

REPORT: WESTERN BALKANS IN 2020

Elections in Serbia, Croatia, North Macedonia and Montenegro

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Foreword

To say 2020 was an eventful year seems inadequate; the COVID-19 pandemic and the chaos it has wrought will forever define this year. This holds true in the Western Balkans as well, yet 2020 was also a year in which political upheaval – in some cases hopefully for the better, in other cases possibly less so – began manifesting on a wider scale. Four elections – Serbian, North Macedonian, Montenegrin and Croatian – were held in the shadow of the pandemic, yielding a mixture of novel political constellations and consolidation of old. For the three countries aspiring to European membership, the elections were vital indicators not only for their respective future paths, but also for the EU Enlargement policy; for years the Enlargement policy has stagnated or even deteriorated, making newfound momentum from political upheaval all the more crucial for the region.

It is an enduring testament to the EU's strength that membership is still the fulcrum around which these countries' reforms revolve. For decades, the EU was steadily enlarging, owing to the shared history, vision and prosperity that was recognized as our shared European fate. Over the past decade, this image has been marred by crises, argued by some to be the result of growing too large and unwieldy to be able to respond effectively to crises. Another aspect, of course, is the deteriorating state of democracy within some EU Member States, most notably recent members Poland and Hungary. The politicization of politics have widened the gulf between people and policies, latest exemplified in the EU budget debacle. Policy has in many ways become structured around crisis management and short-term gains, and less around strength in diversity and long-term visions.

None feel this more than the Western Balkans. As the appetite for enlargement has waned amongst many EU Member States, so has the EU's attractiveness to the political elites in the Western Balkans, often entrenched and corrupt. Yet the populations' desire for a European future remains unabated, and while some countries have backslid, others show promise. Yet their hope and progress will turn to disappointment and regression if the EU – or rather, EU

Member States – do not offer a credible path towards actual membership. Despite monumental challenges such as climate change, the pandemic and Rule of Law violations, losing the Western Balkans to foreign influences, such as China and Russia, would present another challenge further down the road.

In this report, EUROPEUM's two researchers – Jana Juzová and Žiga Faktor – analyze each of the four elections from these perspectives in four policy papers, offering succinct dissections of the elections themselves, as well as what they portend for the future of the region and the EU's enlargement policy. Based on their analyses, they offer policy recommendations designed to strengthen the EU enlargement policy in a tailor-made approach rather than the hitherto "one size fits all"-approach that has proven dysfunctional not only from the perspective of future enlargement, but also retrospectively during the last enlargement wave in 2004.

The enlargement policy may be seen as marginalized today, yet the enlargement policy is not solely a policy of enlargement; it is a window into the state of the EU, as well as the soul of Europe itself. It is therefore my pleasure to invite interested readers to read more about the 2020 developments in the Western Balkans, offering both valuable insights about the region itself, and an opportunity to thoughtfully consider what role the EU and Europe should play in a changing world marred by instability and upheaval.

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2020 Serbian elections: State capture in the daylight

The 2020 Serbian parliamentary elections were the most controversial since the fall of the Milošević's authoritarian regime. The elections were highly uncompetitive with the governing coalition and mainly the dominant Serbian Progressive Party (SNS) enjoying a strongly advantaged position, due to the party's control over mainstream media, general ban on rallies amid the coronavirus pandemic, and abuse of public resources and political positions for pre-election campaigning, and majority of the opposition boycotting the elections.

Overall, the elections took place in a highly polarized atmosphere and heightened tensions after anti-government protests organized by civil society and political opposition in the late 2018 and early 2019. The main cause of the protests was the undemocratic and illiberal rule of the SNS-led government and the regular attacks on opposition politicians, civil society and independent media from the government officials as well as from the mainstream – government-controlled – media. The protests were sparked by the physical assault on a small opposition party leader, Borko Stefanović, which the opposition claimed the President Aleksandar Vučić, leader of the SNS, to be involved in.¹ The most visible political actor in the protests was the Alliance for Serbia, a joint bloc of very diverse opposition political parties – the Democratic Party, the People's Party, the Party of Freedom and Justice, and Dveri. The common denominator of the parties ranging from the centre-left to right-wing nationalists was the opposition to the government, demands for fair and free elections and for restoration of the rule of law.

The 2020 elections as the result of a long-term decay of democracy

The political regime in Serbia is by some experts classified as a "competitive authoritarian" regime², a regime in which a political plurality exists and multi-party elections take place but the entire system is rigged in favour of the ruling elites. Apart from the widespread corruption and dysfunctional democratic institutions, the freedom of media is under attack continuously for several years, with most of the media being controlled either by the government or the SNS, the SNS regularly uses its majority in the parliament to block discussions of legislative proposals and the discourse around critics of the government from the opposition, civil society or independent media is framed in a very inflammatory rhetoric bordering hate speech.³ The problematic conduct of this year's elections was just a product of the long-term decline of democracy in Serbia. In the Freedom House report 'Nations in Transit' from 2020, Serbia has received the lowest democracy score since 2001.⁴ Furthermore, the annual scores show that ever since the SNS came to power in 2012, and especially after Aleksandar Vučić became the Prime Minister in 2014, the state of democracy in the country has been steadily worsening.⁵

The increasing authoritarian tendencies of the current SNS-led regime resulted not only into a general dissatisfaction with the lacking democratic governance, rule of law and respect for fundamental rights in Serbia but also into the massive protests of 2019. The elections, originally announced for 26 April 2020 but postponed until 21 June 2020 due to the COVID-19 pandemic, were to take place in conditions which would be far from fair and equal. The governing coalition and mainly the SNS, whose leader Aleksandar Vučić holds the Presidential office despite international recommendations against this double function,

¹ Thousands protest in Serbia over attack on opposition politician, *Reuters*, <https://www.reuters.com/article/us-serbia-protests-idUSKBN1O70S7>.

² Florian Bieber (2018) Patterns of competitive authoritarianism in the Western Balkans, *East European Politics*, 34:3, 337-354.

³ European Parliamentary Research Service, Serbia at risk of authoritarianism?,

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637944/EPRS_BRI\(2019\)637944_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637944/EPRS_BRI(2019)637944_EN.pdf).

⁴ Freedom House, Nations in Transit 2020 – Serbia, <https://freedomhouse.org/country/serbia/nations-transit/2020>.

⁵ Freedom House, Nations in Transit 2020: Dropping the Democratic Facade, Freedom House Index, p. 25, https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf.

used the advantaged position to promote the government policies and gain support from the voters. The mainstream media provided highly incomparable space to the ruling parties and the tone of the reporting on the government and the opposition was very imbalanced. Local NGOs' monitoring showed that during the campaign period before the original date of the elections the ruling parties had a representation of 91% of the time on national television programs.⁶ During the introduced state of emergency in Serbia, in a period before the postponed elections, it was expected that the government parties would appear in the media more. However, the monitoring showed that Vučić, the leader of the SNS, appeared on the television channels with national coverage and cable television N1 147 times more than the most covered opposition politician, Dragan Đilas, the leader of the Freedom and Justice Party.⁷ Additional research showed that Aleksandar Vučić was by far the most dominant actor also in national and regional newspapers, appearing in over 80 % of the cases in a positive context. On the other hand, Dragan Đilas, as the second most covered politician, appeared in 90 % in a negative context (and in coverage of one third of that of Aleksandar Vučić).⁸

The position of Aleksandar Vučić was in general problematic – while he was not officially a candidate in the elections, the entire SNS campaign revolved around his personality and used his popularity to promote the party. The President was the key figure in political advertising and his name was used also on the candidate list of the SNS as “Aleksandar Vučić – For our Children”.⁹ The organizations monitoring the campaign and the elections also noted that there were blurred lines between the appearances of the officials as a part of their duty and political campaigning. This visibility of

the SNS politicians was crucial especially in the context of the state of emergency when political rallies were banned and opposition parties therefore could not approach the public as the officials could. There were also accusations of abuse of public resources for campaigns by ruling parties' officials, further favouring the government parties in the elections. Furthermore, there were suspicions raised about an outdated electoral roll and pressure on voters, especially those employed in the public sector.¹⁰

