</sup> WOODWARD 1995, 173.

<sup>8</sup> Founded in early 1990.

<sup>9</sup> MILLER 1997.

<sup>10</sup> BIDELEUX–JEFFRIES 2007, 252.



able to make the adequate reforms and create a strong army – and NATO involvement in BiH accompanied by a recovering, but still poor Serbia convinced Milošević to change its policy and leave his quest for a ‘Greater Serbia’ behind. The Croatian military success in 1995 (Operation Storm) destroyed the Republic of Serbian Krajina and created a huge wave of refugees of around 150–200,000 people. Serbs in Bosnia also had to face military collapse.<sup>11</sup>

Facing the possibility of defeat, the Serbian Government started to support the peace talks, which resulted in the Dayton Agreement (21 November 1995) and the Erdut Agreement (12 November 1995).<sup>12</sup> After finishing the war, and intention to establish himself as a guarantor of peace in the Western Balkans, Slobodan Milošević started to make stronger efforts to control the economy and the opposition as well. The federal parliamentary elections on 3 November 1996 brought the victory of the SPS-led coalition (due to the boycott of Albanians, it was able to get the overwhelming majority of the seats from Kosovo).

Nevertheless, the local elections in November 1996 proved to be a challenge to the regime. Its efforts to deny the opposition parties’ victories and to restrict university autonomy nourished the popular discontent and led to demonstrations and protests against the government. As the opposition’s<sup>13</sup> victories of Zajedno were annulled, some worker groups also joined the demonstrations and the international community condemned the developments as well. Even an OSCE delegation visited Belgrade.<sup>14</sup> Finally, the authorities began to recognise the electoral success of the Zajedno. The ‘winter discontent’ did not result in the overthrow of Milošević. This was partly due to the internal division of the opposition (in mid-1997, the Zajedno alliance collapsed), and also due to the President’s power over the police, which was an effective tool to neutralise the protests and any threatening social discontent. While the authoritarian regimes mostly disappeared from the region by the mid-1990s, Milošević could strengthen its position and preserve his power regardless of the international community’s pressure and the domestic social and political tensions.

He managed to amend the Constitution and became President of the FRY in July 1997. Due to the manipulation of the elections, SPS and its coalition partners were able to gain 110 seats out of the 250, and they became the strongest group in the legislature. The presidential elections that year were also flawed; finally, in the fourth round, the pro-Milošević Milan Milutinović could win with the adequate turnout (more than 50%).

Although Milošević’s power was unquestionable, some groups, like the student movement called Otpor (Resistance), which was launched in October 1998, tried to challenge it. In spite of their efforts, the war in Kosovo had a major impact on the Milošević regime. The Kosovo Liberation Army’s (KLA) struggle in Kosovo after 1996 deteriorated the situation in the autonomous region, the self-proclaimed government of which missed the opportunity to join the international negotiations in 1995. Notwithstanding their efforts, Kosovo’s independence remained far to be achieved, which pushed some Albanian groups to launch an armed conflict. The news about the clashes with the Serbian authorities found their way to the international community that was worrying about the possibility of ethnic cleansing – the repetition of

<sup>11</sup> REMÉNYI 2014.

<sup>12</sup> JUHÁSZ 1999, 249–274.

<sup>13</sup> Party coalition between several anti-Milošević parties, like the DS, the DSS (Demokratska Stranka Srbije – DSS) etc.

<sup>14</sup> BIDELEUX–JEFFRIES 2007, 255.

scenes of the war in Bosnia. After failing to conclude an agreement between the Albanians and Serbs, NATO launched massive air strikes against Serbia, damaging its strategic facilities from March to June 1999.

Domestic violence against the adversaries of the regime continued. In May, demonstrations were started in several towns of the country by army reservists demanding the end of the war. Later on, thousands of them refused to return to Kosovo, aggravating the situation of the regime, against which the military operation of NATO was futile.

Finally, Milošević had to concede defeat in June 1999. The opposition parties started already to campaign for the resignation of Milošević in late June by establishing the 'Alliance for Change'. Later on, main opposition leaders, such as Vuk Drašković and Zoran Đinđić, agreed to hold a major rally on 19 August 1999. Anti-government demonstration continued in the spring without major consequences. The authorities made stronger efforts to restrict critical media.

Milošević managed to make constitutional changes passed by the federal Parliament to secure his power, for example allowing two four-year terms for the President instead of one. The amendments also decreased the weight of Montenegro in the federation.<sup>15</sup>

After reinforcing his chances to retain power, Milošević called for federal presidential, parliamentary and local elections for September 2000. Nevertheless, by then, he had lost some of his allies: SRS announced that it would not support him and nominated its own candidate, Tomislav Nikolić who criticised the government by pointing out high-level corruption and electoral fraud. As a more threatening move, eighteen opposition parties created the Democratic Opposition of Serbia (Demokratska opozicija Srbije – DOS) in early 2000. For the elections, the alliance decided to support Vojislav Koštunica, leader of the centre-right DSS, as its presidential candidate. The desperate actions of the regime to ban opposition rallies, limit the electoral campaign and attacks on the independent media proved to be fruitless. The government did not allow Western observers to monitor the elections, but invited teams from Russia, India and China.<sup>16</sup>

The presidential election was won by Koštunica with more than 50% of the votes; however, the Electoral Commission (the members of which were appointed by the SPS-dominated Parliament) announced that despite his victory, he fell short of reaching 50%, hence, a second round was necessary.

Milošević's reluctance to cede power to the democratic opposition paved the way towards mass rallies, strikes in mines and factories, and growing civil disobedience in October 2000. Under such circumstances, the so-called 'bulldozer revolution' toppling Milošević started on 5 October 2000. In the morning of that day, the Constitutional Court made a decision about annulling the results of the first round of the presidential election and announced the need for a new election. Around half a million protesters rushed to various state institutions, the Parliament, and the buildings of the state radio and television. Neither the police, nor the army did hinder the people. After the event, the Constitutional Court reconsidered its previous decision and announced that Vojislav Koštunica was the President of the country.

<sup>15</sup> JUHÁSZ 2001, 103–120.

<sup>16</sup> BIDELEUX–JEFFRIES 2007, 270.

## Political Developments after the Regime Change

At the federal level, the Parliament voted for an interim government led by Zoran Zizić who was the deputy leader of Montenegro's (pro-Milošević) Socialist People's Party. After the revolutionary events, new elections were held on 17 December 2000 which was won by the DOS coalition composed of eighteen parties. After a short intermezzo (the elections had to be repeated at several polling stations) in January, the Parliament voted for the government led by DOS and Zoran Đinđić.

As of its first measures, the new government put Milošević under police surveillance and adopted a law to curtail the privileges of ex-presidents, thus allowing the judicial system to begin prosecuting him. Legislative reforms repealing the repressive media laws were also introduced and the government started to dismiss the people loyal to Milošević from the administration and the judiciary. At the very beginning of April, Milošević was taken to prison after an incident and was charged with abuse of power and corruption.<sup>17</sup>

Koštunica was able to win the next presidential election in Serbia in late 2002. The democratic turn in the country did not impede the dissolution of the federal state. Firstly, at the beginning of 2003, the respective legislatures of Montenegro and Serbia accepted to replace the FRY with the State Union of Serbia and Montenegro, granting more powers to the member states. Three years later, after the successful 'Yes' campaign in the referendum about Montenegro leaving the confederative state, Podgorica declared its independence. The government in Belgrade accepted the decision, and Montenegro could split from the state without military conflict. Shortly after the dissolution of the unified state, Serbia accepted a new constitution.

Although anti-Milošević measures were taken by the government, several difficulties hindered this process. Some of his loyalists managed to keep their positions (mainly in the secret service and army), surviving at least the first attempts of lustration.<sup>18</sup> SPS, which became isolated after 2000, had to create a 'more democratic' image to get legitimacy. During the 2004 parliamentary elections, they supported Kostunica, while in 2008, they managed to return to the government as an ally of the DS. Combating organised crime and mafia groups also emerged as a difficulty for the new government; these efforts led to the assassination of Prime Minister Zoran Đinđić on 12 March 2003. After his death, DOS has collapsed.

