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## **‘Pre-Accession Europeanization’: The Case of Serbia and Kosovo**

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### **Abstract**

This article argues that there is much confusion surrounding Serbia’s landmark decision to engage in a process of normalization with Kosovo. Rather than undergoing a process of Europeanization, whereby a fundamental transformation in the underlying rationale and processes of decision-making occurred, as some have argued, the changes in Serbia’s policy are in fact based on material concerns. By tracing relations in the EU-Serbia-Kosovo triangle, the article shows that change in Serbia’s approach towards Kosovo is based on pragmatism and political opportunism, rather than absorption, adaptation, convergence or identity formation. What we have witnessed is a more short-term, interest based policy shift serving very specific economic purposes. In conceptual terms, this is better understood as a policy of rationally instrumental ‘pre-Accession Europeanization’ rather than as a process of adaptive normative Europeanization as more conventionally understood in the literature.

**Keywords:** Europeanization, conditionality, accession, Serbia, Kosovo

### **Introduction**

It has been argued that Serbia has remained one of ‘the most reluctant Europeanizers...persistently understudied and undertheorised in the Europeanization literature’ (Subotić, 2010). Certainly, the European Union (EU) and Serbia have had a difficult relationship. For many years, tensions were focused on Serbia’s lack of co-operation with the International Criminal Court for the Former Yugoslavia (ICTY). More recently, however, the interaction between Europe and Serbia has been predominantly shaped by the deep differences that emerged between Serbia and the EU in the aftermath of Kosovo’s

declaration of independence, in February 2008. This led to a series of confrontations between Belgrade and the EU.

However, starting in 2011, the situation began to improve dramatically. Under the auspices of the EU's External Action Service, a process of dialogue started between Belgrade and Pristina on 8 March 2011. In the first stage of the talks, the primary focus was on securing agreements across three key objectives: 'improve the life of the people, achieve better cooperation in the Balkans and move the region closer to the EU' (B92, 2011b). This eventually led to agreements on the exchange of cadastral records, the mutual recognition of diplomas and a mechanism for integrated border/boundary management (IBM), and the participation of Kosovo at meetings of regional organisations. Next, the EU turned its attention towards wider political issues, including the question of how to integrate the Serbian communities living in the north of Kosovo; which had steadfastly rejected any and all attempts by Pristina to assert its authority over them. Following a further series of discussions, overseen by Catherine Ashton, the two sides initialled a fourteen point 'First Agreement of Principles Governing the Normalization of Relations', in April 2013. As well as establishing an Association of Serb Majority Municipalities, the agreement also stipulated that the Serbian police and courts in Kosovo would be integrated into the Kosovo structures of governance. The agreement, which was widely praised internationally, was significant inasmuch as it effectively signalled the end of Serbia's attempts to secure the partition of Kosovo. Similarly, the commitment made both Serbia and Kosovo not to impede the other's process of European integration, effectively marked Serbia's acceptance that Kosovo would pursue its own EU accession path. Perhaps most importantly, as a result of this steady normalization of relations between Belgrade and Pristina, the way was opened for Serbia to formally start accession talks. These formally began on 21 January 2014 (Council of the European Union, 2014).

In view of the major transformation that occurred in Serbia's policy towards Kosovo, there has been a growing interest, both in the academic and policy communities, in understanding

and explaining the factors underpinning this policy change. It would certainly be tempting to ascribe Serbia's change of tack to the 'pulling power' of the EU and the associated concept (to some, a theory) of Europeanization, whereby 'recipient states' adopt the values, standards and practices, and procedures of the EU and its member-states and thus, in short, become 'European'. The assumption is this: the prospect of opening accession negotiations and ultimately joining the EU proved a powerful enough incentive for the Serbian political elite – and particularly a government painted as radical nationalists – to soften its stance on engagement with Kosovo and begin a process of normalization of relations. In doing so, they showed an understanding and appreciation of European values of reconciliation. As the Enlargement Strategy Report of the European Commission stated: '[T]he historic agreement reached by Serbia and Kosovo\* [sic] in April [2013] is further proof of the power of the EU perspective and its role in healing history's deep scars' (European Commission, 2013).

But just how far can standard notions of Europeanization explain the changes that occurred? To be sure, the idea that the European Union has 'transformative power' is widely accepted. The EU, by virtue of its values, its identity, and its material wealth, its 'power', can affect fundamental changes in the behaviour of states which are eligible for membership. (Börzel and Risse, 2003; Grabbe, 2006). However, in the case of Serbia's change of attitude towards its interaction with Kosovo, is it correct to link it directly to the EU's transformative power and a more general process of Europeanization in Serbia (Keil, 2013; Obradovic-Wochnik and Wochnik, 2012)? This article argues that rather than the result of embedded changes to identity and normative value systems, the transformation of Serbia's policy towards Kosovo is in fact based on material concerns. If this is Europeanization, it is not a *process* of Europeanization as more usually understood. Instead, it appears to be Europeanization as a *policy*. Drawing on Sedelmeier (2006), this is better described as a separate concept of 'pre-accession Europeanization'.

