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Srdjan Cvijic

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Introduction

- 1 After the demise of Milosevic’s regime and the parliamentary elections of December 2000 that followed, the political parties gathered in the anti-Milosevic coalition won more than 2/3 of the parliamentary seats, enabling them to radically change the Serbian political system and state structure. Soon after these elections, however, internal bickering among the ruling political elite began. It took 6 years to enact a Constitution and thus lay the foundation for the new democratic state. Weak governments, internal and external political instability, the institution of a *Partycracy* (*Partitocrazia* (it.) - referring to the monopolisation of state institutions by political parties), patronage, the consequent erosion of legitimacy of government institutions, the de-ideologisation of politics, and the political free-riding of the anti-system opposition comprised the ugly face of what could otherwise be branded the story of a relatively successful economic and social recovery. The aim of this paper is to point out the main obstacles impeding rapid democratisation and the overall development of Serbia.
- 2 One of the greatest obstacles to the further consolidation of democracy in Serbia is the continuous appeal of nationalism among the Serbian population. At the same time, a “blocked political system” has had a corrosive effect on the country’s institutions.¹ One of the most obvious manifestations of the “blocked political system” is the *de facto* impossibility of the most popular political party, the Serbian Radical Party², to participate in government.
- 3 This statement is seemingly paradoxical when bearing in mind the particular situation in Serbia, the nationalist profile of SRS and its past performance. In fact, in 2000 Serbia found itself in a partially lose-lose situation with regard to the prospect of building its democracy and rule of law. Integrating the political parties of the *ancien régime* into the

state institutions and government was (and arguably remains) too dangerous in the politically unstable situation existing in the immediate aftermath of the regime change. Simultaneously, however, Serbia finds itself in a deformed political system thanks in part to the taboo-isation of collaboration with the ruling parties of the Milosevic period. The country's political landscape is made up of a permanent ruling political block³ and a permanent opposition.⁴ In this way, Serbia has failed to experience what is usually considered in political theory one of the fundamental preconditions for reaching the next step in the democratisation process: a genuine alternation of power ("government turnover") since the fall of Milosevic.⁵

- 4 Through an overview of the relationship between the ruling democratic parties⁶, the international community, and the Radicals, this paper will attempt to answer the question of whether the cost of this "blocked political system" (i.e. immobile democracy) is higher than the continuous exclusion of the SRS from power. In this way, the paper will touch upon some fundamental dilemmas of political theory such as the toleration of the intolerant and the role of the international factor in the democratisation process of a country. Moreover, a short overview of the theories of democratisation will be used to define the "blocked political system" phenomenon. The methodological approach of this paper draws on an analysis of a general theory of democratisation, and a politico-historical analysis of Serbia from 2000-2008.
- 5 The essay is divided into five parts. Section 2 focuses on the domestic and international *de facto* prevention of the SRS from participating in any of the post-Milosevic governments. The most extensive section, Section 3, deliberates on the negative effects of the lack of government turnover in Serbia, concentrating on the lack of respect for the independent parliamentary mandate, the deligitimisation of the institution of the President of the Republic, and the obstructionist role of the factions of the post-Milosevic political elite in the fight against powerful organised crime networks in Serbia. Section 4 touches on the debate over the relationship between the geopolitical orientation of a country and its democratisation process, while also exploring the effect of government turnover on the success of a country's transition. Finally, concluding remarks (including a brief consideration of the future political developments in the country) are set out in Section 5.

The taboo of the Radicals' participation in power

- 6 In the initial period of Serbia's post-Milosevic transition (up until the parliamentary elections of December 2003) the SRS was on the margins of the political life of a nation dominated by the disputes between the two main democratic parties: the Democratic Party (hereinafter DS) and the Democratic Party of Serbia (hereinafter DSS). Concerning the results of the parliamentary elections held in December 2000, the Radicals were seemingly on a path of increasing political irrelevance, receiving only 8.5% of the vote.
- 7 Yet, the 'permanent' opposition parties, primarily the Radicals, were the obvious beneficiaries of the infighting between the two Democratic parties in the sense that they were able to free ride on the back of the "blocked political system". Being permanently in opposition, the protest vote was almost automatically channelled towards them. Consequently, in the 2003 and 2007 parliamentary elections, the SRS was the strongest party in the National Assembly, gaining 27.7% and 28.7% of the vote

respectively. The failed November 2003 Presidential elections⁷ following the assassination of late Prime Minister Djindjic (12 March 2003) marked the steady rise of the SRS. The SRS' comeback was confirmed in the June 2004 Presidential elections where although Boris Tadic (president of the DS) triumphed, Nikolic finished second, winning 1,431,833 votes (or 45%) – which was the highest count for the Radicals since the fall of Milosevic. In the second round of the 2008 Presidential elections Nikolic won 2, 177, 872 votes (47.9%) while incumbent President Boris Tadic garnered 2, 294, 605 votes (50.5%).

- 8 The reasons for the electoral 'comeback' of the SRS are varied but the majority of observers attribute it to voters' dissatisfaction with the nature of the reforms in Serbia.
⁸ Usually the bulk of the SRS electoral is identified with the so-called losers in the transition process. In the foreign academic and political literature on Serbia, the perception of the political divide is dominated by a distinction between "nationalists" and "reformers." Such a depiction of Serbia's political system is incomplete as it undermines the importance of social and class distinctions among Serbian voters. In a study on post-2000 Serbian political parties, Zoran Slavujevic argues that 65% of Serbia's poorest vote for the Radicals. Moreover, the author shows how the Radicals, as with the Socialists, enjoy support of social groups usually referred to as 'losers in the transition process'; thus, both parties enjoy the support of the working class, agricultural workers, the oldest, the least educated and the poor.⁹
- 9 Despite the fact that the parties which were in power during the 1990s never won enough votes to form a government independently, on several occasions, due to key disagreements between the DS and DSS, Kostunica's party was tempted to join forces either with the SRS or SPS. However, this did not happen due to the exclusion of the Radicals from power, which was the result of both exogenous and endogenous factors.
- 10 The boycott of the Radicals has been two-pronged: international and domestic. The international community and its policies towards Serbia are marked by a de facto veto that pressures the 'democratic' political parties to refuse cooperation with the Radicals at the national level. As far as Serbian internal politics is concerned, the post-Milosevic ruling political elite often uses popular fear of the Radicals as an essential component of its own political campaign, thus legitimising its claim to governance. The exclusion of the Radicals (or the Socialists) from power at the national level justifies branding Serbia's political system as "blocked" because it precludes the possibility of a genuine government turnover.
- 11 To illustrate international reactions to the attempt of Serbia's post-Milosevic parties (i.e. DSS) to break the taboo of forming a governing alliance with the SRS or the SPS, this section will concentrate on the four most significant examples. Concerning domestic attitudes towards the Radicals, it is sufficient to focus on the 2008 Presidential election campaign.
- 12 In the aftermath of the parliamentary elections held in December 2003, the DSS and its coalition partners formed a minority government supported by the Socialists on the 3rd of March 2004 after marathon negotiations failed to form a majority government comprised only of post-Milosevic parties. During these negotiations, representatives of the international community pressured the DSS and their potential partners in the minority government to not make arrangements with Milosevic's party.¹⁰ Despite the fact that the government depended on support from the SPS, it managed to extradite numerous war crime suspects to the ICTY (by applying the strategy of voluntary

surrender) and in this way gained the confidence (albeit limited) of the Euro-Atlantic partners.

