Contextualising Democratisation
Facing and measuring protracted democratisation processes - Lessons from the Western Balkans

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Introduction

The Nations in Transit (NIT) Report 2007 highlighted a number of facts which point at an “anti-liberal trend” in democratic development of the 29 countries under assessment: “Reform fatigue and political polarization are contributing to an emerging governance crisis in Central Europe (…). These developments suggest a possible erosion of the democratic consensus (…). The Freedom House study (…) shows that populism and anti-liberal trends are on the rise, and judicial independence is coming under increased pressure. Insular party politics hamper the fight against corruption and practices to combat corruption in these countries are falling short.”

The most recent 2008 NIT report illustrates the continuation of these trends by highlighting a distinct and growing divergence of democratic performance in the countries, as well as continuous domestic challenges and an unclear geopolitical position in the countries of Central and Eastern Europe.

Yet, these are not recent or unique trends since democratic development has witnessed a number of setbacks and reversing tendencies in the countries under consideration.

Soon after the 1989-euphoria it became obvious that only a minority of countries could live up to the high expectations of democratic transition. The majority remained in a political “twilight zone” between the establishment of formal democratic instruments and the persistence of informal authoritarian structures. In view of an improved analytical and comparative assessment, transformation and democratisation studies reflected on such developments with theoretical discussion on the implications and the formulation of new concepts. The model of embedded and defective democracies for example, aimed at the precise determination of the location of the defects of democracy. Similarly, the discussions on gradualism and sequencing as well as on the expansion of democracy around the world attempted to provide some answers to the questions posed by the stagnating democratic developments in transition countries. The nature of these debates however also pointed at two underlying dilemmas of transitology and the assessment of democratisation. Namely, the assumption of transformation studies on the linearity and clear direction of democratic change, as well as the international democracy promotion.

With the recent “anti-liberal” trend in transition countries, the question remains how such dilemmas have been or can be analysed. The specificity of the recent developments is that they are also witnessed in countries which by the NIT assessments have already been rated as consolidated or semi-consolidated democracies, as in the case of Central and Eastern

1 Nations in Transit 2007 Press Release
3 Diamond, Larry: Developing Democracy: Toward Consolidation, Baltimore 1999
4 Wolfgang, Merkel: Embedded and Defective Democracies, Democratisation 11/5, 2004, pp.33-58
5 Journal of Democracy July 2007, Volume 18, Number 3
European countries. Also previous optimistic outlooks for countries rated between semi-consolidated and transitional or hybrid regimes had to be revised in the light of unchanging or stagnating factual processes, as in the case of Moldova, Bulgaria or Romania. The countries of the Former Yugoslavia serve as an important example for these developments. Croatia, EU candidate country and rated as semi-consolidated country as well as Bosnia-Herzegovina and Serbia, continue witnessing serious challenges on their path of democratic transition. Although, they have been given a rather promising outlook in the democracy ratings in previous years, the countries experienced grave setbacks in 2007 and 2008. Whereas Croatia made some significant gains in institutionalising reform, although entrenched problems will require longer and more diligent government efforts. Bosnia-Herzegovina and Serbia seem to be caught in enduring crisis. In the two countries the constant political crisis and the challenges towards the democratisation processes continued throughout 2007 and they find themselves at the end of the Balkans’ EU “regatta”.

Although the signing of the Stabilisation and Association Agreements both in Bosnia-Herzegovina as well as Serbia, has again given some promise to democratisation efforts in the countries, the question remains if this rather formal step towards EU integration will be able to stabilise the transition process. At the same time it remains to be seen if Croatia will fulfil all benchmarks set by the EU to finish accession negotiations by 2009. The ups and downs in the democratisation of these countries two decades after the break-up of Yugoslavia put a question mark not only behind the assumption of linear transition towards democracy but also behind the success of international involvement promoting it. Even though formal criteria and institutional setup for democracy have been established and billions have been invested from the international community for strengthening them, progress is stagnating. Therefore, the following article will examine post-Yugoslav specificities of transition in order to draw conclusions on the general methodology of measuring democratic progress.

Obstacles to democratisation in the Western Balkans – Review of theoretical insights from the region

Democratisation processes in the Western Balkans challenge main assumptions of transformation and democratisation theory. At the same time these rather general theories largely neglect the specificities and peculiarities of the post-Yugoslav transition to democracy. Apart from some large comparative works on democratisation in the Balkans and some articles in relevant journals, the transformation processes in the Balkans were largely left to regional researchers in Western Europe and local researchers, pundits, and journalists (writing in their local language), working on a broad range of subjects such as reasons for war, state decay, nationalism, security issues, peace accords, protectorate models, international presence, etc. Even if some local writers try to make themselves heard in the international debate, there is no

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6 Freedom House, Nations in Transit 2008, Croatia
7 Freedom House, Nations in Transit 2008, Bosnia-Herzegovina, Serbia
8 Dawisha, Karen; Bruce, Parrott (eds.): Politics, power, and the struggle for democracy in South-East-Europe, Cambridge 1997; Geoffrey, Pridham; Tom Gallagher (eds.): Experimenting with Democracy. Regime Change in the Balkans. London 2000
substantial connection between these empirical and theoretical findings and the general debate on transformation and democratisation and thus no inclusion of findings of the local writers in the general debates about possibilities (and limits) of measuring the quality of democracy.

