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**An uneven playing field: European Enlargement, Inequality and  
Double Standards: the Case of Serbia**

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## **Introduction**

The Enlargement of the European Union (EU) to include the countries of the Western Balkans, including the Republic of Serbia, has been and continues to be an important issue for EU policy makers. As the EU continues to expand beyond its initial base of operations in Western Europe, the standards, conditions, and requirements for joining the EU have been progressively modified in order to make the membership process more demanding and difficult for aspiring member states. There seems to be a clear double standard in EU policy with regard to new and aspiring member states as compared to older member states, and this double standard has contributed to the creation of an uneven playing field within the EU for new and aspiring member states. The aspiring member state of Serbia represents a case study of the aforementioned phenomenon.

Despite extraordinary efforts and considerable progress made by the Serbian government in meeting EU membership requirements and conditions, the EU has continued to increase restrictions, impose additional demands, and raise the bar for membership in the union. This reality suggests that EU policies place structural inequalities between new and aspiring member states and the older Western European member states. This structural inequality of power and decision-making ability leads to the development of an uneven playing field for EU accession.

This paper will attempt to shed new light onto the broader debate about European enlargement and the difficulties facing Serbia and other aspiring member states as they strive for full-fledged membership in the EU. In addition, this paper looks at both Serbian and Western European news items and academic sources on the subject of EU enlargement in order to provide a critique of current EU enlargement policies towards Serbia, with particular attention being paid to the potential for growing resentment within Serbia towards the EU due to perceived inequalities, hypocrisies, and double standards. Finally, this paper seeks to propose ways to improve EU enlargement policies in order to create a more equal playing field for Serbia and other aspiring member states in the future.

## **European Enlargement**

The enlargement of the EU can best be described as a series of accession waves; throughout the EU's history the number of member states has continued to grow with each successive wave. However, the process by which these accession waves have occurred has changed radically throughout the short history of the EU. Certainly, it is widely recognized that the process of inclusion of perspective states has been developed in an ad hoc manner as each passing wave has produced different lessons for the EU. Currently, the key principle which a perspective state must follow is the acceptance of the *aquis communautaire*. Simply put, the *aquis communautaire* refers to "the total set of rights and obligations attached to the European Union that emerged out of the EU's legislative processes. Hence, the *aquis* consists of all treaties, EU legislation, and case law as developed by the

European Court of Justice that were passed since the Treaty of Paris in 1951.”<sup>1</sup> The process of inducing perspective states to adopt the totality of these rules is called the adoption of “conditionalities.” The use of these conditionalities has evolved over time as the EU has expanded further and further east.

There is a particularly strong desire for EU membership among the countries of Eastern and South Eastern Europe; these nations see membership as a path towards security and greater access to foreign markets. This overwhelming drive to join the EU has “allowed the EU an unprecedented influence on the restructuring of domestic institutions and the entire range of public policies in these countries.”<sup>2</sup> The level of control and influence that the EU has exercised over new and aspiring member states has been inconsistent, thereby creating an uneven playing field in the great game of EU enlargement. The system of imposing conditionalities reflects an extreme power imbalance between the EU and potential member states. Schimmelfennig and Sedelmeier describe the power dynamic between the EU and potential member states as being ‘highly asymmetrical’, further stating that the “EU draws heavily on its superior bargaining power to set and enforce its conditionality. It exercises a degree of power that it does not enjoy either *vis-a-vis* its own member states or *vis-a-vis* other external actors.”<sup>3</sup> Ironically, the EU uses this highly unequal power dynamic to induce and dictate democratic reforms.

The history surrounding the Bulgarian and Romanian accession process demonstrates the use of conditionalities and its potential impact. Due to the fact that Bulgaria and Romania are the most recent states to join the EU, and due to their geographical proximity to Serbia, the Bulgarian and Romanian example seems particularly relevant to the question of Serbian accession. In the case of Bulgaria and Romania, as the prospect of full membership became a reality, the demand for ever increasing and more constrictive monitoring mechanisms began to grow. Even as Romanian and Bulgarian governments acquiesced to the greater and greater demands for reform, the EU establishment remained suspicious of the true intent of both of these nations. Indeed, as Dimitris Papadimitriou and Eli Gateva remark in their article, *Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria’s and Romania’s Entry into the European Union*,

Evidence of suspicion over the pace of domestic reform can be detected in most of the Regular Reports published by the Commission since 1997 as well as in almost all European Parliament reports on the two countries. These concerns were expressed in the most manifest way in the Treaty of Accession governing Bulgaria’s and Romania’s accession, signed on 25 April 2005.<sup>4</sup>

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<sup>1</sup> Andreas Staab, *The European Union Explained: Institutions, Actors, Global Impact* (Bloomington: Indiana University Press, 2008), 33.

<sup>2</sup> Frank Schimmelfennig and Uirich Sedelmeier, “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (2004): 661.

<sup>3</sup> *Ibid*, 675.

