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When Enlargement meets Common Foreign and Security Policy: Serbia's Europeanisation, Visa Liberalisation and the Kosovo Policy

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Abstract:

Applying discursive institutionalism, this article identifies a hitherto overlooked disconnect between rule adoption and implementation and their discursive denial as an example of 'shallow' Europeanisation. This empirical study of Serbia's visa liberalisation and implications for its Kosovo policy, resulting from the simultaneous pursuit of Enlargement and Common Foreign and Security Policy, demonstrates the European Union's leverage on policy, pointing to Serbia's compliance indicative of recognition of Kosovo's border, which is obscured by nationalist discourse on Serbia's territorial integrity. Such incoherent Europeanisation in policy and discursive

domains exposes limits to the explanatory purchase of rational institutionalism and sociological institutionalism.

Key words: Europeanisation, discursive institutionalism, visa liberalisation, Serbia, Kosovo.

Introduction[1]

The study of the impact of European integration on the polities, economies and societies of the Western Balkans has emerged as a subfield of the Europeanisation literature (cf. Sedelmeier 2011). Although Croatia is on the cusp of EU membership and Montenegro started accession negotiations, the European path of other countries, such as Serbia, Macedonia, Bosnia-Herzegovina and Kosovo, remains contested, despite the EU's long-standing commitment, engagement and investment in the region (Gordon 2010). Consequently, scholars and practitioners have begun to ponder whether the 'accession magic' can work again as it did in Central and Eastern Europe (CEE) (Grabbe 2009)?

Existing rational institutionalist and sociological institutionalist theories have generated two approaches to tackling the puzzle of the EU's limited and differential transformative power in the Western Balkans. The rational institutionalist approach is

informed by Goetz's (2005, p. 262) notion of Europeanisation as 'shallow institutionalisation', capturing a disconnect between rule adoption and rule implementation. In this view, the transposition of European rules into domestic institutions is not accompanied by appropriate adaptation of practices and behaviour. The actors' formal response to external incentives goes hand in hand with full or partial resistance to the adaptation costs (Börzel 2011; Elbasani 2009), not unlike in CEE and the Eastern Balkans (Romania and Bulgaria), both during accession and post-accession stages (Dimitrova 2010). The sociological institutionalist approach, contrastingly, uses divergence in identities and norms to explain either stalled Europeanisation (Subotić 2011) or fake, partial, or imposed compliance (Noutcheva 2009).

This article provides an alternative explanation of the complexity of Europeanisation in the Western Balkans from a discursive institutionalist perspective. A discursive analysis of policy adaptation required for Serbia's visa liberalisation, including additional requests made on Serbia with a profound impact on its Kosovo policy, demonstrates that the European rules were adopted and enforced, but that the policy adaptation was denied in the discourse. Such a disconnect between discursive conception of norms, as opposed to their formal conception (Schimmelfennig & Sedelmeier 2005, p. 8), has thus far been overlooked in existing explanations of 'shallow' Europeanisation in the Western Balkans. Empirical findings presented in this article question the propositions that, on the one hand, the rational cost-benefit calculation of actors, and, on the other hand, socialisation as well as norm and identity convergence or divergence, are reliable predictors of the full scope of the domestic adjustment. The discursive institutionalist perspective provides an analytical tool to

capture the incoherence and complexity of domestic adaptation in different domains of Europeanisation. Operationalising the discursive institutionalist perspective, the article contributes to the study of ideational and discursive mechanisms as an explanation of domestic adaptation in the context of European integration (Exadaktylos & Radaelli 2012, p. 33). Engaging the scholarship which posits that 'ideas can become major causal factors that help explain major political processes' (Béland & Cox 2011, p. 15), the findings confirm a need to understand further the role of 'discursive incoherence and conflict as mechanism(s) of Europeanization' (Lynggaard 2012, p. 97).

In research design, this explanation of complexity of Serbia's Europeanisation departs from the analysis of domestic adaptation limited to the Stabilisation and Association Process (SAP), the EU's pre-accession instrument for the Western Balkans. I suggest that the exclusive focus on the SAP is much too narrow either to capture comprehensively the extent of domestic change in the Western Balkans or to explain resistance to it. Also, the literature on the Common Foreign and Security Policy (CSFP) and the European Security and Defence Policy (ESDP) in the Western Balkans, has been largely limited to the study of security dividends of EU policies, such as broader trends in the SAP or conflict resolution (Noutcheva 2009; Coppetiers et al. 2004), without considering the ESDP's impact on specific policy areas within the SAP, including their scope and variability.

Yet, Hughes (2010, p. 7) notes the tension arising from 'the EU attempts to combine simultaneously policies that are not always compatible: containing, and moving beyond conflict, while also advancing the process of accession for the countries

involved'. Therefore, I premise the study of Serbia's Europeanisation on EU's complex actorness (cf. Papadimitriou, Petrov & Greiçevci 2007; Rosamund 2007, p. 249), which is disaggregated in the research design in order to investigate a cross-policy impact resulting from EU's simultaneous involvement through the SAP and ESDP policy-envelopes in the Western Balkans. This is distinct from the study of domestic change driven simultaneously by the EU and other institutions such as NATO, OECD or World Bank (Grabbe 2001, p. 1027-28; Wallace 2001, p. 12-3; Schimmelfennig & Sedelmeier 2004, p. 666; Aybet & Bieber 2011). In sum, I investigate whether the EU's engagement through multiple policy instruments furthers the goal of approximation to the EU.

Current findings by scholars who note the EU's multiple policy instruments in the Western Balkans lead to contradictory conclusions. Some argue that these instruments are a sign of the EU's strength in engaging the region (Vachudova 2003, p. 141; Montanaro-Jankovski 2007; Tocci 2007, p. 174). Others point to their adverse effect, both on the approximation process and the EU's credibility in the region (Ilievski & Taleski 2010; Massari 2005). The findings of this study fall in neither camp. Drawing on extensive primary evidence in the analysis of the EU's parallel engagement through the SAP and ESDP, the article points to a normative incongruence: policy convergence coexists with its discursive negation, including the rejection of European integration, which results in uneven Europeanisation between discourse and policy domains. The analysis reveals a complex pattern of Europeanisation in Serbia, simultaneously denoting approximation and resistance. It demonstrates the EU's leverage to induce domestic change, but not in ways that would be expected or predicted comprehensively by RI or SI.

