

ARTICLE

Crippled Liberal Democracy

Where did the EU fail in the Western Balkans and how can it regain its credibility?

Kalinka Gaber

Ever since the collapse of communism and the dismantling of the bipolar global order, democracy seemed to have become ‘the only game in town’ in many places around the world, including the Western Balkans. Strikingly, however, there was and still is a pronounced variation in the way it was played in practice. Twenty-five years of democratisation in pursuit of the only legitimate and desirable form of government have resulted in a mixed record.^[1]

The Western Balkans’ democratic balance sheet, as captured by Freedom House, the Bertelsmann Transformation Index but also the labels now often used for countries of the region (‘illiberal democracy’, ‘semi-consolidated democracy’, ‘transitional government’, ‘hybrid regime’ and ‘semi-consolidated authoritarian regime’) underscore the fact that these democracies are indeed flaunted, oftentimes void of concrete substance, and recurrently displaying practices incompatible with that badge of honour.

It was clear from the onset that the Western Balkan countries lacked the democratic and institutional experience, and knowledge that would help them steer away individually from their illiberal past – a process further complicated by the violence and the enduring war legacies of the 1990s that weakened their social fabric.

The EU steps in

In the early 2000s, the European Union jumped in by assuming the key role and projecting the necessary leverage assisting faster democratic transitions with a meticulously developed pre-accession strategy as a reforms agenda. Brussels seemed to be the necessary deal-breaker for more democracy by making the promise of membership in the ‘Club’ strictly conditional upon the adoption of a broad array of norms, practices and far-reaching reforms to guarantee its core values: free and fair elections, a robust rule of law, good-governance, an effective and citizen-oriented public administration, a healthy and vibrant civil society and free media. The momentum was there – in Brussels, national capitals and in countries across the region.

Fifteen years down the line, we witness a U-turn in the political reality. As the EU started focusing attention elsewhere – the banking crisis, the Greek euro crisis, the dangerous rise of Eurosceptic and populist forces in member states, the refugee crisis and Brexit, to name the most important – and combined with a certain enlargement fatigue in European capitals, the lure of EU integration slowly began to wane. Faced with its own problems, relations between the EU and the Western Balkans entered a new phase, with Brussels concentrating disproportionately on the box-ticking of political conditionality at the expense of meaningful progress with structural reforms.

And even though enlargement has not been scratched off the agenda altogether, and is still progressing at a snail's pace, the process has been characterised by a dichotomy framed in a 'stability over democracy' narrative. Semi-autocratic and illiberal leaders in the region were and are tolerated as long as they deliver on the key minimum demands, guaranteeing that their countries do not collapse in utter chaos.



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Meeting between Donald Tusk, President of the European Council, and Macedonian President Gjorge Ivanov.

Democracy has never enjoyed full legitimacy in the Western Balkans, but EU's conditionality kept things at bay. Deprived however of meaningful, structural and sustainable democratic guidance, Western Balkan governments have resorted to dubious day-to-day governance and political management, to the detriment of democratic development and of compromise-based decision-making.

Negative backlash

It so happened that under the un-watchful eye of Brussels, governments started imposing repressive policies on critical civil society organizations (Serbia and Macedonia), began aggressively interfering with media freedom (Montenegro, Macedonia and Serbia), or setting-up informal power-making networks for implementing non-transparent agendas while disrespecting formal procedures (Bosnia-Herzegovina, Kosovo, Albania, Macedonia, Serbia). Blurring of state-party lines resulted in *de facto* state capture by governing parties (Serbia, Montenegro, Macedonia).

The Western Balkan experience demonstrates that when anti-democratic tendencies pursued by semi-authoritarian political elites and national governments are not met with the appropriate resistance, and proper denouncement from the Union, the negative backlash is multiple.

Not only are EU standards being undermined, but even worse, due to the ambiguous political communication, messages sent from Brussels to Western Balkan capitals have the wrong effect – governing political elites start believing they can get away with breaking the rules (thus using more pressing EU problems like the refugee crisis, closer ties with Russia and/or Turkey, for example, as an excuse or alibi) while the general public starts getting confused

about the substance of EU conditionality and the apparent EU support for phony Europhile politicians, who are not partners for change and cannot be expected to deliver on the progressive reform agenda.

As a result, pro-European forces in the region calling for such reforms and who want to model their countries on genuine liberal democracies and open and pluralist societies, feel abandoned by the EU, while experiencing suppression by national authorities.

The consequences of blocked EU-perspectives

Under these circumstances, but especially after European Commission President Jean Claude Juncker ruled out further enlargement before 2019, governments in the Western Balkans have increasingly been driven by a rationalist choice theory. Blocked EU perspectives meant they could try to remain in power with nationalist policies, rule with a stronger grip and pocket huge benefits at low political costs, instead of pursuing costly reforms necessary for fulfilling an uncertain EU perspective, which would produce considerable political gains but at high political expense for themselves.

