Western Balkan countries' political transformation and conflict to peace transition

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Abstract

The study examines transformation of political and legal system of Western Balkan countries. The transformation of Western Balkan was indeed unique. This has been a violent transformation, with war, exodus, genocide and severe violations of human rights. But at the same time, as far as the legal, economic and the political changes are concerned, the transformation of the Western Balkan was amazingly rapid. From that perspective it is an exceptional success story. However, from the perspective of the social life, the result is very disappointing and discouraging. This deep transformation is experienced by a considerable portion of the population. In this paper we will try to make a comparative analysis of numerous social problems provoking countries of the western Balkan. The notion Western Balkan is a political concept rather than a geographical one, which actually is more or less imprecise. The new western Balkan countries emerged after the collapse of the communist system in the 1990s, and the dissolution of the Yugoslavian Federation. An exception to this is the Republic of Albania, which had a very rigid form of a communist dictatorship and was self isolated. After dissolution of the Yugoslavian Federation new states over a period of several years were in a series of conflicts among themselves. Thus wars destroyed economic infrastructure and almost all state institutions, the privatization process was realized unfairly, and the NATO and EU integration were very slow, so we can conclude that the whole process of transformation has been a dramatic phenomenon.

Key word:

Transformation, judiciary, western Balkan, political changes, religion.

Political and social transformation of western Balkan states from socialism to democracy

In the period of the communist era, the citizens of these countries hoped that one day their societies will be transformed into democratic ones, but unfortunately after these transformations, most of the people are disappointed, even though it was their dreams to see these changes happen. Therefore these transformations have produced negative effects with the population. The most important capitalist institutions are private property, trade in free markets, credit systems, as well as the judicial system, which guarantees the protection of the private property and contract, and as such they have shown different rates of development and functionality in different places. The institutional transformation is accompanied by other processes such as urbanization, industrialization and commercialization. All this explanation can be described as capitalist economy. This economy is the central and dominating practice of modern times and as such experiences constant change and progress. This change is not only economical, but also juridical.¹

This dynamics of change includes juridical areas, which include human rights, such as the right of free speech, the right of religious and national self-determination and the right of participation in the process of political and social decision-making. This led to the elimination of a part of discriminations such as racial, sexual and religiously motivated ones. We have to say that the transformation was complete, and parallel in all spheres of economy, political structure and legal system and in all social strata or levels.

But, we have to point out that the adaptation of foreign models is not a simple task. It is not enough to explain to people, how the UK Parliament, or a Zurich bank functions and expect the same from the parliament in Albania or a bank in Bosnia and Herzegovina, and so on. It is comparatively easy to choose a sample model, but the hard part is implementing and adapting it to local circumstances. In order to verify the claim that the transformation process is a very difficult and involved one, the best argument is the duration of this process in a time span more than two decades. In this period, the foreign investors not only provided capital investments but they also gave consultations concerning the adaptation of the juridical systems of these countries to the new norms of the capitalist system. Hence, under the tutorship of the capitalist countries, these countries have

¹ Zakošek, N., *Pravna država i demokracija u...*, Politička misao, Vol XXXIV, (1997.), n. 4, pp. 78—85

joined international organizations such as NATO, OECD, WTO, and have intensified their relationships with the World Bank and IMF. This process should be finalized with the membership in the EU and NATO. In the terminology of Bruxelles this is the process of “harmonization”. This process was accompanied with a practice of “obligations” to acquire credits and investments, which were made dependent of the realization of some prerequisites which had to do with the system transformation or they have been in function to rapid the changes.

Let us analyzing social situations in socialism, it is clear the unemployment had a very low rate in the socialist economy, where a great part of the society was in some way in a workplace and every laborer felt safe there.

This situation has come to an end after social transformations, and there emerged a clear problem of unemployment, which caused a deep social trauma. This happened at a moment when life became unstable in every way. Now, everything was in constant change and nothing could be predicted in advance. Before, the company was something almost eternal (no one would imagine it going bankrupt) whereas today it emerges and collapses in terms of weeks and months. The consumer prices were fixed in long periods of time, whereas today they are floating according to indefinable and imperceptible market mechanisms. An average citizen cannot have a feeling of the long term development of interest rates and stock exchange values.

Even though it was difficult to attain a living place, once you had it, or rent it, you did not fear of losing it anymore. Now days it is a matter of one unpaid rent to be disposed to the street. Once the police state is dissolved, the public safety becomes a serious issue. Corruption existed in the old regime as well, especially there, where mutual political and personal connections were used for personal interest. But these days corruption is present in deals worth billions, in the economic and cultural sphere, more or less in private transactions, and in the highest as well as lowest levels of the ruling and social hierarchy. Many individuals are doubted to be included in corruption, sometimes against their will. It is almost impossible to avoid involvement in some transaction, as a member of one political party, which is involved in criminal activity. Clients, citizens, buyers and sellers are seldom unwilling to pay money for a service

or to become part of pay tax evasion.