This article first sets out a discursive institutionalist approach to the study of Europeanisation by focusing on discursive causality alongside the research methodology used to track the EU's pursuit of the SAP and the ESDP in Serbia and Kosovo. After providing some background to the EU's involvement in Serbia, the article goes on to present empirical evidence on policy adaptation as a form of Europeanisation and demonstrates a cross-policy impact. A discursive analysis of the cross-policy impact follows, revealing normative incongruence between discourse and policy. The next section evaluates empirical findings from sociological institutionalist, rational institutionalist and discursive institutionalist perspective. The qualitative method used in this article combines the analysis of discursive frames based on a systematic review of the Serbian media,[2] triangulated by conducting semi-structured interviews with state officials and civil society actors involved in Serbia's visa liberalisation and EU integration, alongside process-tracing and secondary desktop research analysing EU documents as well as contracts with Serbia, including official Serbian documents and public opinion polls.[3]

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[2] The qualitative analysis of discursive frames by key actors was deemed most appropriate for this case study due to repetition of statements by same actors in daily press, radio and TV outlets based on agency reports of the *Beta, FoNet* and *Tanjug* news agencies. The press review included key dailies *Danas*, *Politika*, *Glas javnosti*, *Blic*; weeklies *NIN* and *Vreme*; reports by *B92* (radio) and *RTV Serbia* (TV), whose news bulletins are published on their websites in 2007-2010.

[3] The findings are part of a research project on Europeanisation of Serbia that includes extensive fieldwork alongside over 60 semi-structured and informal interviews, from

The concept of Europeanisation, minimally, denotes any domestic change in response to the policies of the European Union (Featherstone 2003, p. 3). The paper relies on Radaelli's (2003, p. 30) definition of Europeanisation, referring to:

> Processes of (a) construction, (b) diffusion, and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things," and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies.

This definition extends Europeanisation as a concept (Mair 2004, p. 340), while usefully distinguishing between different domains of Europeanisation: discourse and public policy (Radaelli 2003, Figure, 2.1, p. 35; cf. Börzel & Risse 2003, Figure 3.1, p. 60). While analytically distinct, these two domains are linked through 'the role of discourse within processes of political change' (Radaelli & Schmidt 2004, p. 366).

This paper adopts a bottom-up approach to Europeanisation and the study of discourse therein. The bottom-up approach 'starts and finishes at the level of domestic actors' (Radaelli & Pasquier 2007, p. 41), and has methodological implications for the study

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2006 to 2010. The criterion used for citation of interviews here is their direct relevance to visa liberalisation.

of the direction of a causal relation (Lynggaard 2011, p. 23). The focus on the

domestic arena addresses a gap in the literature on Europeanisation of post-

Communist states (Sedelmeier 2011, p. 30; Fink-Hafner 2008). Further, in line with

the bottom-up approach, discourse is considered here in the national context.

However, the national discourse(s) are not analysed, following Diez (2001, p. 6), in

the narrow national sense, but as competing discourses indicative of Europeanisation

and the extent of their effect on norms and polices.

This study applies discursive institutionalism (DI), elaborated by Schmidt (2008), as

an alternative to rational institutionalism (RI) and sociological institutionalism (SI) to

explain Europeanisation. DI identifies the causal influence of discourse that follows

the 'logic of communication', as opposed to the 'logic of consequentialism' and the

'logic of appropriateness' associated with RI and SI respectively.[4] The 'logic of

communication' derives from the power of discourse to effect institutional change,

while the explanation of its causal power is centred on agents, rather than on structure

and incentives as in RI or norms as in SI. Furthermore, DI is distinguished from SI,

with which it broadly shares a constructivist take on identity and ideas as endogenous

and socially constructed. But, while SI treats ideas as static structures, ideas are

treated as dynamic constructs in DI (Schmidt 2008, p. 320).

Schmidt (2008, p. 311) specifies that discourse is causally effective in two ways: as a

representation of ideas and as a discursive process by which those ideas are conveyed.

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[4] Börzel's (2005, pp. 52-8) overview contextualises the two logics identified by

March and Olsen (1989, 1998) in the field of European integration studies (Cf.

Checkel 1999; Schimmelfennig & Sedelmeier 2004).

Consequently, to consider Schmidt's transformative power of discourse as a mechanism, which explains a systematic relationship between two events, entails coherence and persuasion (Lynggaard 2012, p. 97). As a representation, a discourse becomes successful if it has 'relevance to the issues at hand, adequacy, applicability, appropriateness and resonance' (Schmidt 2008, p. 311). As a process of discursive interactions, it is more than an expression of one set of actors' interests or normative values because it serves 'to persuade others of the necessity and/or appropriateness of a given course of action' (Schmidt 2008, p, 312). In sum, discourse has political consequences. It is a vehicle for legitimation of political ideas, including justifying the change of others' 'views of the world, their normative beliefs, their preferences and even their identities' (Risse 2000, p. 8). This, in turn, influences policy prescription and policy production (Schmidt & Radaelli 2004, p. 192).

Therefore, scholars have assumed normative congruence between discourse and policy change or resistance. A lack of legitimating discourse was identified as an obstacle to policy change or elite socialisation (Schmidt 2007; Kratochvíl 2008; Dimitrova 2002). The actor-centred approach to discursive practices revealed a range of European discourses in given policy areas (Thatcher 2004; Flockhart 2005; della Porta & Caiani 2006), pointing to the contested nature of Europeanisation across countries, policies and over time (Liebert 2008). However, this approach has not challenged the premise of normative congruence between discourse and policy outcome: actors' legitimating discourse will be favourable to policies advancing adaptation in line with EU rules and norms, and vice versa.

While discourse provides 'a repertoire of discursive resources in the form of available narratives and understandings at the disposal of political actors' (Hay & Rosamund 2002, pp. 151-52), the consideration of discourse as a 'strategic choice' (Lynggaard 2012, p. 93; cf. Schimmelfennig 2001; Fouilleux 2004) calls for further critical analysis of discourse in relation to institutional change. To operationalise a 'sceptical bottom-up approach' along with an appropriate analytical framework 'able to accommodate a significant degree of complexity – indeed of incoherence' in Europeanisation (Wincott 2004, p. 356), this article contends that normative congruence between discourse and policy has to come under scrutiny.

