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**THE SHAPE OF POWER IN SERBIA
UNDER THE GOVERNMENTS OF SLOBODAN MILOŠEVIĆ AND
ZORAN DJINDJIĆ**

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The main argument of this article is that the political order and structure of the ruling elites in Serbia have not undergone any fundamental changes since the toppling of the Milošević regime. This is a deplorable conclusion. However, we must not be discouraged in our future attempts to transform Serbia into a decent society.

In the first part of this paper, the principal features of the Milošević regime will be described. In the second part, an overview of the present situation will be presented. Finally, in the third part, some recommendations will be given concerning the political order in Serbia.

Serbia under Milošević

The Milošević regime was authoritarian (see Antonić, 2002a, for more detail). Political parties, elections and parliament existed, but without genuine democracy. The Constitution and many laws had a democratic content, but in reality, they were only a screen for a one-man-rule. That man, however, was no usurper. He enjoyed a certain degree of legitimacy and popular support for his political project from one part of the citizens.

In time, the proportion of citizens supporting Milošević was reduced to around twenty percent. But still, Milošević was able to remain in power with merely twenty percent of popular support. Initially, having assumed control over the mass media, he managed to puzzle and intimidate the discontented citizens. When it was time to go to the polls, they would stay at home or give their votes to simulated opposition. That was combined with such an electoral system that made it possible for a 30% share of electoral votes to become a 50% representation in parliament. The final step consisted only of finding a suitable coalition partner in order to put in place a stable government. And partners were always there for him, because being in power in Milošević's Serbia also entailed enormous financial revenues.

That is how Milošević obtained the majority in parliament and a dominant position in the government. That is also the reason why he had no need to resort to any extraordinary, dictatorial measures. He conducted all political matters in a formally parliamentary way. Governments proposed laws, and the Assembly adopted them according to a regular procedure. For example, out of all the laws adopted by the 1992-1996 parliamentary session, as many as 95% of the legislative proposals were put before the government, while in 1996, the rate of

adoption of legal drafts reached no less than 100%. The Assembly used to adopt the government proposals so quickly that, for example, on 20th March 1996, nine laws and legal amendments were adopted within one hour of parliamentary session. Due to such efficiency, throughout 1996, the Assembly did not need to sit in session for more than seven days.

The cornerstone of Milošević's power was the dominance he exercised over his party. The Socialist Party of Serbia (SPS) was Milošević's genuine political asset. For example, on 28th November 1995, he dismissed the two vice-presidents of the SPS in the following manner: upon arrival at the session of the Principal Board, which he also chaired, he simply read out the names of those he was dismissing and then the names of their substitutes and concluded the session within twelve minutes (*Naša Borba*, 1st December 1995, p. 9). In the process, not a single member of the Principal Board dared utter a word, let alone request a vote.

In the capacity of the owner of his party, Milošević also ruled over the deputies in the National Assembly. By successive changes of the electoral law (1992-1997), he devised such a system in which the party could dismiss a deputy at any time and replace him by someone else. For instance, after the 1997 elections, the socialists shuffled deputies for the same seat twice, before they selected sufficiently obedient ones. Firstly, they replaced Milorad Vučelić, who had fallen into Milošević's disfavor for the second time (in November 1998), with Veselin Trajković. Then, before long, Trajković was excluded from the party and replaced by Žarko Redžić (*Danas*, 15th November 1999, p.4). In order to effectuate these changes, no meeting of the Principal Board was required: the Executive Board of the SPS decided on their own.

Having control over the *legislative* power enabled Milošević to assume full control over the *executive* power as well. The government played the role of a simple “conveyor belt” of Milošević's will (Jovičić, 1992:38). Here is how a source from the Socialist Party leadership described the way in which the government works, to a journalist of the magazine *Evropljanin* (issue 13, 19th October 1998, p. 15): “Mirko Marjanović, the Prime Minister, comes up with proposals – the ministers do not take a vote – Mirko Marjanović concludes the session. Naturally, Mirko Marjanović makes no proposals or conclusions unless he has consulted Slobodan Milošević beforehand.” This “efficient” style in conducting government affairs was confirmed by its vice-president, Vojislav Šešelj. He once boasted that the government sessions were so “well prepared”, that they never lasted longer than “fifteen or twenty minutes” (*Srpska slobodarska misao*, Vol. I [2000], No. 1, p.142).

Having conquered legislative and executive power, Milošević only needed to establish control over the *judicial power*. Under the Constitution of Serbia, the judges enjoyed permanent office (art. 101:1), but they were appointed and dismissed by the parliament. Being in control over the Assembly, Milošević was also able to control the judiciary. According to the Law on the Courts (in force as of 30th July 1991), all the judges (2,939) and prosecutors (619) had to undergo the purge of the so-called “re-election” in parliament. However, that purge appears to have been rather artless, so that a number of judges and prosecutors, who placed their conscientious approach to the judicial office above the orders

and directions coming from the top leadership, remained on duty. Consequentially, many judges resisted the so-called “judicial electoral fraud” in the local elections of 1996. Therefore, once he had resumed full control, Milošević began “putting into order the situation in the judiciary”. That meant dismissing some sixty-odd “ineligible” judges whose only sin was to have pledged for the independence of the judiciary (*Republika*, issue 233, 16th-31st March 2000, p.32). The remaining judges were put under severe observation by the new Minister of Justice Dragoljub Janković, the very same person who, in the capacity of President of the First Municipal Court in Belgrade, played a prominent role in the judicial fraud of the local elections in 1996.