People are also very disturbed by the chaos at the political arena. Many think the pluralistic party system doesn't really create the preconditions for a healthy political battle, but rather for an untamed struggle for power, lying and cheating, repeating of empty promises by the governing party, and constant attack from the opposition on everyone who comes to power. A considerable portion of the population, doesn't believe in its parliament. The politicians are suspected to be involved in corruption, sometimes by breaking the law, and sometimes some unwritten ethical norms, and yet sometimes because they are blamed so by their political rivals.

Democratization and Economic transformation in the western Balkans countries

If we analyze democracy a central issues in the study of democracy and democratization is the relationship between the level of economic development and the level of support for democratic institutions.

The most successful state is a state that will be able to sustain democracy through other important social elements as well as the growth of the middle class, and by reducing clientelism, nepotism and corruption, and the development of civil society in which voluntary and intermediary organizations play an increasing role, and through the pluralistic competition.

Societies in which the state plays a dominant role in economic affairs, democracy may be compromised as individuals trying to manipulate state resources to enhance their personal wealth.

In this type of societies, political corruption becomes the vehicle for upward social mobility which drains democratic institutions of both economic resources and political legitimacy.

The consequences of this type of societies are corruption, abuse of power, economic stagnation and crisis, ethnic conflict, electoral fraud and political violence.

These types of effects have become familiar hallmarks of the transition processes in the Western Balkan states.

From Western Balkan states only in Slovenia popular social movements play a key role in the overthrow of the old regime. In many cases, the old elite continued to hold on to power even after the

introduction of democratic political systems.²

In several of the Balkan states, the communist parties, renamed the Socialist Party, and won elections complete. Elsewhere, authentic anti-communist opposition parties came to power.

But the opposition parties did not radically transformed statist approach to national governance, and in most cases members of the former ruling elite co-opted.

In western Balkan region, there was not a significant transformation of the political and economic elites, nor was there a significant reduction in the economic role of the state. These societies have kept most of its previous statist character of the society, on despite nearly two decade of economic and political transition.

By this an ideal type of regime in western Balkan region distinguished from very personal and arbitrary nature of rule, the lack of rule of law, despotic exercise of power, low institutionalization, lack of intermediate structures, and weakness civil society. These characteristics can be found in many of the Balkan states.

This type of state imposes in many cases a terrible obstacle to the development of democracy. Western Balkans countries have lack of a clean political break with the past, and the way in which communist parties retained significant power and influence in the transition period.

In accordance with our explanations we can conclude that the Balkan states have become nomenclature characterized by soft-budget constraints; subsidies to loss-making industries; a lack of authentic privatization; extensive bribery and corruption; protection from foreign competition; hostility to foreign investment; and a tendency towards import substitution rather than export promotion.³

It has imposed limits on the speed of reforms and the willingness of the international financial institutions to support the process of economic transition.

Economic transition is marked by severe economic crisis in some countries, as well as slower growth in others. The absence of large

² Democratization in the Balkans: challenges and prospects', Democratization, 2, 3, 1995

³ Economic transformation and democratization in the Balkans", in Tom Gallagher, Geoffrey Pridham, Experimenting with Democracy: Regime Change in the Balkans, London: Routledge. Oct 12, 2012.

improvements in economic conditions has reduced the chances for a successful transition to democracy.

The political elites of the Balkan economies more or less have been able to manipulate the privatization process for to their own needs. This was reflected generally in the speed of privatization. Although privatization is usually conceived as a primary means of establishing a market economy, privatization of Balkan context has provided numerous opportunities for the ruling elites to maintain them on power.

The Role Religious Revitalization in Social Reforms

The political scene we have in western Balkan states has to do with insertion of new themes in political debates, such as religion. The influence of religion is very high in politics of western Balkan states, especially during elections, when it comes to the election debates. Western Balkan states are going through a wave of religion controversy in the political arena. Although the majority of religious communities stand for secular state and secular democracy, very often the strength of religion is (miss) used for a better ranking in regional politics. Through this reality, we want to stress the involvement of religion in political discussions, and how religion affects democracy in western Balkan states. Religion can play and plays an important social and global role in the moderns social circumstances. The religious communities of each religion (Islam, Christianity, and Judaism) have a very heavy influence as main casts in social life of people; especially they seriously influence the pulse of politics.

Revitalization of religion like antipode of secularization appears as an important factor in countries of western Balkans. Religion its social irrelevance in modern social relations designs and rationalizes in position and role as peak point of ethical substance in our life. According to this, religion presents its ethical framework and ethical function as dominant value among others social institutes i.e. secularization and tends to obtain the primate in the regulation of people affairs in the society. Thus, the main point in the process of secularization is the fact that it's represents the stem in the formation of the modern society. Along the process of interfering of religion in people's private everyday life and private rights religion cannot get further in the public relations or participation in political activities.