In order to provide a proper framework for the inclusion of the lessons from the Western Balkans transformation processes into the methodology of the NIT and prepare the grounds for the introduction of our “contextual categories” into the NIT design we will start with the discussion of three main challenges to the linearity of democratisation in Bosnia-Herzegovina, Croatia and Serbia, namely the regional specificities of a) unfinished nation-state building and remaining ethno-nationalist patterns, b) difficulties and limits of Europeanisation as dominant democratisation strategy as well as c) the challenges posed by socio-economic stratification and exclusion to the foundations of democracy.

The states of the Former Yugoslavia faced a triple challenge during their regime transformation the 1990s. What Offe (1996) coined as “dilemma of simultaneity”, namely the concurrence of transforming the state; the regime; as well as the society can be used to describe an important specific aspect of this region in comparison to other democratisation processes. Unlike in other examples, in which the state was weakened by communist rule but had existed before, the Yugoslav dissolution brought above various challenges in the relationship of state and society, of state-building and nation-building. In the context of Former Yugoslavia, there is the added dimension of transition from peace to war, together with constant readjustments of the national (state) framework, which had enormous effects for the development of Western Balkans’ societies in the years since the begin of the Yugoslav dissolution in 1990. This fact presents a special challenge for democratisation as well: “Simultaneous negotiations of institutional, economic, and attitudinal transition have often proven extraordinary difficult, especially in the presence of ethnic conflicts and controversies over borders and boundaries.”

The process of belated nation-state building has had, in the last 15 years, the most dominant effect on transformation processes in Bosnia-Herzegovina, Croatia and Serbia. The break-up of Former Yugoslavia and the subsequent transformation led to the questioning, weakening and reform/renegotiating of the national framework. The legitimacy of national governance and the authority of national institutions and actors and their actions – their “stateness” – is often called into question and renegotiated in these processes. As Vucetic notes, “[t]he question of ‘stateness’ simply overshadows everything else.” Krastev gets to the core of this dilemma by stating, “In
the Balkans as a whole, today the problem is that there are more democracies than sovereign states in the region.\textsuperscript{15}

Connections between the dilemmas of nation-state building and transformation processes (and their successful outcome) have been extensively covered in general transformation studies. Robert Dahl postulated early on that the democratic process requires an undisputed territorial entity in order to work.\textsuperscript{16} In the process of renegotiation of stateness, the borders of political communities – the nation state as the most modern form of political community – are redrawn.

If one assumes – following D. Rustow,\textsuperscript{17} that a “stable national entity” is the single indispensable precondition for a possible democratisation\textsuperscript{18}, it is possible to view many shortcomings and setbacks in the three ex-Yugoslav societies’ transformation through the prism of conflicts on the national question and the non-existence of “national unity”. By relying on a new form of collectivism build on ethnic nationalism the rulers of the new Former Yugoslav states were able to hijack the idea of national unity and its contribution to democracy. Ascribing national unity and territorial sovereignty with an exclusive ethnic logic may result in undermining democracy and stateness by complicating the creation of effective and functioning institutions.\textsuperscript{19} In the Former Yugoslavia this took the form of hybrid state-systems, which, while relying on an ethnic and national exclusivity, were upheld through the replacement of individual liberties through national-collective logic and an interwoven net of clientism and corruption.

Regional debates on the exclusive comprehension of the nation in the post-Yugoslav transformation point at the legacies of such rationale with regard to democratisation and to the fact that the value of nationalism for state-building is conflicting with a state of democracy.\textsuperscript{20} Exclusive conceptions of nation-building processes inherit a socio-psychological “mental level” for democracy.\textsuperscript{21} This articulates itself in the understanding of citizens, that the protection of the collective nation is a main task of the new regime. Individual security and rights are reduced to the collective well-being of the (ethnic) nation insured by the structures of the nation-state. At the same time the persistence of ethno-nationalism in formal and institutional arrangements results in the continuing challenge to democratisation through so called “reserved domains”.\textsuperscript{22} These domains often occupy areas of state security, territory and national self-determination (and others) in which power positions are insured through ideological discourses. This is especially in favour of political and economic elites who sustain the legacies of hybrid regimes - the legacies of clientism and corruption – with adherence to symbolic and historic references. Thereby, the “dilemma of persistence”\textsuperscript{23} becomes the main challenge to democracy, even when hybrid state forms are overcome and formal democratic standards are established. It is the mental and habitual level of ethnic nationalism as well as the continuation of ethno-nationalist discourses

\textsuperscript{18} Rustow: “It simply means that the vast majority of citizens in a democracy-to-be must have no doubt or mental reservations as to which political community they belong to.” (350) “This background condition, however, is best fulfilled when national unity is accepted unthinkingly, is silently taken for granted.” (351)
\textsuperscript{19} Dusan Pavlovic, Slobodan Antonic: Konsolidacija demokratskih ustanova u Srbiji posle 2000. godine, Beograd 2007, p. 234
\textsuperscript{20} Pusic 1999
\textsuperscript{21} Golubovic 2007
\textsuperscript{22} Pavlovic/Antonic 2007
– especially in reserved domains - which persist the establishment of democracy and challenge its consolidation.