Thus, the entire political and judicial elite was made dependent upon Milošević. The police elite encountered the same fate. *The Law on Ranks of the MUP (Ministry of Internal Affairs) Personnel*, from 1995, provided Milošević with the exclusive right to promote police officers into ranking generals and to appoint commanders for the posts requiring that rank. By special decree, Milošević assumed direct control over the State Security Service (SDB). That enabled him to act as one of the chief warlords in Bosnia and Croatia and to control the Serbian opposition at the same time. Namely, the SDB possessed the eavesdropping system 2001, which automatically switched on when certain words were pronounced during a telephone conversation and could record as many as 40,000 conversations per minute. “I witnessed in person”, testified Vojislav Šešelj (1995a: 237), referring to the period when his closer cooperation with Milošević had begun (1991-1992), “that an hour or two later, Milošević had in front of him the tape script of every word Drašković (Vuk Drašković, president of the strongest opposition party at that time, the Serbian Renewal Movement / SPO – note by S.A.) had uttered. Every step he made was being watched (...)”.

Another factor of particular importance for the functioning of Milošević's rule was the direct political control over the economic elite. Milošević's Serbia was literally a society of *political capitalism*, in the sense of Weber's theory. In Serbia of the Milošević time, the main sources of profit were not the market and rational ways of planning and market calculations, as in Weber's *rational capitalism*. On the contrary, the bulk of the profit was made accessible by mediation of the state, that is to say, through state monopolies, systematic benefits, financial speculations, fraud, black market and bribery, i.e. by irrational and illegal means of doing business. It is self-understood that in such circumstances, the ruling elite was able not only to transform their own “political capital” into real money, but also to reign over all the mainstreams of national economy.

The vigorous development of political capitalism in Serbia was primarily made possible by a premeditated *interruption of the process of privatization*, i.e. by retaining the state / social property as the basic form of property in the sphere of economy. According to some estimates, about 85% of the basic economic capital remained in state / social property (Goati, 1996:19). That meant that Milošević's regime directly monitored a lion's share of the economy and of the economic elite.

Thus, Milošević developed a staunch network of clientele throughout the national economy. It penetrated into every place where money was being

generated, starting from him and his own family and spreading all the way to factory workers and street smugglers. To enter this protective network was in itself a guarantee of financial success. The highest ranking members of that network, who belonged to the economic elite, swiftly amassed staggering sums of money owing to the existing monopolies on trading goods from public reserves, participation in state “barter arrangements” (import of oil and gas), on cigarette and arms wholesale trafficking, on obtaining import-export licenses, on purchasing foreign currency at exchange rates several times lower than the official ones, on priority in obtaining building sites, etc. The middle class of this protected clientele could count on running small trade or manufacture uninterruptedly, on good jobs and high clerical salaries, purchasing a state-owned apartment at minimal prices, etc. Eventually, the lowest class members of the network were happy because they could keep their jobs in the state sector (in spite of the fact that they would not get paid for months on end) and not be chased off the streets for selling smuggled cigarettes and on top of that, for the occasional aid package they would get, containing some basic supplies and hygienic products.

In the nineties, a specific power structure was established in Serbia. At its core was a neo-patrimonial state, typical of East-European countries with unsuccessful transition (Christophe, 1999). Authoritarian political structures stood in the way of non-state self-regulation, both in the economy and in the society. Instead of competing for profit in the market, the economic elite was competing for the grace of the court: instead of a profit-seeking elite, the rent-seeking elite dominated. Powerful political structures dominated in the main sectors of society, with the key arbiter abiding at Dedinje.*

Post-Milošević Serbia

The structure of power in the post-Milošević Serbia has not been considerably altered. Only some of its elements have changed, in terms of institutional and personnel changes. However, the basic relations have remained similar to those at the time of Milošević.

The political system of Serbia, designed to suit Milošević, has remained unchanged. That system secured a concentration of power and privileges in a few hands in Belgrade. After 5th October, the new ruling elite found themselves in a situation that puts on serious trial even the most virtuous humans. It was up to the new leaders to voluntarily renounce to the privileges they were conferred by virtue of office. Moreover, how were they to renounce to the absence of control and accountability? How to give away good commissions offered by companies in return for ordering goods for public institutions from them? How to leave empty chairs on the managing boards of large and small state companies, each of which entailed a monthly fee amounting to one to four average monthly salaries? How to reject the possibility to appoint “your person” to all important managing posts – from the managing director of the Oil Industry of Serbia to the head teacher of a remote village school? How to give up one’s share of the profit from cigarette trafficking “under the auspices of the state”? How to renounce to the excessive

regulation of social relations, when every single norm offers you a chance for personal arbitration, and consequently, of due benefits?

