

### 3. Democratic institution-building in East Central Europe and the Balkans

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Democratic institution-building in general and the establishment of parliamentary institutions in particular is the main task of democratic transition. Its blueprint has been formulated by the new democratic constitutions. East Central Europe is, by and large a zone of parliamentary democracies, although some countries show up, transitorily, some semi-presidential features. In the Balkan countries (except for Bulgaria) the presidential systems dominate with a personal rule, but parliaments even there play a rather important role. For both regions our point of departure is the above mentioned statement that parliaments are the central sites and parties the major actors of democratic transition. Therefore, the parliamentary system is to be discussed first in the presentation of the democratic institution-building in the ECE and the Balkan countries, in its constitutional arrangements and actual workings as connected with the role of the central government and the state president.

#### **Institution building: transitory and final institutions**

Democratic transition produced initially a series of institutions which were specially designed for transition, or even for the pre-transition; some other fundamental institutions, in turn, had only some transitory character or features, as the parliaments and the governments. The life-span of these transitory institutions varies from a very short period to many years. The first is the case with the political institutions proper, the second one is more characteristic for the socio-economic institutions. The central transitory political institution is the national roundtable, in the socio-economic field this is the central agency for privatization and marketization. The political transition with all of its problems can proceed quicker,

the socio-economic one much slower; therefore the latter has kept its institutions for a much longer time.’

The **national roundtable** is a particular ECE institution, although some elite negotiations have **occured** in all new democracies. The national roundtable as an institution, as a device for negotiations in its role of “constituent assembly”, came to the ECE from Spain, but it gained here a greater significance. It also worked in ECE as a legitimation device, since there was a big legitimacy vacuum, the ruling parties of the former system were not legitimate for the populations any longer, but the new opposition forces had not yet their own democratic legitimacy before the election. To cut this Gordian knot, these chief actors accepted each other as legitimate partners to talk to. By starting national roundtable negotiations “everything” was already decided, namely that (1) there would be no revolution but peaceful and evolutive change; (2) this change would have a lawful, constitutional character, through step by step transformations always making decisions within the existing legal order, but moving ahead with this legal order progressively and gradually towards democratization; (3) there would be no retrospective legislation or punishment, the partners accepted each other as legitimate forces, therefore, after the transfer of power in this negotiated way nobody can be punished or hanged for former political roles, except for public crime. It is true that these results of the negotiated transition were questioned in all countries concerned in the ensuing wave of “decommunisation”, still they have been kept by and large against this new right-wing extremism. There were, in fact, real negotiations only in Poland and Hungary, the Czechoslovak case was already some sort of capitulation of the former elite. In the Balkans we have seen a lot of the intermediary type between the Bulgarian and Serbian solutions, that is Bulgaria close to the ECE type of negotiations and in Serbia there have been no talks between the new-old government and the opposition at all.

The partners at the national roundtable negotiated about the basic constitutional arrangements and the electoral law, and set a date for the first democratic elections - called **founding elections** because they led the foundations of the new democratic system. Most of the ECE and Balkans countries have opted for some kind of a proportional electoral system, based on party lists, in order to promote representativeness of the new parliaments. Only Hungary has introduced from the very beginning a mixed (proportional and majoritarian) system with a preference to governmental stability. The particular regulations of elections have been too often changing in Croatia, with its very complex electoral system. In Poland have also been some important changes for each elections, but smaller amendments from election to election have been made in most countries. The electoral law has played a significant role in shaping the party systems, although the fragmentation of parties has had many other, more basic, reasons than the proportional electoral systems. Finally, free and fair elections have been everywhere the minimal requirements for democracy which are not sufficient for the full democratization but have served as its base, and sorry to say even this minimum-democracy has been violated in a series of Balkan countries like Albania, Serbia and Romania.