<sup>4</sup> Dimitris Papadimitriou and Eli Gateva, “Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria’s and Romania’s Entry into the European Union,” *Perspectives on European Politics and Society* 10, no. 2 (2009): 158.

The deep-seeded suspicion over the intent of both the Bulgarian and the Romanian governments persisted within the halls of Brussels even after the two states achieved formal accession. Thus, despite having achieved membership in the EU, an unprecedented use of post-accession conditionalities was applied on both Bulgaria and Romania.<sup>5</sup> The net result of this heavy-handed action will ultimately take time to calculate. Nevertheless, it does seem reasonable to assume that a long term sense of resentment to the process of accession, and to the entire idea of the EU among the general populace in new and aspiring member states, may be the inevitable by-product of such policies.

### **Impact**

The impact of the EU's sliding scale of conditionalities and the demand for wholesale adoption of the various policies and institutions deemed necessary by Brussels present a long-term hurdle to the goal of stability and harmony of the EU itself. While examining the accession of Central and Eastern European countries Schimmelfennig and Sedelmeier caution that,

As we know from British and Spanish experiences, accession deals that are considered unfair impositions lead to disgruntled newcomers who spend much of their early accession years trying to renegotiate perceived wrongs. Under all these circumstances, the short-term effectiveness of rule transposition in the context of conditionality might well be compromised by medium-term ineffectiveness of implementation.<sup>6</sup>

Thus, while the short-term practical benefits of simply grafting predetermined rules and institutions on nations such as Serbia are undeniable, the long-term impact of such a heavy-handed approach towards new and aspiring member states may actually backfire in the long run. The resentment which is beginning to brew in new member states, such as Romania and Bulgaria, and aspiring member states such as Serbia, has been exacerbated by these heavy-handed tactics. The ultimate purpose of such tactics is quite secondary to their impact on the psyche of the general populace of these nations, nations that only recently became part of the democratic West.

Furthermore, when the conditionalities for potential membership are altered again and again, the good will of aspiring member states, and of the people within those states, is likely to diminish. As Heather Grabbe observes, "the European Union does not use its rule-setting powers to their full potential. It is often sporadic in its attention to particular policy areas, and inconsistent in its communications with the candidate countries."<sup>7</sup> This inconsistency in communication and conditionality setting ultimately leads to the reduction of their effectiveness, thereby furthering

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<sup>5</sup> Ibid, 160.

<sup>6</sup> Schimmelfennig and Sedelmeier, 676.

<sup>7</sup> Heather Grabbe, 323

the kind of cynicism that has the potential to ferment into full-blown resistance to the project of EU enlargement.

Indeed, the prospect for resentment is furthered by the fact that accession is not guaranteed for aspiring nations of the Balkans; to say that the accession of Serbia will take time is an understatement. Even if membership was guaranteed, and this has not been assured, Serbia and the Western Balkan states “still have a mountain to climb before serious accession negotiations can start.”<sup>8</sup> This contrasts with the situation that nations such as Bulgaria and Romania were faced with; their accession was virtually guaranteed throughout the negotiations process. Dimitris Papadimitriou and Eli Gateva note that in the case of the Western Balkans, there is no clear incentive for the continual adherence to the EU’s changing demands, which could potentially “hinder the emergence of a sustainable reform impetus in the region and seriously damage the EU’s ability to guide more countries away from their ‘Balkan exceptionalism’ and into the European mainstream.”<sup>9</sup> This in itself represents the greatest danger to the entire project of EU enlargement: if new and aspiring member states feel that reforms are being imposed rather than negotiated, we may witness the development of a deep and potentially deal-breaking resentment towards the entire project of EU enlargement, a resentment which could take root among both the current EU member states, and among aspiring member states.

It should be noted that this potential for alienation, resentment, and cynicism which appears to be endemic to the accession process is not just a result of conscious duplicity in the use of conditionalities. In fact, by its very nature accession is a complicated process which encompasses a wide variety of programs and reforms which by its very complexity makes it difficult to control and to assure a unity of message. That being said, one must “look carefully at whether EU pressure actually had its intended effect. It is equally important to be sensitive to unintended consequences, because the European Union can effect change by example-setting and unintended policy transfer.”<sup>10</sup> This becomes exceedingly important for the eventual long-term success of the entire enlargement project, because even perceived duplicity can poison the well of good will towards the EU among new and aspiring member states.

### **Serbia’s Path to Accession (2000-present)**

The 1990’s were a particularly turbulent time for Serbia and its people. Serbia, then part of the Federal Republic of Yugoslavia, endured military and economic sanctions implemented by the Clinton administration from 1992 until 1995<sup>11</sup>. In 1998, “the EU banned new investments in Serbia and froze the country’s assets abroad”, restricted travel visas to Yugoslav citizens, and restricted international flights from the

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<sup>8</sup> Andreas Staab, 38.

<sup>9</sup> Dimitris Papadimitriou and Eli Gateva, “Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria’s and Romania’s Entry into the European Union,” *Perspectives on European Politics and Society* 10, no. 2 (2009): 163.