Schmidt argues that DI can explain the unexpected 'because the unexpected may actually be expectable when analysis is based on a particular set of ideational rules and discursive regularities in a given meaning context following a particular logic of communication […] (Schmidt, 2008, p. 314).' To build in the hypothesized incoherence in the discursive practice and policy production, this research is informed by Milliken's (1999, p. 243) *juxtapositional method*, that juxtaposes 'the 'truth' about a situation constructed within a particular discourse to events and issues that this 'truth' fails to acknowledge or address […].' The type of discourse studied is 'communicative', relating to the political sphere encompassing a broader debate and deliberation on policy, as opposed to 'coordinative' discourse, circumscribed to policy actors and focusing on policy formulation (Schmidt 2008, p. 310-13). Serbia fits the model of a 'simple' polity where the communicative discourse is more elaborate. However, the dominance of one type of discourse does not preclude competition among discourses. Bolleyer & Radaelli (2009, p. 389) note that such 'competition implies a multi-actor notion of communicative discourse'. In other words, DI focuses

on interactive processes involving discourse, while bringing in agency to the forefront of analysis, as opposed to the structure as in RI and norms as in SI (Schmidt 2008, pp. 304-5). Ultimately, the aim of this article is to investigate and explain how discourse succeeds, i.e. has causal consequence(s). Discourse as a representation and discourse as an interactive process are used to account for domestic adaptation as an indicator of EU's leverage in Serbia. While considering the EU's parallel pursuit of the SAP and the ESDP, this article draws on Schmidt & Radaelli's (2004) distinction between two types of relations involving discourse: that between different discourses and that between discourse and policy. Therefore, instead of just asking how discourse induces policy change to advance Europeanisation as would be a case in the study of a single policy frame (Kallestrup 2002; Meyer 2005), this research additionally specifies what discourses and what policies in line with its focus on the cross-policy impact between the SAP and the ESDP. Before proceeding to the analysis of Europeanisation in policy and discursive domains, the following section sets out the context for Serbia's European integration.

Serbia's approximation to the European Union: SAP and ESDP

The SAP, the EU's policy instrument for engaging with the Western Balkans, predates the accession process. With the ultimate reward of EU membership distant, a system of intermediate rewards, such as visa liberalisation, becomes essential to keep the 'wheels' of European integration going (Anastasakis 2008, p. 368; Vachudova 2005, p. 251), while contributing towards extensive domestic adaptation (Renner and Trauner 2009; Grabbe 2006). Maintaining engagement with the EU has been particularly important in Serbia because the EU suspended the SAP due to the failure

to fulfil conditionality, specifically collaboration with the International Criminal Tribunal for former Yugoslavia (ICTY) (Subotić 2010; Braniff 2011, pp. 123-38). In addition, Serbia's approximation with the EU since Slobodan Milošević's fall in 2000 has been defined by instability of Serbia's borders, which triggered EU's increased involvement through the CFSP and ESDP alongside the SAP. Consequently, Serbia's Europeanisation has been shaped by the EU's simultaneous pursuit of policies in both areas (See Table 1).

Serbia's European journey has unfolded in fits and starts. Initially, the process of EU integration was slowed down by the dysfunctional nature of the Serbia and Montenegro union. Its dissolution, under EU brokerage, allowed Serbia to pursue the European project separately (Kris 2007; Tocci 2007, pp. 78-99), but progress ground to a halt. On 6 May 2006 negotiations on the Stabilisation and Association Agreement (SAA) with Serbia were suspended due to a lack of cooperation with the ICTY. Over a year later negotiations restarted upon production of evidence of sufficient cooperation with the ICTY, but with a number of suspected war criminals still at large. Nonetheless, progress led to the initialling of SAA and ultimately its signing along with the Interim Agreement on Trade and Trade-related Issues (IA) on 29 April 2008. However, no sooner did Serbia sign the SAA than the agreement was suspended, again owing to ICTY conditionality. The subsequent extradition of all suspected war criminals was rewarded through Serbia gaining candidate status in March 2012, but the start of accession negotiations still hinges on progress on normalisation of relations with Kosovo. Visa liberalisation with Serbia in December 2009 took place at an extremely delicate moment in Serbia's accession process, while

the SAA was blocked. It played a key role in demonstrating the EU's commitment to Serbia.

Alongside ICTY conditionality, Serbia's European integration was overshadowed by border issues. The dissolution of Serbia Montenegro union coincided with the start of the final status talks on Kosovo, which led to Kosovo's independence declaration on 17 February 2008 after the failure of the negotiated settlement pursued by former Finnish President Maarti Ahtisaari. The EU did not present a common position on Kosovo independence: 22 member-states endorsed it leaving 5 non-recognisers. However, the EU reaffirmed its commitment to increasing its political and security role in Kosovo in line with the Ahtisaari plan, which provided a detailed proposal for internal governance and external civilian and military supervision. The Council Joint Action of 4 February 2008 had already established the European Union Rule of Law Mission in Kosovo (EULEX), before the independence declaration, allowing the EU to manage the contentious issue of Kosovo's independence. EULEX was deployed in Kosovo in the framework of United Nations Security Council Resolution 1244 to operate in the 'status neutral' manner, which became a source of tension with the Kosovo government (Krasniqi 2010, pp. 25-6). All 27 member-states supported the EULEX, the biggest ESDP rule of law mission, along with the EU's key role in overseeing the implementation of the Ahtisaari plan in Kosovo. Serbs acquiesced to the mission's deployment on the ground in late 2008 after the UN backed the reconfiguration of United Nations Interim Administration Mission in Kosovo (UNMIK), previously governing Kosovo, which heralded a range of legal and operational contradictions and ambiguities (Koeth 2010; de Wet 2009). Serbia has since made advances in cooperation with the EULEX, including signing the protocol

on police cooperation as a part of the policy conditionality required for visa liberalisation.

INSERT TABLE 1 HERE

In summary, the independence of Kosovo did not prevent a deepening of the contractual relationship between Serbia and the EU. However, as it will be shown below, Kosovo's independence profoundly affected both the substance of policies as well as the normative dimension of Serbia's approximation. It led to a cross-over between the EU's SAP and ESDP policies, and practically introduced Kosovo conditionality into the process of Serbia's approximation with the EU with a request for a concrete (and prompt) policy adjustment resulting from the new reality on the ground. The policy cross-over between the SAP and ESDP impacted Serbia's Europeanisation, whose complexity and incoherence are analysed in the following sections by distinguishing between Europeanisation in policy and discursive domains.

