Policy Paper
The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilitocracy

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“I am telling you ‘be impatient!’ and ask for what you want and try to work for what you want. I am not telling you to wait for better times; I am telling you to engage, stay positive, stay positive and consistent and do not let frustration turn into cynicism, violence, or divisions.”

(Federica Mogherini to students in Skopje, March 2017)¹.

Democracy in the Western Balkans has been backsliding for a decade. There is no single turning point for the entire region, but the downward spiral began a decade ago, and accelerated with the economic crisis in 2008 and multiple crises within the EU that distracted the Union from enlargement.² The regression happened in plain sight, but lacked the fanfare or high-profile watershed: There have been no controversial new constitutions, as in Hungary, or major constitutional revisions, as in Turkey next month.

Autocrats in the Western Balkans rule through informal power structures, state capture by ruling parties, patronage and control of the media. Lacking

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² Key dates include the coming to power of Milorad Dodik in 2006 in the RS, the NATO summit 2008 when Greece rejected Macedonian membership over the name dispute.
the size and clout of Turkey or EU membership of Hungary, autocrats had to fly below the radar, allowing them to combine EU accession with stronger domestic control. Thus, the decline did not happen by stealth, but was ignored or downplayed by the European Union and the United States for too long.

Not all countries of the Western Balkans are equal, and the features of flawed democracy vary. Some suffer from complex destructive institutions, like Bosnia, which incentivises destructive behaviour by the ruling elites, and others from high levels of inter-party polarisation, such as Albania. The degree to which incumbents disregard institutions and democratic rule also varies, from Macedonia, where the dominant party between 2006 and 2016, the VMRO-DPMNE, has been engaged in blatant electoral manipulation and extensive patronage, to Albania, where alternation of power has been possible and frequent.

External efforts at resolving the open questions of statehood have also favoured heavy-handed fixers, who are willing to disregard domestic opinion, as has been the case in the normalisation process between Serbia and Kosovo.

Among the key measures of democracy, the Bertelsmann Transformation Index places the countries in the categories of defective or strongly defective democracies, with the lowest ranked Western Balkan country, Kosovo, holding a similar spot to Paraguay or Georgia, and Montenegro, as the best ranked country, just below Brazil.3

The Economist Democracy Index in 2016 considers all countries in the region (except, oddly enough, Serbia which fares better as “just” a flawed democracy) as hybrid regimes -- Albania between Guatemala and Ecuador, Macedonia in the company of Uganda, and Bosnia just before Lebanon but after Thailand.4 The indices are not without their flaws, but they consistently show a disappointing picture of democracy in the region and a negative trend in recent years.

3 Bertelsmann Transformation Index 2016.
Over the past decade, all major indices of democracy indicate that the Western Balkan countries have moved away from becoming consolidated democracies. This decline is part of global trend, visible also among EU member states. As Freedom House noted in its 2016 Nations in Transit Report, the Balkans are back where they were in 2004 (or never moved much forward at all during the period). None of the countries is considered a consolidated democracy and most are either qualified as hybrid regimes or flawed democracies. As these measures of democracy consider the institutions, the legal framework and democratic infrastructure, they tend to low-ball the autocratic and informal practices of governments. This is especially the case as they often include mechanisms that are only known to insiders, unless, as in Macedonia, audio-recordings provide insight into undemocratic practices.

Thus, the countries of the Western Balkans have lost more than a decade in terms of democratisation. This wasted time is even more dramatic considering the ever-closer ties of nearly all the countries of the region with the EU during that period. Moving closer toward the EU, negotiating
accession, receiving endless reports and recommendations – none of these steps delivered the promised progress towards democracy (and higher living standards). The process of EU approximation has become unrelated to progress in democratisation. Despite the particular emphasis on democracy and human rights in the Western Balkans the methodology and tools of the EU have not brought the anticipated progress. Democratic institutions, in particular parliaments, remained marginal for day-to-day politics. The EU preferred a leader-oriented approach for its engagement in the region.

The Western Balkan pattern of democratic decline is both institutional and personal. Institutions never were able to develop the independence and strength to weather autocratic leaders, and more democratic governments failed to foster independent institutions. Parliamentary democracy barely took root. Democratic institutions are mere tools for political elites who, no different than in previous cadre politics, alternate between posts in executive, legislative and other functions.

