

Aug 24 2011

How partitocracy puts limits to the EU's transformative power

LSE Ideas

by Alexander Kleibrink

According to recent news, we should be quite optimistic about the state of European Union (EU) accession in the Western Balkans. The European Council has granted Croatia the long desired accession date and Zagreb is making progress on the corruption front. In Serbia, for a long time the most difficult EU aspirant, the prospects seem shiny, too. After extraditing the last war crime fugitives to The Hague the door to EU membership talks is wide open. What these accounts miss is the problem of partitocracy – the rule of political parties in almost all spheres of social life – that is dominating both countries. Without attracting too much international attention, political parties have incrementally increased their reach into different sphere of the society. Yet, this engrained politicisation might prove a key obstacle to successful EU integration. In particular, political parties are deeply intertwined with the public



and private sector, they have been relatively free to secure financing from private sources without effective public scrutiny and party leadership has an extremely strong control over publically elected representatives. Taken together, the reach of parties into society and the public as well as private sector raises important questions of accountability and the effectiveness of public policies that are prerequisites for becoming members of the EU and functioning democracies.

Politics, the public sector and private companies

While it is understandable that political parties seek to control the public sector in terms of the effective execution of politically defined policies, the democratic transition in Serbia and Croatia has opened many opportunities for parties to fill the most important positions in public administration and state-owned companies with people loyal to them. Several senior members of the ruling Democratic Party (DS) in Serbia acknowledge the problem of politicization openly and they have promised remedy. For instance, the mayor of Inđija, Goran Ješić from DS, stated that public administration is the main source of corruption. Indeed, the OECD confirms this view and underscores how political parties use public agencies and state-owned enterprises “to foster patronage networks”. In Croatia, we can observe even a politicisation that extends to the realm of private companies. Public administration expert Ivan Koprić finds in his studies that among high-level public officials “fluctuation between the private and public sectors” is common. Often badly executed privatisation over the past decade and the bad situation on the job market have increased both the supply of and demand for patronage which has adverse effects on economic growth and the effectiveness of public policies. With a view to favouritism of public officials towards private actors, the World Economic Forum ranks Croatia 93rd and Serbia 125th out of 139 countries worldwide in its most recent report. As an illustration, this puts the on a significantly higher level of government favouritism than countries like Burkina Faso and Pakistan.

Financing political parties

Until this year, there were no detailed and comprehensive legal provisions that regulated the financing of political parties in Serbia and Croatia. This also meant that there was no veritable transparency requirement concerning the sources from which parties financed their electoral campaigns and other activities. In practise, this led to a situation in which parties themselves were expected to supervise the flows of financial donations and report any abuse. No legal sanctions were in place to deter illegal financial arrangements. Under the pressure from the EU, the Council of Europe and NGOs, parliaments in both countries passed new legislation in the first half of 2011 that tackled this problem. With the new law in Serbia, illegal financing is punishable with up to three years of prison. Croatia's Parliament (Sabor) adopted the Political Activity and Electoral Campaign Financing Act this year that for the first time imposes fines for any undeclared or illegal donation. While the fine is limited to only 8-10% of the donation value, it is a first step towards preventing abusive practices for financing parties. Despite these recent efforts to establish a more transparent system of party financing, a lot of damage has been done already. Given the lack of comprehensive legal provisions that ensure regulated and publicly scrutinised party financing in the first 10 years of democratic politics, it is not surprising to observe the predominantly negative public perception of political parties in these two countries and in the region in general. Within this atmosphere of ‘anything goes’ in the upper echelons of political elites, citizens have come to be very sceptical about the integrity of their political representatives. According to a representative opinion survey conducted by Gallup in 2009, political parties are on average the least trusted institutions in Western Balkans countries (in Serbia 22% of citizens had confidence in political parties, in Croatia only 20%).

Party interests rule, not the interest of the public or of citizens

What would seem odd in more established democracy was until very recently common practice in the Serbian Parliament and in local assemblies. The leadership of political parties was legally endowed with the right to fill mandates after an election regardless of the candidate ranking on electoral lists. In the spirit of the Constitution from 2006 (Art. 102) MPs were allowed to voluntarily and irrevocably put their mandate at the disposal of their respective political party. In reality, the omnipotent party leadership could pick anyone from the electoral list and switch MPs as they pleased. On the local level, parties could themselves decide who to assign to the mandates it won in elections in the aftermath of elections – unbound by the citizens' electoral choices that were based on the ranking of the electoral lists. In practice, this meant total concentration of power in the headquarters of political parties. No MP or locally elected official could only follow the electoral mandate they had received from citizens because of this total dependence on the decisions taken by the party leadership. In April 2010, only after 4 years since the new constitution is in place, the otherwise weak Constitutional Court ruled the provisions for deputies in local assemblies unconstitutional.

Another related issue concerns conflict of interest. It was a widespread practise of Serbian MPs and deputies in the regional parliament in the Autonomous Province of Vojvodina to hold more than one public office. Although this is constitutionally prohibited for national MPs, there was a loud uproar among politicians of all colours when the newly established Anti-Corruption Agency proposed that all MPs with more than public mandate or occupation had to make a choice and give up the super-numerous mandate or occupation until 1 April 2010. Yet, this offensive effort by the Agency to mitigate the risk of conflict of interest was supported by the Constitutional Court that proclaimed this practice as unconstitutional one year later. Most of the polemic debate about this issue concentrated on deputies in the regional parliament Vojvodina where many served in additional public mandates, mostly as mayors or city council members. Before that, there was hardly any public discussion on this questionable mix of holding two paid and full-time public mandates simultaneously. It was only when the Anti-Corruption Agency was backed by the decision of the Constitutional Court that it could threaten with taking legal action against MPs and regional deputies who continued to violate the provision on conflict of interest in court. Conflict of interest continues to be problematic also in Croatia where a formal commission was established but without sufficient powers to have a meaningful impact.

Given the highly contentious questions of Kosovo and arresting suspected war criminals, many of these deeply ingrained practises mentioned above were able to sustain themselves. Attention to such core questions of domestic reforms has taken the backseat compared to other questions of more international significance like regional cooperation and stability. Yet, the ten years since the beginning of the democratisation process in Serbia and Croatia were profoundly marked by the predominance of political party rule at the expense of electorally accountable politics. More resolute efforts are needed in order to force political parties to become what they are ought to be: the representatives of citizens' interests, and not only of their own.

Alexander Kleibrink is a doctoral researcher at Free University of Berlin

This entry was posted in [EU](#), [Europe](#), [Political Parties](#), [political situation](#), [Southern Europe](#), [Uncategorized](#). Bookmark the [permalink](#).