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Verena-Christiane Gärtner, BA

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List of Abbreviations and Acronyms

AVNOJ	Antifašističko Veće/Vijeće Narodnog Oslobođenja Jugoslavije (Anti-Fascist Council for the National Liberation of Yugoslavia)
BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CEE	Central and Eastern Europe
DS	Demokratska Stranka (Democratic Party)
DSS	Demokratska Stranka Srbije (Democratic Party of Serbia)
EC	European Community
EDP	Excessive Debt Procedure
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FYROM	The Former Yugoslav Republic of Macedonia
HDZ	Hrvatska Demokratska Zajednica (Croatian Democratic Union)
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally Displaced Person
IPA	Instrument for Pre-Accession Assistance
JNA	Jugoslovenska Narodna Armija (Yugoslav People's Army)
KFOR	Kosovo Force
LGBT	Lesbian, Gay, Bisexual and Transgender
LDK	Lidhja Demokratike e Kosovës (Democratic League of Kosovo)
NATO	North Atlantic Treaty Organization
NDH	Nezavisna Država Hrvatska (Independent State of Croatia)
NPO	Non Profit Organisation
NS	Nova Srbija (New Serbia)
OSCE	Organization for Security and Co-operation in Europe
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process

SDP	Socijaldemokratska Partija Hrvatske (Social Democratic Party of Croatia)
SEE	South Eastern Europe
SFRY	Socialist Federal Republic of Yugoslavia
SNS	Srpska Napredna Stranka (Serbian Progressive Party)
SPO	Srpski Pokret Obnove (Serbian Renewal Movement)
SRS	Srpska Radikalna Stranka (Serbian Radical Party)
TDF	Territorial Defence Force
TFEU	Treaty on the Functioning of the European Union
UÇK	Ushtria Çlirimtare e Kosovës (Kosovo Liberation Army)
UN	United Nations
USA	United States of America
WB	Western Balkans
WW II	Second World War

1. Introduction

In July 2013 Croatia became the newest member of the European Union (EU). The country was often praised as the role model of the Western Balkans¹ (WB) and finally rewarded with membership, while the other applicants in this enlargement round are still far away from this step. Currently there are six more countries in the WB eager to achieve full membership in the EU. Albania, Bosnia and Herzegovina (BiH), and Kosovo have potential candidate status, while The Former Yugoslav Republic of Macedonia (FYROM), Montenegro, and Serbia have already advanced to candidate countries.²

The focus of this thesis lies with two of the countries of the WB and compares their paths of integration into the EU. The comparison of Croatia and Serbia is especially interesting because of their importance in the region and the relationship they have with each other. These two states share a common past and faced some resembling obstacles in the European integration process, but while Croatia gained the role model status and achieved the accession as the first of the region, Serbia is often portrayed as the black sheep of the WB and its integration process is marked by several ups and downs. The aim of this thesis is to find similarities and differences between the two countries and to understand, why Croatia's accession was so much faster than that of Serbia. The important question is: What did Croatia do differently? To analyse the unequal development of Serbia and Croatia, it will be necessary to elaborate similarities and differences between the two countries and to find out which impact these factors have on the pace of accession.

The thesis is structured as follows: At first there is a short introduction to the past of Serbia and Croatia. This helps to understand in which condition these two countries entered their first meetings with the EU. Furthermore, the volatile history of the Western Balkans contributes majorly to the status quo of its countries, with their contested pasts and the different identities that emerged from it.

Then the strategy that the EU has developed for this enlargement round is analysed to show which requirements the countries have to fulfil and why. Furthermore, the cases of Croatia and Serbia demonstrate how much influence the condition of the EU itself has on its enlargement strategies. Different motives for enlargement and perturbing developments on the

¹ The region will be referred to as Western Balkans, which is the EU's official formulation.

² European Commission (2013f): Enlargement. Countries preparing to join. Available at: http://ec.europa.eu/enlargement/countries/check-current-status/index_en.htm [20.11.2013]

EU's side, like enlargement fatigue, are taken into account to create a more complex picture of the integration process.

Since the limited capacity of a master thesis does not allow a complete analysis of the whole integration process of two countries, with all the accession criteria involved, it was necessary to focus on some selected fields for the comparison. Two fields were chosen due to their significance and comparability. The decision was made for cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and territorial disputes. The ICTY is an important instrument for conflict resolution and post-conflict development in the region, but it posed an obstacle for the accession of both countries. Another complicating issue in this region are territorial disputes, which can also pose an obstacle to a country's EU accession and occurred a lot in this region after the dissolution of Yugoslavia.

Furthermore, the thesis gives insights on the perceptions of the integration process in the two countries and in the EU. Along the way there have been opposition against and different opinions on the accession process and the EU requirements from political and civil actors on all sides. But, even though the requirements are tough and the relation between the EU and the states suffered different drawbacks, no one gave up on the ultimate goal of European integration. The aim of this chapter is to find out, if the perceptions of and in the EU have an influence on the accession process.

In the final part, the thesis provides a discussion of the results with respect to the research questions and hypotheses. The last chapter presents an outlook on future perspectives and recommendations for Serbia, Croatia and the EU.

Importance of the Research and Motivation

Many brilliant authors like Maria Todorova, John B. Allcock and Edgar Hösch wrote fascinating books about the history, the perception and the politics of the WB. The EU, the United Nations (UN), the North Atlantic Treaty Organization (NATO), and other international organizations have published thousands of papers and documents on the countries of this region in the last 20 years. Nevertheless, there is still a need to write more about the WB. Now that the countries of this region are at different stages on their way to join the EU, and one of them has already become a member state, it is especially interesting to study the ongoing developments. However, to merely examine the Western Balkans as a unity would be a fallacy, just as exclusively examining the single states. Instead, it is of importance to survey

the interconnections within the region and the connections with the EU. To examine the Balkans as a whole would be a fallacy, just as much as examining the single states only by themselves. The aim of the thesis is, thus, to analyse and compare two specific countries from different angles, as acceding countries, as sovereign nation states, and as regional players.

Looking at Serbia and Croatia in comparison gives new insights on the individual and regional scope of the accession process. Besides, when we look at two countries rather than just one, the role of the EU in the integration process becomes more transparent. This is important, because the EU institutions and member states influence the accession of every single country differently. Different opinions on and relationships with acceding countries can hinder or accelerate the integration process, just as much as the current condition and capacity of the Union. Due to their similarities, but also differences, Serbia and Croatia are good research objects for a comprehensive study of European integration.

1.1 Research Questions and Hypotheses

The following research questions serve as guidelines for the thesis:

- a. Why did Croatia's EU integration proceed faster than that of Serbia?
- b. Which factors accelerated and hindered the integration process of Serbia and Croatia?
- c. Which similarities and differences can be identified between Serbia and Croatia in the accession process?
- d. How does the European Union influence the accession process?

The main hypotheses are:

- H1:** Croatia's accession process was accelerated by its developed political sphere and its faster identification with the EU regarding identity and shared European norms.
- H2:** The numerous differences between the states of the WB call for an individual approach to European integration.
- H3:** The current condition of the European Union has a negative influence on the integration of the WB countries.

2. Research Method and Material

2.1 Comparative Politics

Comparative politics is one of the sub-disciplines of political science and offers no specific theory, but a broad field of different methods and approaches, which are united by their common goal of understanding. The field of political science and the research questions, which it raises, are manifold, so it is important to have a manifold set of theories and methodologies to answer them. Thus, the key to a meaningful comparative analysis is to choose the right method, or methods, for the case of interest.³

Because of its dominance in the political sphere, the nation state is one of the main interests of comparative politics and many other disciplines. The modern nation state is often considered as the main actor in the international system and as the decision maker regarding governance. Basically, the nation state is sovereign, it rules over territory and people, and it is accredited with legitimate power. But, there is more to the state than its basic foundations. Beyond the mere surface of state or regime formation, there is a broad spectrum of state-related aspects like the identity of states, societies, nationalism, conflicts, revolutions or social movements. The possibility to apply different methodologies in comparative politics is essential to analyse this manifold spectrum of the state, its characteristics and its actions.⁴

In comparative politics states are often examined in case studies. The aim of such studies is not only to gain greater knowledge about one particular state, but to explain a bigger phenomenon around it. The comparison of cases should thus bring interesting results and shed light on the broader topic, or as Jeffrey Haynes put it:

*“Because comparative politics lacks a commonly agreed theory for explaining and accounting for the characteristics of individual political systems, case studies are very often used as the basis for seeking to make sense of the political world, by ‘drawing analogies between the cases themselves’.”*⁵

³ Haynes, Jeffrey (2005): Comparative Politics in a Globalizing World, Cambridge, Polity Press, p.75-76

⁴ Boix, Carles/ Stokes, Susan C. (2007): Introduction. In: Boix, Carles/ Stokes, Susan C.: The Oxford Handbook of Comparative Politics, Oxford et al., Oxford University Press, p. 3-23

⁵ Haynes, 2005, p. 76

Again, there is no single method to conduct a case study, but that is not the main concern here. The focus lies on the outcome that the case study can deliver in terms of the broader picture or topic, which comparative research is all about.⁶

“First, case studies are an approach that enables us to choose a topic rather than a procedure for conducting research. Thus case studies usually feature a variety of methods to gain the knowledge we seek. The overall purpose, however, is the same whatever techniques are employed: to supply a picture that is both rounded and as comprehensive as possible.”⁷

Comparative politics was established in the 1950s and, as mentioned above, traditionally focused on the state or domestic politics. But with the groundbreaking events surrounding the end of the Cold War and an increase in transnational activities, the scope had to be broadened. Since the end of the 1980s globalization has become an important part of studying the state and the international system. Many scientists have acknowledged, that states cannot be analysed without taking into account their role in the globalized world. To understand the full impact that states have on other states and vice versa, it is necessary to take external factors and actors into account as well. States are confronted with external forces and players, which affect the environment they exist in and also their behaviour. To be more concrete, political representatives face internal and external demands and they have to deal with both of them, which leads to an interaction of both spheres.⁸ In this case study, it is the European Union that influences the states’ political outcomes. The EU, a supranational actor, takes up an important part within this comparative analysis, because it creates the circumstances and conditions of European integration, which forms the context of the analysis.

To sum up, the methodological aim of this thesis is to study two cases, to draw analogies between them and thereby to create a significant and broad picture of the European integration process in the WB. The cases in this comparative study are the states Serbia and Croatia. The challenge of this comparative analysis is to find the similarities and differences between the two states and to understand their behaviour in the face of EU integration. The analysis is limited to a specific timeframe from the break-up of Yugoslavia in the early 1990s until today, because these years comprehend all interactions between the EU, or its predecessor, and the former states of Yugoslavia. As the third chapter will show, the field of international relations will provide different approaches to the topic and help to generate a broader picture of the integration process.

⁶ Haynes, 2005, p.75-76

⁷ *ibid*, p. 76

⁸ *ibid*, p. 82-83

2.2 Material

Different materials will be used to discuss the hypotheses and to answer the research questions. Secondary sources about the EU, the European integration process and the countries of the Western Balkans constitute one of the cornerstones of the research material. Scientific publications with regard to political science and the theories of international relations are of importance as well. Online newspaper articles, various reports, and analyses constitute another cornerstone of information. The focus lies especially with different newspapers and journalistic sources from the WB, but also other sources are used. Furthermore, primary sources serve as important material. These include documents, decisions and recommendations from the institutions of the EU, which are also published online.