The unsuccessful mediation and the way towards a comprehensive dialogue

After the demands from the protesters and opposition towards the Serbian government for providing for a fair and free elections remained unaddressed, the frustrated opposition parties decided to withdraw from the elections. The boycott was the last option how to draw the attention of the foreign stakeholders, namely the EU, to the situation in Serbia and at least to undermine the legitimacy of the elections. The European Parliament representatives got engaged with the ruling and opposition parties in an attempt to find a solution allowing the opposition parties to run in the elections. The most visible and intensive efforts were demonstrated by S&D MEP Tanja Fajon and EPP MEP Vladimír Bilčík, who were facilitating the dialogue between the government and the opposition in the last months of 2019. However, even their efforts were not successful. The only result from the mediation on the side of the government were abrupt changes to the electoral system in only 2 months prior to the elections, violating thus the principles of the Venice Commission.¹¹ Furthermore, the changes did not reflect any of the raised issues and

⁶ <https://europeanwesternbalkans.com/wp-content/uploads/2020/09/11-Serbian-Election-2020.pdf>, p. 5-6, cited from CRTA: Long-Term Observers Report 25. 5 – 14. 6. 2020, p. 8, <https://crt.rs/wp-content/uploads/2020/06/Izbori-2020-Izvestaj-dugorocnih-posmatraca-za-period-25.maj-14.jun-CRTA.pdf>.

⁷ Ibid., cited from BIRODI: Monitoring of prime-time news slots, <http://www.birodi.rs/wp-content/uploads/2020/06/Press-BIRODI-26.6..pdf>.

⁸ Ibid., cited from Transparency Serbia: Intensive public officials' campaign overshadows the presentation of the electoral lists, <https://www.transparentnost.org.rs/index.php/sr/aktivnosti->

[2/saoptenja/11499-intenzivna-funkcionerska-kampanja-odnela-primat-nad-predstavljanjem-izbornih-lista](https://saoptenja/11499-intenzivna-funkcionerska-kampanja-odnela-primat-nad-predstavljanjem-izbornih-lista).

⁹ Ibid.

¹⁰ Office for Democratic Institutions and Human Rights, ODHR Special Election Assessment Mission Final Report, Republic of Serbia: Parliamentary Elections, 21 June 2020, online at <https://www.osce.org/files/f/documents/a/3/466026.pdf>.

¹¹ This year's election in Serbia was the most controversial in the last 20 years, a new report finds, European Western Balkans, <https://europeanwesternbalkans.com/2020/09/02/this-years-election-in-serbia-was-the-most-controversial-in-the-last-20-years-a-new-report-finds/>.

demands, nor were discussed in the dialogue on electoral conditions. Most notably, these changes included the lowering of the election threshold from 5 to 3 %, enabling more small parties to enter the parliament and providing thus the illusion of legitimacy to the elections, and allowing municipal and city administrations (and not only notaries) to verify the signatures of support of citizens needed by the parties to participate in the elections.

These hasty and suspicious changes did not ameliorate the atmosphere between the government and the opposition and most of the opposition parties thus refrained from running in the elections. The elections saw the lowest turnout in Serbia's parliamentary history¹² (48,9 %) ¹³, with the SNS winning with over 60 %, followed by their coalition partner Socialist Party of Serbia (SPS) with 10 %. The only other party which entered the parliament thanks to the lowering of the threshold was the right-wing Serbian Patriotic Alliance, with 3,83 %. The election day itself was marked by a record number of irregularities, and in the following days also the highest number of annulled results. Apparently, the violations were generally aimed towards increasing the registered turnout or the result of some minor parties in order to achieve more plurality in the parliament and therefore make the elections seem more legitimate.¹⁴

Despite the attempts of the SNS to achieve at least some level of democratic impression, the elections received harsh criticism from international actors, mainly the European Parliament. The S&D group of the European Parliament

called the new Serbian parliament a "mockery of democracy" and called upon the EU member states to de-facto freeze the accession negotiations with Serbia until democracy is restored in the country.¹⁵ However, once again the European Parliament families' loyalty came into play. Despite the context of the elections, the EPP President Donald Tusk openly endorsed President Vučić ahead of the elections and congratulated him afterwards.¹⁶ Before the elections, Tusk wrote on his Twitter account: "Dear President, you have full right to be proud and satisfied with what you have done for Serbia during your term. Economic success and strong leadership constitute the trademark of your rule. Good luck on Sunday".¹⁷ The European Commission carefully took a position in the middle, acknowledging the problems related to the elections and calling upon the new parliament to continue in the EP-mediated dialogue but respecting the results.¹⁸

Regardless, the legitimacy of the current parliament composition remains challenged and the Serbian leaders are very well aware of that. Even before the new government was appointed, President Vučić rushed to announce the new parliamentary elections, in April 2022 at the latest.¹⁹ This step is viewed by experts and media not only as an opportunity to regain the legitimacy for the SNS rule but also to strengthen its position and control over institutions, as the elections will be held in the same time as the Presidential elections and possibly also local elections in the capital Belgrade.²⁰

¹² Serbia's ruling party just scored a landslide victory. Here's why the opposition boycotted the election. *Washington Post*, <https://www.washingtonpost.com/politics/2020/06/30/serbias-ruling-party-just-scored-landslide-victory-heres-why-opposition-boycotted-election/>.

¹³ Council of Europe, <https://www.coe.int/en/web/electoral-assistance/elecdata-serbia>.

¹⁴ Serbian Opposition Voices Suspicion About Repeat Election Votes, *Balkan Insight*, <https://balkaninsight.com/2020/06/26/serbian-opposition-voices-suspicion-about-repeat-election-votes/>.

¹⁵ S&Ds: The new Serbian parliament is a mockery of democracy, this has impact on the enlargement process, <https://www.socialistsanddemocrats.eu/newsroom/sds-new-serbian-parliament-mockery-democracy-has-impact-enlargement-process>.

¹⁶ Donald Tusk's Twitter account, <https://twitter.com/donaldtuskEPP>.

¹⁷ <https://twitter.com/donaldtuskEPP/status/1272516480370868224>

¹⁸ European Commission, Serbia: Joint Statement by High Representative/ Vice-President Josep Borrell and Neighbourhood and Enlargement Commissioner Olivér Várhelyi on the elections, <https://ec.europa.eu/commission/commissioners/2019-2024/varhelyi/announcements/serbia-joint-statement-high-representative-vice-president-josep-borrell-and-neighbourhood-and-en>.

¹⁹ Vucic Announced New Elections Even Before New Government Constitution, *Balkan Insight*, <https://balkaninsight.com/2020/10/21/vucic-announced-new-elections-even-before-new-government-constitution/>.

²⁰ Ibid.

Serbia's EU accession process: Where do we go from here?

The June parliamentary elections drew the international attention to the failures of Serbia's parliamentary democracy, putting into question its position as one of the most advanced countries in the EU enlargement process. There had been a discrepancy between the progression of Serbia in the EU accession negotiations, although only in more "technical" chapters, and the continuously deteriorating state of democracy in the country. However, in the past year Serbia was not able to open any new negotiating chapter and achieved only little progress in previously unproblematic areas²¹, indicating even further the lack of political will to actually approximate the country to the EU.

In the wider context of the EU enlargement, the decline in democratic standards and rule of law in the "frontrunning" countries, Montenegro and Serbia, and the progress of North Macedonia and Albania, which are aspiring for opening of the accession negotiations with the EU, seems to be closing the gap between those already negotiating and those waiting for a green light to start the process. This not only puts into question the credibility of the proclaimed "merit-based approach" in the EU enlargement policy but also the principles upon which this policy stands, as it allows the negotiating countries to drift away from the core European rules and values.