### **Europeanization as Process or Policy?**

The essential question posed in this article is this: is the changing relationship between Serbia and Kosovo evidence of the Europeanization of Serbia? This inevitably raises the question: what does Europeanization mean in this context? As already noted, it is about adoption of values. However, a fundamental premise of the literature on Europeanization is that it is a *process* (Börzel 2002; Featherstone, 2003; Ladrech, 1994). Moreover, it is a process of change that transcends the conventional legal and political transformations that occur through the technical process of integration centred on the *acquis communautaire* (Radaelli, 2003).

While most of the literature on Europeanization has focused on changes within member states, a body of work has emerged that has dealt with the impact of the EU on states in the formal accession process (Grabbe, 2003; Grabbe 2006, Schimmelfennig and Sedelmeier, 2005; 2011; Sedelmeier 2006). More recently, the literature has expanded to include those states at an even earlier stage in the integration process (Börzel, 2011; Börzel and Risse, 2011; Schimmelfennig, 2009). These are states that have, since 2003, been said to have a ‘European perspective’ (European Council, 2003), but have yet to start accession negotiations. In particular, there has been growing attention on the Western Balkans; a region that is usually defined as the states of former Yugoslavia minus Slovenia but including Albania. (See Bache et.al., 2011; Börzel, 2011b; Elbasani, 2013; Fakiolas and Tzifakis, 2008; Kostovicova and Bojičić-Dželilović, 2006; Noutcheva and Aydin-Düzgit, 2011; Obradović-Wochnik and Wochnik, 2012.)

This more recent work on states with a European perspective builds on previous research on the effects of enlargement, and the processes of Europeanization and transformation derived from the Central and Eastern European (CEE) experience, which argued that Europeanization was a more powerful source of change in the European context than other transformation trends in the post-Cold War period (Schimmelfennig and Sedelmeier, 2006), it necessarily differs in several key ways. Most significantly, it has had to incorporate the extra demands placed in the path of all Western Balkans states, namely the Stabilisation and Association

process (Phinnemore, 2003; Phinnemore, 2013; Pippan, 2004), and the lack of a hard guarantee of eventual membership (for example, Stahl, 2011). Although the states of the region are eligible for EU membership, they are not promised early, or easy, access to the club. Another factor that bears similarities with CEE experience, but is rather different in the case of the Western Balkans, is the use of a strict conditionality. While conditionality was a key part of the CEE enlargement, it was confined to the narrower accession negotiation process. In the case of the Balkans, it has been applied to the pre-accession period (see, Anastasakis and Bechev, 2003; and Bieber, 2011).

This consequently means that the process of Europeanization – or, perhaps more accurately, the process of encouraging Europeanization or even ‘Europeanization-like’ behaviour – begins at an earlier stage in the Balkans than it did in CEE (see, Pridham, 2007; Schimmelfennig, 2008). As the literature has developed, this early stage encouragement of Europeanization has given rise to the notion of ‘Europeanization via enlargement’. In the Western Balkan context this has been most explicitly noted by Elbasani (2013, p.7). The problem is that the two elements – enlargement and Europeanization – can become conflated. While the process of Europeanization runs hand-in-hand with enlargement, the danger is that there then becomes a tendency to see all forms of modified behaviour as evidence of normative adaptation. While enlargement may encourage Europeanization, it does not follow that all policy change is necessarily evidence of Europeanization. As noted, Europeanization as a process is in fact distinct from that of integration (Radaelli, 2003).

If Europeanization is seen as an intrinsic part of the enlargement process, which is essentially centred on adopting the *acquis communautaire* and the creation of an EU member state (for example, Keil, 2013), then equating enlargement with Europeanization means that the latter loses its original and distinctive definition as a process centred on the gradual adoption of European norms and values and of basing decisions on, and taking decisions in, a ‘European way’. It is no longer necessarily about convergence, or adaptation, or socialisation, or

absorption, or about ‘the adoption of EU norms on a given issue ... for the purposes of EU integration’ (Obradović-Wochnik, 2012, p. 1159). Nor is it about Europeanization as identity (Stahl, 2011), or identity ‘convergence’ or ‘divergence’ (Subotić, 2011). Instead, Europeanization is seen to occur through the mere act of fulfilling the conditions for membership as laid down by the European Union.

The crucial difference, as noted already is that while, in the case of Central and Eastern Europe, conditionality was an intrinsic part of the integration process designed as an instrument for cajoling and coercing candidate states into fulfilling legal, economic and technical requirements of EU membership, in the Western Balkans the EU has been using conditionality at a far earlier stage. A range of demands are made that have to be fulfilled if the prospective candidate is to move onto the escalator of the enlargement process. These demands may be technical; such as capacity- and institution-building measures or others of reform and restructuring. Alternatively, the demands made may have normative roots; such as promoting EU values or be driven by moral concerns – areas that are more usually associated with traditionally conceptualization of Europeanization as a process of learning.