This weakness has been taken advantage of by autocrats. Many have been supported and hailed as reformers by the West in their early rise to power, such as Milorad Dodik as the hope against nationalist politicians in Republika Srpska, Nikola Gruevski as economic-reformed and a pragmatist, Aleksandar Vučić as the moderate former nationalist who decisively moved towards the EU and democracy, and Milo Đukanović who broke with Milošević at the right time. These hopes have been dashed as all of them have used Western support to take power, but also drew on the authoritarian rulebook to keep it. Their parties across the region have been able to rely on associations with European party families for support, even if these have displayed serious disregard for democratic rules, such as the association of the Macedonian VMRO-DPMNE or the Serbian Progressive Party with the European People’s Party (EPP) and the Montenegrin Democratic Party of Socialists (DPS) with the Party of European Socialists (PES).

They are all still relatively young -- Gruevski is 46, Dodik is 58 -- and so they are likely to remain as relevant players for the foreseeable future. However, even if they were to lose office, the institutions have been seriously compromised and any future rulers will be tempted to use the warm, worn chairs of authoritarianism.
At least since the election of Donald Trump to the U.S. presidency, the “Russian threat” has been a key feature in Euro-Atlantic debates, from elections in Western Europe to geopolitical meddling in the Balkans. While there has been an undisputed increase in Russian meddling in the Western Balkans, sometimes at the request of governments (Serbia, Republika Srpska), sometimes allegedly directed against governments (Montenegro), the key lies with democracy. Russia is playing a weak hand strongly, because the EU has been weak. It has underplayed its strength in the region as the main investor, generator of reform and partner. Autocrats use Russia both as a partner and as a bête noire to shore up their support. Russia, together with Turkey, also provides a model, a self-confident proto-type of authoritarian rule within seemingly democratic structures, attractive for aspiring autocrats in the Western Balkans. Turkey and Russia also explicitly play on cultural similarities and use other soft tools to counter the more demanding relations of the countries with the EU.

Beyond the “Russian threat”, other geopolitical crises have been a welcome distraction for autocrats. The refugee crisis and the Western Balkan route have been a convenient opportunity to become indispensible partners in stopping the inflow of refugees and the latent fear of renewed tensions, carefully stroked by political elites results in support for “stability”. Thus, nationalist parties, such as the Radical Party in Serbia, serve as useful threats of alternatives to the incumbents.

In Kosovo, the United States has in the past engineered coalitions to prevent the radical Self-Determination Movement from taking office, and in Montenegro, the ruling Democratic Party of Socialists has used NATO membership to remain an indispensabel “factor of stability”.

The result has been the rise of a regional “stabilitocracy”, weak democracies with autocratically minded leaders, who govern through informal, patronage networks and claim to provide pro-Western stability in the region. As this study details, the status of democracy is weak, and declining. The safeguards, such as independent media and strong institutions, are failing, and clientelism binds many citizens to ruling elites through cooptation and coercion.

The EU and many of its members have been tolerating this dynamic, some out of persuasion, some out of inertia and some out of laziness. However, the
status quo does not provide stability or ensure pro-European governments. As Federica Mogherini noted after her visit to the Western Balkans in early March 2017, the “situation [in the Western Balkans]... is tense, it is exposed to challenges, both internally and regionally, also globally, but it is a region that has in itself the capacity to react to that, provided that the credibility of the European integration process is there.”

Continuing the status quo raises several risks, beyond the further decline of democracy:

1. The more entrenched autocratic governments become, the less institutional mechanisms are likely to be sufficient. In combination with entrenchment, the costs and risks of loosing office for autocrats are much greater, both in terms of the loss of access to the clientelistic networks that state capture provides, but also regarding the risk of legal cases brought against them. Thus a change of government becomes harder, more risky and potentially destabilising.

2. The rise of geopolitics is promoted by autocrats who are not in the process of EU integration or reform due to any commitment to the underlying norms and values, but exclusively for strategic reasons. They will switch elsewhere, if the offer is better. Furthermore, they will seek to play off competing external actors. Thus, the increasingly antagonistic global configuration benefits them, allowing them to extract maximum resources from multiple actors. This will bring more geopolitical wrangling to the Balkans, not less.