Furthermore, the steady democratic decay in Serbia is a cause for concern about the country's political tendencies and behaviour once it would join the EU. With the current situation regarding the rule of law in some EU member states, mainly Hungary and Poland, there are worries among Brussels officials as well as some EU countries' leaders that this "illiberal club" inside the EU would only be strengthened with countries like Serbia joining the EU. This would threaten to further undermine the values the EU was built on and to deepen the internal crisis the EU finds itself in. However, at the same time it is obvious that the EU

representatives see the SNS and President Vučić as crucial for stabilization of the region. Vučić's high popularity in the country, widespread influence and nationalist background indicate that he could be the one politician able to gather the popular support needed for reaching a deal with Kosovo. The EU is now betting all its credit on Vučić to be the one who will be able to lead Serbia towards an agreement with its former province Kosovo. A lasting settlement of relations between the two countries is crucial for stability and prosperity in the region and is necessary in order to unblock the prospect of European integration of both.. However, in doing so the EU stands in a contradictory position, seeking stability in the Western Balkans at the cost of sacrificing its core values and requirements towards EU membership candidates, such as democratic governance, rule of law and respect for human rights.

Conclusion

With the new date of the next elections announced and with even more at stake for the SNS, it is the high time for an intensive EU engagement. For a long time, the SNS and Aleksandar Vučić personally have enjoyed the support from the EU despite the obvious disrespect for democratic and European values. The position of Serbia as one of the frontrunners of the EU enlargement process, together with Montenegro, and the appraisal of Vučić's leadership by various European leaders have been in a striking contrast with the realities on the ground reported by the non-governmental sector and independent media. However, in the past two years, the European Commission and the European Parliament have been more and more critical towards the situation in Serbia and the government's practices. The June elections revealed all the underlying issues which had been in making during the SNS rule already since 2012 and it is clearly not possible for the EU to remain silent.

The dialogue between the government parties and the opposition requires a more intensive and constant

²¹ Stojić, M., EU membership of the Western Balkan states in times of crisis: From a strategic choice to protracted inertia, EUROPEUM

Institute for European Policy,
<https://www.europeum.org/data/articles/markostojic-pp-2.pdf>.

engagement from the European Parliament leading to tangible results, which would allow for a real and fair competition in the upcoming elections. The EU will have to be more vigilant because due to the combination of a re-legitimizing parliamentary elections, presidential elections, and local elections in the capital (where the anti-government protests were the fiercest), a lot is at stake for the SNS. It can be expected that the government will try to tilt the system even further to its advantage. For that reason, a stronger engagement by the European Parliament has to be accompanied by strict monitoring by the European Commission and the dialogue must be tied to Serbia's EU accession process. In terms of the dialogue, the European Parliament does not have to search far for a good example – in North Macedonia, the EP-led mediation under the Jean Monnet Dialogue methodology²² between the governing VRMO-DPMNE and Social Democrats led to an electoral reform and new elections resulting in a democratic overthrow of the Gruevski's authoritarian regime. Similar endeavour was initiated in Serbia in 2019 and the EP's lasting commitment has been reconfirmed in last months but the dialogue has to resume sooner rather than later. To end the undemocratic regime in Serbia and allow the citizens to choose freely in a fair election, a substantive electoral reform with a proper monitoring is necessary. However, at this point the EU is the only actor with enough leverage to provide the conditions for this change in Serbia.

Policy Recommendations

- The European Parliament must engage in the facilitation of the dialogue between the ruling parties and the opposition in a structured, lasting and intensive way. Tangible outcomes, ideally in the form of a mutual agreement between the government and the opposition parties providing acceptable conditions for the upcoming elections, must be set and a substantive electoral reform should be the long-term objective.
- The European Parliament's efforts need to be accompanied by an engagement from the European Commission, which should provide its monitoring and expert capacities in order to

objectively assess the implementation of the agreed steps and reforms.

- The EP-facilitated dialogue should be tied directly to Serbia's EU accession process. No new chapters should be opened with Serbia under the current government unless an electoral reform is agreed and implemented, providing for a truly free and fair elections.
- The European institutions – the Parliament, the Commission as well as the EU member states – need to work together in order to create a sufficient pressure on Serbian government to implement the necessary reforms. This does not apply only to the progression of Serbia on its EU accession path, but also to public endorsement of the current Serbian leadership. The serious threats to Serbia's democratic development and European future must be openly acknowledged, and the European Commission has to identify very concrete steps that have to be taken immediately in order to reverse this trend.

²² European Parliament, Carrying on a legacy of peacemaking - Jean Monnet Dialogues for peace and democracy,

<https://www.europarl.europa.eu/globaldemocracysupport/en/mediation-&-dialogue/jean-monnet-dialogues.html>.

Parliamentary elections in Croatia: Another dominant performance of HDZ as the opposition struggles to address critical weaknesses that shackle further progress of Croatia

For the third time after its accession to the European Union, Croatia held its parliamentary elections on July 5, 2020. While most of the opinion polls expected a very tight race between the ruling Croatian Democratic Union (HDZ) and its biggest rivals and only serious competitors Social Democratic Party of Croatia (SDP), the elections turned into a landslide victory for the HDZ-led center-right coalition, which managed to obtain 37% of popular vote, 12% more than center-left Restart Coalition led by SDP. While there were various factors²³ involved in the success of HDZ, the discrepancy between pre-election opinion polls and actual election results was remarkable.²⁴ The results could only deepen gradual democratic backsliding witnessed in the case of the newest EU Member State during the previous government of HDZ. Although Croatia being often hailed as an example for the other candidate countries, the lack of significant progress after its accession and exacerbation in the fields of media freedom is a worrisome sign that can further scrutinize the process of EU Enlargement and effectively brings it into a dead alley.

While most of the opinion polls before this year's election showed a close race between HDZ and SDP, the popularity of its leaders indicated the final outcomes, as Andrej Plenković, leader of HDZ was seen as a positive figure by 57% of Croats while his counterpart from SDP Davor Bernardić only by 37%.²⁵ Prime Minister Plenković used the

momentum and a significant rise in the public support²⁶ that the government gained during the first wave of COVID-19 pandemic, to call for an earlier date of the elections, which were originally planned for autumn. On contrary, SDP was not able to implement progressive leftist policies into their agenda to attract younger generation voters. The earlier date was also seen as a safer solution given the expected second wave of the pandemic in the fall. However, by the early July, Croatia experienced a rapid surge in the amount of daily infections and the elections were held under very strict hygienic measures. This resulted in the lowest turnout in the history of parliamentary elections in Croatia, with a mere 46,9% turnout.²⁷

By obtaining 61 out of 151 seats in the parliament, HDZ became a clear winner of the elections as it not only heavily defeated the opposition, but it was able to form a minority government without being forced to seek support from far-right Homeland Movement of Miroslav Škoro (DPMSŠ). Although DPMSŠ succeeded in the elections and emerged as the third strongest party with over 10% of votes, its leaders believed they would play a key role in the post-election negotiations; instead, HDZ managed to form a government with only one coalition party – Independent Democratic Serb Party (SDSS), while counting on the support of few smaller parties and also two independent MPs representing minorities in Croatia.²⁸ It was yet another confirmation HDZ's political dominance and clout in Croatian politics, as the party managed to win 8 out of 10 parliamentary elections from the establishment of multi-party system in 1990. HDZ, the main driving force behind Croatian War of Independence, still capitalizes from its achievements of the past, its close connection with Catholic Church, which plays a major role in Croatian society and its large structure of local party branches built throughout the 1990's.