Visa liberalisation as Europeanisation in a policy domain

The Council of the European Union granted visa-free travel to and throughout the Schengen area for citizens of Serbia, as well as Macedonia and Montenegro, from 19 December 2009. Moving the start date nearly two weeks forward from the expected date, the beginning of the visa free regime came across as an EU's 'gift' made in the festive spirit. It marked the end of Serbia's nearly 20-year-long isolation from the EU and the rest of the international community since the start of the Yugoslav wars and the imposition of UN sanctions on Serbia in 1992. The symbolic importance of this

event was not lost on the Serbian leadership. Serbia's former pro-European President of the Democratic Party (Demokratska stranka) Boris Tadić called it 'the day of liberation from the last remaining sanctions on Serbia.'[5]

The then Serbian government was equally keen to emphasise their and the EU's shared commitment to Serbia's EU membership, by describing the visa free regime as 'the first and clear step towards European integration' as well as 'the signal that confirms Serbia's European future.'[6] Above all, from the perspective of domestic adaptation in the policy domain, the visa liberalisation process demonstrated Serbia's ability to take on the obligations specified by the EU, enabled by its administrative capacity building (Cf. Grabbe, Knaus & Korski 2010, p. 3). It also confirmed its readiness for further transformation beyond the Justice and Home Affairs policy area. The visa liberalisation process from the Serbian point of view was an exemplary 'in miniature' exercise for how EU conditionality could work. There was a road map, the obligations were clear and, above all, the reward looked credible, effective and within reach.[7]

The EU's perception of the Western Balkans as a possible source of instability and a shift towards desecuritisation of the region shaped the visa liberalisation process (Trauner 2007; Petrovic 2010). The EU started visa free travel dialogue with Western Balkans in 2006, which led to the initialling of the visa facilitation and readmission

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[5] *Danas*, 30 November 2009.

[6] Ibid.

[7] Interview with high Serbian government official working on EU integration, Belgrade, 21 April 2010.

agreements between the EU and Serbia on 16 May 2007. The process was explicitly linked to progress made on reforms in the area of fighting illegal immigration. The agreement came into force on 1 January 2008. On 7 May 2008 the European Commission presented the Road Map on visa liberalisation to Serbia, specifying benchmarks that Serbia needed to fulfil in order to be included on the White Schengen list. The Road Map encompassed, on the one hand, the Readmission Agreement and, on the other, the Visa Facilitation Agreement, including four areas of policy adaptation: document security; illegal migration (which includes border management as well as migration management); external relations and fundamental rights; public order and security (including issues related to prevention and fighting organised crime, terrorism and corruption, as well as judicial cooperation in criminal matters).

The technical nature of the Road Map, along with its association with the 'European perspective of the Western Balkans',[8] was hailed as an intensification of cooperation between Serbia and the EU. Visa liberalisation became the Serbian government's 'number one priority, as it held out the prospect of tangible goods it could deliver to its citizens'.[9] However, the process soon had to take into account the changed political environment defined by Kosovo's independence declared earlier that year. This threw up the unforeseen issue of control of Kosovo's border with Serbia, which was not recognised by Serbia but now formed part of the outside border of the Schengen zone, whose securing is critical for the security of the EU. The EU approached the problem

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[8] 'Visa Liberalisation with Serbia: Roadmap', 2008, available at:

http://eu.prostir.ua/data?t:1, accessed 10 September 2011.

[9] Interview with civil society expert on security, Belgrade, 23 December 2009.

through the ESDP policy framework, and resolved it by signing a protocol on cooperation between EULEX, the EU's rule of law mission in Kosovo, and the Serbian Ministry of the Interior.

This approach resulted in an entirely new demand on Serbia presented in the European Commission's proposal for granting visa free travel to Serbia on 15 July 2009. Visa free travel for Serbia was within reach, but pending completion of outstanding reforms outlined in the Road Map, and, effectively, a new condition – direct cooperation with EULEX. On 11 September 2009, EULEX and Serbia signed a protocol on cooperation to address organised crime, including drug trafficking, people smuggling, illegal border crossing and other illegal activities. The protocol laid grounds for the establishment of mechanisms and procedures for regular exchange of information. The implementation of the protocol and the need for its further improvement were reported in the EU's documents (Cf. EC 2010, p. 53).[10] An example of collaboration between EULEX and the Serbian police is the identification of 'hot areas' with a high rate of illegal activity along the Kosovo border.[11] The

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[10] *Analytical Report (2011) European Commission. SEC(2011)1208 Accompanying the document Commission Opinion on Serbia's application for membership of the European Union {COM(2011)668}, 12 October, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/sr_analytical_rap port_2011_en.pdf, accessed 15 January 2013, p. 34.*

[11] *Ministarstvo unutrašnjih poslova Srbije, 1 June 2011, available at: http://www.mup.gov.rs/cms_cir/saopstenja.nsf/arhiva-saopstenja-MUP.h?OpenPage&ExpandSection=17, accessed 10 January 2013.*

cooperation with EULEX became part of the Serbian police's activities,[12] and its success owes to the focus on technical matters.[13] The protocol was a watershed in Serbia's dealing with Kosovo-related issues in the context of EU integration. Through cooperation with EULEX, Serbia acknowledged the 'reality in Kosovo'.[14] In addition, the protocol foreshadowed subsequent agreements in 2011, such as that on the Integrated Border Management (IBM) on the Kosovo border (EC 2012, p. 19),[15] achieved as part of the EU-sponsored Belgrade-Pristina dialogue. The police protocol between EULEX and the Serbian police was supported by all 27 member-states. The protocol, which rounded off all conditions for a visa free regime, is a demonstrable cross-over of EU's two policy portfolios – visa liberalisation, linked to SAP, and collaboration with EULEX through ESDP.

In summary, from the perspective of policy as a discrete domain of Europeanisation, visa liberalisation for Serbia, as in Croatia and Macedonia (Trauner 2011), is an example of the effectiveness of the EU's leverage. According to a Serbian interior affairs official involved in the process, visa liberalisation resulted in 'reform of the entire system', ranging from the adoption of the legal framework to the development

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[12] Informator o radu Ministarstva unutrašnjih poslova Srbije (2013) Ministarstvo unutrašnjih poslova Srbije, Beograd, p. 215.