Religious communities, due to this kind of position as an outsider, try to stress out religious human superiority in their ethical platform in order to get established as social and political subject and step by step from partial function to obtain a global role. Through a concise elaboration of modern secular crisis we would like to acknowledge the weak side of secular instruments as important factors of social integration. In such conditions, religion tries to make way out with its social function facing the crucial problem of today's world the economy. This crisis is manifested as weakening of transparency in social relations.

The main characteristics of the modern society are the scientific and technical development together with the expansion of the principals of material and rational world. The critical situation of modern societies generates a given changes between individuals/citizens and collective systems and mechanisms such as the state. The global financial crisis can be also explained as cultural one, and further more as a crisis of thought and dignity which represents the basis for the modern society.

It is all about a crisis of cultural model, which is essentially represented as secular, material and rational. This model directly is confronted with the cultural model, which is based on religious values and principles.

This crisis of secular and cultural model can be analyzed through the prism of critical diagnosis which is related to secularism, materialism and rationalism.

All these modern social and political systems based on these values (secularism, materialism and rationalism) brought suitable social conditions for the de-secularization of modern societies.

Thus, this context can generate a process of revitalization of religion from three different aspects. From global socially constitution of the society we have:

1. Revitalization of religion as a fundamental thought of human kind.
2. Revitalization of religion as a cultural component of this phenomenon and the development of the thought of new conservatism.

3. Revitalization of religion as a basic model for constitution of new cultural model which can be an alternative of the secular model. It is important to stress out that; religion during the time can play a function of integrator and stabilizer of given social constellation. Thus, doing business with one subject religion can have a dangerous and demolishing opinion towards society. Religion, through social antagonism i.e. religious studying with all its elements and components religion can form multidimensional systematical and ideological matrices. The essential meaning, aim and the function like all other ideological system, in the concrete case the specific religious system is aimed to be the brain of the religious communities. In the modern world especially the Christian and Muslim ones, religious communities have the status and the role of global political factor.

Role of technology in social reforms

Let's mention that computers, the internet, mobile phones more and more are speeding up the incoming of foreign information for the people who want to follow the codex of behavior with other countries. This technology offers fast publications of new rules and norms. Because of the fact that the west Balkans before the transition i.e. the monist system was stagnated in terms of technology it is a very good proof that Balkans integration in EU represents an act of stability in economical sphere. Thus, this is all a good step for democracy. Let's stress out that outer factors have been the actors who have initiated the changes and prepare the countries in western Balkans to transform and start the struggle for EU integration and the globalized world. Thus, during these processes the political subjects preoccupied with conservation of national traditions remained against these transformational processes due to political sovereign boundaries of their countries.

Western Balkan countries have experienced some economic growth and major progress in advancing their structural reform agenda in the last decade. The growth trajectory across the region has been uneven, however countries have been able to maintain macroeconomic stability and sustain political reforms towards democratic governance. The political landscape today is diverse underpinned by widespread political rights to participate in multiparty elections and a range of civil liberties, which have taken root in the region. Within the past two decade, the countries in Western Balkan, countries have been under pressure with military, economic, and political

crises war in Bosnia and Croatia, the Kosovo/UNMIK conflict, the pyramid schemes of Albania etc. These external and internal shocks have impacted neighboring countries through influxes of refugees, disruptions in transport and trade, and loss of investor confidence. Today civil unrest has been overcome and the political balance has allowed economic growth and some regional cooperation. Each country had its own political pathway towards democracy charted by a series of events that marked historic transformations from state socialism.

Conflicts in former Yugoslavia

The Socialist Federal Republic of Yugoslavia as a federation existed till June 1991. Following the fall of communism in the rest of Eastern Europe, each of the republics held multi-party elections in 1991. Slovenia and Croatia were the first to declare their interdependence. A Parliamentary Declaration of Sovereignty in September of 1991 established the Former Yugoslav Republic of Macedonia as an independent state. However, the Serbs in Croatia refused to accept a status of a national minority and established the Republic of Serb Krajina. As conflicts escalated, war broke out in the fall of 1991. The politics in Bosnia and Herzegovina were far more complicated and separated along ethnic and religious lines. The government of Bosnia and Herzegovina held a national referendum on Bosnian independence in March 1992, largely boycotted by the Bosnian Serbs. Following the referendum, the republic's government declared its independence while the Serbs immediately declared the independence of RepublikaSrpska. War followed.