A democratic transition, in fact, consists of many shorter or longer transitions. The most visible part of this “transition of transitions” is the start, duration and-the end of negotiations, usually finished by signing a pact, followed by a short period between the pact and the first free elections. These short transition periods of negotiations and electoral campaigns, however, were packed into a longer period of **transitory parliaments**, still before the first free elections, but already after these pacts. Actually, these transitory parliaments, which were not any longer “rubber stamps”, appeared in Poland and Hungary before the negotiations, and some erosion of the former power structure became more or less manifest everywhere, with the “reformers” or “openers” (aberturistas in Spain and Latin America) turning against

the “conservatives” or “hard-liners”. In Hungary and Poland we can talk even about the “transitory governments” before the national roundtable talks, making steps for marketization and liberalisation, these transitory governments appeared in all ECE and Balkan countries before the first free elections.

### **Constitution-making and the itinerary of institution-building**

The first acts of the young democracies concern the constitutional changes establishing the new rules of game for the democratic polity. It is rather quick to transform macro-politics with its major institutions, but it is much slower to transform the whole polity with its minor institutions in **meso-** and micro-politics; and even more difficult to change the political culture and behaviour which enables these institutions to work properly. After the collapse of state socialism, there has been a general drive for democratization. Its concrete itinerary, however, has been determined by the internal nature of institutionalisation going necessarily from the transformation of macro-politics through **meso-** to that of micro-politics. This itinerary has been identical in major outlines, but different in forms and speed, in the various ECE and Balkan countries. Democratic institutionalisation has had three major stages. The first one has been concerned with the parliamentary and constitutional changes; the second one with the central government, state administration and “functional governments”, that is, nation-wide interest organizations; and the third with the self-governing civil society institutions, first of all, local and regional self-governments. In the first stage the focus is on -the constitutional arrangement of the major power sub-centres through the **constitution-making** process of the parliament, president and government, and on the regulation of the parliament itself as the mother and model institution of the “parliamentary” **democracy.**<sup>2</sup>

In the second stage the transformation of government, its reorganization and the modernization of the central government machinery with state administration

and its connections with the functional or “private” governments of the major interest organization becomes the most important activity in democratic institution-building. In the third stage, however, the so far relatively neglected or just abstractly regulated civil society associations come to the fore, as the democratic institutionalisation of micro-politics with their specific and detailed regulations for various associations and self-governments. These stages, of course, can be separated only analytically. In the real world they have run parallel and/or overlap to a great extent, but the focus of the institutionalisation has been clearly changing between them, which delineates the itinerary of **democratisation** unambiguously. It is obvious internal logic of the democratic institutionalisation that the macro-political institutions can and has to be shaped first, before those in **meso-** and micro-politics, since the latter can only be articulated in a political space more or less already arranged by the macro-political institutions as parliament, president and government.

The constitution-making process provides a polity based on the rule of law and stability of democratic arrangements based on the separation of powers. In newly democratising countries, usually, we distinguish macro-choices between democracy and authoritarianism, meso-choices between parliamentary and presidential forms of democratic power, and micro-choices among different forms of democratic government. The macro-choices were made in favour of democracy already by the national roundtable negotiations, but the **meso-** and micro-choices were left for the constitution-making process in the new parliaments. In order to describe this process in a more detailed way, we have to distinguish between the Big Power **Triangle** (Parliament - President of Republic - Government), as the classical triangle of power sub-centres in macro-politics, and Small Power **Triangle** (Central Government - Functional Governments - Local Governments), as the vertical and horizontal balance of power among many political actors of **meso-** and micro-politics. Again, the actors of **meso-** and micro-politics enter the political scene somewhat later

than those of macro-politics, because they can move freely and develop their **self-**identity only in the democratic political space provided by the macro-political actors. At the same time, these subsequent stages did not come fully to an end before a new one begins. Constitutions, for instance, were made to a great extent in a rare historical moment of consent, but these constitutions usually are not comprehensive and coherent enough. They contain some contradictions and legal gaps, that is, they have not yet been completely finished. Still, with these basically democratic, although to some extent “imperfect”, constitutions the first stage was closed and the focus was shifted to the next problem.

