

EU INTEGRATION PROCESS OF SERBIA: A VICIOUS CIRCLE OF HIGH POLITICS?

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Abstract: This paper examines the development of relations between the EU and Serbia, which have been subjected to evaluation in both the Copenhagen criteria and the high-political conditions in the domains of post-conflict-recovery, statehood-challenges and territorial integrity. The research question is: how has the EU focus on high-political challenges reflected on the deepening of relations with Serbia and the country's membership credibility? The author aims to show that the focus on high-political challenges correlates with the fact that the EU's approach-towards the WB has remained primarily aimed at stabilization, rather than democratization. Through the Europeanization theoretical approach, comparisons in applying the conditionality principles through the "eastern" EU enlargements, as well as the realist paradigm, the author intends to explain the European focus on the high political domain additionally. As a result of largely prioritizing the high-political challenges and stability aspects over the fundamentally important areas such as the rule of law, the judiciary, etc., the transformation process in Serbia has been insufficiently deep and has remained incomplete in those domains. Likewise, the successful overcoming of some high-political-challenges has not speeded up the lengthy European path but has largely resulted in less negative conditionality. In conclusion, the author considers that the overcoming of the specifically demanding and high-risk challenges in the political domain should be more proportionally compensated, which would be beneficial for maintaining progress in reforms, especially in case the EU's focus in the upcoming years turns from stabilization towards democratization.

Key words: political conditionality, criteria, stabilization, high politics, membership, credibility, incentives, challenges.

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INTRODUCTORY REMARKS: HIGH POLITICS, FIRST AND FOREMOST

For the past two decades, the European integration process of Serbia significantly correlated with the high-political challenges, which remained as a legacy of the regional conflicts and hindered the transformation and reform processes. Apart from the political part of the Copenhagen criteria (human and minority rights, the rule of law, institutional stability, etc.), Brussels has designed additional political conditions for the so-called Western Balkan (WB) countries in the domain of post-conflict-recovery, such as the cooperation with the ICTY, commitment to regional cooperation, good neighborly relations, etc. (Rangelov, 2006, p.366). Apart from the association domain as seen in Central Europe (CE), the stability aspect, tied to the perception of the region as a post-war area, constituted the second part of the EU's Stabilization and Association Process with the WB (Grimm, Lou-Mathis, 2015, p.921). Due to numerous high-political challenges, this aspect has long remained prioritized by Brussels (Radić Milosavljević, 2019, p.10). That also applies to Serbia even though the country has since 2014 been included in a more advanced stage of the European integration process - the membership negotiations (Mišćević, 2016, p.71). These high political issues and the EU focus on stabilization will constitute the subject of this paper.

Both Croatian and Serbian EU accession paths have been evaluated based on the fulfillment of the ICTY criteria, although the European integration process of Serbia has stagnated several years solely due to unfavorable evaluation of these criteria (Dragišić, 2008, p. 157; Djurkovic, 2018, pp. 45-46). Likewise, Serbia needed to address additional issues to avoid some sort of sanctioning by the EU, which included the statehood challenges (status of the Federal Republic of Yugoslavia - FRY, Serbia-Montenegro relations.) and a territorial dispute (the unilateral secession of Priština). This combination has made the European integration process particularly challenging for Serbia, as (insufficient) progress in these areas has reflected unfavorably on the overall process. High political nature of the Serbian integration has manifested largely in a negative manner, whereas the successful completion of some serious challenges has not been valued proportionally to the invested efforts, which will be further elaborated.

The research question is defined as follows: how has the EU focus on high political challenges reflected on the deepening of relations with Serbia and the country's membership credibility? The European integration process of Serbia reveals several things: firstly, high-political challenges have had a prominent place in determining the next steps towards joining the EU, as a result of the continued primary focus on stability in the WB. By conditioning the candidates in the stabilization domain, the EU encourages them to overcome the post-war context,

but at the same time, conditions in this domain serve as a tool for keeping the candidates (with unresolved high political issues) away from membership. The EU's focus on conditionality in the domain of stabilization will be addressed in more detail in the theoretical section of this paper.

Secondly, the author hypothesizes that the completion of high-political tasks has not been evaluated positively enough in terms of immediate or substantial rewards. To improve the currently reduced credibility of the EU membership perspective, these tasks should be evaluated positively. The aspect of credibility is connected to the aspect of reward; conditionality is likely to be effective if the rewards are substantial and proximate, rather than smaller and distant (Schimmelfennig & Sedelmeier, 2019). The solving of complex problems regarding statehood (joint state) and dealing with the past (ICTY), despite their sensitivity, did not bring Serbia “extra points”, despite the invested years and high-risk efforts. Rather than bringing more substantial rewards, in the case of a successful outcome, the process has so far reflected mostly in abstaining from the use of negative conditionality, as will be illustrated in the further chapters. The meaning of the term “negative conditioning” in this paper is tied to the application of negative actions if not meeting the standards (for example, postponing/blocking chapter-opening /closing, etc.), whereas the “positive conditioning” is related to the positive actions (for Serbia, this could mean setting the target date for the conclusion of membership negotiations or making the evaluation process less exposed to high political decisions in case of opening of each negotiation chapter). Based on the history of its relations with the EU, at this point it can be expected that a major remaining high political condition – the process of completing the normalization of ties with Priština - also would not result in more tangible rewards for Serbia, but is likely to contribute only to the decrease of the negative conditioning. The EU has so far attempted to compensate for the distant membership perspective of the WB with sectoral incentives such as the visa liberalization or energy projects (Schimmelfennig & Sedelmeier, 2019). However, apart from not being proportional to the high-political risks and efforts, the sectoral and short-term incentives cannot overshadow the lack of progress towards less inhibited opening of the negotiation chapters, towards concluding the accession talks or setting a more precise EU membership date for Serbia. In the case of Serbia, the author argues that the incentives during the remaining part of the stabilization period of European integrations should reflect the high-risk and complexity of the remaining political challenges. Following the successful overcoming of the high political issues, the EU integration process could proceed with a focus on fulfilling the Copenhagen criteria.