The strong external influence on post-Yugoslav democratisation can be explained by the different basic conditions. Firstly, the latecomers in a wave of democratisation (all three selected successor states of Former Yugoslavia can be viewed as such) are always subject to a stronger external influence.24 Secondly, it results from the fact that high-intensity conflicts and wars in the course of national state renegotiations can pose a threat to international security as well, which made intervention of the International Community almost inevitable. It is against this backdrop that we have to view the concept of interplay between internal and external factors as one of the main challenges for democratisation studies in the region.25 External democracy promotion takes place in the form of “Europeanisation” and acts as a kind of “ad hoc acquis democratique” in the region. According to Vucetic “Europeisation” can be understood as a process that deeply changes the Balkan countries and decisively influences their course of democratisation: “Europeisation a process in which ideas, values, norms, rules, and procedures developed in the EU policy process become incorporated in the domestic identities, institutions, and policies – is profoundly changing Balkan states.”26

“Europe” has become an essential political concept in the Western Balkans in the last 15 years. Within the Western Balkan countries Europe is still used as a kind of a space for a variety of glorifying, idealizing, and sentimental projections. As a direct consequence people’s expectations from EU-integration and the EU in general rise high what leads to a crisis of hope and expectations and a deep gap between the expectations on the hand and things the EU can realistically offer on the other. „Europe” is seen as the guarantee for a better future, it should bring democracy and prosperity to the country and modernise the societies.

On the side of the EU a certain bias towards formal institutionalism can be discovered. It is especially problematic in the Western Balkans’ context, because it draws attention from the various discourses that fortify power positions of the national elites. These elites frequently used „Europe” as a „political weapon”. By this means, “Europe” slowly became a part of the problem rather than a solution to the problems of democratisation. “Europe” is namely used in the political field as the ultimate instrument in advocating one’s own politics and dismiss arguments of others. European agendas, perspectives, values and standards not only serve as rationale for reform, but rather as instrument for distinction towards political opponents. Very diffuse und unclear perception of Europe within the public makes it possible. Politicizing and mythologizing „Europe” by the political elites is seriously slowing down the Europeanisation process in the region. Thus, the EU perspective in the region, to which all governments and people in the Balkans agree that it is the only way to achieve prosperity and stability27, at the same time becomes part of the prevailing pessimism towards the EU. “Europe” as a synonym for freedom, wealth and prosperity becomes indirectly linked to disappointment with states institutions and ethno-nationalist elites. That leads to a general increase in mistrust towards European structures.28

26 Vucetic 2004, p. 124
In addition, the dichotomy between Europe on the one hand and the Balkans on the other, summarized by the term “Balkanism”, becomes an inherent concept in the internal political debates of the states of Former Yugoslavia as well as between them. Europe thereby continues to construct the Balkans as an immanent “other”, the “less developed pre-modern entity” which is used to reassert her own “progressiveness”, “modernity” and “superior democratic statehood”. By doing that one is immunized against the specific regional reality and misses the opportunity to question own normative ideas and concepts, including the believing in the linearity of Europeanisation.

Drawing conclusions from such a differentiated understanding of effects of Europeanisation in the Western Balkans another rather theoretical aspect important for the study of Western Balkans’ democratization processes can be detected. It lies in the evident discrepancies between the normatively preferred and the factually implemented and existing democracy in the three states. The support of an existing democracy by its citizens (and by that the stability of democracy itself) depends on the legitimacy of the implemented structure through normative principles. That means that elites have to start with normative principles, which are shared by the citizens, in order to create a stable democratic order (top-down flow of legitimation). It is equally possible for such “feedback effects” to work from the bottom up: in this assumption, it is the specific subjective experience of the citizens with a specific democracy that defines their attitude towards the implemented structures and normative principles. If this effect is positive, democracy becomes stabilized. However, a negative effect will erode democracy. For developments in Former Yugoslavia, it can be postulated that the specifics of the situation (influence of ethno-nationalism, war, establishment of authoritarian rule in the 1990s, late onset of democratisation, strong direct influence of external factors, democratisation under the dominant pattern of Europeanisation) created an enormous rift between norm and reality of democracy. This rift gets even deeper by the persistent effects of ethno-nationalism and the further ongoing dynamic process of nation-state building, which can also be witnessed in the symptoms of estrangement between political elites and citizens. These normative conflicts also have an influence on the citizens’ practices, which are marked by a more or less challenging behaviour towards the political community. Naturally, this leads to immanent tensions and hinders (considerably in BiH and Serbia and less considerably in Croatia) a sustained consolidation of the countries.