The sequencing of the institution-building, from macro- to **meso-** and **micro-**politics is the general rule of democratic institution-building, with the task mostly, but not fully made in each stage, and some parallel developments can also be observed from the very beginning at different levels of institutionalisation. In the first stage of democratic institutionalisation the problem of the parliamentary **versus presidential system had to be decided. In** ECE countries parliamentary systems came to being in the early nineties, except for the war ravaged Croatia. In the Balkan countries presidential systems have been formed, except for Bulgaria, and at least for the Balkans we can say, that **the more presidential, the less democratic**, since in these countries the necessary checks and balances do not exist at all. Therefore, the early democratic institutionalisation was a process of parliamentarisation, as a dominant process in ECE and a more secondary one in the Balkans. The organization of a new democratic parliament has not only been the major task of the early democratization, but it has also determined and articulated all the other ongoing functions of institutionalisation. Parliaments were the mother and model institutions for the entire democratization process, which led to a particular dominance of parliaments (“over-parliamentarization”) in the first phase of democratic transition. This was accompanied by a similar process of particular dominance of the parties as major

actors (“overparticipation”). It means that, for some years, the parliaments as central sites of democratization were almost the only sites and parties as major actors of democratization were almost the only ones. This is a typical contradiction of early democratization and institution-building, which comes from the necessity of beginning of democratization “from above”, that is, in macro-politics and from the ensuing uneven development, since the new institutions and actors dominate too much until the others emerge.

Parliaments as central sites and parties as major actors the major principle of democratic transition which connects ECE with SE, where it was first formulated (see **Liebert** and Cotta, eds, 1990). This principle at the same time separates ECE from LA on one side and EE on the other where parliaments and parties are weak and they have not played a decisive role in democratization, with the Balkans situated between ECE and EE. In contrast to Western Europe where parliaments are on decline, in the new ECE democracies they are certainly on rise because of their decisive role in **democratisation**. This role may decline after the democratic consolidation, that is, in mature democracies in a Western way, but it will be maintained, for sure, until democratization has been going on.

Consequently, parliamentarisation has a special meaning in new democracies. It is a special and decisive aspect of democratization, namely democratic **institution-building** and learning democratic political culture have come to being in and through the parliament. The moulding and modelling of other institutions and all the patterns of political behaviour has also taken place according to the parliamentary rules and designs. Parliaments have been so far the meeting place, the forum and battlefield for parties, and for all political forces and tendencies. They have also been, to a great extent, “governing parliaments”, that is, even the governments have acted in and through the parliaments, since they have had limited time and energy for the tremendous tasks of transformation. The preparation of bills, for instance, has **been**

rather insufficient everywhere, in such a way, parliaments have not only “passed”, but also prepared and processed the bills. Parliamentarisation, therefore, has an almost “technical” meaning as well, as procedure of political processes to be **acquainted** with through a process of political learning for all actors in order to be able to act in and influence the other actors through the parliament. Parliaments in ECE, and to some extent in the Balkan countries, have enjoyed high visibility and exposure, since they have been the venue and concentration of all political struggles. This high visibility brings about some negative consequences as well. The populations of these countries have closely followed the parliamentary debates, most of which has been broadcast alive by TV in all countries, and because of the high visibility of parliaments, people have connected all the weaknesses and contradictions of democratic transition with the parliaments. Hence, **inspite** of their very positive and innovative role in democratization, the parliaments are very unpopular, even a bit more than parties, precisely as it was in the SE countries during their democratic transition. Paradoxically, the parliaments have been the most important and the least popular institutions of the young ECE **democracies**.<sup>3</sup>

### **Parliamentarisation as the major road to democratisation**

Parliaments have been the most important institutions of the democratisation process in ECE and Balkan countries (see Olson and Norton, eds, 1996). Yet, parliaments are less popular than governments, since they represent all the vices and mistakes of the new regimes in the public eye, and they embrace and put on display all the political actors and processes. They concentrate in themselves the accumulated institutional as well as cultural deficit of the whole region in general and the historical heritage of the former authoritarian regime in particular. Still, compared to the “decline” of Western parliaments, in ECE and in some Balkan countries we have certainly been witnesses to the “rise” of parliaments, that is, there has been an extraordinary high importance placed on parliaments, but in a transitory

and contradictory way. However, the institutional and cultural deficit is a missing capacity in and for **democratisation**. It appears in the forms of missing institutions and missing cultural patterns, to a greater extent in the Balkan countries and to a lesser extent in the ECE countries. As David Olson notices, “The new parliaments lack an experienced membership. They lack a structure of parties and committees, and they also lack the support facilities of space, equipment, and staff. Most importantly, the newly democratized parliaments established procedures for both raising and resolving policy disagreements. New members in new parliaments are not well-equipped to face their tasks. (...) Communist legislatures typically had a skeletal staff who themselves had little experience in providing support to an argumentative and busy parliament.” (Olson, 1994:37).<sup>4</sup>