Thirdly, the example of Montenegro (which is perceived as a regional front-runner in the domain of European integration) shows that the country has yet

to fulfill the conditions which could lead to obtaining closing benchmarks for chapters 23 and 24, after which the process could gradually enter the final stage of concluding the negotiations through each chapter (Cuckić, 2019). Even though Montenegro is predominantly subjected to the conditionality in the democratization domain (rather than stabilization, in the absence of major high-political issues which burden the rest of the region), its long accession negotiations and prolonged reform process are not stimulating for the rest of the WB. Regardless of whether the EU currently prioritizes the domain of stabilization or democratization in its relation with the WB, the credibility of the membership perspective needs to be improved. Although the enlargement policy has not been an EU priority for at least a decade, it is necessary to convince the candidates that they have a European future by facilitating their accession process, and encouraging their transformation efforts through the application of positive conditionality, rather than making the EU membership perspective even more demotivating and distant. The EU's focus on high-political challenges and its implications in the European integration process of Serbia will be more closely analyzed in the next chapters.

THEORETICAL BACKGROUND

In its relations with the WB countries, the European Union has been focused to a large extent on maintaining stability and security in the region, which can be analyzed through the realist paradigm. These domains form part of the “high-politics”, which, from the realist perspective, constitutes the most relevant subject of study in international affairs. There are several reasons why the EU concentrates on high-political aspects in relations with Serbia. Firstly, Serbia belongs to a post-conflict region which remains exposed to challenges in the domains of territorial integrity, statehood, interethnic distrust and peace-building even two decades after the wars. The majority of the WB states, including Serbia, have unresolved issues which can be considered “high-political”. Their failure to overcome (some of) these challenges has left them exposed to instability and uncertainty, which reflects in their unfavorable international position, including their inability to meet the standards required by the European integration process.

Secondly, the EU is not only interested in overcoming the war legacy in the region but is also worried regarding the potential impact of “importing” the political instability and uncertainty. When analyzing the lack of political willingness of the EU to consider the need for revitalizing the lengthy accession procedures for countries like Serbia or even Montenegro, it is important to note that the area is to a large degree still perceived as a potentially destabilizing region by the EU, for which reason it retains its conditions in the stabilization domain. Although the EU has traditionally been associated with notions of stability and

prosperity, in recent years the Union itself has also been faced with issues which challenge its own political and economic functioning. Any change in EU's borders requires high-political caution and careful consideration in European institutions; this is not only applicable for the aspirations of the WB states to join the Union, but also for Brexit, where the EU is concerned regarding the potential economic and political disturbances of the withdrawal of the UK. The European interest to preserve the stability and predictability of its political and economic order, coupled with the insufficient progress in meeting the Copenhagen and other criteria in the WB, results in the stagnant state of the enlargement policy.

The EU interest in securing the stability of the region is logical, having in mind the geographical and other proximity. However, the lengthy accession paths of the WB and the fact that some high political issues remain unresolved show that the EU normative and other power is not so convincing in that region. The EU influence in the countries which belong to the enlargement policy has traditionally been very strong. However, having in mind the post-conflict challenges of the region and the duration of the WB accession efforts (compared to the CE enlargement round), to the author of this paper, it appears that the EU has primarily contributed to the stabilization, but insufficiently to the fundamental transformation of the region which would bring it closer to the EU membership. The realist paradigm is beneficial for illustrating the nature of the EU focus and political interest in the stabilization of the WB region. However, it is not entirely sufficient to portray the altered application of the conditionality principle in the WB. To the author of this paper, the realist perspective is more useful in addressing the question “why” the EU has been continuously focusing on the high political domain. On the other hand, the Europeanization approach is useful in depicting “how” the EU has been encouraging or conditioning the WB candidates to fulfill certain tasks, apart from also addressing the “why” part. Also, to the author of this paper, the realist perspective is useful in showing why the EU maintains a “safe” distance from its membership candidates (for example, security concerns, lack of EU common stance for the faster admission of the WB, etc.). On the other hand, the Europeanization concept is used to show a slightly different perspective – how the EU approach has not been sufficient in bringing the WB candidates closer to their once-promised membership.

The EU approach towards the WB, including Serbia, can be additionally explained through the Europeanization process and its external incentives model (Schimmelfennig & Sedelmeier, 2019). The slow progress and systematic setbacks in the current enlargement agenda question whether the EU can replicate its Europeanization success from Central Europe in the WB (Ibid.). Schimmelfennig and Sedelmeier argue that although the pre-accession contexts and size of awards of these two regions have largely resembled, in the case of the WB the domestic adoption costs are higher and the credibility of the membership perspective is

reduced, which reflects on the WB European integration course (Ibid.). The adoption costs in the aspect of overcoming high-political challenges which Serbia has been facing are very large and risky and extend not only to the political domain but also to other areas of social life. Apart from the differences in terms of domestic adoption costs and the credibility of a membership perspective, the author also points out that the pre-accession context and the size of award (EU entry) have not been identical. Whereas in CE the EU additionally encouraged the applicants to reform by formally recognizing their target date for joining the Union, in the case of the WB, the date has not been set (despite the hypothetical option with 2025 as an indicative date, which is by no means guaranteed). In that regard, Schimmelfennig and Sedelmeier also indicate that although there is no difference in terms of a promised membership perspective for both regions, the quest for stability and integration for the WB would keep the EU engaged, but this would not create an unconditional push towards the enlargement (Schimmelfennig & Sedelmeier, 2019.). Although member-states do not oppose the WB membership perspective, the bilateral conflicts in the region (which do not have much to do with the formal membership conditions), have prolonged the accession process; this is also evident in the state of Belgrade-Priština relations (Ibid, p.11).