Challenges posed by socio-economic problems and cleavages within the Western Balkans’ countries can be seen as a third regional specifics influencing the course of democratisation of the respective countries. Already Linz and Stepan highlighted the importance of “economic society” as a supportive condition for a consolidated democracy and postulated that any kind of democratic consolidation requires the institutionalization of a socially and politically regulated market. Lipset also observed “perhaps the most widespread generalization linking political systems to other aspects of society has been that democracy is related to the state of economic development.” In the last few years a debate about social prerequisites for democracy in rather consolidated democracies in Central and Eastern Europe has been opened, pointing at widespread social shocks and social polarization occurring in these Central and East European countries.
despite the significant successes of transformation in the years since the breakdown of the former regime. But similarly to general democratization debates the Western Balkans has been one again largely neglected in these considerations.

Generally spoken, the persistence of socio-economic problems in the Western Balkans’ societies should not be analyzed in a traditional way. It would be naïve to expect that the nominal implementation of democratic institutions and of basic rules of market economy together with the promise of Europeanization would automatically solve all the social and economic dilemmas of the Western Balkans’ societies. In order to better understand the socio-economic processes and shocks within Bosnia, Croatia and Serbia a rather broader consideration of regional specificities is needed.

When the Berlin Wall fell and the economies in Eastern Europe started their way from plan to market, the former Socialist Federal Republic of Yugoslavia (SFRY) had probably the best preconditions in Eastern Europe for a rapid and successful transition. Yet armed conflicts, poor policies, and the loss of the common market left behind small and, except for Slovenia and partly for Croatia, underdeveloped economies that suffered from sharp output decline, unemployment, public debt and, after all, seriously worsened living standards and a degree of poverty that endangered all segments of society. If one focuses on Bosnia and Serbia, both countries face a “triple transition” (from war – or at least involvement in war in case of Serbia – to peace, from humanitarian aid to sustainable development and from a socialist political system and centrally planned economies to democracy, civil society and a free-market economy), which makes it extraordinarily difficult for both international and local actors to efficiently address the multiplicity of interrelated and complex challenges. This – together with a number of shortcomings in the strategy of international stakeholders – is one part of the puzzle explaining why for example Bosnia and Serbia are still regions confronted with economic hardship, unemployment, and social polarization.

An another part of the explanation can be found in the fact that the planned economy of socialist and communist systems characterized by full employment and a comprehensive welfare system was followed by a strong social stratification after its dissolution which was worsened by the persistence of corrupt structures and the impact of ethno-nationalist policies implemented on the state level. Such a “captured state” undermines the legitimacy of democratic institutions and leaves the citizens disappointed behind, decreasing trust in democratic structures and political participation.

Although macro-economic factors indicate a steady improvement of the economic status quo in the last few years only a minority of the population had the opportunity to profit from these developments. Socio-economic crisis in countries like Bosnia and Serbia has to be partly explained in the context of a growing socio-economic dissonance and cleavage between those who participate in the formal economy, and those who are excluded from it. If we take Bosnia as an example it can be seen that the experiences made by the population do not necessarily reflect on the growing economy in their countries or on the expectations which have been linked to the process of Europeanization. While socio-economic stratification defines the common consensus of the advantages of EU accession as the only way out, the unrealistic hopes connected to EU

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integration are disappointed by the experience of increasing poverty, social insecurity as well as growing inequality in wealth distribution. The rationalisation of such disappointment often leads to the assumption that the society may not be welcome in the European community, or may even be better off by itself in protecting its national identity and values. This is also reflected in the fact that utilitarian considerations are less important in the formation of Euro-scepticism. A more relevant source of Euro-scepticism derives from exclusive nationalism and its socio-cultural, political and economic implications. In other words, attitudes towards EU accession are to a lower degree based on concrete information about socio-economic advantages or disadvantages of EU integration. They rather depend on impulsive and situational relations influenced by main political discussions, including the relations with the neighbouring countries after the war (i.e. Kosovo), prosecution of war criminals and the cooperation with the ICTY. This shows that from the perspective of the population, the decision on EU accession derives from economic and social considerations.

Summing up, from the peculiarities of the Yugoslav transition a general conclusion can be drawn that the assumption about linearity and clear direction of development towards democracy has to be reviewed for the analysis of post-socialist societies and protracted transformation processes like in the Western Balkans’ case. Some Balkan states like Serbia or Bosnia can serve as examples for non-linear development, where setbacks, detours and new attempts in the development of democracy are possible at anytime. It is always a “combination and recombination of hereditary and emerging elements, where as a result of these processes ‘new springs out of the old’ even if it seems to come into being as its complete opposite”. By challenging the linearity assumption and paying attention to specific course of democratization in the Western Balkans’ context a number of conclusions can be made for the theoretical and methodological debates about measuring democracy.

**Western Balkan challenges to democratisation and its reflection within NIT**

The theoretical discussion has shown that an exclusive connotation of the nation and persisting ethno-nationalist discourses, discrepancies between high internal expectations on and external conditions as well as socio-economic stratification rank among main challenges to democratisation processes in the post-Yugoslav transitions. Although formal democratic structures have been established in the countries under consideration, these dilemmas undermine progress towards consolidation of democracy and European integration. In order to support the theoretical discussion we will now look at concrete examples of such challenges from recent political developments in the region. Subsequently, the article will then review the NIT country reports on Bosnia-Herzegovina, Croatia and Serbia in order to see, how mentioned challenges have been measured. By this means we firstly attempt to examine the concrete implications and characteristics of the main challenges to democratisation. Secondly,
we aim to see if these characteristics can be grasped by democracy-measurement as in the case of the NIT methodology.

