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УДК: 321.017:316.372(1-6)
Оригинални научни рад
Примљен: 20. 12. 2012.

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IS ADDITIONAL CONDITIONALITY PREVENTING EU ACCESSION? SERBIAN DEMOCRATIC “STEP BACK”*

Abstract: European Union integration of Western Balkan countries is conditioned on the fulfilment on the set of criteria aimed at profound societal change. However, there is a number of additional criteria within the EU enlargement policy for the Western Balkans and Serbia in particular. We have already designated this process as “culturalization” of accession criteria. It comprises of alterations of criteria from initial, identity-neutral and technical issues to coming to terms with the legacy of identity conflicts in the Balkan region. These conditions pose a significant challenge to political institutions in a not yet consolidated democracy. In this article we analyze how, as a result of additional conditioning, the EU accession, instead of enjoying social consensus, has reopened identity issues, divided the society and boosted discourses on “sovereignty”, “double standards of international community” and “injustice” perpetrated to Serbia at the time of disintegration of Yugoslavia. Serbia is in a paradoxical situation we refer to as democratic deadlock - it is in need of consolidated democracy in order to achieve political stability and stable government capable to implement EU reforms, while the instability itself is a result of additional criteria for EU accession (and reactions to it). It is a theoretically intriguing case of additional criteria preventing fulfilment of the basic accession requirements. It is further analyzed how this observed tendency can be redirected through slight alteration of beneficiaries of EU incentives aimed at facilitating cultural change. In order to viably change the political community, external assistance process needs to be as inclusive as possible. It is argued that external assistance should not only cover main political, economic and legal actors, but also include cultural actors, especially culturally legitimate elites.

Keywords: Serbia, democratization, additional conditionality, Europeanization, cultural change

* This article is a result of research projects funded by the Ministry of Education, Science and Technological Development of the Republic of Serbia: “Identity policies of European Union: Adaptation and Application in Republic of Serbia” (177017) and “Perspectives of implementation of European standards in Serbian Legal System” (179059).

Introduction

Integration of countries in the European Union is conditional upon the fulfilment of a set of established criteria aimed at political, economic and legal transformation of a given society. Over time, these conditions have been developed and made more complex for a number of reasons that include development of EU competences, intensification of political cooperation within its framework, as well as requirement of a thorough reform of the system in candidate countries. Countries in Western Balkan entered the European integration process relatively late, after going through wars which were an important segment of devastation in the region during 1990s. Given the consequences of the disintegration of the SFR Yugoslavia, apart from economic recovery, legal reforms and building of democratic institutions, the EU policy in the region has been focused on re-establishing good neighbourly relations, development of cooperation between newly formed countries, and coming to terms with the consequences of wars, where huge number of refugees and war crimes are only the most blatant. There is a number of additional criteria within the policy adopted by the EU and its member states with respect to the Western Balkans, whose aim is coming to terms with the legacies of the 1990s.¹ We have already designated this process as “culturalization” of accession criteria. (Milenković and Milenković, 2013) It comprises of alterations of criteria from initial, identity-neutral and technical issues to coming to terms with the legacy of identity conflicts in the Balkan region. These conditions pose a significant challenge to political institutions in a not yet consolidated democracy.² During the previous decade, Serbian governments had to continuously make efforts to transform the society, both economically and legally, but also to resolve problems (re)generated in the last decade of the 20th century, such as responsibility for war crimes. It is interesting to note that in the past 12 years European integration of Serbia was fully conditioned by the need to resolve these issues, and that additional conditions aimed at establishing cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and “normalization” of relations with Kosovo, have on several occasions “blocked” integrative steps towards the EU.

¹ Due to the limited space of this paper, we are leaving aside the fact that the “legacy of the 1990s” is itself a “legacy” of a series of historical, economic, political and cultural determinants of preceding decades, as well as centuries of conflicts, which makes triggering of identity issues in the accession process all the more counterproductive.

² A very recent comparative analysis of Central and Eastern European post-communist states in terms of democratic consolidation positions Serbia very low on a scale, in group of “unconsolidated electoral democracies” (together with Macedonia, Albania, Ukraine, Montenegro, and Bosnia and Herzegovina). (Merkel, 2010: 20).

In this paper we examine how additional conditions and permanent altering of criteria for enlargement trigger reactions, interpretations and debates in Serbia, that are characteristic for the 1990s, the decade when the country was at war and under UN sanctions. These are pulling Serbia back to the times when nationalism and xenophobia were dominant in the public sphere. Political actors and broader public were expecting democracy and functional institutions to be established and further developed, but this never happened. One can have the impression that from a situation perceived as “incomplete state” we are about to enter a supranational structure, while nationalist politicians, who were expecting a strong state, now perceive to be subjected to the external governance. Even though situation varies over the years, and candidacy status for Serbia (granted in March 2012) gives a new hope, not all commentators are optimistic, with projection going as far as to perceive an anti-European choice of Serbia as not so impossible option anymore. (Di Lellio, 2009)

Here we analyze how as a result of additional conditioning, the EU accession, instead of enjoying social consensus, has reopened identity issues, divided the society and boosted discourses on “sovereignty”, “double standards of international community” and “injustice” perpetrated to Serbia at the time of disintegration of Yugoslavia. Serbia is in a paradoxical situation we refer to as *democratic deadlock* - it is in need of consolidated democracy in order to achieve political stability and stable government capable to implement EU reforms, while the instability itself is a result of additional criteria for EU accession (and reactions to it).