Therefore, the system has basically remained the same. The legislative and judicial powers have remained under the control of the executive power. First of all, the Milošević-style Law on the Election of Deputies to the National Assembly, according to which the parties appoint and dismiss the deputies, has remained valid. Zoran Đinđić, the new Prime Minister, has filled the government with the presidents of nearly all the parties of the ruling coalition (DOS). How could then a deputy control the functioning of the government if the president of his party sits there, with the power to exclude him from parliament at any time? And when the first serious argument broke out in the ruling coalition that is exactly what happened. On 17th August 2001, the Democratic Party of Serbia (DSS) of Vojislav Koštunica stepped out of Đinđić's government over the Gavrilović affair (described in: Antonić, 2002b). The DSS was not yet ready to overthrow that government, but wished no longer to be part of it. Thus, the government majority was considerably weakened and reduced to six deputies altogether. Đinđić tried to stay in power with this meager majority, but the task proved to be too demanding. Primarily, the deputies' attendance of the sessions, especially their participation in voting, was not regular, so that laws could not be adopted for days on. And secondly, such a narrow margin increased the importance of the deputies representing even the smallest parties of the coalition. It became increasingly difficult to satisfy the political and economic appetites of their presidents – ministers. Therefore, Đinđić decided to apply the electoral law from the Milošević legal arsenal. He would withdraw the mandates of the DSS deputies and regain a comfortable majority.

When this possibility was mentioned for the first time (Zoran Đinđić, 6th December 2001, at a press conference), it provoked a public outcry. According to the public polls, the DSS was the strongest single party in Serbia. In the partial local elections of 4th November 2001, the DSS alone claimed more votes than all other members of the DOS together. According to the same public poll results, Koštunica was the single most popular politician. Besides, under the coalition agreement, it was the parties, and not the coalition, who were in control of the mandates. To deprive the DSS of their mandates because this party refused to support Đinđić's government not only looked immoral, but it also seriously jeopardized the legitimacy of parliament. For, what kind of parliament was it supposed to be with its strongest party having been expelled?

Đinđić was harnessed by those protest – but not for long. In May 2002, a new Law on the Ministries was due to be adopted, as a precondition for the pending reconstruction of the government. The opposition parties, including also the DSS, had been obstructing the adoption of particular laws for a long time by refusing to participate in the debate and vote. And without them, the DOS deputies could hardly reach a quorum. Some deputies from the majority block were always absent, and often the number of absentees exceeded the meager majority of six. This brought about Đinđić's political coup that can definitely be regarded as the turning point in the life of post-Milošević Serbia. Nevertheless, the coup was carried out so dexterously, that “the frog was cooked” without ever noticing it. Namely, Đinđić was not Milošević, who brutally cracked down on his

political opponents. Milošević might have snatched all the mandates away from the DSS in order to simply transfer them onto his political party. But, Đinđić knew better.

On 24th May 2002, the Presidency of the DOS, made up of presidents – ministers, made the decision to withdraw 36 mandates from “DOS deputies who had most frequently failed to attend the Assembly sessions”(this decision was confirmed on 10th June). This decision won the support of the Assembly majority on 12th June. At first sight, this seemed to be a rather candid matter – “the aim is to establish order in this country and that those who are on the pay roll earn the money they receive”, explained Prime Minister Đinđić (quoted in *Politika*, 12th June 2002, p.7). However, the fact is that such a decision was completely illegal (the only reasons that the law provides for cancellation of mandate is exclusion from the party or the deputy’s death or resignation) and that out of the 36 disputed deputies, the majority was from the DSS – 21 of them. It is self-explanatory why the DSS deputies scored most absences: because that party had boycotted certain sessions. Above all, even if they had wanted to, the DSS would not have been able to replace the deputies with other individuals from their ranks: there were only 13 names left on their list of deputies (two of whom had in the meantime become party dissidents). And since the DSS was not able to fill the empty seats, those were allocated to other parties of the DOS, primarily to Đinđić's Democratic Party. Insulted by this flagrant theft of mandates, all the DSS deputies walked out of the Assembly.

As a result of that anti-parliamentarian putsch, the Prime Minister had considerably augmented his political power. First of all, he gained a comfortable majority of 14 deputies. The DSS withdrew from the Assembly and the opposition (made up of the ex-regime parties: the SPS, the SRS and the SSJ) was weak and discredited, which left Đinđić in full control of the political battlefield. He had excluded from the game, for a certain period of time, his main political opponent – Koštunica's DSS – and seized the parliamentary machine that would smoothly and efficiently vote for the government legal proposals. “The Assembly will be in session all summer in order to adopt the government 70 laws package”, announced Čedomir Jovanović, Đinđić's pillar support and chief of the DOS deputy club, immediately afterwards (*Danas*, 6th June 2002, p.4).

Another issue that was skillfully solved is the one concerning the Assembly quorum. The Code of Practice of the Assembly was changed (on 6th June 2002), so that for the sessions at which legislative proposals are to be discussed, the quorum has been decreased to one third of the deputies, whereas the simple majority quorum has been retained for the final adoption of laws (art. 82). Besides, by the same changes of the Code of Practice, the competences of the President of the Assembly have been exceptionally extended. The President is now entitled to punish the deputies for “breach of order during the session” by excluding them from participation in the sessions for up to 90 days. In view of the fact that, in 2001, the Assembly was in session for 95 days altogether (*Glas javnosti*, 30th March 2002, p. 6), it means that the President of the Assembly has the right to exclude a deputy from the Assembly for a whole year. “In this way, the President of the Assembly can create long-term majority for decision-making”, remarked the critics immediately (*Vreme*, 6th June 2002, p. 20). It goes

without saying that, prior to this, and contrary to the DOS agreement, the post of president of the Assembly was taken away from the DSS and conferred to Đinđić's wing of the DOS. "Had the Milošević cronies done something like that, the OECD and the Human Rights Organization would have been at their feet in no time", admitted the journalist of the otherwise pro-Đinđić *Danas*, (8th –9th June 2002, p. ii).