Protracted democratisation in Bosnia-Herzegovina, Serbia and Croatia

What has already been reflected in regional scholarly debates as barrier for full democratisation during the last decade has evidently come to the fore in the recent political developments in Bosnia-Herzegovina, Croatia and Serbia. The blocking of political, economic and social developments by the institutionalisation and application of exclusive ethno-nationalist logic has been mostly noticeable in Bosnia-Herzegovina. In the country which institutional setup has been defined by the outcome of the war, the political elite has made itself comfortable in the institutional status quo, unwilling to find an consensus which may help to overcome ethnic division and largely ineffective administrative structures. As a compromise of the Dayton Peace Agreement from 1995 the consociational structures of the country have secured peace in the first years after the conflict. However, it quickly became obvious that the constitutional set-up was discriminatory in its ethnic logic, ineffective with regard to decision making and created an ineffective and monstrously expensive administration (consuming 60% of the national budget). How far-reaching these obstacles to democratisation deriving from ethno-nationalist logic were, became obvious when in 2005, at the 10th anniversary of the Dayton Peace Agreement, the international community commenced to push towards a constitutional reform. The nationalist leaders of the two entities firstly dismissed constitutional changes. When the focus then moved to the reform of the police in order to secure executive authority on the state level (previously determined on the entity level) the unwillingness of the leaders to find a compromise radicalized political life in the country, provoking pessimism among the population and resulted in the worst political crisis since the end of the war.44

Due to the fact that the international community has been playing a crucial role in the post-war developments in Bosnia-Herzegovina and with the EU taking over the lead of international efforts in the country (double-function of High Representative and EU Special Representative Miroslav Lajčak), external actors have been extraordinarily strongly involved in democratisation efforts in the country. The danger for international democratisation efforts of becoming subject to ethno-nationalist discourses on the one hand and the dilemma of promising prosperous and wealthy future while pushing for unpopular reforms is therefore especially obvious in Bosnia-Herzegovina. The (Bonn) powers of the High Representative to dismiss elected officials and parliamentary decisions if they are in conflict with the constitution of the country has repeatedly provoked the protests of nationalist leaders, as well as general discussions on the democratic legitimacy of such authority. 45 When in the course of the institutional and political blockade during the crisis in 2007 High Representative Miroslav Lajčak issued a decision changing the rulebook of the Council of Ministers and the Parliamentary Assembly his action provoked sharp reaction from the political leadership of the Republika Srpska as well as street demonstrations against his decision.46 At the same time the potential of international democracy promotion (foremost by the EU) has been undermined by decreasing sentiments of social security and economic stability among the population of Bosnia-Herzegovina,47 although the country has modestly progressed towards EU integration during the

44 See: UNDP Bosnia-Herzegovina, Early Warning Report 2007
46 UNDP Bosnia-Herzegovina, Early Warning Report, 2007, p.64
47 Compare UNDP Bosnia-Herzegovina Early Warning Reports between 2002 and 2008
last years. At the end, the question remains to which degree the international democratisation efforts in Bosnia-Herzegovina did not become an inherent part of the political gridlock in the country by demanding reforms which have not been conditions to Europeanisation in any other state of the region.48

In Serbia, the mentioned challenges for democratic transition stemming from ethno-nationalism and discrepancies between external demands and internal expectations take a different form than in Bosnia-Herzegovina. The nationalist legacies of the Milosevic regimes have prevented the country from moving quickly towards stability and European integration after the democratic revolution in October 2000. Questions of territory and stateness as well as ethno-nationalist discourses are continuously applied in various state sectors in order to secure power position of corrupt elites. So called “reserved domains” hinder overcoming clientist structures and hybrid institutions by relying on ethno-nationalist discourses.49 An example is the struggle of Serbia to extradite war criminals to the International Criminal Tribunal in The Hague (ICTY) has repeatedly proved the unwillingness of the Serbian authorities after 2000 to break with the ethno-nationalist past of the country. The ideological polarisation of the country, divided between the pro-European block on the one hand and the radical nationalists on the other has become clear during Kosovo’s declaration of independence in February 2008 when pictures of street riots and demonstrations from Belgrade went around the world. Although the pro-European party of the president Tadic won the elections, and old cleavages were attempted to overcome by forming a coalition with the Socialist Party (former party of Slobodan Milosevic), the government walks the thin line between commitments towards Europe and reliance on well-established patterns of exclusive nationalism.