²³ For example lower turnout favouring more disciplined HDZ voters, or lack of trust to the leader of SDP among party members – <https://www.jutarnji.hr/naslovnica/najveci-problem-sdp-a-je-davor-bernardic-tesko-ce-uvjeriti-birace-da-je-predsjednik-najvece-oporbene-stranke-covjek-koji-ce-rijesiti-njihove-probleme-10317007>

²⁴ Politico Poll of Polls, Croatia 2020, <https://www.politico.eu/europe-poll-of-polls/croatia/>

²⁵ Crobarometar, NOVA TV, 26th May 2020, [https://www.vecernji.hr/vijesti/politicari-gube-popularnost-](https://www.vecernji.hr/vijesti/politicari-gube-popularnost-stecenu-u-koronakrizi-u-padu-i-milanovic-i-plenkovic-i-skoro-1405305)

[stecenu-u-koronakrizi-u-padu-i-milanovic-i-plenkovic-i-skoro-1405305](https://www.vecernji.hr/vijesti/politicari-gube-popularnost-stecenu-u-koronakrizi-u-padu-i-milanovic-i-plenkovic-i-skoro-1405305)

²⁶ Crobarometar NOVA TV, 24 April 2020, available at: <https://dnevnik.hr/vijesti/hrvatska/crobarometar-popularnost-stranaka-i-politicara-u-vrijeme-korona-krize---602923.html>

²⁷ <https://www.izbori.hr/site/izbori-referendumi/izbori-za-zastupnike-u-hrvatski-sabor/izbori-za-zastupnike-u-hrvatski-sabor-2272/aktualnostii/rezultati-2276/2276>

²⁸ 8 seats in the parliament are reserved for the representatives of minorities

Another clear winner of the elections is newly established progressive-left party Možemo!, whose strong support for green and sustainable politics has the potential to fill this vacuum in the Western Balkans. In coalition with few smaller parties called Green-Left, it managed to attract 7% of voters, mostly siphoning votes from SDP. The elections in Croatia were concluded in a transparent and fair manner as seen by the election observers. The report of ODIHR Election Assessment Mission does not denote irregularities during the election process, it only mentions minor irregularities or that the smaller media outlets were affected by the lack of funds due to the outbreak of the COVID-19 pandemic.²⁹

Post-accession Stagnation and Areas of Backsliding

Although Croatia is often praised as a success story of the EU Enlargement Policy and shown as an example to the other Western Balkans countries, which are still pursuing its EU Membership, lack of plurality on the political field and the dominance of HDZ in sectors of political and public life is concerning. From the return to power in 2015, HDZ took an aim in capturing state media and institutions that are controlling media plurality and independence. As a result of a law change adopted in 2012 with a bipartisan support and against recommendations of the European Commission, parliament was given the right to appoint director of national broadcaster Hrvatska radiotelevizija (HRT). That allowed HDZ to dismantle the efforts of the EU during the accession process to establish and support independence of state media. After pressure from government officials, HDZ was also able to appoint a new director of Agency for Electronic Media (AEM), an independent regulatory body, which should foster media freedom and plurality while protecting the democratic values. Escalation of tensions that resulted in a dismissal of previous director was caused by Agency's decision to use its power to suspend broadcasting

license to a TV channel that disrespected ethics and standards of journalism, explicitly for a nationalistic hate speech by one of its journalists. Instead of respecting the decisions of an independent body, right-wing coalition partners called for a resignation of the director while HDZ leaders did not comment on the situation.³⁰ That is yet another sign of still deeply rooted nationalism within some groups of HDZ representatives, that transcends into inability to take a stance against such tendencies. By not openly condemning nationalistic and far-right views, that go against the basics of European values, HDZ can be seen as a silent culprit of the political environment, in which far right representatives still have large audience. Moreover, institutions that are critical to the government and manage to retain its independent status are often marginalized or undermined by bureaucratic and judicial pressure or by a creation of alternative institutions, such as in the case of often critical Croatian Journalist's Association. To diminish its voice, representatives of HDZ and its allies established an alternative institution, Croatian Journalists and Publicist, that is supportive of right-wing views. Financial support to the non-profit media outlets provided in accordance to the law adopted by previous SDP government, is often stagnating due to the lack of willingness from Ministry of Culture, who is charge of managing the funds. By winning the elections, it is expected that the grip of HDZ on state media will only strengthen, which will further deteriorate its plurality and diversity.

Yet, Plenković and other state officials are able to keep a moderate, centrist profile on the European level and are able to avoid potential criticism over some of the deficiencies in the country, while being able to present Croatia as a role-model country in comparison to candidate countries or even some other EU Member states. As a result, HDZ and its government is not only often praised by the European institutions, it has a firm support from other representatives of the EPP party. That was best seen in a campaign video³¹, in which various European leaders from

²⁹ OSCE ODIHR Election Report

https://www.osce.org/files/f/documents/b/4/465120_0.pdf

³⁰ Čepo D., Structural weaknesses and the role of the dominant political party: democratic backsliding in Croatia since EU accession, Southeast European and Black Sea Studies, 2020, p.146-147

³¹ Available at HDZ Facebook page - <https://www.facebook.com/watch/?v=2016459448530455>

the EPP support HDZ by reading a pre-election motto "Sigurna Hrvatska." While the support of other EPP leaders can be seen as reasonable, the shocking element of the video was the appearance of Ursula von der Leyen, president of the European Commission. Not only did such support provide HDZ with unprecedented legitimacy at national and domestic level, further diminishing the level playing field for the opposition parties, it also significantly calls the Commission as an independent and unbiased actor into question. While the ruling party is being praised at European level, some of its members still share controversial, often far-right opinions when it comes to the topic of "national pride", either connected with acts during Croatian War of Independence or downplaying the crimes committed by the Ustasha regime during the WW2. The Croatian political system still did not fully transition from the autocratic regime of HDZ under the lead of its founder Franjo Tuđman and insults such as "Serb" or "Communist"³² are still part of political narrative of right wing parties in Croatia, still affecting its audience as in the 1990's.³³

Close connection between HDZ and Catholic Church is also very often overlooked or seen as institutionalized relationship by external actors. However, Catholic Church and its lobby has a very strong position among the main political actors, often supporting and pushing for highly conservative measures. Governmental support of conservative civil society organizations, driven by the clergy, directly affects and threatens freedom of expression and human rights in regard towards sensitive topics such as LGBT rights or abortion rights. Ratification of the Istanbul convention was heavily criticized by various conservative actors and caused a dispute even among the members of HDZ. In comparison, civil society actors leaning to more liberal opinions are often limited and marginalized. All of the mentioned above shows signs of deterioration or stagnation also in the field of human rights.³⁴

Lastly, one of the major obstacles over Croatia's membership in the EU was its dispute over the border with Slovenia, particularly when it comes to the maritime boundaries on Bay of Piran. Decades lasting dispute was a reason for Slovenian veto of the Croatian accession process, before both countries agreed to send the case to the Permanent Court of Arbitration in The Hague and committed themselves to respect the ruling of the Court. That lifted the Slovenian veto and enabled Croatia to enter the EU. However, two years after its membership was confirmed, Croatia decided to unilaterally withdraw from the proceedings and stated that it will not honor the final decision of the Court. The Croatian government explained that the reason for such a decision was illegal contacts between Slovenian government and Slovenian member of the Court. Although the leaked records of the conversation among the judge and Slovenian representative did not show any irregularities, the Croatian government saw such an act as fraudulent. Hence, the border dispute is still not resolved 7 years from Croatia entering the EU, while there are no signs that Croatia is willing to negotiate over the matter.

Conclusion

Croatia is an apt example of how shortsighted the EU accession process is in general, not only from the perspective of the candidate state, but also from the perspective of the EU. The deficiencies in the process, that are seen not only in the case of Croatia, but also some countries that joined the EU in 2000's, need to be address for the current and future accession processes. Candidate countries usually do not adopt policy-perspectives beyond the immediate goal of accession, and have therefore neither policy plans nor interests in keeping momentum in the reform process once EU membership has been secured and the incentives are no longer present or as enticing.

³² Words that are often used as synonyms to unpatriotic or treasonous in Croatia

³³ HDZ was founded in 1989 with a strong nationalistic, ethnically homogenous discourse emphasizing Croatian identity which is interlinked with Catholic religion. HDZ was leading the efforts for Croatian independence on Yugoslavia, which escalated into a

military conflict that lasted from 1991 to 1995, during which provisions on human rights were often neglected or violated by both sides.