<sup>10</sup> Heather Grabbe, 311.

<sup>11</sup> CNN, Associated Press and Reuters. “EU Tightens Sanctions on Serbia over Kosovo,” June 8, 1998. <http://www.globalpolicy.org/security/issues/kosovo1/98-06-08.htm>.

country.<sup>12</sup> In 1999, following a government crackdown on separatists in Serbia's Kosovo province, NATO engaged in a 78-day bombing campaign of Yugoslavia that left a severe humanitarian and economic crisis in its wake. Yugoslavia's industry and economy was crippled, key infrastructure was destroyed, and the already desperate refugee situation was made worse; in a word, Serbia entered the 21<sup>st</sup> century in extremely bad shape. Following the overthrow of President Slobodan Milosevic in October of 2000, the EU ended its sanctions against Serbia and "EU foreign ministers welcomed Serbia into Europe's democratic mainstream".<sup>13</sup> It was around this time that the EU first designated the countries of the Western Balkans as potential member states, and Serbia, then part of the state union of Serbia and Montenegro, began to implement reforms and engage in official negotiations with the EU, thereby marking the beginning of Serbia's ongoing path to accession.

Official negotiations on a Stabilisation and Association Agreement (SAA) between the state union of Serbia and Montenegro and the EU began in October of 2005, a development regarded as a preliminary step on the long road to EU membership.<sup>14</sup> Furthermore, on February 17<sup>th</sup>, 2006 in Ljubljana, Slovenia president of the European Commission, José Manuel Barroso, the first European Commission president to visit the Balkans, confirmed the EU's commitment to expanding to include Serbia and the entire region.<sup>15</sup> Nevertheless, on May 3<sup>rd</sup>, 2006 the EU suspended SAA negotiations with Serbia on the grounds that Serbia failed to fulfill its commitments to the International Criminal Tribunal for the former Yugoslavia (ICTY), citing primarily Serbia's inability to capture Radovan Karadzic, Ratko Mladic, Goran Hadzic and other Serbs sought by the ICTY for alleged war crimes committed during the Yugoslav Civil Wars of the 1990's.<sup>16</sup> This development slowed Serbia's accession process, prompting the government to adopt an action plan for the arrest of Ratko Mladic in July of 2006. Following the dissolution of the state union of Serbia and Montenegro, Serbian parliamentary parties reached an agreement on a new pro-EU government in May of 2007 and established the National Security Council, headed by President Boris Tadic, which facilitated the arrests of key war crimes suspects sought by the ICTY. This improved relations between Serbia and the EU, and the EU resumed SAA negotiations with Serbia in June of 2007, "provided that [Serbia] would show clear commitment and take concrete and effective action for full co-operation with the ICTY."<sup>17</sup> The SAA between the EU and Serbia was initiated on November 8<sup>th</sup>, 2007 in Brussels, but the agreement was effectively frozen on the 16<sup>th</sup> of January, 2008 as Belgium and the Netherlands refused to sign on to the SAA, citing Serbia's failure to cooperate fully with the ICTY. Radovan Karadzic, a top Serbian war crimes suspect sought by the ICTY, was arrested in Belgrade on July

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<sup>12</sup> Robert MacPherson, EU, Lifting Sanctions, Welcomes Serbia into Europe. *Agence France Presse*, October 9, 2000. <http://www.globalpolicy.org/security/sanction/yugoslav/euremove.htm>. 11 March 2006.

<sup>13</sup> Ibid.

<sup>14</sup> BBC News, "Timeline: Serbia," 24 December, 2009. [http://news.bbc.co.uk/2/hi/europe/country\\_profiles/5055726.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/5055726.stm).

<sup>15</sup> Nicholas Wood, "Hopeful Words on European Union Expansion in the Balkans," *New York Times*, February 19, 2006.

<sup>16</sup> "Europa Online, "The EU in Serbia." <http://www.europa.rs/code/navigate.php?Id=115>.

<sup>17</sup> Ibid.

21<sup>st</sup>, 2008 and extradited to the UN detention center at The Hague on July 30<sup>th</sup> amid large protests in Serbia's capital against his extradition.<sup>18</sup>

The EU officially signed the SAA with Serbia on the 29<sup>th</sup> of April, 2008, though the deal again hinged on Serbia's full cooperation with the ICTY, and Serbia ratified both the SAA and the interim trade agreement with the EU on September 9<sup>th</sup> of the same year. Nonetheless, only days later on September the 15<sup>th</sup> the EU failed to agree on the terms of unfreezing the SAA with Serbia, and the Netherlands continued to block the implementation of the SAA and the interim trade agreement between Serbia and the EU "despite a positive report from the chief UN war crimes prosecutor on Belgrade's co-operation."<sup>19</sup> In an unprecedented move, the government of Serbia began unilaterally implementing the interim trade agreement with the EU in January of 2009, despite potential revenue loss. Many in Serbia, including political parties of the opposition, lambasted the government's move as a clear example of political bootlicking that could cost the country hundreds of millions of Euros in revenue.<sup>20</sup> It wasn't until December of 2009 that the European Commission finally decided to implement the interim trade agreement with Serbia and put into force a visa-free travel regime for the country. On the 22<sup>nd</sup> of December, Serbia officially applied for membership in the EU in hopes of finally attaining candidate status following nearly a decade of conditionalities and political give and take.