When in July 2008 the former Bosnian Serb president and accused war criminal Radovan Karadzic was arrested in Belgrade the balance act of the newly formed government became obvious. Tadic presented the arrest as a confirmation of its European commitment, while his coalition partner Ivica Dacic (president of the Socialist party and minister of interior) emphasized that neither his ministry nor his party had anything to do with capturing the indictee. The transfer of Karadzic to The Hague may also serve as a good example of the clash of internal expectations in Serbia generated by the Tadic government and the external demands of the EU. Tadic raised the hopes in his country with regard to the abolishment of the visa regime and increasing economic growth due to the signing of the SAA as a consequence of the cooperation with the ICTY. Although EU officials had repeatedly complimented Serbia on its developments, The Netherlands and Belgium used its veto powers to refuse unfreezing of the trade-agreement with Serbia by arguing that war criminals Ratko Mladic and Goran Hadzic are still at large.50 The internal Serbian political consequences for this decision by the EU remain to be seen, yet, it constitutes a serious slap in the face of euro-enthusiasm in Serbia.51

The case of Croatia is different to Bosnia-Herzegovina and Serbia with regard to the fact that the country has become candidate country to the EU already in 2005. Challenges of ethno-nationalist discourses as well as high expectations towards the EU have been characterizing the path of democratisation especially before achieving candidate status. Also in the Croatian case the persistence of ethno-nationalist legacies of the former half-authoritarian Tudjman regime played an important role and became evident with regard to the cooperation with the ICTY (Gotovina

48 European Stability Initiative: Discussion paper: The worst in class. How the international protectorate hurts the European future of Bosnia and Herzegovina, Berlin November 2008
49 Pavlovic/ Antonic 2007
50 EUobserver, 17.Sept 2008
case). However, the formally established democratic institutions are still widely suffering from hybrid and corrupt structures relying on symbolic discourses similar to Serbia. The persistence of such ethno-nationalist logic is recognizable with regard to specific issues, i.e. the question of Serb minority representation in public institutions and ethnically motivated attacks and problems for housing for returnees, as well as ethnic bias in national prosecution of war crimes, etc. The large discrepancies between adopted legal standards on the one hand and their implementation on the other is the crucial characteristic constituting the continuation of ethno-nationalism in the country.

With regard to the question of external demands on the country and internal expectation towards EU accession the case of Croatia is telling a lot, since it had to harmonize and adopt more European laws than any other country in the region. We would hereby like to highlight some examples which constituted sources of scepticism of the Croatian public towards the EU and the Europeanization process in general. A majority of Croatian citizens expects positive economic trends from convergence towards the EU. Yet, debates on the economic drawbacks for opening the still very vulnerable Croatian market to the EU has been marked by pessimism. For instance, the unilateral declaration of a protected ecologic and fishing zone by Croatia in 2007 and the reactions of the EU and some of its member states (Italy, Slovenia) on it, provoked controversial discussion in the Croatian public. The debate raised public scepticism towards the national authorities as well as representatives of the EU. Such disappointments with the European perspective stem from miscommunication of national authorities as well as mistrust towards national institutions (due to the high perception of corruption) which is also applied on European institutions. Furthermore, also symbolic discourses have a strong effect on increasing euro-scepticism in the country while concrete challenges to EU Enlargement are not discussed in public. Vesna Pusic, president of the national board for the observation of accession negotiations, pointed to the fact that the Irish rejection of the Lisbon Treaty and its consequences for the accession of Croatia, have not at all been discussed in the Croatian public.

The persistence of nationalist discourses and high internal expectation reduce the potential of European integration efforts to contribute to democratisation in the Western Balkan region. In addition, fluctuation in the standpoints expressed by European officials and changes of EU policy towards the accession of the Western Balkans itself challenge the capability of European integration to promote democratic consolidation and governance. As we have pointed out in the previous chapter also social-economic problems and stratification may undermine effects of democracy promotion by the EU. In all three countries the experience of war and half-authoritarian systems left corrupt structures to the damaged economy. Although macro-economic factors in the country point at stabilisation and economic growth, poverty and social stratification are increasing. In Bosnia-Herzegovina 20% of the population live under the national poverty line and more than 30% are affected by unemployment. In addition, “(...) low incomes, based on a poor economy and a poorly qualified workforce, an inadequate policy framework for improving the country's competitiveness, and a lack of appropriate government (social) programmes mechanisms are all factors indicative of the fragility of the social security system.” Also in Serbia the majority of the population did not profit strongly from the economic growth during the last years since the unemployment rate was reaching up the 19%.

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52 Pavlovic/Antonic 2007  
54 Katarina, Ott: Pridruživanje Hrvatske Europskoj Uniji. Izazovi sudjelovanja, Zagreb 2006  
55 Visnja Samardzija, Alan Dukes, Communicating Integration Impact in Croatia and Ireland, Zagreb, Dublin 2008; Ott 2006  
56 Ott 2006  
57 UNDP Bosnia-Herzegovina, Early Warning Report, 2007, p.40
wages were decreasing and grey economy constituted up to 39%. Croatia is with regard to its macro-economic factors like economic growth but also unemployment and poverty comparable to other Central Eastern European countries (which are already member of the EU). At the same time Croatia is confronted with “(...) a number of ‘new risks’, common to post-industrial societies, and related to complex socio-economic and socio-cultural transformations, are emerging in Croatia. Central to this is the changing relationship between social policy and the labour market.” This relationship may have negative effects and provoke social insecurity as well as exclusion in the country. To sum up, we might say that similarly to other post-communist countries the populations of the Western Balkan region are seriously troubled by effects of privatisation and market economy, aggravated by corrupt and clientist structures as well as discourse of exclusive nationalism.

