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The Republic of Serbia: Stuck in the grey zone of democratization?***

Republika Serbii: czy utknęła w szarej strefie demokratyzacji?

Abstract: The Republic of Serbia is a state overburdened with complex issues regarding its political transformation. These problems are a consequence of the dynamic changes which have occurred over the last 30 years. It should be remembered that Serbia underwent a transformation from an authoritarian to a democratic state in a relatively short period of time. Unfortunately, these dynamic political, economic, and social modifications coincided with serious systemic changes and this had an adverse impact on Serbian democracy. The political problems which directly influence the process of democratization are becoming more and more visible over time. One such problem is undoubtedly the fact that state power is in the hands of one political party: the Serbian Progressive Party. For states going through a transformation, such a concentration of power could have negative effects on the quality of democracy. This article evaluates the non-democratic trends in Serbia which stem from the strengthening of the Serbian Progressive Party, especially on the level of state power. The article also suggests that this development might lead to Serbia being categorized as a country which has become stuck in the so-called grey zone of democratization.

Keywords: Republic of Serbia, Serbian Progressive Party, political transformation, democratization, non-democratic trends

Streszczenie: Republika Serbii jest państwem obciążonym wielopoziomowymi problemami związanymi z transformacją polityczną. Wynikają one między innymi z dynamiki zmian, jakie zaszły w ostatnim trzydziestolecu, a zwłaszcza po 2000 r., oraz ze specyfiki serbskiej państwowości. Warto przypomnieć, że Serbia w stosunkowo krótkim okresie przeszła transformację z państwa autorytarnego do demokratycznego. Niestety dynamiczne zmiany polityczne i gospodarczo-społeczne zbiegły się z poważnymi przeobrażeniami ustro-

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jowymi, które w sposób negatywny wpłynęły na jakość serbskiej demokracji. Z upływem lat coraz bardziej uwidaczniają się problemy polityczne, mające bezpośrednie przełożenie na proces demokratyzacji. Niewątpliwie jednym z nich jest skumulowanie władzy państwowej przez jedną opcję polityczną – Serbską Partię Postępową. Należy podkreślić, że w państwach transformujących się monopolizacja władzy może mieć negatywny wpływ na jakość demokracji. Niekiedy może również powodować proces odwrotny, tzn. odchodzenia od demokracji w kierunku reżimu hybrydowego. W artykule podjęto próbę oceny tendencji niedemokratycznych w Serbii, wynikających między innymi z umocnienia się w ostatnich latach, zwłaszcza w organach władzy państwowej, przedstawicieli Serbskiej Partii Postępowej. Poczyniono również spostrzeżenie, że zjawisko to może oznaczać zakwalifikowanie Serbii do grupy państw, które utknęły w tzw. szarej strefie demokratyzacji.

Słowa kluczowe: Republika Serbii, Serbska Partia Postępową, transformacja polityczna, demokratyzacja, tendencje niedemokratyczne

Introduction

The process of Serbian democratization dates back to the beginning of the 21st century. The chief impetus for the political, economic, and social changes was the collapse of Slobodan Milošević's regime in the year 2000. This long-term leader lost the presidential elections, while his party, the Socialist Party of Serbia (SPS), lost its parliamentary majority in the 2000 elections. In the 1990s, Serbia was involved in several armed conflicts with neighboring nations, including Croatia and Bosnia. This is why, after the fall of the Socialist Federal Republic of Yugoslavia, some of the newly formed countries were forced to live with constant tension and crisis. The Republic of Serbia was one such case. Only after the year 2000 was the direction reversed from a conflictual political culture to a consensual one. Politicians from the Democratic Opposition of Serbia initiated far-reaching changes which undoubtedly drew Serbia closer to the political, economic, and social models of Western Europe. Unfortunately, this process was interrupted by issues relating to Kosovo. During that period, the Serbs decided to foster relations with Russia and these finally reached the status of a strategic partnership in 2013. Cementing this relationship with Russia was a direct consequence of political changes in Serbia because the most important political institutions had been taken over by politicians from the Serbian Progressive Party (SNS).

At the same time, Serbia was developing relations with the European Union, which opened accession negotiations in January 2014. It is clearly visible how double-tracked and unpredictable Serbian for-

eign policy is and that this approach plays an important role in such an unstable region as the Balkans. It is equally clear that the SNS is responsible for this political direction. The party was established in 2008 by a group of parliamentary members previously associated with the Serbian Radical Party (SRS). From 2012 to 2017, the founder of the aforementioned party, Tomislav Nikolić, was also the president of the Republic of Serbia. At the same time the leader of the SNS, Aleksandar Vučić, also managed to strengthen his position. He subsequently became the prime minister and then the Serbian president on May 31, 2017. Unfortunately, the consolidation of the SNS in the political arena also increasingly raises doubts about the further democratization of Serbia. What is more, there are some visibly non-democratic trends in the way the state functions. Nevertheless, this problem still requires a wider perspective. On one hand, the Republic of Serbia is undergoing a political transformation. Frequent structural, political, economic, and social changes make it impossible to treat the Serbian regime as a unified democratic state. When facing such circumstances, any political system would be constantly prone to lurching towards either a hybrid or an authoritarian regime. Two decades is clearly not long enough for Serbia to become a democratic state similar to Western or Central European countries, especially bearing in mind that in the 1990s it was still under an authoritarian regime. On the other hand, to judge the quality of a democracy one must adopt a particular perspective whilst avoiding exaggerated stereotypes. In the Serbian case, such an analysis is particularly challenging mostly because of its low international prestige and as yet unresolved fundamental problems, for instance, the territorial integrity of the state.