Cooperation with the ICTY remains one of the most important conditionalities imposed on Serbia by the EU; all further progress towards EU membership is contingent on Serbian authorities capturing and extraditing to The Hague the remaining Serbian war crimes suspects. However, public opinion polls show that the vast majority of Serbia's citizens see the ICTY as biased against the Serbs, and more than 50% oppose further extradition of Serbian citizens. Much of the Serbian animosity towards the ICTY comes from the court's controversial decisions to release high-profile suspects accused of war crimes against Serbs, including Bosnian Muslim warlord Naser Oric and Albanian former commander of the Kosovo Liberation Army, Ramush Haradinaj.<sup>21</sup> Tens of thousands of citizens protested against the extradition of Radovan Karadzic to The Hague in 2008, and although most Serbs still support EU accession, there are fears that the potential arrest of other high-profile war crimes suspects, including Ratko Mladic and Goran Hadzic, could bring about a wave of resentment towards the EU and towards Serbia's pro-EU government. Both the EU and Serbia know that they must tread very carefully on this and other issues in the future.

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<sup>18</sup> David Charter, "Radovan Karadzic extradited to The Hague". *The Times Online*. 30 July, 2008.

<http://www.timesonline.co.uk/tol/news/world/europe/article4427730.ece>.

<sup>19</sup> Elitsa Vucheva, "Netherlands blocks EU-Serbia trade deal". *EU Observer*. 15 September, 2008.

<http://euobserver.com/9/26743>.

<sup>20</sup> Igor Jovanovic, "Serbia implements EU trade agreement". *The Southeast European Times*. 2 February, 2009. [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2009/02/02/feature-01](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2009/02/02/feature-01).

<sup>21</sup> Dan Bilefsky, "Karadzic Sent to Hague for Trial Despite Violent Protest by Loyalists". *The New York Times*. 30 July, 2008. <http://www.nytimes.com/2008/07/30/world/europe/30serbia.html>

## The Question of Kosovo

Due to its undeniable importance in the social and political life of Serbia, and due to the relevance of Kosovo's status with regard to Serbia's accession to EU membership, the question of Kosovo warrants special attention in this paper. In the very south of Serbia lies the Autonomous Province of Kosovo (Serbian: field of blackbirds) and Metohija (Serbian: monastic land) which has been the center of Serbian culture and religion for over a thousand years. The area in and around modern-day Kosovo is home to some of the earliest Serbian settlements in the Balkans, and to the most sacred churches and monasteries in Serbian Orthodox Christianity. In 1389, Kosovo was the sight of an epic battle between Serbian forces and a larger and more powerful invading Turkish army; this battle is seen as a turning point in Serbian history that played an essential role in shaping modern Serbian culture, religion, and identity. The Archbishop of the Serbian Orthodox Church, His Holiness Patriarch Irinej of Serbia, was recently quoted as saying "our first duty as a Church is to safeguard our Kosovo, a holy and martyred land, to help our state to defend it from those who wish to seize it", adding "Kosovo is our holy land, our Jerusalem."<sup>22</sup> The Patriarch's sentiments are echoed by the vast majority of the Serbian public, and by many officials in the Serbian government.

From the 15<sup>th</sup> to the early 20<sup>th</sup> century Kosovo was occupied by the Ottoman Turkish Empire, during which time local conservative Muslim Albanians initiated campaigns of ethnic cleansing against the Christian Serbs of Kosovo.<sup>23</sup> Serbia liberated Kosovo following the Balkan Wars of 1912, but the region remained a hotbed of conflict during the two world wars; on both occasions, Serbia fought on the side of the allies and Albanian guerilla fighters in Kosovo and Albania waged war against the Serbs. During WWII, the local Albanians formed their own SS division, known as the 21<sup>st</sup> SS Division *Skanderbeg*, which was responsible for the murder and ethnic cleansing of thousands of Serbs and other non-Albanians in and around Kosovo.<sup>24</sup> During this time, the population balance in Kosovo shifted in favor of the Albanians. During the 1990's, the Kosovo Liberation Army (KLA), initially classified as a terrorist organization by both the Serbian government and the CIA, launched a separatists campaign of murder, kidnapping, and ethnic cleansing directed against Serbian civilians, police, and military throughout Kosovo.<sup>25</sup> As the Serbian government cracked down on the KLA and other violent separatist, its response triggered a US-led NATO bombing campaign that forced Serbian troops out of the province. The conflict came to an end in 1999 with the signing of the United Nations Security Council Resolution (UNSCR) 1244, which placed the province under interim UN administration while at the same time reaffirming the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, to which Serbia is the successor

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<sup>22</sup> BBC News, "New Serbian Patriarch Irinej Enthroned," 23 January, 2010.  
<http://news.bbc.co.uk/2/hi/8476717.stm>

<sup>23</sup> Richard G Jansen, "A Short History of Kosovo". Colorado State University. 22 July, 2008.  
<http://lamar.colostate.edu/~grjan/kosovohistory.html>.