Europeanization in this form is therefore not so much about adaptation, although this may certainly occur. Instead, it is based on ‘instrumental rationality’ ties to conditionality where, ‘actors are conceived as (mostly self-interested) utility maximisers who select their course of action according to cost benefit calculations (Börzel and Risse, 2011, p. 5). In the institutional logic approach of appropriateness and consequence, there is an observed tendency with respect to pre-accession or candidate Europeanisation to privilege the instrumental approach of rational consequentialism. Appropriateness in the form of institutionally driven ‘normative pressure’ (Kelley, 2004), the spreading of norms resulting in attitudinal and behavioural change, whether described as convergence, adaptation, or social learning/lesson-drawing is a secondary phenomenon at this stage. They do not, in essence, require the adoption or absorption, over a longer period of time, and as the result of EU membership, of a

normatively driven change in attitude or of a reshaping of identity. The European Union demands of the 'recipient' policy changes, which are then likely to be rewarded by a furthering of their integration prospects.

The process is, in practice, not driven by a 'logic of appropriateness', it is driven by necessity: it is the practical 'preparation of the ground' for fulfilling the prospect of EU accession. Convergence may be occurring but on a very specific issue with a very specific goal in mind under the pressure of a strict conditionality. It may be that as a result of the procedures of accession, and in the long-term, a reformist political agenda will emerge based on the notion of 'legitimacy of rules and appropriateness of behaviour' (Schimmelfennig and Sedelmeier, 2011, p. 667). But for the time being that is not in evidence. Europeanization is thus a conscious *policy*, relying on external incentives of the carrot and stick variety (conditionality) which are based on a cost-benefit calculation. It is the product of rationalist institutionalism based on the, 'credible external incentives underpinning EU conditionality' (Sedelmeier, 2006, p. 6). This variant of the external incentive model suggests that 'candidate countries have to Europeanise as a condition and not a consequence of membership' (Börzel and Risse, 2011, p. 15). In its extreme form, this can be regarded as Europeanization by 'external imposition' (Juncos, 2011). In this case the external incentive is not merely a short-term reward but also the 'golden carrot' of EU membership (Börzel, 2011b, p.3).

However, and crucially, within this rationalist institutionalist approach there is still an acknowledgement that, ultimately, Europeanization is still dependent on the decisions of the internal actors (Schimmelfennig and Sedelmeier, 2004, 2005, Sedelmeier, 2006). The EU can impose a condition that must be met for further integration. However, it is up to decision makers within the state in question to decide, on the basis of their own calculations and interests, whether they wish to accept the condition laid down. It is about choice. In this process, domestic actors – and their interests and/or ideas – play a crucial role in matters of causality. They help to form the 'missing link' between EU and domestic levels of policy-



making (Goetz, 2000, p.222); or what Featherstone has called the ‘interactive link between the “domestic” and “EU” spheres of activity’ (Featherstone, 2003, p. 13). In this particular case, we identify a causality stemming from their rational set of preferences, driven by their interest-based calculations, which are primarily self-serving and often short-term. Emphatically, they cannot be usefully seen as purveyors of a ‘Europeanness’ or as ‘norm entrepreneurs’ (as in a constructivist frame). They do not display strong ideological affiliations or a distinct set of norms. Rather, they can be better understood as being driven by material calculations of the gains to be had from the EU in a consequentialist frame and here we assess the utility of doing so.

In the existing literature, which has been centred on Central and Eastern Europe, this phenomenon of rational instrumentalist Europeanization has come to be known as ‘candidate Europeanisation’ (Sedelmeier, 2006, p. 19). However, in the context of the discussion about Serbia and other countries of the Western Balkans, where it covers a whole spectrum of integration stages, it is perhaps better termed as ‘pre-accession Europeanization’.

### **Serbia-EU relations and the emergence of the Kosovo issue**

Over the course of the past two decades Serbia has had a difficult relationship with the EU. It was a key protagonist of the wars of Yugoslavia’s dissolution, leading to its international isolation. In 1999, many EU members played an active role in the NATO military campaign against Serbia to end the conflict in Kosovo. The ousting of Slobodan Milosevic, in October 2000, led to a rapid rapprochement between Serbia and the EU (Subotić, 2010). However, the optimism that Serbia would be able to press ahead with EU integration suffered a setback with the assassination Zoran Djindić, the modernising prime minister, in April 2003. Thereafter, relations between Serbia and the EU failed to make as much progress as had been anticipated. Although a European Partnership was adopted by the Council in 2004, a range of internal issues, including democratization, judicial reform, criminality and respect for

minority rights, remained a source of concern. Most importantly, Serbia's lack of co-operation with the ICTY, and impasse over the status of Kosovo, became the key obstacles to the country's process of European integration (Subotić, 2010).

