

Promoting Democracy in Serbia — The Limits of EU Conditionality

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JOHN ALLISON, APR 12 2018

Since the fall of the Milošević regime in 2000, Serbia has made some progress in its transition to a more democratic society. However, despite the EU's use of conditionality, Serbia remains far from constituting a consolidated democracy, and recent trends suggest it may be backsliding (Damnjanović, 2017, p.1). This essay will argue that resistance from Serbian elites, linked to historical legacies and statehood issues, Western geopolitical considerations and Serbia's relationship with Russia, has limited the impact of Western democratising influence. The essay will begin by providing some historical background regarding Serbia under the Milošević regime, before considering the state of its democracy today. It will then discuss Levitsky and Way's (2005) theory of linkage and leverage and its relevance to the case of Serbia. The following section will explore domestic factors limiting the EU's influence in Serbia, particularly historical legacies and the issue of Kosovo. Finally, the EU's security interests in Serbia will be considered, along with Serbia's relationship with Russia, to explain why its democratic deficiencies are often ignored in practice.

Having been a republic within communist Yugoslavia since the end of the Second World War, Serbia was, along with Montenegro, left as part of a rump state as other republics declared independence in the early 1990s (Pavlowitch, 2002, p.209). This state was led by Slobodan Milošević throughout the 1990s, whose regime has been characterised as "competitive authoritarianism" (Bieber, 2017, p.42). While elections were held, the regime utilised nationalism and violence to maintain its control over many areas of society, including the economy and the media, and there was widespread corruption and weak rule of law (Miljković and Hoare, 2005, p.192; Pavlaković, 2005, p.22). War was a central part of this era. In the early 1990s, the Milošević regime, with a mixture of the military, paramilitary and organised crime groups, backed ethnic Serbs in both Croatia and Bosnia fighting to resist being separated from Serbia and engaging in 'ethnic cleansing' (Judah, 2009, p.172,200-1,228-230). In the late 1990s, having unilaterally ended Kosovo's autonomous status, Milošević launched a counterinsurgency crackdown against a Kosovar armed rebellion using similar methods (Judah, 2009, pp.163,321,330-1,335). Following a NATO bombing campaign on Serbia in 1999, Milošević withdrew his forces, and the United Nations Interim Administration Mission in Kosovo (UNMIK) was established to oversee the territory. In 2000, the Milošević regime lost its grip on power. Serbia was facing severe economic problems, partly due to the wars and international sanctions, and was left badly damaged by the bombing campaign (Gow and Michalski, 2005, p.149-150). Western influence also played an important role, with numerous Western organisations providing funding and support for the opposition and civil society groups in the months preceding elections (Bunce and Wolchik, 2011, pp.106-7). Elections held in 2000 saw Milošević defeated, and his attempts to cling on to power after this provoked mass protests and strikes, leading him to finally accept his thirteen-year rule was over (Pavlaković, 2005, pp.27-29).

Seventeen years later, Serbia is an electoral democracy with some authoritarian features (Bieber, 2017, p.44). Subotić (2017, p.185) argues that there has been only a limited transition following the end of the Milošević regime, with little meaningful institutional reform of the economy, rule of law and the security sector. The ruling party SNS, led by Aleksandar Vučić, exerts significant control over the media and the judiciary, and it utilised this control, along with political pressure and state resources, to ensure it gained an absolute majority in 2016 parliamentary elections (Damnjanović, 2017, pp.2-3). Despite the SNS professing its commitment to dealing with corruption, little progress has been made, other than the use of anti-corruption to target opposition figures (Cvijić, 2017). The sense of little

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having changed is further confirmed by the fact that Vučić, who was prime minister between 2014 and 2017 and is now the president, was Milošević's information minister during the 1990s (Karnitschnig, 2016). While there are, of course, numerous factors involved in shaping Serbia's transition from authoritarian rule, such as its civil society (Bieber, 2002) and party system (Ramet, 2011, pp.271-5), the following sections address several key obstacles to Western attempts to support further democratisation.

Western democracy promotion in Serbia did not end with the support for opposition to Milošević, and it has continued since then primarily through the EU's engagement. Levitsky and Way's (2005) theoretical framework of international leverage and linkage, which focuses on two aspects of a country's relationships with the West and the effects these can have in encouraging democratisation, is useful for exploring this. Leverage, "governments' vulnerability to external pressure" (2005, p.21), is determined by a state's size and strength, the presence of other Western interests and the availability of alternative sources of support. Linkage is understood as the extent of a country's ties to Western countries and institutions, and it encompasses a range of areas including the economy, geopolitics, and society. Put simply, leverage is a top-down approach, attempting to engender reform by political elites, while linkage is more bottom-up and involves the influence of connections to the West in promoting democratic norms. In terms of Western relations with Serbia, the EU has been the primary actor, and it would appear to have significant leverage over and linkage with Serbia. Since 1999, future membership of the EU has been on the horizon for Serbia (Vachudova, 2009, p.92). Given the opportunities for economic investment and development available through EU membership, this could be transformative for Serbia's relatively weak economy (Economides and Ker-Lindsay, 2015, p.1037). The EU, through political conditionality, has therefore sought to incentivise democratic reform in Serbia, and it has had some effect. As Subotić (2017, p.166) highlights, most of the democratic progress that has made by Serbia since 2000 has been due to the EU's use of this leverage. The EU also has significant economic linkages with Serbia in terms of trade and investment, as well as being a major destination for workers and students (Nelaeva and Semenov, 2016, p.67). While public support has varied over time, a recent poll saw 52% for EU membership and 24% against (RSMEI, 2017, p.4). The question remains, however, why the EU's apparently extensive linkage and leverage have not been more successful in encouraging democracy in Serbia.