- 13 The strategy of voluntary surrender reached its limit in the case of indicted Bosnian Serb General, Ratko Mladic. The inability to apprehend him led to a phased ending of the first Kostunica government in 2006.¹¹ Arguably, international pressure made it difficult for parts of the DSS (that were ready to fully include the Socialists in the government) to convince opponents to break the taboo and share the reigns of power with the structures of the old regime. Nevertheless, the functioning of the executive branch was to indirectly depend on the SPS. Though the Socialists participated indirectly in power in the post-Milosevic period, direct political arrangements of any kind made with the SRS remained taboo.
- 14 This taboo was partially broken after the September 2004 municipal elections, in which the Radicals made a solid showing.¹² As a consequence, former members of the DOS formed coalitions with ex-regime parties in several municipalities. The only large city won by the SRS was Novi Sad, where Radical party candidate Maja Gojkovic managed to defeat the DS candidate in the second round of the mayoral elections.¹³ Not only were the Radicals to hold the position of the Mayor, but the majority of the municipal council was also formed thanks to the votes of municipal councillors from the DSS.¹⁴ International opposition to cooperation with forces of the ex-regime continued; EU and US Ambassadors refrained from publicly meeting the Mayor of Novi Sad. Asked why he did not meet Mayor Maja Gojkovic, Michael Polt, former US Ambassador to Serbia, said that the US administration refuses to talk with officials who oppose cooperation with ICTY or democratic changes in society.¹⁵
- 15 Furthermore, towards the conclusion of negotiations on the formation of the current Serbian government, Tomislav Nikolic, acting head of the SRS¹⁶, was elected Speaker of the Serbian Parliament on 7 May 2007. Nikolic won a comfortable majority, backed by the Socialists and the Democratic Party of Serbia of outgoing Prime Minister Vojislav Kostunica. DSS's support for Nikolic was seen by many as a possible precursor to an alliance with the Radicals; however, this move appeared to be more a strategic ploy to position the DSS more favourably within the new 'grand coalition' dominated by Ministers from Tadic's DS. European Union Officials and the international press overtly disapproved of Nikolic's election, arguing that by this Serbia had "lurched back towards the pariah status of the 1990s."¹⁷ Oli Rehn, the EU's Enlargement Commissioner stated, "[t]he election of an ultra-nationalist as Serbia's parliamentary speaker is a worrying sign." As a consequence of Nikolic's election the EU postponed the signing of a visa facilitation agreement with Serbia, and the Council of Europe postponed the ceremony of raising the Serbian flag to mark the upcoming Serbian Presidency over the Committee of Ministers of the Council of Europe. Facing an imminent vote for a new president of the Serbian parliament, and the second government of Vojislav Kostunica, Nikolic resigned five days later.
- 16 Finally, on the eve of runoff voting in the 2008 Presidential elections, the EU continued to exert moderate pressure on Serbian voters to choose Tadic over Nikolic. The decision to delay (until after the second round of voting) an opportunity for Serbia to sign a political agreement with the EU on trade liberalization, visa liberalization and education was interpreted as implicit pressure on Serbian voters to vote against the Radical candidate. Asked whether a political agreement with Serbia would be signed even if Nikolic wins in the elections, Javier Solana replied, "[u]ntil the Serbian

government stays on the road it is today there is no reason for a change in our positions.”¹⁸ Thus, apart from the attempt to boost Tadic in the presidential race, the intention of the EU was probably to ensure that even in case Nikolic triumphed, the present government would not be replaced by a new parliamentary majority that included the Radicals. Janez Jansa, the Slovenian Prime Minister, gave a statement in this regard. Jansa explained that the EU would respect the results of the Serbian Presidential elections, but stated that “the results of the elections will probably have an impact on the speed” of Serbia’s EU integration. Similar statements were issued from the EU on the eve of the extraordinary parliamentary elections in May 2008.

- 17 After a short overview of several instances in which the Radicals came close to power sharing but were denied this opportunity due to a combination of international opposition and the hostility of domestic political forces, the paper will focus on the political and institutional effects of the exclusion of the Radicals from government, and will in this way illustrate the “blocked political system” in Serbia.

Blocked Political System: a tempest in a tea-cup

- 18 As a result of the preclusion of government turnover due to the exclusion of the Radicals and Socialists from power, the space for political maneuver was narrowed significantly. Thus, political struggle was dominated by the post-Milosevic parties: primarily the DS of President Tadic, and Prime Minister Kostunica’s DSS. As a result, the National Assembly, the Constitutional Court, the Office of the President of the Republic, other institutions, and even the Radicals and Socialists were merely instruments in this clash. This situation led not only to the crumbling of the legitimacy of the aforementioned institutions but also resulted in a significant political blow to the parties in power.¹⁹
- 19 The ‘permanent’ opposition parties, primarily the Radical Party, were and remain the obvious beneficiary of this blocked political system.²⁰
- 20 In Serbia’s case of, proof that participation in power during a transition process almost automatically leads to a decrease in political popularity can be found in the results of the January 2008 presidential elections. Namely, the vote in municipalities where Radicals hold power swung in favour of the incumbent president and vice versa.²¹
- 21 Internal bickering among the DOS coalition started immediately after the 5th of October 2000 when two sides of the victorious coalition decided to make power arrangements with different parts of Milosevic’s security services.²² Not even the assassination of the Serbian Prime Minister Djindjic managed to achieve at least a temporary union of the two democratic parties. In reaction to the assassination, Kostunica refused to support the imposition of a state of emergency and, quite surprisingly for this political moment, proposed the formation of a government that would gather together all political forces, including the Radicals and the Socialists.
- 22 The nature of Serbia’s political system as well as the behavior of its major actors has contributed to a deviation from a model of representative democracy leading to the entrenchment of certain negative trends such as the establishment of a system whereby political parties have absolute control over the civil administration and judicial system (including the appointments and behavior of the aforementioned). Illustrative examples of the deformation of Serbia’s democracy are the lack of respect

for the independent parliamentary mandate, the obstructionist behavior of political parties during the failed presidential elections in 2002 and 2003, a lack of political agreement to elect members of the Constitutional Court of Serbia, and the DSS' obstructionist approach to Djindjic's attempts to reform the country's criminal code which aimed to strengthen the fight against organized crime.

Limited independence of parliamentary mandate

- 23 Before we embark on an analysis of the limitations on the freedom of the parliamentary mandate in Serbia, it is important to give some background.
- 24 In the summer of 2001, the political struggle between the DS, the DSS and the rest of the DOS coalition broke out into the open. Slobodan Milosevic was extradited to the International Criminal Tribunal for the former Yugoslavia (hereinafter ICTY) on 28 June 2001. The DSS and its Ministers in the Djindjic government publicly contested the extradition of Slobodan Milosevic to the ICTY. Moreover, the judges of the Constitutional Court (most of them appointed during the regime of Milosevic) opposed the Serbian government's decree to extradite Milosevic to the ICTY, and thus acted on the basis of a provision in the 1992 Constitution of the Federal Republic of Yugoslavia (equally the creation of Milosevic's regime) that stated in article 17.3, "[a] Yugoslav citizen may not be deprived of his citizenship, deported from the country, or extradited to another state."²³ As a consequence of this decision, Djindjic and the government of the Republic of Serbia were forced to circumvent the Federal authorities and take a legally dubious but arguably justifiable political decision to extradite Milosevic to the ICTY.
- 25 The Constitution, in article 16.2, left room for a different interpretation proclaiming, "International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order." In this sense, the legality of Milosevic's extradition to this particular tribunal could be justified since the ICTY was instituted in May 1993 on the basis of the UN Security Council Resolution 827 as an international body, not a foreign state.
- 26 Prior to the summer of 2001, Djindjic was trying to get the support of Montenegrin Federal MPs in order to enact a law that would change the constitution to create the legal possibility for the extradition, but he was unable to acquire this support from the political opposition of federalist Montenegrins, who were allies of Milosevic in the past. Since the pressures of the international community to extradite Milosevic persisted, and thanks to the support of the Serbian Ministers in the Federal government, the government (of the then federal unit of Serbia) issued a decree allowing the arrest.
- 27 Milosevic's extradition led to a split between the DSS and the DS. Consequently, the DOS coalition in the Serbian parliament remained without the support of 45 DSS parliamentarians (from a total of 176 MPs). The weakened coalition was still strong enough to support a governmental majority but made the entire legislative process more difficult because the government was vulnerable to the demands of numerous smaller parties in the DOS. In order to strengthen parliamentary support for the DOS Government, the DS and their allies in the DOS coalition decided to expel DSS parliamentarians from the Parliament. In June 2002, 21 MPs from the DSS, together with parliamentarians from other parties in the DOS coalition, were replaced by new

parliamentarians on the basis of a decision of the Administrative Committee of the Serbian National Assembly.²⁴ The rationale for the decision was irregular attendance at the parliamentary plenary sessions and committee meetings by the aforementioned members of the parliament. Soon after, the Federal Constitutional Court annulled Parliament's decision.

- 28 With regards to the Federal Court decision, Stefano Saninno, the Head of the OSCE Mission to Serbia at the time, gave implicit support to the principle of "legalism", upheld by Kostunica and his party. The position of the OSCE continued to provoke controversy in the following months.²⁵
- 29 The DS's immediate reaction to the ruling of the Federal Court was to expel all 45 DSS MPs. The legal interpretation justifying the decision found ground in article 88 of the Law on the Election of Representatives of the Republic of Serbia. Article 88 gives several reasons justifying the termination of the mandate of an elected representative before the expiration of his/her term. For example: "if his membership in the political party or coalition of parties on whose electoral list he was elected is terminated" (Art. 88.1) and "if the political party, or the other political organization on whose electoral list he was elected, removes his name from the register kept by its competent body" (Art. 88.9).²⁶ DS representatives claimed that DSS breached the DOS coalition agreement requesting each member of the coalition to support the government, and that DOS Presidency legitimately reacted by expelling DSS from the coalition. Representatives of the DSS protested this decision, arguing that the DOS coalition was never registered as a legal entity or entered into the registry of political parties, and that consequently "the DOS Presidency, as an informal body, does not have the right to dispose of parliamentary mandates."²⁷ DSS representatives accused the DS of a "mini coup d'état".²⁸ As a reaction to this, the DSS tried to protect its rights via domestic legal procedures, but it also requested the opinion of the OSCE and the Council of Europe. Later, high officials of the DS acknowledged previous OSCE conclusions that considered laws limiting the liberty of a parliamentary mandate contrary to international standards; however, they maintained that OSCE representatives also confirmed that the decision to strip 45 DSS deputies of their mandate complied with the legal requirements of the Serbian system.²⁹
- 30 On the eve of the failed 2002 presidential elections and the restructuring of the Yugoslav Federation into the state Union of Serbia and Montenegro, Kostunica and Djindjic reached an agreement that led to the return of the DSS deputies to the Parliament on 5 November 2002.³⁰ Thus, an essentially legal dispute was annulled by a political agreement between bitter political opponents who had once been post-Milosevic allies. Such an outcome certainly did not help the ratings of the two democratic parties and inevitably led to a deterioration in the perceived legitimacy of state institutions.
- 31 According to Goran Svilanovic (former Foreign Minister of the Federal Republic of Yugoslavia and the state union of Serbia and Montenegro, ex-leader of the Civic Alliance member of the DOS coalition, and a member in the DOS negotiating team that reached the aforementioned political agreement with DSS) evicting DSS parliamentarians from the National Assembly remains one of the most serious political errors of DOS. "...I think that this was at the time legally possible ... but politically unsustainable ... and deeply wrong", maintains Svilanovic.³¹