Nevertheless, in this paper we point out that, in reality, noble intentions of additional conditionality (and particularly in context of general economic crisis) fail to bring about expected effects, and quite often they are even contraindicative. At this moment one of the most important contraindications of additional conditionality is the stagnation and even a partial backsliding of democracy and the impossibility of its further consolidation in Serbian case. Later on we analyze the factors that have contributed to this outcome, and how this observed tendency could be redirected through slight alteration of beneficiaries of EU incentives aimed at facilitating cultural change.

1. Western Balkans’ Regional Approach To EU Integration

Over the past 55 years there have been several cycles of European Union enlargement which were carried out *ad hoc* and not against the standard set of criteria. These conditions were clearly, albeit broadly, spelled out only when enlargement in number of Eastern countries commenced in the 1990s while EU conditionality has been gradually built up (Anastasakis and Bechev, 2003:5).

In 1993 threefold Copenhagen criteria – legal, economic and political were formulated (European Council Presidency Conclusions, 1993). These were: 1) stable democratic institutions, rule of law, respect of human and minority rights (political criterion); 2) functioning market economy and ability to withstand competition from EU companies (economic criterion); 3) ability to assume responsibilities of membership (legal harmonization). Subsequently, Madrid Council added an administrative criterion, i.e. institutional capacity, in 1995 (European Council Presidency Conclusions, 1995) as it became evident that a proper transformation requires an adequate civil core able to implement the change.

It has been widely argued in the literature that the incentive effect of the integration process, by the way of pre-accession funds and eventual structural, cohesion and other EU funds (once the membership is achieved) is attached to different types of conditions. These were referred to as “EU’s most powerful instrument for dealing with the candidate and potential candidates countries in post-communist Europe” (Anastasakis and Bechev 2003: 3) and even as “external governance” and “governance by conditionality”. (Schimmelfennig and Sedelmeier, 2004) When illustrating Europeanization, Anastasakis says that “preparatory phase of pre-accession is an externally driven process of change defined by the EU centers of power” with “prescriptions and templates of reform conceived and dictated from abroad, with progress and assessment overseen by outsiders. ... whereby the EU acts as the main generator of change and reform, offering models and guidelines, supplying financial assistance for reconstruction, development, and transition, and imposing the criteria and conditions of change” (Anastasakis, 2005: 80-81).

Pridham also gave account of relations of the “Brussels bureaucracy” with national governments as “fax democracies” governments waiting for the next directive to come from Brussels, as this conditionality in EU relations with CEE was not seen in prior enlargements in the Western Europe (Pridham, 2006: 390, 392). These accounts are very valuable as they point to kind of perceptions that tend to be generated by political, intellectual elites and media in candidate countries over the conditionality. The situation only gets worse when this conditionality began to extend to such issues as legacy of the past, facing war crimes and other closely connected to the recent ethnic conflicts. By this, in addition to regular transformative ambitions of the accession process, it was, intentionally or unintentionally, turned into a process of evaluation of the ability of potential candidates to politically, judicially and culturally deal with a legacy of wars in the region during the 1990s.

One of the major outcomes of the additional conditionality is that EU integration of Serbia is turned into a process that a growing segment of population perceives as enforced re-evaluation of the relation to the recent past, even as a forced re-education, with a significant potential to provoke new conflicts. We argue that this way accession

process instead of remaining future oriented and uniting all regional populations under a framework devised and proven to prevent war conflicts, may generate further divisions, tensions or even conflicts. In the end, if we take a look at the perceptions of the actors in the political system and the consequences on the social reality, and not at the projects and the intentions of decision-makers or those who communicate the decisions, the discourse that appears to be fully dominant is that of accession after the change, and not the accession for the sake of change.

2. Democratization by Europeanization: The Specificities of Serbian Context

EU integration process is often perceived as a process of democratisation. It has indeed been that for the countries of Central and Eastern Europe as it began in early 1990s with the fall of Berlin Wall. As pointed out by Sadurski: “One of the important motives that has inclined many in Central and Eastern Europe (CEE) to favour strongly accession to the EU has been the conviction that, once in the Union, their own states will become more robustly democratic. The hope has been that the EU will provide extra protection against authoritarian or totalitarian temptations, that it will help fight corruption, and that it will improve the quality of public administration and the system of justice – put simply, that accession to the Union will help improve and consolidate democracy, the protection of human rights, and the rule of law.” (Sadurski, 2007: 33) For CEE countries, all this came after decades under totalitarian communist regimes and isolation from the West. In that sense, EU was perceived as long awaited departure from the communist past both in terms of political transformation as well as economic reforms.

“Too often, external democracy promotion is seen as self-evidently beneficial assistance to a local process of political adaptation. In fact, the Serbian experience suggests that the actions of external actors become an unavoidable part of the domestic political process itself... democracy-promotion activities cannot simply be gauged according to abstract technical criteria or a set of established ‘best practices’ drawn from other (even if putatively similar) settings. Instead, democracy promoters much recognize the specific political and social circumstances of any given country with which they are working, and they need to be aware of their own role in the arc of events. Serbia’s democratization- with all its fits and starts, frustrations and expectations - has become an inherently and unavoidably *transnational* process.”(Edmunds 2009: 140) On the other hand, the majority of population in Serbia is not awaiting the EU since 1989, when it was awaited by populations of the Warsaw Pact countries. The ambience of democratization brought by the EU to the countries that were once victims of totalitarianism was simply never present in Serbia. As the latest EU poll suggests, for the Serbian population the EU is not mainly a political but an economy proj-

ect, and it is widely perceived as a chance to attain higher living standards and better opportunities in life. (Serbian EU Integration Office, 2012: 7). Only a small fraction of the elite responsible for Serbia's Europeanization is interested in the general rule of law, transparent politics, flexible state governance, respect of human and minority rights etc. For the majority of population in Serbia, the EU accession is not a democratic security against totalitarianism, let alone a warranty of the protection of human rights and the general rule of law. As great majority perceives the Europeanization of Serbia as an economy project, it should not be contaminated with culturally sensitive, identity and moral issues, if the aim is to implement it successfully.