3. Theoretical Background

To get a sufficient picture of states in the globalized world, Haynes recommends combining comparative politics with international relations.⁹ Consequently, two theories of international relations – realism and constructivism – will serve as the guiding theories for this thesis. The two theories were chosen, because they offer different ontological approaches, which allow the researcher to take both points of view into consideration, to ask a variety of questions, and to find out which theory is more sufficient for what. In the sense of comparative politics, the application of two opposed theoretical approaches is supposed to create a better understanding of the cases and the topic – for the purpose of this thesis, of the states Serbia and Croatia, facing EU integration

3.1 Realism

Realism is generally known as the most dominant theory in international relations. Yet, there is not only one realism but different kinds of realism, which will be explained shortly¹⁰. *Classic Realism*, which was established by Hans J. Morgenthau, is based on six principles. Firstly, realists assume that human nature is the source of the laws that underlie politics and society. These objective laws, which govern the international relations, are unlikely to change. Secondly, power is the main interest of the representatives of the state, and neither motives nor ideology but rationality is the driving force behind their foreign policy decisions. Thirdly, the concept of “interest in terms of power” as defined in principle two, is universal and objective, but it has to be understood in the context of time. Fourthly, universal moral

⁹ Haynes, 2005, p. 82-84

¹⁰ The description of the theories is intentionally brief. The emergence and development of the theories will not be explained here, since only the main features and applicability of the theories are of importance.

principles cannot stand above the interest of a state. Morality is of importance in the political sphere, but only after due consideration. Fifthly, the moral principles of one nation cannot be universal. No nation has an exclusive right to define what is right and what is wrong in international relations. Sixthly, the political sphere is autonomous and different from other spheres, such as economy for example. In international relations the principles of other spheres can thus not stand above political principles.¹¹

For realists states are the main category of analysis. The basic assumption is that states live in an anarchic environment, which means that there is no greater power to rule them. In this system they are the main actors and they all strive for power. From a realist point of view, war is always possible and everlasting peace is not, because there is always a possibility for conflict between states due to the human nature, which underlies politics and society. There are different assumptions concerning power, though. For *offensive realists*, the basic assumption is that states have to expand and to gain more power in order to be stronger than others and thereby create security for themselves. Offensive striving for dominance is their way to survive. *Defensive realists*, on the other hand, assume that states don't have to strive for hegemonic dominance but to keep their status quo secure from loss. In both versions survival and security are the driving forces behind the state's struggle for more, or a stable amount of power. Realists assume that security and power are the most important concerns for states and that states act rational and based on their own interest. This means, for example, that when states form allies with others, it is only due to their own current interest and not, because they are interested in a long lasting arrangement. States are most likely to form allies against one power that is stronger than the others together. The aim is to achieve a "balance of power", a state, which makes a peaceful co-existence possible for a short period of time.¹²

Neorealism is an important branch of realism and offers two explicitly different assumptions. The one main difference is the idea that the structure of the international system influences the behaviour of the states. In neorealism, which was established by Kenneth Waltz, the human nature is no longer the main reason for war, like it was in Morgenthau's assumptions. The other main difference is that, for Waltz, power itself is not the main interest of states, but only a means for security. Neorealism is also called 'structural realism', because of its

¹¹ Morgenthau, Hans J. (1948/1985): *Politics among Nations. The Struggle for Power and Peace*, 6th edition revised by Kenneth Thompson, New York, Alfred A. Knopf, p. 4-17

¹² Gärtner, Heinz (2008): *Internationale Sicherheit. Definitionen von A-Z*. 2nd revised and updated version, Baden-Baden, Nomos, p. 197-199; May, Ernest R./ Rosecrance, Richard/ Steiner, Zara (2010): *History and Neorealism*, New York, Cambridge University Press, p. 3-4; Waltz, Kenneth (1979): *Theory of International Politics*. London et al., Addison-Wesley, p. 103

understanding of the international system. The international system provides a structure, which influences the behaviour of the states. Of course, the international system consists of states, but it is not the sum of their actions. Hence, the structure influences the states and not vice versa. The international system, according to Waltz, is anarchic and states need to help themselves in order to survive. The most successful state is the one, which adapts best to the requirements of the international system. In general the states are all in the same position, and every single state follows its own interest. Still, their goals and interests can also be influenced by the actions of the other states in the system. The only real difference between the states, according to Waltz, is that they have different amounts of power. This difference is a crucial one, though, because it determines the state's ability to create security for itself and security is the state's main interest. In both, classic realism and neorealism, the idea of a balance of power is important for security. Also in Waltz's understanding of the state, states want to remain autonomous and don't want to worsen their situation. Consequently, states do only cooperate when there is a greater power or threat against them, and not for other reasons. Long-term cooperation between states is hindered by their need for security, because in the anarchic system there is no guarantee for what the other state will do.¹³

The concept of realism has been criticised in several ways by scholars and scientists from many different disciplines and theoretical backgrounds. Several have pointed out that some events in history and present cannot be explained by realism. Historian Paul Schroeder, for example, criticises that realist approaches can't explain changes in the international system, because they rely on an unchangeable human nature or structure as its foundation.¹⁴ He also argues that the balance of power is a rather uncommon phenomenon in history, because usually states didn't cooperate in order to oppose a greater power or threat. History shows that they are more likely to team up with the greater power itself, than with others. It has also been criticised that it is not necessarily the greatest power that poses the greatest threat to the other states. Furthermore, taking a look at history, many states chose to stay out of conflicts in general instead of participating in them.¹⁵

Schroeder also argues that if the anarchic system makes states strive for power, they should be striving for order to the same amount. The logical step a state would take, according to

¹³ Krell, Gert (2000): *Weltbilder und Weltordnung. Einführung in die Theorie der internationalen Beziehungen*, Baden-Baden, Nomos, p. 111-114

¹⁴ Schroeder, Paul W. (2010): Not even for the seventeenth and eighteenth centuries: power and order in the early modern era. In: May, Ernest R./ Rosecrance, Richard/ Steiner, Zara: *History and Neorealism*, New York, Cambridge University Press, p. 78-79

¹⁵ Schroeder, 1989/1994, as cited in Gärtner, 2008, p. 199

Schroeder, would be to reduce the risk of being confronted with the hostilities and unaccountability of other states by creating an order that provides rules. This struggle for order should be as important in terms of security as power. Schroeder even goes one step further by explaining that the struggle for order is more important than the struggle for power.¹⁶

From an idealist and internationalist point of view, it has been criticized that the state has more interests than just power and security. Liberalists argue that the inner life of the state should be taken into account, because it has an influence on the international sphere too. Marxists criticize that the role of social groups and the world economy is not relevant in realism. Realist approaches also leave out institutions and their influence on the states and the international system. The influence of rules and norms on the behaviour of states is not explainable from a realist point of view either.¹⁷

3.2 Constructivism

At first it is important to mention that constructivism claims to be a theoretical approach to examine international relations rather than a complete theory. The major difference between constructivism and other theoretical approaches is the priority it gives to ideas. Constructivism assumes that the system we live in is built from ideas, which are the essential component in the international system. They are necessary for the actors to constitute themselves and to define their interests. Thereby constructivism embraces the importance of non-material influences like norms, rules, and perceptions. The main assumption of constructivists is that reality is constructed socially, through ideas.¹⁸ The way in which reality is perceived, determines how states act. The relations between states can be friendly or hostile, not by nature, but based on the assumptions that one state makes about the other. Even the interest and power that states pursue are based on ideas.

The understanding that the world is constructed through ideas, leads to the conclusion that change is possible. The assumption is that the international system is a construct of ideas and if these ideas change, so does the system, which they form. Nevertheless, it should not be assumed that social realities can be changed very easily. Humans produce and reproduce norms, rules, and ideas that govern their life, often without even noticing that they live in a constructed reality. This social construct is a very persistent one and often misinterpreted as naturally given and therefore unchangeable. In terms of interaction, constructivists take state

¹⁶ Schroeder, 2010, p. 80-83

¹⁷ Krell, 2000, p. 118

¹⁸ *ibid*, p. 240-241

interest into account, but they also assume that communication is an important process between states. Communication can change the interest of states as well, because it can change ideas.¹⁹

Constructivists don't deny that the international system is an anarchic one but in opposite to neorealists they think that states create the anarchy they exist in. From a constructivist point of view, it is not possible that structures impose human behaviour, because structures are created and changed by humans themselves. Therefore, Alexander Wendt challenged the neorealist understanding of anarchy with his famous phrase:

*"Anarchy is what states make of it."*²⁰

Wendt offers three main points of critique against realism. One is that realist approaches cannot explain social changes on the structural level, because realists only see power as an indicator for structural change. Secondly, Wendt also criticizes the balance-of-power-approach as insufficient, because it is too broad and can be applied to almost any state behaviour sooner or later. The third point of critique concerns the neorealist understanding of anarchy and structure. Wendt argues that neorealism is unable to explain the international system and changes in it only through the logic of anarchy and without considering variations in the behaviour of states.²¹ His point is that the neorealist understanding of international structure is wrong:

*"In my view it is exactly what Waltz says it is not: a social rather than a material phenomenon. And since the basis of sociality is shared knowledge, this leads to an idealist view of structure as a "distribution of knowledge" or "ideas all the way down" (or almost anyway)."*²²

Wendt sees the social formation of the structure as more important than interest, because it determines the relevance of the state's interest or power. Furthermore, he argues that state identities are not given but formed through the structure of the system and domestic factors. The international structure affects the behaviour, identity, and interest of states. Vice versa, the interactions of states change the international system.²³

¹⁹ Krell, 2000, p. 241-248

²⁰ Wendt, 1992, as cited in Wendt, Alexander (1999): Social Theory of International Politics, Cambridge, New York, Port Melbourne, Cambridge University Press, p. 6

²¹ Wendt, 1999, p. 17-18

²² ibid, p. 20

²³ ibid, p. 21

As mentioned before, constructivists embrace the importance of rules, norms and communication. Thus, they neglect Waltz's idea of a self-help system, in which every state is under a constant threat by other, more powerful states. Constructivism argues that two states can coexist peacefully, despite unequal levels of power. The assumption is that states establish and rely on rules and norms, which naturally requires communication. This point of view doesn't neglect the possibility that there are states, which want to expand, to gain more power, and use force to achieve their goals. But constructivism creates a broader understanding of security in the international system, which allows the states to act in a diverse manner. From this point of view, it is also possible that the interaction between states changes, because identity and interest are not given, but socially constructed. Hence, states that were enemies can create trust, based on a change of ideas, because if their assumptions about the other changes, their own behaviour can change as well.²⁴

As constructivism itself admits, it is not a full theory and this leads to some incompleteness and points of critique. Constructivists emphasize the importance of ideas in the social construction of the international system, but there is no explanation for the origin of these ideas. The construction of the ideas, which construct the system, is not explained. Constructivism doesn't offer a way to clearly distinct between ideas, power, and interest either. This leads to the problem that the relation between these three components cannot be explained clearly.²⁵