The institutional deficit can be easily formulated into two aspects: the presence of immature parties and missing or half-made internal parliamentary institutions (structures and procedures). The cultural deficit, in turn, is bigger and it is more difficult to identify. However, it irritates the public more than the institutional deficit, since it appears to be an arrogant form of behaviour on the part of the new parliamentary party elite. Parliamentary elites have provided a much less democratic pattern of behaviour than the masses. The arrogant behaviour of the new, transitory elites has led to a great extent to the delegitimation and unpopularity of the new democratic parliaments. This has been apparent in direct **anti-parliamentary** feelings, movements and slogans; these have shown the limitations of this narrow “parliamentary”, that is, transitorily “over-parliamentarised” democracy. The democratic deficit in these “parliamentary” democracies as a gap between elites and masses, leaderships and followers has at least three reasons:

(i) The elite-mass linkages changed dramatically after the first democratic elections, since the new elites wanted to demobilize masses and turning movement parties to well institutionalized ones, therefore, they used all means available to

remove the masses from politics. The ways and means of direct democracy as plebiscites were pushed back and people had no real chance to have their voices felt. The politics, once again, became a remote realm for most of the ordinary people and this alien politics was represented for them by the parliament and the parliamentary elite.

(ii) Cultural struggle (**kulturkampf**) and ideological confrontation began in the new elite right after the power transfer, following the **interwar** intellectual traditions. The elites, fragmented in such a way into many overcompetitive subelites, turned away in the parliamentary discussions and by their typical parliamentary discourse from the most pressing issues of socio-economic crisis management - which was, in turn, extremely important for the population - and engaged in obscure ideological fights.

(iii) Unlike the Western elites, socialized for tolerance and **compromise-seeking** behaviour, the new ECE political elites have been thinking in the terms of “final victory” and they tried to push out their competitors from politics as “enemies”. The masses, however, would have preferred gradual and peaceful changes, and consensus-oriented behaviour to the doctrinaire radicalism of the transitory elites and they expected a model behaviour of tolerance and politeness from the **MPs** for the entire democratization process. Therefore, they turned against the new politicians appearing with a “moral vision” or “historical mission” in the parliaments and they supported the incoming new pragmatic professional politicians learning the rules of efficient decision-making.’

Thus, the negotiated transition came to an end abruptly after the so called founding elections, as the first free elections, and the establishment of the first democratic parliaments and governments, that is, with the transfer of power between the old and new elites. This elite transfer did not produce a “negotiated” democracy between the new governments and new oppositions, nor between the new elites and

mobilised populations. Politics has been “running amok” in this early “post” period. Better to say, these features were dominating in the first half of the nineties and have become weakened in the mid-nineties when the first transitory elites have been gradually changed to more professional and pragmatic elites, yet the new gap between politics and the ordinary people has stayed to a great extent. In the early nineties the parliaments became symbols of this isolated, self-centred politics, which was far from the common people and from the everyday problems and interests of the populations concerned. This politics was primarily and typically made by **self-styled** and awkward parties that acted with low efficiency in the parliaments. The most characteristic case of this ill-famed ECE parliaments, as symbols of “politics running amok”, was the Polish Sejm between 1991 and 1993 which had an overfragmented party structure and many coalition failures. By the mid-nineties, the situation has significantly improved but, to a lesser extent, these negative features have stayed for a longer run with the new parliaments and their elites.