Sadurski argues that "mix of distrust in one's own state and a quasi-mythical trust in 'Brussels' (largely derived from the old, Communist-era conviction that anything coming from the West is good, or at least better) offers a socio-psychological background against which the possible contribution of the accession process to the state of democracy in new member states can be assessed." (Sadurski, 2007: 36)

Different perception of the EU among Serbian population is largely a result of different perception of the Serbian society by its own population in relation to the one that existed among formerly communist CEE countries. When it comes to the relation between Europeanization and democratization, the specificity of the Serbian context, apart from the fact that a stage of democracy development in nation-state has been missed out, lies in the fact that Serbia, as part of the SFR Yugoslavia mainly did not, and does not perceive itself as a country burdened with totalitarian past that awaited for decades for the "salvation from the West". It perceived itself as being "neither East nor West". Yugoslav populations, historically prone to rebellions and having difficulties in accepting authority, were ideologically governed by myths about "self-government" and "nonalignment" as elements of a wider myth about Serbian/Yugoslav singularity. Given the absence of this "quasi-mythical" confidence in Brussels, which derives from the idea that democratic salvation from totalitarianism comes from the West, a part of the elite responsible for democratization did not have this "bonus" on which it could have built confidence in the necessary though unpopular and often economically difficult reforms.

There was a general sentiment that "the improvement of the quality of democracy comprises something more than the simple precondition for accession to the EU... The case of Serbia demonstrates that the relation between Europeanization 'from without' and the democratization process could not be seen either as a linear or as a teleological one, but more as a dialectic with its own characteristics, discrepancies and mainly with its own results." (Đorđević, 2008: 93). However, this "something more" and "its own results" were somewhat lost in a newly created process, which may be best characterized as *-overculturalization of accession criteria* that we turn our attention to in the next section.

3. Accession Criteria Culturalized³

The Copenhagen and Madrid criteria for EU accession were *prima facie* designed to be culturally neutral. Since the commencement of the Stabilization and Association Process for the Western Balkans, new types of conditionality began to emerge, such as rebuilding of regional cooperation, protection of minorities, and repatriation of refugees. As the process is developing, additional criteria tend not to be so technical in their nature but rather culture-related. These “culturalized” criteria are exceptionally prone to political instrumentalization. The culturalization of accession, with identity-bounded issues in the forefront, triggered a “cultural war” on Serbia’s EU accession that is compromising the very process it was supposed to facilitate. Additional criteria, especially those customized for the Western Balkans and for Serbia’s accession in particular, are opening a public debate on issues such as “identity”, “dignity”, “freedom” and “sovereignty”. As such, additional conditionality proved itself mostly as a con-traindicative phenomenon.

Accession to the EU is presented both by public proponents of the EU-integration and international officials in the region not only as political, economic and legal, but also as a cultural change (Milenković, 2010) that requires a significant transformation of the self-perception of prospective members. We see that requirement as the ongoing treat to the fulfilment of the Copenhagen and Madrid accession criteria. Given the fondness of Serbian identity-keeping elites to instrumentalize traditional symbols and values from the very foundation of the modern state till the present day (Nau-mović, 2009) and additional criteria proneness for instrumentalization, we see *additional criteria as a way to prevent fulfilment of the basic accession requirements*.

Only a small fraction of the population sees EU accession as an opportunity to modernize the society, as it is held by the champions of the European discourse in Serbia.⁴ The majority generally sees Serbian candidacy as an opportunity to gain individual economic prosperity. Their motivation to support the EU integration lies in the

³ This part sums up arguments explicated to some length in Milenkovic and Milenkovic, 2013.

⁴ There is a steady tendency in the Serbian official public discourse to equate Europeanization with modernization (Markovic, 2004). As it is stated in the National Strategy issued by the Serbian Government in 2005, “... the road towards the EU is seen as a road towards more modern society with stable democracy and developed economy, and political and economic requirements set by the EU, being consistent with prerequisites for successful political and economic transformation, as a means, not an objective of development” (Serbian European Integration Office, 2005: 6). In the Government’s discourse, accession to the EU is equated with “de-Balkanization” of Serbia in view of the fact that, in public political (media and literary) discourse, the Balkans is perceived as something backward, violent and uncivilized, burdened with dark past and wars (cf. Todorova, 1997), whereas joining the European Union is equated with “overcoming the past and finding a common future” (Kovacevic, 2005: 4; International Commission on the Balkans 2005).

individual interest and it is evident that the majority of population do not believe that the joining should entail a cultural transformation (especially with regard to sensitive issues related to national identity). In a context in which daily news talk of the economic collapse of most of the European economies, it is unlikely that a majority of citizens have motives to support the European integration, which, at the moment, appears to an average citizen as a “sacrifice of the identity without anything to receive in return”.