3. The threat of renewed ethnic conflict continues to linger in the Western Balkans and appears to give the benefit of the doubt to stability. Yet, it is autocrats who consistently stoke the flames of conflict. From the comical, such as the Serbian government sending a train without prior notification to Kosovo with the provocative markings, “Kosovo is Serb” (and stopping it on time), to more dangerous efforts by the Macedonian ruling party to transform the challenge to its undemocratic rule into an ethnic conflict, such ethnic tensions are deliberately instigated to distract from autocratic practices.

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Losing support for the EU is a likely risk if the symbiosis of stabilitocracy and the EU and its members continue. Support for EU membership is grounded on three premises in the region: the hope for a more stable, predictable and ‘boring’ life; the control of elites by rules and norms beyond their control; and finally the prospect of escaping the role of being at the European periphery. EU integration with local autocrats in power suggests to many citizens that the EU will not hold them to account, and as long as they deliver on issues of interest to member states (closing borders, keeping the region peaceful), they are welcome partners. The EU integration process might thus lose its core constituency, undermining the image of the EU in the region, and especially among its natural allies.

The status-quo is thus not just unsustainable, but it entails considerable risks. The belief that the EU integration process will gradually improve the state of democracy and make the countries stable, future member states has to be put to rest.

A more critical and decisive engagement, in contrast, holds much promise. The EU, with its economic might, the promise of stabile democracy (at least relatively), countries governed by rule of law and the long-time aspiration of citizens of the Western Balkans, is too modest about the considerable clout it holds.

Autocrats might be able to secure elections through their control of the timing, the patronage of many voters and control of the media, but many citizens are deeply dissatisfied with their governments.

The countries of the Western Balkans are flawed democracies with democrats. If Weimar Germany was a democracy without democrats, the Western Balkan countries still have a majority committed to democracy. Yet, citizens are deeply sceptical about the institutions of democracy and display authoritarian tendencies.\textsuperscript{8} The number of those distrusting government, parliament and parties exceeds those trusting them in Albania, Macedonia, Serbia and Montenegro, a stable trend since Eurobarometer has been

asking so in those countries.9 Citizens are alienated from politics and vote for personal, tangible benefits or out of fear.10 The space for alternative political actors, be it parties or social movements, is therefore significant.

Furthermore, surprisingly large numbers remain committed to EU membership. Citizens might like other countries, but they only want to join the EU. There is no attractive alternative to the EU, despite its membership not offering immediate prosperity, or even long-term convergence. Yet, citizens are also deeply pessimistic. Some 26 per cent of citizens believe that their country will never join the EU. Ironically the greatest optimists about membership within a few years are in Kosovo.11 Both excessive optimism, as in Kosovo, as well as dire pessimism, as in Serbia and Bosnia, are potentially debilitating. EU accession has been the most instrumental in advancing democracy and rule of law when membership is credible and realistic.

The region is to a large extent already integrated into the EU, through its citizens, the economic relations with the EU and other ties. These links provide for stronger leverage and more incentives to follow the institutional models and rules of the EU. The shape of the future EU is in flux, but to join and fully benefit from membership will not get easier. The Western Balkans might have been moving closer towards the EU, despite the autocratic behaviour of many of their elites. Full membership with autocrats in charge is unrealistic as the EU and its member states will not want to import unreliable and uncommitted democrats to their midst.

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9 In November 2016, trust in parties in the countries was between 11% (Serbia) and 28% (Albania). Eurobarometer, November 2016.

10 In Macedonia a staggering 38% are not politically active because they do not want to be publically exposed. Having no impact or not wanting to risk exposure accounts for 72% of those not being politically active. Regional Co-operation Council, “Public Opinion Survey: Balkan Barometer 2016”, Regional Cooperation Council Secretariat, Sarajevo, 2016.