After the elections of 2004 and 2007, Vojislav Kostunica managed to create a cabinet with the participation of other smaller parties, like G17+, SPO, and later on also DS. The negotiations between these political parties, including the almost three-month-long internal quarrel over government formation, harmed their reputation. In 2008, a DS-led government took power under the premiership of Mirko Cvetković with the participation of smaller parties, among others, SPS or G17+.

However, these elections demonstrated that the strongest party in the country was not DS, but first SRS, and then, from 2008, the Tomislav Nikolić-led Serbian Progressive Party (Srpska napredna stranka – SNS). The coalition of smaller centre-right or leftist parties was able to balance the strong parliamentary presence of SRS/SNS for a while; nevertheless, the elections in 2012 brought a major change. Boris Tadić's defeat at the presidential

<sup>17</sup> The extradition of people accused by war crimes to the ICTY also began. After several weeks of political debates, the government also transferred Milošević to the international court on 28 June 2001 (later he died in The Hague in 2006).

<sup>18</sup> BOCHSLER 2010, 101.

elections against Nikolić and the SPS's alliance with SNS to form a coalition government opened the way for SNS to seize power. All the same, this could only happen as a result of the coalition talks. Iвица Dačić (SPS) emerged as Prime Minister, early elections in 2014 strengthened the position of the SNS and allowed Alexander Vučić to be appointed Prime Minister. Ever since, SNS has been able to reinforce its position and preserve power after the parliamentary elections of 2016.<sup>19</sup> In 2017, Vučić won the presidential elections, thus introducing a de facto semi-presidential system, cementing his power and raising critiques about authoritarian tendencies in the country.<sup>20</sup>

## Political Institutions

### The Constitution

After Montenegro's secession and the dissolution of the confederation, Serbia's political elite rapidly accepted a new Constitution, which replaced Milošević's Constitution of 1990. The new one abolished the death penalty, introduced the office of ombudsman demonstrating the reformist features.<sup>21</sup> According to the Constitution, the country adopted a parliamentary system based on the separation of powers between the legislative, the executive and the judiciary branches.

The new Constitution granted a rather symbolic role to the directly elected President. The law does not prohibit the President to hold party membership, consequently, it allowed charismatic governing party leaders, like Boris Tadić (2004–2012) and Aleksandar Vučić (after 2017–) to broaden the effective powers of the presidency, creating a de facto semi-presidential system.

### Electoral system

The unicameral Parliament has had 250 MPs since 1990. The Parliament adopted a new electoral law in 1992. The law divided the country into nine electoral districts, and members of the Parliament were elected on a single party list in a proportional system with a 5% threshold, replacing the previous, majoritarian one. After the collapse of the Milošević regime, the Parliament amended the law (as of 2018, the elections are regulated primarily by the 2006 Constitution, the 2000 Law on Election of Representatives [LER], the 2009 Law on the Unified Voters' Register [LUVR], the 2009 Law on Political Parties [LPP] and the 2011 Law on Financing Political Activities [LFPA]).<sup>22</sup> According to the legislation, there is a single nationwide constituency, in which eligible voters can cast their votes for closed-party lists in a proportional system (with the D'Hondt method). The threshold has remained 5%. Lists representing national minorities are exempted from this threshold requirement.<sup>23</sup>

<sup>19</sup> ÖRDÖGH 2016a, 9–24.

<sup>20</sup> EROR 2018.

<sup>21</sup> BOCHSLER 2010, 100.

<sup>22</sup> OSCE 2016.

<sup>23</sup> OSCE 2016, 5.

Due to the proportional electoral system, the party system has become fragmented, as several small parties have always been represented in the Parliament.

## Government

The government's competence is regulated by the Law on Government, accepted in 2005. According to this legislation, the government is the executive power of the country, led by the Prime Minister. The government can be constituted of ministers with or without portfolios. Interestingly, there is no Government Spokesperson, but the Secretariat is responsible for handling relations with the media. Ministries have their own competences and relations with the press, which has sometimes led to controversial statements from various members of the Cabinet.

Due to the fragmented party system and the presence of minority parties in the Parliament, governments are usually formed as multi-party coalitions. From 1991 to 2018, there were 13 different governments in Serbia, which means that they managed to retain the power for an average of two years instead of the four permitted by the Constitution. Frequent government changes highlight the political instability the country went through. During the 1990s, governments came from SPS, which usually had the required majority in the legislature (when it did not, they could count on the support of the SRS). However, these governments were heavily controlled by Slobodan Milošević, who kept meaningful power to his authoritarian regime. Since 2000, a series of multi-party governments involving minor political parties can be observed, which sometimes had more than 20 cabinet members. During the last 18 years, political instability and frequent government changes have remained an integral part of the system: there was no government that could manage to survive the four-year-long period granted by the law.

## Administrative divisions

The Constitution (Article 12) declares that “State power is restricted by the right of citizens to provincial autonomy and local self-government”.<sup>24</sup> It also declares (Article 182) that “there are the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija” which are granted special status protected by the Constitution. This is in line with the developments after 2000 when autonomy of Vojvodina, which was curtailed by Milosevic, had been reinstated.<sup>25</sup> After the defeat in 2000 and the establishment of international supervision in Kosovo, the status of the province has become disputed. The declaration of independence of Pristina in February 2008, followed by the de jure recognition of a de facto state by many countries showed a territorial loss, which Belgrade has never accepted. Nevertheless, negotiations were started between the two capitals, later brokered by the U.S. and the EU.

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<sup>24</sup> Constitution of the Republic of Serbia 2006.

<sup>25</sup> See more about the autonomy in Vojvodina in TÓTH 2018.

## Party Politics

After seizing power in 1987, Slobodan Milošević was able to stay in power for thirteen years. This period can be divided into two periods: 1. a shorter one until 1990 under socialist institutions; and 2. a longer one, which can be characterised by a multi-party, nationalist-authoritarian system.<sup>26</sup> The introduction of a multi-party system in 1990<sup>27</sup> did not challenge Milošević's rule. This had several reasons. Firstly, a great number of parties appeared in the political field and they were too fragmented to become a real threat. Their occasional alliances – as it was already mentioned – were short-lived and collapsed regularly due to their internal struggles. Secondly, Milošević managed to strengthen his power by using nationalist rhetoric and radicalisation stemming from the ongoing wars in the first half of the 1990s. Establishing himself as a strong and charismatic leader helped him stand out from the party elite in the late 1980s, and later his charisma also helped him preserve the majority of his electorate. In addition to his personal skills, he also made the required modifications in the constitutional system in order to prevent any legal and political threats that could have led to his toppling. He was able to manage several crises (winter discontent, economic difficulties in 1993, defeats in wars). Moreover, nationalist rhetoric helped him to eventually make political alliances with the SRS which was helpful from time to time in his political career. This political co-optation was not restricted to SRS, but for instance, it also included SPO in 1999, when Vuk Drašković joined the coalition for several months. In short, the weakness of oppositional forces and the establishment of an authoritarian system granted a political hegemony to SPS.<sup>28</sup>

The military defeat against NATO forces and the loss of Kosovo, coupled with economic difficulties leading to growing social tensions, posed a significant threat to the regime. The new coalition created by the alliance of 18 parties, led by DOS has become a more stable political initiative compared to previous attempts. DOS was able to defeat SPS at the September 2000 elections and the manipulations of the authorities backfired, worsening the position of the regime. The revolution on 5 October pushed the regime to establish an interim government and call for elections, which were won by the DOS.

Subsequent years were characterised by political instability and led to the decline of DOS. Vojislav Koštunica's DSS left DOS in August 2001, and remained at the centre-right. Later on, other moderate right-wing parties (e.g. SPO) joined this bloc. Following the assassination of Prime Minister Zoran Đinđić, DOS collapsed, and the next roughly ten years were characterised by the struggles between DSS and DS led by Boris Tadić. Under such circumstances, DS moved to the left, finding allies in the form of G17+ or the League of Social Democrats of Vojvodina (LSV) among others. In 2005, Čedomir Jovanović was expelled from the DS; however, he founded a social-liberal party, LDP.