Culturalization of criteria is taking place through perpetuation of three dominant additional narratives to the Serbian version of European integration discourse – the narrative of regional (Western Balkan, Serbian, Yugoslav) singularity, the narrative of “urge to face the recent past” (mainly the nineties), and the narrative of Serbian moral decline and need of wide societal and cultural “lustration”. If, for the sake of this argument, we analyze them jointly, we come to the conclusion that it was the very way in which the accession process has been presented to the Western Balkan populations, and to the Serbian population in particular, that has probably caused a drastic reduction in then support of the accession, which is evident in all recent opinion polls.⁵

The narrative of the regional singularity entered the EU accession discourse in the late nineties and was established as an official agenda through strategic documents of the EU in the period 1999–2003 and SAA process. By stressing regional cooperation and rebuilding of the relations in the region, with some modifications over the time, it has remained ever since. While it seemed reasonable for the region burdened with problematic recent past to approach the EU “in its own pace”, social reality was not taken into account. Balkan populations, and the Serbian is not the exception, are extremely prone to the myth of national peculiarity. Although typical of every modernist constitution of national identity, the myth of national particularity was externally reactivated by ongoing customization of accession criteria; it reinitiated public interest in it and boosted Europhobic political actors. Although “particularity” underlies in a way every collective identity, it is an especially dangerous issue in the region that is perceived and self-perceived as “Europe’s frontier” (Delanty, 1995: 49). Balkan nations have been fostering the cult of the “European border guards” way back, from the times of wars waged by small Christian states against the growing power of the Ottoman Empire, which is a narrative that grew even stronger in a virtually communicated political issues (Bošković, 1999), and this motif of frontiersmen-heroes that survived into the 19th century has been built into the very core of their national iden-

⁵ The Serbian European Integration Office has regularly followed public attitudes towards EU integration since 2006. The Office tends to correlate the decline in support with the growing economy problems, enlargement fatigue and signs of troubled internal EU relations in the last three years. (Serbian European Integration Office, 2006-2011). Albeit different in terms of distinguishing key factors determining decrease of euro-optimism in contemporary Serbia, our argument complements rather than opposes such analyses.

tities. Balkan populations never fail to highlight their role in “saving Europe” from “Islam” and the “Orient”, seen as a negation of everything European (Aleksov, 2005). Being deeply embedded in the national myth, the picture of oneself as the saviour creates shock, resentment, resistance and defiance in a population facing the Europeanization call. “Ungrateful Europe” demands its centuries-old watchmen, border guards of freedom, to “Europeanize” themselves. She is hence rejecting them, betraying them and redefining them antagonistically. In other words, she “does not understand” them (which was the most common response by Europessimistic or half-hearted informants). In sum, the myth of regional specificity has been (unwillingly) triggered by the strategic documents on “different pace” of the region of the Western Balkans on its way to EU. Paradoxically, the idea that regional specificities should be considered too important to be neglected proved to be ignorant of social and cultural specificities it was meant to indulge. Yet, it poses relatively minor problems, compared to the other two additional narratives.

The narrative of facing the recent past calls for re-problematization of issues regarding dissolution of Yugoslavia and related war atrocities, by questioning received views predominant in Serbian public discourse. It suggests to the population that what they believe about those issues is not true, thus relating European issues directly to those of national “suffering” and “defeat”. It is a risky undertaking, as it suggests that “Europe” “has” a view on those matters, and that the view Europe sticks to is different from the “Serbian” one. Instead of the EU being a positively connoted entity, the narrative suggests that EU has accepted “someone else’s view of the past” which almost automatically reshapes its image as a hostile entity. In this case, culturalization of the accession criteria has contributed to the picture of the EU held, as a goal that requires “too much sacrifice” since it implies renunciation of one’s self-perception, while in return it doesn’t offer even economic stability and long-term prosperity anymore. The use of the second narrative opens up the space for Eurosceptics, Europessimists and overt opponents of the EU to make use of instrumentalization of painful national issues from the recent past. In sum, its reopening in the public discourse gave rise to reactions specifically of those who were to be kept away from the accession process.

The narrative of moral purification, specific for Serbia, acquired its purest form in the radical dichotomization of the society known as “the two Serbias” in a context in which pro-European civil society confronts ideologically both the illiberal state and illiberal NGOs (Naumović, 2005; Kostovicova, 2006). For two decades now, although to no avail, this narrative strives for *whole* population to come to terms with atrocities of the nineties. Even though all the Balkan nations had their share in those atrocities, according to the narrative, the Serbian nation had a special, principal role, having taken part in all of the conflicts considered. Being most morally debased, “it” must also

undergo deepest moral purification. It is defiled and self humiliated, so it must go through catharsis in order to qualify for participation in the civilized world. In the process of preparation for Europe, it must be “decontaminated” and its future status may be considered only after years of quarantine. (Fridman, 2011)

The narrative of moral purification turned out to be the most dangerous one for the process of European integration of Serbia. Insisting on asymmetrical responsibilities of regional populations, after having defined citizens in the region primarily as “part” of the peoples and not as individuals, it is an automatic trigger for the national pride and the discourse of “injustice” done to the Serbs by the “great powers”, including founding-countries of the EU. It is in this dichotomist constellation that discussions and conclusions on accession now lead half of population to Euroscepticism, Europessimism or overt opposition to the EU. It is indicative that this reaction occurs also among students and young professionals, regardless of their educational level. Moreover, results of qualitative research show that the narrative of moral purification immediately irritates the interviewees *regardless of* their preferred political options and with no correlation with the response to the question of whether Serbia should join the EU. Again, as in the previous two narratives of regional particularities and facing the recent past, the narrative of moral purification also poses questions that are not necessarily linked to the issue of European integration and which weigh on this process to congestion.