During the previous three decades, the Europeanization concept started to be growingly perceived as a “top-down” approach, intended to explain how the countries changed in response to incentives and commitments from the supranational level (De Flers, Müller, 2010). In tracking down the success of Europeanization, one important aspect is the “goodness of fit” argument, which ties the progress of this domain with a (growing) degree of compatibility with the EU (Ibid.). This may apply to a candidate country such as Serbia (externally) or to a member-state deepening its integration. The “top-down” pressuring to adapt to EU standards is realized largely through the conditionality principle. The scope of application of that principle has not been uniform. Within the enlargement context, the conditions have evolved from vaguely-defined “pluralist democracy and respect for human rights“ in Southern Europe, over the Copenhagen and Madrid Council’s criteria for Central Europe, to additional criteria in post-conflict recovery for the WB (Papakostas, 2012). In other words, both the criteria and the use of conditionality as an instrument for encouraging reform processes in the EU candidate countries have evolved and have extended into additional areas and standards over time.

In the context of Europeanization and its external incentive approach, the outcome of political conditionality is connected to several aspects, such as the EU membership perspective, the normative aspect of the enlargement policy towards the candidates and the costs of adopting and implementing EU-based reforms and standards (Kovačević, 2011, p.24). More precisely, the external

incentives model follows the assumption that the EU encourages Europeanization through sanctions and rewards that affect the cost-benefit analyses in the candidate countries, and correlates the adoption of EU rules with the size of awards, the credibility of conditionality and size of adjustment costs. (Schimmelfennig & Sedelmeier, 2019).

The authors like Schimmelfennig argue that the reasons for the prolonged process in European integration reform processes in the WB are largely also due to war legacy, including, in the case of Serbia, the challenging aspect of cooperation with the ICTY and the status of Kosovo-Metohija (Kovačević, 2011, p.24). These high-political challenges, apart from the general membership criteria applied in the case of Central Europe, have additionally inhibited the progress of Serbia on its EU path. On one hand, the WB countries are post-conflict societies with nation-building and statehood challenges. Some of these high political issues had been so challenging that the EU became – and remained – very concerned regarding the ability of the region to overcome its conflict legacy and sustain peace and stability. Unlike the WB, generally speaking, the CE countries did not have a violent recent history, nor major unresolved high political issues which could have disrupted their region's stability and their EU accession goals. Whereas during the 1990s the CE countries were engaged in the post-communist transition, the remodeling of their institutions and working on greater compliance and implementation with the *acquis*, the Southeastern European region has been the most unstable and insecure part of the continent. Unlike the CE region, where countries have been deepening regional cooperation within initiatives such as the Visegrad Group in parallel with their European integration process, many WB countries have long perceived some of their neighbors as security threats, rather than potential partners, due to recent conflicts. Whereas the EU has been successful in encouraging the post-communist transition and remodeling of institutions in CE (within a relatively short time frame from 1989-2004), unfortunately, it has not been too successful in securing the regional reconciliation and overcoming of high political issues in the WB during the past two decades.

The role of context is very important, so the CE candidates cannot be simply equalized to the WB (Schimmelfennig, Sedelmeier, 2004, p.676). The enlargement policy has not treated the two regions identically. This is because as part of its SAA process, the WB countries apart from the Copenhagen criteria also need to satisfy the post-conflict criteria. The aspect of cooperation with the ICTY has represented an important condition in the accession processes of Serbia and Croatia. There are also opinions that certain ICTY decisions and their „timing“ had been used to influence the political processes in post-Yugoslav countries, including those related to their European integration ambitions. (Djurkovic, 2018, p.33). In the WB, the EU has adapted its approach by applying stricter

conditionality starting from the early stage of relations and adding new political criteria, by fusing together conditions from different areas (politics, economics, normative...) and, to a certain degree, arbitrarily applying the conditionality on an individual basis (Kovačević, 2011, p.28). Since during the process of deepening of relations with the WB candidates the EU has introduced a more strict conditionality and started applying it earlier, and in additional domains (political and other), the European integration process of that region has not only become additionally challenging but also slower than in case of the CE candidates. One of the examples is North Macedonia, which despite being an EU membership candidate since 2005 has not yet been granted the opening of EU accession negotiations.

Political conditioning in its positive form is based on a correlation between motivating with incentives or benefits, in exchange for fulfilling the conditions in domains like the rule of law, democratic governance or practical politics. Unlike the WB region, the Central European countries have been motivated by pre-defined entry date and less conditioned opening of negotiation chapters. Likewise, conditionality is also manifested negatively – pressuring to perform certain tasks or else the award may be cancelled or sanctioned in the case of non-compliance. This aspect has been particularly present in the case of the Serbian EU accession path, which has been characterized by delays, suspensions or freezing further integration steps, as described in the next chapters.

As regards the application of the conditionality principle, the vagueness of the Copenhagen criteria allows space for interpreting certain aspects as priorities for reform (Djurkovic, 2018, pp.33-34). The post-conflict conditions for the WB (“good neighboring relations”) are also set in a manner that may be flexibly interpreted by the EU. Today’s enlargement countries are exposed to stricter and more negative conditionality in more areas, which, taking their modest democratic traditions and authoritarian legacy, state-building issues, weak institutions, post-war context, and the unwillingness of Brussels to provide greater support for their Europeanization efforts, results in the insufficient and the prolonged reform process. These challenges make the European path of the WB countries different than their CE neighbors. Likewise, in CE the so-called “veto players” (especially groups which influence extends into the high-politics) were weaker than in the pre-accession WB states; also, the pro-European decision-makers were faced with less political opposition during the implementation of the accession-process reforms (Kovačević, 2019, pp.27-28).