In late 2005, the UN announced talks on the future status of Kosovo. Despite Serbia's strong opposition, from the outset it was clear that the talks would lead to some form of statehood for Kosovo, with support from the United States (US) as well as a number of leading members of the EU. (See, Weller, 2009; Ker-Lindsay, 2009; and Perritt, 2009.) Serbia, in turn sought help from Russia, especially in the UN Security Council. While the senior coalition partner in the Serbian government, President Boris Tadić's Democratic Party (DS), vowed to continue to defend Serbia's claim to Kosovo, it nevertheless wished to maintain good relations with the EU and strongly favoured the country's eventual accession to the Union. In contrast, the main junior partner in the coalition government, the Democratic Party of Serbia (DSS), led by Prime Minister Vojislav Koštunica, and the main opposition party, the Serbian Radical Party (SRS), became increasingly hostile towards the European Union, which they saw as being at the forefront of efforts to secure Kosovo's independence. As a result, by the end of 2007, although the question of cooperation with the ICTY remained a key issue, relations between Serbia and the European Union were increasingly being shaped by the Kosovo issue.

On 17 February 2008, Kosovo unilaterally declared independence. Many EU states swiftly recognised the new state. However, five members of the European Union – Cyprus, Greece, Romania, Slovakia and Spain – refused to do so. (Economides and Ker-Lindsay, 2010) This split between the members meant that the EU could not ask Serbia to recognise Kosovo as an independent state as a condition for membership. Nevertheless, as the large majority of states had recognised it, the European Partnership was updated to call on Serbia to, 'Cooperate constructively on matters relating to Kosovo' (Council of the European Union, 2008). Instead, Belgrade chose to wage an active campaign to defend its territorial claim over Kosovo.

Although the use of military force was categorically rejected, the Serbian government established an extensive lobbying effort around the world aimed at preventing recognition by other states as well as the entry of Kosovo into various international organisations (see, Ker-Lindsay, 2012).

Just weeks after the declaration of independence, Serbia held parliamentary elections. This was widely perceived to be a referendum on Kosovo versus EU integration. While DS adopted a pro-European stance in its campaign, DSS and SRS adopted a strongly nationalist line (OSCE, 2008). In an undisguised effort to help secure a DS victory, the EU signed a Stabilisation and Association Agreement (SAA) with Serbia; albeit immediately freezing its entry into force until Serbia was deemed to be fully cooperating with the ICTY. As Olli Rehn, the then Enlargement Commissioner, explained, ‘We don't want Serbia to give up its European integration...The Stabilisation and Association Agreement would be a strong signal that the European Union is committed to Serbia's European future.’ (*Southeast European Times*, 2008)

However, the subsequent DS victory did little to change Serbian foreign policy. Rather than bring Serbia closer to Europe, as many had expected, Belgrade increasingly balanced its stated wish to join the EU by building closer links with Russia and China in order to prevent Kosovo from gaining UN membership (B92, 2009). Such efforts, which directly opposed the efforts of several EU members to promote Kosovo's recognition, were regarded as being evidence that Serbia was not as engaged with the EU as many believed (FCO interview, May 2011). (Such a view was rather accurate it turns out. One senior Serbian minister at the time noted, in conversation with an author in November 2014, that the pursuit of relations with non-Western countries, along the lines of some form of ‘neo-Titoism’, in fact became a higher priority for the DS government than EU accession at this point.) The efforts of the Serbian foreign minister, Vuk Jeremić, in particular, proved to be a particularly frustrating (*Balkan Investigative Reporting Network*, 2008). Although Kosovo's prime minister had

confidently proclaimed that by the end of the year Kosovo would be recognised by 100 states, by December 2008, just 52 had done so.

The lowest point in relations between the EU and Serbia occurred when Belgrade's decided to refer Kosovo's declaration of independence to the International Court of Justice (ICJ). This went against the expressed wishes of many EU members, including Britain and France (*B92*, 2008). Nevertheless, the EU maintained its policy of trying to encourage Serbian integration. In September 2008, an attempt to unfreeze the SAA was blocked only by the Netherlands, which demanded full cooperation with the ICTY (*EU Observer*, 2008). Thereafter, in December 2009, the EU agreed to lift visa restrictions on Serbian citizens travelling to the EU for less than 90 days (*BBC News*, 2009). However, none of this led to a moderation of Serbia's position on Kosovo. As well as continuing to lobby states not to recognise Kosovo, Belgrade blocked Kosovo's participation in regional gatherings.

On 22 December 2009, and despite the obvious tensions that existed between Serbia and the EU over Kosovo, Belgrade submitted an application for membership of the European Union. However, no immediate action was taken. In the meantime, on 22 July 2010, the ICJ delivered its advisory opinion on Kosovo's declaration of independence (International Court of Justice, 2010). Rather than decide on whether Kosovo's statehood was legal, it simply said that, except where otherwise stated, for example by a Security Council resolution, there was nothing under general international law that said that a declaration of independence was illegal. Both sides read this as a victory. Pristina and its supporters believed that this would lead to more recognitions (Bosco, 2010). However, Serbia announced that it would not only continue to oppose Kosovo's independence (*VOA News*, 2010), it would also seek a new General Assembly resolution calling for renewed status talks.