- 32 The legal discussion over the ownership of the parliamentary mandate materialized in the 27 May 2003 decision of the Constitutional Court of the Republic of Serbia to declare the controversial paragraphs 1 and 9 of Article 88 of the Law on the Election of Representatives of the Republic of Serbia unconstitutional. The Court's decision addressed the issue as to whether a mandate belongs to the elected parliamentarian or to the political party of which he is a member, and decided in favour of the independent parliamentary mandate. Moreover, the Venice Commission and the OSCE/ODHIR in their *Joint Recommendations on the Laws on Parliamentary, Presidential and Local Elections, and Electoral Administration in the Republic of Serbia*, welcomed the decision of the Serbian Constitutional Court concluding, "[o]nce elected, deputies should be accountable primarily to the voters who elected them, not to their political party. The fact that a deputy has resigned from or has been expelled from the party should therefore not entail their expulsion from parliament."³² Furthermore, the joint recommendation stated that such a legal provision contradicted the 1990 OSCE Copenhagen Document, paragraph 7.9, arguing, "should the law be amended in this area in the future, new provisions should ensure that mandates of elected representatives belong to them and not to political parties on which lists they were elected."
- 33 After the December 2003 parliamentary elections, the constitution of the new Parliament and the formation of the first Kostunica government, the problem of an independent parliamentary mandate did not disappear from political life in Serbia. Kostunica's fragile minority government depended on the vote of every single deputy which was often threatened by the individual decisions of parliamentarians switching sides. Allegations were made that powerful business interests virtually "buy" parliamentarians and their loyalty.³³ During this period, the Serbian National Assembly was often jokingly referred to as a 'stock-market', where MPs played the roles of stocks and shares. Almost every political party in the government and the opposition experienced "betrayals" in the parliament. In this way, political parties that did not even participate in the 2003 elections were awarded parliamentary seats. Serbian political parties revealed that they had forced their future deputies to sign *blanco* resignations prior to the constitution of the post-election (2003) parliament. This instrument was (in one instance, at least) used to save the parliamentary majority of the first Kostunica government. As a result, the DSS followed the path of the previous government majority and violated European standards on the rights and obligations of parliamentarians, thus seriously injuring the democratic legitimacy of the Serbian Parliament.³⁴

The legitimacy of the Office of the President of the Republic of Serbia

- 34 Due to the principle of legal continuity with Milosevic's system that prevailed in the aftermath of the regime-change, numerous laws and regulations from Milosevic's era remained in use. The Law on the Election of the President of the Republic of Serbia, enacted in 1992, was one of these acts. In this way, Milosevic's conception of the institution of the President of the Republic was imposed on the new democratic system.
- 35 Article 6 of this Law proscribed: "The elected President of the Republic shall be the candidate who wins the majority of votes of voters who voted, if at least one half of the

total number of voters in the Republic turned out in the elections."³⁵ As a result of this law, citizens of Serbia voted in three presidential elections that failed to elect a President.

- 36 This law was changed immediately after the first failed presidential elections, abolishing the turnout requirement in the 2nd round. Yet, the number of citizens who voted in the first round of the December 2002 and November 2003 elections was already lower than 50%. At the beginning of 2004, the 50% turnout requirement was completely abolished.
- 37 The first election of the President of the Republic of Serbia was held in September and the second round in October 2002. The results of the first round were the following: Vojislav Kostunica 31.2%; Miroljub Labus 27.7%; Vojislav Seselj 22.5% with a voter turnout of 55.7%. Kostunica and Labus entered the second round winning 66.68% and 31.06% of the vote respectively. However, voter turnout in the second round (45.53%) was insufficient to validate the result. The second re-run election was held in December 2002, whereby Kostunica won 57.5% of the vote while SRS leader Seselj earned 36.3% (with a turnout of 45.1%). Finally, a third re-run of presidential elections took place in November 2003. Once more, the turnout (38.6%) was lower than the required legal minimum. Nikolic won 46.9% and the DOS candidate Micunovic got 35.3%.³⁶
- 38 The reasons for the low voter turnout are varied. The failure of the elections was partially due to low motivation on the part of the citizens perhaps owing to the relatively limited constitutional powers of the institution of the President. Yet, many argued that to a large extent responsibility for such a voter turnout could be ascribed to the DS and Djindjic because of the 2002 elections and to Kostunica for the failed presidential elections of November 2003. On both occasions the two democratic parties used obstructionism to prevent the opposing candidate from winning. As a result, Milan Milutinovic, an old Milosevic ally who was elected President of Serbia in 1997, remained in office until the end of 2002. Milutinovic was sent to the detention centre of the ICTY at the beginning of 2003 and Serbia was thus to remain without a President until the summer of 2004. Continuous warnings from the Serbian Constitutional Court failed to put sufficient pressure on the political elite to change this situation. The Constitutional Court was in turn blocked because of an insufficient quorum (some judges had retired) for almost two years due to the inability of the political elite to reach an agreement on the election of new judges.
- 39 Cedomir Jovanovic, leader of the Liberal Democratic Party and a close partner of the late Prime Minister Djindjic, in referring to the first failed presidential elections admitted that the obstruction of the electoral process presented a strategic political choice for the DS: "[t]omorrow [after the first round of presidential elections 29 September 2002] a meeting was held in the government building where we discussed the election results and the forthcoming second round. We agreed that we couldn't win against Kostunica with our candidate [Labus], but using the minimum turnout requirement would mean that the election would not be successful since the number of people voting would not be sufficient."³⁷ The DS's candidate was nominally Labus, however, many argue that the DS and Djindjic offered only lukewarm support to Labus' candidacy fearing that his victory would strengthen the G17 Plus (then a group of experts and now a political party in Serbia).³⁸ If one is to take this statement at face value, and statistical data justify such conclusions³⁹, then even ideological excuses justifying the vote against Kostunica as a vote against the policies of the ex-regime

cannot apply. Labus was considered undoubtedly a pro-European reformer, yet the DS party machine barely supported him.

- 40 The fear of losing primacy within the democratic block determined the actions of both the DS and DSS. In the context of Serbia's blocked political system, a dominant position among the democratic parties ensured automatic participation in government. An alliance and a gradual homogenization of the democratic block would necessarily result in an 'either/or political choice' - between a united block of post-Milosevic parties and the Radicals and Socialists. The internal dynamics of the blocked political system proved to be incompatible with such a scenario, for the invisible political line drawn in the aftermath of October 5th had to be crossed sooner or later. As we already demonstrated, a combination of international and domestic pressure prevented the DSS from forming a coalition with the Radicals, for such a coalition would have inevitably left the democratic political space open to the absolute domination of the DS and other smaller parties with an uncompromising pro-European orientation, and would have left the DSS with an uncertain future exposed to the centripetal forces of a coalition with the much stronger Radicals. The May 2008 parliamentary elections and their aftermath will be a test of this scenario.
- 41 Misuse of the parliament, ignoring the decision of both Federal and Serbian Constitutional Courts, obstructionism during the presidential elections and the absurd situation of a country without an elected president for almost two years had a spillover effect on the pace of reforms in the country. Corruption is one illustrative example. According to the findings of Transparency International, corruption in Serbia remains high (despite moderate improvement since 2000), occupying the 79th position on the Corruption Perceptions Index for 2007.⁴⁰ With respect to other countries in the region, Serbia lags behind Bulgaria, Croatia and Romania, but is ahead of Macedonia, Albania, and Montenegro.