Discussing the paradoxes of parliamentarisation as the first period of democratic institution-building, we have to put it into the broader framework of the entire systemic change. The first stage of systemic change starts with the initial or pre-transition crisis, in which the politico-cultural side plays an important role and the masses are very active. In the second stage (democratic transition), however, the institutionalisation, above all in the form of parliamentarisation, comes to the fore and the masses are abruptly demobilised. Democratic consolidation which embodies the third stage can only be reached with the re-mobilisation of masses for the creation of their own organized interests and civil society organizations. This common institutionalisation and “culturalisation” process would be capable of leading these countries beyond the narrow confines of the just “parliamentary” democracy, by enabling them to overcome both over-parliamentarisation and **over-participation** through the consolidation of the genuine parliamentary democracy.

Thus, the parliamentarisation process is a special phase and form of democratization in ECE and in some ways, also in the Balkan countries. It shows that there are many difficulties in **institutionalisation** and even more in “culturalisation”, i.e. in elite recruitment and **socialisation**. Therefore, the transitory parliamentary elite has changed very quickly, as it happened to the SE parliamentary elites during their democratic transition. At every election about 70 per cent of **MPs** “fall out” of the ECE parliaments and the newcomers step in. As a result of this very low incumbency rate after three elections just about five to ten per cent of the parliamentary elite remains. The new professional political elite has gradually emerged in the parliaments, that is, even in the “natural selection” of elites, the parliamentarisation process is the most important dimension of democratic transition. The latter is a chaotic whirling of the old and new, and as a creative chaos, “tames” political actors in and around the parliament. At the same time, it is only through this process of parliamentarisation that the parliament itself can accomplish its own internal systemic change.

### **Separation of powers and workings of parliaments**

The Big Power Triangle in its particular shape varies from country to country and so do the national parliaments within this Triangle. In Poland, e.g. the president has the rights to appoint three important ministers (interior, exterior and **defence**), which limits markedly the powers of parliament and government. The parliaments vary not only in strength but also in their internal structures. In Poland, the Czech Republic, Slovenia, Croatia, Romania and Yugoslavia the parliaments are bicameral, and in Hungary, Bulgaria, Slovakia and Macedonia unicameral. In Poland the government is constitutionally weaker, in Hungary is stronger than in the other countries. Compared to the actual political strength of the central governments, however, all ECE parliaments can be classified as “subordinate” legislatures, because they made up by party factions with rather strict party discipline and, **therefore, the**

governing parties control parliaments to a great extent. In the Balkans parliaments are even weaker compared to the power of the presidents and his government, therefore they can be classified as “submissive” types. Initially, parliaments may also be of “coordinate” or “intermediate” type as far as their relationship with the executive power is concerned, but later on this relationship has been stabilised in the subordinate or submissive types. At the same time, the parties are rather weak sociologically, that is, as social organizations, but they are very strong as (the only) political organizations. Thus, parties exist **mostly** as parliamentary parties, in and through the parliament. Their leadership has been actually merged with the parliamentary faction. They spend most of their active time in the parliaments and they have most of their infrastructure and expert staff there, and communicate with the public, including their own membership, mostly from the parliament. No doubt, that the **"partyiness"** of parliaments is high, but the “parliament-embeddedness” of parties is high, too.

Whereas the Western parliaments have a clear functional division of labour with the other political institutions and relatively narrowly defined tasks, in ECE and in the Balkans the parliaments, as an “infantile disease”, have a much more extended role, since they replace also other institutions. In my understanding the parliaments of young democracies have five major functions and most of them are directly connected with the formation of the new democratic system. **All** the five functions have been very important for this “genesis”, though their actual importance varies from stage to stage in **democratisation**. The major functions are the following:

1. The **legislative** function, which has taken place in ECE above **all** in the constitution-making process, that is, the establishment of the basic rules of the political game for the whole transition and for the consolidation of democracy. The production of laws for the new social and political order has been also a very important task and the parliaments has produced a great number of laws and

amendments every year. I have identified this function of parliaments as a “legislative factory”.

2. The controlling function, in which the parliament has played the role of a distributor of powers, and has balanced the executive in order to prevent the rise of a new power monopoly. So far this role has been only partly and inefficiently fulfilled by the new legislatures, whereas the Constitutional Courts have performed a more important role in this respect. The legitimate role of the opposition, in general and in the control of parliament in particular, has been acknowledged and **institutionalised** in most ECE countries, but this has still been the major bottleneck in the democratic workings of most of the Balkan parliaments.