11 Regional Cooperation Council, Balkan Barometer.
Policy recommendations

The state of democracy and freedom has been backsliding or stagnating in the countries of the Western Balkans over the past decade, as this study has shown. Yet, formally, the countries have all progressed on their paths to EU membership, and the EU has remained rather silent on these developments, even when confronted with concrete evidence, as in the case of the wiretapping scandal in Macedonia or the Savamala incident in Serbia. In the future, the EU needs to sharpen its focus on monitoring the aspiring members on their paths to stable and prosperous democracies governed by the rule of law. If it does not, the risks for the region, and for the EU by extension, are considerable.

NAME AND SHAME. Noting shortfalls reminds citizens of the core reason for joining the EU: a stable and prosperous democracy based on the rule of law. Therefore, democracy backsliding must be regularly addressed in the annual reports, as well as by the EU Delegations in the region. Parliamentary delegations should meet regularly with their counterparts in Brussels, Strasbourg or in the respective countries, with Parliament’s Committee on Foreign Affairs and with the standing rapporteurs for (potential) candidate countries. Finally, EU officials and MEPs should regularly engage in direct communication with citizens, as this will allow them to name and shame those elites who do not follow up on their declaratory support for EU integration. The public nature of the November 2014 letter of the German-British initiative for Bosnia and Herzegovina very adequately illustrates such a practice.12 Based on the experience of the Priebe report for Macedonia, independent experts should provide high-profile assessments of key areas of reform on behalf of the EU across the Western Balkans.

MAKE ACCESSION NEGOTIATIONS MORE TRANSPARENT. Presently, the EU accession negotiations are conducted between the EU and the governments of the region, neglecting the role of other actors. National Parliaments and civil society remain largely side-lined. Even in Montenegro,

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which adopted a more inclusive approach to civil society participation in the negotiations, NGOs do not have access to reports prepared by different Directorates General and agencies of the European Commission, as well as by EU expert missions to the country. Parliaments of the countries in the region do not have full access to such documents either. Hence the negotiations process remains non-transparent and undemocratic. Due to the vaguely defined goals in the Action Plans within the framework of the negotiating chapters, governments are at liberty to manipulate perceptions of achieved results in communication with other stakeholders and the general public. In this regard, it is important to release reports of the TAIEX (Technical Assistance and Information Exchange) experts, Peer Review mission reports, reports prepared within Twinning Projects, as well as expert opinions on draft legislation of candidate countries in the Western Balkans.

GATHER EXPERT OPINION ON A REGULAR BASIS. THE EUROPEAN FUNDAMENTAL RIGHTS AGENCY could expand its scope of work to cover all the (potential) candidate countries by means of regular assessment on specific legal and political measures concerning democracy promotion. It is very important that the EU continues to use local expertise in this matter. Collaboration with credible civil society organizations from the region should be further institutionalised via regular channels of communication, for example through commissioning regular ‘shadow’ reports on the state of democracy.

DEMOCRACY IS NOT NEGOTIABLE. Past (progress) reports, i.e. for Serbia and Macedonia, have undermined the credibility of the EU in pushing for democratisation by failing to mention apparent authoritarian practices. The state of democracy should not be short-changed for other reasons (such as cooperative behaviour in handling the migrant crisis).

EMPOWER DEMOCRATIC FORCES IN THE REGION. Western Balkan governments are at liberty to influence both reforms and EU integration through a set of clientelistic networks and/or methods of more or less open pressure. It is essential to transform these networks so as to increase the influence of civil society on policy making (i.e. NGOs, civil society organizations, independent investigative journalists, etc.). In addition, efforts should be made to support constructive grassroots initiatives
and **independent media** in the region. Civil society empowerment should strengthen their expertise, capacities and technical organisation, and should provide for regional networking (regional Ombudsperson network, regional media outlets such as the N1 TV which broadcasts simultaneously in Serbia, Croatia and Bosnia and Herzegovina, etc.) and international networking possibilities. Furthermore, the EU should maintain its support for the inclusion of responsible civil society actors, in an effort to put pressure on the government to do its job better, both before and during negotiations.