When considering the issue of political transformation in Serbia, we should ask ourselves one question which is directly related to Thomas Carothers' paradigm: is the Republic of Serbia stuck in the so-called grey zone of democratization? The central thesis of this work comes down to the idea that for several years, especially since 2015, Serbia has been witnessing visible and growing non-democratic trends which hinder the process of democratization.

1 Political transformations in the Republic of Serbia – an outline

In order to analyze the quality of Serbian democracy, one should refer to the political changes which took place after the year 2000.¹ The beginning of the 21st century was truly ground-breaking for the Serbs, and the political revolution which occurred at that time defined the future of their country.² The key event was Slobodan Milošević's loss in the presidential elections of the Federal Republic of Yugoslavia. It is significant that Milošević was removed from office after several years of having full control over the country.³ Another remarkable change was the victory of the Democratic Opposition of Serbia (DOS) in the parliamentary elections (December 23, 2000). Public support for the Socialist Party of Serbia, which had ruled the country since 1990, fell significantly and the party lost the election. As a result, in 2000 and 2001 the most important state institutions were led by politicians with a democratic background.⁴ Their fundamental aim was to break the connection with the regime and carry out radical reforms of the political, economic, and social systems of the state.⁵ Despite having a coherent ideology, the coalition, which included the Democratic Party (DS) and the Democratic Party of Serbia (DSS), fell apart in the middle of 2003. Nevertheless, this brief period in which it ruled the country deserves praise as it marked the beginning of the democratization process for Serbia.⁶

In the following years, the process of democratization continued but Serbia also went through some serious structural transformation. In 1992 the Republic of Serbia along with Montenegro formed

- 1 N. Zakošek, 'Democratization, State-building and War: The Cases of Serbia and Croatia', *Democratization*, no. 15 (3), 2008, pp. 593-596.
- 2 As wrote T. Carothers a small number of 'transitional countries' have moved away from authoritarian rule and their political trajectory was unclear after 2000. Serbia was one of these states. T. Carothers, 'The End of Transition Paradigm', *Journal of Democracy*, no. 13 (1), 2002, p. 14.
- 3 F. Milačić, 'A painful break or agony without end? The stateness problem and its influence on democratization in Croatia and Serbia', *Southeast European and Black Sea Studies*, no. 17 (3), 2017, pp. 372-378.
- 4 M. Spoerri, 'Crossing the line: partisan party assistance in post-Milošević Serbia', *Democratization*, no. 17 (6), 2010, p. 1114.
- 5 D. Kostovicova, 'Civil society and post-communist democratization: Facing a double challenge in post Milošević Serbia', *Journal of Civil Society*, no. 2 (1), 2006, pp. 28-32.
- 6 B. Stahl, 'Another strategic accession? The EU and Serbia (2000-2010)', *Nationalities Papers*, no. 41 (3), 2013, p. 455.

the Federal Republic of Yugoslavia, which in 2003 was transformed into the State Union of Serbia and Montenegro. However, after three years this loose federation broke up and two independent countries were born. The year 2008 brought other problems, not least that the Serbian Autonomous Province of Kosovo declared independence.⁷ This event played a tremendously important role in the transformation of the Republic of Serbia, and its impact on Serbian politics will surely continue. The failure to maintain the state's territorial integrity as well as problems cooperating with the ICTY caused a shift in the political views and social mood of Serbs.⁸ As a result, support for the government under Koštunica fell and so did pro-democratic and pro-European feelings.

The first important sign of imminent change was the presidential election of 2004, when Boris Tadić, a Democratic Party candidate, narrowly beat Tomislav Nikolić, a Serbian Radical Party politician. In the next presidential elections in 2008, the margin between Tadić and Nikolić became even narrower, but Tadić won again. Tomislav Nikolić finally beat Tadić in the 2012 election. The political competition between the parties became more dynamic and diverse. In the parliamentary elections of 2003, the SRS won the majority of votes (27.6%), while the existing DOS coalition received rather lukewarm support in comparison to the year 2000 (the Democratic Party of Serbia and the Democratic Party took 17.7% and 12.5% of the votes, respectively).⁹ Nevertheless, in spite of the SRS's victory, a governmental coalition was formed by the DSS. The government of Vojislav Koštunica faced a very complicated and difficult time for the Serbian state and did not complete its full term. In the 2007 parliamentary elections, the SRS obtained the best result once again (28.6%), while the Democratic Party achieved a significant growth in popularity (22.7%). The DSS and

7 W. Hebda, 'The issue of problematic states: Kosovo – a failed state? Political and economic analysis – outline of problem', *American International Journal of Social Science*, no. 3(4), 2014, pp. 210-218.

8 J. Subotić, 'Explaining Difficult States. The Problems of Europeanization in Serbia', *East European Politics and Societies*, no. 24 (4), 2010, pp. 599-611.

9 Data from the Statistical Office of the Republic of Serbia *Izbori za narodne poslanike Narodne skupštine Republike Srbije održani 28.12.2003. godine*, Republički zavod za statistiku, Beograd [*Избори за народне посланике Народне скупштине Републике Србије одржани 28.12.2003. године*, Републички завод за статистику, Београд], p. 7.