[13] Interview with an expert based at a think tank dealing with security issues, Belgrade (by phone), 5 February 2013.

[14] Helsinški komitet za ljudska prava u Srbiji (2009) 'Srbija: postepeno prihvatanje kosovske realnosti', *Helsinki Bulletin*, No. 9

[15] International Crisis Group (2013) *Serbia and Kosovo: The Path to Normalisation*, Europe Report 19 (Brussels), 19 February, pp. 14-18.

of administrative capacity.[16] In fact, the Serbian government went beyond what was originally expected in signing the protocol on cooperation with EULEX. The policy cross-over also forced the Serbian government to undertake steps that tacitly recognised the situation on the ground in Kosovo.[17]

The visa liberalisation process had a win-win outcome for Serbia and the EU. It provided evidence of the Serbian Government's ability to deliver on European integration while also delivering tangible benefits to the people. An opinion poll recorded an increase in support for European integration, directly linked to impending visa liberalisation, to a high of 71 percent.[18] It reaffirmed the somewhat shaken belief in EU conditionality and the 'reward' logic of the process and speeded up approximation to the EU, as Serbia's membership application on 22 December 2009 demonstrated. Furthermore, visa liberalisation drew Serbia into direct collaboration with the EULEX mission in Kosovo.

Visa liberalisation as Europeanisation in a discursive domain

The same process of visa liberalisation looks very different from the perspective of Europeanisation in the discursive domain. From its onset, visa liberalisation, promoted by the then Serbian governing coalition, was contested not only by the

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[16] Interview with Serbian interior affairs official involved in visa liberalisation, Belgrade, 22 December 2009.

[17] Interview with former Serbian foreign affairs official (whose term overlapped with the start of the visa liberalisation), Belgrade, 21 December 2009.

[18] *B92*, 7 November 2009.

nationalist opposition in the Serbian Parliament but also by a range of other policy-relevant actors, reflecting what Subotić calls 'multiple sites of domestic resistance to broad-spectrum Europeanization' (2010, p. 611). Notably, the voice of Kosovo Serbs was prominent in this debate, indicating the extent of Serbia's public sphere. Further, the discourse on Serbia's visa liberalisation illustrates to what extent the SAP and the ESDP had become intertwined, affecting the debate not just on Serbia's visa liberalisation, but also, importantly, on Serbia's European integration. The linkage that the Serbian pro-European leadership made between Kosovo and European integration in response to the SAP and the ESDP policy cross-over points to an unexpected role of discourse: compliance was enabled by discursive denial of the extent of actual policy adaptation required and, indeed, implemented, for Serbia's visa liberalisation.

Due to the introduction of the Kosovo issue into the process of visa liberalisation, this technical policy area was cast in terms of a threat to national identity.[19] Accordingly, the debate about visa liberalisation was discursively framed by issues concerning citizenship, borders, and Serbia's territorial integrity. Such discursive representation was underpinned by the Commission's approach to visa liberalisation, which excluded Kosovo from the process. Although Kosovo is referred to as 'Kosovo under UN Security Council Resolution 1244' in the EU documents, and the EU member-states lack an agreed position on Kosovo's independence, a separate treatment of Kosovo in Serbia's visa liberalisation process was interpreted in Serbia as the EU

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[19] Interview with a civil society expert on security issues, Belgrade, 23 December 2009.

position on Serbia's territorial integrity, in particular among the sceptics of European integration.

From Serbia's perspective, the exclusion of Kosovo from the process meant that Kosovo Serbs (alongside Kosovo Albanians) would not be subject to the new visa regime. In fact, Serbia had to actively implement a series of measures to ensure the exclusion of Kosovo Serbs from the visa free regime.[20] Furthermore, as Kacarska notes (2012, p.11), this policy created several categories of Kosovo Serbs since Serbs residing in Kosovo could not take advantage of visa liberalisation (unlike Kosovo Serbs internally displaced inside Serbia). The parliamentary opposition in Serbia seized on this, accusing the Serbian government of abandoning their co-nationals, implicitly recognising Kosovo's independence, selling out national interests and ultimately betraying the nation.[21] According to the former Prime Minister and leader of the Democratic Party of Serbia (Demokratska stranka Srbije), Vojislav Koštunica, 'the 'White Schengen' directly discriminates and divides the citizens of Serbia.'[22] Consequently, this party described visa liberalisation as 'rump liberalisation,' and,

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[20] 'Proposal for a Council Regulation', Commission of the European Communities, Brussels, COM(2009) 366 final 2009/0104 (CNS), 2009, available at: http://www.esiweb.org/pdf/schengen_white_list_project_Commission%20proposal%20for%20visa-free%20travel%20%2815%20July%202009%29.pdf, accessed 15 July 2011, p. 7.

[21] *B92*, 15 July 2009.

[22] *Danas*, 13 July 2009.

therefore, evidence of the government's failure.[23] Others, like a Serbian Radical Party (Srpska radikalna stranka) representative, said that visa liberalisation was the 'bitter pill' of a *de facto* recognition of Kosovo's independence.[24] These views were reiterated by smaller parliamentary parties.[25] The reaction from Kosovo Serbs reinforced this criticism. A group representing Kosovo Serbs said that it is humiliating for Serbian citizens that giving up on Kosovo is a condition for visa liberalisation.[26]

The criticism was amplified following the announcement and eventual signing of the protocol on police cooperation between EULEX and the Serbian police. Critics of the Serbian government's decision reiterated the charges that the visa regime would divide the Serbs. Kosovo Serbs stepped up their attack, arguing that the protocol would contribute to 'ethnic cleansing' of Serbs from Kosovo.[27] According to them, the agreement would diminish Serb numbers in Kosovo, 'since many may seek to change their residence, which means abandoning their centuries-old hearths.'[28]

At the same time, the nature of the protocol, which paved the way for cross-border cooperation, drew attention to the sensitive issue of Serbia's contested border. The Belgrade daily *Danas* published the text of the protocol on police cooperation between the Serbian police and EULEX. Of particular interest was the translation of

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[23] *B92*, 15 July 2009.