The signing of the General Framework Agreement for Peace in Bosnia and Herzegovina, the Dayton Peace Agreement, in December 1995 marked the end of the war. The Dayton Peace Agreement was an internationally brokered peace agreement, signed by representatives of the main Bosnian parties, Bosniaks, Serbs and Croats. It introduced an international body responsible for the civilian implementation of the peace settlement, the High Representative for Bosnia and Herzegovina. The Dayton Peace Agreement provided a new Constitution for Bosnia and Herzegovina, which establishes two Entities: (1) The Federation of Bosnia and Herzegovina (FBiH); and (2) The RepublikaSrpska (RS); within one unified, internationally recognized, whole Bosnia and Herzegovina (BiH).

Another source of military conflict in the region was Kosovo. The Serbian use of force against civilian populations, and forced many

ethnic Albanians to flee their homes. In the early months of 1999, NATO bombarded Serbia and Montenegro. Regime changes in Serbia and Montenegro established basic democratic political and market economic institutions with significant delays. The state's ability to provide public order, maintain infrastructure, and deliver services is improving, but it remains hampered by low revenues and shortcomings in basic governance.

The importance of existence of rule of law in western Balkan states

With the transformation of the justice system one should understand, formation of legal institutions which will be in accordance with norms of social and cultural conditions of democracy. The formation of such institutions cannot be realized without a serious transformation of the whole political system of the country. In order to form such a system the most important elements are the election and election system, parliamentary representative bodies, executive power (which is responsible for its voters, division of governing, restricting, and controlling and so on). As main actors in this case we have political parties. With all these conditions for legal political party pluralism is formed, as the step toward this process. Also, at civil society, political culture is a very important element, formation of independent associations which make conditions for non violent and civilized interaction among social groups and individuals. In order this sphere to function freely there is a need of a complex combination of juridical norms as a pre condition for normal functioning of the society. This means that the juridical or legal system should ensure functional protection of individual rights and the general character of the law.

As we know in the countries of west Balkans there are missing some elements of juridical state which also have an impact on functioning of political power, democracy get blocked and in this way authoritarian political structures are formed. This fact is as a result of the old social reality when the state as a system was above justice. The main tool for transformation of power is the process of privatization of state wealth, which has been managed by strong impact of political elite. As we have said until now it is a fact that transformation and socialism haven't changed in terms of justice state and ruling of justice but these changes were meant modification by keeping also many nontransparent authoritarian structures which could control functioning of the whole society. In such conditions there have been manifestation of bad habits such as corrup-

tion among citizens and some segments of state body. If the building of a juridical state is not realized as the main juridical system as strong and unchangeable norm then the position of citizens cannot be guaranteed through justice system but oriented towards connections. This means that all this is only about people who have political power or are under protection of political empowered people. As a result of this system of affairs, the political power which is not juridical limited turns into economical wealth. The worst consequence of non existing of juridical state is breaking of monopoly of violence which in such cases comes into hands of particular segments of state's apparatus that are of different interests such as organized criminal.

In order to form a juridical state in western Balkans there is a need of implementing of democracy in all three levels of the society of power such as democratic institutions, democratic actors, socio-cultural frame for the conditions of democracy. All these elements are very important for an honest state.

In these states there is lack of democratic institutionalization, directed toward procedural politics, democratizing of political processes, division of power and ensuring balance among given branches of power, fair election procedures which can ensure change of the government. Without a righteous state there cannot be a development of most important socio-cultural elements of democracy; civil society, independent media information and participation political culture.

In such conditions a clientelism structure was formed which propagates the interests through a patronage of power. These kinds of structures interrupt the formation of citizen culture, where people are allowed to autonomously tell their interests and at the same time are ready to take the responsibility of the community.

Instead of this there a development of a kind of hatred in the world which is formed on the loyalty towards a political patron. Under these conditions an independent media affairs is formed, on the other hand the bearers of the power strongly check up the main media resources and in an organized way tend to minimize the territory of independent media. As a consequence of such a condition we have an unsuccessful application of media culture which is important for democracy.

Conclusion

In summary, discussions about democratically transitions of post-social societies one of the key or the most important factors for functioning of democracy is the implementation of juridical state. We can also conclude that the result of a juridical country is the formation of authoritative structures on the political power which blokes the democratically processes.

The main reason of the transition is the transformation of post-social societies in types of societies in which there exists democratically institutions, or implementing of institutions and mechanisms in jurisdictional country. I agree that these types of societies are characterized with corruption, abuse of power, economic stagnation and crisis, ethnic conflict, electoral fraud and political violence. As a result of these influences, western Balkan countries lead to failure or interruption of democracy.

These types of effects have become familiar hallmarks of the transition processes in the Western Balkan states.

For an honest state (real state) is very important to form a functional judiciary. In western Balkans there is needed democracy in all three levels of the society, creation of democratic institutions, democratic actors, socio-cultural as frame for the conditions of democracy.

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