3.3 Realism, Constructivism and the EU

The emergence and constitution of the EU was shortly discussed by Waltz in the face of the Cold War. For him, the establishment of the European Community was a result of the structure that the great powers United States of America (USA) and Russia created. For the first time, the European states were in a situation, in which the biggest threat was not imposed by one of them, but by two other, greater powers. Waltz argued that the change in the international system, which brought about the Cold War, created a new opportunity for the Western European states.²⁶

After the end of the Cold War, offensive realists predicted a rather negative future for the European project. It was assumed that the shift in the world system - the sudden loss of the imminent threat created by the two super powers - would also change the European states'

²⁴ Krell, 2000, p. 248-250; Wendt, 1999, p. 33

²⁵ Krell, 2000, p. 254-255

²⁶ Waltz, 1979, p. 70-71

relations with each other and with the USA. Defensive realists, on the other hand, concluded that the EU could be successful in its defensive strategy and remain at peace.²⁷

Today the EU not only still exists, but it has remained peaceful and developed itself horizontally and vertically. It is undeniable that the EU has become an important global player and taken a place in the international system, but there are different interpretations of its purpose and the power it exercises. *Constructivist* literature suggests that the EU exercises normative power. Normative power is contrary to material power, which means for example economic or military force. Ian Manners argues that the EU is a new, different kind of actor in the international system that was built on a normative base and, thus, uses normative power. The EU is based on principles that the member states have to obey, which include for example democracy, the rule of law, and human rights, and these normative principles are also reflected in the EU's role in the world. According to Manners, it is obvious why the EU uses normative power to achieve its goals, instead of military power, for example. Normative power means that the EU applies its own norms to the international system and convinces others to follow its example.²⁸ Manners concludes that the EU's normative power makes it very influential, precisely because it is not like other actors:

*“Thus the different existence, the different norms, and the different policies which the EU pursues are really part of redefining what can be ‘normal’ in international relations. Rather than being a contradiction in terms, the ability to define what passes for ‘normal’ in world politics is, ultimately, the greatest power of all.”*²⁹

From a *realist* point of view today, the EU has some main purposes for the states in the international system, which explains its influential role. Firstly, they argue that originally the European project was an economic cooperation. Hence, the main interest of the member states is of an economic nature. Secondly, the EU forms the region. The EU's influence on its environment has grown immensely since 1989 and it continues to form the region. But realists don't see the EU's power as a normative one. They say that it is based on economic strength and the advantages states have through being part of the Union. Realists also assume that the EU fulfils a normative purpose for the states. Even though this is not of utmost priority, it can

²⁷ Pollack, Mark A. (2012): Realist, Intergovernmentalist, and Institutional Approaches. In: Jones, Erik/ Menon, Anand/ Weatherill, Stephen: The Oxford Handbook of the European Union, Oxford, Oxford University Press, p. 3-8

²⁸ Manners, Ian (2002): Normative Power Europe: A Contradiction in Terms? In: Journal of Common Market Studies, Vol. 40/2, p. 235-254

²⁹ Manners, 2002, p. 253

pursue and achieve matters that are shared concerns or interests of the member states.³⁰ The idea behind this third point is obvious for realists. The moral principles of one nation cannot be universal, as Morgenthau claimed.³¹ So, behind the attempt to impose universal principles on others, realists suspect individual interest, because the attempt to impose allegedly universal normative or moral principles is usually led by a struggle for power, which is natural for a state. From a neorealist point of view, an actor with a solely moral or ethical aim would not be strong enough in the structure of the international system. The system is based on anarchy and self-help, in the neorealist perception, and therefore the EU has to pursue its own material interest. If it relies only on normative power, instead of material power, the EU will weaken itself in relation to others, who do pursue their own interest.³²

Some realists also claim that the EU's power and aims are not as normative as constructivists suggest. From their point of view, the EU is guided by both material and normative interest, while the latter is often of secondary importance. The assumption is that the EU puts material above normative matters, if it is in its own interest. Furthermore, there are realist approaches that suggest that the EU actually exercises material power, even in normative matters, because the economic power that underlies the European project, and the conditionality it implies on others, is of a material and not a normative kind. Another realist explanation is that the EU focuses on normative power, simply because it lacks military capacities.³³

4. Definition of Terms

4.1 Europeanness

The term Europeanness is rather comprehensive and different attributes are ascribed to it. Generally speaking, and as far as it concerns the use of the term in this thesis, Europeanness describes the identification with an idea of (Western) Europe, which is mostly associated with the European Union today. It expresses a sense of belonging to this family of states, by sharing what unites them, for example, heritage, history, values and norms, or all of these factors. Europeanness, or European identity, exists side by side or intertwined with national identity.³⁴

³⁰ Hyde-Price, Adrian (2008): A 'tragic' actor? A realist perspective on 'ethical power Europe'. In: *International Affairs*, 84:1, p. 31-38

³¹ Morgenthau, 1948/1985, p. 13

³² Hyde-Price, 2008, p. 31-38

³³ Pollack, 2012, p. 8

³⁴ Peckham, Robert Shannan (2003): *Rethinking Heritage: Cultures and Politics in Europe*, London, New York, I.B. Tauris, p. 76-78

4.2 Nationalism

Nationalism is an ideology or social movement, which is based on the nation or nation state and relies on identification and solidarity with the national community. Nationalism is called exclusive, when it defines and perceives others as marginal, and when distancing the own group from others is an essential part of it. Exclusive nationalism claims that ethnic criteria define who does and doesn't belong, but its core is actually based on national myths. These myths serve for the legitimization and propagation of nationalism. Nationalism, in an exclusive form, demands the conformity of the nation and the state, or of ethnic and political boundaries, and thereby promotes the exclusion of others, which can lead to the expulsion of ethnic or other minorities.³⁵

4.3 Territorial Dispute

In a very general description, Paul Huth defines a territorial dispute as follows:

*“Broadly defined, a territorial dispute involves either a disagreement between states over where their common homeland or colonial borders should be fixed, or, more fundamentally, the dispute entails one country contesting the right of another country even to exercise sovereignty over some or all of its homeland or colonial territory.”*³⁶

Huth also defines different cases of territorial disputes. For example, one state might contest another state's assumption of where the border between the two of them lies, which can concern a specific piece of land or the complete border between two countries. Often one state relies on an agreement that has been reached at some point, while the other denies the legitimacy or existence of such an agreement. Sometimes, on the other hand, a dispute exists, because there has never been an exact agreement on the boundaries of two states. States will then often try to prove their version of where the border should be with historical arguments. In some cases one state occupies the land of another, for example, in a specific area or through its military presence, which prohibits the other state from practicing sovereignty in its entire land domain. There are also territorial disputes in which one state supports secession or independence in a specific region, because it thinks that this area doesn't belong to the other state. The most difficult cases are probably those, in which one state doesn't recognize another country as a legal state and therefore rejects to accept any of its borders.³⁷

³⁵ Riescher, Gisela (2007): Nationalismus. In: Nohlen, Dieter/ Grotz, Florian: Kleines Lexikon der Politik, 4th revised and extended edition, München, C.H. Beck, p. 345; Planert, Ute (2004): Nation und Nationalismus in der deutschen Geschichte. In: Politik und Zeitgeschichte, B 39/2004, p. 11

³⁶ Huth, Paul K. (1998): Standing Your Ground: Territorial Disputes and International Conflict, Ann Arbor, The University of Michigan Press, p. 19

³⁷ ibid, p. 19-23

Mladen Klemenčić and Clive Shofield give a more precise definition of what constitutes a territorial dispute and how it evolves:

*“Territorial disputes are usually the most serious. They occur when large portions of land or entire regions are contested. Some of them are long-lasting. At certain stages they can be dormant, but later they may be renewed or intensified. [...] Territorial disputes may occur when there is a dispute over the allocation of territory, positional disputes in the delimitation phase and functional disputes at the management stage.”*³⁸

The authors grasp the complicated nature of territorial disputes. Furthermore, they add another reason for the existence of a territorial dispute, namely functional issues. This includes management issues, such as the access to resources in the border area or the handling of the border crossing points. Both definitions give a broad explanation for what a territorial dispute is, what can cause it and how it develops.³⁹

5. A short History of the Balkans

This chapter is a short introduction to the history of the Balkans and the two states Croatia and Serbia. Since this thesis has a limited number of pages, the examination starts with a very brief glimpse into the founding of the second Yugoslavia and then focuses mainly on its dissolution and the years after. This first brief historical outline is supposed to give a glance at the complicated birth of the second Yugoslavia, before its painful dissolution is examined more closely. It is important to keep in mind this difficult past and the dividing factors that would resurface in times of crisis.

The term “Balkan” was probably first used in the Turkish language, during the time of the Ottoman Empire, describing the landmark mountain in this area, which was later also referred to as “Haemus”. In the nineteenth century, Balkans became the dominant name for the whole peninsula, together with “Southeast Europe”. The term soon changed from a purely geographical description to one of a political meaning. “Balkanization” describes the fragmentation of a unit, in a geographic or political sense, into single states of smaller size, often characterized by a hostile attitude towards each other.⁴⁰ Nowadays, the term is used to describe any region of crisis, corruption and missing order. It is not inevitably bound to the

³⁸ Klemenčić Mladen/ Shofield, Clive (2004): Contested Boundaries and Troubled Borderlands. In: Pavlakovich-Kochi, Vera/ Morehouse, Barbara J./ Wastl-Walter, Doris: Challenged Borderlands: Transcending Political and Cultural Boundaries, Aldershot, Ashgate, p. 65

³⁹ *ibid.*, p. 65

⁴⁰ Todorova, Maria (1997): Imagining the Balkans, New York, Oxford, Oxford University Press, p. 21-37

south-eastern region of Europe anymore, but the question that remains is: How did this region of Europe become a metaphor for dissolution and mutual hostility?⁴¹

The Balkans have gone through an eventful past of unification and dissolution: From the Kingdom of Serbs, Croats and Slovenes,⁴² through the commotions of two World Wars, to the rise and fall of the Federal Socialist Republic of Yugoslavia,⁴³ and finally the integration into the EU. Brotherhood and alienation between the nations of this region appeared alternately and left their marks. Shaping the second Yugoslavia was not only difficult due to differing visions and claims concerning land. Already since the decline of the Ottoman rule a multitude of national movements had developed in the region, each striving for the unification of its own group in its own territory. Apart from governments, many non-governmental movements started to fight for their own cause, which blurred the lines between civil and non-civil actors.⁴⁴ In World War II Yugoslavia was not only invaded by the Axis, but also torn apart between nationalist ambitions and communist resistance. Three major groups fought on opposite sides and for contrary ideologies: The Croatian fascist Ustaše, the Serb nationalist and pro-royalist Chetniks and the communist Partisans.⁴⁵

Plans for the establishment of the Socialist Federal Republic of Yugoslavia became concrete in the last throes of WW II. Croatia, Macedonia, Serbia and Slovenia were from the beginning the designated constituent entities of the SFRY, while the status of BiH, Kosovo, Montenegro and Sandžak remained unclear at first. The Partisan leader Josip Broz Tito, who later became the first Prime Minister of Yugoslavia, was well aware of the difficulty to find a compromise, suitable for the mixed population of the SFRY and the differing visions. Eventually, the AVNOJ⁴⁶ decided to make BiH, Croatia, Macedonia, Montenegro, Serbia and Slovenia the constituent republics of the SFRY. Kosovo and Metohija received the status of an autonomous region, almost like the Vojvodina province, which received additional land from Croatia. Sandžak was divided between Montenegro and Serbia. The construction of the second Yugoslavia was a difficult undertaking regarding the interests and tenures of the

⁴¹ Hösch, Edgar (2007): *Geschichte des Balkans*, 2nd edition, München, C.H. Beck, p. 7-9

⁴² Founded in 1918 and renamed “Kingdom of Yugoslavia” in 1929, it is also referred to as the first Yugoslavia.