Obstructionism in the struggle against organized crime

- 42 The influence of the security services on the course of Serbia's development remains, according to some authors, the main obstacle to Serbia's successful transition:
- 43 In most countries, even in the Balkans, security agencies take orders from their political masters, but in Serbia this is reversed. [] This is the most important explanation for Serbia's present state, and its unique position in comparison with its neighbors. This explains Serbia's failure to arrest fugitive General Ratko Mladic and other war crimes suspects. For them, keeping Serbia away from European integration is not just a matter of ideology, but of their very survival.⁴¹
- 44 The links between security services and organised crime networks are indissoluble. The support that both gave to the popular uprising on the 5th of October 2000⁴² offer organized criminal gangs and corrupt parts of the secret services the legitimacy to continue their activities in the post-2000 period. This presented a serious impediment to the attempts of the Djindjic government to reinforce the rule of law in the country, which would have in turn assured, inter alia, effective cooperation with the ICTY. Additionally, perceived organised crime links and the persistence of mafia-related murders on the streets of post-Milosevic Serbia had a negative impact on both the internal and international image of the first post-Milosevic Serbian government, most notably on the DS and its leader, Djindjic.

- 45 An example of the government's powerlessness against criminal and security interests was illustrated in the November 2001 rebellion of the Unit for Special Operations, the so-called "Red berets" of the Serbian intelligence agency. (The same people who organized this rebellion are now sentenced for having organised and conducted the 12 March 2003 assassination of Prime Minister Djindjic).⁴³ The rebellious Unit had issued the following political demand: resignation of Djindjic's Minister of the Interior and head of the Intelligence Service etc. Kostunica, in the capacity of the President of the Federal Republic of Yugoslavia at the time, publicly justified the rebellion, thus consciously or unconsciously sided with the criminals. As a result of the Djindjic government's inability to fully oppose the demands of the Unit for Special Operations and crush the rebellion, a compromise was reached: the Minister of the Interior was to keep his position, but the head of the intelligence Service loyal to Djindjic and his government had to go. After having lost all control of the secret service apparatus, Djindjic decided to crush the Unit for Special Operations and allied mafia clans, declaring 2002 the year of the fight against organised crime.
- 46 Consequently, the Djindjic government adopted the Law on the Fight Against Organized Crime in July 2002. However, in order for this law to be implemented, it first had to be included in the Code on Criminal Procedure, which was at the time under the jurisdiction of the Federal state. One of the main novelties of the law was the introduction of the institution of "collaborator of justice", a legal instrument which comparative studies demonstrated as having a devastating effect on organized crime networks. Parallel to the adoption of these legislative changes Djindjic's government launched an operation targeting members of the criminal gang willing to testify against their previous partners. This action achieved some success when the government located a key member of the clan willing to cooperate with the prosecuting team. Yet, in order for this cooperation to have full effect, the adoption of the law and the introduction the "collaborator of justice" was an absolute priority.
- 47 The balance of power in the Federal Assembly did not correspond to that in the parliament of Serbia. Kostunica's DSS and their Montenegrin federalist allies held decisive sway over the parliamentary majority and refused to vote for the new law that would have introduced changes necessary for the fight against organised crime. Obstructionism in the Federal Parliament lasted until December 2002 when DSS finally decided to support the bill as proposed by the Djindjic government. This was possibly the consequence of a trade-off in which Djindjic's political block decided to reconstitute the parliamentary mandates taken from the DSS in return for a cooperative stance in both Federal and Serbian parliaments – including a positive vote on the Law on the Fight Against Organized Crime and the ensuing changes to the Federal Code on Criminal Procedure.⁴⁴
- 48 Prime Minister Djindjic's fight against organized crime and the corrupt security services ended tragically with his assassination on the 12th of March 2003. A victory in the fight against the security and criminal structures that organized and conducted the assassination of the PM materialised in the sentencing of the organizers and perpetrators.
- 49 The nature of the overthrow of Milosevic's regime and the participation of parts of the ex-regime's security services in the entire process largely shaped further political developments in Serbia. Yet, gradual improvement was possible, though not without a common policy between the DOS and DSS. Reform of the security structures was a

priority in which the post-Milosevic political elite had to reach consensus. Though it is true that the political responsibility for the instrumentalisation of Milosevic's security structures lies with both democratic parties, as we have seen, a larger part of the responsibility lies with Kostunica's DSS.

Government turnover vs. stability

- 50 In young democracies "government turnover" is seen positively not only in the sense that it renders state institutions less vulnerable to the power of private business interests, but also because it reinforces the legitimacy of democratic procedures, showing citizens that their vote counts and can lead to government change.⁴⁵
- 51 In the Trade, Equity, and Development Project of the Carnegie Endowment for International Peace, a group of authors argue that "political turnover has been a healthy development for governance in Eastern Europe".⁴⁶ Through simple game theory and cost and benefit analysis, the authors concluded that due to the risk of alternating power-holders a system based solely on corruption and "influence buying" does not pay off in the long run. Thus, powerful private business in transition countries have an interest in supporting the establishment of the rule of law, as the experience of the Central European transition countries have demonstrated. The authors maintain, "[I]t is true that when businesses expect political turnover, they may respond by trying to influence the entire political spectrum of parties. But attempting to influence all political players is prohibitively costly if there are many parties with widely different political ideologies." Indeed, the report demonstrates that the democratisation process in transition countries that did experience the return of the ex-Communist parties in power did not suffer.
- 52 Despite what many feared then, the countries that switched from right-wing to left-wing coalitions were able to keep key reforms intact. Instead of putting democracy in jeopardy, these orderly transitions between political parties of different ideologies gave an air of stability to the new democracies, rooted the democratic transition, and — it can be argued — improved governance.
- 53 One can also conclude from a 2002 World Bank report on the first ten years of transition, that change of government remains an important precondition for furthering the democratization process.⁴⁷ Similarly, the authors of the aforementioned Carnegie Endowment report claim that countries with frequent government turnover show the best economic results. Post-Communist Poland experienced nine changes of government, Estonia six, Hungary four, etc. between 1990 and 2002.
- 54 In contrast to countries that did experience an alternation of power without disrupting the overall course of reforms, the authors list several (mainly post-Soviet) countries, as examples. Limited alternation of power in Russia (together with the absence of a credible political opposition) is seen as the main obstacle to governance in the country. Yet, there is a sense in which a large part of the democratisation literature comes up short in valuing the importance of political stability vis-à-vis the benefits of unblocking the political system. On the other hand, one could strongly argue that a complete disregard of the importance of the stability factor (vs. government turnover at any cost) has led the authors to design a paradoxical theoretical construct that could, if

applied, cancel out the democratic system that it is pretending to promote and improve.

- 55 The democratisation-related literature considered in the writing of this essay does, however, mention that countries with an absence of credible opposition remain less likely to progress in the field of governance. This brings us to the issue of political stability in light of a situation where populist political parties are the only alternative to the oligarchy maintained by a blocked political system – which is arguably the case in Serbia.
- 56 The debate on government turnover as a precondition for the successful process of democratisation of a country thus inevitably raises the question of the international historic and geopolitical environment in which the very process of democratisation evolves.
- 57 In this section of the paper, the intention is to propose and test a hypothesis linking the process of democratisation with the geopolitical factor. This consideration is especially pertinent in the case of Serbia which finds itself in a unique situation of simultaneous clash and integration with the European Union and the United States. According to Freedom House's "Freedom in the World Report 2008" Serbia is the only country classified as free that finds itself in a serious clash (over the territorial integrity of its state in Kosovo) with arguably the main pillars of the liberal democratic world: the US and the largest EU states.⁴⁸ It is in this sense that Serbia's democratisation process cannot be compared to that of Poland, Hungary, Estonia etc. The case of Kosovo demands more caution towards claims backing the absolute normative value of government turnover.
- 58 The aim of this paper is not to indulge in a culturally relativist exercise questioning the normative quality of the concept of liberal democracy, or to enter into the Huntingtonian debate on the possibility of developing a democracy outside "the West" in the civilisational sense.⁴⁹ Rather, the intention is to explore whether democratisation is intrinsically dependent on the geopolitical interests of the 'West', as well as to determine if a country can successfully carry out a democratisation process despite serious political disagreements with the EU and the US. Though it is beyond the scope of this paper, answering this question would shed some additional light on the academic discussion of "liberal peace theory."⁵⁰
- 59 That said, democratisation processes are likely to be thwarted when facing unfavourable geopolitical conditions. The situation in which post-Milosevic Serbia finds itself provides an excellent example. On one hand, the US and the EU (with the exception of some member states) recognised Kosovo's unilateral declaration of independence, treating it as a "unique case", and consider its supervised independence a pragmatic solution aimed at stabilising the Western Balkans. On the other hand, Serbia, invoking peremptory norms of international law and supported by a considerable number of countries (including Russia, China, South Africa, India, Spain, Romania, Greece etc.), defends its territorial integrity and opposes formalisation of the *de facto* separation of its southern province.
- 60 Serbia's relationship with the EU is especially complicated. Formally, the two issues - Serbia's EU integration and its struggle to keep Kosovo - remain separate. Practically, however, Serbia's relationship with the EU could receive incongruous turns. On one hand, Serbia downgraded diplomatic relations with EU member states that recognized the independence of Kosovo, while at the same time it entered into a contractual

relationship with the EU with the signing of the Stabilisation and Association Agreement in Luxemburg 29 April 2008. The May 2008 elections will have a decisive impact on the future of Serbia's European integration process, since the coalition grouped around Kostunica's DSS and the Radicals oppose the signing of the Agreement and threaten to prevent its ratification should they acquire parliamentary majority after the elections. A victory for the unconditionally pro-European forces assembled around the DS and the likelihood of an espousal of a soft approach to Kosovo's independence would have a positive impact on the country's membership perspective.