The third important advantage that Prime Minister Đinđić gained in the June coup was his indisputable leadership over the remaining DOS parties. Namely, not a single DOS party had enough deputies to threaten the government independently. This is because Đinđić's Democratic Party drew the biggest advantage by taking over the mandates from the DSS, so that it increased the number of deputies from 47 to 52. Thus, Đinđić resolved the issue of constant pressure coming from minor parties before important votes to be taken, conditioning their stance with some favors or sinecures. New Serbia was especially active in this respect, with their eight mandates that had been of crucial importance for the government up to then. However, the government majority had risen from 6 to 14 deputies. Not even the second highest represented party in Đinđić's DOS – the Social Democratic Party – was no longer able to overthrow the Prime Minister independently with its 13 deputies.

Why did Đinđić's political coup fail to provoke any serious public protest? Firstly, because it was conducted deftly, through sophisticated procedures that the average citizens could not follow closely. Secondly, and perhaps decisively, because in the meantime, Đinđić had managed to assume control over the most influential media in Serbia. When, in August 2001, the first open conflict erupted between Đinđić and Koštunica, it was already clear in which media Đinđić had managed to gain prevalence. In addition to the highest rate commercial television, *TV Pink*, he obviously had on his side the influential *TV Politika* and *TV Studio B*, the dailies *Novosti* and *Danas*, as well as the highly circulated weekly *Nedeljni telegraf*. Until June 2002, Đinđić had assumed control of the daily *Politika*, state television (*RTS*) and the other big private television (*BK Telecom*). Therefore, when Đinđić carried out his coup, there was no one to announce it (more precisely: to explain it). Only some journalist of the low circulated *Danas* plucked up courage to admit their illusions regarding Đinđić's "reformism". Condemning "Zoran Đinđić's dicattorial move", Nataša Odalović wrote: "Nothing as arrogant, tactless and evident as these fragile construction of excuses resembling a tower made of playing cards, the construed justifications for depriving DSS of their mandate was ever witnessed, even in the Milošević era" (*Danas*, 14th June 2002, p.7).

The owners of the media and the journalists and editors of the state agencies respectively, had different reasons for entering the Prime Minister's service. Some of them, such as Željko Mitrović, the owner of *TV Pink*, or Bogoljub Karić, reckoned that lending their services to "the pragmatic and utilitarian" Đinđić would enable them to retain most of the privileges they had obtained from the Milošević regime – before they put themselves at the disposal of the honest, but "obstinate" Koštunica. For others, for instance, for editors of the state media (*RTS*, *Novosti*, *Politika*...), it was clear that their position depended

directly on the managing boards appointed by either the executive or legislative power. And there, Đinđić had achieved indisputable prevalence.

On the whole, by mid-2002, Đinđić had smoothly taken over from Milošević the entire system of political control over the society. Backed by the government and the parliamentary majority, he easily ensured control over the managing boards of the most important companies – ranging from the oil industry to forestry. Most of the medium stratum of the administrative elite, as well as part of the social elite with political and administrative ambitions, also rushed to his service. Thus, a new network of clientele began to emerge. Moreover, the “transition” and “privatization” presented ideal pretexts for its further strengthening. That network of protégés acquired elements of commandership over the influx of foreign capital, whereas in relation to the domestic customers, i.e. in the spheres where privatization lagged behind, elements of personal and party clientele began to transpire. This was due to the fact that the privatization of some thirty large and solid companies and around one hundred smaller ones had been foreseen in 2002, with planned state revenue of 200-400 million dollars. At the same time, the weak companies were facing bankruptcy. By 30th November 2001, bankruptcy was proposed for 30,748 companies that employed a total of 450,165 employees. Privatization or bankruptcy, irrespectively, meant a new generator of wealth for the elite. On the other hand, the same alternatives confronted the workers with the possibility of losing their jobs with no prospects at all of finding new employments ever again. And in either of these options – amassing wealth or being left in the street – the final judgment and decision as to who was to join the winners and who to remain among the losers rested exclusively on the government.

Needles to say, the process of assuming social control could not be completed without pulling the strings in the judiciary. Under Milošević, the executive power had sovereign control over the judiciary, as has been elaborated previously. The new authorities proceeded with this practice. Vladan Batić, the Minister of Justice and a politician enjoying Đinđić's confidence, began announcing lists of “judges for execution”, i.e. a list of arbiters who were forced to leave their posts because of an alleged or factual corroboration with the previous regime. The list that he issued on 2nd November 2001 contained 187 names (118 judges of general competence and 69 judges for petty and administrative crimes), while the press speculated about the forthcoming dismissal of 700 to 2,500 judges (*Danas*, 14th December 2001, p. III, Addendum on the Judiciary). Indeed, according to some assessments, more than 200 judges had been forced to abandon their post under the pressure of the executive power by the end of 2001 (*Danas*, 21st December 2001, p.5). Many of those judges had been implicated for having served the Milošević regime. And yet, the purge was being implemented according to the very rules of Milošević's authoritarian regime, with the Minister of Justice as the master of the judiciary elite. This situation provoked a lot of public discontent, compelling even the Chamber of Lawyers to rise in defense of some of the deposed judges (*Danas*, 11th December 2001, p.5).