Tomislav Nikolić by deserting SRS and establishing SNS paved the way to the emergence of a strong right-wing party after 2008. The 2012 elections brought the next change in the political dynamics. As Tadić (leader of the DS between 2004 and 2012) lost the presidential elections against Nikolić, and the moderate SNS (being the largest party in

<sup>26</sup> ANTONIĆ 2002.

<sup>27</sup> However, parties began to form in late 1989, like the DS has been founded by a group of intellectuals in late 1989.

<sup>28</sup> MILLER 1997.

the Parliament) managed to broker a coalition agreement with SPS, DS lost its governing position and went through an internal crisis. Since 2012, the SNS has managed to secure its position as the main party in the Serbian Parliament, while one can see a gradual fragmentation on the left.<sup>29</sup>

The Serbian party system is shaped by three cleavages. The first one is based on ethnic division.<sup>30</sup> Without Kosovo, the majority of Serbia's population is Serbian (more than 80%), the second biggest group is the Hungarian minority (some 4%), while the remaining roughly 15% is constituted of more than 20 different ethnic groups. Nevertheless, ethnic tensions played a crucial role during the last years of Communism and during the wars in Croatia, Bosnia and Kosovo, making it an influential cleavage during the 1990s. Thus, a nationalist-civic cleavage can also be detected in the party system, where the civic group was made up by the DS, G17+, LDP (several participants of the DOS-led coalition) while DSS, SPO and NS were in the centre. On the nationalist side, SPS and SRS were the most important parties. Seemingly, the relevance of this cleavage has been declining since 2012 due to the collapse of the support of the SRS and SNS' move to the political centre after acquiring the power from the DS. Nevertheless, the cleavage still exists, as SRS managed to gain parliamentary seats in the 2016 elections, and DSS has been moving towards the right.

Ethnic parties are integral elements of the Serbian political landscape. As Hungarians constitute the most numerous ethnic group, their parties are the strongest and most organised in this category. The first Hungarian political organisation, the Alliance of Vojvodina Hungarians (Vajdasági Magyar Szövetség – VMSZ/Savez vojvođanskih Mađara – SVM) was founded in 1994, in Senta (Zenta in Hungarian), a town inhabited mostly by Hungarians. A year later, it became a political party and ran in the parliamentary and local elections, winning several seats. During subsequent years, other Hungarian political parties appeared; however, they were not able to challenge the dominant position of VMSZ within the Hungarian electorate. Due to the geographical distribution of ethnic groups, these parties are well-embedded at the local-level politics. Thus, Hungarians are very active in shaping regional politics in Vojvodina, where their share of the population is nearly 20% (while it is around 4% at the state level).<sup>31</sup>

Bosniaks, concentrated in the Sandžak region near the Montenegrin border in south Serbia, also organised their political parties; nevertheless, the failure to establish one strong political formation reflects to the internal cleavages within the community.

The second cleavage is based on the individuals' relation to the past. Those who feel nostalgia about the Tito-era or the Milošević regime are more reluctant to vote for new, 'democratic parties', which carried out the painful economic and political reforms of the transition. These parties had to face the consequences of the global financial crisis, leading to the loss of support within the population. The above-mentioned rupture is interrelated with the third one, based on the attitudes towards EU membership. After the regime change, parties forming governments were rather West- and EU-oriented. The EU accession appeared several times as one of the major campaign topics (like in 2008 or

<sup>29</sup> ÖRDÖGH 2017, 34–48.

<sup>30</sup> ÖRDÖGH 2013, 204–229.

<sup>31</sup> ÖRDÖGH 2016b.



2012), articulating public debate about the options of membership, isolation or increased cooperation with Russia.

Although these cleavages can be considered constant, their importance or relevance varies from time to time, while the positions of political parties have also changed during the last 18 years. Several parties, like SRS, have maintained their anti-Western and pro-Russia stances and also remained in the nationalist field. However, Tomislav Nikolić has changed his stance when he left the SRS and his newly founded began supporting EU accession, and at the same time managed to maintain good relations with Moscow. A similar pattern could be observed in the case of SPS. The party has become more pro-EU after 2008 in order to become suitable to join a government coalition with the DS.

## Conclusion

This chapter aimed at offering a brief overview of the developments of the Serbian political system after 1990. The fact that Slobodan Milošević was able to preserve his power for a decade after the fall of other communist leaders in the region shows that the political trajectory of the country had different features compared to its neighbours. The Milošević regime was successful in channelling and transforming nationalistic sentiments growing in society due to ethnic tensions in the autonomous regions (especially in Kosovo) and at the federal level as well. By entering the war and maintaining a belligerent rhetoric, Milošević was able to boost his popularity and make the necessary measures to cement his power; these actions included curtailing the rights of the autonomous regions, restricting media freedom and manipulating elections. The hegemony of the SPS during the 1990s led to a lost decade, and the Serbian regime change could only start in 2000 after the victory of the 5 October revolution over the authoritarian system.

Strengthened by Western support (U.S. and EU financial assistance and the prospect of becoming member in the EU), the democratisation and Europeanisation were launched after the chute of Milošević; however, many challenges have persisted. The weaknesses in the rule of law, the inadequacy of fighting against corruption and the lack of a conclusion of the negotiations with Kosovo have made catching-up more difficult and slower.

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# **Slovenia: The Early Success Story**

*Josip Lučev*

## **Introduction**

This chapter deals with the modern political history of Slovenia. It starts with the last decade of the communist regime and continues to survey the political institutions and their changes and the party politics in Slovenia. In the context of the 1980s, Slovenia was the most developed part of Yugoslavia at a time in which Yugoslavia faced a significant economic and political crisis. With the situation growing increasingly difficult, it became apparent that the structural divergences of the Yugoslav constituent parts were too great to be held together by a single state. Slovenia and Croatia were first to seek independence and with time, other republics followed suit. The dissolution of Yugoslavia was accompanied not only by the democratisation processes and a turn to market based economic systems, but also by a series of protracted conflicts, most notably in Croatia and Bosnia-Herzegovina. However, Slovenia was spared the debilitating effects of a protracted conflict and turned to a virtuous cycle in which economic stability and early consolidation of democracy went hand in hand in producing what was widely considered one of the quintessential transitional success stories. However, the aftermath of the 2008–2009 global crisis substantially destabilised the Slovene economy and in combination of several high-profile political scandals, undermined the party politics, as well. The last few election cycles were dominated by person-based and ephemeral parties, which is a symptom of a loss of trust in the political system. This is a crucial issue that will need to be solved to secure the bright future of Slovene politics.

## **The Last Days of Communism: Incipient Transition in the 1980s**

Slovenia entered the 1980s as one of the eight federative units in the Socialist Federal Republic of Yugoslavia, alongside five other republics (Croatia, Serbia, Bosnia and Herzegovina and Montenegro) and two autonomous provinces (Vojvodina and Kosovo). Yugoslavia was a very complex political-economic entity, which unified areas with vast differences in productivity, development and institutional history (with centuries of Austro–Hungarian rule in the northwest and centuries of Ottoman rule in the southeast). The adhesive that held these areas together was multifold: a common language project was intended to bring most of the population together (but excluded Slovenes, Macedonians and Albanians), a federal army (Yugoslav People's Army/YPA) which was to defend Yugoslavia mingled the recruits with various cultural backgrounds together, and the ideology of worker self-management

(*samoupravljanje*) sought to bring legitimacy to the governing Communist Party.<sup>1</sup> However, these centripetal forces largely depended on a combination of the persona of the President for life Josip Broz Tito, an overall effective growth model and the polarised Cold War foreign political situation. All of these began to unravel in the 1980s, both exposing and exacerbating the unresolved structural instabilities in Yugoslavia.