Unlike narratives of Serbian/Yugoslav singularity and that of facing the recent past, we fear that the narrative of the need for a specific Serbian moral purification poses greatest threat to democratization of Serbia. Although the process of European integration certainly endures cultural war over the preceding two narratives, it is the further insisting on the moral decline and renewal of “Serbs” needing “decontamination” that could permanently prevent “their” European integration. (Milenković and Milenković, 2013). Such an essentialist use of an ethnonym as a technical term is typical in the process we refer to as an “overculturalization”. It is primarily by overculturalization of additional accession criteria that overt opponents of the EU have been given chance to re-enter mainstream politics. It is most likely that in the ongoing Serbian “cultural war” over interpretation of the meaning of Europeanization, it is the Europhobes and Eurosceptics who will prevail if narratives based on use of ethnonyms as technical terms keep framing arguments in the public debates over “the faith of the nation”. So, if Europeanization should be deculturalized, should democracy be de-Europeanized, too?

4. Democracy and Additional Conditionality – A Step Back?

In 2008, Freyburg and Richter observed that “Political developments in South Eastern Europe raise serious doubts that the European Union will be able to repeat its success story of democratization via political conditionality as it is widely acknowledged in Central Eastern Europe” noting that “... incentive based instruments are only

suitable for triggering democratic change under certain domestic preconditions in countries characterized by legacies of ethnic conflict...if national identity contradicts democratic requirements, it will 'block' compliance by framing it as inappropriate action." (Freyburg and Richter, 2008: 1).

Accession is an asymmetrical process, countries are to adopt a wide set of EU legislative provisions they are not able to influence, nor are they able to influence the very rules of accession while being largely dependant on EU financial resources which come attached with conditionality (Anastasakis, 2005: 81). However, he also points out that "Serbia is a typical case of slow development and resistance to change. The country is distrustful of foreign agents and polarized between nationalist protectionism and westernizing reform. Its people feel victimized by regional and international actions and perceive the international community to be one-sided in handling war crimes. This approach diminishes the attractiveness of Europeanization and transition (Anastasakis, 2005: 86).

Unacceptability of asymmetry, or small likelihood that asymmetry will be accepted, is an inevitable aspect of the Serbian context. In the existing constellation, asymmetry of power - term not subject to wider public use and complicated to understand - is portrayed by Eurosceptics and EU opponents as "lack of democracy".

It is recently argued that "the ICTY has had little progressive effect on Serb political leaders, parties, institutional change, or society, due primarily to the staying power of traditional Serb nationalism. This nationalistic perspective views the Serbs as victims and most outsiders, including the ICTY, as the victimizer. There is some progress or liberalization in Serb politics, but not much relatively speaking and little of this change can be linked directly to the ICTY" (McMahon and Forsythe, 2008: 414). In such an atmosphere, clarification of the meaning of democratization was neglected for years in the midst of public disputes over the issues such as "justice for unjustly accused" before the ICTY, for whom it was commonly, and quite successfully, claimed to present "trials for the whole of Serbian nation", even thought those were explicitly prosecutions of two presidents Milošević and Karadžić and Vojislav Šešelj and not "the people". This was actually discourse taken from their stand before the Court and transplanted into Serbian public sphere. As observed by Pridham, after interviewing the high ranked EU official responsible for Western Balkans, EU's political conditionality "confronted sensitive and politically charged issues relating to the past, like the insistence on 'full cooperation' with the International Criminal Tribunal for the former Yugoslavia (ICTY) over handing over alleged war criminals. Rather than as previously handling the past in a pragmatic or functional way, this amounted to a principled demand. It was regarded in EU circles as a symbolic matter indicating the willingness of prospective candidate countries to move on in time and embrace a European future, namely as being relevant to respect for the rule of law" (Pridham,

2008: 64).⁶ Making huge political divides, extremely hostile interpretation of restorative justice has not given satisfactory results in the past decade, trapped in a dangerous gap between trials and blanket amnesty or national amnesia (Nikolić-Ristanović, 2006: 384).⁷

For a large percentage of Serbian electorate, democracy is an issue of equality.⁸ The problem we are pointing to is that an egalitarian perception of commitment to democracy in Serbian population spreads from local polity to international relations. Bearing in mind the long tradition of “resistance” or “defiance” to external governance (ranging from Ottoman and Hapsburg to Nazi, Soviet and finally NATO) and the cult of independence, sovereignty and even exceptionality on global level (“Nonalignment”), embedded through educational system (Stojanović et al. 2010) it is not likely that the “European Union as transnational democracy” will go beyond the status of an elite phenomenon (Kymlicka, 1999).

The stand on the EU accession, and indirectly on the Europeanization of the society, in public discourse has entered a new stage after Kosovo declared independence in 2008. After that, conservative opposition (represented in the Democratic Party of Serbia which led the government from 2004 to 2008, and Serbian Radical Party, whose leader Vojislav Šešelj stands trial before the ICTY) overtly took anti-EU position directly blaming the European Union for the disintegration of Serbia and the attack on its sovereignty. A part of this discourse consists of characterizing the proponents of Serbia’s integration in the EU as “traitors” and people who are ready to give up part of its territory for (vague) economic benefits of integration.