3. The conflict management function, which has been particularly important in the period of deep socio-economic crisis associated with democratic transition. The transition has been accompanied by acute conflicts, and these have arisen in a cumulative way. Therefore, in this period the parliaments have to be the major means of conflict resolution. It is also unavoidable that the parliaments have been the central targets of all mass protests and demonstrations.

4. The socialisation function, involving the schooling of the new elite after its recruitment process by providing an “arena” for its “natural selection” and establishing the rules of “**parliamentarized**” elite **behaviour**. The **culturalisational-educational** process of parliamentarisation has been as important as **the institutionalisation** process and it deserves special attention and **analysis**.<sup>6</sup>

5. The legitimation function can be regarded as the most essential one in the first period of democratic transition, since the young democracies have emerged from a legitimacy gap or vacuum and badly need a strong legitimation device. Parliament as a central site provides a forum for the major political actors and they mutually legitimise themselves and the new democratic order. The creation of a parliamentary framework for democracy should facilitate at the same time the

building of a bridge between the parties and ordinary citizens in a form of a social and political dialogue, in and through the parliament.

Parliaments as central sites of democratic transition are still unfinished or half-made institutions and they work with a rather low efficiency. They have been “legislative factories”, producing a great number of acts every year, but this extensive overproduction has not been accompanied by an intensive internal workings. There has been a tradition of parliamentary procedures, still the new Standing Orders have emerged with a great delay and many contradictions concerning the legitimate role of the opposition in the young democracies. Because of poor preparation of draft bills and the hastily passed acts, a significant proportion of acts has had to be amended or proved to be unfit for being implemented. The new parliaments, however, have learned very quickly, for instance, they have already an extended system of parliamentary committees, paralleling the structure of governmental departments. These parliamentary committees are the meeting places of political and policy dimensions of the parliamentary work and they symbolize the efforts of the new parliaments in developing towards efficient and genuine parliamentary democracies.<sup>7</sup>

### **Further stages of democratic institution-building**

After parliamentarization, the second stage of democratic **institutionalisation** comprises the organization of the new democratic (central) governments and/or governance. It happened first and foremost in the parliament, when the new parties have learned the new and changing roles of governing and opposition parties. As we know, the new parliaments have been to some extent “governing parliaments”, since the governments have been absorbed by many tasks of parliamentary **decision-making** process. This has significantly changed, yet, they still make some major executive decisions in and through the parliament, including preparation and completion of bills, etc. The parliamentary factions of governing parties have almost

merged with the government, since to the small top leadership these everyday tasks overlap to a great extent. Yet, the distance between the legislative and executive powers has become bigger and bigger, and the governments have focused more and more on their own internal institutionalisation and democratization. They have also turned from the ideologically oriented “systemic” issues to more pragmatically and policy oriented ones, hence the switch from democratization to political modernization has manifestly appeared in the workings of central governments as well.

The new democratic governance was organized first in the central government, then in the entire state administration. The state administration has been constitutionally separated from the public administration managed by the local self-governments. Public administration has become a separate branch of powers and, therefore, the first local government elections had a special political significance in changing local elites. The public sector reform and the efficiency of new democratic polity came to the forefront. With the administrative modernization the separation of politics and administration (“elected and selected”) became the basic rule, from the ministries to local communities. Politicians appeared as figures democratically controlled by elections, administrators as career civil servants with clear professional criteria. The modernization of the central government machinery led to the establishment of specific organs of government dealing with the administrative modernization - as committees for public administration reforms, organized in Hungary, Poland and the Czech Republic in 1992.<sup>8</sup>