New Serbia took third place (16.5%).¹⁰ Similarly to the previous term, the SRS joined the opposition and the government was formed by Koštunica. Unfortunately, 2007 and 2008 turned out to be even more challenging and the coalition in power broke up after the Kosovo crisis. Therefore, early parliamentary elections had to be held again after only 16 months, but the Democrats managed to remain in power despite issues with Kosovo's sovereignty. In the combined presidential and parliamentary elections of May 2008, the coalition with the Democratic Party won the election with 38.4% of the vote. Similar to the elections four years before, the SRS maintained its quite high level of support (29.4%).¹¹ However, the political strength of the democrats had gradually declined.

The greatest challenge of that time was the economic recession, which directly influenced the living standards of Serbian citizens.¹² Although Mirko Cvetković's government achieved some successes internationally and managed to serve its complete term in parliament (Skupština), it did not push through any serious economic reforms. The lack of constructive actions led to a serious deficit in the national budget, growth of public debt, decline in foreign investments, and unemployment of over 20%.¹³ No progress was made in terms of Kosovo's status, thus discrediting the politics of the Democratic Party. This resulted in a rapid decline in support for the government and led to the alternation of power: only four years after the SNS was founded it won the parliamentary elections of 2012 with 24% of the vote. It is worth noting that the SNS was set up by politicians who represented a central political faction in the SRS with Tomislav Nikolić as its leader. The coalition of democratic parties with the DS in the front line managed to obtain significant support (22%). What came as a surprise was the rather impressive result of the SPS (14.5%), which had been highly

10 *Izbori za narodne poslanike Narodne skupštine Republike Srbije održani 21.01.2007. godine*, Republički zavod za statistiku, Beograd [*Избори за народне посланике Народне скупштине Републике Србије одржани 21.01.2007. године*, Републички завод за статистику, Београд], p. 7.

11 *Izbori za narodne poslanike Narodne skupštine Republike Srbije održani 11.05.2008. godine*, Republički zavod za statistiku, Beograd [*Избори за народне посланике Народне скупштине Републике Србије одржани 11.05.2008. године*, Републички завод за статистику, Београд], p. 7.

12 P. Simić, 'Serbia: Continuity and Change after 2012 Election', *International Relations Quarterly*, no. 4 (1), 2013, p. 7.

13 W. Hebda, *Serbsko-chorwackie stosunki polityczne na przełomie XXI i XXII wieku*, Warszawa 2018, p. 124.

discredited in the 1990s, while the SRS suffered a devastating defeat (4.6%).¹⁴ The results of the parliamentary elections reflected the need to create a coalition that was able to form a government. Prolonged negotiations led to a compromise between the SNS and the socialists. Finally, in July 2012, a coalition government was sworn in.

For the first time in ten years, the prime minister, Ivica Dačić, was a representative of the SPS. However, ministerial departments were dominated by the SNS, which had won the elections. With the SNS/SPS coalition and Nikolić's win, Serbia's more radical and conservative politicians appeared to have finally (re)gained power.¹⁵ The prime minister succeeded in boosting Serbian relations with Western European countries and the European Union. A major role here was clearly the fact that in March 2012 the European Council granted Serbia the status of a candidate country.¹⁶ At the same time, Serbian relations with Russia were strengthened, which resulted in the establishment of a strategic partnership in 2013. The Serbian government expected economic investment from Russia and political support in the international arena. However, Serbia's refusal to recognize Kosovo's independence seemed to be the toughest challenge, especially in the context of negotiations with EU representatives. Although Ivica Dačić did not recognize the Kosovo authorities, he did not exclude the possibility of working on a common standpoint or agreement. The first meeting between the prime ministers of the Republic of Serbia and the Republic of Kosovo took place in October 2012 and was very significant.¹⁷ Still, not much was done to improve the economic situation in Serbia, so the country gradually sank into recession. The reconstruction of the government in 2013 and Mladen Dinkić's removal

14 *Izbori za narodne poslanike Narodne skupštine Republike Srbije, za predsednika Republike Srbije, Maj 2012*, Republički zavod za statistiku, Beograd [*Избори за народне посланике Народне скупштине Републике Србије, за председника Републике Србије, Мај 2012*, Републички завод за статистику, Београд], p. 9.

15 J. Obradović-Wochnik, A. Wochnik, 'Invalid Ballots and the "Crisis of Representative Democracy" Re-inventing Protest at the 2012 Serbian Elections', *East European Politics and Societies and Cultures*, no. 28 (4), 2014, p. 817.

16 E. Bujwid-Kurek, 'EU aspirations of the Republic of Serbia – an overview', *Przegląd Europejski*, no. 40 (2), 2016, p. 21.

17 A. Hamilton, J. Šapić, 'Dialogue-induced Developments on the Ground: Analysis on implementation of the EU-facilitated agreements on freedom of movement and trade between Kosovo and Serbia', Group for Legal and Political Studies and Inter, *Policy Report*, no. 8, 2013, p. 10.

of the Minister of Finance and Economy did not help in any way. It is believed that these were the reasons for Ivica Dačić's resignation at the end of January 2014. His decision must also have been influenced by conflicts between government ministers and the growing divergence of political opinion between the two parties.