In this “game of sovereignty”, democratization EU style had quite specific role. Instead of having radical leftists and far-right-wingers to oppose Europeanization by defying global capitalism and decline of national sovereignty (Ray and Johnston, 2007), as seen in the case of the countries of the former Warsaw Pact, Europeanization in Serbia is countered by many mainstream political actors who are closer to the centre of political spectrum (having significant support in the electorate). In this way, anti-European sentiment is primarily articulated by the political forces that at the time of struggles to overthrow Milošević’s regime stood as role models of democratic conduct. There lies the specificity of the Serbian context. Europeanization and its participants in Serbia are attacked for being *insufficiently democratic and non-sovereign at*

⁶ An account of ICTY conditionality and attitudes toward the cooperation in Serbia was summarized in 2005 by Massari (Massari, 2005: 266-267).

⁷ For general overview and analysis of the influence of ICTY on Serbian politics see Rajkovic (2011).

⁸ Long-lasting advocate of democratic-as-civilisation standards puts this egalitarian component in the forefront: “The Democratization Department of the Mission promotes democratic practices and egalitarian norms throughout Serbia.” (OSCE Mission to Serbia, <http://www.osce.org/serbia/43348>).

the same time. These discourses of resistance to the “near loss of identity” and “democratic resistance” have joined against the local version of Europeanization process, and the damage is, *inter alia*, done to the democratic component of the Europeanization.

To summarize: in a context in which Serbian society did not “wait for the European Union to democratize it”, unlike other countries of the former Warsaw Pact, and in which Eurosceptics include not only hard-line nationalists and communists, but also mainstream proponents of democracy, such an atmosphere has been created where EU (i.e. its proponents in Serbia) are critically redefined against sovereignty and democracy at the same time. This is not a position in which Europeanization can stand a chance with long awaited goals – building of the nation-state after the disintegration of Yugoslavia and the overthrow of Milošević’s repressive quasi-parliamentarism as a substitute of earlier Tito’s perceived “soft totalitarianism” (Veličković, 2000). Combined, these two criticisms are presently massively opposing (49/51)⁹ the promises of Europeanization and one of them have to be done away with if Serbia is to join the European Union. It seems that Europeanization is losing the battle with the promises of democratic nation state at the moment.

All of this leads us to the next problem, namely that the problem of stagnation or backsliding of democracy in Serbia is not that the majority population does not want democracy, but rather that it wants “too much” of it. They want finally to see it functioning, to experience it, to make it meaningful for the citizens, and not to be perceived as a part of “betrayed expectations” (Jarić, 2005; 2007) in the light of grave disappointment and perceived personal failure to act as a free democratic agents (Greenberg, 2011). Therefore, transnational democracy is a step that the societies behind the Iron Curtain were able to swallow for the sake of a higher goal (alternative to the decades of totalitarianism), but there is a small likelihood that Serbian society is going to do the same.

To summarize yet again – it is no wonder that support to the EU accession among the population is at the lowest point in the last decade, bearing in mind: a) the myth about Serbian/Yugoslav special place between the East and the West and its “nonalignment” that has been nurtured for decades, has left serious consequences on all relevant political actors active in Parliament and is growing stronger in Serbian foreign policy

⁹ Support to the EU accession in Serbia varies depending on current political situation and the escalation of “additional conditionality” at given time and media coverage of the problem. For several years support amounted to two thirds of the electorate during the most of 2000s (Pantic and Pavlovic, 2009: 149) with only 51% in support of Serbia’s integration in the EU, the results from December 2011 were the lowest ever since support is systematically followed. The results of this research can be seen on Serbian European Integration Office website (http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanja_javnog_mnjenja/opinionpoll_december_2011.pdf)

at the moment (Krstić, 2011); b) centuries of Serbian population's unwillingness to accept foreign governance (Ottoman, Hapsburg, Nazi, Soviet, etc.) that is enshrined in Serbian self determination; c) success of Eurosceptic and anti-European elites to characterize external governance as "undemocratic", having framed and scaled down democracy to the national level previously, and having such a notion inherited from political pattern in which democracy and national sovereignty appear as a "package" and remain as one of dominant models of political culture in Serbia, transferred from 19th to 20th and 21st Century (for sources of both diagnosis and a critique, see Jovanović, 2009); as well as d) current financial crisis in the EU, which calls into question the desirability of the EU as an economic project (the only one that is relevant to the majority of the population).

Initial construction of the accession process as a rite of passage has shown its grave deficiencies. The idea that it is good and not bad, practical and not impractical, wise and not naive, to compartmentalize EU accession into a series of smaller steps which are "accomplishments" that are to be "evaluated" and then to reward those who have "attained" it or punish/condition those who oppose, appears to be contraindicative. Inasmuch as the EU proponents strive to picture them as substantial achievements, each of these steps (such as obtaining positive feasibility study or the date for negotiations on the Stabilization and Association Agreement) provides an opportunity for the Eurosceptics and openly anti-European actors to activate "anti-European bombs" and further perpetuate narratives about "treason" and "the end of sovereignty" in public discourse, coupled with narratives on corruption, non-transparency and undemocratic nature of integration process.

Serbia is a particularly interesting, yet complicated case in this respect. Strong tensions between the "two Serbias" (inherited compartmentalization of the elite from the time of war and Milošević's rule) has its consequences left on the accession process. On the one hand, there are opponents of war, who automatically classify nationalists as "undemocratic", "xenophobic", "rural" etc., whereas nationalists, on the other hand, usually pride themselves on being democratic, and take the recreation of Serbian democratic nation state after dissolution of Yugoslavia as a main goal on their political agenda. Hence, all of them, save some marginal fundamentalist movements on the radical left and radical right, declaratively accept the rule of law, democratic values and legacies. And they openly accept them regardless of whether they are nationalists or anti-nationalists. It is in this constellation, in which ex pro-war nationalists strongly believe in democracy, that EU member states that took part in the NATO intervention, as well as the European Commission with its enduring insistence on full cooperation with the ICTY, are labelled as "undemocratic" actors. Their credibility has been undermined in two ways: they are labelled not only as anti-Serbian, but also as undemocratic. So it is the fact that democracy now plays a role as a strong tool

against the international integrations, which marks a clear distinction of Serbian context when compared to standard “from communist totalitarianism to European democracy” model, specific for Central and Eastern European EU member states.

