Abstract

The restitution of confiscated property to former owners in the ex-communist states of Central and Eastern Europe was a policy decision with momentous consequences, as the level of assets concerned was huge and the impact of handing back to former owners residential or commercial property, four decades after nationalization, was difficult to anticipate. The solutions adopted – relatively quickly, or slowly and incoherently, in many steps spanning a long period of time – were very different from country to country. The goal of this study is to analyze the transformations that occurred in the area of private property ownership following the change of political regime in former socialist or communist countries. The six countries looked at are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Romania and Serbia. These countries illustrate well the whole range of contentious problems in a region where the Communist regimes have varied tremendously in their approach to private property, intensity of social control, repression and overall legitimacy. This diversity of situations poses today different types of dilemmas for the property restitution process, dilemmas which are approached by each country in a different manner. The main question for the countries in this study is how an emerging democracy can “respond to public demands for redress of the legitimate grievances of some without creating new injustices for others.”

Keywords: property, restitution, democracy, owners, eastern.

1. Introduction

The restitution of confiscated property to former owners in the ex-communist states of Central and Eastern Europe has been in general little discussed and analyzed in the policy and the political literature of transit in spite of the heated and polarising debates around the issue in the societies concerned. Things stand in marked contrast with the subject of privatization, which is much better known and has produced an impressive body of written analysis. This is just one among the many paradoxes and dilemmas outlined in this report – because the stakes in the restitution process were similarly high and the broader social consequences of handing back in a way or another buildings, land, forests or industrial assets to their original owners, four decades after they were nationalized, could be momentous and, to some extent, difficult to anticipate at the moment when such a decision to restitution was made.

Not only the subject was under-researched in theory, but even the practical details of the decisions made by the legitimate authorities installed after 1989 were muddled to a large extent. The big moral and public policy dilemmas implied were addressed mostly by default, without having a consistent discussion in society, or at odds with the direction of this discussion. The solutions reached were as a result different, adopted relatively quickly, or slowly and incoherently, in many steps spanning a long period of time. The historical legacies explain some of this variation in approach. The Communist project was aimed to function as a great social equalizer, within – but also across – societies in the region, but its unique general framework was pressed upon different social, economic and cultural realities in the aftermath of the World War II. The motives for nationalization were political as well as economic. It was a central theme of the state socialist policy that the means of production, distribution and exchange, should be owned by the state on behalf of the people or working class to allow for rational allocation of output, consolidation of resources, rational planning of the economy and changing the patterns of living I urban and rural areas. Private property was regarded as the main impediment to these goals of the Communist regime, and as a result it had to be severely curtailed.

However, the implementation of the Communist project allowed for substantial cross-country – and, sometimes, intra-country – variation. In societies with little established aristocracy and even fewer large real-estate owners, the nationalization of residential houses and farming land was more difficult to justify in political terms, so it took about a decade or more after taking power for the Communist governments to consolidate enough until they were able to embark
upon the expropriation of millions of peasant farmers or urban lower-middle classes. By contrast, large real-estates and the factories tended to be confiscated earlier. In mountainous areas, confiscated property was less frequent than in lower, more productive areas.

In Romania, Bulgaria and the countries of the Western Balkans, we are dealing precisely with the type of historical social structure where nationalizations were bound to be ideologically difficult: nations of smallholders, predominantly rural, with a thin layer of urban middle strata just emerging in the decades before the Communist takeover. The states themselves were quite young, a result of a fervent process of nation-building in the second part of the 19th century, and the rural smallholder had been exalted in the fledgling national cultures as the backbone of the young polity. What is more, some governments had already redistributed some agricultural land to the poorest peasants immediately after 1945, before the full Communist take-over. Reversing the trend and going against this class in the name of social justice was difficult, at least at the beginning.

Nevertheless, it happened, sooner or later, in all these countries. In rural areas the metaphor of "collectivization" imported from USSR helped making the things look acceptable politically: the farming land would not be technically nationalized, but "consolidated" in larger exploitations "managed collectively" by the former owners. In Yugoslavia, a similar structure was adopted even for many industrial plants. However, this was nationalization in all but name, because the state and party bodies performed a centralized control over the decisions made, exit was not possible and micromanagement from the top became the norm.