- 61 A stalemate on integration and the severing of Serbia's diplomatic relationship with the EU could endanger its democratisation process. It would (though less likely) create an unprecedented situation whereby a post-communist country proceeds with the democratisation process while simultaneously maintaining a difficult, almost conflictual relationship with the 'West'. More probable however is that Serbia will lack the inner strength to proceed alone with the post-Milosevic democracy-building and overall reforms when facing a serious severing of diplomatic relations with the 'West', coupled with persistent instability in Kosovo. This would occur partially as the result of worsening economic conditions in the country. In this situation, the hypothesis positing dependence of the democratisation process on the geopolitical factor will prove correct.
- 62 The boycott of the SRS and SPS by the 'West', besides being motivated by an ethical lack of willingness to cooperate with the political party that took part in Milosevic's regime, also reflects the tension between Serbia, the EU and the US over the issue of Kosovo.
- 63 Serbia's 'hard' reaction to the recognition of Kosovo's independence by US and most of the EU Member States is not likely to result in a smooth relationship between Serbia and the EU. SRS participation in power would most likely, in the short run, render cooperation with the EU difficult, which would in turn have a damaging effect on Serbia's democratisation process due to the possible ensuing lack of international support.
- 64 We have now reached the essence of Serbia's paradoxical situation. On one hand, we demonstrated how the lack of government turnover negatively affects its democratisation process. On the other hand, we reached a conclusion wherein, at least in the short run, a substantial government turnover - and the rise of the Radical Party to power - remains a dangerous prospect due to the international framework in which the country's democratisation evolves.

Conclusion – Tail wagging the dog

- 65 The problem of the "blocked political system", as demonstrated, is not only that the will of a large portion of the electorate remains underrepresented in the political institutions that govern the country, but also, in the case of Serbia, due to the hitherto impossibility of the Radical Party's participation in power, serious political conflict exists only within the block of democratic parties. The SRS remains on the margins of the struggle for power, and as a consequence, acquires the virtually automatic support of protest voters. Thus Serbia's post-2000 political development resembles a situation where the tail wags the dog: the attempt to fight a problematic opposition party by excluding it from power actually strengthens the opposition's position and in turn

legitimises the public discourse that renders the opposition party problematic in the first place.

- 66 The first attempt to end the conflict within the Democratic bloc was made by Boris Tadic, President of Serbia and President of the DS. Namely, after being elected President of the Republic in the summer of 2004, he refrained from attacking the government and led a policy of rapprochement with the DSS and their coalition. Because of the cohabitation with Kostunica's DSS, Tadic was often criticized by the most socially progressive wings of Serbian society. Consequently, Tadic's position led to the political profiling (and eventually electoral success) of the Liberal Democratic Party, while it also led him to win many moderate centrist votes that did not belong to any political party *per se*.
- 67 The victory in the second round of the 2008 Presidential elections demonstrated the strong electoral potential of an uncompromising pro-European Serbia, as well as politically rewarding Tadic's moderate approach.⁵¹ Simultaneously, the 2008 election demonstrated a sign of the normalisation of politics in Serbia and the maturing of Serbia's democracy regardless of the external instability related to Kosovo's unilateral declaration of independence.
- 68 Predictions that the Radicals would contest the electoral results proved to be incorrect. Once again, the SRS demonstrated willingness to play the game according to the rules established on the 5th of October 2000. Only two hours after the closing of the polls, Tomislav Nikolic argued, "[w]e are going to count the ballots all night long, but as early as now I am prone to say that Boris Tadic has won. I congratulate him and would like to thank all people that went to the polls and voted. I promise to my electors that very soon they shall have new opportunity to vote for our program."⁵² Nikolic was right – the second Kostunica government soon dissolved and the new parliamentary elections were scheduled. Tadic, on his behalf congratulated his opponent and said that he would meet with him soon, because he deserved respect on the basis of the number of votes he received.⁵³
- 69 Some Serbian authors are convinced that government turnover will lead towards an improvement of Serbia's democracy.⁵⁴ Concerning SPS support for Kostunica's first minority government from 2004-2006, Pavlovic argues that the "deep polarization that followed the change of the regime was watered down through a peaceful evolution of the parties of the ex-regime", singling out the SPS as the positive example and the SRS as a negative example of party transformation.⁵⁵ For him the fundamental concern is whether there are political parties in Serbia that would, in the event of an electoral victory, cancel-out the reforms and attempt to reestablish the pre-5th October situation. Regarding this question, the author argued in December 2005 that two events will prove essential for the successful stabilization of the democratic system in Serbia: adopting the new Constitution, and the new electoral law. Should there be consensus on these, argued the author at the time, all political parties would in a way become systemic – including the Radicals.⁵⁶
- 70 On 30 September 2006, one year after the aforementioned article was published, the Radicals voted for the Constitution. There is a sense, however, that the adoption of the Constitution was not sufficient to prove the Radicals' loyalty towards the post- October 5th Serbian state. Strong patriotic undertones linking the adoption of the Serbian Constitution with the attempts of the Serbian government and president to countenance the secessionism of the Kosovo Albanians justified SRS participation in the

vote and referendum campaign even in the eyes of the staunchest opponents of post-Milosevic Serbia in the electorate. For this reason, the Radicals need to be put to another 'test' in order to further prove their willingness to play according to the rules set up after 5th October 2000. A sign that they will act constructively was offered by the Radicals right after 2007 Parliamentary elections. The constitution and electoral legislation limits the period of negotiations for the formation of a new government, and should the political parties fail to reach an agreement, the country would have to vote once again. After painful negotiations, the DS, DSS and the G 17 reached an agreement to form a coalition government which was confirmed by the MPs of the parties 30 minutes before the legal deadline. The Radicals were in a position to prevent the formation of the government and provoke new elections through filibustering (a move they frequently utilized in the post-2000 period) but they refrained from this, stating clearly that they would not resort to obstructionism.⁵⁷

- 71 Indeed, from the point of view of the international community and the Serbian post-Milosevic power parties it may seem paradoxical to make political arrangements with the Socialists while distancing themselves from the Radicals.⁵⁸ After all it was Milosevic's SPS, not Seselj's SRS, that played the greatest role in the devastating politics of the 1990s. Having said that, the Radicals had often appeared the more uncompromising nationalists than Milosevic; yet, it was he and his party that largely determined the fate of Serbia in that period.
- 72 Stability arguably remains a basic concern when considering the possibility of government turnover and the full political inclusion of Radicals and Socialists. Here, the position of the EU and the US vis-à-vis the alternation of power in Serbia remains justified due to a fear of the Radicals' ability to fundamentally reverse the pace of reforms in the country.
- 73 The Radical vote should not be sought after in nationalist discourse and politics. Since 2002, as a result of the negative effects of their exclusion from power, the SRS has continuously attracted the protest vote of people unsatisfied with the nature of reforms in Serbia, lack of social solidarity and corruption. Serbian elections are guided by two dominant feelings: *fear* of a return of the 1990s, and *anger* directed against post-2000 political elite, corruption, the negative effects of transition, and the disregard for the rule of law etc. The Radicals were largely successful in capitalising on the anger building against the post-Milosevic political elite; however, they were not able to convince a sufficient number of voters that the reasons for fear of their return to power are vastly exaggerated. As predicted by some analysts, the protest vote was not sufficient enough to bring about an electoral victory for the Radicals.⁵⁹ The essence of Tadic's campaign in the 2008 Presidential elections was to whip up a fear of the Radicals. The plebiscitary nature of Tadic's campaign in the second round of the 2008 Presidential elections is such that this can hardly be repeated. As indicated by a prominent Serbian politician, "this is the last time Radicals were defeated on the basis of fear."⁶⁰ The May 2008 parliamentary elections will present a test of this assertion since the pre-electoral rhetoric of Tadic's block largely resembles that of previous elections. The reasons for anger will persist, but the reasons for fear will disappear once Serbia finds herself firmly on the EU track. It is also possible that the May 2008 parliamentary elections will confound these predictions.
- 74 Since the Radicals presently do not face a serious competing political force in the opposition able to attract the votes of people dissatisfied with reforms, they are

unlikely to disappear from the political scene of the country. Serbia's system, in spite of its proportional representation system in parliamentary elections, is affected by a centripetal force that lends itself to polarisation, leaving Tadic's DS on one side and the Radicals on the other. The January Presidential elections undeniably signaled such developments, and it is likely that the homogenisation of Serbia's politics will continue in the May parliamentary elections. Such a situation will undoubtedly put additional pressure on Serbian political parties to do away with this form of blocked political system and venture toward crossing the invisible line separating the pre- and post-2000 power parties.