The third stage of democratic institutionalisation was initiated and prepared by these public sectors reforms. The clear dividing line between the stages is, however, that the first two stages were much more politically oriented and directly connected with systemic change and general democratization. The third stage is, however, much more policy and pragmatically oriented. It has been focusing on the

particular way of democratization and on the efficiency of the entire polity. The new democratic constitutions, evidently, already contained provisions on the **self-governing** functional and local units, but these provisions initially were of **abstract-general** nature and the detailed, specific regulations as “fine-tuning” were missing. They were formulated in the early nineties as very minor issues, very far from the real battlefields of political parties. Local government regulations, of course, were passed and elections held in 1990-91 in order to change and/or legitimise the local elites, but the local power and its regulations gained significance only later. As parties became organized nation-wide or after the first elections, they immediately realized the salience of these local political issues. The nation-wide party organizations with their general electoral bases had to face the resistance of local powers, as opposing or supporting the central power, and, therefore, the parties have tried to penetrate local and regional self-governments. Thus, the second local government elections were much more politicized and politicized than the first ones in the ECE and Balkan regions. Two contradictory tendencies appeared at the same time: the increasing legal autonomy of local self-governments with a higher level of organization and **professionalisation** on one side, and the increasing effort of parties to make local **self-governments** subservient to their political lines and to turn them into means for the parties in national politics on the other. The states in both the ECE and the Balkan regions have also made some efforts for recentralisation in the mid-nineties, usually under the banner of economic crisis management and arguing with more efficiency in the case of a bigger institutional **centralisation**. These recentralisation efforts have clashed with the autonomy of resurgent civil society in general and that of the local self-governments in particular, which indicates that the national system of public administration has been the least developed part of the democratic **institutionalisation** process.

Yet, the democratic **institutionalisation** reached a turning point in ECE by the mid-nineties, and more and more the political modernization has come to the forefront. In the Balkans this process has been lagging behind and still unfinished, since it has been a process of **redemocratization** in ECE and the beginnings of **democratization** in the Balkans. The emergence of the Constitutional Courts has been one of the new decisive elements in both regions, strengthening the democratic institution building and providing a control function over both executive and legislative powers. They have represented a rule of law and have played a vital role in the “checks and balances” mechanisms of the young democracies, often confronting the overwhelming presidential rule in the Balkans, e.g. in Serbia and Albania. The “perils of presidentialism” have been the biggest danger in the Balkans which can lead to a new reverse way, therefore the checks and balances mechanisms have to be strengthened against them as far as possible. As a bottom line, however, the democratic institution-building has been going on in most of the countries at an incredible speed.<sup>9</sup>

Notes:

1. These transitory institutions have been carefully studied in Poland and Hungary, together with the newly emerging parliamentary and party systems, see **Ágh (ed.), 1994; Ágh and Kurtán (eds) 1995; and Ágh and Ilonszki (eds) 1996.**

2. The constitutional developments in ECE and the Balkans have been discussed in the book edited by Howard, 1993 and by the periodical East European Constitutional Review.

3. Concerning the South European developments see first of all the works edited by Pridham; and Bonime-Blanc, 1987 and Wiarda, 1989.

4. The most recent assessment about the parliamentary developments in ECE and Balkan regions in the book edited by Olson and Norton, 1996.

5. The unpopularity of the SE parliaments has been documented by the papers of Libert and Cotta (1990) volume and by Bonime-Blanc, 1987. The Hungarian Centre for Democracy Studies has edited, in Hungarian, every year since 1988 The Political Yearbook of Hungary, a thick volume with analyses, documentation and public opinion surveys. The paper of Wyman et al, 1995, gives a comparative overview about the popularity of parliaments (p. 540) which shows that it is somewhat above the parties (22-29 per cent versus 11-24 per cent) and below all the other organizations (president, government and mass media).

6. The role of **MPs** and their **socialisation** process have been analysed in the studies of W. Patzelt, G. Ilonszki and others in **Ágh (ed.), 1994, and Ágh and Ilonszki (eds), 1996.**

7. It is not by chance that the Legislative Research Committee organized an international conference about the role of parliamentary committees in June 1996 in Budapest, since the committees **have been the most important moments of the**

**recent political modernization of parliaments, especially in the young democracies. The conference papers see** Longley and **Ágh** (eds), 1997.

8. **I** was a participant of the project on the public sector reforms in **ECE led by J. J. Hesse and I benefited a lot from this project** in writing this chapter. About the problems of the ECE public administration see Hesse, 1993.