<sup>24</sup> Ibid.

<sup>25</sup> MIPT Terrorism Knowledge Base, "Kosovo Liberation Army (KLA)" 2 April 2007.  
[http://web.archive.org/web/20070402053051/http://www.tkb.org/Group.jsp?groupID=35\\_17](http://web.archive.org/web/20070402053051/http://www.tkb.org/Group.jsp?groupID=35_17).



state.<sup>26</sup> Nevertheless, ethnic Albanians in Kosovo continued their push for secession from Serbia and on the 17<sup>th</sup> of February, 2008 Albanians separatists unilaterally declared independence from Serbia. Their move has thus far been recognized by 65 UN-member states, including 22 out of the 27 EU-member states.<sup>27</sup> However, Serbia vehemently rejects the declaration, and the hotly contested question of Kosovo's status has complicated Serbia's path to EU accession.

Serbia considers the unilateral declaration of independence to be illegal under international law, as well as a direct breach of UNSCR 1244, the Helsinki Final Accords, and Serbia's own constitution. Serbia has challenged the legality of the declaration at the International Court of Justice (ICJ) while continuing a diplomatic struggle to maintain legal sovereignty over Kosovo.<sup>28</sup> As previously mentioned, most Serbs consider Kosovo an inalienable part of not only their country but their very identity, and they are not prepared to give up their historic claim to the province. Nonetheless, although the EU as an official body has not recognized the independence of Kosovo, 22 out of the 27 individual member states have done so. In February of 2008, the EU deployed a rule of law mission to Kosovo, most commonly referred to as EULEX, which currently consists of up to 2000 military and civilian personnel. The mission was condemned as illegal and unacceptable by both Serbia and Russia, due primarily to the mission's initial intent to implement the "Ahtisaari plan" for an internationally-administered process towards full independence for Kosovo.<sup>29</sup> The deployment of EULEX sparked major resentment among the Serbian public and within Serbia's political establishment, mainly because it was seen as an official endorsement of Kosovo independence. Statements by EU officials that hinted at the possibility of speeding up Serbia's accession process in exchange for concessions on Kosovo further escalated the tensions, prompting then Prime Minister Vojislav Kostunica to exclaim: "It is particularly insulting and unacceptable that the mutilated Serbia is being offered the reward of quicker admission into the EU if it reconciles with violent alteration of its borders."<sup>30</sup> In November of 2008, amid strong pressure from Serbia and Russia, the EU decided that EULEX will operate with a neutral stance on Kosovo's status and under the general framework of United Nations Security Resolution 1244.<sup>31</sup> Nevertheless, disputes continue over the role of EULEX in Kosovo and tensions are still running high, especially with regard to sensitive issues such as judicial reform. On February 5<sup>th</sup>, 2009, to the general dismay of the vast majority of Serbs, the European Parliament passed an amendment urging all European states to recognize Kosovo as an independent state.<sup>32</sup> In addition, statements by certain European officials, including French

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<sup>26</sup> UNMIK Online. "United Nations Security Council Resolution 1244." 10 June 1999.

<http://www.unmikonline.org/press/reports/N9917289.pdf>.

<sup>27</sup> BBC News, "EU split over Kosovo recognition," 18 February, 2008.

<http://news.bbc.co.uk/2/hi/europe/7249909.stm>.

<sup>28</sup> Radio Free Europe, "UN Court Hears Serbian Challenge to Kosovo Independence." 1 December, 2009.

[http://www.rferl.org/content/UN\\_Court\\_Hears\\_Serb\\_Challenge\\_To\\_Kosovar\\_Independence/1891767.html](http://www.rferl.org/content/UN_Court_Hears_Serb_Challenge_To_Kosovar_Independence/1891767.html)

<sup>29</sup> Vucheva.

<sup>30</sup> Ibid.

<sup>31</sup> EULEX Kosovo, "What is EULEX?" <http://www.eulex-kosovo.eu/?id=2>.

<sup>32</sup> EU Business, "European parliament urges all Europe to recognize Kosovo". 5 February 2009.

<http://www.eubusiness.com/news-eu/1233838021.83>.