⁴³ Before the name was changed to SFRY, it was the “Democratic Federate Yugoslavia” and the “Federate People’s Republic of Yugoslavia”. For clarity, it will be referred to only as the SFRY.

⁴⁴ Sundhaussen, Holm (2007): *Geschichte Serbiens*. 19.-21. Jahrhundert, Wien, Köln, Weimar, Böhlau, p. 3

⁴⁵ For a detailed explanation see Ramet, Sabrina P. (2006): *The three Yugoslavias. State-building and legitimation, 1918 – 2005*, Washington DC, Woodrow Wilson Center Press, p. 113-162

⁴⁶ The “Anti-fascist Council for the National Liberation of Yugoslavia” was established in 1942, as an interim committee of delegates that lay the foundation for the SFRY and its government after WW II. See: Allcock, John B. (2000): *Explaining Yugoslavia*, New York, Columbia University Press, p. 183

different groups. For example, between those parts of the Albanian community in Kosovo that were in favour of becoming a republic and the Serbian voices against such a decision, it was crucial to find a solution. By declaring Kosovo and Metohija an autonomous province under Serbian jurisdiction and making concessions concerning settlement, both sides were supposed to be satisfied.⁴⁷ Despite all internal difficulties the second Yugoslavia was finally founded in 1945 and ruled by the communist party with Tito as its uniting leader. For the first time a federalist state replaced the concepts of ethnic nationalism and homogeneity with a yugoslavism that recognized all the six south-slavic people.⁴⁸

There is a vast number of books, articles and documentaries about the brutal disintegration of Yugoslavia and the most controversial question usually is: What were the causes? Examining the literature quickly shows that there are several different versions of what really happened and who is to blame for it. A vast majority interprets the break-up of the SFRY as a result of nationalism and ethnos, but this interpretation limits the understanding of this event as a whole. Economic difficulties had been afflicting Yugoslavia for many years before Tito died and the violent disruption began. Political complications prevented necessary reforms and modernisation, which fuelled resentment and national tendencies, just as much as instigated public discourses about the alleged exploitation of the rapidly developing republics Croatia and Slovenia, by the lavish political elite in the Serbian capital and in favour of the other regions. But not only internal, also external complications affected the Yugoslav economy. Such global events as the oil crises hit the SFRY hard, since it was very dependent on energy supplies from abroad. Also the country was highly indebted and relying too much on foreign remittances. Economic hardships finally resulted in unemployment and an alarming inflation, phenomena that were inconceivable for the socialist system. Soon the republics began to blame each other for the deteriorating situation, which created an atmosphere of distrust.⁴⁹ The impairment of the communist elite in Belgrade and the gain of economic and political power in the republics also changed the framework of the SFRY. The centre and the entities drifted further apart and so did the republics from each other. Due to the differences between

⁴⁷ Ramet, 2006, p. 163-165

⁴⁸ Sundhaussen, Holm (2003): Staatsbildung und ethnisch-nationale Gegensätze in Südosteuropa. In: Politik und Zeitgeschichte, B 10-11/2003, p. 7-8

⁴⁹ Allcock, 2000, p. 89-99

the republics in political, economic and developmental sense, they all had rivalling positions and goals.⁵⁰

One approach to the role of nationalism is that nationalisms and old conflicts were always accessible, even though the socialist system transformed national myths into stories of social class and solidarity. The sociologist Todor Kuljić argues that the history of Yugoslavia was revised at the end of the twentieth century, in favour of the national pasts of the republics. The goal of the elites, who staged this revision, was the demarcation of the own nation from the others. The cornerstones of this national reconstruction of history were tales about the creation of the own nation, its survival, sacrifice and religion. Especially in Serbia and Croatia mythologies of a heroic past of war and fighting play a significant role in the national self-perception. When Yugoslavia collapsed, these enforced nationalisms were ready to unfold, says Kuljić.⁵¹

Contrary to other researchers, the German Historian Holm Sundhaussen argues that the points mentioned above are only the symptoms of the dissolution, but not the causes. Neither economic failure nor ethnic and nationalist tensions or the crisis of the political system caused the dissolution, according to him.⁵² He sees the following points as the crucial elements in the break-up of Yugoslavia: The balance of power was destabilized by Slobodan Milošević in 1989, the economic imbalance due to the regional prosperity gap became worse during the economic crises and “minor” cultural differences between the nations have always been part of the redistribution quarrel. Every attempt to create a more loose confederation and to advance social market economy, which could have prevented a violent break-up, was neglected and a compromise between the politicians of the republics could not be found. The struggle to keep the SFRY together, encouraged by the international community, finally sealed its faith.⁵³ Sundhaussen says that the complex structure of the SFRY, the lack of a civil society and the weak rule of law created a beneficial framework for the acting politicians and their ambition to achieve an abrogation and collapse of the system. The following breakdown of all rules then paved the way for human error, which explains the extent of the brutal wars as a pervasive normality in human behaviour. Sundhaussen points out that the brutal

⁵⁰ Bunce, Valerie (1997): Conclusion. Peaceful versus violent State Termination. In: Bokovoy, Melissa K./ Irvine, Jill A./ Lilly, Carol S.: State-Society Relations in Yugoslavia. 1945-1992, London et al., MacMillan, p. 355-357

⁵¹ Kuljić, Todor (2010): *Umkämpfte Vergangenheiten. Die Kultur der Erinnerung im post-jugoslawischen Raum*, Berlin, Verbrecher Verlag, p. 4-51

⁵² Sundhaussen, 2007, p. 419-420

⁵³ Reljić, 2013, reviewing Sundhaussen, Holm (2012): *Jugoslawien und seine Nachfolgestaaten 1943-2011. Eine ungewöhnliche Geschichte des Gewöhnlichen*, Wien, Köln, Weimar: Böhlau.

dissolution of Yugoslavia was not a Balkans-specific event, bond to an old ethnic hatred or nationalism, but an event that could occur everywhere in the world.

In conclusion, the dissolution of Yugoslavia was driven by several difficulties and lacks within the complex structure of the SFRY and fuelled by external factors, such as economic crises and the influence of the international community. The weak rule of law, the lack of a civil society, and independent institutions contributed further to the imminent catastrophe, since it left the politicians without a powerful opposition. The widely discussed nationalism had an impact on the course of the dissolution of Yugoslavia, but should not be confused with the initial causes for this event. As Sundhaussen explains, it was a top down nationalism by political, religious and media elites that finally burst into open violence.⁵⁴ The active revision of history, as described by Kuljić, was the major tool for the installation of such nationalist resentments in the republics.⁵⁵

5.1 Croatia's History

In Croatia a revision of history, as discussed further above, was staged by the ruling party and its loyal associates. The establishment of a nation state was presented as the perpetual goal of the Croat people. Such periods in history as the Austro-Hungarian Monarchy were seen as positive connections to Europe, where the Croat nation truly belongs, while the Yugoslav Federation was interpreted as a drawback into the Balkans. The idea of a righteous belonging to Europe and the disregard of pro-Yugoslav arguments, which were accompanied by a revision of the NDH⁵⁶ and the Ustaše regime, paved the way for secession.⁵⁷

The dissolution of Yugoslavia officially began in 1991 with the declaration of independence by Slovenia and Croatia. In Slovenia this event was followed by the Ten-Day War. After this brief armed conflict Slovenia was the first former Yugoslav republic to become an independent state of international recognition.⁵⁸ In Croatia, the declaration of independence led to an armed conflict of a different dimension. Only after four years of intense fighting the Erdut Peace Agreement was signed by the Croatian government and a Serbian negotiating delegation and put an end to the war. The two parties agreed on the reintegration and

⁵⁴ Sundhaussen, 2007, p. 420

⁵⁵ Kuljić, 2010, p. 4-51

⁵⁶ Nezavisna Država Hrvatska (NDH) was the name of the Croatian vassal state of Nazi-Germany, which existed from 1941 to 1945. See: Goldstein, Ivo (2004): Croatia: A History, 3rd impression, London, C. Hurst, p. 131-151

⁵⁷ Paić, Hrvoje (2006): Kroatien. In: Džihic, Vedran; et al.: Europa - Verflucht begehrt. Europavorstellungen in Bosnien-Herzegowina, Kroatien und Serbien, Wien, Braumüller, p. 96-97

⁵⁸ Clapham, David; et al. (1996): Housing Privatization in Eastern Europe, Westport, Greenwood Press, p. 152

demilitarisation of the fought over regions Eastern Slavonia, Baranja and Western Sirmium under UN administration.⁵⁹ Finally, on December 14 the same year, the Dayton Peace Accords were signed, which ended the war in BiH and thereby the violent dissolution of Yugoslavia.⁶⁰

Croatia became an independent state in 1992, with Franjo Tuđman as president and the HDZ⁶¹ as the main political party. The war left the country with an immense destruction of infrastructure and an extensive loss of tourism and port traffic. There were a high number of dead and badly affected citizens, and internally displaced persons⁶² as well.⁶³ Certain areas of the land were occupied until the year 2000 and the fact that there was no more trade with the former Brother States was the crowning blow for the damaged Croatian economy. The following privatisation process did not work in favour of a stabilisation of the situation either. Basically it was an elite of people, who bought companies from the state and made profit from reselling them. For the vast majority of the Croatian people the privatisation did not bring any improvement, but higher rates of unemployment and a lack of social security and health care. As Ivo Goldstein describes, the public atmosphere in post-war Croatia was in favour of nationalist tendencies. Hostility towards strangers, and people of different backgrounds and confessions increased, accompanied by a re-emergence of conservative and religious traditions.⁶⁴ Croatia was in a particularly difficult state after the war, because additional to the disastrous consequences of war in economic and social sense, the country also had to face a regime change from socialism to democracy. The need for transition came at a time, when the newly independent Croatia was still struggling due to harmful internal and external factors. The primary goal of the HDZ, under Tuđman, was independence, while democracy obviously was not on the agenda of the nationalist party. Once independence was accomplished, the nationalists started a program, which was not welcomed by several previous supporters, such as the international community and the Catholic Church. Especially the involvement in the war in BiH, and the repression of critical voices in the opposition and the media drew

⁵⁹ USIP (1995): The Erdut Agreement. Available at: http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/croatia_erdut_11121995.pdf [15.08.2013]