Tito was a political symbol of mythological proportions, having successfully led the WWII communist resistance and carved out a significant place for Yugoslav exceptionalism in the post-war international arena. Tito is today often considered a controversial political figure, but his crucial role in personalising the Yugoslav regime is indisputable. Marshall Tito died in May 1980 at the age of 87. His death was first met by a wave of pro-Communism, evident in rising Party membership in Slovenia,<sup>2</sup> and the Party continued propagandistically identifying with Tito even after his passing.<sup>3</sup> However, with the cult of personality invested specifically in Tito, the members of the rotating Presidency that replaced him could not hope for the same allure. Whereas Tito was beyond reproach as a political figure, his successors and their policies could be targeted more easily by the media which became increasingly liberal in the mid- to late-1980s, nowhere more so than in Slovenia. The rising tendency of criticism and interpretations uncomfortable to the ruling party was felt in a number of media (*Pavliha*, *Tribuna*, *Delo*, *Nova Revija*, *Mladina*, *Radio Študent* etc.). The response of the authorities was sometimes to confiscate all copies of a particular issue or to fire troublesome editors, but it soon became apparent that such actions created considerable backlash, including condemnations of the Association of Socialist Youth of Slovenia, which was itself becoming increasingly critical of the governing structures.<sup>4</sup> The atmosphere that was cultivated was one of increasing lenience to critical media by the Communist Party in Slovenia. However, when the journal *Mladina* began criticising the federal army, it became evident that this lenience was not to be shared by the YPA. In 1988, *Mladina* panned the Yugoslav arms trade with the third world and the use of army resources and soldiers to build a villa for the Secretary of Defence Branko Mamula, and divulged a secret document discussing the possibility of a military intervention in Slovenia. This was the last straw and the four persons involved (including the columnist Janez Janša) were brought to trial before a military court. This trial polarised the public opinion with Slovenia increasingly at logger-heads with the federal structures.<sup>5</sup>

<sup>1</sup> Socialist countries in general claimed they supported a truer democracy than that found in Western pluralist political systems as they embodied the will of the working people, which engendered some conceptual issues. E.g. the 1974 Constitution of the Socialist Republic of Slovenia (the Republics had their own constitutions in line with the Federal Constitution) defined socialist worker self-management democracy as a type of a dictatorship of the proletariat (SRS Constitution, 1974, Chapter 2, Article 4). This definition is certainly a curiosity from the standpoint of political theory as democracy was defined to be dictatorship. The answer to this puzzle is of course the perceived role of the class struggle, as the socialist revolution and the regime it embodies can be considered emancipatory and democratic for workers and at the same time conceptually exclude others by establishing a dominance of the workers' party (for more on the problem of political subject in socialism see ĐINĐIĆ 1988 and PRPIĆ 2016, 133–157).

<sup>2</sup> See LUSA 2012, 125.

<sup>3</sup> With slogans like „I posljuje Tita, Tito” – “Tito even after Tito”.

<sup>4</sup> LUSA 2012, 128–132.

<sup>5</sup> LUSA 2012, 179–183; ŠTIH et al. 2008, 508–509; RAMET 2009, 391–393.

In terms of foreign politics, Yugoslavia was in a unique position amongst European socialist countries in that it successfully sought a path between the West and the Warsaw Pact countries. Following the Tito–Stalin split in 1948, Yugoslavia seemed an interesting partner for the West, even though it remained a socialist country. Yugoslavia, uniquely among European socialist countries, remained a member of the IMF throughout the Cold War,<sup>6</sup> and was the first socialist country to formally engage with GATT.<sup>7</sup> This interest in West-led institutions was also a result of the fact that Yugoslavia had a relatively liberalised economy when compared to other socialist countries, somewhat surfing between worker self-management and markets. It also had an important position in the Non-Aligned Movement, joining India and Egypt in denouncing both Western and Soviet imperialism. This evident international importance also contributed to domestic stability of the governing Communist Party. However, with the collapse of communism in Europe in the late 1980s, these external contours also weakened, with the bipolar structure turning into a unipolar one, and with liberalisations in socialist countries becoming the norm, eradicating Yugoslav exceptionalism in the process.

The growth model also visibly suffered in the 1980s, and the governing Party was not able to offer a solution. While Yugoslavia maintained very high (investment led) growth rates throughout the 1970s (some 9% as late as 1979), growth remained sluggish in the 1980s with real GDP contractions in 1983 and post-1987. The government commissioned an expert committee to produce a stabilisation plan in the early 1980s which was supposed to outline the measures needed for recovery, but the measures were never fully implemented and no significant economic shift manifested. These were crisis years for Yugoslavia and the economic structural divergence of its constituent parts became obvious. The unemployment rates among federal units show evidence of an asymmetrical shock. The developed parts of the country maintained low unemployment rates. In the 1980–1987 period, Slovenia (as the most developed and most productive federal unit) maintained it at 1.4–2% climbing to 4.8% only by 1990. In sharp contrast, Kosovo (as the least developed unit) started at 39% in 1980, climbing steadily to 57.8% in 1988. The unemployment of other units mostly reflected the specific levels of development.<sup>8</sup> Socialist Yugoslavia began and ended its 1945–1990 run as a country harbouring deep developmental rifts. Comparing the Gross Social Product per capita as a socialist equivalent to GDP per capita, we can see that Slovenia was continuously the most developed unit, and the developmental differences to the underdeveloped parts of the country only deepened with the passing of decades. In 1952 Kosovo was at

<sup>6</sup> Czechoslovakia and Yugoslavia were original signatories of the IMF, both members since December 27, 1945, while Poland followed suit very quickly, admitted on January 10, 1946. However, Czechoslovakia ceased to be a member on December 31, 1954 (and readmitted only on September 20, 1990), while Poland exited on March 14, 1950 (readmitted on June 12, 1986). Other socialist countries became members much after the original constitution of the Fund: Romania on December 15, 1972, Hungary on May 6, 1982, Bulgaria on September 25, 1990 and others only at later dates, mostly following the border and statehood reformulations. Yugoslavia was unique among the socialist countries in remaining a member from 1945 to 1992, when its end was already an undeniable fact (IMF 2017).

<sup>7</sup> Some joined GATT soon after, with Yugoslavia being admitted in 1966, Poland in 1967, Romania in 1971 and Hungary in 1973 (DAVIS–WILF 2017).

<sup>8</sup> Croatia maintained its unemployment in the 5.7–8.6% in the 1980–1990 period, Serbia proper 15.6–18.9%, Macedonia 21.9–29%, Montenegro 17.5–26.3%, Bosnia-Herzegovina 16.6–24.4% and Vojvodina in the 13.6–16.6% range (PETAK 2003).

25.7% of the Slovene product per capita, Bosnia-Herzegovina at 52.6%, Montenegro at 48.5%, Macedonia at 39.2% and Serbia at 56.7%. By 1989, these figures grew even further with Kosovo at 12.6%, Bosnia-Herzegovina at 34.3%, Montenegro at 36.9%, Macedonia at 33.3% and Serbia at 52%. Croatia and Vojvodina stood out as the Croatian output (though weaker) was closest to the Slovene one, starting at 66.7% in 1952 and ending with 64.1% in 1989, and Vojvodina (uniquely) actually demonstrated some catch-up ability starting at 48% in 1952 and ending at 59.6% in 1989.<sup>9</sup> The productivity as measured by social product per worker employed was also far higher in Slovenia than in the underdeveloped parts of Yugoslavia (and growing), with Slovenian figures 31% higher than the Yugoslav average in 1955 and 38% in 1988.<sup>10</sup> At the same time, the management of economy was becoming less centralised starting with the constitutional amendments in 1971 with fiscal decentralisation leading to the public income share of the federal level falling to 21.9% in 1986 (mostly spent on the military, military/veteran pensions and federal administration), with the federal units (six republics and two provinces) having a 28.7% share and local governments having a 37.2%.<sup>11</sup>