[24] *Blic*, 15 July 2009.

[25] *Glas javnosti*, 16 July 2009.

[26] *B92*, 15 July 2009.

[27] *Politika*, 15 July 2009.

[28] Ibid.

'cross-border/boundary' as *'prekogranični/pogranični'* in reference to the nature of crime and necessary cooperation.[29] The word 'border', which denotes delineation between two internationally-recognised states, was used rather than 'administrative line' in accordance with Serbia's policy of non-recognition of Kosovo.[30] For the nationalist opposition, such wording was evidence for its claim that the protocol is a betrayal of national and state interests. In unison with the Kosovo Serbs, the Serbian opposition claimed that the agreement with EULEX actually 'establishes the border between Serbia and Kosovo' which means renouncing a part of its territory.[31] In other words, Serbia's price for the 'White Schengen' list was a border with Kosovo.

The Serbian leadership was on the defensive, as it was aware of the symbolic politics of the collaboration with EULEX in Kosovo. The agreement was concluded without a public ceremony, in stark contrast with public signings and photo opportunities used to maximum effect on other occasions when Serbia exchanged documents with the EU. The Government's strategy in response to the criticism was two-pronged: it defended the depoliticised and technical nature of the protocol signed with EULEX while, at the same time, politicising its position on Kosovo as a defender of Serbia's territorial integrity. Therefore, the deepening of cooperation with the EU coincided with a discursive contestation over Kosovo.

The Serbian government supported its decision by arguing that the protocol was exclusively a technical agreement without political repercussions, and especially not

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[29] *Danas*, 15 September 2009a.

[30] *Danas*, 15 September 2009b.

[31] *Politika*, 13 September 2011.

those that would affect the status of Kosovo. Statements coming from EULEX affirming its exclusively technical nature were aimed to deflect its politicisation.[32] Further, Serbian officials were careful about the language. They kept referring to the 'administrative line'.[33] Lastly, government representatives insisted that the protocol was ultimately based on the United Nations Security Council Resolution 1244 and the report of the United Nations Secretary General on reconfiguration of the international presence in Kosovo.[34] The reasoning was that the UN's sanctioning of EULEX implied, contrary to the act of Kosovo's declaration of independence, that Kosovo was still a part of Serbia.

The defence of the protocol was coupled with the government's positioning as a chief protector of Serbia's national interests while affirming its position as a carrier and promoter of Serbia's European project. Anticipating criticism, former President Tadić had made a pledge that he would not give up the struggle to keep Kosovo and Metohija (as Serbs refer to Kosovo) as part of Serbia, nor his support for European integration. In short, his motto is: 'Both European Union and Kosovo, both Kosovo and the European Union.'[35] This did not go as far as the opposition demands that it be written in law that Serbia would never join the European Union without Kosovo. Nonetheless, it forced Government officials to promise exactly that. Then Serbian Foreign Minister Vuk Jeremić said: 'We cannot trade Kosovo for entry into the EU'.[36]

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[32] *e-novine*, 11 September 2009.

[33] *Blic*, 12 September 2009.

[34] *Blic*, 17 August 2009.

[35] *Politika*, 3 March 2008; cf. *Politika*, 6 January 2010.

[36] *Vreme*, 6 November 2008.

The claim was reiterated by Serbia's EU Integration Minister at the time, Božidar Đelić in no uncertain terms: 'If that choice is placed before us, we will choose Kosovo.'[37]

The Serbian government and European Union officials maintained policy separation between Kosovo's status resolution and the European integration process, considering them as two distinct processes. However, as the analysis above suggests, the separation has proved untenable. The two were thoroughly intertwined, not just from the point of view of domestic actors (cf. Noutcheva 2009, p. 1079). At a policy level, the EU's ESDP agenda in Kosovo created new demands within the context of visa liberalisation with Serbia, shaping Serbia's approximation to the EU by determining the scope and form of policy adaptation required, as illustrated by the signing of the police protocol. At the discursive level, the exclusion of Kosovo from the visa liberalisation process allowed the nationalist opposition to question the entire European course of Serbia. The Serbian government responded by establishing linkage between Kosovo's status and European integration, with the government positioning itself as an ultimate guardian of Serbian national interests, embodied by the preservation of Serbia's territorial integrity. This was a discursive strategy that enabled the Serbian government to undertake hitherto a most radical adaptation of its Kosovo policy in technical terms, putting in place policies that acknowledged the border of Kosovo. The discursive positioning of the Serbian leadership, alongside denial of the extent of domestic change, enabled the pursuit of such a politically controversial policy.

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[37] *Politika*, 21 July 2008.

Explaining the EU's leverage in Serbia

According to a Serbian interior affairs official, Serbia's policy both toward Kosovo and EULEX has been 'schizophrenic.'[38] This expression captures the contradiction between Serbia withholding the recognition of Kosovo, reflected in the official discourse and documents pertaining to Kosovo, and Serbia's policy adaptation, which acknowledges Kosovo's border as a fulfilment of EU conditionality in the area of visa liberalisation. Furthermore, it occurred despite a stipulation in the preamble of the Serbian constitution (adopted on 8 November 2006) that Kosovo and Metohija is an integral part of the territory of Serbia,[39] affirmed in the Serbian Parliament's resolution on its sovereignty,[40] and its decision on annulling the Kosovo's unilateral declaration of independence.[41] How can this disconnect be explained?

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[38] Interview with Serbian interior affairs official, Belgrade, 22 December 2009.

[39] *Ustav Republike Srbije, 2006, available at*

http://www.sllistbeograd.rs/documents/ustav_republike_srbije_lat.pdf, accessed 10 November 2011.

[40] *Rezolucija Narodne skupštine o zaštiti suvereniteta, teritorijalnog integriteta i ustavnog poretka Republike Srbije, 2007, available at:*

http://www.mfa.gov.rs/Srpski/spopol/Prioriteti/KIM/kim_rezolucija_07_1_s.html, accessed 10 November 2011.

[41] *Odluka Narodne skupštine Srbije o potvrđivanju odluke Vlade Republike Srbije o poništavanju protivpravnih akata privremenih organa samouprave na Kosovu I Metohiji o proglašenju jedonstrane nezavisnosti, 2008, available at*

http://www.mfa.gov.rs/Srpski/spopol/Prioriteti/KIM/kim_skupstina_rezolucija_s.htm, accessed 15 November 2011.