⁶⁰ UN General Assembly Security Council (1995): General Framework Agreement for Peace in Bosnia and Herzegovina, 30 November. Available at: <http://www.ucdp.uu.se/gpdatabase/peace/BoH%2019951121.pdf> [15.08.2013]

⁶¹ Hrvatska Demokratska Zajednica (Croatian Democratic Union)

⁶² The term refers to persons who had to abandon their domicile under constraint due to violence, conflict or human rights violations without crossing the home country's borders. See: Kālin, Walter (2000): Guiding Principles on Internal Displacement. In: Studies in Transnational Legal Policy, No. 32, p. 1

⁶³ Goldstein, 2004, p. 257

⁶⁴ *ibid*, p. 257-260

negative attention to the party and its powerful leader.⁶⁵ The international critique put the political regime in a difficult position. On the one hand, it had worked hard on re-establishing the myth of the Croat people's belonging to Europe and not to the Balkans and Yugoslavia. On the other hand, Europe now rejected Croatia due to the illegitimate activities of Tuđman and the HDZ, which the regime could not deny. Hence, Europe had to be demonized in the public, without besmirching the Europeanness of the Croats. From now on the regime ousted the country into isolation and promoted this step as a necessary protective measure. The newly won sovereignty of the Croatian nation state could not be handed over to the tainted EU regime in Brussels, which supported economic exploitation and a decay of truly European values.⁶⁶

Only after Tuđman's death in 1999 a change in the political regime took place. The elections in the year 2000 resulted in a coalition led by the SDP⁶⁷ and a clear orientation towards the European Union, strongly supported by the new president Stipe Mesić. The first important reforms by the new government, including a new constitution, were very promising. Especially the upgrading of the parliament and demotion of presidential power received broad support. But leaving isolation from the international community and moving closer to the EU, in particular, soon revealed new obstacles for the Croatian government. The international community demanded Croatia's participation in the elucidation of war crimes, which means the handing over of alleged war criminals to the international tribunal in The Hague. Another demand was to end the state's interference in BiH, which had taken place through assistance for the Croatian community there. Also the problematic situation of refugees, who were forced to leave Croatia during the war, needed be solved. The return process of refugees was finally supposed to be started by the new government, since this did not happen under the Tuđman regime.⁶⁸

As we can see, Croatia's long and stony road to European integration could not start immediately after the war, but only from the year 2000 on, after Tuđman's death and a change of government. After the change in the political elite it also became necessary to clean up the mess that the Tuđman regime left, including its revision of the Croatian history and its negative influence on the perception of the EU, which was in no favour of the goals ahead.

⁶⁵ Søberg, Marius (2007): Croatia since 1989: The HDZ and the Politics of Transition. In: Ramet, Sabrina P./ Matic, Davorka: Democratic Transition in Croatia. Value Transformation, Education & Media, College Station, Texas A&M University Press, p. 31-44

⁶⁶ Paić, 2006, p. 125-127

⁶⁷ Socijaldemokratska partija Hrvatske (Social Democratic Party of Croatia)

⁶⁸ Søberg, 2007, p. 50-51+55

Coming to terms with its own past was one of the main criteria Croatia had to fulfil. This painful process is difficult to conduct for a government due to internal implications, such as unpopularity among the citizens and disagreement among the members of the government. Except of that, the devastation of the country and the transformation process also posed obstacles for Croatia.⁶⁹

5.2 Serbia's History

Survival and sacrifice built the cornerstones of the Serbian revision of history. Especially powerful emotional stories of collective sacrifice and suffering in times of bloody conflict illustrate the myth of a heroic past of war and fighting. A key element in this national past is the self-imposed role of the victim. As Laura Silber and Allan Little point out, many of these myths can be found in the Memorandum of the Serbian Academy of Sciences and Arts, written by a group of academics and published by the media in 1986, before the brutal break-up of Yugoslavia began. This document stressed the allegedly disproportionate sacrifice and suffering of the Serbian people in times of war and the missing recognition of their achievements and losses. Except of that, the academics were convinced of an inner-Yugoslav conspiracy against the Serbs and especially those Serbs living outside of the Serbian republic. The memorandum was only a paper, after all, and condemned by the official leadership, but it delivers an insight into the nationalist capacities accessible for Serbian elites.⁷⁰

Serbia lost the wars against its former Brother States and could not prevent the dissolution of Yugoslavia. After the Dayton Peace agreement in 1995 the country hit rock bottom. It found itself war-ravaged and economically dysfunctional. Serbia suffered tremendous financial penalties, due to the costs of several wars and the following international sanctions and exclusion. The wars caused trauma and casualties in the population and left a high number of refugees. In comparison to the other republics Serbia had the highest number of people living outside the borders of its republic. On top of that, the country was infiltrated with parallel structures, crime and corruption.⁷¹ Inflation and unemployment were at an all-time high and since the country was internationally isolated and indebted, there was no chance for financial assistance.

⁶⁹ Søberg, 2007, p. 55-56

⁷⁰ Silber, Laura/ Little, Allan (1996): *The Death of Yugoslavia*, revised edition, London et al., Penguin Books/ BBC Books, p. 31-32

⁷¹ Pavlaković, Verjan (2005): Introduction: Serbia as a Dysfunctional State. In: Ramet, Sabrina P./ Pavlaković, Verjan: *Serbia since 1989: Politics and Society under Milosevic and After*, Seattle, University of Washington Press, p. 14

The power of the Serbian president Slobodan Milošević was not uncontested. A vast number of opposition parties tried to conquer the regime and the population demonstrated against the illegitimate attempts by the government to stay in power. But the opposition parties were so fractured and discordant, that they could not build an alliance against the regime. Milošević was thus able to become the Head of State of Yugoslavia, now only consisting of Serbia and Montenegro, since he could not run for office in the Serbian republic anymore.⁷² The Peace Accords in 1995 ended the wars between Serbia, Croatia and BiH, but for Serbia peace was not at hand yet. Already in the 1980s the autonomous region of Kosovo was shaken by riots and violent repression. The majority of Kosovo-Albanians demanded more self-determination and many of them engaged in demonstrations and strikes. These events were met with strong repression by the Serbian regime and resulted in the abolition of autonomy in 1989.⁷³ Kosovo's population strived for independence and began to establish its own parallel structures. At the beginning of the 1990s, under the elected president Ibrahim Rugova, of the LDK,⁷⁴ there was no attempt of a violent dissolution.⁷⁵ But when the peaceful strategy seemed to fail, since there was no international recognition of Kosovo's case and no negotiations with the Serbian regime in sight, violent and terrorist activities took over. When the Kosovar UÇK⁷⁶ entered the stage and started series of terror, killings and retaliatory attacks, Yugoslav troops and paramilitary forces engaged and Serbia was drawn into the next violent conflict.⁷⁷ After unsuccessful negotiations and admonishments by the international community, the NATO started to attack Yugoslavia in March 1999. Only after 12.575 air strikes in Serbia, Montenegro and Kosovo an agreement to establish an international protectorate in Kosovo was reached. Soon the mood in Serbia began to change on a big scale. Tens of thousands of Serbian people demonstrated in Belgrade and all over the country against the discredited president, who in the meantime had also been accused of crimes against humanity by the ICTY. In the following elections, in the year 2000, the opposition's candidate Vojislav Koštunica won the presidential election against Slobodan Milošević,

⁷² Sundhaussen, 2007, p. 434-435

⁷³ Džihic, Vedran/ Kramer, Helmut (2006): Die Kosovo Bilanz. Scheitert die Internationale Gemeinschaft? 2nd updated and corrected edition, Wien, LIT Verlag, p. 16

⁷⁴ Lidhja Demokratike e Kosovës (Democratic League of Kosovo)

⁷⁵ Neither the referendum for independence nor elections in Kosovo were recognized by the Serbian authority.

⁷⁶ Ushtria Çlirimtare e Kosovës (Kosovo Liberation Army)

⁷⁷ Sundhaussen, 2007, p. 435-436

whose various attempts to manipulate the outcome and to repress the insurgent population failed. In June 2001 Milošević was extradited to the ICTY.⁷⁸

The political leadership in Serbia now consisted of the elected Yugoslav President Vojislav Koštunica and Prime Minister Zoran Đinđić. The new government could neither erase the criminalized and corrupted structures, which it inherited from the Milošević era, nor create a democratic framework from scratch. The two new men in charge did not think and act in concert, especially regarding the removal of remains of the former regime and foreign affairs. Disputes paralyzed political progress while other problems affected the country. Montenegro was ready for independence, which was meanwhile prevented by an agreement on a loose confederation of Serbia and Montenegro, Kosovo was still pounding on independence too and Albanian groups in the south of Serbia created unrest. The economic and social problems that the country was facing were still the same, but at least the international sanctions and exclusion were abolished, which paved the way for financial assistance.⁷⁹ Also some foreign creditors waived outstanding interests, the EU provided money and the process of privatisation was organised. Then, in 2003, Zoran Đinđić was murdered.⁸⁰ The loss of the democratic and progressive prime minister shook the country and resulted in raids and captures among the criminal network. In the following elections Koštunica's party DSS⁸¹, the DS⁸² and two other parties formed the government. It was the radical party SRS⁸³ though, which received most votes in the election, even though the party leader Vojislav Šešelj was already in The Hague due to an accusation of war crimes.⁸⁴

Even after the fall of Milošević, Serbia was still in a difficult position. The country was devastated and the informal structures of the regime were still intact. While Koštunica and Đinđić succeeded at first, they could not agree on important decisions later. The progressive and internationally beloved Đinđić worked actively on positive relations with the international community and the EU. He also tried to fight criminal structures that undermined the country, which eventually cost him his life. Koštunica, on the other hand, tried to please the remaining actors of the old regime and encouraged nationalist tendencies over international cooperation.

⁷⁸ Ramet, Sabrina P. (2011): Die Drei Jugoslawien. Eine Geschichte der Staatsbildungen und ihrer Probleme, updated and corrected edition, München, R. Oldenbourg, 694-714

⁷⁹ Ramet, 2011, 715-717

⁸⁰ Boeckh, Katrin (2009): Serbien Montenegro. Geschichte und Gegenwart, Regensburg, Friedrich Pustet, p. 214-215

⁸¹ Demokratska stranka Srbije (Democratic Party of Serbia)

⁸² Demokratska Stranka (Democratic Party)

⁸³ Srpska radikalna stranka (Serbian Radical Party)

⁸⁴ Sundhaussen, 2007, p. 453-454

The outcome of the last election also indicates that the population was still caught up in old patterns and self-perceptions.⁸⁵

5.3 Croatia and Serbia in Comparison

Serbia and Croatia share a common past and show many similarities in the historical examination. The two countries were highly intertwined during the time of the second Yugoslavia, due to their shared border and the big number of Serbs who lived in Croatian territories. Both went through a similar phase of a revision of history in favour of national aspirations, instigated from top to bottom, that resulted in resentment and set the battlefields on fire. In the creation of national myths, the leaders of both countries relied on emotional topics, religion and a self-perception characterised by heroism and sacrifice.⁸⁶ Croatia and Serbia both suffered tremendous devastation during the violent dissolution of Yugoslavia and developed a bad image abroad. Serbia's stand in the international community was destroyed quickly, when the wars began and the country suffered from exclusion and sanctions, which even worsened during the Kosovo crisis. Croatia's struggle for independence was supported by the international community, but the country's reputation was ruined later due to the involvement in the war in BiH. After that, the Croatian President Franjo Tuđman led the country into complete isolation. The first steps out of international isolation and towards European integration were only possible after the year 2000, when the political elites in both countries changed. When a new government replaced Slobodan Milošević's regime, the international sanctions on Serbia were lifted and financial support from abroad became possible again. Croatia also improved its international reputation and relations after Franjo Tuđman's death opened a window of opportunity for political change. Still both countries found themselves facing difficulties and it quickly became obvious, that the remains of the former regimes still had an impact on the social and political sphere.⁸⁷

The comparison also shows one major difference in the pasts of the two countries, which can be found in terms of warfare and destruction. While Croatia was able to slowly recover from the devastation of war after 1995, Serbia suffered more destruction due to the Kosovo crisis. The NATO airstrikes in 1999 caused further tremendous damage to the troubled country and set its recovery process back to zero.