**IDENTIFY AND CHALLENGE INFORMAL PRACTICES.** The informality of domestic authoritarian practices makes them an elusive target of the EU’s democratic conditionality. As can be seen in cases of Bulgaria and Romania, if these practices are not addressed at an early stage of the EU integration process, they are likely to survive even beyond accession. Therefore, actions related to the establishment of consolidated democracies must be **coupled with tangible measures** aimed at preventing a conflict of interest when performing public functions, protecting whistle-blowers, establishing E-government, and increasing transparency, responsiveness and the efficiency of all branches of government via the right of access to information and public procurement regulation. The EU could best assist in facilitating these measures by securing a significant part of the **IPA II** budget for appropriate actions, and also by working with local civil society organisations in identifying and tackling problems.

**CREATE CLEAR CRITERIA AND INDICATORS FOR DEMOCRACY CONDITIONALITY.** In the past, the EU progress reports have often not seen the forest for the trees, focusing on individual aspects that jointly do not provide good insight into the state of democracy. The apparent thinness of the Acquis Communautaire in the field of democracy promotion contrasts with the centrality of this issue in the accession negotiations process. For a smoother process of the pre-accession reforms, both the candidate countries and their citizens should know when and how they are considered to be progressing. In this regard, the EU has to distil particular criteria and indicators on the basis of which the progress of the candidate countries will be graded.

**INSIST ON THE INDEPENDENCE OF KEY STATE INSTITUTIONS.** The top-down institutional approach employed by the EU, empowered by the
“golden” carrot of full membership, has generated unique, broad-based
and long-term support for democratic reform and progress towards EU
membership in the Western Balkans. However, while EU conditionality
has an important role in prompting reforms, a sustainable reform process
also requires certain domestic conditions to prevail – most notably the
reduction of the number of veto players and the elimination of institutional
obstruction exhibited in clientelistic relationships among the domestic
ruling elites and institutions prone to corruption. If the institutions
operating within the functioning triangle of police, public prosecutor and
the judiciary are not independent in their work, the clientelistic and/or veto
chain cannot be broken. Therefore, the EU must more systematically review
the independence of these institutions (i.e. Ombudsperson, Commission
for Protection of Competition, Securities Commission, Republic Agency
for Electronic Communications, Commissioner for Information of Public
Importance and Personal Data Protection, Commissioner for Protection of
Equality, Judicial Academy), going beyond assessment of the recruitment
or remuneration.

**MAKING EUROPEAN PARTY FAMILIES WORK.** European party families
have extensive networks in the Western Balkans and maintain relationships
with parties in the region. A joint approach of the main parties (EPP, POES,
ALDE) towards their Western Balkan partners, including greater pressure
for supporting democratic standards and strong enforcement mechanisms,
is necessary.

**BOOST THE TRANSFORMATIVE EFFECT OF ENLARGEMENT.** The
transformative effect of the current EU approach for the Balkans appears
to be insufficient. In a nutshell, conditionality works well if membership
criteria are clear, if the same criteria are applied equally to all applicants,
if they are strictly but fairly monitored, if the findings are transparently
communicated, and if there is no doubt that the reward will come once
conditions are met. Currently, all this is not the case.

**BE HONEST ABOUT ENLARGEMENT.** Nearly 14 years after the Summit
in Thessaloniki, apart from Croatia, the promise of enlargement remains
unfulfilled in the Western Balkans. Despite some positive signals, most
notably the continuation of the ‘Berlin Process’, Western Balkans 6
meetings, and the Western Balkans Connectivity Agenda, the political messages coming from Brussels point to the conclusion that European integration of the region will not be accelerated. The longer the process is protracted, the greater the risk that the commitment of the region’s political elites to implement the reforms that the EU has demanded fades out. A drawn-out process will also negatively impact support for European integration among the general population. In addition, prolonged waiting time risks increasing the instability and the return of hostilities to the EU frontiers. Following the appointment of the Jean-Claude Juncker-led European Commission, the challenge of expanding the European Union further to the Western Balkans seemed to have been side-lined. It is time to boost the credibility of the EU’s membership promise to the Western Balkan countries.