The focus of relations with the WB seems to be primarily the preservation of peace and guaranteeing stability, rather than moving on to building democratic systems (Ibid, 40). Instead of changing the approach from supporting stabilization to building democracy, the EU’s approach has remained entrapped in the stabilization mode, which has not allowed the countries to proceed much further

from that setting; in other words, stability has remained a top priority. Demanding conditions in the domains of stabilization and association and reluctant and distant membership perspective is making the conditionality aspect and the entire process lengthy and less successful than in CE (Kovačević, 2011, p. 34).

This is troublesome for Serbia and the region for two reasons. Firstly, focus on stabilization does not support the overcoming of high-political challenges, but keeps them in a dormant state, unsolved, but yet highly politically relevant. Addressing high-political challenges could cause instability, so the EU has throughout years carefully monitored those processes not insisting on speed but on the process itself. This has resulted in prolongation of both the addressing some of these problems and the prolongation of the integration process as such.

Secondly, the high-political issues have diverted the attention from the fulfillment of the Copenhagen and Madrid Councils criteria; even though the stabilization process is formally primarily tied to the negotiation of the SAA rather than later stages of the integration process, the presence of high-political concerns such as relations between Belgrade and Priština seem to anchor the development within the regional stability context, whereas other priority areas such as the rule of law, judiciary, etc. remain insufficiently addressed, and these domains remain insufficiently developed. This is a result of the focus of Brussels, as well as the Serbian governments throughout the period, on the stability aspect rather than democratic development, so the transformative results in other domains have been insufficient. Stability part of the process remained more important than the democratic transformation aspect.

On the other hand, it should be noted that the enlargement policy currently represents a highly unattractive and non-priority issue for the EU. Even if Serbia starts increasing its efforts towards the deeper transformation of the political, legal and economic system, the EU will remain largely uneager to welcome new member countries in the current context. Each step in the accession negotiation process is more strictly evaluated than before, including opening and closing benchmarks, easier exposure to member-state veto, and so on (Mišćević, 2016, p. 74). Although the formal membership perspective exists, the credibility of accession has been lower than in case of the several preceding enlargement rounds, as a consequence of the unfavorable public opinion towards further enlargements, the lack of consensus among member states, bilateral conflicts with some of the WB countries and the weakened institutional commitment by the European Commission (Schimmelfennig & Sedelmeier, 2019). Additional conditions related to state-building, more detailed benchmarks for monitoring the reform progress, and higher political and administrative costs for the WB (which entered the European integration from a lower base than Central Europe), without more substantial and imminent rewards, have made the Europeanization process and conditionality less effective in the region, including Serbia, comparing

to the earlier EU enlargement cycles (Ibid.). The combination of higher adoption costs and the lower credibility of EU conditionality, coupled with the additional criteria such as fulfilling the post-conflict conditions and overcoming the regional disputes, makes the European integration process of Serbia more challenging and more high-political compared to its Central European neighbors at the beginning of this century.

TWO DECADES OF OVERCOMING THE OBSTACLES

As part of its stabilization approach, the EU had tailored an additional set of conditions in the domain of post-conflict recovery which the WB countries needed to fulfill to achieve progress in their European integration processes. Almost two decades later, the EU still perceives the WB region as a post-conflict zone with numerous high-political challenges. The Union uses the political instability argument and maintains its stabilization approach both to encourage progress towards resolving the high-political disputes and to keep the candidate countries away from EU membership at least until these issues have been properly resolved. The EU is not interested in importing additional instability by admitting new countries with unresolved high political issues, so it has been applying the stabilization mode towards the WB states for the past two decades. Apart from that, as there is no political will among member states and the EU to make the membership perspective for the WB states more proximate and more credible, the state of the current enlargement agenda is not satisfying compared to the previous enlargement cycles.

However, apart from stability and security concerns, the European Union lacks the political consensus to introduce changes to the enlargement policy in terms of more credible and more proximate membership perspective. Having in mind those two elements – the continued perception of the WB as a high-politically-problematic region and the lack of EU consensus to create a more “welcoming” and supportive enlargement approach, the European integration process of Serbia is not progressing evenly in all areas and remains burdened with high-political challenges. This chapter contains a closer overview of relations between Serbia and the EU in the context of high-political challenges in the domains of statehood, dealing with the recent past and territorial integrity.

In June 2000, the European Council in Feira recognized all WB countries as potential EU membership candidates (EC 2000). Several months later the October overthrow in Belgrade ended the oppressive presidency of Slobodan Milošević, which marked the beginning of gradual deepening of ties with the EU. The reintegration of the Federal Republic of Yugoslavia (FRY) into international community was quickly crowned by the UN and the Council of Europe admissions. Likewise, the Zagreb Summit underlined the political

willingness of the WB for membership (EC 2000). However, although a decade of sanctions has ended, the years of isolation and conflicts, combined with high-level domestic challenges, have inhibited a fast-track accession to organizations such as the EU. Whereas its northern neighbors have been concluding their accession negotiations, for years Belgrade has not even been granted to initiate the EU association talks, aimed at raising relations through the SAA, largely due to lack of progress in high-political domain.

Firstly, the FRY was conditioned by the European Union to address its statehood challenge, which has for years paralyzed the federal institutions. This also required Podgorica to participate in strategic considerations, since its representatives had been boycotting federal institutions. Following a period of mediation, the EU brokered the signing of the Belgrade agreement (2002), which devolved the FRY into a provisional community, the State Union of Serbia and Montenegro. A dual-track approach was invented to accommodate both constituencies to develop relations with the Union autonomously, as their economic systems have largely grown apart. Unlike many officials in Belgrade, the official Podgorica perceived the Belgrade Agreement as a temporary solution and a step towards independence, and the ignoring of the shared institutions continued (Slavujević, 2019). Part of the international community seems to have been reluctant to rush with a redraw of the borders in the Balkans, as some viewed that the Montenegrin independence could spill over to the UN-administered Kosovo-Metohija, which has for decades been among chief neuralgic places in the region (Kovačević, 2011, p. 27; Hudson, 2006). In addition, the assassination of the pro-Western PM of Serbia, Dr. Zoran Đinđić in 2003 temporarily pushed Serbia into instability and fear of a possible political upheaval. The situation in Serbia has shown the European Union that the circumstances are not only far from stable, but also prone to escalate, especially in the context of multiple unresolved high-political issues. This has assured the EU regarding the importance of further stabilization efforts in the WB. The EU's interest remained to continue to shape the region in line with its political and economic model and to project its influence externally. Apart from continuing to condition Serbia to address its high political issues according to the EU requirements, on the other side, the Union also became more engaged and showed the willingness to support Serbia in the upcoming years. In May 2004, following Hungary's admission to the Union, the EU now shared a land border with Serbia. Likewise, as a consequence of the eastern enlargements, the EU became more aware regarding the challenges attached to admitting the countries with unresolved high-political issues, such as Cyprus.