⁸⁵ Ramet, 2011, 715-717

⁸⁶ Kuljić, 2010, p. 4-51; Sundhaussen, 2007, p. 419-420

⁸⁷ Ramet, 2011, 715-717; Søberg, 2007, p. 50-56

6. The EU's Strategy in the Western Balkans

The international community was involved in several interventions during the brutal break-up of Yugoslavia. When the wars were over, the community was still involved in the region, but its priorities shifted from crisis intervention to conflict prevention. In 1996 the first plan to stabilize the region and to strengthen the peace process, via partnerships between certain countries and the EU, was developed.⁸⁸ The EU had several reasons to be particularly interested in the region. In geographic terms, the WB are close and since the EU was already planning its further enlargement in the late 1990s, it was foreseeable that in the future they would be right behind the borders of the new member states. Due to the Kosovo crisis the European institutions realised, that destabilization and economic difficulties spread to the countries neighbouring the WB. This development could not be tolerated, especially because some of these neighbour countries were supposed to join the EU. Another reason for the EU's enhancing commitment were the costs of conflicts and crises in the WB. According to a communication from the European institutions, seven billion Euros were spent on the region from 1991 to 1999, which does not include international missions and interventions, as well as the costs of the reception of refugees in the member states. The Kosovo crisis in 1999 proved, that a commitment in only a few countries of the region was not sufficient enough. A new approach, which should embrace the whole region, was needed. The EU understood that it needed to be more active, enhance its visibility in the WB and develop a new strategy and an appropriate set of instruments to stabilize the region. In compliance with the Stability Pact, the goal to increase the integration of the WB into European and Euro-Atlantic structures and the cooperation between the countries of the region emerged.⁸⁹ The Stability Pact for South Eastern Europe was signed by the countries of the WB, the EU, other countries like the USA, international organizations, and institutions like the NATO and regional initiatives. The Stability Pact was not an organization or fund, but an agreement, which built a forum for those involved in the process. It was an important international initiative and in its documents the "European perspective" of the region was also stressed and agreed on.⁹⁰ After the Stability Pact was signed, the EU actively took the leading role in the stabilisation and reform process

⁸⁸ EUROPA Summaries of EU legislation (2010): The stabilisation and association process. Available at: http://europa.eu/legislation_summaries/enlargement/western_balkans/r18003_en.htm [11.10.2013]

⁸⁹ European Commission (1999): Communication from the Commission and the Council and the European Parliament on the Stabilisation and Association process for countries of South-Eastern Europe. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic Of Macedonia and Albania. COM(1999)235 final, p. 1-2. Available at: <http://aei.pitt.edu/3571/1/3571.pdf> [11.10.2013]

⁹⁰ Stability Pact for South Eastern Europe (1999): Cologne Document. Available at: <http://www.stabilitypact.org/constituent/990610-cologne.asp> [08.09.2013]

in South Eastern Europe, and thus became the internationally acknowledged main partner for the countries of the region. In the year 2000 it was announced that the WB countries are potential EU candidates, at the Santa Maria da Feira Council, and finally, at the Thessaloniki Council in 2003, it was officially stated that:

“The Balkans will be an integral part of a unified Europe.”⁹¹

But why did the European Union offer the states of the WB a membership perspective? A *realist* approach to EU enlargement begins with the assumption that states only form alliances if necessary, in terms of power balancing. Economic power is an important means in the international system and serves the state's self interest. Hence, as Frank Schimmelfennig explains, an economic cooperation can be interpreted like a military cooperation, if it serves the state to be a stronger actor in the international system. Enlargement thus makes sense, if it is an act of balancing against other greater economic powers, like the USA for example. Then the EU could try to enlarge in order to become a stronger player in the competitive global market. Anyway, the EU would have to integrate economically strong countries, in order to become more powerful, and this is the problem with the Eastern or WB enlargement. The EU is not expanding to more powerful areas, but actually integrating new members, which will probably take more from the EU than they give back, at least at the beginning. It becomes obvious, that the EU's current enlargement plans are neither an act of balancing nor inevitable.⁹² Another important factor in realism, or the most important factor in neorealism, is security. It could be argued, that the enlargement is meant to create a more powerful Union that will enjoy greater security. Furthermore, the enlargement could facilitate peace in areas of unrest, which adjoin the EU. But these assumptions can be refuted easily. By enlarging further to the East or the Southeast, the EU moves closer to the insecure parts of the continent. It will have direct borders with unstable countries, which might never become members. Furthermore, it cannot be said that the EU can prevent every form of conflict. As René Schwok points out, there truly haven't been any conflicts between the members of the EU, but there have been conflicts in EU countries, for example in Northern Ireland or the Basque region. Thus, it is not certain that enlargement could prevent an inner ethnic or other conflict in a country of the WB. Security, balancing and power are surely factors, which the EU

⁹¹ European Council (2003): The Thessaloniki agenda for the Western Balkans. Moving towards European Integration. In: Press Release. General Affairs and External Relations. 2518th Council meeting. 10369/03 (Presse 166), 16 June, p. 11. Available at:

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf [08.10.2013]

⁹² Schimmelfennig, Frank (1999): The Double Puzzle of EU Enlargement. Liberal Norms, Rhetorical Action, and the Decision to Expand to the East. In: ARENA, WP 15/1999, p. 5-7

considers, regarding enlargement, but they are not sufficient enough as the solitary reasons for the whole integration process. Consequently, realism is unable to fully explain EU enlargement to the East or the WB.⁹³

On the other hand there is the *constructivist* approach, which contradicts most of the realists' ideas. Constructivists stress the normative construction and power of the EU. They understand that enlargement to East and South Eastern Europe brings not only benefits for the member states. So the assumption is that they must have other, non-rational or non-calculated reasons to be in favour of enlargement. In the constructivist approach ideas and the social construction of the world are the main focus. Hence, social factors like a shared identity, common values and beliefs are named as the driving force behind the WB enlargement. Kinship and a sense of responsibility, obligation or even duty to integrate the countries of the WB are also influential, according to constructivists. It is assumed that the member states feel the need to support other countries, which are culturally and geographically close to them, apparently share their Europeanness and find themselves in transition to become fellow democracies. Another strong incentive is the very idea of European integration. The idea to unite all European countries is also a key factor for enlargement, according to this approach. When states share the EU's identity and norms, or conform to them, they can become member states. Nevertheless, it should not be assumed that the EU is a selfless actor, which is trying to create a better world and has no interest of its own. Constructivism doesn't deny that there are also material interests involved, material interests that are based on ideas.⁹⁴

In summary, the EU's aim to integrate the WB countries is probably driven by its own political, economic and security interests as well as by social kinship, shared identity, common values, and the self-imposed obligation to integrate the new democracies into a unified Europe. This assumption, that material and ideational interests are involved, seems to be the most reasonable one. Romana Vlahutin explains that the EU must act in its own interest and particularly with regard to its own strategic goals and future perspectives. For the EU's security and foreign policy enlargement is important, because the future member states conform to the shared norms and become more available and predictable. Yet, she defines

⁹³ Schwok, René (1999): Is there a Security Dimension in the EU Enlargement to Central and Eastern Europe? In: Goetschel, Laurent: Security in a Globalized World: Risks and Opportunities. Programme for Strategic and International Security Studies, Baden-Baden, Nomos, p. 153-162

⁹⁴ Nugent, Neill (2010): The Government and Politics of the European Union, 7th edition, Houndmills, Basingstoke, Hampshire, Palgrave Macmillan, p. 48-50+440-443

social factors, such as a shared identity and Europeaness, as the driving force behind the exhausting accession process of the WB countries.⁹⁵

6.1 The EU's Instruments

6.1.1 The Stabilisation and Association Process

The EU never had a specific enlargement policy. Basically every European country can apply for membership. What makes a country a European country is not defined though, because there is no consent between the member states. In 1993 the Copenhagen criteria were developed in order to clarify at least the conditions for accession negotiations.⁹⁶ For the integration of the WB the EU eventually came up with a new regional approach, after single partnerships with certain countries had failed to stabilize the region. To prepare all the countries for the difficult accession process, the European Union developed the so called Stabilisation and Association Process (SAP) and adjusted its instruments. The SAP is not a guarantee for membership, but an offer of a potential candidacy. The process gives each of the countries the possibility to adjust to European standards, with assistance from the EU, and then to receive candidate status, once they are ready for negotiations. The new regional approach for the WB originally involved two groups of countries. Albania and FYROM were put in one group, because they were not part of the peace agreements, since they did not participate in the wars, and each of them had more developed ties and agreements with the European Community at this time. BiH, Croatia and the Federal Republic of Yugoslavia formed the other group, because they were all bound to the Dayton peace accords and did not have any advanced agreements with the EC yet.⁹⁷

The idea to establish a SAP, in which each of the WB countries would sign an agreement with the EU, was suggested by the European Commission at the end of the 1990s. The main strategy was to enhance the offers from the EU's side and at the same time to put more conditions in the whole process. Bilateral agreements and assistance should ensure the achievement of political, social, and economic goals. Democratisation, the rule of law and

⁹⁵ Vlahutin, Romana (2009): The European Union, the Western Balkans and Serbia. Can things be done better? In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration, Baden-Baden, Nomos, p. 58

⁹⁶ European Commission (2013a): Steps towards joining. Special process for Western Balkans. Available at: http://ec.europa.eu/enlargement/policy/steps-towards-joining/index_en.htm [14.10.2013]

⁹⁷ European Commission, 1999, p. 2

especially cooperation between the countries of the region were the main priorities for the European Commission and still are until today.⁹⁸

When the SAP was developed, only FYROM and Albania were likely to sign SAAs with the EU anytime soon. According to the European Commission, BiH and Croatia did not fulfil the requirements back then, but an agreement would be negotiated as soon as they did. Regarding the Federal Republic of Yugoslavia, the Commission stated that it disobeyed even the most basic of the requirements, apart from its involvement in Kosovo, and therefore was not regarded as a potential SAA partner.⁹⁹ In 2001 Macedonia was the first of the Western Balkan's countries to sign a SAA with the EU, followed by Croatia a few months later. Albania signed in 2006, Montenegro in 2007, and BiH and Serbia in 2008. With Serbia the negotiations were interrupted between 2006 and 2007, because the EU was not satisfied with the country's cooperation with the ICTY, but they continued afterwards. Kosovo is likely to start SAA negotiations in June 2014.¹⁰⁰