On March 16, 2014, early parliamentary elections took place. A coalition centered around the SNS won by promoting the slogan "A future that we believe in." For the first time since 2000, the party achieved 48% of the votes and was able to rule independently. The support for the SPS remained the same (about 13.5%). In the meantime, the Democratic Party split into two competing fractions, which led to a visible drop in democratic support. Both coalitions received support of around 6%, which was much lower than had been expected before the elections.¹⁸ It should also be emphasized that the Democratic Party of Serbia did not manage to get a single member in parliament, even though a few years previously it had been a major political party in the country.¹⁹ This time the creation of a stable government did not involve tortuous negotiations. President Tomislav Nikolić appointed Aleksandar Vučić as prime minister. He was the leader of the SNS and had been the deputy prime minister in the previous government. Although "progressive" politicians obtained enough votes to rule independently, Vučić's government also included politicians from the previous term, for instance from the SPS. The outgoing prime minister, Ivica Dačić, was appointed the first deputy prime minister and became the Minister of Foreign Affairs. Among its priorities, the government declared it would fight corruption and unemployment, attract foreign investors, instigate economic reforms, and strengthen relations with the EU. Over the next few years, most of these plans were not implemented but social support for Vučić and the SNS was still quite high. Such a state of affairs might have been easily explained by the fact that the opposition was fragmented and utterly powerless. In fact, neither the Democratic Party nor the Democratic Party of Ser-

18 *Izbori za narodne poslanike Narodne skupštine Republike Srbije*, Mart 2014, Republički zavod za statistiku, Beograd [*Избори за народне посланике Народне скупштине Републике Србије*, Март 2014, Републички завод за статистику, Београд], p. 9.

19 S. Orlović, 'Parlamentarni izbori 2014: kontekst, akteri i ishodi', *Politički život. Časopis za analizu politike*, no. 11, 2014, p. 43.

bia was able to compete effectively with the SNS, which soon came to dominate Serbian politics. The ruling parties also exerted a growing influence on the media.

Despite being in a very favorable situation, the leader of the SNS decided to announce early parliamentary elections. The main reason behind such a strategy was supposedly an attempt to strengthen the SNS and prolong its time in power. The undertaking turned out to be effective: in the parliamentary elections of April 2016, the SNS defeated its competitors (48.2%) and was able to form a government independently. The socialists came in second place (10.9%), while the Democratic Party was supported by only 6% of voters. The most surprising outcome of the elections was that the SRS came back to Skupština (8.1%).²⁰ What came out of the elections was a reflection of strengthened political opinions among Serbs. On one hand, there was significant and stable support for the SNS. On the other, the Democratic Party was losing support. Furthermore, the SRS started to play an increasingly visible role in politics, while the beliefs of some Serbs (especially young people) were gradually becoming more radical.²¹ After the elections, Vučić formed his second government, which pursued the goals defined in the previous term. In 2017 Serbia witnessed another serious political change: Aleksandar Vučić, the previous prime minister, celebrated victory in the presidential elections, which he won in the first ballot by gaining 55% of the votes. The leader of the SNS was undoubtedly the most influential politician in Serbia.

2. Non-democratic trends in the Republic of Serbia after 2015

When discussing the issue of non-democratic trends in the Republic of Serbia, it is helpful to refer to some annual reports published in *Nation in Transit* by Freedom House. This organization applies a scale of 1 to 7, where 1 stands for the highest degree of democracy while 7 is the lowest. On this scale, Freedom House defines a consolidated democ-

20 *Izbori za narodne poslanike Narodne skupštine Republike Srbije*, April 2016, Republički zavod za statistiku, Beograd [*Избори за народне посланике Народне скупштине Републике Србије*, Април 2016, Републички завод за статистику, Београд], p. 9.

21 P. Petrović, I. Stakić, *Extremism Research Forum. Serbia Report*, British Council, April 2018, p. 36.

racy (1-2.99), a semi-consolidated democracy (3-3.99), a hybrid regime or transitional government (4-4.99), a semi-consolidated authoritarian regime (5-5.99), and a consolidated authoritarian regime (6-7). For instance, in 2018 among the countries which used to be a part of the Socialist Federal Republic of Yugoslavia, only Slovenia could boast of having a high rating of 2.07 (2nd place, a consolidated democracy). The remaining countries scored much worse: Croatia, 3.75 (ranked 11th, a semi-consolidated democracy); Montenegro, 3.93 (ranked 12th, a semi-consolidated democracy); the former Yugoslav Republic of Macedonia, 4.36 (ranked 15th, a hybrid regime); Bosnia and Herzegovina, 4.64 (ranked 16th, a hybrid regime); and Kosovo, 4.93 (ranked 19th, a hybrid regime) (In total were ranked 29 countries).²² According to the reports of Freedom House, Serbia had a downward trend in terms of democracy. In 2012, Serbia's rating was 3.64 and this remained unchanged over the next two years. Since 2015, Serbia's score has constantly fallen: 3.68 in 2015, 3.75 in 2016, 3.82 in 2017, and finally 3.96 in 2018 (13th place in the ranking).²³ Nevertheless, these scores show that the Serbian political regime remains a semi-consolidated democracy. Bearing in mind the downward trend for Serbian democracy, one can observe that there were some trends that hampered the democratization of the state. Some aspects of the political system experienced serious deterioration (national and local democratic governance, independent media), which shows that the democratization process had not only slowed down but had even changed direction towards a hybrid regime.