Firstly, there has been domestic resistance in Serbia to further democratisation. This partly stems from the events of 2000, when many key actors shifted support to the opposition as it became clear that Milošević was going to lose power (Bieber, 2017, p.42; Bunce and Wolchik, 2011, pp.110,112). These actors included the politically-influential business oligarchy and the paramilitary and organised crime groups that had become merged with state security structures (Miljković and Hoare, 2005, pp.202, 218, 221-2). This enabled them to retain their influence and to resist more serious reform. Their ties to political actors have also protected them, particularly given the fact that some, like Vučić, were ministers in the Milošević regime. Fundamentally, therefore, Serbian political elites have resisted further democratic reform. However, many previously illiberal elites in East and Central Europe have been convinced to enact reforms by the EU's conditionality mechanism and the goal of EU membership (Vachudova, 2009, pp.97-98). The EU's leverage has proved less effective in the case of Serbia, and there are two key reasons for this which are closely related to Serbian national identity – historical legacies and territorial issues. Freyburg and Richter (2010, pp.275-6) argue that where EU conditionality criteria require actions that challenge a country's national identity, full compliance is much less likely. While the material benefits of the end goal of EU membership may be attractive, the politically sensitive nature of these requirements makes them difficult to accept. This dynamic is clearly visible in Serbia.

Serbia's transition from the Milošević regime has been deeply affected by its historical legacies. While the section above highlighted some of Serbia's structural legacies, it has also faced the question of how to deal with its role in the 1990s wars. These would be difficult matters to confront even where elites were fully committed to doing so, but the significant continuity from the previous regime made this especially difficult. In addition, Milošević's downfall was not a rejection of his use of nationalism, and many of the new elites have shared this characteristic (Bieber, 2017, p.42). Confronting the atrocities committed during the war threatened the national identity that had been developed under Milošević, with its focus on Serb victimhood (Gordy, 2005, pp.166; Ramet, 2005, p.134). Nonetheless, the international community has sought to ensure Serbia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). While moderates in the coalition government were initially successful in extraditing Milošević in 2001, their leader, Prime Minister Djindjic, was assassinated by an organised crime group in 2003

Promoting Democracy in Serbia — The Limits of EU Conditionality

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seeking to prevent further cooperation with the ICTY (Subotić, 2009, pp.45-46,75-76). The subsequent resurgence of nationalist parties saw the number of arrests, and the democratic reform process, stall. This issue has also been a key part of the EU's engagement with Serbia, as it made progress in accession negotiations conditional on Serbia's full cooperation with the ICTY (Stahl, 2013, pp.450,456-8). For several years, Serbia's refusal to arrest the remaining suspects limited progress in the accession process, until it eventually relented in the late 2000s. Nonetheless, resistance over this issue diminished the effectiveness of the EU's conditionality on Serbian democracy for some time.

Unresolved territorial questions have also caused problems for the consolidation of democracy in Serbia. While the status of Montenegro remained a political concern until its union with Serbia was dissolved in 2006, the dispute over Kosovo's status has played an important role in Serbian politics throughout the post-Milošević era (Bieber, 2017, p.43). Since the war, Kosovo has been formally under the control of UNMIK and, especially since the 2008 declaration of independence, increasingly governed by Kosovars (Crampton, 2012, pp.159,172). Serbia has refused to accept formally the de-facto independence of Kosovo, and the preamble of its 2006 constitution explicitly defines Kosovo as "an integral part of Serbia" (Government of Serbia, 2006, p.9). The territorial dispute keeps the subject of national identity central to Serbian politics. Kosovo represents not just territory, but also, in mythologised form, a central element of the dominant construction of modern Serbian national identity (Di Lellio, 2009, p.375). As such, it frames Serbian politics, and nationalist appeals to the Kosovo issue continue to be an effective way of gaining support. This matter has had an important impact on the EU's relationship with Serbia. The EU, seeking to avoid absorbing another unresolved territorial dispute like it did with Cyprus, made the normalisation of relations with Kosovo a requirement for Serbia to gain formal accession candidate status (Stahl, 2013, pp.459,463). This has had a significant impact on the EU's ability to incentivise democratic change in Serbia, with successive governments refusing any compromise. Finally, in 2013 the Serbian government signed a normalisation agreement with Kosovo, and it was consequently granted formal EU candidate status in 2014 (Subotić, 2017, p.179). This agreement was, however, vague enough to allow each side to declare victory, with Serbian elites portraying it domestically as a stabilisation of the status quo rather than any kind of recognition of Kosovo's independence. The implementation of the agreement has also been delayed, and intermittent EU-backed talks continue (Yabanci, p.358). It is thus clear that this question has not yet been 'solved'. Indeed, given the domestic political salience of Kosovo, it is difficult to see Serbian elites making serious concessions over it, however much they portray themselves as pro-EU – as Vučić does today (Cvijić, 2017). The focus on the Kosovo issue, and previously on cooperation with the ICTY, has instead allowed Serbian political elites to divert attention from their inaction regarding necessary democratic reforms in areas such as the rule of law and media freedoms.