While Communism was a common blueprint for the whole region, however, the determination of the political push towards property nationalisation, especially in the rural sector, varied a lot from one country to another. At one end of the scale, in Romania or Albania the state took control of almost all properties, either directly or through the cooperatives. By contrast, in Yugoslavia (like in Poland) most of the land had remained in individual family farms during the socialist period. In addition, some regimes (again, Yugoslavia, or Hungary) started to relax the central control in the '70s or the '80s, attempting to simulate a market economy through "competition" between two or more state-owned enterprises trying to act as private enterprises would. Thus the search for a process that would put property into private ownership started earlier in some of the Communist countries, while others remained totally unprepared to explore the issue up until 1989.

Still, unlike in the former Soviet Union, in Western Balkans, Bulgaria and Romania legal records of previous owners still existed, for both commercial and residential property. Restitution of the actual assets – buildings, land, industrial assets – was a feasible option, had the post-Communist governments decided to pursue it. People lost the right to utilize their land, but they did not lose the nominal title to the land. Over the years, as rural residents moved to the city or died, some land became the property of the cooperative. In actual practice, it was not always possible to return the exact plot of land or building to an individual or to his/her descendents. Often other pieces of property were offered to former owners in compensation, either to avoid agricultural fragmentation or because the property ceased to exist as such – for example in urban localities which changed and expanded a lot during Communism, and whole neighbourhoods were erased in order to make room for the new socialist housing units. In the countries that pursued this strategy, the restitution did not necessarily lead to land fragmentation, but it may have facilitated the transition from socialist cooperatives to corporate farms. In other countries such as Romania and Bulgaria (and many in Central Europe) some large state farms were downsized, but managed to survive as corporations. But in general the social pressure to dismantle the cooperatives was so high that no post-1989 cabinet could have resisted it.

There are a number of fundamental difficulties and dilemmas the post-Communist governments in Bulgaria, Romania and the Western Balkans had to face:

- How far back in time should the process go? Should only Communist expropriations (or "collectivization") done through law or decree be considered, or cases that occurred during the World War II or immediately after, sometimes through unlawful abuse (like in the case of the Jewish community, but not only) be included?
- Should former owners be given back their very same physical property, or another one of similar value, or should they be compensated financially instead? In the last case, should the compensation be in cash, or in vouchers which are the equivalent of shares in some specially-established funds or in existing state companies? Should the amount of the compensation be at full value, or should it be capped (i.e. some confiscation and redistribution may occur)? Should vouchers be immediately tradable, or temporary restrictions must be imposed?
- Related to the point above, how far can we go with the argument that the state is liable and should redress the wrongs done forty of fifty years ago to some individuals? Do the post-Communist generations have a moral obligation to finance the restitution process fully, or there are other social considerations that should play a role? For example, if a building nationalized in 1950 still exists, but is occupied by many tenants, can it be
restored with no restrictions attached to the (inheritors of the) former owner? Can absentee landlords be reinstated on their land, even if this would mean evicting families with no title but who have used the land for decades (the case of many Roma communities)? Such concerns of inter-generational redistribution are legitimate in any sort of public policy and made the crux of the argument, even though not always explicitly, when the issue of restitution was discussed in early nineties.

☐ Can the restitution process follow fully the inheritance rules from the Civil Code, or eligibility should be more restricted, for instance only to the original owners and their children? Should only individuals who are residents of the country be eligible, or émigrés should qualify too?

☐ Regarding industrial assets or agricultural land, how can the opposing goals of justice and economic efficiency be reconciled, since many times restitution is likely to result in a fragmented and unmanageable ownership structure?

☐ Finally, can the post-Communist public administrative apparatus be trusted to discharge in a reasonably fair and effective way the daunting task of identifying the lawful owners, assessing properties and compensating the eligible individuals for their lost properties? What procedures and institutions must be created, at the central and local level, to ensure property restitution proceeds accurately and expeditiously?

This article outlines the manner in which six South-East European countries – Romania, Bulgaria, Croatia, Bosnia, Serbia and Albania – responded to these general challenges, in the context of their own peculiar social and economic history. Like Central Europe, they all had to confront these dilemmas in the first years after the fall of the Communist regime, because the more the process of restitution dragged, the more complicated the situation would become. The liberalization of the economies after 1990 created a market for all types of assets and as a result of this natural pressure, transactions proliferated, even in situations when ownership rights were not certain. It was obvious from the start that delays or piecemeal strategies tended to create more conflicts, overlapping property rights and actions in courts.