The call for new status talks was greeted with considerable anger by Kosovo's supporters within the EU. They wanted Serbia to accept a joint EU position reached after the advisory

opinion that there should indeed be a new process of dialogue aimed at promoting cooperation and improving the lives of people in the region (European Union, 22 July 2010). The Serbian government was therefore told in no uncertain terms that efforts to press for new status talks would jeopardise Serbia's future EU (*Reuters*, 2010). At the last minute, and much to the surprise of many Serbian officials who had been lobbying hard for support for the Serbian draft resolution, Belgrade relented (Serbian official, comments to authors, August 2013). Belgrade accepted a proposal from the European Union for a joint resolution that 'acknowledged' the ICJ advisory opinion and welcomed, 'the readiness of the European Union to facilitate a process of dialogue between the parties; the process of dialogue in itself would be a factor for peace, security and stability in the region, and that dialogue would be to promote cooperation, achieve progress on the path to the European Union and improve the lives of the people.' (UN General Assembly, 2010.) The resolution was passed by consensus on 8 September 2010.

### **The EU sponsored dialogue process**

The decision to pass a joint resolution appeared to mark a shift in relations between the EU and Serbia. Although, Belgrade continued its counter recognition efforts, they were much lower key. Moreover, it was now understood that Serbia would start to engage with the Kosovo authorities. As a result, in October 2010, the Council agreed to submit Serbia's application for membership to the Commission for an opinion. Following this, and after much delay, in part caused by local elections in Kosovo, the dialogue between Belgrade and Pristina started on 8 March 2011. Over the following months, despite strong domestic opposition in Serbia, the process continued with agreements being reached on a number of issues, such as freedom of movement across the dividing line, issues relating to documentation held by Serbia and the mutual recognition of university diplomas (*Al Jazeera*, 2011). However, just weeks later, violence erupted in Kosovo after Pristina attempted to place its officials at two crossing points between Kosovo and Serbia. In retaliation, the Serbs living in the north of

Kosovo established a number of barricades to block roads into the south, leading to a number of clashes between local Serbs and NATO peacekeepers (*BBC News*, 2011a). After several weeks of tension, Angela Merkel travelled to Belgrade and delivered a clear message: 'If Serbia wants to achieve candidate status, it should resume the dialogue and achieve results in that dialogue, enable Eulex [the EU rule of law mission in Kosovo] to work in all regions of Kosovo, and abolish parallel structures and not create new ones.' (*BBC News*, 2011(b); see also, Papadimitriou and Petrov, 2012).

The negotiations restarted in September. By now, the Serbian Government accepted that there was no realistic alternative to the dialogue process, even though the two sides had reached a stalemate (B92, 2011). In the meantime, Serbia's accession prospects had improved dramatically with the arrest of ICTY indictees Ratko Mladić and Goran Hadžić, the last remaining Serbian fugitives, in May and July respectively. In October 2011, the Commission recommended that Serbia be awarded candidate status noting that, 'Serbia is well on its way towards sufficiently fulfilling the political criteria set by the Copenhagen European Council in 1993 and the conditions of the Stabilisation and Association process, provided that progress continues and that practical solutions are found to the problems with Kosovo' (European Commission, 2011). In the months that followed, the dialogue continued, resulting in a major agreement on integrated border/boundary management (IBM) (*BBC News*, 2011c). However, just days afterwards, and although the members welcomed the fact that a 'fully satisfactory' level of cooperation had been reached with the ICTY, the EU decided that Serbia could not be awarded candidate status until such time as there was evidence that the agreements that had been reached were being implemented.

By early 2012, the relationship between Serbia and Kosovo was beginning to change dramatically under continuing EU pressure. In March, another breakthrough occurred when Belgrade finally agreed to a formula that would allow Kosovo to participate in regional organisations as Kosovo\*; the asterisk pointing to a footnote stating the following: 'This

designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.’ As a result, and following a report of the Council of the European Union (2012), in February, Serbia was officially awarded candidate status (European Council, 2012a), in March 2012.

In May 2012, Serbia went to the polls, first for presidential elections and then parliamentary ones. Once again, the contest was seen as a battle between the pro-European DS and the more nationalist Serbian Progressive Party (SNS), led by Tomislav Nikolić, which had broken away from the nationalist SRS. In reality, the campaign had little to do with Kosovo; the main issues of concern were the economy and corruption. Also, unlike the SRS, the Progressives had committed themselves to Serbia’s EU integration. (B92, 2012) Nevertheless, many feared the worst when Nikolić beat Tadić in the presidential election and, following weeks of negotiations, a new coalition government was formed between the Progressives and the Socialist Party of Serbia (SPS). Of even greater concern was the fact that the new prime minister was Ivica Dačić, a deputy prime minister under the previous government who was better known internationally for having served as the spokesman for Slobodan Milošević.