Historical accumulation of periods of real or apparent democracy in Serbia has created context that is much more complex than a simple division between totalitarianism (Warsaw Block) vs. Democracy (EU). Democracy has been re-contextualized in Serbia many times (Janković, 1997). Serbian public discourse does not lack its notions, quite the opposite. As it was already pointed out, after two centuries of alternating periods of authoritarianism and short-lived democracy, the problem of Serbian society is not that it refuses democracy, but rather that it has been waiting for it for too long. In a situation when it evidently began to develop after 2000 with piecemeal construction/renewal of institutions, a vast number of citizens perceive it as inseparable from corruption and criminal, characteristic of newly formed political and business elites. So, democracy Serbian style is the notion vested with negative connotations. Given that during the past decade the EU conditionality was mostly focused on issues that we have characterized as additional conditionality, Serbian citizens saw no room for the elements of EU external governance that are aimed at fighting corruption and organized crime, forming open and accountable government and independent judiciary. Actually, not sufficient enough to be perceived as efficient and elements of the democratization of the society.

As already pointed out, democratization of Serbia and other states formed in the territory of the SFRY is significantly different from the CEE countries. Political system in the former SFR Yugoslavia was not totalitarian to the extent seen in the countries of the Warsaw Pact. Its borders were open and its citizens could relatively freely travel abroad. The degree of cultural openness to the West was significant, along with a notably developed system of social security and slightly visible social differences. Open political terror was absent since mid 1960s, followed by decades of standard growth and development of a specific system that allowed a significant part of the population to participate in decision-making relevant for everyday life in local environments, which has brought about effects that are regarded as positive by a large part of the population.

Following the division in the Communist Party of Serbia in 1988 and after Milošević attained power, a period of light autocracy and pseudo-parliamentarism began. In Serbia there simply was no “great democratic reversal”, which the population would marvel at and thus carried away start to change. After Milošević was ousted in 2000, and following a brief reformativ enthusiasm, the reformers themselves, faced with additional conditionality coupled with identity issues, split on the “principled” nationalists/sovereignists/conservatives, on the one hand, and “pragmatic” liberals, on the other. The division was presented to the public by dichotomisation and per-

sonification as a difference between later assassinated Prime Minister Zoran Djindjic (“pragmatic realist”) and Vojislav Kostunica (“principled legalist”) (Knežević, s.a.), whereat barely commenced democratization was pushed to the side, while questions of patriotism, sovereignty and honour came to the fore. Together with a legacy of decades of soft totalitarianism and ethnic conflicts from the 1990s, disputes about the sovereignty and identity “swallowed” EU-related democratization with their supposed grandeur.

Conclusion: Towards Incentive-based Cultural Change for Serbia

According to Krastev, the development/integration paradigm of EU enlargement “evaluates any new democracy mainly on the basis of its level of institutionalization, and then adds a strong dash of technocratic thinking: Strengthening democratic institutions is seen mostly as a legal and bureaucratic challenge. Policy deliberations and those who win and lose from them are not considered terribly important - the experts already know what the best policies are and feel confident that in the long run they will make everyone a “winner.” Policy implementation is what matters, and here hard constraints such as pegged currencies or shifts to the Euro can be very helpful. In its purest form, the EU integration paradigm views the political challenges in the Balkans in terms of building EU member-states. The institutional environment in the region is judged exclusively in terms of its compatibility with EU norms and standards. (Krastev 2002, 44) In his account of international democracy assistance Carothers points out that it is undergoing a process of diversification and emerges as two distinct overall approaches to assisting democracy: the political approach and the developmental approach. According to him, political approach proceeds from a relatively narrow conception of democracy, with “a view of democratization as a process of political struggle in which democrats work to gain the tipper hand in society over no democrats.” (Carothers, 2009: 5) While this political approach “directs aid at core political processes and institutions - especially elections, political parties, and politically oriented civil society groups, the developmental approach rests on a broader notion of democracy, one that encompasses concerns about equality and justice and the concept of democratization as a slow, iterative process of change involving an interrelated set of political and socioeconomic developments. It favours democracy aid that pursues incremental, long-term change in a wide range of political and socioeconomic sectors, frequently emphasizing governance and the building of a well-functioning state.” (Carothers, 2009: 5-6)

Schimmelfennig is stressing that the effectiveness of political conditionality, in general, depends on three core conditions: the size of international rewards, the size of domestic adoption costs, and the credibility of political conditionality. (Schimmelfennig, 2007: 128) As pointed by Weaver in the context of research into

Serbia accession specificities, interest oriented approach (for democratic and other transformation) applies two models. The first one, the external incentives model, assumes that political elites strategically strive for utility-maximization in order to promote their own power, interests, and survival in which conditionality only guarantees compliance when the incentives provided by the EU outweigh the expected costs to the domestic elites. On the other hand, the norm-oriented social learning model claims that a state adopts EU rules if it perceives them as appropriate and the EU rule transfer policy as legitimate. (Weaver, 2011: 9-11)

The best way for a sustainable Europeanization/democratization/transformation of Serbian society is to combine these two models. It is our main point that incentives to Eurooptimistic elites are insufficient for cultural change (social learning). Therefore, it is most suitable for Serbia to have such a mixture of approaches in which “identity elites” will be stimulated by the EU to implement social learning model, i.e. it needs to stimulate previously unused parts of elite to implement cultural change.