These differences manifested latent issues in the structures of the vastly different federal units with different types of economic policies being favoured by different parts of the state. Slovenia and Croatia would benefit from further liberalisation while Serbia favoured a more centralised and protectionist approach. In this, the political and economic interest became intertwined. The 1974 Constitution both enabled a decentralised political solution, with wide-sweeping rights for the federal units and cemented it by preventing a change to this solution in absence of consensus. The differences in interests of specific federal units in the context of an asymmetric economic shock and waning party legitimacy brought about a political crisis. A new populist star was rising in the east of the country, with an “anti-bureaucratic revolution” led by Slobodan Milošević painting the discussion in nationalist tones. Milošević consolidated his power via massive rallies and subversions of governing structures in federal units of Kosovo, Vojvodina and Montenegro.<sup>12</sup> In response to the situation that was rapidly divergent politically, a “Meeting of truth” was planned by Milošević for Ljubljana in December 1989. When it was prevented by Slovene and Croatian authorities, he called for Serbia to boycott Slovene companies, drastically diminishing trade between the two republics.<sup>13</sup> The next step towards solidifying power in Belgrade could have been a constitutional change enabling further power-consolidation by removing the consensus rule and enabling democratic centralism (one-person-one-vote scenario). Democratic centralism could have enabled further centralisation of power along authoritarian lines and the continuation of antiquated development models. This issue became the central question leading up to the fateful 14<sup>th</sup> Congress of the Communist Party in January 1990.

<sup>9</sup> GLIGOROV 2004, 15–31.

<sup>10</sup> Croatia was 4% more productive than the Yugoslav average in 1955 and 8% in 1989, Serbia (with Vojvodina and Kosovo) was 7% below average in 1955 and 10% below average in 1989. Industrial production per worker employed also showed a pronounced advantage of Slovenia over the Yugoslav average (29% in 1955 and 26% in 1989), a less pronounced advantage in Croatia (4% in 1955 and 5% in 1989) and underperformance in Serbia (8% below average in 1955 and 2% in 1988) (SIROTKOVIĆ 1993, 7).

<sup>11</sup> PETAK 2013, 212–227.

<sup>12</sup> ŠTIH et al. 2008, 509–510; RAMET 2009, 428–453.

<sup>13</sup> ŠTIH et al. 2008, 514.

This Congress would clearly demonstrate the differences between the parties in various republics. At stake was the democratic transformation that could take place in Yugoslavia in recognition of the loss of legitimacy by the Communist Party. Slovene and Croatian communists argued for free multi-party elections and the consensual decision making among the republics, while Milošević argued for a socialist democratic platform with the individual vote and further political centralisation at its basis. This view was supported by the delegates from Serbia, Montenegro, Vojvodina and Kosovo.<sup>14</sup> The Slovene delegates led by Milan Kučan felt marginalised with their suggestions defeated at every turn and have left the Congress. They were supported by the Croatian delegates led by Ivica Račan and the Congress could not continue its work. This essentially meant that the formal political structure of Yugoslavia could not mitigate the economic and political differences that formed and strengthened between the republics. In this precarious political situation, Ante Marković, essentially the last prime minister of Yugoslavia<sup>15</sup> was attempting to stabilise the economic situation and bring the rampant inflation to heel. With help from Jeffrey Sachs, a stabilisation program was formulated, ameliorating inflation but harming output. Market reforms began to be enacted encompassing trade liberalisation and an early privatisation program in 1990 which enabled workers and citizens to purchase stocks at a discount of up to 60%.<sup>16</sup> However, these attempts were occurring at a time of other transformations which sped up the unravelling of Yugoslavia. The first multi-party elections in Slovenia took place in April 1990 and saw a victory of a democratic opposition to communism. In a few months, an independence referendum was held in late December 1990, with an overwhelming majority voting in favour of a sovereign Slovenia. There was still a possibility of a transformation of Yugoslavia into a confederation on the basis of Slovene sovereignty (this was a solution favoured by Slovenia and Croatia<sup>17</sup>), but negotiations in this direction were becoming increasingly difficult. Slovenia formally declared its independence on 25 June 1991, which was followed by the *Ten-Day War* following the YPA intervention on 27 July.<sup>18</sup> The war brought few casualties, compared to the bloody conflicts waged by Croatia and Bosnia-Herzegovina for their independence. However, it solidified the resolve to secede and underscored the national solidarity within Slovenia, symbolically emphasising its newfound sovereignty.

## Political Institutions and Their Changes

All of these changes required a legal basis, starting with a constitution geared towards pluralism and markets. 1989 was the year of the first constitutional changes in preparation for a transition, as the assembly of Socialist Republic of Slovenia began to add amendments to the constitution in September. Even though these amendments were created in a socialist context, the changes were already gearing towards a new system with political pluralism

<sup>14</sup> PAUKOVIĆ 2008, 21–33.

<sup>15</sup> Or formally, the President of the Federal Executive Council.

<sup>16</sup> ZAPP 1998, 122–133.

<sup>17</sup> For more on the confederation option see JOVIĆ 2007.

<sup>18</sup> RAMET 1993, 869–886; REPE 2017, 194–197.



and democracy recognised as human rights as well as a guarantee of the right to freely form political organisations and trade unions (Amendments IX and XLV) and with an emphasis on the right to secede from Yugoslavia (Amendment X). Further amendments followed in March 1990 with the adjective Socialist formally removed from the name of the republic and September 1990, when the Slovenian Constitution was effectively placed above the Constitution of Yugoslavia (as the amendment XCVI postulated that the federal constitutional elements not aligned with the Constitution of Slovenia are not valid in Slovenia). The amendments continued in the context of an increasing drive towards secession, most important of which was in February 1991, when Amendment XCIX revoked any transfer of sovereignty from Slovenia to Yugoslavia and declared the position of Slovenia towards international organisations and other states to be one of an independent country. Finally, a new Constitution of Slovenia has been ratified by the parliament on 23 December 1991 providing a modern constitutional foundation for a fledgling state.

The key tenets of the political system that was instituted in 1991–1992 has largely remained unchanged to the present day. Slovenia is a parliamentary system with a proportionate electoral law. There is a president, who is directly elected for a period of five years, but the presidential powers are very limited (appointing ambassadors, issuing pardons, nominally leading the armed forces, etc.). The real political power is vested in the government, which forms according to the elections to the lower chamber of the parliament (Državni Zbor – National Assembly), and the distribution of its 90 seats. Its functioning is legally defined by the Law on elections to the National Assembly (adopted in September 1992 and undergoing only minor changes since<sup>19</sup>). Two of these 90 seats are reserved for the Italian and Hungarian national minorities and 88 are distributed via direct elections through a combination of the D’Hondt method on the national level and Droop quota<sup>20</sup> on the level of electoral units. This combination makes the outcome unpredictable for many candidates, producing relatively high rates of alteration from incumbents to new candidates.<sup>21</sup> There is also an upper chamber (Državni Svet – National Council), with 40 seats, of which 22 represent the interests of local communities and 18 represent interest groups like trade unions and employer organisations. Its powers are small and rarely used, in practice contained to requesting the lower chamber to reconsider a piece of legislation. This low level of power of the upper chamber has led to descriptions of the Slovene political structure as a “one-and-a-half” parliamentary system.<sup>22</sup>

<sup>19</sup> A significant change might have happened as a result of a 1996 referendum according to which the voters opted for a two-round majority electoral system. However, the National Assembly ignored this result (despite a Constitutional Court ruling the results to be valid) and opted instead for the 2000 Constitutional reform which also brought a change to the electoral system (TOPLAK 2006; HARDMAN s. a.).

<sup>20</sup> A notable minor change has been the institution of the Droop quota in 2000 in place of the Hare quota that was in place since 1992 (see HARDMAN s. a.). Both are largest remainder methods, requiring a certain number of votes to allocate a seat. The Droop quota is slightly less generous to small parties, but the actual effects of this change in Slovenia would have surely been infinitesimal.

<sup>21</sup> TOPLAK 2006, 825–831.