The State Union was among the last countries in the WB to start the association process. The EU has initially demonstrated a political skill and willingness to steer the process of coordination between the two constituencies

of the State Union. The country was officially recognized as a “potential membership candidate” (EC 2003). However, the inefficient shared institutions coupled with political problems hampered significant EU steps. The Enhanced Permanent Dialogue was a useful platform for familiarizing with European practices; however, the dual-track logic in negotiating the SAA did not harmonize their approach. The European Partnership dialogue, which succeeded the EPD, also insisted on full ICTY cooperation as a priority for Belgrade (Eriksson, 2013, p.69). Another milestone was the endorsement of the Council of Ministers regarding the European partnership (CoM 2006). In addition, after 3 years of delays, the State Union feasibility study on opening the SAA talks was endorsed in 2005 (Bechev, 2006, p.40). In parallel, the Montenegrin citizens exercised their right to national self-determination in May 2006 and Podgorica seceded from the State Union. Citizens of Serbia had not been asked whether they wished their republic to assume independence. This reflected the pro-unionist stance of the conservative government; however, it also may have been connected with fears of domino-effect, since the UNSC Resolution 1244 defined Kosovo-Metohija as part of the FRY, so Belgrade did not want to encourage the dissolution of the Union as its successor. Either way, the Republic of Serbia became the legal successor of the State Union and inherited its place in international organizations. The statehood issue has been settled, so now each country could proceed independently, with Serbia “inheriting” the remaining high-political challenges which will continue to hinder its EU bid.

As part of its focus on stabilization in the WB, throughout the process, the EU also conditioned the Serbian European integration path with full ICTY cooperation. The accession process of Croatia has also been temporarily halted due to a negative report by the chief prosecutor (Rangelov, 2006, p. 366). In case of Belgrade, the SAA negotiations, which started only in 2005, were suspended weeks before the Montenegrin referendum due to a negative report on the ICTY cooperation (EC, 2006; Kuechler, 2006) despite 14 arrests and extraditions of war crimes suspects during 2005 alone (Dobbels, 2009, p. 27). Since the ICTY cooperation counted among chief EU conditions for the conclusion of the SAA, the negotiations were halted until 2007 (Eriksson, 2013, p. 70). The cooperation was politically sensitive also due to the unfavorable public opinion and lack of interest in dealing with recent past; one research has shown that only 8% of participants in the study viewed the ICTY cooperation as a genuine priority (OSCE-BCHR, 2006). Only following the establishment of action documents and institutional arrangements which have led to additional arrests of the high-level indictees, the SAA negotiations have resumed, although this seems to have coincided with the EU “softening” towards Belgrade in the period of the unveiling of the Ahtisaari plan (Dobbels, 2009, p.14). This is an example of proper “timing” of EU decisions in applying its conditionality approach and of

decreased negative conditionality, which did not go beyond unblocking the SAA negotiations.

Meanwhile, year-long negotiations headed by UN envoy Martti Ahtisaari over the status of Kosovo-Metohija have unsuccessfully ended. The Serbian Government rejected the “Comprehensive Proposal for the Kosovo Status Settlement”, specifying that it was contrary to the Constitution, to the UN Charter, the 1975 Helsinki Final Act, and the UNSC Resolution 1244 which formally recognized the territorial integrity of the FRY (Government of RS, 2006). As Russia has prevented the Security Council from adopting the plan, the official UN backing became impossible to secure (DW, 2007). However, the plan (which was contingent to the formulation that it “had to be acceptable to the people of Kosovo”) has in part started to be implemented locally, backed by a large part of the Western community (Mitchell, 2008).

Temporary institutions in Priština unilaterally seceded in February 2008, which prompted the government to collapse in Belgrade, led to unrest in northern Kosovo-Metohija and demonstrations in Serbia and the Republic of Srpska. The EU’s continued concerns regarding the political future and stability of Serbia, coupled with the volatile situation in the region, have encouraged the Union to offer an inducement to pro-European parties (Orentlicher, 2018, pp.82-83). During the functioning of the technical government, just weeks before the parliamentary elections, the EU invited Serbia’s officials to sign the SAA and the Interim Trade Agreement (ITA). The signature by the deputy PM Đelić – a member of the Democratic Party, was widely perceived as a support to that political option by Brussels. This is another example of a properly timed decision, which appeared like a European incentive for the pro-EU parties at a politically sensitive moment. However, even this step was symbolic.

Actually, the EU did not concede much as both agreements were instantly suspended due to insufficient ICTY cooperation, following the request of the EU members, the Netherlands and Belgium (Orentlicher, 2018, pp. 82-83; EC, 2008). Still, this was perceived as a political boost for the Democrats. Unsurprisingly, the Democratic coalition became the backbone of the next pro-European Government, albeit burdened by the secession and international recognitions of Priština. However, for the first time since the assassination of PM Đinđić, the political will for deepening ties with Brussels has become more evident. Meanwhile, EULEX – the largest civil mission under the Common

Security and Defence Policy, aimed at strengthening local institutions, has been established across the breakaway territory.