Serbian elites' ability to divert attention to other matters, particularly Kosovo, has been enabled by another factor that limits the effectiveness of the EU's political conditionality Serbia – its desire for stability. This links to Levitsky and Way's (2005) point above regarding the presence of other Western interests affecting its leverage. As Bieber (2018, p.179) argues, the EU's priority in the Western Balkans has been to ensure geopolitical stability rather than liberal democracy. The EU is wary of ongoing tensions in the region, and the Serbian government gains legitimacy by presenting itself as a stabilising factor, despite the lack of democratic progress. To maintain this position, they must balance demonstrating to the West their commitment to stability with ensuring there is continued instability. The Kosovo issue is instrumentalised to do exactly this (Di Lellio, 2009, p.375). Despite signing an agreement on normalising relations in 2013 and engaging in intermittent EU-sponsored talks with Kosovo, Serbian elites also stir up tension. An example of this can be seen in the 2017 diplomatic incident where a train covered in the slogan "Kosovo is Serbia" was dispatched from Belgrade towards North Kosovo, only to be stopped at the Kosovan border (Delauney, 2017). This was followed by provocative rhetoric from the then Serbian President Nikolić regarding military threat, while the then Prime Minister Vučić took a more conciliatory tone and proposed opening a hotline between the Serbian and Kosovan governments. The incident thus served to highlight the threat of conflict, while also allowing Vučić to portray himself to the EU as a source of stability, which is indeed how he is perceived (Cvijić, 2017). Serbian elites have therefore been able to resist democratising pressure from the EU by generating crises and then presenting themselves as stabilising actors.

To understand the EU's approach in Serbia, it is also important to consider the role of Russia. Levitsky and Way (2005) highlight the role of alternative sources of support as reducing the effect of Western leverage. In terms of

Promoting Democracy in Serbia — The Limits of EU Conditionality

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leverage, Russia has much less economically to offer Serbia than the EU, though it does have significant economic linkages, particularly in the energy market (Nelaeva and Semenov, 2016, pp.64,66-67). Russian influence in Serbia works primarily through linkages. Russia has been a key diplomatic support for Serbia over the Kosovo issue, supporting its non-recognition in the UN Security Council (Zivanovic, 2018a). Anti-NATO sentiments in Serbia, following its bombing campaign during the war, also incline much of the Serbian population more towards Russia (Nelaeva and Semenov, 2016, p.67). In addition, there are extensive historical and cultural ties between the countries, with their shared Slavic roots and Orthodox Christianity, and the Russian media is influential (Zivanovic, 2018a; Wintour, 2018). It is at this point worth noting Tolstrup's (2013) critique of Levitsky and Way's (2005) conception of linkage, which he argues is too structural and ignores the role of "gatekeeper elites" in strategically utilising linkages. Connected to the argument in the section above, Bieber (2018, p.184) contends that Serbian ties to Russia are instrumentalised by Serbian elites to keep the EU's focus on geopolitical stability, rather than democratic reforms. This is not to deny that Russia has genuine linkages with Serbia that could affect geopolitics in the region, as the recent signing of security agreements suggests (Zivanovic, 2018b). However, it seems clear that Russia does not represent an alternative to the EU for Serbia, at least economically, but it rather serves a useful role in pressuring the EU into a more lenient approach. Meanwhile, a Serbian delegation's visit to observe Russian elections does not bode well for democracy in the country (Zivanovic, 2018c). The combination of the EU's geopolitical fears and Russian linkages has thus enabled Serbian elites to continue to insist verbally on its commitment to EU accession while making very limited and slow progress in implementing democratic reforms.

Despite attempts by the EU to use its influence through conditionality, the quality of democracy in Serbia remains poor and appears to be declining. The resistance of Serbian elites to EU pressure has been enabled by a combination of factors. Firstly, EU engagement with Serbia has focused on its historical legacies and the Kosovo issue, both of which are politically sensitive and linked to Serbian national identity, and this has limited progress and allowed Serbia's leaders to divert attention from its democratic deficiencies. The EU's leverage has also been undermined by its own prioritising of geopolitics over democracy, which Serbian politicians can exploit. Finally, Serbia's relationship with Russia offers it some alternative support to resist EU pressure to democratise further and perpetuates the EU's focus on security concerns. Therefore, while the EU recently announced a target date of 2025 for Serbia's full membership (Rankin, 2018), it seems unlikely that this demonstration of intent will provoke democratic progress in Serbia.

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Promoting Democracy in Serbia — The Limits of EU Conditionality

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Promoting Democracy in Serbia — The Limits of EU Conditionality

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