The empirical findings in this study expose inadequacy of the SI and identity-based theories to account for the effectiveness of EU leverage to bring about Serbia's tacit recognition of Kosovo's border in the context of Europeanisation. As Subotić (2011, p. 326) demonstrates aptly in her identity-based analysis of Serbia, 'European and national identity diverged during the process of Europeanization.' Following the 'logic of appropriateness', persistence of normative and identity divergence on the Kosovo issue would be an obstacle to compliance (cf. Checkel 2001). But, the empirical evidence in this study shows that exactly the opposite was the case in Serbia. Europeanisation in the policy domain, demonstrated by policy compliance in the context of visa liberalisation, for example in the exclusion of Kosovo Serbs from the visa regime, proceeded despite such divergence. In other words, although the 'policy window' was seized to implement rule change, it did not lead to creation of new norms, either through social learning or socialisation (Checkel 1999, p. 551-52). Does the rational cost-benefit calculation in the 'logic of consequentialism' provide more analytical traction?

Despite the association of the SAP and the Kosovo issue in the visa liberalisation process after Kosovo's independence, support for EU membership in Serbia stood at 61% percent in 2008.[42] Additionally, analysts argued that then incumbent Boris

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[42] *Evropska orijentacija građana Srbije: Trendovi, Kancelarija za evropske integracije Vlade Srbije, 2008, available at:*

http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanja_javnog_mnjenja/javno_mnjenje_decembar_08cir.pdf, accessed 3 March 2010.

Tadić's playing of the pro-EU card in the second round of voting in the 2008 presidential elections assured him the victory over his nationalist rival, Tomislav Nikolić. Pursuing the agenda of visa liberalisation, the first tangible benefit to Serbia's citizens from approximation to the EU, was a rational policy of Serbia's leadership that was worth the cost of unprecedented policy adaptation on the Kosovo border. This fact seems to confirm the "*rewards hypothesis*" that "*the effectiveness of rule transfer increases with the size and speed of rewards*" (Schimmelfenning & Sedelmeier 2004, p. 665). However, the hypothesis starts to look less useful when you come to consider the prohibitive adaptation costs for a wide spectrum of Serbia's institutional players in accommodating Kosovo. According to the "*adoption cost hypothesis*", which correlates decreased rule adoption with the number of veto players incurring net adoption costs from compliance (Schimmelfenning & Sedelmeier 2004, p. 667), the likelihood of rule adoption would be very low in Serbia's case. Reflecting this logic, Obradović-Wochnik & Wochnik (2012) overlook policy change in relation to Serbia's Kosovo policy in the context of EU integration. By contrast, demonstrating the extent of domestic adaptation, this article offers the explanation that discursive denial of the policy adjustment by Serbia's leadership was a strategy to deal with the high adaptation costs. In this respect, politicisation of the Kosovo issue led to re-allocation of political resources in the domestic system (Radaelli & Pasquier 2007, p. 44). Further, Serbia's leadership taking on the nationalist mantle on the issue of Kosovo indicates the use of discourse to marginalise institutional 'veto players'. It is indicative of the complexity of Serbia's Europeanisation, whose trajectory cannot be explained purely in terms of an instrumental rationality that separates interests from ideas, as embodied by the RI.

The DI perspective on Serbia's Europeanisation provides an alternative explanation of why Serbia's discourse on Kosovo was 'successful'. In terms of discourse as a representation, it came across as resonant and adequate within what Schmidt calls the given 'meaning context', both contemporaneously and historically, considering Serbs' 'mythic' attachment to Kosovo (Anzulovic 1999). The denial of policy adaptation in the discourse allowed the Serbian leadership to implement policy change by managing the contradiction between the real strategic objective with the objective as it is construed (cf. Fairclough 2010, p. 484). In terms of discourse as an interactive process, the then Serbian leadership emerged as the owner of the successful discourse in interactions with the nationalist opposition and with Kosovo Serbs as discursive agents who were marginalised in the process. The adoption of the nationalist discourse by Serbia's leadership, including the rejection of European integration (should a Kosovo condition be presented to Serbia) was used as a cover for the adaptation of policies in line with approximation to the EU (including those on the Kosovo border), required for the visa liberalisation process. Arguably, normative incongruence between discourse and policy accounts for the transformative power of discourse in this case. The policy outcome in Serbia's case, which is improbable from the RI and SI perspectives, can be explained by considering the 'space of possibility' (Lynggaard 2012, p. 88) created by the discourse.

Conclusion

This study contributes to the understanding of Europeanisation in post-communist states by identifying a hitherto overlooked disconnect between domestic adaptation in

the discursive and policy domains. Specifically, with reference to Serbia, it exposes another variation of 'Potemkin harmonization', the term Jacoby (1999) used to describe Europeanisation in CEE, where adopted rules exist as rhetoric but not as practise. This study of Serbia's visa liberalisation points to reverse dynamics: rules are adopted and enforced in practice, but denied and even covered up discursively. The article found that discursive institutionalism offers appropriate analytical tools to explain such an unexpected and complex Europeanisation. It challenges the SI's ability to explain Serbia's 'costly' political adjustment on the Kosovo border in view of Serbia's contestation of Kosovo's independence. It adds to the RI-based explanation that can only partially account for policy adjustment given the interest of the then Serbian leadership in progressing towards the EU and the prohibitive costs of its Kosovo policy. In this sense, the RI could be said to serve as a 'jumping-off point for DI, indicating what discursive institutionalists could usefully investigate and might do a better job explaining' (Schmidt 2008, p. 319).

Discursive institutionalism explains the paradox of Serbia's domestic adaptation in the course of approximation to the EU: deepening of the contractual relationship with the EU, including appropriate policy adoption, coexists with discursive confrontation with the EU, especially on the Kosovo issue. The same explanation applies to the policy pursued by the new Serbian leadership following the 2012 parliamentary and presidential elections. However, this paradox also shows that DI overstates the deliberative aspect of discourse. Specifically, the case-study demonstrates that the discourse enabled but did not legitimise policy change precisely because of normative incongruence between discourse and policy.