³⁴ Nations in Transit Croatia 2020 Report, Prelec T., <https://freedomhouse.org/country/croatia/nations-transit/2020>

The case of Croatia underlines the need to resolve border disputes before the candidate country enters the Union. Although it was a precondition of the accession process, the EU settled for “honest commitment” in the case of Slovenia and Croatia, which ended in failure. The current situation over the dispute between Croatia and Slovenia, two Member states, not only shows the lack of willingness for cooperation among the states, but also a lack of interest to resolve the issue from the side of the EU, whose commitment to resolving the dispute has waned once accession was no longer at stake. The current situation can become politicized in the future if Italy and Croatia decide to declare exclusive economic zones in the Adriatic, which are disobeying the decisions of the Court, without consultations with Slovenian government. Slovenia can decide to use its veto power and can affect decision making ability of the European Council on any particular matter needing a unanimous decision, if the EU Members States will continue to palliate the dispute. Therefore, the EU should insist on resolving any cross border issues before the accession of the country, while exercising its utmost efforts for a constructive dialogue. This particular issue is touching upon disputes among various Western Balkan countries and its resolution is of an utmost importance for the future relations in the region, such as similarly unresolved issue over Croatia-Montenegro sea border or Serbian border disputes with Croatia along the river Danube.

The Accession process needs to depoliticize itself in order to assure that it is beneficial for the EU in a long run and the deficiencies need to be addressed in a constructive manner. Although this is not directly linked to the situation in Croatia, comments such as the one of President von der Leyen openly supporting one political party should be avoided both for the sake of the legitimacy of the Commission in what should be a pluralist political environment, as well as for the sake of the Commission itself given changes in power within the country in which its President chooses a side.

The EU should deepen its capacity-building of administration onto regional and local levels, outside of the capitals of the countries, and strengthening dialogue among political parties while also building a deeper understanding of the regions as such. It is crucial especially in countries

that are dominated by one political party, such is the case of Croatia, to assure democratic plurality and proper understanding of the situation in the candidate country. This would also have an effect on more efficient tackling of corruption and clientelism, which is one of the biggest threats to democracy in the Western Balkans. The domination of HDZ on local and regional level is even larger than on the national level, and it is deeply rooted in the history of the formation of independent Croatia.

One of the major flaws of the current accession process seen in the Croatian case is that there is no post-accession period in which countries would be monitored in specific areas, such as human rights, media freedom or political plurality. In that sense, Croatia follows a not entirely dissimilar trajectory as Hungary and Poland, despite macro-level differences. Interim benchmarks that are used for the pre-accession period could be kept within post-accession period to ensure that the country is willing to continue its commitment to the European future. This monitoring would prohibit governments from changing its course immediately after the accession to the EU, as seen in the case of media freedom in Croatia. Although a monitoring system was applied in Romania and Bulgaria (CVM) in the areas of judiciary, corruption and organized crime, it does show only partial improvements and it should be enhanced to assure ability of the EU to enforce progress or react to backsliding.

Policy Recommendations

- To enforce the commitment of candidate countries to undertake reforms and prevent from future backsliding, the EU Enlargement process should be enhanced by a compulsory post-accession monitoring, that could be tied to the access of European funds and which would ensure that the countries continue its efforts in the integration of their legislations.
- The representatives of the European Commission should avoid any future engagement in electoral campaigns on national level. Such appearances only undermine the reputation of the Commission as an unbiased institution and the credibility of its leaders.
- The European Commission should be more active in seeking mediation of disputes among its

member states such as in the case of border dispute between Croatia and Slovenia. By not addressing current deficiencies, the Commission is passively tolerating Croatia's decision to disrespect the ruling of international arbitration court, which in the result leads into further escalation of the conflict. Successful mediation of the conflict could provide a precedent for any similar dispute that would arise in the future.

2020 North Macedonia elections: The country's European future hanging by a thread

The parliamentary elections in North Macedonia, that took place on July 15, presented a decisive moment for the future of the country and its foreign policy direction. North Macedonia is currently in the position of a potential dark horse of the EU enlargement race, albeit still waiting for the official start of the EU accession negotiations. The previous government of North Macedonia³⁵ emerging from the 2016 parliamentary elections, was able to progress with numerous reforms and set a pace towards the EU accession that is unprecedented in the region. Winning the elections would enable Social Democratic Union of Macedonia (SDSM) and its leader Zoran Zaev to continue its work, which was lately rewarded with NATO membership and the decision of the European Council to open the accession negotiations with North Macedonia. However, by its willingness to compromise on sensitive topics, while allowing the country to progress rapidly on its EU path, the government also faces a significant dismay from many of its voters, namely those newly gained before the 2016 elections from the VMRO-DPMNE³⁶ camp.³⁷

Overall, the elections were expected to be a close race between the center-left SDSM and the main opposition party, conservative right-wing nationalist VMRO-DPMNE. It was the first elections carried out after the 2018 Macedonian referendum which effectively changed the name of the country from Macedonia to North Macedonia. By changing the name of the country, the North Macedonia's government was able to settle a decades-long dispute with its southern neighbor Greece and removed the

hitherto insurmountable obstacle on its way towards an EU membership.³⁸ Although being praised by the EU for reaching a historical agreement, this concession, which was called treasonous by the opposition party, was heavily criticized also among citizens. Therefore, the polarized issue over the name of the country became one of the main topics of the pre-election debates and some leaders of the opposition VMRO-DPMNE party even promised to revoke the agreement with Greece and overturn the decision to rename the country, thus disregarding the progress made along the perspective of European future.³⁹

From the state capture to a positive example for the region

Only a few years ago, North Macedonia was characterized as a captured state by the European Commission⁴⁰, often then used as a case study of what the 'state capture' means also in academic literature. The governing party VMRO-DPMNE, under the leadership of the Prime Minister Nikola Gruevski, controlled and exploited a large proportion of public resources as well as media, the corruption was reaching systemic levels and democratic institutions were fundamentally dysfunctional. However, much has changed since the transition of power in 2017 when SDSM was given the opportunity to form a government. North Macedonia was in a difficult position in terms of EU enlargement – while it was the first Western Balkan country to obtain the EU membership candidate status, the opening of accession talks was blocked by Greece over the name dispute for decades. Furthermore, under the rule of Nikola Gruevski and with the growing frustrations over the Greek veto to its European integration path, the state of democracy and the rule of law started deteriorating rapidly. The new

³⁵ A coalition of Social Democratic Union of Macedonia (SDSM) and Democratic Union for Integration (DUI)

³⁶ The second largest party in North Macedonia, Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity

³⁷ Kingsley P., He Who Changed his Country's Name. Will North Macedonia Punish Him? <https://www.nytimes.com/2020/07/14/world/europe/north-macedonia-election-zoran-zaev.html?action=click&module=RelatedLinks&pgtype=Article>

³⁸ Greece had repeatedly vetoed the country's progression into NATO and EU due to the unresolved name issue

³⁹ Daventry M., Jovanovski B.; North Macedonia prepares for first election since name change and it's going to be close <https://www.euronews.com/2020/07/14/north-macedonia-prepares-for-first-election-since-name-change-and-it-s-going-to-be-close>

⁴⁰ 2016 Report on Former Yugoslavian Republic of Macedonia https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_3634

government led by the SDSM thus did not have an easy task. Not only did it have to solve the disputes with its neighbors, allowing it to unblock its EU integration process, but it also had to show real efforts and results in dismantling the existing state capture. The rapid repair of the relations with the country's neighbors is still perceived as the most vivid success of Zaev's first government. By signing the Prespa Agreement in 2018, officially changing the name of the country to North Macedonia, the government was able to finally settle the long-standing dispute allowing North Macedonia's accession into NATO and the progression towards the start of the accession negotiations with the EU. Another positive step was rapprochement with Bulgaria, another neighbor with whom the previous government had a very tense relation, especially in the matters of national identity and interpretation of historical events. The two countries signed the Treaty of Friendship, Good-neighborliness, and Cooperation. The agreement foresaw the establishment of the Joint Expert Commission in order to settle the historical disputes and Bulgaria's support to North Macedonia's Euro-Atlantic integration.⁴¹ This resolution of the bilateral disputes and improvements in regional relations, unprecedented in the Western Balkans, enabled the new North Macedonian government to provide its citizens with a positive European perspective after more than a decade of stagnation.