The new government quickly proved to be more committed to EU accession, both in word and deed, than anyone had expected. The President, prime minister and the deputy prime minister, Aleksandar Vučić, who was quickly emerging as the strong man in the Progressives and in the government, all insisted that Serbia would pursue its EU integration path and would remain committed to dialogue with Pristina. More to the point, Dačić proved to be far bolder in his approach towards Pristina than the previous pro-EU DS administration. In a major break with the previous dialogue, which was overseen by senior officials, it was now decided that the talks would take place between the two prime ministers. The first of these took place in October 2012 (*European Voice*, 2012), and was the first time that any serving senior official of the Serbian Government had met with Hashim Thaci, Kosovo’s prime minister, since the declaration of independence. Moreover, unlike the earlier dialogue process

that had been overseen by Robert Cooper, Counsellor in the European External Action Service (EEAS), the new talks were now chaired by the EU High Representative, Catherine Ashton. Against this backdrop, Serbia now pressed the case for being awarded a date for the start of actual accession talks. Meeting in December 2012, the Council of the European Union decided that it would decide on a date for the start of talks the following spring (Council of the European Union, 2012b).

In the months that followed, the two prime minister met on numerous occasions. In Serbia, both Dačić and Nikolić increasingly appeared to indicate that Serbia was preparing to relinquish Kosovo. As well as hints by Dačić that Kosovo might eventually gain UN membership, in April 2013 the government produced a 'Platform on Kosovo'. Although the official Serbian position was it would never recognise Kosovo, the document appeared to be a blueprint for Serbia's acceptance of Kosovo's sovereignty within its defined boundaries. This was seemingly confirmed, later that month, when Belgrade and Pristina signed a fourteen-point agreement, the 'First Agreement', intended to end Serbia's contestation of the boundaries of Kosovo and the extent of Pristina's authority over the territory. (The text of the agreement was never formally published. However, it was leaked and widely republished. See, for example, Radio Free Europe/Radio Liberty, 2013.)

The April 2013 agreement is seen as an important step, despite the fact that there have been serious problems in its implementation. Local and national elections have been held, basic principles have been maintained and dialogue between Belgrade and Pristina continues. But there is still great resistance among the public at large who find that the, 'the Brussels negotiations were "about us, without us"' (SEESOX, 2014, p. 5). While Serbia stopped short of recognising Kosovo, the dialogue and ensuing agreement was an implicit acceptance of the existence of an autonomous Kosovo, the legitimisation of its government, and the acceptance of its separate EU integration process. (For more on Kosovo's integration process, see Ker-Lindsay and Economides, 2012.) This was an enormous sacrifice for any Serbian government,



especially those of a more nationalist orientation. Nevertheless, by signing this agreement, the government made more progress on Kosovo than previous, more 'pro-European', administrations. The obvious *quid pro quo* for this change was the start of accession negotiations. In a report issued in May 2013, the Commission recommended that membership talks be opened with Serbia (European Commission, 2013). On 28 June 2013, the Council commended Serbia for its efforts over Kosovo and endorsed the start of membership talks by January 2014 (European Council 2013). Accession negotiations eventually began on 21 January 2014.

### **Understanding Serbia's policy change**

What factors can explain the change in Serbia's behaviour? First and foremost, a policy of trying to downplay the differences over Kosovo as far as possible and encourage Serbia to adopt a more conciliatory approach through the use of rewards and incentives was generally unsuccessful. In the period prior to the ICJ opinion, when Serbia was adopting a policy that was seen by many states as being mainly antagonistic, the EU made considerable efforts to try to encourage the broadly pro-European elements in the country. It signed the SAA prior to the April elections, when tensions in Serbia over Kosovo were at their very highest. In addition, in December 2009, it eased the visa regime. However, neither initiative brought about a major policy shift in Serbia, either in terms of Belgrade's attempts to prevent the international recognition of Kosovo or in terms of its willingness to meet with Kosovo officials.

In contrast, a more negative form of conditionality appears to have had a profound impact of Serbian policy. In the aftermath of the ICJ case, the EU agreed that Serbia and Kosovo would have to engage in a process of dialogue and engagement and that success in this field would become a condition for further Serbian EU integration. Thereafter, as the number of agreements increased, the implementation of the agreements was also incorporated into the conditionality process. This initiative was further strengthened by the fact that there was little room for doubt that Serbia would have no prospect of EU integration unless it complied fully

with the demands that had been imposed. At the forefront these efforts was Germany. Berlin left little doubt that it would be unwilling to allow Serbia gain candidacy, let alone full accession talks, without defined progress. This was seen particularly in the case of Merkel's visit to Serbia in August 2011. Her uncompromising message to Serbian leaders came as a surprise to other EU partners. Even Britain, which had been willing to use tough language with Belgrade in the past, was surprised at just how direct the threat was. However, it was ultimately seen to have had the most profound effect in terms of moderating Serbia's behaviour (FCO interview, May 2013). Even Serbian officials acknowledge that Germany's evident willingness to follow through on its threats to block accession was a crucial component in changing Serbian policies. As one official explicitly acknowledged, 'it worked' (Serbian official, comments, November 2013).