Although the first signs of a weakening democracy were already visible in 2015, it should be underlined that at that time Vučić's government did enjoy some success. For instance, it took steps towards Serbian membership of the EU and made an effort to normalize relations with Kosovo. In March 2015, Serbia concluded the first phase of accession negotiations with the EU (screening), while the first stages

22 N. Schenkkan, 'Nations in Transit 2018: Confronting Illiberalism', [freedomhouse.org](https://freedomhouse.org/sites/default/files/FH_NationsInTransit_Web_PDF_FINAL_2018_03_16.pdf), 2018, p. 19, https://freedomhouse.org/sites/default/files/FH_NationsInTransit_Web_PDF_FINAL_2018_03_16.pdf [2020-01-14].

23 M. Damnjanović, 'Serbia', [freedomhouse.org](https://freedomhouse.org/sites/default/files/NiT2016%20Serbia_o.pdf), 2016, https://freedomhouse.org/sites/default/files/NiT2016%20Serbia_o.pdf, p. 1 [2020-02-12].

of negotiation were opened in December of the same year.²⁴ Regarding Kosovo, there was some progress in implementing the decisions made in 2013 following the Brussels agreement.²⁵ Unfortunately, these achievements in foreign politics did not improve the internal situation of the state, especially in terms of the competition between the ruling coalition (SNS, SPS) and the opposition. Aggressive attitudes in political debates were quite common and particularly visible in the SNS and the SRS leader, Vojislav Šešelj, who after having been imprisoned in the Hague in November 2014 resumed his political activity, which was full of hostility towards the EU, NATO and Croatia.²⁶

In 2015, some voices started to say that early parliamentary elections were needed.²⁷ It should be remembered that elections had taken place in 2014, therefore the last full 4-year term of Serbian parliament had occurred in 2008-2012. The call for yet another early election was related to growing support for the SNS and the chance of forming an independent government. Although early elections were not held in the end, there was definitely growing pressure on the media from SNS politicians, especially those critical of their actions. The government even tried to interfere in the running of some news agencies: for example, the prime minister, Aleksandar Vučić, officially disapproved of the Balkan Investigative Reporting Network's (BIRN) journalists' investigation into the ruling party's actions.²⁸ What is more, although the Serbian government privatized some national media outlets, the process of denationalization was never transparent and raised some difficult questions.²⁹

24 *Serbia 2016 Report*, Commission Staff Working Document, European Commission, Brussels, 9 November 2016, SWD(2016) 361 final, p. 85.

25 'Serbia and Kosovo Reach Four Key Agreements', *Balkan Insight*, 26 August 2015, <http://www.balkaninsight.com/en/article/serbia-kosovo-reach-four-key-agreements-08-26-2015> [2020-02-02].

26 'Nationalist Commemorations Threaten Balkan Reconciliation', *Balkan Insight*, 8 July 2015, <http://www.balkaninsight.com/en/article/nationalist-commemorations-threaten-balkan-reconciliation-08-07-2015> [2020-02-04].

27 'Razmišljam o vanrednim izborima, neću da sedim u fotelji 15 godina i brčkam se po primorju', *Blic*, 15 August 2015, <http://www.blic.rs/Vesti/Politika/584001/Vucic-Razmišljam-o-vanrednim-izborima-necu-da-sedim-u-fotelji-15-godina-i-brckam-se-po-primorju> [2020-02-05].

28 'Serbian PM Slams EU, Alleging BIRN Lies', *Balkaninsight.com*, 10 January 2015, <http://www.balkaninsight.com/en/article/serbia-pm-slams-eu-alleging-birn-lies> [06.02.2020].

29 I. Milutinović, 'Media ownership and democratic capacity of transitional society: The case of Serbia', *European Journal of Communication*, no. 32 (4), 2017, p. 373.

Without much of a doubt, one of the largest challenges that Serbia had to face due to accession negotiations with the EU was improving the judiciary.³⁰ In 2015, the government finally drafted a reform which was intended to improve the organization and efficiency of the judiciary. The implementation program was planned for the following few years and was approved by the European Commission,³¹ but Serbian society was hoping for some rapid changes. According to Dragomir Milojević, the chief of the Supreme Court of Cassation, the number of overdue lawsuits had increased from 100,000 to over 3 million in just the first nine months of 2015.³² Despite the Serbian government's constructive approach to judicial reforms, there were some legal breaches. One such violation was an attempt to remove Vladimir Vukčević from the position of war crimes prosecutor. This issue was directly related to the amendment of the Prosecution Act at the end of 2014. The ruling coalition expected Vukčević's resignation as early as January 2015, but he was entitled to use his privileges for the next eleven months. The pressure imposed by the opposition, media and NGOs on SNS politicians enabled the prosecutor to continue his work. What is more, the Minister of National Defense, Bratislav Gašić, also tried to pressure the Ombudsman, Saša Janković. At the beginning of 2015, Janković launched an investigation into illegal military surveillance of those who opposed the government, but the Serbian Ministry of National Defense was very skeptical about this. As a result, for the next few weeks the Ombudsman experienced threats and slander. The Serbian government also used political propaganda to raise fears about "external" enemies who reportedly posed a serious threat to the state. Pro-government media and SNS politicians spread the news about an attempt on the prime minister's life, but this was never confirmed.³³ Such a sociotechnical strategy achieved its intend-

30 V. Beširević, 'Governing without judges: The politics of the Constitutional Court in Serbia', *International Journal of Constitutional Law*, no. 12 (4), 2014, p. 978.