The examples from the country show that democratic progress and democracy promotion are confronted with a variety of challenges in the Western Balkan region. In order to analyse these challenges, the democratic progress has to be measured in the context of the long-term developments of questions of stateness, nation, perceptions and attitudes of the population with regard to European integration as well as economic and social developments. This is important in order to put short-term developments in the framework of the broad picture of transition and in order to secure that effects and standards of democratisation are not reduced to formal benchmarks. In this regard also the analysis of external democracy promotion needs to be involved structurally into the examination of democratization efforts. The EU has become a main actor in democracy promotion in the Western Balkan region. In order to understand the developments in the countries it also needs to be taken into account by which factors external players are influenced with regard to its policies towards the countries. In the following, the article will examine in which way the NIT reports incorporate mentioned factors in their measurement.

How NIT is reflecting on these obstacles

The aggravated political crisis which hit the post-Yugoslav countries during the last two to three years has been concretely reflected in the NIT reports. The 2007 and 2008 country reports on Bosnia-Herzegovina, Croatia and Serbia comprehensively described the limited progress of consolidating democracy during this period. In this regard the NIT 2008 report on Bosnia-Herzegovina states that the country has been facing a “constant political crisis”, whereby in 2008 “only limited democratic transition” has been contested for the country. Similarly, the 2008 assessment of Croatia points at the fact that “more diligent government efforts” are needed after “many delays and problems” have been encountered already during 2007. Also Serbia’s “democratization processes continued to encounter challenges” since already “2006 was the most difficult year for Serbia since the democratic revolution in 2000”. That these challenges to democratisation stem from the persistence of ethno-
nationalist discourses and legacies of the previous regimes as well as difficulties in living up to the expectations and standards for European integration also becomes obvious when reviewing the Freedom House reports.

When in 2007 the political crisis in Bosnia-Herzegovina was aggravating, the question of ethno-nationalist discourses and politics also became more emphasised in the NIT reports. The 2007 report points at the crucial role these ethno-national structures play in blocking the democratic progress of the country: “After failing to adopt a package of much needed constitutional changes (…) the October elections consumed political energy in an unproductive way (…), the ethno-national matrix continued to be the dominant one.” The report goes on by saying that the “(…) election legislation, which follows the Constitution, continues to draw politicians into ethno-nationalist campaigns and preserves discriminatory rules (…)”. Also in the field of media, local self governance and corruption the negative impact of ethno-national structures is emphasised. When Croatia after achieving candidate status for the EU failed to meet the expectations for democratic progress (“the reform agenda has been slower than the EU would like”), also Freedom House pointed at to the persistence of the legacies of the ethno-nationalist Tudjman regime in blocking reform in Croatia: “Despite the fact that almost a decade has passed since the war, government reckoning has not taken place in a manner that has fully clarified the roles and the newly formed government structures of the Croatian state.” The negative aspects of this are analysed in the main report by pointing at the fact that the parliamentary consensus in Croatia on the legitimacy of the Homeland war produced “(…) a certain approach to the value system present throughout the state administration, which prioritizes connections, informal networks, and short-term personal gains over longer-term transparent institution building.” In the case of Serbia the NIT reports of the last two year described the polarisation of Serbian society comprehensively with regard to recent developments as the discussions and declaration of independence in Kosovo or the cooperation with the ICTY. Yet, in the reports on Serbia no clear reference on how democratic governance is challenged by prevailing ethno-nationalist discourses can be found.

When we look at what we have defined as another threat to democratisation, namely the clash of high internal expectations during democratic transition and European integration clashing with high external demands, we may also find examples for how NIT reports take this matter into account. For Bosnia-Herzegovina the 2008 report states that “[p]oliticians from the two Bosnian entities (…) sensed that the international community had grown tired of keeping BiH together, so they returned to the rhetoric of the 1990s, reinforcing opposing views on the future of BiH.” By these means, the analysis illustrates the interconnectedness between the two contextual factors of ethno-national discourses and external demands vs. internal expectations. Only the European perspective seems to keep the reform process alive and pull ethno-national elites in the direction of compromise, yet, if the international and European commitment is decreasing reinforcement of nationalist discourses can be witnesses. With regard to Serbia, the NIT analysis also takes the factor of external pressure into account when describing the discussion on the Kosovo independence and cooperation with the ICTY. In the Croatian case the reports clearly makes clear that overcoming nationalist discourses and continuing European integration are the main variables influencing the level of

67 Ibid. p.162  
68 Ibid. p.163  
69 Ibid. p. 212  
70 Ibid. p. 212  
71 Ibid p. 215  
72 Freedom House, Nations in Transit 2008, p.142  
73 Freedom House, Nations in Transit 2007, p. 165
democratisation and its measurement in Croatia. The question of discrepancies between internal expectations and external demands becomes an even more obvious one when looking at the context of this country as far progressed in the European integration. In this regard the 2007 report states that “[t]he country’s inability to deal with war crimes committed during the homeland war suggests a lack of institutional capacity to realize high expectations of citizens who already see their country within the EU framework.” 74

The question of socio-economic developments in the countries is barely incorporated in the NIT methodology. Reviewing the NIT assessments of the last 4 years for Bosnia-Herzegovina, Croatia and Serbia socio-economic factors relating to unemployment, international depth, economic growth, or anything similar are only mentioned in the context of existing measuring areas. In this regard the lack of financial resource for the building of local democratic governance in connection with the support from the EU Pre-accession Funds and grants from other International Organisation is highlighted, the economic discrepancies between regions in the countries (Vojvodina in Serbia, Brcko in Bosnia) is underlined or the persistence and affects of corruption in various areas of the economy is described. 75 Occasionally, also an overview on the economic developments in the country during the reporting period is given. 76 Yet, the only socio-economic data which is incorporated structurally throughout all NIT reports is the indication of the GNI per capita.