This in turn raises the question of why did Belgrade choose to relent in the face of pressure when Kosovo had obviously been such a key national priority? The overwhelming reason given by Serbian policy makers is that it was driven by economic concerns. It is important to bear in mind that the discussions over Kosovo coincided with a significant economic downturn in Serbia. Along with much of South East Europe, Serbia was deeply affected by the economic and financial problems within the European Union. As the World Bank (2013) noted, Serbia has been, 'struggling to recover from the impact of the international crisis, which led to a 50 percent spike in poverty and a similar jump in unemployment.' Meanwhile, a growing debt and deficit, and the rising risk of another recession (Macdowall, 2014), left the government with little choice but to pursue preferential loans from a variety of sources, especially the Gulf states, to relieve the debt burden and plug the growing gap in public finances that left the country teetering on the risk of bankruptcy (Bloomberg, 2013; *Financial Times*, 2013).

Both publicly and privately, the EU has come to be seen by officials as the key to national economic growth. As far back as 2012, shortly after he was elected, the most nationalist of the

current political elite in Serbia, President Tomislav Nikolić, told a Serb audience that, [W]e want to get into the EU, because it has projects, jobs and investments for us'. (Tanjug, 2012). As Prime Minister, Ivica Dačić also emphasised this point: 'our aim is to get into the EU and consolidate the economic system as soon as possible' (Tanjug, 2013). Most recently, Prime Minister Vučić made this clear in a recent public lecture in London (Vučić, 2014). This point has also been repeatedly reinforced in discussions with senior Serb officials, including someone very closely involved in the Belgrade–Pristina dialogue (November, 2013), as well as a senior Serbian diplomat (November, 2014).

This has also been mirrored amongst wider public opinion. As the standard of living in Serbia decreased and unemployment rose, people not only began to rank Kosovo as a lower order issue in the lists of concerns (as evidenced by the low level of support given to the most hard-line parties on the issue), they also realised that the perpetuation of a strong campaign to maintain Kosovo, and the attendant delay in EU integration, could not only delay economic recovery but would also delay the speed with which Serbia could gain access to the funds made available to countries engaged in the accession process. Neighbouring Croatia, for example, received over €1 billion from the EU through the Instrument for Pre-Accession in the six years preceding its accession (European Commission, 2012). Opinion polls carried out in Serbia both by the Serbian European Integration Office on the 'European Orientation of the Citizens of Serbia' (2014), and the EU Delegation to Serbia (2014) now show that economic factors now feature as the primary reasons why people favour EU membership. The latter 'showed that 57 percent of Serbian citizens support Serbia's membership in the EU. The main reasons are of economic nature: better future, prosperity (42 percent), improved living standard (41 percent) and employability (32 percent).

Throughout the interviews carried out with policy makers, it became clear that, given the choice between defending its claim on Kosovo and losing EU accession prospects and EU funding, or moderating its stance on Kosovo and furthering EU accession, officials felt that

Serbia had absolutely no choice but to pick the latter option, as painful as this may be to national pride.

What does this tell us about Europeanization? In reality, Europeanization, as traditionally understood, appears to have played very little role in moderating the substance of Serbian policy. In discussions with Serbian officials it becomes very clear that there was very little by way of traditional Europeanization in any of the choices they made. Their decisions were not by and large a reflection of core European values, nor of processes of adaptation or socialisation. Nor did they suggest that Serbian identity was being transformed. At the theoretical margins, change in Serbia and Serbian policies, which have facilitated the pro-European agenda, have resulted from a EU assisted 'democratizing effect', which may have made Serbian politics more 'EU-compatible' and resulted in a process of 'adapting' under EU pressure (Vachudova, 2014). There was certainly no evidence to suggest that Serbian decision makers had simply accepted the loss of Kosovo for the sake of being more European. Quite the contrary, even now most appear to believe that 'Kosovo is Serbia'. However, when faced with a stark choice between the EU and Kosovo, they chose to pursue membership of the former rather than pursue the claim to the latter (Pond, 2013). Of course, it could be suggested that there was some degree of Europeanization present in aspects of the Serbian government's handling of the issue. But even here, caution must be applied. For example, while the Serbian government's decision to disavow the use of force when Kosovo declared independence was in part driven by an understanding that this was an un-European way of managing neighbourly differences, it must also be recognised that the decision was shaped by the understanding that the use military means to retake Kosovo would have inevitably brought it into conflict with NATO, which maintains a peacekeeping force in Kosovo.