As a result of these efforts and the willingness to commit to much needed reforms, North Macedonia was able to hastily progress with European integration and was provided with more substantive support from the European institutions. According to the latest Nations in Transit report by Freedom House, the country has shown progress in independence of media, human rights or fight against corruption. However, some key liberal-democratic reforms are still lacking, also due to unwillingness of the opposition VMRO-DPMNE to support them.⁴² Although being praised for substantial progress over the previous years, this did not result in a positive decision of European Council to open the accession

negotiations with the country back in October 2019, as France together with two other states decided to veto the proposal, which led to the Prime Minister Zaev's resignation and call for an early elections. However, after settling the disputes among the EU member states regarding the EU enlargement and adoption of a new enlargement methodology, North Macedonia received a green light on starting its accession negotiations only few months later, in March 2020.

Elections amidst the COVID-19 pandemic

Obligation to form a technical government that serves for 100 days before the elections, proved to be rather unfortunate in regard to the COVID-19 pandemic as the elections originally planned for April 12 needed to be postponed for summer period. While the technical government, nominated by the previous ruling party but including also representatives of the opposition, serves to protect the electoral processes, it does not possess the same legal powers to effectively respond to crisis such as COVID-19 pandemic. Therefore, the postponement of the elections was later questioned and resulted into holding the elections when the pandemic had even worsened.

Results of the postponed parliamentary elections confirmed most of the pre-election polls that were predicting a tensed battle between SDSM-led "We Can" coalition and "Renewal" coalition led by the VMRO-DPMNE. In the end, the Social Democrats were able to win the elections with 36,13% of the votes, while the VMRO-DPMNE obtained 34,65%. The Albanian minority party DUI finished third with over 11%, fulfilling their goal of playing a junior partner in a future coalition.⁴³ Generally, the elections were carried out without any serious deficiencies although being organized during the peak of the COVID-19 pandemic, which resulted into a limited pre-election campaign and a lower turnout, as reported by the OSCE observation mission.⁴⁴ The reports

⁴¹ Treaty of Friendship, Good-neighborliness, and Cooperation <https://mfa.gov.mk/en/document/1712>

⁴² Bliznakovski J., 2020 North Macedonia Report, Nations in Transit <https://freedomhouse.org/country/north-macedonia/nations-transit/2020>

⁴³ <https://www.rferl.org/a/north-macedonia-election-zaev-coalition/30732551.html>

⁴⁴ https://www.osce.org/files/f/documents/b/e/465648_0.pdf

also confirmed the improvements in the electoral process as a key component of a functioning parliamentary democracy, as previously stated in the Freedom House report.

Within one month after the elections, the SDSM was able to reach an agreement to form a majority coalition⁴⁵ with the Albanian DUI, that was part of the government also in the previous mandate. This is a positive sign for the continuation of a productive dialogue between Skopje and Brussels and for future strengthening of the democratic principles in North Macedonia. With a slim majority, the government should strive to maintain the pace of the reforms, while enhancing their efforts for a constructive dialogue with the opposition on the topics of key importance for the democratic consolidation in the future. Although there is still much space for improvements, by the results of the elections, it is clear that Macedonians still support the actions of the government on its European path. Moreover, it is visible also from the behavior of the opposition which is less vocal to the topics that are connected with the European integration of the country.

A thorny path forward

Over the past years, North Macedonia portrayed itself as a proactive candidate country with a good track record. Reforms in the field of judiciary should be among priorities of the current government, especially after the bribery scandal of Head of Special Public Prosecutors' Office Katica Janeva that was responsible for working on cases of corruption of a previous VMRO-DPMNE government. Her corruption scandal not only casts doubts over the years of her chairing of the institution, but also puts the whole judicial system under scrutiny.⁴⁶ As a result of the actions of Ms. Janeva, the Special Public Prosecutors' Office terminated its activities and transferred its cases to the Public Prosecutors' Office. However, the issue remains one staining the North Macedonia's reform track record and has to be resolved moving down the EU accession path.

The most urgent issue complicating the country's European prospects is, however, the current re-escalation of the disputes over historical narratives with Bulgaria. Prime Minister Boyko Borisov and other leading representatives of Bulgarian government reverted its previous support to the accession process of North Macedonia due to a "lack of interest" in resolving the historical disagreements over Macedonian language and history through the Joint Expert Commission. The official position of Bulgaria is now that it cannot allow the continuation of the EU accession process for North Macedonia. Bulgaria has put forward a set of demands on the North Macedonian government, conditioning its support to the official start of the EU accession negotiations with the country. Bulgaria is demanding that the Macedonian government would stop referring to its nation and language as "Macedonian" and rather use the collocation "People of North Macedonia" and "Language of North Macedonia" and also the changing of the interpretation of some historical events connected to the Bulgarian fascist regime that collaborated with Nazis during the Second World War.⁴⁷ While it is understandable that these conditions cannot be accepted by North Macedonia as they are undermining the basic rights of self-determination adopted by the United Nations Charter, they are once again stalling the accession process of the country into the EU. Furthermore, the North Macedonian government is not in a situation where it could allow for any more concessions to its neighbors. Already the name-change due to the dispute with Greece met with a hard criticism and opposition from the Macedonian population and was seen as an attack on the Macedonian identity. Now when the Macedonian identity itself is the subject of the dispute, it is hard to imagine the Zaev's government would be able to gather the public support to appease the Bulgarian demands.

Bulgaria, and by proxy the whole EU, is now playing a dangerous game. The region of Western Balkans is a very competitive field where various foreign powers exercise their influence. The previous government of Nikola Gruevski was rather sympathetic to Russia and did not shy away from

⁴⁵ Currently, both parties have 62 out of 120 seats in the parliament
⁴⁶ <https://www.rferl.org/a/north-macedonia-s-former-organized-crime-prosecutor-jailed-in-bribery-scheme/30678210.html>

⁴⁷ <https://neweasterneurope.eu/2020/12/14/north-macedonias-eu-challenges-the-bulgarian-ego-and-mechanisms-of-defence/>

pursuing a “balanced” foreign policy in reaction to the blocking of the EU integration of his country. On the other hand, Russia watches the current developments closely and can be expected to use any opportunity to fill the vacuum provided by the EU’s future failures. A clear example of this Russian policy towards the Western Balkans was the invitation into the Eurasian Economic Union offered to North Macedonia and Albania following the veto to open the accession negotiations with the two countries in October 2019. Therefore, it is in the utmost interest of the EU to closely cooperate with the unequivocally pro-European leaders in the region and them staying in power.

Conclusion

The second Zaev’s government in North Macedonia is now very dependent on the EU and on achieving a clear success in the EU integration process. Precisely because of the sacrifices the government has made in its previous term in order to progress towards the opening of the EU accession negotiations, the settlement of relations with its neighbors, it now finds itself in a very fragile position with only a thin margin of popular support. The question is how far the current government go in making concessions to its neighbor’s demands before it will result into a political suicide.

At the same time, Zoran Zaev has managed to pull his country from a captured state lagging behind in the region’s EU accession race to an often-cited positive example for the whole region, both in terms of domestic reforms and improvement of neighborly relations. While there are more results needed to be seen, especially in the area of public prosecution, it cannot overshadow the progress the country has achieved and the unprecedented political will it has demonstrated. The EU has recognized this progress in its own progress reports released by the European Commission. The Council of the EU should follow the recommendations of the European Commission and the European Parliament and put now these words into action by official start of the accession negotiations with North Macedonia. If failing to do so, the tide could turn in North Macedonia and the next elections could bring another change of government, this

time in favor of the VMRO-DPMNE. As indicated by the recent statements from the party’s representatives as well as the persisting activity of Russia and China in the Western Balkans region, this change could have dire consequences, such as a dramatic worsening of the regional relations, renewed interethnic tensions between Macedonians and Albanians in North Macedonia, and a foreign policy turn towards East. Based on the track record of the VMRO-DPMNE previous rule, it could be also expected that the recent democratic reforms would be reversed, causing irreparable damage to the country’s European future. The EU leaders thus have to act smarter and beware of threatening the truly significant progress which has been achieved in North Macedonia and in mutual relations between the country and the EU.