31 'Ustavne izmene u cilju nezavisnosti pravosuđa', *Euractiv*, <http://www.euractiv.rs/component/content/article/204-pregovori-sa-eu/8776-ustavne-izmene-u-cilju-nezavisnosti-pravosu.html> [2020-02-05].

32 'Milojević pozvao sudije da predlažu najbolje za VSS', *dnevnik.rs*, 16 October 2015, <http://www.dnevnik.rs/hronika/milojevic-pozvao-sudije-da-predlazu-najbolje-za-vss> [2020-02-06].

33 'No Coup Attempt in Serbia, Says PM Vucic', *Balkan Insight*, 12 January 2015, <http://www.balkaninsight.com/en/article/no-coup-attempt-in-serbia-says-pm-vucic-12-01-2015> [2020-02-06].

ed outcome: it strengthened Aleksandar Vučić's political position and increased support for the SNS.

The following year did not bring any changes. According to Freedom House, in 2016 Serbian democracy continued to deteriorate, as had been the case for the previous two years. Although some improvement was visible, especially in the European integration process, a series of unfavorable events occurred which had an impact on election law, democracy and the freedom of the media. Consequently, the rating of democratic development in Serbia was exactly the same as in 2005 (3.75).³⁴ The first months of 2016 were dominated by a parliamentary campaign, and speculation about early elections was confirmed in January 2016 when the Serbian prime minister announced that parliamentary elections and local elections would take place concurrently in spring. Aleksandar Vučić explained that it was necessary to elect new representatives in order to push through reforms that would bring Serbia closer to the EU.³⁵ However, this justification seems groundless, bearing in mind that his government had an absolute majority of votes in parliament. Scheduling early parliamentary elections only incurred unnecessary expense for the state budget. Surely, the SNS leader hoped to strengthen support for his party in light of the fact that he was increasingly supported by Serbian society. As has already been mentioned, the SNS won the parliamentary elections of April 24, 2016 with a wide margin (48%) which let them form the government independently. In spite of this impressive victory, the second government of Vučić was sworn in only in the middle of August.³⁶ Because of the campaign (from January to April) and the prolonged process of forming the government (May to August), for eight months Serbia remained in a state of transition. This was rather detrimental to the state, especially in the context of the long-awaited reforms which were supposed to improve the country's functioning.

34 M. Damnjanović, 'Serbia...!', freedomhouse.org, 2018, https://freedomhouse.org/sites/default/files/NiT2018_Serbia.pdf, p. 2 [2020-02-10].

35 'Pala odluka: Vučić: Idemo na izbore!', *Blic*, 17 January 2016, <http://www.blic.rs/vesti/politika/pala-odluka-vucic-idemo-na-izbore/xspd6p5> [2020-02-12].

36 'Vučić i 19 ministara ovo je nova Vlada Srbije', *Blic*, 11 August 2016, <https://www.blic.rs/vesti/politika/vucic-i-19-ministara-ovo-je-nova-vlada-srbije/svyxodf> [2020-02-12].

In 2016, Serbia's judicial system experienced a minor improvement. The number of overdue lawsuits fell and the government introduced regulations which guaranteed citizens a timely trial, but there were still many unresolved issues related to the judicial system. According to the Anti-Corruption Council (a governmental body), the Serbian judiciary remained under considerable political influence. Particularly visible was its dependency on the executive branch. The Belgrade Waterfront scandal proved only too well how indolent and ineffective Serbian prosecution was.³⁷ Another example which raised doubts about the quality of the judiciary in Serbia was a situation which occurred after the expiration of Vladimir Vukčević's mandate as the war crimes prosecutor. At the turn of 2014 and 2015, the ruling parties were trying to dismiss Vukčević; however, since the SNS was under pressure from the media, Vukčević managed to serve his term until the very end. Surprisingly, after Vukčević stood down the Serbian parliament decided not to appoint a successor, even though the Prosecution Council submitted appropriate applications. Not until May 2017 did the parliament manage to select a new war crimes prosecutor: Snežana Stanojković.³⁸ Because of this delay, for about a year and a half, one of the most important positions in the judiciary remained unfilled. To make matters worse, the freedom of the independent media seemed to be threatened, especially those opposing the SNS. For instance, after the SNS victory in April in Vojvodina, the editors and journalists working for local radio and television were fired.³⁹

37 The Belgrade Waterfront project was launched in 2014 with the aim of constructing exclusive apartments and a business service center on the right bank of the Sava River in Belgrade. This venture was co-financed and backed by the Serbian government. On the night of 24 April 2016, some private properties in Hercegovačka Street in the area of Savamala were illegally demolished without the owners' consent or any permission, by a group of masked men using heavy construction equipment. At first, the Belgrade authorities (including the mayor, Siniša Mali, also associated with the SNS) refused to mention the case and adamantly attempted to allay any suspicion of being involved in this outrageous situation. Finally, due to mounting social pressure, the Serbian prime minister admitted that some "high local officials" were responsible for the demolition. See: 'Vrh gradske vlasti odgovoran za Savamalu', *Politika*, 8 June 2016, <http://www.politika.rs/scc/clanak/356732/Vučić-Gradske-vlasti-iza-rusenja-u-Savamali> [2020-02-15].