On the one hand, the research findings highlight the 'shallow' nature of Europeanisation with implications for the 'lock-in of the institutional change' (Sedelmeier 2012, pp. 22-23), given its discursive denial. On the other, they raise questions concerning the role of discourse in explaining domestic change. Specifically, engagement in a methodological dialogue with RI is needed to better understand the impact of the changing incentive structures on what Schmidt (2008, p. 314) calls 'foreground discursive abilities', through which agents change or maintain institutions (cf. Béland & Cox 2011, p. 15). Börzel & Risse's (2003, 57-89; Goetz 2005, p. 262; Jacoby 2004, pp. 196-215; Checkel 2001, p. 581) argument that the 'logic of consequentialism' and the 'logic of appropriateness' are not incompatible is instructive, pointing to further analytical possibilities including the 'logic of communication.'

Approaching discourse as *a* cause rather than *the* cause in line with the discursive institutionalist take on causality as an 'empirical one showing when ideas and discourse matter and when they don't' (Schmidt 2011, p. 62), this research sought to explain domestic adaptation in face of restrictive adaptation costs. It asked the question how ideas and interests interact and connect, rather than drawing a distinction between the materialist and idealist analysis (Campbell 2002, pp. 33-34). The identified normative incongruence as an explanation of a discursively generated policy change questions the applicability of the constitutive logic associated with constructivism (cf. Wendt 1999), and its emphasis on consistency of discourse with values and norms in accounts of policy change (cf. Bhatia & Coleman 2003). This study thus reflects a need to 'proceed from the study of discursive causalities towards substantial causal claims' (Lynggaard 2011, p. 85), which can entail rethinking of

causality beyond the dualism between positivist and post-positivist approaches (Kurki 2006; Gofas & Hay 2010; Tønder 2010). As Epstein notes (2008, p. 4), the distinction between explaining and understanding 'precludes apprehending "meaning" as a cause of social action and as a factor of change and continuity, thereby undermining its explanatory purchase.'.

Lastly, this study shows that Europeanisation in the Western Balkans is complex and uneven across different dimensions of institutional change, and thus eludes simple assessment of the EU's multiple policies as either a failure or success. Such a conclusion reiterates the need to understand Europeanisation of what scholars call 'difficult' (Subotić 2010), 'impossible' (Bieber 2011) and 'limited' states (Börzel 2011), defined by complex political, ethnic and conflict legacy. From the 'goodness of fit' perspective, this concerns the extent to which the pursuit of multiple policies by the EU changes the scope of adaptation necessary to achieve the 'fit' as a result of cross-policy impact. It, therefore, requires rigorous research design that identifies and operationalises the sources of policy change in relation to their effect(s). In the Western Balkans, further understanding of EU conditionality is needed from a bottom-up perspective. The focus on domestic conditions, as mediators of EU leverage (Börzel 2011; Elbasani 2009), should also include consideration of the constantly shifting local policy context, which itself is partly caused by EU's multiple policy instruments.

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Table 1: Key events and relevance to enlargement and CFSP policies in Serbia and Kosovo

Date	SAP	Visa Liberalisation	ESDP
15 Apr 05	EC approves Feasibility Report for Serbia and Montenegro's SAA negotiations		
10 Oct 05	EU starts SAA negotiations with Serbia and Montenegro		
1 Nov 05			UN Secretary General appoints Ahtisaari
20 Feb 06			Kosovo status talks begin under UN auspices
6 May 06	SAA negotiations with Serbia suspended		
21 May 06			Montenegro independence referendum
20 Jun 06		Commission presents to the Council draft mandates to negotiate visa facilitation and readmission agreements	
13 Nov 06		Council approves negotiations on visa facilitation and readmission agreements with Western Balkan countries	
20 Nov 06		Start of negotiations on visa facilitation and readmission agreements with Western Balkan countries	
15 Mar 07			Ahtisaari submits report to UN Secretary General recommending Kosovo independence
16 May 07		Visa facilitation and readmission agreement initialled	
13 Jun 07	SAA negotiations with Serbia continue		
August 07			US, EU and Russia Troika attempt to negotiate a solution to Kosovo status
7 Nov 07	SAA with Serbia initialled		
7 Dec 07			Troika submits report to UN Secretary General; no agreement on Kosovo status
14 Dec 07			EU leaders agree Kosovo negotiations exhausted and support ESPD mission to Kosovo
1 Jan 08		Visa facilitation and readmission agreement comes into force	
30 Jan 08		Launch of visa dialogue with Serbia	

Date	SAP	Visa Liberalisation	ESDP
4 Feb 08			EU's European Union Rule of Law Mission (EULEX) to provide support for Kosovo established through EU Council's Joint Action
17 Feb 08			Kosovo declares independence
29 Apr 08	Serbia Signs SAA and Interim Agreement on Trade and Trade-related issues (IA), immediately suspended		
7 May 08		Visa road map presented to Serbia	
9 Sep 08	Serbian Parliament ratifies SAA and IA		
16 Oct 08	Serbian Parliament decides on unilateral implementation of IA		
26 Nov 08			UN Security Council authorises deployment of EULEX throughout Kosovo
9 Dec 08			EULEX deployed in Kosovo
1 Jan 09	Serbia's unilateral implementation of IA		
6 April 09			EULEX opens headquarters in Pristina
15 Jul 09		Commission proposes visa free travel for Serbian citizens pending compliance with outstanding requirements	
11 Sep 09		Police protocol between Serbian Interior Ministry and EULEX signed	
25 Sep 09		Serbia reports on meeting outstanding requirements	
19 Nov 09		Commission approves Serbia's compliance with outstanding requirements	
30 Nov 09		Justice and Home Affairs Council go ahead to visa free travel for Serbia	
19 Dec 09		Start of visa free travel to EU for Serbian citizens	
22 Dec 09	Serbia submits application for EU membership		
1 Feb 10	IA comes into force		
14 Jun 10	Council decides to start SAA ratification process		
25 Oct 11	Council requests Commission Opinion on Serbia's membership application		
12 Oct 11	Commission Opinion on Serbia's membership application; conditional on normalising relations with		

Date	SAP	Visa Liberalisation	ESDP
	Kosovo		
1 Mar 12	Council grants Serbia status of candidate country		

Source: www.europa.eu, www.securitycouncilreport.org, www.esi.web, www.eulex-kosovo.eu, www.unmikonline.org, www.mfa.org.rs, www.grupa484.org.rs.