Thereafter, Koštunica and his DSS proposed a set of laws on the judiciary that would, within the framework of an unchanged Constitution, maximally strengthen the independence of the judiciary. On 5th November 2001, after a

compromise had been reached with Đinđić's DOS, the Assembly enacted *The Law on the Judges* and *The Law on the High Judiciary Council*. These laws considerably restricted the influence of the executive power over the appointment and dismissal of judges. The judges could no longer be proposed solely by the Minister of Justice, but by the High Judiciary Council that was primarily made up of judges. A similar process applied to the selection of prosecutors. This body was conferred the exclusive right to appoint jurists (auxiliary judges) and deputy public prosecutors. The newly founded High Personnel Council was to play a decisive role in the future dismissals of judges. In this manner, under the existing constitutional framework, the independence of this segment of power was considerably increased.

However, Đinđić's June coup did not affect only the legislative authorities. In one segment, it also concerned the judiciary. On the same day when the DOS Presidency made the decision to cancel the mandates of the "negligent deputies", 10th June 2002, Prime Minister Đinđić and Minister of Justice Batić held a meeting with all the presidents of municipal, district and commercial courts. On that occasion, Đinđić and Batić presented the judges with a list of tasks to be fulfilled within fixed deadlines. The judges were asked to conduct a meticulous purge of "unfit" judges and to speed up the procedures regarding some cases that were in the public eye and therefore of political bearing for the government and possible new elections. Here are some excerpts from this document:

"The presidents of the courts are required to:

- Dismiss 50-100 judges, at the initiative of the Ministry of Justice from October 2001, within 15 days.
- Terminate the proceedings against 50-100 prominent figures of the former regime and local strongmen within two months.
- Start proceedings against the same category of individuals, according to submitted charges within two months. (...)
- Change the punitive policy and pronounce much harsher sentences, unlike the current practice of pronouncing the most lenient sentences, immediately (...)"

(The whole document was published in the newspaper *Danas*, on 28th June 2002, p. III of the Supplement).

In reference to the first point, Prime Minister Đinđić rebuked the judges for their "counterfeit solidarity among the judges who resist lustration" (*Politika*, 11th June 2002, p.8), while concerning the second, he said that there must exist "a lane for overtaking" in the judiciary (quoted in *Danas*, 11th June 2002, p.5). "Those judges who are not happy with this state should find another one to live in", he added (quoted in *Danas*, 28th June 2002, p. III of the Supplement). The judges voiced a sharp protest immediately, defending the newly acquired independence of the judiciary. Đinđić retorted by accusing the judges of being loafers who remained on the pay roll for doing nothing. "I requested reports on how many criminal cases had been resolved in the cities of Serbia and was informed there had been none. Those who speak of the independent judiciary in Serbia can talk about that on the planet Mars." (Quoted in the newspaper *Danas*, 13th June 2002, p.5). At the same time, Minister Batić labeled the judges who refused to comply with his list of tasks as "enemies of the reform in the judiciary"

(*Politika*, 13th June 2002, p. 5), announcing that “a new set of laws on the judiciary” would be completed next autumn (*Politika*, 13th June 2002, p.8). Shortly afterwards, Prime Minister Đinđić confirmed that “the new set of laws” was a serious warning. Criticizing, as his Minister of Justice had done, “the organized judiciaries lobby” Đinđić threatened that “this parliament will have to find a remedy for that next autumn” (*Danas*, 19th June 2002, p.3). The next set of laws will probably be aimed at rectifying that “anti-reformist deviation” brought about by the adoption of the DSS package of laws on the judiciary, which somehow or other ensured its independence. “The Ministry of Justice proposes some new texts, which take us a step backwards. According to these proposals, the Government would regain some of the functions that are now in the competence of independent bodies (The High Judiciary Council and the High Personnel Council)” (Lojpur, 2002). The Prime Minister intends to regain control over this segment of power as well.

On what did Đinđić's boyant success in spreading power rest? He could not have relied on the electorate for support. Just like Milošević in the final stage of his rule, he and his party could not count on more than 20% of the popular vote. Yet, just like Milošević, Đinđić managed to obtain nearly 100% of power with 20% of electoral support. As Milošević had done before, he concocted a good “political formula”. For Milošević, that formula consisted of *nationalism* and *anti-globalism*. For Đinđić, the ingredients were *reforms and Europeanization*.

Namely, Đinđić has achieved some kind of ideological monopoly over reforms and reformism. His image of “a pragmatic reformer” who “is trying to bring into Europe a backward and obscure Serbia” was embraced not only in the western governments, the media and “analytical crisis groups” but also by the pro-western domestic elite (“the NGO sector, the academic elite, the media elite, etc...”) And both the former and the latter readily believed Đinđić to be a “reformer” and “pro-western” because he was the one who handed over Milošević to the Hague on 28th June 2001. That act was completely illegal – based on a Government decree and not on a court decision. However, this is exactly what the western diplomacy liked about Đinđić, proving him to be “pragmatic” and “realistic”. Meanwhile, the domestic liberal elite rejoiced at the fact that “justice had been served” and that Milošević was finally sent “where he belonged”. Besides, the series of laws that had been proposed by Đinđić's government (the privatization, labor and tax laws) were hailed by the domestic liberal circles, as laws that would introduce Serbia into the world of “rigorous, but just market capitalism”.