Foreign Minister and former UN Special Representative to Kosovo Bernard Kouchner's assertion that Serbia must reconcile itself with the loss of Kosovo and normalize relations with the province before joining the EU, are fueling fears that some form of recognition of Kosovo's independence on the part of Serbia will be a precondition for joining the EU.<sup>33</sup>

These and similar issues are raising concerns among Serbia's citizens that their country will be the first aspiring EU member state to be required to willfully give up a part of its territory in order to facilitate EU accession. The ruling coalition in Serbia has been pursuing a policy of joining the EU with Kosovo as an integral part of its territory, while at the same time emphasizing that Serbia's EU membership must not under any circumstances be preconditioned with recognizing an independent Kosovo.<sup>34</sup> Certain opposition parties, including the Democratic Party of Serbia and the Serbian Radical Party, have gone on record as stating that they will oppose EU membership for Serbia if it is preconditioned with recognizing the secession of Kosovo.<sup>35</sup> As Serbia hopes to become an official candidate for EU membership, the Kosovo question could creep up once again and render the accession process even more difficult. The EU must be aware that any future conditionalities involving Serbian concessions on Kosovo could generate major resentment against the EU within Serbia and breed opposition to the entire project of EU enlargement.

### **Current Issues**

Serbia has undoubtedly made considerable progress towards EU membership in the last decade, and this point was driven home on December 22<sup>nd</sup> 2009 when Serbia officially applied for EU candidate status. More recently, "EU President Herman Van Rompuy said Friday (March 5th) that he believes the Union will begin ratification of the Stabilisation and Association Agreement (SAA) with Serbia in June."<sup>36</sup> Elsewhere, President of the European Commission José Manuel Barroso expressed his support for Serbia's EU integration efforts. Despite these significant steps, Serbia's path to accession is still long and treacherous, and even the most optimistic among us must concede that Serbia is still quite a ways away from full-fledged EU membership. During a February 19<sup>th</sup> visit to Belgrade, the EU foreign minister Catherine Ashton warned Serbian President Boris Tadic that Serbia still has a long way to go before it can become a member, emphasizing the need for Serbia to enact reforms, to cooperate with The Hague's ongoing war crimes tribunal, to improve

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<sup>33</sup> Monsters and Critics. "France raises pressure on Serbia to reconcile with loss of Kosovo." 1 March 2010. [http://www.monstersandcritics.com/news/europe/news/article\\_1537609.php/France-raises-pressure-on-Serbia-to-reconcile-with-loss-of-Kosovo](http://www.monstersandcritics.com/news/europe/news/article_1537609.php/France-raises-pressure-on-Serbia-to-reconcile-with-loss-of-Kosovo). 4 March 2010.

<sup>34</sup> Radio Television Serbia, "Vuk Jeremic: Binding EU membership with Kosovo status would be wrong." 3 March 2010. <http://www.rts.rs/>. 4 March, 2010. (Translated from Serbian by Bojan Ratkovic)

<sup>35</sup> The Democratic Party of Serbia. "Vojislav Kostunica: EU only with Kosovo." 25 February 2010. <http://www.dss.org.rs/newsitem.php?id=8944>. 4 March 2010. (Translated from Serbian by Bojan Ratkovic)

<sup>36</sup> *The Southeast European Times*, "EU's Von Rompuy: ratification of Serbia's SAA will begin in June." 7 March 2010. <http://www.setimes.com/>.

neighborly relations, and to distance itself from the wars of the 1990's.<sup>37</sup> Although President Tadic confirmed Serbia's commitment to reforms and full cooperation with the ICTY, many in Serbia wonder whether *improving neighborly relations* refers to recognizing the independence of Kosovo and normalizing diplomatic relations with the breakaway province. There is growing fear among the Serbian public that the EU will eventually demand that Serbia give up its claim to Kosovo in exchange for EU accession. Furthermore, the question of Serbia distancing itself from the past, and from the wars of the 1990's in particular, remains a point of contention among the Serbian public.

During a March 6<sup>th</sup> speech, while reemphasizing that Serbia would not welcome any conditionalities that could force it to choose between Kosovo and EU accession, Serbian President Boris Tadic confirmed that EU memberships continues to be the top priority of his government.<sup>38</sup> Echoing the statements made by EU foreign minister Catherine Ashton in February about Serbia's need to distance itself from the bloody events of the 1990's, Tadic continued his push for a parliamentary resolution that would classify the July 1995 fighting in the Bosnian town of Srebrenica that left thousands dead as a genocide committed by Serbian paramilitaries against Bosnian Muslims. While conceding that such a resolution would be unpopular among the Serbian public, Tadic proclaimed that "passing the resolution on Srebrenica is Serbia's moral responsibility towards the ICTY."<sup>39</sup> Nevertheless, many Serbs feel that such a resolution is unnecessary, due to the fact that Serbia was acquitted of direct involvement in Srebrenica by the ICJ, and because Croatia and Bosnia, the other parties in the Yugoslav Civil War, have thus far failed to adequately condemn the atrocities committed by their own forces against the Serbs. In particular, the Bosnian government in Sarajevo has refused to adequately acknowledge the systemic killings of over 3500 Serbian civilians in and around Srebrenica and Bratunac that took place from 1992 to 1995, and Croatia still celebrates a 1995 military operation in which over 2000 Serbs lost their lives and hundreds of thousands more were ethnically cleansed as a national holiday.<sup>40</sup> Many in Serbia, including representatives of numerous parliamentary parties, believe that the current government is pushing for a resolution on Srebrenica in order to satisfy EU demands, but they argue that such a resolution would falsely paint the entire Serbian nation as genocidal, thereby weakening Serbia's claim to Kosovo and endangering the status of Serbs in Bosnia.<sup>41</sup> This particular debate is an ongoing one, and Serbia is becoming increasingly polarized on this and similar issues.