Policy Recommendations

- The opening of the accession negotiations with North Macedonia and Albania have to be unblocked as soon as possible. Bulgaria should not subject this decision to long-lasting historical disputes and the dialogue between the countries could be continued parallel to the accession negotiations.
- The EU representatives should maintain their engagement in the mediation between North Macedonia and Bulgaria, as set by the German EU Presidency. A real compromise, resulting into a concession on both sides, not just one, should be pursued.
- The government of North Macedonia needs to demonstrate extraordinary efforts – both in the pursuit of a settlement with Bulgaria but also in other democratic reforms – to avoid providing the EU member states with any more reasons to block its accession negotiations. With regard to the dispute with Bulgaria, North Macedonia first has to meet its part of obligations set up in the Treaty of Friendship, Good-neighborliness, and Cooperation.
- To avoid similar situations in the future in which one EU member states blocks the (potential) candidate countries on their EU accession path, the European Council should consider the introduction of the QMV in the EU enlargement policy, at least in some stages of the EU accession process. If this underlying problem is not dealt with, more vetoes like this will result only in losing

of the momentum in the EU enlargement, growing frustrations of both elites and populations and potential backlash in the democratization and European integration in the region.

Parliamentary elections in Montenegro: The first transition of power

The tiniest Balkan nation of Montenegro experienced on 31 August what arguably could be one of the most game-changing elections held in 2020. Rather unexpectedly, the ruling Democratic Party of Socialists of Montenegro (DPS) was ousted by a coalition of diverse opposition parties, representing the first real transition of power from the hands of the DPS. The DPS is a successor of the League of Communists of Montenegro which ruled the country under the Yugoslav federation ever since the establishment of Yugoslavia in 1945 and has dominated unchallenged the Montenegrin political scene ever since. Although the DPS won a thin majority of the votes (35,06 %) in the election, it was not able to form a coalition and was thus replaced by a coalition of three strongest opposition parties – For the Future of Montenegro (ZBCG), Peace is Our Nation (MNN) and Civic Movement United Reform Action (URA) – which, together, have the majority of 50,62 %. While the DPS has lost the opportunity to form a government, the party's authoritative leader Milo Djukanović remains in the position of the President of Montenegro and therefore the DPS still exerts significant influence in the country.

The election took place in a very controversial context and not only because of the COVID-19 pandemic and resulting curbing of freedom of information and media. In 2019, the political stability in Montenegro and the rule of the DPS was shaken by several protests. In the first half the year, the country has witnessed protests organized by civil society together with some opposition parties and targeted the governing party and the President Milo Djukanović and PM Duško Marković for widespread corruption in the government, authoritarian practices, media censorship and alleged electoral fraud. Despite the long protests, the demonstrators were not successful, and their demands

were not met. In December of 2019, the government was met with another wave of mass protests, this time sparked by the adoption of a controversial religion law, threatening to seize assets of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church is the largest church in the country as the majority of Montenegrins identifies with it. The protests over the law on religion were marked by clashes between the demonstrators and police and arrests of a number of people including opposition politicians⁴⁸ and continued until the introduction of the coronavirus pandemic restrictions in March 2020.

New government: Unpredictability and a challenge to Montenegro's Euro-Atlantic integration?

The winning coalition was met with only a lukewarm response from the Western partners and caution from experts. The rule of the DPS and the authoritarian leader Milo Djukanović was clearly problematic as despite its demonstrated determination to achieve integration into NATO (which the country joined in 2017) and the EU, the nature of the regime suffered serious flaws with regard to the rule of law and democratic standards. According to the Freedom House's Nations in Transit reports⁴⁹, Montenegro has seen a steady decline in its democracy score in the past ten years, with a minor improvement only in 2017 and another drop in the following year. The result of the decay of democracy in Montenegro and growing authoritarian tendencies, widespread corruption and abuse of power, was the drop of the country, previously classified as a democratic system, into the "hybrid regime" category in 2019 and 2020 according to the Freedom House.⁵⁰ Also the fact that the entire system of the tiny Mediterranean nation (with the population of only over 620,000) is controlled by the DPS and Djukanović, through the decades of staying in power and corrupt practices, without any real political

⁴⁸ Montenegro MPs arrested in clash over religious freedom law, *BBC News*, 27 December 2019, <https://www.bbc.com/news/world-europe-50923647>.

⁴⁹ Freedom House, <https://freedomhouse.org/report/nations-transit>.

⁵⁰ Ibid. <https://freedomhouse.org/country/montenegro/nations-transit/2020>.

transition after the fall of communism does not help the Montenegro's case as a country whose place lies in the EU.

However, for the West, Djukanović and his party represented a guarantee of stability and a predictable leader to deal with. Furthermore, in the context of the growing Russia's assertiveness in the EU's Eastern and South-eastern neighbourhoods, Djukanović who was pursuing the pro-Western path for his country and independence from Serbia and Serbian Orthodox Church, traditionally very closely connected with the Russian Orthodox Church, logically was the preferred ally. For the sake of stability and the geopolitical interests, the West including the EU leaders often seemed to turn a blind eye on the undemocratic practices of the DPS. Montenegro opened its accession negotiations with the EU in June 2012 and has since been given the label of the frontrunner of the EU integration process of the Western Balkans (after Croatia joining the EU in 2013).⁵¹ The country's steady progression on its EU accession path and the frequent praise from the EU representatives despite the fact that the party stayed in power due to state capture and pressure on citizens was one of the arguments in criticism from the civil society and experts against the EU for hypocrisy and problematic credibility of the enlargement process.⁵²

In contrast to the comfortable blind-sided predictability of Djukanović and the rule of the DPS, the election results apparently caught the EU unprepared. The reactions coming after the elections were very careful. One of the reasons was the very narrow victory of the DPS, which was expected to be supported by the minority parties in Montenegro, as was the tradition, and the uncertainty whether it will be in the end the DPS or the second-largest

party, the For the Future of Montenegro, who will be able to form a coalition. Another serious reason for the lack of enthusiasm about the result coming from the West was the dominance of the pro-Serbian and pro-Russian Democratic Front, leading the For the Future of Montenegro coalition. Even after it has become clear that the three opposition parties (ZBCG, MNN and URA) would be able form the government, it is still dubious whether the civic-oriented coalition partners will be able to mitigate the potential turn towards the East in Montenegro's foreign policy.

However, these worries have been immediately addressed by the winning parties' leaders, including those previously very critical of Montenegro joining NATO and breaking ties with Russia, stating that accession into the EU remains the country's strategic priority and the new government will not divert from the course established under the previous leadership.⁵³ The coalition reacted also to the fears expressed across the region that the strong position of pro-Serbian parties will lead to a revival of Serbian nationalism and the idea of the "Greater Serbia" connecting Serb-dominated areas in the Western Balkans. This perspective was mostly present in Bosnia and Herzegovina, with its separatist Bosnian Serb populated part, Republika Srpska, and in Kosovo. Some leaders in Kosovo worry about potential unrecognition of the new state by the new Montenegro's government and worsening of mutual relations.⁵⁴ However, the leaders of the coalition parties also reassured Kosovo and the EU that the question of unrecognition is not on the table.⁵⁵ Most experts are also mitigating the fear of Serbian nationalism in Montenegro after the elections, stressing that the pro-Serbian parties are only some of the partners in the new coalition and these

⁵¹ European Parliament, Montenegro – a lead candidate for EU accession, <https://www.europarl.europa.eu/EPRS/EPRS-AaG-628238-Montenegro-lead-candidate-for-EU-accession-FINAL.pdf>, European Commission, Montenegro, https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/montenegro_en.

⁵² The problematic relation between EU integration and state capture is described for example in Solveig Richter & Natasha Wunsch (2020) Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans, *Journal of European Public Policy*, 27:1, 41-62.

⁵³ Montenegro Opposition Pledges to Maintain Country's EU Path, *Balkan Insight*, 1 September 2020, <https://balkaninsight.com/2020/09/01/montenegro-opposition-pledges-to-maintain-countrys-eu-path/>.