However, Đinđić translated the widespread opinion that his government had taken a reformist course into a *license on reforms*, i.e. a belief that only *his* government was capable of conducting reforms in Serbia. With an ideological monopoly, he fended himself against all criticism. Before he had fully established himself in the Prime Minister's seat, he qualified all criticism against him as part of the “special war” that the remnants of the former regime (“the top leadership of the SDB and of the JUL”) were waging against him (interview in the newspaper *Blic News*, 22nd November 2000, pp. 35-36). Thus, any criticism, whether it derived from the domestic or the foreign press, was being rejected with the same poignant argument – as an attempt to “discredit the reform policy that did not

agree with many people in Serbia and in the region” (Zoran Đinđić in *Politika*, 16th August 2001, p.1). Đinđić’s government was no longer merely a government grappling with difficult tasks, which, like any other government, had to account for their moves before the Assembly and a democratic public. They had become *the only political group* capable of carrying out reforms in Serbia who no other political group could disturb in their task.

For, if by any chance his government was to fall, as Đinđić warned in one of his interviews (which the editors of *Večernje novosti* symptomatically placed under the heading – *The country's and nation's fate is at stake!*), “the damage would be priceless. It would mean not only postponing the reforms, but, probably, canceling them altogether for a long sequence of years to come... I do not think that our country would be able to bear such a burden” (19th August, p. 3). Launching a government crisis, seconded other Đinđić’s trabants, such as the New Democracy (ND) “would prevent the government from carrying out the reforms that are under way and from completing the long-fought war against fraud and crime at the advantage of peace, freedom and justice for all the citizens of Serbia” (*Politika*, 17th August 2001, p.7). “It must be made completely clear”, warned deputy Prime Minister Žarko Korać, “that in case the DOS disintegrates, the federal Government will not be able to survive either, and neither will the federal state” (ibid.) “This is a tentative to prevent reforms in Serbia and to bring about the disintegration of Yugoslavia”, argued Dragan Veselinov, Đinđić’s Minister of Agriculture (*Politika*, 19th August 2001, p.7). “This move (the possible opening of a crisis of government – S.A.) serves as a means to re-launch the Milošević policy”, remarked Nenad Čanak (ibid).

Therefore, the fall of Đinđić’s government would entail the following sequence of events: the termination of foreign aid; the breakdown of reforms “for years to come” ; the fall of the federal government; the disintegration of the federal state; the return to power of Milošević’s followers, and the list continues! Perhaps the earth would swallow Serbia, or a biblical deluge might set in and engulf everything?

It goes without saying that some respectable figures from the West and the domestic liberal elite became aware of some of Đinđić’s weak points. They knew that his words exceed his deeds, that he is unprincipled and superficial, devious and hypocritical, yet relentless in strengthening his power under the label of reforms and reformism. However, they believed that, such as he was, Đinđić was still the most acceptable political alternative for the present-day Serbia. He was a sufficiently “cooperative” partner for the West, realistic enough to understand the imperative for radical social and economic reforms and liberal enough, so that he would not pose a threat to democracy. In this way, the domestic and foreign elite created a network of tacit support and moderate approval, which was sufficient “cover-up” for Đinđić before he reinforced power and seized control over the main leverage of the system.

And that was precisely – and unfortunately still is – the crucial mistake of the western and domestic liberal elite. Đinđić, with his good and adverse qualities, did not rise to power in a stable democratic order, with strong democratic institutions and conventional democratic rules of the game that would bring out his qualities and rectify his flaws. He has become the master of

an order that had been developed for ten years in an attempt to preserve the omnipotence and unquestionable power of one man behind a democratic surface. Those powerful structures of an authoritarian system were simply too strong for Đinđić and his ambivalent character. Instead of reforming the system, he became accustomed to it. All that ever changed was simply the label “populist government” that used to stand on the democratic façade of the system, which was replaced by the seal of a “reformist government”.

It was common knowledge that the Milošević system, in spite of its democratic coating, was essentially authoritarian. And even more so, once Milošević had lost legitimacy at home and the support of the West in 1991 and 1992. However, Đinđić's system – which has been an appropriate term since June 2002 – has not yet lost all the credit of that marvelous democratic revolution of 5th October. And Washington and Brussels are still refraining from public warnings to their “reformist and pragmatic” ally. That is why the chancellor of Serbia can continue to present the democratic pretence as its essence. Here lies the ominous danger for both the democratic and the European Serbia.