The similarities and differences are all highlighted in the article and the answers given to the dilemmas above emphasized. Both nationalization and restitution policies varied significantly, these variations having an impact also for the structure of this case-studies presented in this report. The main structure of the case studies includes an overview, the historical background of the expropriation process, the restitution/compensation process and conclusions. However, the inner structure of each topic is not the same in all countries, for instance because some of them have adopted legislation for restitution while others have not.

2. Transformation

The choice of restitution policy in Eastern Europe depended partly on the extent and depth of expropriation, which varied from state to state. Three distinct communist systems operated in the region, with differing implications for post-communist reform: essentially Stalinist totalitarian regimes in Romania and Albania; an orthodox communist regime in Soviet-bloc Bulgaria; and a reformed communist system in Yugoslavia which had incorporated some liberal elements and shared a number of features with the Central European states (Bugajski 1997). Unlike the ‘pact-ed’ revolutions of Central Europe, transitions in the Balkans were disputed fiercely (McFaul 2002). Anticommunists did not win from the onset, as in Central Europe or the Baltics, because former Communist parties successfully manipulated the new electoral institutions, as well as nationalism (Mungiu-Pippidi 2006).

That led to a considerable time lag of SEE transitions compared to Central European ones. The differences between types of Communism translated into a wide variation across countries in the treatment of property. At one end of the scale, in Romania or Albania, Communists confiscated most private property including arable land and residential apartments, and included it either in collective farms, where the nominal owners were the farmers, or state property. Communism was also an ongoing project, not a static regime: the fall of the regime in 1989 interrupted Romania’s dictator Ceausescu’s fresh design of “village systematization”, a brutal expropriation and destruction of the traditional villages. By contrast, in Yugoslavia, as in Poland, most of the land had remained as individual family farms during the socialist period and fewer residential buildings were confiscated. In addition, Yugoslavia, like Hungary relaxed state ownership prior to 1989 in the hope of generating a more competitive economy, while the other countries remained totally unprepared to explore the matter before 1989. However, unlike in the former Soviet Union, in the Western Balkans, Bulgaria and Romania legal records of previous owners still existed, for both commercial and residential property (Dudwick and all 2007).

The restitution histories in Romania, Albania and Bulgaria speak strongly of the ‘unity imposed by history’ of the Balkan countries (Pavlowitch 1999). Before the advent of Communism they had been overwhelmingly rural countries,
with up to 80% of the population made up of peasants. Owning land had been a secular aspiration of the peasants in the Balkans, which began to materialize only with the land reforms after the First World War, so the confiscation or collectivization by the Communists of peasants’ small plots was highly unpopular (Mitranyi 1951). As the post-communist transitions in these countries, unlike in central Europe, were initially controlled by Communist factions, the first restitution acts were passed by Communists in an attempt to limit the process. They were typically de-collectivization acts, mixing the restoration of small quantities of the land previously shared in collective property to de facto privatization, granting land also to people who had not owned any before - in fact in Albania only to the latter. Residential properties, which had been confiscated in large numbers in those countries - for instance all buildings urban in centers were to be turned into offices, embassies, and so forth - were in part occupied by tenants who rented them from the state. Tenants’ status ranged from poor Roma families cramped in small flats to the former Communist nomenklatura, who occupied the most luxurious buildings which had been the property of the interwar elites, a symbolic issue of great political significance. The levels of the rents in such houses remained subsidized years after the market took hold, making tenants from formerly expropriated property a privileged category. By the mid-nineties, what had been a legal conflict between the state and a section of the population, the former owners, had gradually turned into a genuine social conflict between two categories of population. In the countryside, the conflict pitted the new owners resulting from the post-communist privatization of lands against the old owners, who would not settle for the restitution of only a portion of their former property (Swinnen 1999). In towns, the conflict similarly placed former owners who claimed back their flats and houses in opposition to the new tenants occupying them.

The collapse of the former Communist economy added new categories of problems and conflicts, such as in Albania where peasants occupied their former lands in the North and in Tirana squatters built whole new townships on agricultural land now claimed by its former owners. The more a comprehensive resolution of the property restitution problem was delayed, the more such problems became insoluble. Ceausescu’s home village, for instance (Scornicesti), a vanguard for all social experiments, had been ‘systematized’ in the late eighties, so peasants had their traditional houses demolished. They were dispossessed and moved into blocks of flats as tenants. After 1990, when all public housing was privatized to the benefit of its occupants, they became the owners. However, they could not buy the land under the blocks, because it had belonged to other former members of the collective farm, who took legal action and won their case in Court (Mungiu-Pippidi 2010).