The Macedonian case has showed the constraints of the ‘fundamentals first’ approach of the enlargement strategy

The case of Macedonia, where Brussels failed to oppose the authoritarian and corrupt leadership of former prime minister Gruevski, has been remarkable in this respect and treating it as an isolated case would be a grave mistake. In fact, the Macedonian example has been a test for the internal capacity of the EU to act on democracy and rule of law in its own community. As regards the candidate countries, the Macedonian case has showed the constraints of the ‘fundamentals first’ approach of the enlargement strategy. It is very likely that the political elites of other Western Balkan countries, aware of their countries’ uncertain and long-term EU perspective, would have exploited the Macedonian ‘rational choice model’, if Gruevski had remained in power, which would ultimately have resulted in even greater deterioration of democratic standards and the rule of law.



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“Governments of the Western Balkans use more pressing EU problems like the refugee crisis as an excuse for breaking EU rules.” Picture of refugees in Belgrade, Serbia.

This does imply, however, that the establishment of genuine liberal democratic societies in the Western Balkans is primarily an EU responsibility. Domestic actors – political elites, civil society and the body politic in general – are key players and the main stakeholders in this process, but should the EU want to regain its credibility and make evident its commitment to the region, it will need to change its approach and re-establish its involvement based on its own original values and principles.

The EU should shed its technocratic lenses and stop ignoring the larger picture by putting more focus on the state of democracy and less on formalities. Western Balkan autocratic and semi-authoritarian leaders rule not through the institutions, which in a formal sense look democratic, but by means of informal networks and mechanisms that allow a *de facto* capture of the state and undermine any potential for democratic government and progressive reforms.

Thus, instead of tracking progress through a ‘checking-the-boxes’ approach, more attention should be directed to actual implementation and output, so that the recent backsliding in democratic standards across the region will not be overlooked.

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As far as conditionality is concerned, the EU should consider expanding its scrutiny to the assessment of the means and modalities of consolidation of political power. Across the Western Balkans, political elites have concentrated political power in the hands of a few, and eliminated almost all opposition voices with corrupt practices, state-capture, media censorship, clientelism and increasing poverty. Their attitude seriously calls into question both the value of elections, formally carried out throughout the region, and so-called reforms. In this light, the European Commission should perhaps consider extending formal accession requirements to include the existence of meaningful opposition, in politics and in society.

Linking EU conditionality criteria to other issues (the name issue in the case of Macedonia or progress in the Belgrade-Pristina dialogue in the case of Serbia) leads to compromising of the political criteria. Time and again Western Balkan governing elites have used these issues as an alibi for lack of progress and for pursuing illiberal practices at home, thus attempting to legitimise anti-reformist practices. As the EU's leverage is strongest while the accession process moves to its final stage, the solution of these issues should not be a condition for moving to the more advanced stages of the process – opening negotiations or chapters – but be found along the way.

Over the years, EU's key political messages have been largely inconsistent and sometimes counter-productive, especially regarding the assessment of the responsibility of domestic political actors. Official messages sent out by the Commission, the Parliament or the General Affairs Council have consistently called on all political parties and actors indiscriminately, thus blurring their responsibility, especially that of the parties in power. Ruling parties have received a respite and also additional room to manipulate these messages since they control a large part of the media landscape across the region.

Towards a more credible engagement of Brussels

In this light, EU involvement in a domestic crisis should be timely. Any other approach would resemble more a 'burning down the fire with gasoline' model, proving detrimental in the long run. Brussels' late involvement in domestic crises across the region and using its leverage only after the crisis has escalated often ignores the (problematic) content and implications of the *ad hoc* solutions and agreements already reached. This is counter-productive both for the aspiring countries and the EU itself, as almost by the rule of the thumb it has spill-over effects on the quality of democracies in countries of the region.

The ambiguity of the original settlement often leads to more post-agreement negotiations and more disagreement than before with uncertain outcomes (Serbia-Kosovo talks, Macedonia's Pržino Accords). Consequently, EU involvement should always be timely, while the commitments signed up should be well-defined, measurable and subject to sanctions.

Finally, it is long overdue for the European Union to revise its 1993 Copenhagen Criteria and to start using a more focused and explicit language in its communication with aspiring countries from the region. Albeit creative, grey-zone arrangements such as the High Level Accession Dialogue and conditional recommendations for opening accession talks for Macedonia and Albania did not only undermine further EU's credibility, but also strengthened illiberal tendencies in the Western Balkans due to the information imbalance mentioned above.

Consequently, the Urgent Reform Priorities designed to address the systematic weaknesses of the Macedonian polity might be a good starting point and blueprint for EU's future and a more credible engagement in the Balkans.

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[1] This article was originally written in December 2016.

Authors



Kalinka Gaber
Program Director of the Progres Institute for Social Democracy
(Macedonia) ▶
(<http://www.progres.org.mk/>)