Save in case of people who are both poor and uneducated, in Serbian society there is no significant overlapping between wealth and social reputation necessary to instigate social changes, which restrains solely incentive based approach to a large degree. Those extremely rich, with a few exceptions, are heirs to a Milošević empire. They are mostly recruited from managerial/technocratic circles, with no cultural capital to make significant impact on social change. Moreover, they are immune to typical incitements. Given the current crisis in the EU, they have no incitements to more profound integration, bearing in mind that the access (to steadily diminishing EU funds) is surely not going to bring about economic effects that make it worthwhile to promote further integration and expose oneself to new competition on domestic market. When it comes to cultural and intellectual elite, it has not yet been sufficiently motivated by international models of integration of interests, especially its parts who “serve to the nation” and operate on local identity market solely.

In such constellation, models of incentives given to the local elite so as to generate cultural change and Europeanize the society and in return be given share in European projects and become part of the international administrative/political elite, should be reinforced with: a) clear distinction drawn between sovereignty and democratization, b) clear distinction between Europeanization and moralizing, and c) developing a new type of incentives, which would be aimed not only at the pro-European oriented part of the elite, but also at the part “safeguarding” traditional values, “watching over” national history, culture, language and identity, and generally opposing EU accession (or are characterized as opponents to accession), often providing identity-based argumentation against it. The model of incentives to implement project reforms should be complemented with a model of incentives carried out through EU projects to preserve the identity, cherish national history, culture and language, which can be

based on the already existing EU cultural policy, so it would only be its extension in one or more candidate countries. We have already argued in favour of separating Europeanization from moralization (deculturalization of accession criteria) from a consequentialist standpoint (Milenković and Milenković, 2013). This type of transformation is the adequate opportunity to implement reforms in fields such as regional reconciliation, respect of human and minority rights, fighting corruption etc. “Culturally legitimate elite” that is to undertake cultural change have not been encouraged as far as to carry it out, because they have not been entrusted with it. How to entrust them? By connecting European integration with the protection of national identity. A strategy of “identity protection incentives” is possible, and it can be easily found in existing European policies of sustainable development, regional development, preservation of cultural heritage etc. in which identity holding elite will find sufficient incentives not to hold back EU accession.

We certainly do not propose that the existing model of incentives be abandoned (since it already proved to be successful to the large extent in all cases except in some of the ex-Yugoslav), but rather to be *complemented* with the model of cultural change/social learning model. Cultural change is to be brought about and implemented by both parts of the elite, including those that so far have not been included in the Europeanization. Allies in this project should also be sought among those who are in principle taking stand against the EU accession (or they are perceived in that way) over identity issues. It is culturally legitimate elites who are to be motivated to explain to the population that Serbian identity and culture will be permanently secured under the great, rich and, in terms of security, superior EU umbrella; That in such an environment, made safe for differences, it will freely develop, unlike in isolated, small, vulnerable nation-state, exposed to potential conflicts, and with modest economic potentials.

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ДА ЛИ ДОПУНСКА КОНДИЦИОНАЛНОСТ ПРЕВЕНИРА ПРИСТУПАЊЕ ЕВРОПСКОЈ УНИЈИ? ДЕМОКРАТСКИ „КОРАК УНАЗАД“ РЕПУБЛИКЕ СРБИЈЕ

Иницијатива Западне Балкана у Европску унију у основи је условљена испуњавањем скупа критеријума чији је циљ свеобухватна друштвена промена. Ипак, политика проширења Уније садржи и извесан број дојунских критеријума за земље Западне Балкана, а посебно за Србију. Тај процес смо раније означили као „културализацију“ прискрућених критеријума. Он обухвата измену иницијалних, идентитетски-неутралних критеријума и техничких питања укључивањем суочавања с наслеђем идентитетских конфликта на Балкану. Тако измењени критеријуми представљају значајан изазов за политичке институције у још неконсолидованој демократији. У чланку се анализира начин на који је придруживање Унији, као резултат дојунског условљавања, уместио да ужива друштвени консензус поново отворило идентитетске проблеме, поделило друштво и оснажило дискурс о „суверенитету“, „дуплим стандардима међународне заједнице“ и „неправде учињене Србији у време распада Југославије“. Србија се налази у парадоксалној ситуацији „демократског засвоја“ – потребна јој је консолидација демократије како би достигла политичку стабилност владавине неопходне за спровођење европских реформи, али је нестабилност у којој се налази резултат самог прискрућивања тј. дојунских критеријума и реакција на њих. У питању је теоријски релевантан случај у којем дојунски критеријуми превенирају испуњавање основних критеријума. Даље се у чланку анализира како је овај тренд могуће преокренути делимичном променом бенефицијара европских подстицаја намењених културној промени. Како би одрживо унео промене у неку политичку заједницу, процес екстерне подрике треба да буде отворен у највећој могућој мери. Закључује се да екстерна подрика не треба да покрива само главне политичке, економске и правне актиере, већ треба да укључи и културне актиере, а посебно културно легиимне елите.

Кључне речи: Србија, демократизација, дојунска кондиционалност, европеизација, културна промена