38 'Snežana Stanojković novi tužilac za ratne zločine', *Blic*, 15 May 2017, <https://www.blic.rs/vesti/politika/snezana-stanojkovic-novi-tuzilac-za-ratne-zlocine/g9m5zvl> [2020-02-17].

39 'NUNS i NDNV predstavnicima OEBS-a i EU: Smene na RTV-u su otvoreni politički pritisak', *nuns.rs*, 19 May 2016, <http://www.nuns.rs/info/news/27833/nuns-i-ndnv-predstavnicima-oebs-a-i-eu-smene-na-rtv-u-su-otvoreni-politicki-pritisak.html> [2020-02-02].

Fighting corruption in both politics and the economy has been one of the most considerable challenges for Serbian society for many years. In fact, in the 2014 parliamentary elections the SNS promoted its campaign with slogans about fighting corruption. What the ruling government could boast about was the arrest in 2012 of Miroslav Mišković, a prominent businessman and the owner of Delta Holding. He was charged with corruption and his trial dragged on for over three years, but during that time he was out of prison on bail (12 million Euros). Finally, in June 2016 Mišković was found guilty of tax fraud and was sentenced to five years' imprisonment. However, one year later, after hearing his appeal the court acquitted him of some of the charges.⁴⁰ There was also very little progress in explaining inaccuracies regarding the denationalization of state properties. In 2015 the Anti-Corruption Council examined more than twenty cases, but the investigations did not seem to have much in common with the real charges.⁴¹ What was a novelty in the Serbian legislature was the Act on Informant's Protection (*Zakon o zaštiti uzbunjivača*), which was implemented in June 2015 and according to which people who reported cases of corruption and abuse were protected by the state.⁴² Moreover, the powers of the Anti-Corruption Agency and courts were expanded in terms of granting safety to informants. In 2015, the Anti-Corruption Agency investigated a case of nepotism in which Bratislav Gašić from the Ministry of National Defence was a suspect.⁴³ Although it was proved that this SNS politician had abused the law, he never suffered any consequences for his wrongdoings. In fact, the number of people who were sentenced for corruption remained at a dramatically low level, especially among public officials. Out of over 8,000 reported cases, only about 1,000 corruption trials resulted in a sentence.⁴⁴ This situation explains why Serbia is ranked so poorly in terms of corruption. According to

40 'Miskovic acquitted on one charge, faces retrial on another', b92.net, 27 October 2017, https://www.b92.net/eng/news/crimes.php?yyyy=2017&mm=09&dd=27&nav_id=102422 [2020-02-22].

41 M. Damjanović, 'Serbia...', 2016, p. 9.

42 'Long-anticipated Act on Protection of Whistleblowers is finally adopted', schoenherr.rs, 5 January 2015, <https://www.schoenherr.rs/news/legal-updates/legal-updates-detail/long-anticipated-act-on-protection-of-whistleblowers-is-finally-adopted/> [2020-02-22].

43 'Bratislav Gašić u sukobu interesa', javno.rs, 28 September 2015, <https://javno.rs/istrazivanja/bratislav-gasic-u-sukobu-interesa> [2020-02-25].

44 *Serbia 2016 Report...*, p. 58.

the *Transparency International Corruption Perceptions Index* (CPI) in 2017, Serbia was in 77th position (out of 180 countries), behind such countries as Senegal, Oman, and Burkina Faso.⁴⁵

A report, *Democracy Index 2017 – Free speech under attack* published by The Economist Intelligence Unit (a British institution), evaluated political regimes in 165 countries through analyses of their election systems, pluralism, civil rights, government functioning, public involvement in politics, and political culture. These countries were later classified according to the type of regime on a scale of 1 to 10: full democracy (8.01-10), flawed democracy (6.01-8), hybrid regime (4.01-6) and authoritarian regime (up to 4).⁴⁶ In 2017, Serbia's result was 6.41, placing it in 66th position behind such countries as Mongolia (60th), Sri Lanka (62nd) and Guyana (63rd), but ahead of some of its neighbors, including Montenegro (83rd), the Former Yugoslav Republic of Macedonia (88th) and Bosnia and Herzegovina (101st). The score of 6.41 indicated that Serbia was a flawed democracy at that time. However, since then this indicator has gradually fallen even lower (6.71 in 2014, 6.71 in 2015, 6.57 in 2016), thus showing that Serbia is heading towards a hybrid regime.⁴⁷ When analyzing this result, some huge discrepancies become obvious: the electoral system and pluralism in Serbia were rated the highest in the *Democracy Index 2017* (8.25), showing that the process of choosing government officials is transparent and guarantees democratic competition as well as the possibility of alteration of power. In terms of civil rights and public involvement in politics, the scores were slightly lower at 7.35 and 6.11, respectively. These aspects of Serbian democracy reveal some weaknesses. One issue is the low election turnout (56% for the parliamentary elections in 2016, 54% for the presidential elections in 2017). Government functioning and political culture received the lowest scores: 5.35 and 5.00, respectively.⁴⁸ According to the authors of the report, the most fundamental weakness of Serbian democracy is the fact that Aleksandar Vučić holds the majority of the state power, while SNS politicians en-

45 *Corruption Perceptions Index 2017*, Transparency International, https://www.transparency.org/news/feature/corruption_perceptions_index_2017#table [2020-02-22].