<sup>22</sup> See FINK-HAFNER 2010, 239–240.



The Constitution has been amended on seven occasions since its ratification. None of these changes were a major change to the political system of Slovenia, although some would have tangible effects. In July 1997, a stipulation heavily restricting the possibility of foreign citizens owning land was significantly relaxed. In July 2000, a 4% electoral threshold was instituted (an increase over the hitherto *de facto* threshold of approximately 3% – stemming from the requirement of a minimum three seat party presence in the National Assembly), while the control of parties over candidates was diminished by instituting an open-list system. In March 2003, Slovenia was preparing for the EU accession and the Constitutional part of these preparations included an explicit possibility of a transfer of some sovereign rights to an international organisation provided a 2/3 majority of the parliament ratified such a treaty, as well as other minor EU related stipulations. A change in June 2004 explicitly recognised equality before the law of the disabled, formulated a general guarantee of pensions as a part of social security and a recognition of the need for a legal incentivisation of gender equality in elections for public positions. In June 2006, the constitution was changed through several stipulations in preparation for a greater regionalisation of Slovenia. In May 2013, the otherwise plentiful referendums were restricted through numerous types of laws which a referendum cannot decide on and a need for a minimum of 20% of all voters to vote against a law for a referendum to be valid. This change also introduced a fiscal rule in the Constitution, with a need for all budgets to be balanced in the mid-run. Finally, in November 2016, a constitutional change recognised the right to potable water and a non-commodity status of water sources.<sup>23</sup>

Generally speaking, much of the Slovene political system was set up in the 1989–1992 period which included the amendments of the socialist constitution of 1974 in preparation for a transition and secession and the institution of a modern constitution and electoral law in 1991–1992. This period was notably successful with Slovenia being praised for its early institution of a very proportionate parliamentary system and elections which were held regularly and without electoral rules being broken.<sup>24</sup> The most significant subsequent changes to the political were the increase of the electoral threshold for parties and restrictions on referendums, both of which could be viewed as measures which increase political stability.

## Party Politics and Elections

On the basis of generally sound political institutions, a relatively stable pattern of centre-left domination emerged in the 1990s and early 2000s, but has since been replaced by scandal-ridden and personalised electoral politics. Some important elements seem to be economic as Slovene politics were often in the shadow (or basking in the glow) of economic developments. This section will survey the development of parties and the changing dynamics of Slovene politics since 1990. However, it is useful to keep in mind the macroeconomic context of these developments. Figure 1 shows real GDP growth and inflation and unemployment rates since 1993.

<sup>23</sup> For more on the various changes see [www.uradni-list.si/](http://www.uradni-list.si/).

<sup>24</sup> RAMET 1993; BODUSZYŃSKI 2010.

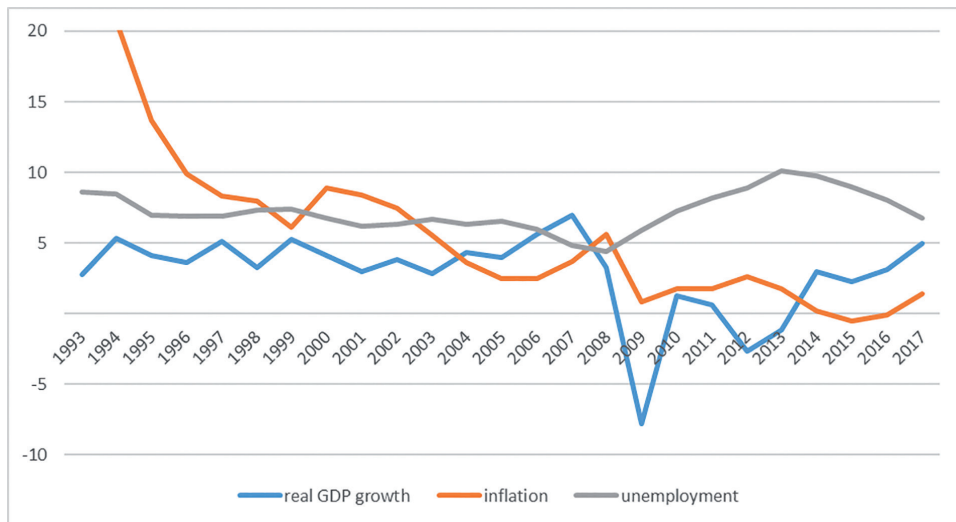


Figure 1.

*Macroeconomics of Slovenia*

Note: The graph was capped at 20% for better visibility – this obstructs the view of the high inflation in 1993 – at 32%.

Source: IMF 2018

The political transition that occurred in Slovenia was initially organised by the Communist party in coordination with the nascent opposition.<sup>25</sup> The wave of party creation began in the late 1980s with the Communist party allowing it and providing a type of organisational incubator for the earliest political parties that were to spearhead the process of pluralisation.<sup>26</sup> In this wave of new party creation, the most important parties were SKZ (Slovenska kmečka zveza or Slovene Peasant Union), SDZS (Socialdemokratska zveza Slovenije or Social Democratic Union of Slovenia), SDZ (Slovenska Demokratična Zveza or Slovene Democratic Union), SKD (Slovenski Krščanski Demokrati or Slovene Christian Democrats) and Zeleni Slovenije or the Slovene Green Party. These banded with other, smaller parties in the centre-right DEMOS coalition (Democratic Opposition).

The Communist party renamed itself to Zveza komunistov Slovenije – Stranka demokratične prenovе (League of Slovene Communists – Party of Democratic Renewal). There were two parties which were newly independent offshoots of the old Communist Party of Slovenia. Socialistična zveza delovnega ljudstva Slovenije or Socialist Union of the Working People of Slovenia changed its name to Socialistična Stranka Slovenije or Socialist Party of Slovenia. Zveza socialistične mladine Slovenije or Union of the Socialist Youth of Slovenia

<sup>25</sup> This makes it an example of Linz's *ruptforma*, Garton Ash's *revolution* or Huntington's *transplacement* (NORKUS 2012, 89–93).

<sup>26</sup> LUSA 2012, 187–188.

played an increasingly oppositionary role throughout the 1980s and would prove to be a sort of a centre between the right-wing DEMOS and left-wing newly democratic block.

The first pluralist elections in Slovenia were held in April 1990. These were still conducted in the socialist institutional framework, meaning that the newly founded parties were elected to positions in the still valid tri-cameral parliament structure. The three houses of the socialist assembly were the Sociopolitical Chamber, the Chamber of Communes and the Chamber of Associated Labour (each with 80 mandates). Perhaps to the surprise of the left side of the new party field, DEMOS won the field in the Sociopolitical Chamber and provided the effective basis for the first Government of Slovenia headed by Alojz Peterle. This government was in an unenviable position in which it had to resolve the major transition questions of establishing a constitution, privatisation and Slovene independence. In other words, it needed to navigate the triple transition<sup>27</sup> of democratisation, marketisation and statehood. These were controversial issues and they produced disparate results. On the one side, this mandate saw the conclusion of armed conflict, the international recognition of the Slovene independence and the institutionalisation of a stable political system. On the other, the privatisation issue saw a conflict between the Keynesian-minded Minister of Finance Jože Mencinger and the free-market-oriented Jeffrey Sachs, who was invited to consult. Mencinger resigned in protest<sup>28</sup> and the privatisation plan that was eventually implemented was a compromise between free distribution and stock-buying schemes.<sup>29</sup> Another controversial issue of this period was the phenomenon of the erased (*izbrisani*). These were some 25,000 registered citizens from other republics which lived in Slovenia and were unlawfully erased from the population registry in 1992 – and therefore prevented from enjoying various benefits. This issue was to haunt the Slovene state for decades, resolved only recently by compensations to those afflicted. Driven mostly by discord in economic policies, the DEMOS coalition crumbled in mid-1992. A new centre-left coalition was built by Janez Drnovšek and during his mandate, the structure of future parliaments was accepted. The bicameral system with a weak upper house had been a compromise, with the right-wing parties arguing for a pure unicameral arrangement and left-wing parties preferring the bicameral structure.<sup>30</sup>

The first elections in the new political architecture were held in December 1992. A thin lead in the National Assembly was carried by LDS (Liberal Democracy of Slovenia, formerly known as the Union of the Socialist Youth of Slovenia) – with just 22 out of 90 seats.<sup>31</sup> Janez Drnovšek became the prime minister in the second government of independent Slovenia and presided over a very diverse government coalition which also included the Christian Democrats, the United List of Social Democrats (which was the once more renamed former Communist Party), and SDSS (newly renamed Social Democratic Union of Slovenia, which will become the most important right-oriented party in the years to come). This was effectively a grand coalition of most important left and right parties, or a “small political miracle”<sup>32</sup> which had large tasks in front of it, including the finalisation of the privatisation

<sup>27</sup> OFFE–ADLER 1991, 865–892.