Property battles were central to post-communist politics in SEE, dividing former Communists, advocates of minor restitution, with a discourse of efficiency and restorative justice to the anticommunist parties, historical or new, which were promoting as a ground rule retributive justice and the restoration of property as a key market institution. In Romania and Bulgaria, the anticommunist alliances (Democratic Convention and Union of Democratic Forces, respectively) made restitution their chief policy and enacted it immediately when they came to power. In all three countries mentioned, where nationalization had been the most extensive, the evolution of restitution bills showed the struggle between former Communists and their challengers. The original modest de-communization bills of the Communists were corrected by bills by anti-Communists promoting full restitution, which were not however fully implemented within the new electoral cycle, when Communists returned and shifted policy again. That fed millions of legal actions in various courts, some of which eventually reached the European Court of Human Rights.

The legal aspects of the battle for property redistribution were also similar in Albania, Bulgaria and Romania. The new democratic Constitutions (1991, Romania and Bulgaria; 1998, Albania) reinstated private property in its own right. The important novelty in these Constitutions was the specification that on human rights matters national legislation had to comply with international agreements ratified by the national governments. Thus, international law on human rights took precedence over national legislation, and despite lack of immediate enforcement of property rights the door was open for retributive justice on the matter. Furthermore, the Courts in Romania and Bulgaria played an important role in favor of restitution, as judges ruled in many civil cases in favor of former owners. Such decisions were endorsed by the Supreme Court of justice in Romania, leading to an open reprimand of the judiciary by post-Communist President Ion Iliescu in 1995 (SAR 2009), and by the Constitutional Court in Bulgaria, which limited the reversal of restitution policy by the post-Communist party (Bulgarian Socialist Party).

The stand-offs over land restitution in Romania and Bulgaria had catastrophic consequences for the agricultural sectors in these countries. In both countries, agriculture contracted more and recuperated later than the rest of the economy during transition. Late in the when the two countries were struggling to acquire ‘functional market economy’ status from the European Commission, in order to be invited to start negotiations with the EU, there was still no land market worthy of the name. A huge percentage of arable land was becoming wasteland, and the property on it was so fragmented and disputed that few farms met the size criteria making them eligible for EU farming subsidies (Negrescu
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Romania and Bulgaria was greatly helped by the ECtHR, which repeatedly uncovered violations of owners’ rights (Gelpen 1993; Verdery 2004).

As to urban property, its restitution saga has outlasted the process of EU accession. By September 2000, eight

years after the launch of the restitution of immovable property in Bulgaria, more than 100,104 restitution claims had been

submitted and fewer than 60% satisfied. In Romania, by the end of 2009 more than 200,000 claims had been submitted

on the basis of law 1/2001, with nearly half of them solved: the rest still were still dragging through administrative

procedures and the Courts (Kuti 2009). A law passed in 1995 by President Iliescu’s government had privatized many

properties, granting them to their tenants, but they had already been claimed by their original owners. The result was

therefore two opposing camps with valid titles to property. In Albania, law 9235/2004 finally provided for the unlimited

restitution of urban properties and of a maximum of 100 ha of agricultural land. Return of property was to take

precedence over financial compensation. By the deadline of 31st of December 2008, 51,000 applications had been

received, so the deadline was extended until the end of 2011, since many owners had not managed to assemble the

necessary papers and complete the forms. Legal action over property matters formed a significant proportion of civil

lawsuits, despite Albania’s poorer court infrastructure and less active litigation culture compared with Romania or

Bulgaria.