46 *Democracy Index 2017 – Free speech under attack*, The Economist Intelligence Unit, p. 64.

47 *Ibidem*, p. 14.

48 *Ibidem*, p. 6.

joy extensive influence. What is more, it is alarming that the opposition remains ineffective and is not really involved in any competition with the SNS. As a result, politicians from the ruling party dominate legislative and executive power and have increased their influence on the judicial branch, which unequivocally proves a violation of checks and balances, a fundamental aspect of democracy. The report criticized growing political pressure on the media and stated that to a large extent the Serbian media are dependent on politicians from the SNS.⁴⁹ The fact that the government continuously interfered with any media broadcast critical of their politics serves here as a vivid example.⁵⁰

Conclusions

The Republic of Serbia is currently considered a democratic state, but one should bear in mind that in the 1990s it was a transformed authoritarian communist regime which was more or less liberalized.⁵¹ Therefore, it would be unwise to expect Serbia to reach the level of a unified democracy after a relatively short time. However, it should be noted that the dynamic political transformation which occurred after the year 2000 brought Serbia closer to the standards of Western Europe. Taking into consideration the range of problems the Serbs had to overcome, the Republic of Serbia has been successful in the process of democratization. In the 1990s the Serbs were involved in several armed conflicts (with Croats, Bosnians, Albanians), while their country was seriously damaged by NATO bombing. What is more, in the first decade of the 21st century Serbia had to deal with radical structural and political changes (Serbia and Montenegro were formed in 2003; the federation fell apart in 2006; Kosovo claimed its independence in 2008). All these events occurred simultaneously with the economic crisis in Serbia and this ultimately led to the pauperization of society.⁵² After the year 2000, however, Serbian politicians successfully reformed the state, which allowed Serbia to begin accession ne-

49 Ibidem, p. 30.

50 Ibidem, p. 56.

51 N. Zakošek, 'Democratization, State-building and War...', p. 597.

52 V. Džihić, D. Segert, 'Lessons from "Post-Yugoslav" Democratization. Functional Problems of State-ness and the Limits of Democracy', *East European Politics and Societies*, no. 26 (2), 2012, p. 243.

gotiations to the EU in 2014. Despite visible progress, the political, economic, and social systems need further reform. Serbian democracy is not under threat, but for many years there have been some defects which definitely affect its quality. Unfortunately, recent years have revealed an accumulation of issues which seem to be related to the stronger position of the SNS.

Non-democratic trends in the Republic of Serbia since 2015 come down to a few problematic issues. One of them is the political strength of the SNS: for the last few years the president of Serbia has always been chosen from the SNS. The second executive body, the cabinet (government), has also been dominated by members of the SNS, which is a direct consequence of the distribution of seats in the Serbian parliament. What is more, the party is also in charge of most local governments (157 out of 170 at the end of 2017).⁵³ Unfortunately, the fact that power over the most important state and local institutions is held by representatives of the same political party will always have negative consequences, especially in a country which has been going through a process of democratization for only two decades. As a result, the ruling parties put pressure on judicial institutions as well as on the media, especially those critical of SNS policy. Another threat is corruption and connections between the political elite and criminals. Some positive changes have been visible in this aspect, but the transformation has been moving too slowly. It is also worrying that the opposition, which emphasizes the need to bring Serbia closer to Western European political standards, is fragmented. There are only a few parties with very little support. Recent years have also revealed the inefficiency of the Serbian courts. Unfortunately, long-awaited reforms are still being postponed, which adversely affects not only the judiciary but also the quality of Serbian democracy. This aspect has also revealed some non-democratic trends which interfere with the principle of checks and balances.

The reports used in this paper point to the fact that the regime of the Republic of Serbia is either a semi-consolidated democracy or a flawed or defective democracy, therefore there is a chance that non-democratic trends will arise. The reports showed that some aspects of

53 M. Damnjanović, 'Serbia...', 2018, p. 2.

the Serbian system are still in need of fundamental reforms as without them a consolidated democracy will remain out of reach. This dilemma concerns not only the political elite but, above all, Serbian citizens, who have been learning about democracy for only twenty or thirty years. Unfortunately, the process of forming a civil society could last for the next few decades. Let us, therefore, repeat the introductory thesis that there have been visibly non-democratic trends in the Republic of Serbia since 2015. However, this issue is nothing unusual, especially in the states of the former Socialist Federal Republic of Yugoslavia. Political transformation and democratization is a long-term process; therefore it might take Serbia many more years to change. What is more, it does not have to be a unidirectional process towards a consolidated democracy; quite the contrary, it might go in the opposite direction, thus leading Serbia to become a hybrid state. Thomas Carothers once claimed that only in a few countries does the process of transformation end in democracy; there can be serious obstacles or the process will be suspended, leading to a deadlock. A country gets stuck in the so-called grey zone, which makes it impossible to classify it as either fully democratic or definitively authoritarian.⁵⁴ Surely, the Republic of Serbia has been in such a grey zone for the last few years. Its future political system will depend on the political elite, Serbian society, the geopolitical situation in both the Balkans and Europe, as well as numerous internal and external factors. However, in the years to come Serbian statehood will still be defined by non-democratic trends.

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⁵⁴ T. Carothers, 'The End of Transition...', p. 9.

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