<sup>28</sup> RAMET 1993, 877.

<sup>29</sup> ZAPP 1998.

<sup>30</sup> RAMET 1993, 879.

<sup>31</sup> FINK-HAFNER 2010, 242.

<sup>32</sup> GAŠPARIČ 2016, 22–41.

plan. This mandate was marred by the 1994 Depala Vas Affair in which members of the military arrested a journalist for illegally assembling materials. The effect was the removal of Janez Janša from his post as the Defence Minister, causing his party (SDSS) to quit the coalition. When another party quit the coalition over economic policy issues in 1996, the government was further destabilised just in time for elections in November 1996.<sup>33</sup>

The 1996 elections also produced a win for LDS, with a slightly improved result of seats.<sup>34</sup> The prime minister was once more Janez Drnovšek, but the governing coalition formed along completely different lines with the conservative SLS (Slovenska Ljudska Stranka – Slovene People’s Party – this was the rebranded Slovene Peasant Union) and the pensioners’ party of DeSUS (Demokratična stranka upokojujencev Slovenije – in the intervening years, this party will have become one of the most influential pensioners’ parties in Europe). The government experienced a crisis through a notable shift in conservative parties, with the government party SLS merging with the opposition party SKD – and the SLS ministers quitting their posts in the government. The parliament had a negative vote of confidence on the continuation of the Drnovšek Government, and a new government formed under Andrej Bajuk, combining the new SLS + SKD with SDS (renamed from SDSS) into a right/conservative leaning government that was to last for the several brief months before the regular elections in October 2000.<sup>35</sup>

The 2000 elections saw LDS at its apex, with 34/90 seats won in the parliament.<sup>36</sup> Drnovšek formed another government spreading over a large ideological spectrum and combining the conservative SLS with the ZLSD as the successor of the former Communist party and the pensioners’ party DeSUS with the youth party SMS.<sup>37</sup> Drnovšek quit his mandate having won the presidential elections in 2002, and Tone Rop assumed leadership of the same coalitional government. In the 12 years preceding the 2004 elections, Drnovšek was displaced only in the 6-month Bajuk period, but the Drnovšek–LDS era was slowly coming to an end. In May 2004, Slovenia had fulfilled its major foreign policy goals of joining EU and NATO, and Drnovšek was now on a less influential function of the President of Slovenia. The European Parliament elections in June 2004 did not bide well for the centre-left LDS as it managed to secure only 2 of the available 7 seats. The parliamentary elections in October indeed brought a reversal, with the lead won by the centre-right SDS with 29 seats compared to 23 for the LDS.<sup>38</sup> Janša became the prime minister and assembled a coalition with NSi (Nova Slovenija, which was formed by a more conservative fraction of SLS + SKD branching off), SLS (SLS + SKD renamed to SLS after NSi formed) and DeSUS. This mandate was a notable success in some areas as it remains the only instance of a full government stability throughout the period between two regular elections and this was also a period of Euro introduction<sup>39</sup> (January 2007) and Schengen area membership (December 2007). However, this mandate was also notable for some

<sup>33</sup> KUSTEC LIPICER 2016, 39–52.

<sup>34</sup> FINK-HAFNER 2010, 242.

<sup>35</sup> BODUSZYŃSKI 2010, 124; KUSTEC LIPICER 2016, 43.

<sup>36</sup> Državna volilna komisija 2000.

<sup>37</sup> ŠTIH et al. 2008, 535; KUSTEC LIPICER 2016, 44.

<sup>38</sup> Državna volilna komisija 2004.

<sup>39</sup> This made Slovenia the first among the ten new members to introduce Euro. The notable economic stability led to the 2007 invitation to OECD, finalised in 2010.

of the most resounding political affairs in Slovene history including the high-level bribes in return for military procurement favouritism uncovered by the Patria affair.<sup>40</sup>

Figure 2 shows the context of the following years as the real GDP collapsed in 2009 and surpassed the 2008 level only in 2017, meaning a loss of at least 8 years of possible economic growth. This alone suggests a volatile political situation. Unsurprising in an era of falling GDP and decreasing tax revenue, the public debt to GDP ratio exploded, nearly quadrupling 2008–2015.

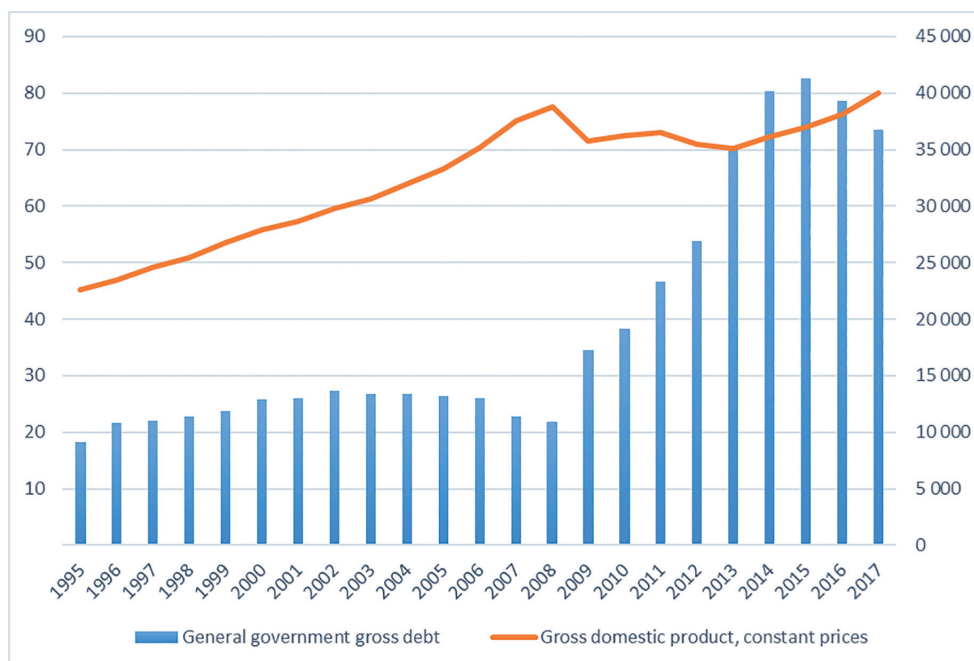


Figure 2.  
*Real GDP and public debt*

Source: IMF 2018; Eurostat 2018 – public debt as a percentage of GDP (left), GDP at constant prices (right)

The 2008 elections brought a very close result with Social Democrats (rebranded ZLSD) winning 29 seats and SDS winning 28. The once mighty LDS fell to only five seats, as even its splinter group Zares overtook it with seven seats.<sup>41</sup> The governing coalition was essentially left-centre oriented and was composed of SD, LDS, Zares and DeSUS with Borut Pahor as Prime Minister. This mandate was primarily influenced by the global crisis which hit Slovenia's economy particularly hard with the 2009 real GDP contraction reaching  $-7.8\%$ , and the recovery of the next two years being underwhelming with a  $1.2\%$  growth

<sup>40</sup> KUSTEC LIPICER 2016, 45.