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<sup>37</sup> United Press International. "EU: Serbia has long road to accession." 19 February 2010.

[http://www.upi.com/Top\\_News/International/2010/02/19/EU-Serbia-has-long-road-to-accession/UPI-46281266598092/](http://www.upi.com/Top_News/International/2010/02/19/EU-Serbia-has-long-road-to-accession/UPI-46281266598092/).

<sup>38</sup> Radio Television Serbia, "Tadic: Both EU and Kosovo." 6 March 2010. <http://www.rts.rs/>. (Translated from Serbian by Bojan Ratkovic)

<sup>39</sup> Radio Television Vojvodina, "Tadic: A Resolution on Srebrenica will not encounter the greatest support." 10 January 2010. <http://www.rtv.rs/>. (Translated from Serbian by Bojan Ratkovic)

<sup>40</sup> B92, "Bosnian Serbs mark Bratunac massacre," 12 July 2008. <http://www.b92.net/eng/news/region-article.php?mm=7&dd=12&yyyy=2008>.

<sup>41</sup> Becker, Matthew. "Bosnian-Serbs reject Srebrenica genocide resolution; Serb Parliament is split". Examiner Online. 1 Matthew Becker, "Bosnian-Serbs reject Srebrenica genocide resolution; Serb

There is a growing perception among many Serbs that the EU, while pushing for war crimes responsibility in Serbia, fails to hold Croatia and Bosnia equally responsible for atrocities committed against Serbs. Grassroots movements that oppose the Srebrenica resolution have come together under the banner “Serbian victims are not less important” and are campaigning to prevent the aforementioned resolution from ever reaching the Serbian parliament.<sup>42</sup> The perceived double standards with regard to war crime responsibility, along with the perception that the ICTY is biased against the Serbs, threatens to erode the EU’s popularity among the Serbian public and can potentially lead to increased resentment and cynicism with regard to EU membership. Combined with the controversy surrounding the status of Kosovo, these factors could turn into a serious hurdle for EU policies in Serbia in the near future.

### **Europeanization**

The issue at the core of the EU is the concept of Europeanization. This idea, which has strong historical roots, has come to be an unofficial goal of the EU, an animating spirit of the entire project of expansion and inclusion of new nations within the organization. However, this project and its goals do not necessarily have universal appeal and they have been met with suspicion and some degree of fear as unique national characteristics are put on the backburner in favour of a universalizing project that aims at establishing an all encompassing European culture. Indeed, the aforementioned unequal power relationship fuels the suspicion that what the EU represents is not a partnership between likeminded states, but an imperial project which aims to erode the unique culture and identity of new and aspiring member states.

This fear of homogeneity and the totalizing effect of Europeanization has been addressed by John Borneman and Nick Fowler who state that,

Europeanization has little to which it can appeal outside of future-oriented narratives of individualism and the market. If people become Europeans, their identities no longer turn around categories of religion, folk, or national defense but around categories of exchange, difference, and value (cf Segal 1991). Unlike belonging to the nation, which has a specific cultural content, identification with Europe is an empty sign. Europe has no Spirit, in the Hegelian sense, since, unlike the nation-state, it does not live off the dead (Anderson 1983). States conjure up ghosts who have lived and died for the nation and its territory, but within Europe there are no European graveyards, much as there is no European food or sex. Alternately, it is unlikely that

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Parliament is split,” *Examiner Online*. 16 January 2010. <http://www.examiner.com/x-27426-Volusia-county-Foreign-Policy-Examiner~y2010m1d16-BosnianSerbs-reject-Srebrenica-resolution>. 6 March 2010.  
6 January 2010. <http://www.examiner.com/x-27426-Volusia-County-Foreign-Policy-Examiner~y2010m1d16-BosnianSerbs-reject-Srebrenica-resolution>. 6 March 2010.

<sup>42</sup> Dveri Srpske, “Appeal to the Serbian public: SERBIAN VICTIMS ARE NOT LESS IMPORTANT.” 22 January 2010. <http://www.dverisrpske.com/tekst/1780269>.

Europeanization means simply the replacement of older tyrannies of self and nation by a tyranny of present markets, or of God by the Euro, as many French intellectuals fear.<sup>43</sup>

Thus, through the use of heavy-handed tactics the project of EU expansion takes on a powerful and dangerous resemblance to an imperial force which has no concern for the uniqueness of the particular cultures it encounters. The practical incentives for joining the EU are apparent and this paper does not aim to challenge them. However, if the project of EU expansion is to produce a stable and self-perpetuating pan-European political entity, it cannot afford to instil the kind of deep-seeded distrust and resentment that has been witnessed in the case of Serbia, lest these fears begin to eat away at the very foundation of the union.