To sum up, the SAP was established as the new procedure for enlargement and proves to be different from earlier enlargement practices. Some of the existing measures were improved, but altogether it is a more individual and conditional approach. The EU learned its lesson from the failed approach it applied before 1999 and developed a new, tailor-made strategy for the region. The SAP is not bound to a specific period of time, but determined by the progress of the partner country. It offers a step-by-step EU integration process, with benchmarks, and it is highly based on conditions and rewards. After the year 2004 the SAP was modified due the EU's ideational crisis and has since then been subject to more critique. Especially the extended timeframe and stricter conditions made the accession process for the countries of the WB more difficult. By some critics, this has been interpreted as a sign of rejection from the EU's side.¹⁰¹

6.1.2 Financial Assistance

An essential part of the stabilisation process is financial assistance. The EU has a variety of funds that assist countries in the challenging reform and transition process. In 1989 the

⁹⁸ European Commission, 1999, p. 4-5

⁹⁹ *ibid*, p. 5

¹⁰⁰ Fouéré, Erwan (2013): Boosting the Balkans' Progress towards the EU. In: *Balkan Insight*, 16. May. Available at: <http://www.balkaninsight.com/en/article/boosting-the-balkans-progress-towards-the-eu> [20.11.2013]

¹⁰¹ Braniff, Máire (2011): *Integrating the Balkans: Conflict Resolution and the Impact of EU Expansion*, London, New York, I.B. Tauris, p. 553-563

PHARE programme was developed. Originally it was supposed to support only Hungary and Poland in their transition to democracy, but soon it became the financial assistance instrument for all the countries in Central and Eastern Europe (CEE). The PHARE programme was later extended to the countries of the WB as well.¹⁰² In 1996 OBNOVA was implemented. This instrument of financial assistance had the aim to assist the states of Ex-Yugoslavia in reconstruction, recovery and reconciliation as well as political, social and economic development.¹⁰³ For the new regional approach to the WB, after 1999, two more major financial assistance instruments were designed. From 2000 until 2006 the CARDS programme supported the countries of South Eastern Europe in the stabilisation and association process. It provided a budget of 4.65 billion Euros.¹⁰⁴ From 2007 until 2013 the IPA financially assisted the applicants in the process, with a total budget of 11.5 billion Euro. To ensure a continuous financial assistance, it was replaced by IPA II with the beginning of the year 2014.

The main targets of the EU's financial assistance to the WB are: Transition assistance and institution building, cross-border cooperation, regional development, human resources development and rural development.¹⁰⁵ All countries eligible to the IPA receive support in the first two areas, but only candidate countries have access to the other three.¹⁰⁶ The management of funds can be coordinated by the European Commission, by the receiving country itself or in coordination with other member states and international organizations.¹⁰⁷

In 2013 financial support of 208.3 million Euros was provided to Serbia. The country was eligible to the first two pillars of the IPA, which means transition assistance and institution building, and cross-border cooperation. Financial assistance focused on a variety of reforms and improvements in the sectors justice and home affairs, public administration, social

¹⁰² EUROPA Summaries of EU Legislation (2007a): Phare programme. Available at: http://europa.eu/legislation_summaries/enlargement/2004_and_2007_enlargement/e50004_en.htm [15.10.2013]; European Commission, 1999, p. 4

¹⁰³ European Council (1996): Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina and Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, p. 1-2. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:204:0001:0005:EN:PDF> [15.10.2013]

¹⁰⁴ EUROPA Summaries of EU Legislation (2007b): The CARDS programme (2000-2006). Available at: http://europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm [14.10.2013]

¹⁰⁵ European Commission (2013b): Overview - Instrument for Pre-accession Assistance. Available at: http://ec.europa.eu/enlargement/instruments/overview/index_en.htm [14.10.2013]

¹⁰⁶ EUROPA Summaries of EU Legislation (2012): Instrument for Pre-Accession Assistance (IPA). Available at: http://europa.eu/legislation_summaries/regional_policy/management/e50020_en.htm [09.10.2013]

¹⁰⁷ European Commission (2013d): How does it work? IPA planning and programming. Available at: http://ec.europa.eu/enlargement/instruments/how-does-it-work/index_en.htm [14.10.2013]

development, and environment and energy. This includes the fight against crime and corruption, improvement of the employment sector, human rights and measures to handle waste and to protect the environment. Even though Serbia is a candidate country, the three other IPA sectors will only be opened, when the country is able to manage the funds autonomously.¹⁰⁸ Croatia received 93.5 million Euro in the year 2013. The country was eligible to all five components of the IPA, including those under self-management. The main targets of financial assistance were institution building, preparing Croatia to use EU structural and cohesion funds, finalising the country's alignment with EU law, and promoting economic and social development. Important reforms and improvement were limited to the justice system and public service.¹⁰⁹

As we can see, the EU's financial assistance is not one overall programme for the whole region, but based on individual factors in each of the WB. For every single country annual and multi-annual plans are established, which focus on the progress and needs of each applicant. The EU's priorities and the country's proposals and initiatives are also taken into consideration. A main goal of the IPA is that the receiving countries take the responsibility for their own progress, as part of the preparation for EU accession. In terms of 'carrots and sticks' the IPA can be suspended, should a country not achieve the goals agreed upon.¹¹⁰

6.1.3 Conditionality

The EU developed a variety of instruments and strategies for the enlargement process. Every enlargement round was different and especially since the drastic political changes in Europe after 1989, new approaches became inevitable.¹¹¹ A future integration of the CEE countries demanded for more rules. As a consequence, at the 1993 Copenhagen summit, accession criteria were formulated, which display the conditions candidate countries have to fulfil in order to become member states.¹¹² Since then the EU's approach has developed even further and conditionality has become a very important and efficient instrument in the integration process. Firstly, because it is a flexible tool, which can be used to achieve a wide range of political, economic and social changes in the applicant country. Secondly, because it can be a

¹⁰⁸ European Commission (2013c): Serbia - financial assistance. Available at: http://ec.europa.eu/enlargement/instruments/funding-by-country/serbia/index_en.htm [14.10.2013]

¹⁰⁹ European Commission (2013e): Croatia - financial assistance. Available at: http://ec.europa.eu/enlargement/instruments/funding-by-country/croatia/index_en.htm [14.10.2013]

¹¹⁰ EUROPA Summaries of EU Legislation, 2012

¹¹¹ There were four enlargement rounds so far: 1973 UK, Denmark, Ireland; 1981 and 1986 Greece, Spain Portugal; 1995 Austria, Finland, Sweden; 2004 and 2007 Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Romania, Bulgaria. See: Nugent, 2010, p. 33

¹¹² Nugent, 2010, p. 42-43

rewarding or a punishing instrument.¹¹³ Conditionality is neither a new concept nor an exclusive approach of the EU. All international institutions, such as the NATO or the IMF, make use of it, to shape the behaviour of applicant countries. They offer incentives and in return expect compliance with the conditions they set, which means an implementation of the institution's requirements on the national level. But there are different degrees of compliance, or as Jeffrey T. Checkel puts it:

“Regarding compliance, I define it as the extent to which agents act in accordance with and in fulfilment of the conditions prescribed by international institutions.”¹¹⁴

Even though the EU is in the superior position when it comes to conditionality, the applicant countries have the freedom to respond to the conditions autonomously. According to an analysis of democratic conditionality in CEE countries by Schimmelfennig, Engert and Knobel, there are different forms of compliance. The model will not be explained now, but the quintessence is that there are different forms of compliance and the degree of compliance depends on the costs of compliance on the domestic level. Compliance can be a risk for political representatives, if a condition is very unpopular or incompatible with the population's opinions and perceptions. The EU's response depends on the situation: There are social and economic rewards for compliance, while non-compliance results in the loss of those rewards, which means, for example, the suspension of financial aid.¹¹⁵

In case of the WB the EU's priorities were at first set on the peace process, which means for example adherence to the peace agreements, reconciliation and regional cooperation as well as cooperation with the ICTY. To keep the region stable, state building became an important factor, too. The incentive for the WB countries was European integration with the goal to become member states, just like the CEE countries before them. But as mentioned above, every enlargement round was different. For the CEE states the road map was set, the goal was clear and all of them obtained membership at a coordinated moment in time. In the case of the WB, the EU has gradually increased conditionality in the process. Therefore, the road to accession for the countries of the region has become more winding, and sometimes, they even have lost sight of the finish line. Membership is the declared goal at the end of the SAP, but

¹¹³ Zuokui, Liu (2010): EU's Conditionality and the Western Balkans' Accession Roads. In: Journal on European Perspectives of the Western Balkans, Vol. 2/1, p. 82-84

¹¹⁴ Checkel, Jeffrey T. (2000): Compliance and Conditionality. ARENA, WP 00/18. Available at: http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/working-papers2000/wp00_18.htm [21.10.2013]

¹¹⁵ Schimmelfennig Frank/ Engert, Stefan/ Knobel, Heiko (2003): Europäisierung in Osteuropa: Reaktionen auf die demokratische Konditionalität. In: Österreichische Zeitschrift für Politikwissenschaft, 32, 2003/3, p. 321-325

the range of requirements in the process is extensive. Specific conditions have to be fulfilled in order to take one step forward in the SAP. If the conditions are not met, benefits like visa liberalization or more financial assistance are put on hold. Moreover there is no date for accession agreed upon. In opposite to the CEE countries, there is not one common road map for accession, but a bilateral agreement with each of the WB countries. Through frequent monitoring and assessment each country's progress is evaluated and rewarded individually, which enhances the pressure to perform well and the competition between the countries of the region. That's why conditionality is a very efficient soft power mechanism through which the EU is in a superior position to the applicant country and, therefore, determines the rules. Conditionality is a very efficient soft power mechanism through which the EU has more pull. It is in superior position to the applicant country and determining the rules.¹¹⁶ But the EU also has to substantiate the rightfulness of its demands in the applicant countries. In the case of Serbia, the EU did not always manage to present its conditions and rewards deliberately. After the death of Zoran Đinđić, the political atmosphere in the country changed. The Euro-scepticism of the populist parties found general approval. Consequently, troublesome issues like ICTY cooperation and the visa regime became welcome symbols for those, who wanted to emphasize an alleged EU hard-line against Serbia. A general disappointment and feeling of unfairness set in, and the EU failed to address these tensions in Serbia properly and in time. Unpopularity in the WB countries is nothing the EU strives for, but successful conditionality requires a balance between demands and rewards, since the acceding country needs to feel progress to stay motivated. The EU itself admits that enlargement needs to be based not only on the consolidation of obligations, but on fair and rigorous conditionality, credibility and good communication with the public. The perception that Serbia received only sticks and no carrots, played right in the hands of the anti-EU league, whose leaders, in opposite to the EU, communicated directly with the Serbian population.¹¹⁷