Indeed, another example from the sphere of foreign policy provides another indication that while Serbia may have made concessions of Kosovo they have been made for very specific reasons and that general convergence is yet to occur. Serbia's recent policy towards Russia in

the context of the Ukraine crisis diverges quite dramatically from the EU mainstream. While the crisis in Ukraine rages, Serbia refuses to condemn Russian actions, participate in EU/US-led sanctions, and generally deviate from its pro-Russian position (Balkan Insight, 2014). Prime Minister Vučić has been on an official visit to Moscow and President Nikolić persists in praising the close ties between Belgrade and Moscow in the economic and political arena. This is not the sign of a country in the process of adapting or adopting EU to EU policy or converging with the mainstream. The difference is that, as yet, EU officials have not sought to condition Serbian integration with convergence with EU policy, such as it is, on Russia. If this does happen, one suspects that Serbia would change its position.

To this extent, the change of Serbian policy towards Kosovo should not be viewed in the context of a logic of appropriateness with its normative and behavioural connotations. The emphasis lies primarily in explaining the rational and essentially materialist motivations of Serbian policy change. The case of Serbia is a case of rational, cost-benefit analysis: instrumental calculations based on a consequentialist logic leading to a specific and significant change in a highly important and visible policy area. There is an instrumentalism at play. The EU has set conditions and employs the ultimate incentive of membership as a tool. It is, in the long-term a very attractive determinant of relations between Serbia and the EU, which can, in Serbia's eyes only be improved through beginning a dialogue with Kosovo. But whether the change of tack in Serbia's Kosovo policy can be characterised as Europeanization, even in the instrumental sense is debatable. What is argued here is that through a determined effort by specific governments, against the broad tide of public opinion, an explosive issue of national interest was addressed in a very unexpected way for the purpose of managing it and achieving material gain. The governments which negotiated the Brussels Agreement, and are leading Serbia into accession negotiations, are neither norm entrepreneurs nor are they using accession conditionality as an externally imposed legitimiser of an unpopular liberal reform agenda (Noutcheva and Aydin-Düzgit, 2011). They are

certainly not behaving according to a logic of appropriateness, 'motivated by internalized identities, values and norms' (Schimmelfennig and Sedelmeier, 2004, p. 667).

What Belgrade is attempting to do is to benefit materially from entering the process of accession talks, and the long-term prospect of EU accession, at a time of an acute and steadily deepening economic crisis. Some reforms have taken place, an anti-corruption drive is seemingly being pursued, but these are minimal steps. A more accommodating attitude towards Kosovo has begun, a continuing and difficult dialogue is in place, but there is no prospect of an immediate and total agreement which could only come through recognition. As such, what is occurring is certainly not Europeanization as transformation, nor is normatively driven. The external incentive model is at play but the sequence of actions-reactions suggests that the consequentialist logic is out of kilter. There is an underlying acceptance of rational instrumentalism but it is driven primarily internally and by necessity.

## **Conclusion**

What we have argued here is that a profound change has indeed taken place in Serbian attitudes towards Kosovo since it unilaterally declared independence, in 2008, and that this transformation has come about as a direct result of the influence of the EU. However, it is highly questionable whether this change amounts to a transformation that can be attributed to a process of Europeanization, as traditionally understood in the literature. The shift in Serbian policies does not appear to be shaped on normative, value-based considerations, amounting to some sense of Europeaness which would be a necessary variable in identifying the process of Europeanization. Rather, change has taken place in Serbian policy on Kosovo as a result of the type, level and duration of EU conditionality imposed on Serbia. The decision taken by Belgrade to engage with Pristina, which eventually led to the groundbreaking April 2013 Agreement, is a direct result of the consequentialist logic of a rational pursuit of EU accession rather than a logic of appropriateness linked to socialisation, adaptation or identity formation.

The transformation of Serbia's policy is not because of a desire to become European in an idealised fashion, but because of the need for EU membership for realistic, practical reasons. If convergence has taken place it has pragmatic or utilitarian functions.

The fact that enlargement and Europeanization are often conflated in the literature means that steps taken in the name of integration are seen by observers as evidence of an underlying process of Europeanization in a normative adaptive sense. Rather, it should be seen as the result of a separate and rather different policy of rationally instrumentalist pre-accession Europeanization. Of course, this integration process may result in a normative Europeanization further on down the line, in the sense that the need to comply with the *acquis* and greater contact with the policies and policy-making systems of the EU could engender European ways of thinking, behaving, deciding and acting. However, in the context of the Serbian–Kosovo relationship, and the EU's role in this to date, this is not yet evident.

What we have seen in the case of Serbia in fact points to far wider question about the role of Europeanization and the foreign policy of states, particularly on matters of conflict or key aspects of national interest, regardless of whether they are potential candidates, candidates, accession states, or even full members. In reality, as the literature suggests, it would appear that Europeanization, as traditionally conceived as a normative phenomenon, tends to be a very slow process. What we see here is a rather different phenomenon of 'pre-accession Europeanization'; a simulacrum of Europeanization that is based on a policy of rationally instrumentalizing EU integration. As the case of Serbia has graphically highlighted, acts that can be read as instances of Europeanization are perhaps be better understood as calculated steps designed to meet stringent conditions laid down by the EU in order to meet specific interests or goals of national decision makers, without any normative or values-based transformation having taken place.

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