Introducing contextual assessment of democracy

As shown by the mentioned examples the influence of contextual factors on the democratisation of the three countries is recognized by the NIT methodology by directly referring to these challenges, or indirectly, when describing the events during the measured period which are linked and caused by these factors. However, the NIT methodology does not provide the opportunity to structurally incorporate contextual factors stemming from specificities of transformation into the measurement. This comes to the fore when, like in the case of Bosnia-Herzegovina, Croatia and Serbia, the democratisation process of a country is stalled. In this case, the NIT reports do not provide the opportunity to review the developments of contextual factors over a longer period. Although these factors are recognisable in the assessments of the countries over the year, they are only explicitly incorporated when a crisis is becoming acute. The NIT reports on Bosnia-Herzegovina serve as an important example. Although the division of the country along ethnic lines has been continuously recognised, it has only been again explicitly and stronger incorporated in the assessment during the last political and institutional crisis of the country. A thorough incorporation of the question of stateness, territory as well as the prevailing connotation of nation and national identity would provide the analytical instruments to assess the developments of democratic governance, with regard to challenges of ethno-national relations, polarisation or discrimination from a long-term perspective.

Similarly, the influence of external actors on the democratisation process in the three countries under consideration is recognised by the NIT reports. Reference is given to the perspective of the countries in meeting European conditionality, meeting the demands of international actors in the countries (as the OHR in Bosnia-Herzegovina) or reflecting on developments in the neighbouring countries and their international context (Kosovo). Yet, the unstructured and indirect inclusion of the role of international actors into the NIT methodology impedes the possibility to analytically determine main challenges for democratic

75 See Freedom House, Nations in Transit 2005-2008, Bosnia-Herzegovina, Croatia, Serbia
governance stemming from this context and does not reflect on the importance international actors have been given in democracy promotion in the countries. Policies of the International Community (with regard to the OSCE, OHR, UN, etc.) still remain crucial to the consolidation of formal institutions established in the region. Furthermore, crisis of international actors in their approaches towards support of democratic change in the region, i.e. Enlargement fatigue in the EU, has a crucial impact on the perspectives given to democratic consolidation. Democratic change in the Western Balkans has become a two-way road between the transition countries on the one hand and the international actors on the other. In this regard, the incorporation of a structured assessment of the international side of coin would complement the NIT methodology and provide critical reflections on the results of international efforts of democracy promotion.

With regard to the third challenge of post-Yugoslav transition towards democracy, namely, the socio-economic stratification and exclusion undermining political and civic foundations of democracy, the NIT reports of the last years take this matter only peripherally into account. In the framework of the NIT factors for measuring democratic change, including the electoral process, civil society, independent media governance, as well as national democratic and local governance, judicial framework independence and corruption, socio-economic developments are included only in concern to these areas. This however does not reflect on the challenges which have been also witnessed during previous transition to democracy and are subject to current international discussions on the basis for democracy. As shown above, regional and international debates have as well pointed at socio-economic stratification undermining the social legitimacy of democracy. Therefore, the NIT methodology would need to structurally implement this and the two other contextual factors in its pattern of assessment. By this means, the measurement would broaden in scope to lay the grounds to incorporate regional specificities and preconditions for the transition process in its analysis.

Conclusion

Paying attention to recent “anti-liberal” trends in East and Central Europe as well as evident crisis and backdrops in the democratisation of the Western Balkans the question of how such dilemmas can be analysed and measured come to the fore. While many new indicators have been proposed over the past several decades none have been successful in arriving at an precise measurement of regional specificities and potential crisis occurring in the course of democratization. Most of traditional approaches in measuring democracy have been engaged in developing highly differentiated schemata and breaking down “democracy” into a rather large number of categories and indices. Departing from our analysis of the Western Balkans’ developments and specificities we propose an incorporation of contextual categories being able to grasp long-term democratization trends and better explain the relationship between external and internal factors on the one hand and the specific course of socio-economic development on the other, which both proved to be decisive factors for the success of democratization in the Western Balkans. By including such a comprehensive contextual analysis of the course of democratization and respective transition crisis the NIT methodology should better be able to judge the state of democracy apart from normative benchmarks (like linearity of democratization). Last but not least introducing a contextual categories could make the already existing NIT methodology more sensitive for possible und unexpected developments and crisis in the process of democratization. We believe that such a methodology could be a first step in developing effective tools for preventive and anticipative assessment of protracted democratization processes.