Sadly enough, Prime Minister Đinđić has broken some of the fundamental rules of the democratic political game so many times that we no longer have grounds to believe that his good qualities will eventually prevail and that he will democratize and reform the system. Only one, but remarkable example, will be quoted here. The first step that was taken after the toppling of Milošević was the introduction of the institution of peremptory debate about the issue of confidence to the government. That is one of the basic elements of parliamentary rules. Therefore, a new code of practice was adopted by the Assembly according to which 20 deputies can take a motion to take a vote of confidence to the government (art. 199), which the Assembly is due to address within 3 to 15 days (art. 200). However, when in the spring of 2002, 2 deputies of the Serbian Radical Party (SRS) submitted a regular request to raise the issue of confidence to the government, the following turn of events took place: While setting the agenda for 27th March, the above-mentioned chief of the Deputy club of Đinđić's wing of DOS took the floor. He calmly proposed that the point should not be accepted with the following explanation: “Any discussion about the SRS proposals means sheer loss of time, because that party as it is and according to what it demonstrated in the political life of Serbia does not deserve anything like that” (*Glas javnosti*, 28th March 2002, p.6). On hearing that, the President of the Assembly, who also belongs to Đinđić's wing of DOS, called for a vote about the proposal to eliminate this point from the agenda. The opposition invoked breach of the Code of Practice in disbelief, but the majority of deputies, made up of Đinđić's DOS, supported that motion. Thus, in a rather blatant manner, the rules of parliamentary practice were violated. The pretext about the worthlessness of those who had submitted the request was sufficient to shut the door before confidence to the government, although such a procedure is prescribed by the Assembly Code of Practice.

How did the liberal public of Serbia react to this? Their response was almost total indifference. The daily papers hardly bothered to cover the event (*Politika*, for example, did not write a word about it), whereas only one weekly magazine published a critical comment (by Dušan Pavlović, in *Reporter*, No.214).

Namely, Šešelj's infamous reputation among the liberal public was so widespread, that this violation of the parliamentary code went unnoticed. That happened late in March and was followed by the above-mentioned scandal at the beginning of June. Things then took a much more serious turn and it was beyond any doubt that the procedure had been jeopardized, so that the first protests were voiced. But, as mentioned before, they were either too weak, or quickly suppressed by other scandals (the Pavković affair) and everything ended up with a few newspaper columns.

As a result, with the lukewarm and reluctant reactions against these anti-parliamentarian and even anti-democratic tendencies of the liberal elites at home and abroad on one hand, and on the other, the logic of power that spreads until it encounters stricter limitations, the prospect that the Chancellor of Serbia will continue violating democratic principles does not seem unlikely. And – I daresay – if we follow the line of infractions from Bora Novaković's "vote from Thessalonica" (described in: AntoniĆ, 2002b), followed by the above-mentioned rejection of the proposal to take a vote of confidence concerning the government and the analyzed case of canceling the mandates of DSS deputies, it should not come as a surprise if such transgressions become more and more violent. It remains to be seen whether the domestic and foreign liberal public will only fret about the "exaggerated pragmatism" and "absence of sense of respecting the procedure" of that "dynamic Prime Minister of Serbia" or whether they will stage more serious protests.

The main risk is, however, that in this power logic stays at work, and Serbia might experience some kind of political breakdown. Immediately after the first political scandals, some authors warned of the possibility that, if this parliamentary farce continues, we might ultimately have to deal with outright electoral fraud (Brdar, 2001). Halfway through 2002, such warnings no longer seem exaggerated. And perhaps such an experience is necessary in order to understand that all the virtues of a leader in an authoritarian system crumble all too quickly before his vices. Not only Serbia, but also the world had accepted Milošević as a "populist communist" and "deft politician", forgiving him a host of blunders, until the 1991 and 1992 catastrophe began. Afterwards, it took eight more years to remove this "deft politician" from power. Nowadays, the liberal elites in Serbia and worldwide, accept Đinđić as a "pragmatic, but pro-Western reformer", readily overlooking many things. And yet, in order to turn into an undemocratic and harmful figure for the society, one does not have to be a charismatic president and an autocrat. Eastern Europe can already demonstrate an instance of a chancellor – a "pragmatic but pro-Western reformist", who in no time turned into an unscrupulous autocrat – the Slovakian Prime Minister Vladimir Mečiar (1991-1998). It took him four years to achieve clientelistic control over the national resources and media (Fish, 1999) and to begin excluding deputies from the Parliament (the case of Frantisek Gaulieder; described in Gould & Szomolány, 2000:55). Except for the fact that, owing to the elaborate system he inherited, the Serbian Prime Minister covered that distance much faster.

Conclusion and recommendations for the future

A tentative insight into the main weaknesses of the current political system in Serbia would lead to the following conclusions:

Firstly, it is the *fragmented elite*. Powerful anti-reformist and even undemocratic political elites still exist in Serbia, especially in the parties that used to constitute the previous regime: the SPS, the SRS and the SSJ. Apart from that, there are deep cleft differences within the democratic and reformist political elite. One cluster consists of the political elite gathered around Koštunica and the DSS and the other political elite is concentrated around Đinđić and the DS. Their mutual relations are not merely marked by rivalry; in their political showdowns, they all too often readily encroach upon the fundamental democratic rules. Therefore, the political system of Serbia deserves the attribute of *unconsolidated democracy* (for a definition, see: Burton, Gunter and Higley, 1992:5; *ibid.* Higley & Lengyel, 2000:3).

Secondly, it is a *marked dominance of the executive power* at the expense of the two other branches of power. We have already described how violently the executive branch rules over the legislative and judiciary fields.