The financial compensation process worked no better than the restitution in kind. In Bulgaria, a Law on the

Compensation of Owners of Nationalized Assets was passed in November 1997, but the process of issuing

compensation bonds lacked transparency, so it was permanently plagued by scandals (Stefan and all 2010). In less than

three years after the adoption of a law on compensation, some 46,878 requests for compensation for property that could

not be given back were filed, of which more than half were met. By 2009, bonds with a value of 300 m. Euro were still

going to waste on the market, because the state did offer no attractive assets to be purchased with them. In Romania,

compensation was granted by a Central Commission for Establishing Compensation on the basis of Law 247/2005 on

compensation rights and sums were paid, exclusively in equivalent shares, to a state established Property Fund. By mid-

2010, the Property Fund has still not yet been listed on the stock market after years of delays and owners have

complained that the state has endowed the Fund with the least attractive assets in its portfolio (SAR 2009). In Albania,

the owners lobby group called The Property through Justice Association estimated in 2009 that in Tirana alone

compensation should be given for at least 22,000 m2 of land which cannot be returned, but which would raise costs to

over seventy millions Euros (Stefan and all 2010).

The decisive shift of policy towards the restitution of property (including to minorities) by the end of the 1990s in

Romania and Bulgaria was greatly helped by the ECCHR, which repeatedly uncovered violations of owners’ rights. In

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2009, all Progress Reports of the European Commission (EC) strongly criticized the lack of compliance with constitutional

provisions regarding the restitution of private property and urged the government to evaluate the situation of public land to

be returned and the budget which should be made available for financial compensation for seized property.

The 2006 EC report acknowledged breaches in regulations regarding property rights to be key factors in the

emergence of social conflict. In short, in Albania, restitution and property reform were driven mostly by the international

community, with the EU serving as the key enforcer of recommendations by other organizations, such as OSCE or the World Bank.

The property agenda in the former Yugoslavia confirmed Claus Offe’s warning that any process of property

restitution would have to start with a high-risk definition of who are ‘we’ (Offe 1993), as states embracing nationalism

added new confiscations to the old Communist ones. The successor state Croatia declared its independence in 1991

and in October 1996 passed a Law on Compensation for the Property Confiscated during the Communist Regime,

amended in 2002 by a Constitutional Court decision. The primary goal of the law was retributive justice, so preference

was given to restitution of the actual property originally held by its owners. However, because of the impracticalities of

returning all of the original property to all of the former owners, Croatia settled for a mixed system whereby compensation

was considered when restitution in kind was not possible due to the protection of acquired rights or public interest (Stefan

and all 2010). Following public information requests solicited in 2010 from the thirteen Croatian counties the number of

total reported claims computed was 46,072, of which 69% were approved. In accordance with the Law on Compensation,
holders of rights of occupancy/tenancy

(OTR) should be considered eligible for acquiring ownership rights. A report by the OSCE in Zagreb, which monitors the repossession of property by the returned refugees according to the Sarajevo Declaration Process, stated in 2008 that the process of re-adoption by Croatian Serb refugees of their property in Croatia following the war in the 1990s was to a large extent complete. The European Commission's Progress Report 2008 for Croatia stated that 'Property rights are generally assured. However, there are outstanding cases of delayed property repossession and problems with compensation for the use of private property taken under war legislation from the 1990s. The process of restitution and compensation for property nationalized after World War II continues to go slowly. And the European Council Decision on Croatia's accession of 12 February 2008 mentioned that "Some Member States underlined in this context the importance of accelerating the process of restitution of property" The situation in Bosnia and Herzegovina highlights its special sovereignty situation. By 2010 the State of Bosnia and Herzegovina consisted of two entities, the Federation of Bosnia and Herzegovina and the Republic of Srpska, along with 10 cantons. Each canton has its own parliament and government and they all have different jurisdiction when it comes to restitution and denationalization issues. The Yugoslav secession wars caused the dislocation of more than half the population of Bosnia and Herzegovina. Over 2.3 million people became internally displaced persons (IDP's) there, or refugees relocated outside of the country. During 1998 and 1999, under intense pressure from the international community, the State of Bosnia and Herzegovina and both entities (Federation of Bosnia and Herzegovina and Republic of Srpska) adopted a so-called package of property laws which focused exclusively on IDP and refugee return and reintegration (Philpott 2006) All other important property questions, such as the restitution or the compensation of property confiscated during the Communist regime, were left aside for the sake of achieving the primary goal: the return of people and stabilization of communities. In 2008, OSCE and the United Nations High Commission on Refugees (UNHCR) declared the process successfully completed. Thus 1,025,011 persons - fewer than half the estimated 2.3 million persons who had been evacuated - returned to their homes and more than 200,000 property claims were processed, with 99% of the property being returned to its owners. In many instances, the state housing provided to returnees had unclear property status and was claimed by its former owners. As the 'package of property laws' provided the right for returnees to buy the accommodation allocated to them, properties were practically privatized to new owners, making their subsequent restitution to original claimants impossible. In June 2009, the federal Government prepared a draft law favoring restitution of original property or of property of similar value, implying that financial compensation should be applied only in cases where restitution of original property or property of similar value is not possible (Stefan and all 2010). A feasibility study forecast proposed a figure of approximately 950 million euros for direct restitution costs, with a further implementation cost of 47 millions. Laws on denationalization at the level of the Entities are also in the process of being adopted, although the Office of the High Representative for Bosnia and Herzegovina suspended two 1996 laws on denationalization which had been adopted in the Republic of Srpska and thwarted another attempt in 2000.