Therefore, we believe it is important to OPEN CHAPTERS 23 AND 24 FOR ALL WESTERN BALKAN COUNTRIES AS SOON AS POSSIBLE. The new EU strategy on democracy conditionality envisages that Chapter 23 on Judiciary and Fundamental Rights and Chapter 24 on Justice, Freedom and Security should be opened early in the negotiations and be the last to be closed. The current approach focusing on the “Structured Dialogue” as a mechanism for engagement of countries that are not yet negotiating EU membership has thus far had only modest success in Albania, Bosnia and Herzegovina, Macedonia and Kosovo. Instead, the EU should start up the screening process and subsequently open Chapters 23 and 24 with all the Western Balkan countries. The benefits of this approach are threefold. First of all, it replicates the success of the visa liberalisation process by opening simultaneous negotiations with all the countries of the region, as this will develop competitive dynamics where no country wants to be left behind. This will in turn encourage faster reforms, particularly among accession laggards. Second, it will increase the density of ties and linkages between the EU and the domestic elites in the Western Balkans. Hence, the veto potential of obstructing elites will be weakened. Third, it will give the biggest possible leverage to the EU to influence the establishment of functioning democracies, based on respect of the rule of law, in its immediate neighbourhood.
References:


About the Balkans in Europe Policy Advisory Group

The Balkans in Europe Policy Advisory Group (BiEPAG) is a co-operation initiative of the European Fund for the Balkans (EFB) and Centre for the Southeast European Studies of the University of Graz (CSEES) with the aim to promote the European integration of the Western Balkans and the consolidation of democratic, open countries in the region. BiEPAG is composed by prominent policy researchers from the Western Balkans and wider Europe that have established themselves for their knowledge and understanding of the Western Balkans and the processes that shape the region. Current members of the BiEPAG are: Florian Bieber, Dimitar Bechev, Milica Delević, Dane Taleski, Dejan Jović, Marko Kmezić, Corina Stratulat, Marika Djolai, Jovana Marović, Nikolaos Tzifakis, Natasha Wunsch, Mirna Vlašić Feketija, Milan Nič, Vedran Džihić, Blerijana Bino, Srdjan Cvijic, Alida Vračić, Blerjana Bino, Tobias Flessenkemper and Nikola Dimitrov.

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About the European Fund for the Balkans

The European Fund for the Balkans is a joint initiative of European foundations that envisions, runs and supports initiatives aimed at strengthening democracy, fostering European integration and affirming the role of the Western Balkans in addressing Europe’s emerging challenges.

The up-to-date programme strategy is based on three overarching areas – Capacity Development, Policy Development and Regional Cooperation - and channelled via flagship programmes and selected projects, complemented with a set of actions arising from EFB’s regional identity as a relevant player in its fields of focus.

Their synergetic effects are focussed on continuous “Europeanisation” of the policies and practices of the Western Balkans countries on their way to EU accession, through merging of the region’s social capacity building with policy platform development, and a culture of regional cooperation.

Contact:
IGOR BANDOVIĆ
Senior Programme Manager,
European Fund for the Balkans
igor.bandovic@balkanfund.org
+381 (0) 69 62 64 65
European Fund for the Balkans
Resavska 35, 11 000 Belgrade, Serbia
Phone/Fax: +381 (0)11 3033662
www.balkanfund.org
About the Centre for Southeast European Studies, University of Graz

The Centre for Southeast European Studies was set up in November 2008 following the establishment of Southeast Europe as a strategic priority at the University of Graz in 2000. The Centre is an interdisciplinary and cross-faculty institution for research and education, established with the goal to provide space for the rich teaching and research activities at the university on and with Southeast Europe and to promote interdisciplinary collaboration. Since its establishment, the centre also aimed to provide information and documentation and to be a point of contact for media and the public interested in Southeast Europe, in terms of political, legal, economic and cultural developments. An interdisciplinary team of lawyers, historians, and political scientists working at the Centre has contributed to research on Southeast Europe, through numerous articles, monographs and other publications. In addition, the centre regularly organizes international conferences and workshops to promote cutting edge research on Southeast Europe.

Contact:
UNIV.-PROF. DR. FLORIAN BIEBER
Professor of Southeast European Studies
florian.bieber@uni-graz.at
+43/316/380 6822
Centre for Southeast European Studies,
University of Graz,
Schubertstrasse 21, A-8010 Graz
www.suedosteuropa.uni-graz.at