9. In a well-known paper (1990, in: Linz and Valenzuela, eds, 1994) Juan Linz has discussed the “perils of presidentialism” for young democracies and I share his **worries**, since the developments in Croatia, Serbia and Albania have illustrated very much his arguments.

## Chronology:

### I. Negotiating mechanisms

**February** - April 1989 - National Roundtable in Poland

June - September 1989 - National Roundtable in Hungary

November 1989 - National Roundtable in Czechoslovakia

January 1990 - "Soft" National Roundtable in Bulgaria

January 1990 - Some fake negotiations in Romania

February 1990 - Negotiations in Slovenia

January 1991 - Talks between government and opposition in Albania

### II. First free and/or multiparty elections

June 1989 - First (semi)democratic elections and parliament in Poland

March 1990 - First democratic elections in Hungary

April 1990 - First democratic elections in Slovenia

April 1990 - First multiparty elections in Croatia

May 1990 - First multiparty elections in Romania

June 1990 - First democratic elections in Czechoslovakia

June 1990 - First multiparty elections in Bulgaria

November 1990 - First multiparty elections in Bosnia and Macedonia

December 1990 - First multiparty elections in Serbia and Montenegro

March 1991 - First multiparty elections in Albania

May 1990 - First democratic local elections in Poland

September 1990 - First democratic local elections in Hungary

November 1990 - First democratic local elections in Czechoslovakia

February 1992 - First local elections in Romania

Bulgaria

### III. Constitution-making

23 October 1989 - The new constitution of Hungary

July-August 1990 - Amendment of the new constitution in Hungary

21 December 1990 - The new constitution of Croatia

25 June 1991 - The new constitution of Slovenia

23 December 1992 - Amendment of Slovenian constitution

12 July 1991 - The new constitution of Bulgaria

19 November 1991 - The first constitution of Macedonia

8 December 1991 - The new constitution of Romania

27 April 1992 - The constitution of (small) Yugoslavia

1 September 1992 - The first constitution of independent Slovakia

17 October 1992 - The Little Constitution of Poland

16 December 1992 - The first constitution of the Czech Republic

6 November 1994 - The referendum disapproves the draft constitution in Albania

### IV. Constitutional order and electoral system

Albania: unicameral parliament (140 seats), presidential system with direct, popular election of president, mixed electoral system with individual single member constituencies and party lists with 4 per cent threshold (no final constitution)

Bulgaria: unicameral parliament (240 seats), parliamentary system with direct, popular election of president, proportional electoral system with party lists and 4 per cent threshold

Czech Republic: bicameral parliament (200 and 81 seats), parliamentary system with indirect election of president, proportional electoral system with party lists and 5 per cent threshold

Croatia: bicameral parliament (138 and 68 seats), presidential system with the direct, popular election of president, mixed (both majoritarian and proportional) electoral system with 5 per cent threshold

Hungary: unicameral parliament (386 seats), parliamentary system with indirect election of president, mixed (both single member individual districts and party lists) electoral system with 5 per cent threshold

Macedonia: unicameral parliament (120 seats), parliamentary system with direct, popular election of president, proportional electoral system with party lists and no threshold

Poland: bicameral parliament (460 and 100 seats), parliamentary system with direct, popular election of president, proportional electoral system for the Sejm with 5 per cent threshold, majoritarian electoral system for the Senate (only Small Constitution, no final arrangement yet concerning the role of president and its relation to the parliament)

Romania: bicameral parliament (341 and 143 seats), presidential system with direct, popular election of president, proportional electoral system with 3 per cent threshold

Slovakia: unicameral electoral system (150 seats), parliamentary system with indirect election of president, proportional electoral system with 5 per cent threshold

Slovenia: bicameral parliament (90 and 40 seats), parliamentary system with direct, popular election of president, proportional electoral system with 3.4 per cent threshold

Yugoslavia: bicameral parliament (138 and 40 seats), presidential system with direct, popular election of president, proportional electoral system with 5 per cent threshold (federal regulation, the Serbian parliament is different)

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