In Serbia, the question of property restitution was not addressed after the fall of Slobodan Milosevic in 2000. Decision 2004/520/EC of the European Council is the first act to ask explicitly for the adoption and implementation of legislation on property matters, in the section A first step towards denationalization was the Law on Declaring and Registration of Seized Property in 2005. More than 76,000 applications were submitted by approximately 130,000 persons before the September 2009 deadline, the total value of nationalized property for which timely applications being estimated at 102 – 220 billion Euros. Many of the claims refer to buildings which had changed ownership through successive transactions. However, no follow-up law was issued; instead, by mid-2010 the government was more concerned with dividing public property among the state and Serbia’s 174 municipalities. If such legislation is adopted, the 174 municipalities will become the owners of formerly nationalized property on “Human Rights and Protection of Minorities”. Since then, the Council of the EU has systematically argued for the adoption of a property restitution law. Decision 2008/213/EC clearly demands that Serbia should 'Adopt adequate legislation on the restitution of property and ensure full implementation'. While the primary international concern with property restitution in Serbia originated with minority protection, once the process has started for minorities it will not be possible to hold it there.

3. Conclusions

While in the case of the most advanced post-communist countries, such as Estonia or Slovenia, European enlargement was largely a matter of business as usual, consisting mostly in the transfer of acquis as in previous enlargements, in the case of constrained accessions in the Balkans, the EU had to become increasingly involved as an agency dealing with transformation and development problems. In order to proceed with legal harmonization and other more typical
Europeanization processes, the EU had to assist and try to speed up the process of institutional transformation. That meant the involvement of the EU in human rights promotion, state capacity enhancing reforms and reinforcing the rule of law, in which particular area the process of Europeanization met the process of transformation, an often unfinished one.

The construction of a stable and legitimate property rights regime is a test case for the EU’s ability to transfer strong institutions to new member or accession countries. Both Communism and the transition from this regime has to be accomplished eventually. Limiting a problem in time is essential to a successful public policy: if no file is ever closed, no problem can be solved, leading to continuous uncertainty and high transaction costs. As the insightful verse of T.S. Eliot runs, “If all time is eternally present/All time is unredeemable”. While the situation of property restitution in these countries provides clear evidence that Europeanization helps transformation, particularly if the EU assumes the role of a transformation agent, it also highlights the limits of its power. Transformations are complex, path-dependent processes and the formulation of public policy in such environments is seriously constrained and differs essentially from what is the norm in developed countries and consolidated democracies. In his classic comparison between policymaking in industrial and post-industrial nations, Gabriel Almond (1974) argued that the main difference lies in the effort needed in developing nations to build systems (such as the rule of law) while in developed ones policymaking consists mostly in ‘reform’ - the maintenance of systems already created and the fine tuning of policies according to the ideology of the party in government. The policymaking landscape in SEE presents an unusual complexity, as at least three different processes interact. First, ‘transformation’ is still going on, which corresponds to Almond’s ‘development’, a process of institution-building and an undertaking of great difficulty, ‘Europeanization’, including special policies of integration and harmonization based on the EU model, is both a prompting of and a postscript to the process.

Second, we find ‘reform’ as well, ideologically driven policy which exist everywhere – for instance, in Romania’s and Bulgaria’s adoption of flat income taxes. But third, as a result of the social engineering of Communism and its complicated legacy, we still have some persistent form of ‘revolution’, a struggle between old and new elites which decisively shapes politics and institutional development. Through the complexity of this landscape, the EU accession of the Balkan countries is not business as usual, but rather a complex battlefield where these processes come together or conflict in the formulation of public policy.

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