- 75 The homogenisation of Serbia's politics will not necessarily represent a positive development, since, should it occur, it is bound to divide Serbia into two polarised political blocks: one led by the Democrats and other by the Radicals. In this way a new kind of blocked political system might emerge, leaving no space for cooperation between the two political parties (DS and SRS).⁶¹ Hence, further democratisation of Serbia can occur only if the political culture changes dramatically enough to create possibilities for cooperation and compromise between the DS and SRS, including agreement on the future course of the country.
- 76 It remains to be seen whether Kosovo will play a crucial role in the upcoming 11th May 2008 parliamentary and local elections; whether the DS will manage to capitalise on the electoral success of its presidential candidate and the subsequent signing of the Stabilisation and Association Agreement; and whether Kostunica and his party DSS will still play a crucial role in Serbia's politics. Some predictions argue that Milosevic's Socialists might take over the role of the kingmaker from the DSS's political block after the May 2008 parliamentary and local elections.⁶² Regardless, one likely outcome of the upcoming elections is, apart from the homogenisation of political spectrum in favour of DS and SRS, a close result and the inability of any party or group of parties to form a stable government.
- 77 The situation in 2008 is however by no means similar to that of 2000 when, arguably, the entire political discourse in the country, including that of the Radicals, shifted towards gradual EU integration. The situation in Kosovo and the unresolved issue of cooperation with the ICTY will continue to condition political developments in the country in the near future, but not to the extent that they would completely reverse the pace of democratic reforms. In the worst-case scenario, the disagreement with the international community over Kosovo will only slow the reforms. The Serbian population has still to fully comprehend the devastating effect of Milosevic's politics and its responsibility for the wars of the 1990s. Yet this stabilisation is most likely to be achieved through a gradual democratisation of the country, through the 'external' legitimisation of all mainstream political actors, including the Radicals, and through securing the country's EU future.

NOTES

1. See **Ginsborg (Paul)**, "Explaining Italy's Crisis", In Gundle, S. and Parker, S., *The New Italian Republic*, Routledge, London, 1996; **Sartori (Giovanni)**, *Parties and Party Systems: A Framework for Analysis*, Cambridge University Press, Cambridge, 1976; See **Mammarella (Giuseppe)**, *Italy after fascism - A political history*, University of Notre Dame Press, Notre Dame, Indiana, 1966. This paper borrowed the term "blocked political system" from political science analyzing the evolution of the post-WW II political system in Italy, where despite a multitude of governments, a substantial government turnover did not occur until the fall of the Iron Curtain. Geopolitical circumstances after WW II produced a deformed political system in Italy that on the one hand saw a permanent ruling Party (the Christian Democracy and the smaller parties that entered governing coalitions on numerous occasions) and the permanent opposition (the Italian Communist Party), without alteration. This political system was usually referred to as "polarized pluralism" or "blocked political system" and was marked by corruption, irresponsible rule, and clientelism by parties permanently in power.
2. Hereinafter the Radicals or SRS.
3. Democratic Opposition of Serbia – DOS - a group of political parties that overthrew Milosevic from power. Including the Democratic Party (late Prime Minister Zoran Djindjic and current Serbian President Boris Tadic), Democratic Party of Serbia (Prime Minister Kostunica), G 17 Plus (Dinkic) and other smaller parties. Some parties that did not take part in DOS but were in opposition to Milosevic's regime took part in the post-2000 governments, for example Vuk Draskovic's Serbian Renewal Movement.
4. SRS and the Socialist Party of Serbia – hereinafter the Socialists, SPS.
5. See **Aslund (Anders)**, *Building Capitalism*, Cambridge University Press, Cambridge, 2002.
6. The term 'democratic' is conceived very broadly and is used according to the analysis of the record of Serbian political parties while in power. The term refers to the parties en bloc and not to the individual members of these parties, bearing in mind the fact that certain, at times even prominent members of Milosevic's regime managed to infiltrate post-Milosevic political parties and institutions. It does not imply that Radicals and Socialists are inherently undemocratic or that they will not change their behaviour should they manage to govern Serbia in the future.
7. Tomislav Nikolic, the presidential candidate of the SRS won 46.9% of the vote, but the voter turnout was lower than the legal minimum (Article 6 of the Law on the Election of the President of the Republic, "Official Gazette of the Republic of Serbia", No. 1/90, 79/92 stipulated, "The elected President of the Republic shall be the candidate who wins the majority of votes of voters who voted, if at least one half of the total number of voters in the Republic turned out in the elections"). See <http://www.cesid.org> (accessed on 4 April 2008).
8. **Spasic (Ivana)**, "Poruke razocaranih biraca", in **Golubovic (Z.) et al.**, *Politika I svakodnevni zivot: probudjene nade - izneverena ocekivanja*, Fondacija Heinrich Boell, Beograd, III, pp. 97-115.
9. **Slavujević (Zoran)**, "Socijalna utemeljenost stranaka pre i posle izbora 2000", in Goati, V. (ed.) *Partijska scena Srbije pre i posle 5. oktobra 2000*, IDN and Friedrich Ebert Stiftung, Beograd, 2002, 159-194.
10. On 4 February 2004, Xavier Solana, the High Representative for the Common Foreign and Security Policy of the EU, made no secret that the EU preferred the formation of a majority government that would exclude the Socialists, arguing that such a government would move Serbia closer to the EU. See "Solana: Demokratske stranke u Srbiji da oforme vladu", B 92, 4 February 2004. http://www.b92.net/info/vesti/index.php?yyyy=2004&mm=02&dd=04&nav_id=131872 (accessed on 4 April 2008). In reaction to the possible participation of SPS in the government, William Montgomery, the US Ambassador to Serbia at

the time argued that it is not a question whether SPS would support the government but rather, "[w]hat will they do". See "SPS uslovno podržava izbor Maršićanina i zahteva pregovore o programu Vlade", *B 92*, 3 February 2004. <http://www.b92.net/info/vesti/index.php?dd=3&mm=2&yyyy=2004> (accessed on 4 April 2008). Montgomery also implied that US would not be opposed to some kind of partnership with the SPS if they would make a clean break with the policies and personality of Slobodan Milosevic and support the government in its reform policies. See "Montgomeri o novoj vladi Srbije", *B 92*, 4 February 2004. http://www.b92.net/info/vesti/index.php?yyyy=2004&mm=02&dd=04&nav_id=131897 (accessed on 4 April 2008). Serbian media at the time also implied that the EU principally opposed the formation of the minority government with the SPS. See "Izvor: EU protiv aranžmana sa SPS", *B 92*, 11 February 2004. http://www.b92.net/info/vesti/index.php?yyyy=2004&mm=02&dd=11&nav_id=132489 (accessed on 4 April 2008). UN representatives in the country called the formation of such a government, "politically irresponsible" and argued that the consequences for the international credibility of Serbia would be negative. See "UN: Bivše snage u vlasti nedopustive - usledio bi ekonomski pad i siromaštvo", *B 92*, 6 February 2004. <http://www.b92.net/info/vesti/index.php?dd=6&mm=2&yyyy=2004> (accessed on 4 April 2008).

11. The Serbian law proscribes the holding of parliamentary elections every 4 years, thus formally speaking the 2007 January elections were not premature; however, it is clear that they were held ahead of schedule since the elections leading to the formation of the first Kostunica government were held in December 2003 and the following elections in January 2007, thus the period between the two governments lasted 3 and not 4 years.

12. See http://www.cesid.org/rezultati/sr_sept_2004/index.jsp (accessed on 4 April 2008).

13. See http://www.cesid.org/rezultati/sr_sept_2004/index2.jsp (accessed on 4 April 2008).

14. 4 out of 5 DSS municipal councillors voted for the SRS majority. See "Novi Sad: DSS podržao SRS", *B 92*, 29 November 2004, <http://www.b92.net/info/vesti/index.php?dd=29&mm=11&yyyy=2004> (accessed on 4 April 2008). The leadership of DSS remained publicly opposed to such a move and sanctioned the Novi Sad branch of their party, however, without having an impact on the formation of the local government. See "Raspušten novosadski odbor DSS-a", *B 92*, 30 November http://www.b92.net/info/vesti/index.php?yyyy=2004&mm=11&dd=30&nav_id=156935 (accessed on 4 April 2008).