ASSOCIATION WITH THE EU AND THE GROWING IMPORTANCE OF NORMALIZING THE-RELATIONS WITH PRIŠTINA

Due to insufficiently complete ICTY cooperation, the SAA and the ITA have continued to be frozen until late 2009 by the EU. Meanwhile, the country started implementing ITA unilaterally, and by the year's end, the SAA ratification process has been reactivated. The Serbian Parliament ratified the SAA already in fall 2008; the newly-founded MP club "Forward Serbia" of the Radical Party did not object to the ratification (Nenadić, 2008). This caused the rift in this largest parliamentary party, out of which the pro-European wing "Forward Serbia" seceded, and gradually evolved into the Serbian Progressive Party. The SAA-ratification-process was symbolic in that regard, as it demonstrated the attractiveness of the European idea and contributed to the Europeanization of the political parties. The EU accession has now become the formal strategic aim of the largest part of the political spectrum. From its side, during this period the European Union encouraged the reform processes in the region with short-term incentives, such as visa liberalization in Serbia, but also Montenegro and Macedonia (Schimmelfennig & Sedelmeier, 2019). Serbia also applied for EU membership in 2009. In 2010, a new, stricter EU approach was introduced during the accession negotiations with Croatia: chapter 23 (judiciary and fundamental rights) was created as a separate negotiation area, and it was among the last closed chapters to be concluded by Croatia (Lukić, 2018, pp. 15-16). In the upcoming years, Montenegro and Serbia became the first countries to negotiate in chapters 23 and 24 (justice, freedom and security) from the very beginning of the accession negotiations.

During the mandate of the Government headed by the Democratic Party, between 2008-2011, high-ranking indictees for war crimes such as Radovan Karadžić, the former President of the Republic of Srpska, general Ratko Mladić from the Army of the Republic of Srpska and the former President of the Republic of Serbian Krajina Goran Hadžić were located and subsequently extradited to the ICTY (ICTY, 2019). As the Tribunal had finally evaluated the cooperation to be complete, the remaining EU countries which had objected to deepening relations with Serbia allowed the process to continue. It has not gained in speed, though, burdened by the Kosovo and Metohija political challenge and slow progress in domains such as the rule of law and the judiciary have chronically undermined deeper transformation of the system. Although the problematic judicial reform in Serbia was severely criticized by the European

Commission (EC) and the Council of Europe (CoE), the EU institutions seem to have opted not to sanction Serbia for that aspect of its integration process in order to motivate the country to remain committed to the normalization of relations with Priština (Dallara, 2014, pp.96-97). That is another example of how the EU prioritized stabilization in relations with Serbia, especially through promoting dialogue with the officials from Priština.

The EC sent a Questionnaire containing over 2000 questions and institutions from Serbia replied in record 45 days in 2011, demonstrating solid administrative capacities (European Stability-Initiative, 2019). Later that year, following the recommendation of the EC, the decision was made to grant Serbia candidate status on a Council meeting in March 2012, pursuant to further progress in relations with Priština (EC-Delegation-to RS, 2019). This depended on further enforcement in areas such as the integrated border administration, the regional representation of Priština, and support of Belgrade for EULEX and KFOR mandates in the northern municipalities (EC, 2011). Progress has been made, including the agreement by which institutions from Priština have been regionally represented as “Kosovo*”. This enabled Serbia to become an official EU membership candidate in March 2012, joining the other candidates such as Montenegro, Turkey, Macedonia and Croatia.

Relations with Priština have become pivotal in the conditioning domain since Serbia became an EU candidate country (EC, 2012). Back in 2010, the EU-led status-neutral dialogue was initiated, which followed the co-sponsored Serbian-EU resolution at the UN General Assembly. Overall, the dialogue has resulted in over 30 agreements in areas of free movement, civil registry, checkpoints, the regional representation of the Priština authorities, telecommunications, energy and other areas (Szpala, 2018). Lengthy negotiations have so far also resulted in the first framework agreement on normalization of relations, colloquially known as the Brussels Agreement, in 2013. The main aspect of the Agreement refers to the establishment of the Community of Serbian municipalities but also sets principles for domains like telecommunications, internal affairs, the judiciary, etc. Its conclusion has secured Serbia formal recommendation by the Commission and the European Council (in June 2013) to launch accession negotiations. However, 6 years later, it has not yet led to the establishment of the Community of Serbian municipalities, which poses a question whether other aspects have had the priority over this important framework for the Kosovo Serbs. This is especially evident since in 2015 Priština and Belgrade concluded an additional agreement on the Community of Serbian municipalities in 2015 (RS Mission to EU, 2015) which has later been almost entirely denounced by the so-called Constitutional Court of Kosovo, thus disabling its enforcement.

The first intergovernmental conference between Serbia and the EU was held in January 2014. One should not underestimate the significance of that act, no

matter how symbolic. As in the case of the SAA-signing in 2008, the EU actually did not concede much, since the actual opening of chapters was halted for nearly 2 years due to insufficient progress in implementing Brussels Agreement obligations. Only in December 2015, the progress was deemed as sufficient to open the first negotiating chapters – 32 “Financial control” and 35 “Other issues—Item_1 – Normalisation-of relations-between Serbia and Kosovo*”.