⁵⁴ Montenegro's Change in Power has the Region Worried, *Balkan Insight*, 8 September 2020, <https://balkaninsight.com/2020/09/08/montenegros-change-in-power-has-the-region-worried/>.

⁵⁵ Mesežnikov G., "Time Will Tell", *Visegrad Insight*, <https://visegradinsight.eu/montenegro-elections-russia-time-will-tell/>.

sentiments will be tamed by more civic-oriented coalition partners.

Montenegro's incoming Prime Minister, Zdravko Krivokapić, the leader of the For the Future of Montenegro alliance, vowed to form an expert government. The government is still in making but if successful, this would be the first expert government in Montenegro's history. However, the new PM has a difficult job to reconcile the coalition parties with extremely different views with whose support he got into the position. While an expert government is a must in the current context, with such a polarized government coupled with the region as well as the EU fearing potential rise of Serbian nationalism in Montenegro and divergence from the country's European path, it is not sure that all winning parties will accept having no influence over the crucial resorts.

Even if the government will be successfully formed soon, it will find itself in a difficult position. Apart from the ongoing COVID-19 crisis, high expectations are being put on the new government, replacing the decades-long autocratic rule of the DPS. With such a weak majority in the parliament (the parties won together 41 seats from the 81 seats in the parliament⁵⁶) and diverse views of the coalition partners, it is doubtful whether the government will be actually able to implement any substantial reforms leading to the dismantling of the state capture and increasing fundamental freedoms. Furthermore, it is important to realize that none of the coalition partners has any experience with leading the country and has always been only in the opposition. For the government to last, it will need a strong political will to find common voice, acceptance of compromise, and all the support from the EU institutions and member states it can get.

Lessons for EU and the EU enlargement policy

The reaction from the EU representatives to the election results was very lukewarm and vague, commenting mostly

on the orderly and competitive conduct of the elections, largely ignoring the fact that the country is experiencing its first democratic transition. The fears surrounding the success of the pro-Russian and pro-Serbian parties in the elections show a problematic point. While the EU clearly supports freedom and democracy in its neighbourhood, the result of the democratic processes sometimes might not be exactly what the West would like to see. The first misstep of the EU leaders in the aftermath of the elections and the agreement between the parties to form a coalition was the lack of acknowledgement of the first democratic transition of power Montenegro has experienced, through a relatively free, fair and competitive elections (despite the ruling party abusing the state resources and control over media).

The best way to mitigate the worries and uncertainty about the formation of the new government would be through a faster and more engaged action in establishing a dialog with the winning parties' leaders. It is also a question to what extent the experts inside EU institutions were familiar with the opposition parties succeeding in the elections and their leading personalities. Moving forward, the EU enlargement policy would only benefit from a wider and more intense dialog between the EU and the actors in the candidate country. The engagement of the EU needs to reach further than to the ruling party or the biggest opposition bloc – the European Parliament and European Commission representatives should communicate in a more frequent and coordinated manner also with other opposition parties and civil society. So far, the communication with the opposition is typically reserved only to the European Parliament rapporteurs and EP political groups the parties ideologically belong to.

The unprecedented change of the government in Montenegro also showed the need for a more tailored and flexible approach of the EU to the candidate countries. The new government has an entirely different or rather no experience not only with running the country, but also with the EU accession process than the DPS political elites. In the context of the existing state capture and dominance of

⁵⁶ Montenegro state election commission releases final results, *N1*, 14 September 2020,

<http://rs.n1info.com/English/NEWS/a639564/Montenegro-state-election-commission-releases-final-results.html>.

the DPS influence across all sectors in Montenegro, especially with the DPS's leader Milo Djukanović still in the position of the President, it will face serious obstacles in the hoped for pursuit of democratizing reforms. It will also very likely suffer from the lack of experts and people experienced in dealing with the EU and the technical nature of the accession negotiations. For the accession process to be restarted after a stalemate in the last year, the new political leadership will need not only enough will and political skills but also all the support from the EU institutions as well as individual friendly member states it can get. The existing plans and roadmaps for the EU path of Montenegro, specifying necessary steps to be undertaken in order to progress in the EU accession process, should be revised and tailored more to the changed realities in the country. The EU should provide the new government with a more concrete set of objectives which should be achieved and steps leading to them, especially in relation to the dismantling of the state capture present under the DPS rule and establishing a functioning system of checks and balances. This experience of leaders the EU is used to dealing with being replaced in power should be a lesson for the EU enlargement policy to be more flexible, work with a wider spectrum of actors in the candidate country, and to timely update its approach in response to the changing situation on the ground.

Furthermore, the elections and the formation of the new government could have consequences on the position of different Western Balkan countries in the enlargement process. Based on the developments in the past years, the decline in democratic standards and potential re-orientation of the foreign policy priorities eastwards, the position of Montenegro and Serbia as the frontrunners of the enlargement process could be challenged. According to all indexes assessing freedoms and the state of democracy as well as the European Commission's annual progress reports on the countries striving for the EU membership, North Macedonia demonstrated in the past two years a much better track record in strengthening democratic governance and rule of law than both current leaders in the EU accession process. This fact should be openly acknowledged by the EU representatives instead of the present praising of the frontrunners and showing support to the strongmen of

the region, who appear to be a safeguards of stability in EU's backyard but simultaneously undermine the core European values. The lack of a flexible and timely reaction to the changing situation and performance of the candidate countries lead to further undermining of the credibility of the EU across the region – among the populations, civil societies and also the political opposition. So far, the EU has been too rigid in its support to the autocratic leaders in belief it will be them who will lead their country into the EU. The cases of North Macedonia and now perhaps Montenegro showed that the dissatisfaction of the population with the undemocratic and illiberal rule of these leaders might lead to their replacement. The EU should be aware of this possibility and better prepared to revise its approach and work effectively with the new leaders. However, this improvement will not be possible without a more frequent and more intense presence of the EU representatives in the region or an increased engagement with other actors beyond the elites currently in power.

A more intense communication and cooperation between the EU actors and the opposition is vital to the enlargement process for several reasons. It would address the critique that the accession negotiations are not very transparent and are exclusive only to the governmental negotiating team and would help to promote the idea of the EU accession and gain the support across the political spectrum. Furthermore, a better communication with the opposition parties in the scope of the accession process would help to avoid disruptions in negotiations in case of change of the government. Overall, a better inclusion of the political opposition as well as civil society into the process would contribute to the visibility of the EU accession process in the public debate in the candidate countries, thereby providing agency to both policymakers and population.

Policy Recommendations

- The EU representatives have to stop turning a blind eye on autocratic and illiberal tendencies of some of the candidate countries' leaders. Especially in the context of the rule of law decay in some EU member states, the EU must make it clear already throughout the accession process

that no violations to the rule of law, democratic principles and EU values in general will be tolerated. First and foremost, they have to avoid any praise for the progress and cooperation with the government without mentioning the problematic aspects and shortcomings. In doing so they legitimize the regime and its practices which go against the principles of the EU accession.

- The European Commission should better include the political opposition in the candidate countries into the enlargement process. New channels of communication need to be established, engaging all political actors together with the civil society in a regular and comprehensive manner. The project of National Convention on European Integration is an initiative towards a positive direction but would need a bigger endorsement and engagement from the domestic political actors as well as the EC representatives.
- A better monitoring of the situation and political constellations in the candidate countries by the European Commission and European Parliament is necessary in order to avoid surprises and uncertainty in case of change of the government. A better engagement with actors across the political spectrum, beyond the ruling parties or the strongest opposition party, would be helpful in this regard. It would help not only to better predict the developments and allow for a faster and more flexible course of action but also contribute to the promotion of the idea of EU accession in the country.
- With the new enlargement methodology in place and a stronger emphasis on the fundamental principles of the EU accession process – the rule of law, democratic governance and fundamental rights and freedoms – the EC's evaluations and recommendations should have more weight in deciding on the progress of individual countries. The EU member states should be guided more by the objective reports provided by the EC experts than by political interests for the enlargement process to be truly merit-based and regain its credibility.

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