15. See http://www.mfa.gov.yu/Bilteni/Engleski/b310305_e.html (accessed on 4 April 2008).

16. In the absence of Vojislav Seselj (Head of the SRS who is currently in custody at the Scheveningen Detention Centre of the International Criminal Tribunal for the former Yugoslavia, and undergoing a trial before this court) Nikolic is the de facto leader of the Party. Arguably, Seselj's departure (March 2003) contributed to the growing popularity of the SRS. In the 2003 parliamentary elections the SRS effectively experienced a genuine renaissance in popular support. Whereas it would be an over-exaggeration to attribute the electoral success solely to the practical change in Party leadership, a marked difference in style and mentalities of both leaders certainly had a strong influence on the Serbian electorate.

17. **Traynor (Ian)**, *The Guardian*, May 9, 2007. See <http://www.guardian.co.uk/serbia/article/0,,2075324,00.html> (accessed on 4 April 2008).

18. **Mitic (Aleksandar)**, "EU nudi 'politicki sporazum' umesto SSP", *Politika*, 29 January 2008.

19. It is important to mention that during the campaign for parliamentary elections in 2003 - but certainly after the internal Party elections within the DS and the victory of Boris Tadic, which took place at the beginning of 2004 - the DS experienced a gradual improvement in popular support. The results of the 2003 Parliamentary elections were not as devastating as expected. This was largely due to Tadic's distancing from the aforementioned misgovernment and the then unpopular leadership of the Party who had led the Serbian government during the State of Emergency following the assassination of the Prime Minister Djindjic. On a television aired on the eve of the December 2003 elections, Tadic decided to break the silence and confess

the wrongdoings of his party in the Serbian Parliament. Namely, on 22 July 2003, lacking a clear parliamentary majority to elect the Governor of the National Bank of Serbia, the governing DOS majority resorted to voting instead of the absent MPs. The governor was elected by a majority of one parliamentarian who was later proved to be on vacation in Bodrum, Turkey at the time of voting. The DSS and Kostunica did not manage to make a significant turnaround with regard to its post-2000 political record, and it almost completely lost the plebiscitary support of its Presidential candidate in the 24 September 2000 elections.

20. The blocked political system has also had a negative impact on the political responsibility of the Radicals and their readiness to consider political coalitions which could bring them to power. The leadership of the party is certainly aware of the new international environment in which Serbia finds itself, as well as being conscious that holding power in the transition process entails an almost automatic decrease in popularity. Moreover, the Radicals are possibly mindful of the fact that the government's rating would be even more devastated in the face of international isolation. All this leads the proponents of what I decided to brand as 'the Radical's bluff hypothesis' to believe that for now the Radicals feel comfortable in opposition, and that they deliberately avoid participating in power at the national level, not least because they also receive important budgetary contributions due to their electoral successes, and they hold power in several municipalities in Serbia with a likelihood of further success in the May 2008 municipal elections etc. The decision to name the electoral list for the May 2008 parliamentary elections "Serbian Radical Party – Dr. Vojislav Seselj" and the electoral list at the municipal elections "Serbian Radical Party – Tomislav Nikolic" due to the higher popularity of Nikolic, tends to support the 'the Radical's bluff hypothesis'.

21. See "Ko je gde pobedio", *B 92*, 22 January 2008. http://www.b92.net/info/predsednicki-izbori-2008/analize.php?nav_id=281620 (accessed on 8 April 2008).

22. See for example **Bujosevic (Dragan), Radovanovic (Ivan)**, *The fall of Milosevic : the October 5th revolution*, Palgrave Macmillan, New York, 2003; **Mihajlovic (Dusan)**, *Povlenske Magle i Vidici*, I, II, Nea, Beograd, 2005; Milos Vasic, *Atentat na Zorana*, Narodna knjiga, Politika, Vreme Beograd, 2005.

23. The Federal Republic of Yugoslavia ceased to exist on 4 February 2003, when the federal parliament of Yugoslavia created a loose confederation – The State Union of Serbia and Montenegro. Until then the institution of Federal Constitutional Court existed. For more on the constitutional implications of the extradition of Milosevic see Srdjan Cvijic, "Giustizia internazionale vs. Sviluppo democratico", in Stefano Bianchini (ed.), *Guida ai Paesi dell'Europa centrale orientale e balcanica: anuario politico-economico, Il Mulino*, 2002, pp. 103-108.

24. See **Culibrk (M.)**, "DSS Ostao bez mandata", *Dnevnik*, Novi Sad, 30 July 2002. <http://www.dnevnik.co.yu/arhiva/30-07-2002/Strane/dogadjaji.htm> (accessed on 4 April 2008).

25. In an interview for a local media outlet *B 92*, Saninno, answering the question of whether he considered the targeted expulsion of deputies of from the parliament democratic, stated the following: "This issue is now under the scrutiny of the courts. A complaint was filed and the federal constitutional court has ruled in a certain way and I think it's important that all parties have accepted that ruling. If I can add in brackets, what we have tried to work on very much over almost two years is the development and the strengthening of the institutions in the country, meaning the rules of the game that must be recognised by everybody. Once you have rules that are recognised by everybody then you can play the game properly and do what is necessary, so I think it's important this continues to be done." See "Interview with Stefano Sannino", *B 92*, 1 August 2002 http://www.b92.net/eng/insight/tvshows.php?yyyy=2002&mm=08&nav_id=34213 (accessed on 4 April 2008) and "Falsifikuju stav OEBS-a", *Dnevnik*, 6 October 2002. <http://www.dnevnik.co.yu/arhiva/06-10-2002/Strane/politika.htm>. (accessed on 4 April 2008).

26. See [http://www.venice.coe.int/docs/2005/CDL-EL\(2005\)026-e.asp](http://www.venice.coe.int/docs/2005/CDL-EL(2005)026-e.asp) (accessed on 4 April 2008).

27. See "DSS napusta parlament", *Glas Javnosti*, 28 May 2002. <http://arhiva.glas-javnosti.co.yu/arhiva/2002/05/28/srpski/P02052708.shtml> (accessed on 4 April 2008).
28. *Op Cit.* 23.
29. See "Zivkovic: OEBS nije usvojio nikakvu odluku", *B 92*, 4 October 2002. http://www.b92.net/specijal/predsednicki-izbori/vesti.php?yyyy=2002&mm=10&dd=04&nav_id=71988
30. See "DSS se vratio u Skupstinu", *B 92*, 5 November 2002. http://www.b92.net/info/vesti/index.php?yyyy=2002&mm=11&dd=05&nav_id=74843 (accessed on 4 April 2008).
31. Goran Svilanovic, email to Srdjan Cvijic, 8 April 2008.
32. Opinion n°. 347/2005, Strasbourg, 23 March 2006. See [http://www.venice.coe.int/docs/2006/CDL-AD\(2006\)013-e.asp](http://www.venice.coe.int/docs/2006/CDL-AD(2006)013-e.asp) (accessed on 7 April 2008).
33. See http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=11&dd=29&nav_id=181370 (accessed on 7 April 2008).
34. The violation of an independent parliamentary mandate in European democracies occurred only in Mečiar's Slovakia after the parliamentary elections of 1994. MP František Gaulieder was expelled from the Slovak Parliament and substituted by Emil Spišák. This example provides an only instance of the flagrant violation of the principle of an independent mandate in post-communist Europe. See Galanda Milan, Hrabko Juraj, *Poslanecký mandát na Slovensku*, IVO, Bratislava, 1998; East European Constitutional Review, Volume 6, Number 4, Fall 1997. See <http://www.law.nyu.edu/eecr/vol6num4/constitutionwatch/slovakia.html>
35. "Official Gazette of the Republic of Serbia", N°. 1/90, 79/92
36. See <http://www.cesid.org> (accessed on 4 April 2008).
37. **Jovanovic (Cedomir)**, *Moj skuob s prosloscu*, Dan Graf, Danas, p. 128.
38. Labus was heading the G 17 Plus at the time. For the nature of the relationship between DS and the G 17 during this period see Slobodan Cuparic, "Sudar Guvernera I Premijera: Talasanja medju reformistima", *Nezavisna Svetlost*, No. 368, 19 October 2002. see <http://www.svetlost.co.yu/arhiva/2002/368/368-3.htm> (accessed on 7 April 2008).
39. In the first round of 2002 Presidential elections Labus won 995.200 votes, and 74 000 fewer votes in the second. See <http://www.politikolog.com/SrbijaPredsIzbore.pdf>
40. http://www.transparency.org/policy_research/surveys_indices/cpi (accessed on 7 April 2008).
41. **Anastasijevic (Dejan)**, "What's Wrong With Serbia?", European Stability Initiative, Belgrade, 31 March 2008. <http://www.esiweb.org/index.php?lang=en&id=310> (accessed on 7 April 2008).
42. *Op. cit.* 15.
43. For more background on the role of the security services in the post-Milosevic Serbia please see the following account of the history of the Red Berets, their role in the security sector and their connection to other paramilitary units as presented in the documentary and TV programme respectively: Filip Schwarm, "The Unit", *VREME Film and B92*, 2006. <http://www.youtube.com/watch?v=WFmeXPgvj3s> (accessed on 7 April 2008); Brankica Stankovic, "Politicka Pozadina atentata", *B 92*, 13 March 2008. <http://www.b92.net/info/emisije/insajder.php> (accessed on 7 April 2008).
44. In autumn 2002, as mentioned above, the DOS was negotiating with the DSS on resolving the political crisis, provoked by, among other things, the eviction of DSS parliamentarians from the Serbian National Assembly. The DOS negotiating team was composed of Goran Svilanovic, Dragoljub Micunovic (high DS official) and Dusan Mihajlovic, Interior Minister in the first Djindjic government. On the DSS team were Dragan Marsicanin (high DSS official and former Speaker of the National Assembly of Serbia) and Ljiljana Nedeljkovic, Chief of Cabinet of Kostunica, President of FRY at the time. Svilanovic maintains that both sides tried to reach a face-saving agreement – "we get them [DSS] back to the Parliament, and they promised that they would not be destructive, that was the essence, nothing more than that." According to Svilanovic, the DSS negotiating party promised a more cooperative stance towards the policies of the government.