The aspect-of-regulating relations with the institutions in Priština has formally entered the technical part of the EU accession process of Serbia via chapter 35. This is a result of the fact that the EU keeps prioritizing the stabilization aspect in case of the WB countries (Schimmelfennig-& Sedelmeier, 2019). Through chapter 35, the EU keeps track and monitors progress in the Belgrade-Priština dialogue (Mišćević,-2016,-pp.74-75). The fundamental importance of this aspect was evident from the onset. *Inter alia*, normalization of relations with Priština in the form of a legally binding agreement is considered as an “urgent and crucial” need for the Serbian EU path (EC, 2019). Apart from 35, chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) are other fundamental areas for the transformation process (EU Delegation to RS, 2017). In fact, deepening of relations and opening/closing chapters has been tied with the overall progress in these so-called “veto areas”. In that regard, as the changed EU approach has put a focus on the most underdeveloped aspects of the political systems (judiciary, justice, etc.), and in the case of Serbia, additionally burdened by the high-political topic of relations with Priština, the negotiations have been progressing at a particularly slow pace. Alongside a growing number of benchmarks and openness of the negotiation process to intervention by any member-state at any occasion, the process is becoming growingly distant (Mišćević, 2016,-p. 74). This has caused disappointment among the ordinary citizens, who have started viewing the European integration as a never-ending process which will not bring Serbia into the Union anytime soon, or perhaps ever (RCC, 2018). The EU membership perspective of Serbia has become less credible, which is, according to Schimmelfennig and Sedelmeier, also the case for the rest of the WB region (Schimmelfennig & Sedelmeier, 2019).

The Enlargement Strategy adopted in 2018 aimed to encourage the WB countries to enhance their efforts in meeting EU standards until 2025 as an indicative date of joining the Union (EC, 2018). However, despite the declarative support of the Commission, Serbia and Montenegro are currently going through the most strict accession talks, in a highly negative context regarding the enlargement idea across the EU. Even without the high-political criteria, the EU conditionality has been too demanding and too negative in order to bring more tangible results in the reform processes. Precisely due to the post-conflict nature of the region, its specificities in terms of democratic challenges and statehood problems, countries such as Serbia could use more incentives, encouragement

and guidance from the EU, not less. Paradoxically, the motivation for reforms seemed higher a decade ago than today, when Serbia is alongside Montenegro leading the accession regatta.

CONCLUDING REMARKS

Two decades of dealing with high-priority political challenges beside working on fulfilling the Copenhagen criteria have not brought Serbia to signing the Accession treaty. Apart from the obligation to fulfill the political criteria (rule-of-law, human and minority rights, institutional development, etc.), legal (transposition and enforcement of the *acquis*) and other criteria, the post-conflict conditions such as the cooperation with the ICTY, good neighborly relations, but also statehood challenges and territorial integrity issues needed to be addressed as priorities throughout the process. This is because the EU approach and focus, which was initially tied to the stabilization aspect, has not changed.

The aspect of democratic transformation is a second priority for the European integration path of the WB states, both for the EU and the regional governments. For that reason, conditionality has been insufficiently successful outside the high-political domain, so far. In case the high-political issues get resolved, conditionality focus would be shifted on the Copenhagen criteria, which could stimulate reforms in these areas. However, one should be aware that the intangibility of the membership perspective and the unfavorable context in the region, but also in the EU, is insufficiently motivating. Precisely the combination of a credible membership perspective, conditionality and incentives for candidates is the basis for a successful continuation of the process (Todorović-Lazić, 2019, p.89). In spite of concluding some of these major tasks or making significant progress in others, Serbia as a *par excellence* political candidate has not been awarded proportionally to those high-risk efforts it has successfully overcome. Moreover, the accession date seems equally distant as it was at the beginning of this decade, which has led many citizens to stop believing in the EU membership perspective, despite the formal “disclaimer” that entry in 2025 could be achieved if all conditions are met, and fast.

The Union uses the political instability argument and maintains its stabilization approach both in order to encourage progress towards resolving the high-political disputes and to keep the candidate countries away from EU membership - at least until these issues have been properly resolved. The EU is not interested in importing additional instability by admitting new countries with unresolved high-political issues, so it has been applying the stabilization mode towards the WB states for the past two decades. Apart from that, as there is no political will among member states and the EU to make the membership perspective for the WB states more proximate and more credible, the state of

the current enlargement agenda is not satisfying compared to the previous enlargement cycles.

The stabilization focus in the EU approach towards the WB largely serves as a tool for negative conditioning. Negative conditionality has been applied at all stages of the European integration of Serbia; years were spent in the stagnant status due to high-political challenges. The set of high political obstacles Serbia needed to overcome is arguably the most challenging in the enlargement agenda, although the rest of the WB does not lack high-level problems. Although Macedonia has succeeded to reach an agreement through which the country name dispute has been resolved after a decade of stagnant relations with the EU, the consensus to finally initiate the long-awaited membership talks has not been secured yet, and the Union is postponing its decision on this aspect due to the lack of consensus (Peel, 2019). This example may serve to illustrate that, once the high-political challenges - regardless of their complexity and importance for the dynamics of European integration process - are finally solved, the countries are insufficiently compensated after delivering results. This not only puts at risk the credibility of the EU membership perspective but also creates a negative context for further decisions in the political domain, as it discourages other WB decision-makers from taking the high-risk measures.

The previous decades have shown that challenges reaching the high-political level became chronic, as a result of previous inability to address these issues at lower institutional levels. Likewise, the EU's stabilization logic has kept these challenges highly prioritized, which destimulated regional governments to prioritize other EU membership criteria or the progress in other areas has been overshadowed. Normalization of relations with Priština remains the most complex high-political condition for Serbia. However, one should not underestimate the potential of unresolved issues in the WB to acquire high-political characteristics. The Slovenian-Croatian border dispute may serve as an unfortunate example for the conditioning of Belgrade regarding border disagreements in Vojvodina. On-the-other-hand, that example also showed some willingness between the neighbors to temporarily set their differences aside in order to allow Croatian EU entry. If Zagreb had been vetoed from joining the EU for many years, that would have certainly not contributed to the regional stability. The EU membership should not be denied-indefinitely-due to high-political conflict potential. The deferral of accessions from one mandate to another also prolongs high-political problems and keeps the region in the "stabilization mode". Besides, the effectiveness of the conditionality instrument remains powerful even after EU entry.