Thirdly, it is an *insufficiently empowered public*, i.e. the dependence of the media elite from the political elite. Due to a weak political opposition and the “dirty political game” of the two principal factions of the DOS, an independent and critical public would be of crucial importance. However, at this moment in Serbia, this type of public is far too weak.

And, the fourth weakness is *the regeneration of clientistic structures*. The patrimonial networks have remained in place, with personal changes having taken place in their key political segments. This is visible in the sphere of power-protected crime (see: Antonić, 2002b).

Only a lengthy political process can lead to a solution to this problem. The further dwindling of the rating of the previous regime actors in the electorate is likely to bring about reforms in their parties, or to push them to the margins of the political life. On the other hand, a protracted functioning within the establishment can lead to a certain degree of “democratic socialization” of a political elite of ambivalent quality. The competence of the prevailing democratic elites to maintain the stability of the political order will by all means play a decisive role. Certain economic advances, if achieved in the foreseeable future, could also lessen the risk of authoritarian restoration.

As for the existing divisions within the democratic and reformist elites and their “dirty political game”, a large part of the problem rests with the old institutional framework that encourages this type of behavior. It must undergo radical changes, which primarily means the adoption of a new Constitution. But, the manner in which this Constitution is brought will be decisive for ensuring a stable democratic order. The new Constitutions have to be a genuine fundamental social contract, backed by the majority of the social elite, as well as of the citizens. The best way to achieve this is through the Constitutional Assembly. The actual Assembly of Serbia does not possess the real legitimacy to adopt a new constitution. On 23rd December 2000, this assembly was elected on the bases of a single political issue – whether to replace Milošević’s authoritarian

system with a democratic one. Two thirds of the electorate replied affirmatively. But not even the two-third majority of deputies of the original DOS in parliament (i.e. Đinđić's and Koštunica's faction together) are not entitled to answer an entirely different political question – *what kind* of democratic system is to be introduced. It is therefore imperative to seek the people-s opinion again. The best way to do it would be elections for the Constitutional assembly. Thus, specific constitutional projects would be put before the electorate and their options would depend exclusively upon those projects. A maximal consensus would be ensured by a two-third-majority eligibility clause, and a subsequent referendum would once again confirm popular consent with the adopted constitutional project.

The second, third and fourth problem ought to be dealt with simultaneously. The executive authorities bear precisely that kind of power, which attracts the clientistic structures most easily – from those in the media to those in the underground. That is why it is so imperative for the other branches of power to break loose from the executive power. The legislative branch ought to be relaxed by means of abolishing the extremely authoritative electoral law, which reduced the deputies to the role of hostages of party leaders. Only will an independence Assembly be capable of controlling the Government activities in a democratic way. The judiciary ought to be released of pressure through constitutional changes, by canceling the provisions regarding the appointment of judges by the Assembly and establishing independent legal and judicial bodies that will appoint and dismiss the justices. Without a truly independent judiciary, there can be no rule of law or successful economic reforms. Fitting the executive branch in its legal framework requires a vigorous pressure of the democratic public. This pressure must be exerted regardless of the benevolence of the current Prime Minister regarding the “reformist course” Serbia must not fall into the same mistake as Slovakia did, nor must it experience anything like the Iron Chancellor, Vladimir Meciar.

All in all, frequent and fair elections, combined with a fair and sober liberal public, ought to act as a purgatory that will enable Serbia to achieve a truly democratic elite and democratic order. It is better to “lag three of four months behind with the reforms” and instate a stable social order, than to take the risk of the reformist monopoly gradually transforming into a regime of “authoritarian modernization”. And we have learned from experience that with such regimes, we have always ended up with slight modernization and a great deal of authoritarianism.

Summary

This paper analyses the political order and the structure of the ruling elites in Serbia. The author dwells on four principal weaknesses of the current political order in Serbia.

The first weakness is a fragmented elite. Powerful anti-reformist, and even undemocratic political elites are still at work in Serbia, predominantly among the ranks of the previous regime: the SPS, the SRS and the SSJ. Moreover, there are deep-cleft divisions within the democratic and reformist political elite. One fragment of the political elite leagues with Koštunica and the DSS and the other is

concentrated around Đinđić and the DS. There is not only rivalry between them, but they, all too often, tend to violate fundamental democratic principles in the course of their mutual showdowns. The political system of Serbia therefore deserves the attribute of unconfirmed democracy. The second weakness is a marked dominance of the executive power over the other two branches of power. By various measures undertaken in the course of 2001 and 2002, an overall rule of the executive branch over the legislative and judiciary ones has been reinstalled. The third weakness is an insufficiently independent public, i.e. the dependence of the media elite on the political elite. A weak opposition and “foul political games” of the two main factions of the DOS call for an independent and critical public sector. However, this sector in Serbia is too weak at the moment. Finally, the fourth weakness is the regeneration of clientelistic structures. The patrimonial network has remained in place, the only changes having taken place in the personnel of the key political segments. This is particularly prominent in the sphere of government-protected crime.

The author’s conclusion is that the system has not essentially changes after the toppling of Milošević and his regime. The liberal public should, therefore, put more pressure on the political elite to initiate a faster democratization of the system.

Key words:

Political system, political elite, executive power, legislative power, judiciary power, clientelism.

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