As a consequence of this agreement, DSS parliamentarians had their mandates returned, but they remained generally hostile to the DOS majority. Their vote on the government's legislative proposals differed from case to case. See Op. Cit. 28.

45. **Ware (Alan)**, *Political Parties and Party Systems*, Oxford University Press, Oxford, 1996; European Bank for Reconstruction and Development, *Transition Report 1999: Ten Years of Transition*, Brussels, 1999; **Goati (Vladimir)** (2002). "Partije Srbije od 1990. do 2002. u komparativnoj perspektivi", in **Goati (Vladimir)**, éd., *Partijska scena Srbije posle 5. oktobra 2000*. Beograd: Friedrich Ebert Stiftung and Institut Drustvenih Nauka; **Morlino (Leonardo)**, "What is a Good Democracy?", *Democratization*, Vol. 11, No. 5, December 2004, pp. 10-32; **O'Donnell (Guillermo)**, "Delegative Democracy", *Journal of Democracy*, vol. 5, No. 1, 1995, pp. 55-69.

46. Karla Hoff, Shale Horowitz, and Branko Milanovic, "Political Alternation, Regardless of Ideology, Diminishes Influence Buying: Lessons from Transitions in Former Communist States", Trade, Equity, and Development Project, the Carnegie Endowment for International Peace, January 2005.

47. **The World Bank**, *Transition: The First Ten Years*, Washington, 2002.

48. See <http://www.freedomhouse.org/uploads/fiw08launch/FIW08Tables.pdf> (accessed on 7 April 2008).

49. **Huntington (Samuel P.)**, "After Twenty Years: The Future of the Third Wave", *Journal of Democracy*, Vol. 8, No. 4, 1997, pp. 3-12.

50. Liberal (democratic) peace theory, holds that democracies — usually, liberal democracies — never or almost never go to war with one another. **Doyle (Michael)**, "Kant, Liberal Legacies, and Foreign Affairs", *Philosophy and Public Affairs*, 1983, p. 205 (207-208). **Doyle (Michael W.)**, *Ways of War and Peace: Realism, Liberalism, and Socialism*, New York: W. W. Norton, 1997; **Elman (Miriam Fendius)**, éd., *Paths to Peace: Is Democracy the Answer?*, Cambridge, MA: The MIT Press, 1997. **Brown (Michael E.)**, éd., *Debating the Democratic Peace: An International Security Reader*. Cambridge, MA: The MIT Press, 1996.

51. The turnout in the second round of the 2008 Presidential elections was 67.7% or 4 544 304 out of 6.732.762. Boris Tadic, the incumbent President won 2 294 605 votes (50.5%) and Nikolic won 2 177 872 votes (47.9%). In the elections for the President of the Federal Republic of Yugoslavia, held 24 September 2000, Kostunica, representing the governing coalition DOS, won 2 470 304 votes (50.24%), Milosevic 1 826 799 (37.15%) and Nikolic 289 013 (5.88%). Another 3.88% were won by other candidates and 2.88% were not valid. The turnout was 71.5%. Out of 6 871 595 voters 4 916 920 voted. See <http://www.politikolog.com/SrbijaPredsIzbori.pdf>

52. See "Serbia chose Tadic and EU", *Blic online*, 4 February 2008. <http://www.blic.co.yu/news.php?id=1512> (accessed on 7 April 2008).

53. The meeting between Tadic and Nikolic did not occur but the post-electoral period indicated a normalisation of political dialogue in Serbia, regardless of the Kosovo declaration of independence and the extraordinary parliamentary elections scheduled for 11 May 2008.

54. Dusan Pavlovic, "Polarizacija stranačkog sistema nakon 2000. godine" [Polarization of the Party System in Serbia After 2000], in: Lutovac (Zoran), éd., (2005). *Političke stranke u Srbiji: Struktura i funkcionisanje*. [Political Parties in Serbia: Structure and Functioning.] Beograd: Friedrich Ebert Stiftung, pp. 157-162.

55. *Ibid.*, p. 159.

56. *Ibid.*, p. 162.

57. See "Izabrana Vlada Srbije", *B 92*, 16 May 2007. <http://www.b92.net/info/vesti/index.php?dd=15&mm=5&yyyy=2007> (accessed on 9 April 2008).

58. Here we refer not only to the DSS' pact with the Socialists in the aftermath of the 2003 parliamentary elections. We refer equally to an inconspicuous lack of Socialist support for Nikolic in the second round of the 2008 elections. According to the Serbian press (reporting on the statements made by DS representatives) inclusion of the SPS in the government would be

possible theoretically in the future under the condition that they are fully accepted by the international community (i.e. in the case of the SPS managing to enter the Socialist International as implied by certain DS officials) See

"ŠUT-KARTA ZA G17?!", *Press online*, 14 January 2008. <http://www.pressonline.co.yu/vest.jsp?id=27694§ionId=29> (accessed on 9 April 2008). The SPS failed to support the Radical candidate, partially because of the fear of being 'eaten up' by the larger party; but more likely because of a alleged promised alliance with the democrats

59. Orlovic (Slavisa), "Jedan na Jedan", *Politika*, 28 January 2008.

60. See "Svilanović: Bilo bi politički časno da Koštunica podnese ostavku", *Blic online*, 3 February 2008. <http://www.blic.co.yu/politika.php?id=29148> (accessed on 4 April 2008).

61. For example, the political system of Serbia's northern neighbour Hungary, despite a number of government turnovers since 1990, arguably experiences an essentially blocked political system offering no space for compromise or alternative political course. George Schöpflin characterises the Hungarian system as "cold civil war". See **Schöpflin (George)**, "Hungary's cold civil war", *Open Democracy*, 14 November 2006. http://www.opendemocracy.net/democracy-protest/hungary_civil_4093.jsp (accessed on 7 April 2008).

62. Petrović (M. R.), "Ucenjivački potencijal socijalista", *Politika*, 8 April 2008. <http://www.politika.co.yu/rubrike/Politika/Ucenjivacki-potencijal-socijalista.lt.html> (accessed on 8 April 2008).

ABSTRACTS

Through an overview of the relationship between the ruling democratic parties, the international community, and the Radicals, this paper will attempt to answer the question of whether the cost of this "blocked political system" (i.e. immobile democracy) is higher than the continuous exclusion of the SRS from power. In this way, the paper will touch upon some fundamental dilemmas of political theory such as the toleration of the intolerant and the role of the international factor in the democratisation process of a country. Moreover, a short overview of the theories of democratisation will be used to define the "blocked political system" phenomenon. The methodological approach of this paper draws on an analysis of a general theory of democratisation, and a politico-historical analysis of Serbia from 2000-2008.

Grâce à une vue d'ensemble de la relation entre les partis démocratiques gouvernants, la communauté internationale, et les Radicaux, cet article tente de répondre à la question de savoir si le coût du blocage du système politique (c'est-à-dire la démocratie immobile) est plus élevé que la poursuite de l'exclusion du SRS du pouvoir. De cette manière, l'article abordera certains des dilemmes fondamentaux de la théorie politique, tels que la tolérance de l'intolérance et le rôle du facteur international dans le processus de démocratisation d'un pays. En outre, un bref aperçu des théories de la démocratisation sera utilisé pour définir le phénomène du "système politique bloqué". L'approche méthodologique de cette étude s'appuie sur l'analyse d'une théorie générale de la démocratisation et d'une analyse politico-historique de la Serbie entre 2000 et 2008.

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Mots-clés: Partis politiques, Parti radical serbe, Elections

AUTHOR

SRDJAN CVIJIC

External Advisor on the Western Balkans, European Policy Center (srdjan.cvijic@iue.it) and Policy

Officer on EU Affairs, The Association of the Local Democracy Agencies

srdjan.cvijic@aldaintranet.org