It should be noted that this is not to suggest that Europeanization is at the core of the European Union's project or that it is a goal in and of itself. Indeed, as Heather Grabbe accurately states, "Europeanization is post-ontological in being concerned with the effects of the enlargement process."<sup>44</sup> Yet, the notion of Europeanization and the reality of its effects will surely be perceived in some quarters as the ultimate goal of the EU. Needless to say, such a conception of Europeanization represents an obvious and undeniable danger to ethnic minorities and new and aspiring member states, as they could come to see the entire project of EU expansion as a major threat to the distinctiveness of their particular culture and identity. Thus, all the necessary reforms which are to be undertaken in pursuit of EU integration will be portrayed as a manifestation of this cultural imperialism and may in fact produce a direct resentment to both the reforms and the reformers, a phenomenon already witnessed in post-perestroika Russia. If the EU continues to impose strict conditionalities on Serbia and other aspiring member states, conditionalities which are not only economic in nature but often cultural and ideological as well, we are likely to experience a pushback against the very idea of EU enlargement which could rock the core foundations of the union.

### **The Way Forward**

There is little doubt that the EU is, in itself, one of the most ambitious political undertakings in human history. EU enlargement, which remains a pressing issue for EU policy makers and for aspiring member states, is a key project with the potential to make or break the very foundation upon which the entire EU superstructure was built. However, EU policies on enlargement have thus far been inconsistent, with standards, conditions, and requirements for membership progressively changing and becoming more stringent. It goes without saying that, in terms of economic policy, the EU has had to modify conditionalities for membership as new lessons were learned through each successive wave of enlargement. In that regard, it still remains to be seen what kind of impact the PIGS crisis, and particularly the crisis in

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<sup>43</sup> John Borneman and Nick Fowler, "Europeanization," *Annual Review of Anthropology* 26 (1997): 492.

<sup>44</sup> Heather Grabbe, "Europeanization Goes East: Power and Uncertainty in the EU Accession Process," in *The Politics of Europeanization*, ed. Kevin Featherstone and Claudio M. Radaelli, 310 (New York: Oxford University Press, 2003).

Greece, will have on the accession process for future members. Nevertheless, this paper dealt more specifically with EU conditionalities outside of the economic sphere, and assessed the growing potential for resentment towards the project of EU enlargement and the phenomenon of Europeanization within aspiring member states in general, and within the Republic of Serbia in particular. There is a growing perception of hypocrisy, inequality and double standards with regards to EU policies in Serbia, a perception that stems from the EU's stance on Serbia and the ICTY, on Serbia's war crimes responsibility with relations to its neighbors, and on Serbia and the status of its breakaway province of Kosovo, among other things. Although most Serbs still support EU accession, this negative perception, whether justified or not, is threatening to breed the kind of resentment and cynicism towards the EU that could seriously threaten the EU's prospects in Serbia and in the rest of the Western Balkans.

In order to curb the rising tide of resentment towards the EU within Serbia and elsewhere, EU policymakers must make a conscious decision to treat every aspiring member state equally and without prejudice. The EU must develop a more concrete set of policies for enlargement that will be transparent, fair, and that will appeal to the general public within aspiring member states as much as they do to the political elites in these countries. The EU must show respect for the unique culture and identity of each aspiring member state, and it must outline clearly and without duplicity the potential rewards for pursuing pro-EU policies. In the case of Serbia, the EU has not as of yet offered a guarantee of membership as was the case with Romania and Bulgaria, the most recent countries to join the EU and Serbia's next door neighbors. Furthermore, the EU's policies towards Serbian cooperation with the ICTY and its policies towards the status of Serbia's Kosovo province are perceived by many Serbs as hypocritical and unfair, not to mention potentially devastating to Serbian culture and national identity. The question of Kosovo, in particular, poses a colossal roadblock on Serbia's path to EU accession, primarily due to the fact that the Serbs consider the province to be an integral part of their territory, a claim that finds much support in international law, and because Kosovo represents the essence of Serbian national identity, religion and culture. If in the future the EU decides to condition Serbia's EU membership with concessions on Kosovo, we can expect an enormous backlash among the people of Serbia against what they will most certainly construe as an attempt to erode Serbian national identity and replace it, through the process of Europeanization, with something else entirely. The potential repercussions could be devastating for all parties.

In short, if the EU wishes to put an end to the kind of resentment and cynicism that is becoming synonymous with EU enlargement, it must treat Serbia and all aspiring member states with respect, dignity, and fairness, particularly in relation to its neighbors. EU policymakers must do away with hypocrisy, inequality, and double standards in order to establish an even playing field in the great game of EU enlargement, thereby renewing confidence in EU policies and institutions among new and aspiring member states. Otherwise, the EU's many shortfalls with regard to enlargement policy threaten to produce a lack of credibility and legitimacy that could tear down the very foundation of fair and equal partnership upon which the union was built.

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