<sup>41</sup> Državna volilna komisija 2008.

in 2010 and 0.6% in 2011.<sup>42</sup> This context brought bankruptcies of several large companies and numerous political affairs resulting in ministerial resignations and DeSUS and Zares leaving the governing coalition and early elections announced for December 2011.<sup>43</sup>

The 2008 elections changed the political landscape, but December 2011 brought a fresh upset, with both LDS and Zares not qualifying for parliamentary seats, SD severely dropping to 10 seats and two new parties appearing as forces to reckon with. The Gregor Virant citizens list won 8 seats, while the Zoran Janković list – Positive Slovenia appeared in parliamentary politics to become the largest party with 28 seats. SDS ranked second with 26 seats.<sup>44</sup> These election results heralded a new era in Slovene politics as each further election cycle is to bring another newly organised party identifying with and banking on the political appeal of its leader. The post-2011 period proved particularly politically troublesome with Janković unable to assemble a governing coalition and ceding the mandate to Janša, who formed a centre-right coalition which was to last for little over a year (late January 2012 – March 2013). This mandate was influenced by an adverse economic situation with another real GDP downturn in 2012 at –2.7%, and unemployment reaching its apex having steadily risen from 4.4% in 2008 to 10.1% in 2013.<sup>45</sup> Even more importantly, the Anticorruption Committee issued adverse opinions on both Janša and Janković, fuelling massive protests in Ljubljana and Maribor and causing a vote of no confidence in the Parliament against Prime Minister Janša and the removal of Janković from the party which bore his name.<sup>46</sup> Alenka Bratušek assumed the leadership over Janković's party and successfully formed a coalition with Social Democrats, Virant's list and DeSUS, becoming the first female prime minister of Slovenia in the process. Her government also lasted little over a year, as Janković was voted back into the leadership of the Positive Slovenia party. Bratušek resigned from the position of prime minister in protest, and yet another early elections were announced for July 2014 – and Bratušek prepared by forming her own party – Zaveznitvo Alenke Bratušek (ZAB – Alenka Bratušek Alliance).

However, the 2014 elections saw Bratušek barely return to the parliament with the legal minimum of 4 seats. The winner of this election was yet another new party revolving around Miro Cerar (SMC or Miro Cerar Party) which won 36 seats. SDS remained the largest party with 21 seats and the pensioners party of DeSUS achieved a remarkable success with 10 seats while a new left party Združena Levica (United Left) achieved 6 seats. In sharp contrast, LDS once more failed to enter the parliament, as did SLS, while Social Democrats shrunk by 4 further seats.<sup>47</sup> Cerar formed a relatively stable coalition with SD and DeSUS, and enjoyed an improving economic environment with real GDP growth at 3% in 2014, 2.3% in 2015, 3.2% in 2016 and 5% in 2017 and unemployment rates slowly dropping to 6.8% by 2017. Cerar nevertheless called for an early election, boldly moving the election schedule forward by several days.

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<sup>42</sup> IMF 2018.

<sup>43</sup> KUSTEC LIPICER 2016, 45–46.

<sup>44</sup> Državna volilna komisija 2011.

<sup>45</sup> IMF 2018.

<sup>46</sup> KUSTEC LIPICER 2016, 47–48.

<sup>47</sup> Državna volilna komisija 2014.

The June 2018 elections saw Cerar's seats shrink to 10, while most seats were won by Janša and SDS with 25 seats. Yet another new person-based party appeared as Lista Marjana Šarca (Marijan Šarec List), which won 13 seats and SD returned to 10 seats, with other parties achieving even fewer seats.<sup>48</sup> This left Slovenia in a precarious situation as Janša's unpopularity meant very few parties were prepared to enter into a coalition with the election winner (insufficient for the 46 seats needed for a majority government to form). All other parties had secured relatively low numbers of seats, and this suggested a large (and probably unstable) coalition.

While the political and economic stability of pre-EU Slovenia made it stand out among other post-socialist countries, the last decade saw corruption affairs and adverse economic conditions contribute to an erosion of trust in political elites and the political system. According to Eurobarometer surveys, the trust in the government has plummeted in recent years with the number of Slovene respondents who tend not to trust the government increased substantially from 55% in October 2004 to 88% in May 2014 and then slightly improved to 79% by November 2017. The tendency to distrust the parliament mirrored this trend with 53% in October 2004, growing to 93% in May 2013 and then slightly improving to 78% by November 2017. The trust in political parties was never high, and followed the same negative tendencies with the percentage of respondents tending not to trust parties at 76% in October 2004, reaching a high point at 95% in May 2013 and slightly improving to 87% in November 2017.<sup>49</sup> As we have seen, these tendencies were mirrored by the normalisation of early elections and many triumphs of the one-off new parties<sup>50</sup> with the percentage of votes for new parties increasing dramatically to almost 50% by 2014.<sup>51</sup> With unemployment rates subsiding (Figure 1) and real GDP finally surpassing the 2008 levels in 2017 (Figure 2), the economic outlook is certainly improving. The political instability trends also seem to be improving with the 2018 elections being barely early and the new parties receiving a far smaller portion of votes.

## Conclusions

Among the post-socialist countries of Europe, Slovenia certainly stands out as one of the most notable transitional success stories. We have shown the conflux of factors that contributed to this outcome. Firstly, Slovenia was the most economically developed and most export-oriented part of Yugoslavia, and its press was arguably the most free, engaging in open political criticism through the 1980s. Secondly, unlike other former republics, Slovenia managed to avoid a protracted war which would have sapped its resources and burdened its society. Thirdly, its continued economic success prior to the 2008–2009 global crisis with reasonably high growth rates and low unemployment provided the context for relative political stability and legitimacy. Slovenia managed to design a parliamentary democracy with proportionate elections which remained stable and consolidated fairly early, fostering peaceful transitions of power among governing parties. A brief centre-right government

<sup>48</sup> Državna volilna komisija 2018.

<sup>49</sup> Eurobarometer 2018.

<sup>50</sup> KRAŠOVEC – HAUGHTON 2014, 48–53.

<sup>51</sup> KUSTEC LIPICER – HENJAK 2015, 84–104.



in the early 1990s was followed by a long period of centre-left domination with Drnovšek's LDS at the helm. This period was followed by two thresholds. In 2004, Slovenia fulfilled its main foreign policy goals by joining EU and NATO, and this was to be followed by further recognitions of its economic stability in its Eurozone and OECD memberships. In 2009, the Slovenian economy spiralled into a recession and its recovery was slow and underwhelming. On the domestic political plane, the 2004–2011 period brought the waning of LDS's political star and an increase of influence of Janša's SDS and Pahor's SD. However, the economic downturn was eventually accompanied by massive political protests in response to various corruption affairs. Consequently, in every election since the crisis, Slovene politics were dominated by ephemeral and person-based parties mostly taking turns on the left side of the political spectre. The right-wing side is still dominated by Janša's SDS, but this party remains delegitimised and isolated. This creates substantial issues for Slovenian politics as the lack of continuity in parliamentary parties point to a significant legitimacy-gap. However, a seeming return to stable growth rates and an ending to the economically lost almost-decade point in the likely direction of an improving political situation. The challenges that remain are an emergence of a centre-left party which can stand the test of elections after having led the government and a reinvention of the centre-right which can move beyond the delegitimising moments of the past.

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The Balkan Peninsula has played a crucial role in human history many times. The region framed the 20th century. The end of the Cold War also had a significant effect on the region as it resulted in bloody wars, economic collapse and complicated political transitions. The 2000s and 2010s opened the way towards EU membership, as many countries received candidate status and launched accession negotiations – however, this process has recently been facing obstacles.

This volume provides a general overview of the Post-Cold War history of the Balkans and explores the dynamics behind these tremendous changes ranging from democratic transitions to EU prospects. The authors describe the transitional period, the evolution of the political system and highlight the most important political developments in each country in the region.

We recommend this book to those who seek a deeper insight into the recent history of the Balkans and a deeper understanding of its political developments.

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