The EU interest is to stabilize the geographically proximate WB countries and to gradually shape the region through the export of its norms, standards and political and economic model. However, the EU's unwillingness to improve the

reduced credibility of membership perspective is also reducing the successfulness of its instruments in the region. The stabilization is a top European priority in the region, but the EU needs to demonstrate its intention to bring closer the WB countries, especially those that have managed to overcome costly high-political challenges. The specific difficulty of these tasks has not been valorized enough. The sensitivity and complexity of fulfilling the high-political tasks should have been more positively recognized and should be more proportional, having in mind the high-political risk. This does not imply speeding up, or even determining the final entry date much in advance; the country cannot join until it has concluded the chapters and demonstrated convincing ability to assume membership obligations. Although the process of negotiating is largely technical and administrative, Serbia consistently opens fewer negotiation chapters than those which have been technically prepared largely due to not meeting the high-political conditions. This not only discourages the transformative progress in many of the 35 areas which are unconnected to high-politics but also contributes to a false perception that high-political domains are more important. Not every negotiation chapter should be connected to high-political decisions, as many are technical or politically uncontroversial. It is not appropriate for areas such as agriculture, consumer and health protection or fisheries, which have a more direct impact on citizens, to be negatively, high-politically conditioned. In that regard, perhaps the uninhibited opening of the politically-unrelated chapters which have been previously technically prepared may provide additional time for deeper transformation in those domains, and could (to a certain degree) counteract the reduced credibility of the EU membership perspective.

Certain examples from the history of the enlargement policy demonstrate that the EU has additionally valued, or maybe even prioritized the (geo)political aspect over the Copenhagen criteria in European integration paths of Bulgaria, Romania and maybe also some other countries. By admitting these countries, the EU has advanced the stability on the western shores of the Black sea and in that part of the Balkans. However, one of the main differences is that the EU accession perspective is no longer as credible as it was during the first decade of the 21st century. The EU remains primarily concerned with stability but is unwilling to compensate the stabilization efforts of the WB candidates with a more tangible membership perspective, which does not contribute to the Europeanization process in that region.

In the case of Serbia, high-political challenges have long been prioritized by the EU and have largely influenced the European integration flow. The author uses the term “vicious circle“ to illustrate the presence of EU conditionality in the domain of high-political challenges throughout the entire process of the European integration of Serbia. Necessity to address one high-political issue after another has remained one of the most important aspects of EU conditionality

towards Serbia. At this stage in the European integration of Serbia, apart from the “veto strength” of the chapters 23 and 24, the normalization of relations with Priština through a legally binding agreement is considered as an “urgent and crucial” need for the country’s EU path (EC, 2019).

In order to successfully conclude its membership negotiations, Serbia needs to show its overall preparedness in meeting both the Copenhagen criteria and overcoming the political challenges. In the meantime, the reduced credibility of the EU membership perspective could be balanced by a more proportional application of conditionality and adequate rewards to encourage progress in areas other than high-politics. On one hand, in the context where the EU simultaneously prioritizes the stabilization and democratization aspects, its conditioning approach should be distributed in a way which does not put greater emphasis on the high-political domain than in important areas such as the judiciary, fundamental rights, etc. In that case, progress in the high-political domain should bear the same weight as the progress in meeting the Copenhagen criteria, but the Union should be aware that the simultaneous focus on both domains is very demanding and the progress may be very gradual, so its conditionality, and its incentives, should reflect that fact. However, based on data presented in this paper, the author considers that in the case of Serbia, the stabilization focus, which is tied to the resolution of the remaining high-political problems, is still being applied by the Union, but there is room for its improvement. Provided that the remaining high-political challenges are resolved, the country could move on to the next stage, where the focus of EU conditionality would be on the deep and comprehensive democratization and approaching the standards of the Copenhagen criteria. Meanwhile, efforts in the stabilization domain and successful overcoming of the specifically risky and comprehensive high-political challenges should be rewarded proportionally. That would be beneficial for the credibility of the membership perspective, and would encourage the country for making other unpopular and high-risk measures in meeting the Copenhagen criteria during the latter part of the process of EU accession.

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PROCES INTEGRACIJE SRBIJE U EU: ZAČARANI KRUG VISOKE POLITIKE?

Apstrakt: Ovaj rad ispituje razvoj odnosa između EU i Srbije, koji su bili izloženi ocenjivanju u domenu Kopenhaških kriterijuma, kao i uslova u domenu visoke politike u oblastima poput postkonfliktnih mera, državotvornih izazova i sporom u pogledu teritorijalnog integriteta. Istraživačko pitanje glasi: kako je fokus Evropske unije na izazove u domenu visoke politike uticao na produblivanje odnosa sa Srbijom i na kredibilnost njenog prijema u EU? Autor nastoji da pokaže da je fokus na domen visoke politike povezan sa činjenicom da je evropski pristup prema Zapadnom Balkanu ostao prvenstveno usmeren ka

stabilizaciji, pre nego demokratizaciji. Kroz teorijski pristup evropeizacije, poređenja sa primenom principa uslovljavanja prilikom “istočnih” proširenja EU, kao i kroz paradigmu realizma, autor nastoji da dodatno pojašni evropski fokus na domen visoke politike. Kao posledica postavljanja visoke politike i stabilnosti kao prioriteta u odnosu na fundamentalno važne domene poput vladavine prava, pravosuđa itd, preobražajni process u Srbiji je bio nedovoljno obuhvatan i ostao je nedovršen u tim oblastima. Takođe, uspešno prevazilaženje pojedinih visokopolitičkih izazova nije ubrzalo pristupni proces, već je uglavnom rezultovao smanjivanjem negativnog uslovljavanja. U zaključku, autor razmatra da bi prevazilaženje posebno zahtevnih visokorizičnih političkih izazova trebalo da bude valorizovano na proporcionalniji način, što bi doprinelo održavanju napretka u reformama, naročito u slučaju da u narednim godinama evropski fokus sa stabilizacije pređe na demokratizaciju.

Ključne reči: političko uslovljavanje, kriterijumi, stabilizacija, visoka politika, članstvo, kredibilitet, podsticaji, izazovi.

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