6.1.4 Visa Liberalization

Visa liberalization is a very important topic in both the EU member states and the non-EU countries. Basically visa free travel is granted to applicant countries, once the necessary obligations to protect the security and migration interests of the EU are fulfilled. The main areas of concern for the EU include justice, border management, document security and the

¹¹⁶ Anastasakis, Othon (2008): The EU's political conditionality in the Western Balkans: towards a more pragmatic approach. In: *South East European and Black Sea Studies*, Vol. 8/4, p. 368-370; Zuokui, 2010, p. 84

¹¹⁷ Ristić, Irena (2009): Stuck between a Rock and a Hard Place: Serbia's EU Integration Process. In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: *Serbia matters. Domestic Reforms and European Integration*, Baden-Baden, Nomos, p. 50

fight against crime, corruption, and illegal migration. Croatian citizens have never been restricted from travelling to the Schengen area without a visa. For Serbian citizens, this is only possible since 2009.¹¹⁸ Before the break-up of Yugoslavia, holders of a Yugoslav passport were allowed to travel freely to European countries in the east and west alike. But with the dissolution of the SFRY and the breakout of the wars in the Balkans, the travel restrictions began. In 2001 the EU established a black and a white list, which determined the freedom or restriction of travel for the people of the WB countries. With the exception of Croatia and Slovenia, all countries of the region were put on the black list, which means that a visa was required to enter the EU. At the Thessaloniki summit in 2003, visa liberalization for the WB was already mentioned as an important issue, but it took another four years until the first practical steps were taken.¹¹⁹

In 2007 visa facilitation agreements were signed by the EU and each of the WB countries. Facilitation means, firstly, that specific groups of people, such as students, journalists or people visiting family members in the EU, are freed from the visa fee. Secondly, those who pay the fee pay a reduced price from 35 instead of 60 Euros. Thirdly, the process must not take longer than 10 workdays. Fourthly, fewer documents are required to receive a visa. These facilitation agreements entered into force in 2008 and opened the visa liberalization dialogues, during which the European Commission presented the roadmaps on visa free travel. The roadmaps include benchmarks, which define the necessary steps to be taken by the countries, in order to achieve visa liberalization. The main conditions on the agenda are: Document security, illegal migration, public order and security, external relations, and fundamental rights. Once again, the pace of the process is determined by each country's individual progress.¹²⁰ Furthermore the visa facilitation agreement is linked to the readmission agreement, which is supposed to regulate the return of people who are residing irregularly in the EU. Since some non-EU countries, like Russia and the Ukraine, were not willing to sign readmission agreements voluntarily in the past, the Commission recommended linking them to an incentive. Visa facilitation has proven to be an effective but harmless incentive, because it is a welcome benefit in the non-EU countries and doesn't contribute to irregular migration into the EU. So the common procedure now is to include readmission agreements into a

¹¹⁸ European Commission (2011a): Mitteilung der Kommission an das Europäische Parlament und den Rat. Erweiterungsstrategie und wichtigste Herausforderungen 2011 – 2012, COM(2011)666 final, p. 25. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0666:FIN:DE:PDF> [20.11.2013]

¹¹⁹ Kotevska, Biljana (2009): Ending 'Ghettoisation' of the Western Balkans. Visa Liberalisation Prospects. In: *Analytica*, 3/20, p. 2-3

¹²⁰ European Commission (2008a): Roadmap on visa free travel opens EU doors to Serbia, IP/08/717, Brussels, 7 May, p. 1-2. Available at: http://europa.eu/rapid/press-release_IP-08-717_d.htm [24.11.2013]

package, with visa facilitation and a set of other conditions concerning security and migration.¹²¹

In the EU countries border security is a very important and also controversial topic. Open borders are often associated with crime and illegal activities by the public in the member states. In many countries the visa topic is not subject to a rational dialogue but dominated by fear and the need for security. For the people of Serbia visa free travel is an equally important topic, especially for the generations that have experienced the relative freedom of travelling in the Yugoslav era and for the young Serbians, of whom many have never left the country.¹²² Erwan Fouéré summed the importance of visa liberalization for the people of the WB countries up as follows:

*“What had probably the greatest impact in terms of tangible benefits for the citizens of the region as well as giving them a sense of belonging to the EU family was the granting of visa-free travel to the Schengen area.”*¹²³

With the visa facilitation, at the beginning of the visa liberalization process, the EU tried to abrogate some of the obstacles that were put upon the citizens of the WB, when it comes to travelling. In 2006 the Commission acknowledged that the long waiting periods and the high costs of visa procedures for legitimate travel should be abolished. The negotiations on visa facilitation started the same year in November and visa liberalization was achieved in 2009.¹²⁴ At the official celebrations for the achievement of visa liberalization in Belgrade in 2009, Dragan Đilas, the former mayor of Belgrade, explained that 70 percent of Serbian youth had never travelled before and that the country had lost 500 million Euros in the last almost 20 years due to visa restrictions. Thus, the tremendous importance of visa free travel, for the people and the government of Serbia, is easily comprehensible. Furthermore, the success of visa liberalization also shows that the enormous effort, which the Serbian government made to achieve it, paid off, as Ambassador Vincent Degert, Head of the Delegation of the

¹²¹ European Commission (2011b): Communication from the Commission to the European Parliament and the Council. Evaluation of EU Readmission Agreements, COM(2011)076 final, p. 6-8. Available at: http://ec.europa.eu/dgs/home-affairs/news/intro/docs/comm_pdf_com_2011_0076_f_en_communication.pdf [24.11.2013]

¹²² Swoboda, Hannes (2009): Serbia and European Integration. In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration, Baden-Baden, Nomos, p. 37

¹²³ Fouéré, 2013

¹²⁴ European Commission (2006a): Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy, COM(2006) 726, p. 5. Available at: http://ec.europa.eu/world/enp/pdf/com06_726_en.pdf [24.11.2013]

European Union to Serbia, put it.¹²⁵ The roadmap for visa liberalization set individual conditions for each eligible country. For Serbia the four main benchmarks were document security, illegal migration including readmission, public order and security, and external relations and fundamental rights. Each of these blocks contained a multitude of single requirements. For example, the quality and security of passports had to be enhanced, and corruption in the responsible administrative institutions had to be abolished. The border security had to be stepped up and cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) had to be developed. The country's asylum and migration policy needed to be improved, in order to establish a migration profile for Serbia and to get a hold of illegal migration. The third block included measures against organized crime, human trafficking, money laundering, corruption, drugs, and terrorism. Another important aspect was the cooperation with the EU's Judicial Cooperation Unit (Eurojust) and the EU's law enforcement agency (Europol). The roadmap also targeted discrimination against citizens and, particularly, members of minorities in Serbia.¹²⁶ This short summary of the conditions that Serbia had to fulfil, is supposed to show the amount of work, which the Serbian authorities were confronted with and eventually concluded successfully.

To sum up, the visa liberalization process is a good example for conditionality, compliance and the social scope of EU integration. The positive outcome of the visa liberalization process demonstrates three important things: Firstly, that the Serbian leadership is capable of working hard to fulfil necessary criteria in order to receive important benefits. Secondly, that the EU's highly conditional approach to the WB can be very effective and that the EU is truly committed to integrate Serbia. Thirdly, that EU integration is of social importance and associated with belonging to or being excluded from the European family.¹²⁷

¹²⁵ EU Delegation to the Republic of Serbia (2009): Liberalisation of EU visa regime for Serbian citizens celebrated in Belgrade. 18 December. Available at: <http://www.europa.rs/en/mediji/arhiva-vesti/2009/577/To+Europe+without+visas.html#sthash.8AdR6tdw.dpuf> [22.11.2013]

¹²⁶ European Commission (2008b): Visa Liberalization with Serbia. Roadmap, p. 1-8. Available at: <http://www.esiweb.org/index.php?lang=en&id=352> [28.02.2014]

¹²⁷ Fouéré, 2013; Swoboda, 2009, p. 37

6.2 Enlargement Fatigue in the EU

“Enlargement fatigue”, “absorption capacity” and “the limits of Europe” became popular expressions in the EU and the media after the enlargement round of 2004 and the accession of Romania and Bulgaria in 2007.¹²⁸ Newspaper articles, press releases and speeches covered the alleged unwillingness or inability of the EU to grow in the near future. After the WB countries had already been promised a future in the European family, the European family suffered from an existential crisis. Several explanations can be found in the vast amount of literature about enlargement fatigue, which has been published in the last years. In the member states, among the citizens, and among the political players of the EU different motives have been discovered.

One factor that is mentioned as a contributing reason for low enlargement enthusiasm is the “democratic deficit” in the EU. Enlargement is not a matter decided by the people of the EU, but by its institutions, the Council and the Commission, which are not elected by the people, either. Regarding the lack of decision making by the people, one could argue that there is a democratic deficit in the enlargement process, which causes enlargement fatigue. The low enthusiasm for enlargement in the old member states might also be rooted in economic fears. Inflows of cheap labour forces, the transfer of companies to lower-cost member states, financial support for new member states and the influx of criminality are major concerns in the old member states.¹²⁹

Furthermore, discontent with domestic politics and the national governments can also result in a refusal of European matters in general, and enlargement in particular. Olli Rehn, the former Commissioner for Enlargement, often argued that enlargement must not be held responsible for national economic issues, unemployment rates and the difficulties citizens face in a globalizing world.¹³⁰

¹²⁸ The Economist online (2006): A case of enlargement fatigue. Hostility to expansion of the European Union reflects displaced fears of globalisation, 11 May. Available at: <http://www.economist.com/node/6914116> [25.11.2013]; The Guardian online (2006): Enlargement fatigue, 27 September. Available at: <http://www.theguardian.com/commentisfree/2006/sep/27/politics.eu> [25.11.2013]

¹²⁹ Forgue, David G./ Kehoskie, Nicole Schude (2007): Enlargement Fatigue in the European Union. In: International Law News, Vol. 36/ 2, p. 1-2. Available at: http://www.barnesrichardson.com/4E8FDC/assets/files/News/tbl_s47Details_FileUpload265_126_forgue_fatigue.pdf [02.04.2014]

¹³⁰ Szolucha, Anna (2010): The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue? In: Journal of Contemporary European Research, Vol. 6/1, p. 3; Smale Alison/ Bilefsky, Dale (2006): Fighting EU 'enlargement fatigue'. In: The New York Times online, 19 June. Available at: http://www.nytimes.com/2006/06/19/world/europe/19iht-eu.2005285.html?_r=1& [27.11.2013]

In an interview with The New York Times Commissioner Rehn pinpointed the problem as follows:

*"We should not make enlargement a scapegoat for our domestic policy failures. The European Union has been better at doing enlargement than communicating enlargement."*¹³¹

A Eurobarometer survey in 2006 also indicated that the public opinion against enlargement is not based on knowledge or experience but on lack of information. People, who fear losses and high costs for their own countries, seem to have little information about the advantages enlargement has brought to them and the enlargement process in general. In contrast to that, people, who feel well informed, are not opposed to enlargement. These findings indicate that a lack of information and communication can lead to enlargement fatigue and fear among the people of the EU.¹³² For example, it is true that the UK has seen a large influx of Polish workers after the 2004 enlargement, which the British government didn't expect. But there is no evidence that the Polish workers had any negative effect on the British labour market.¹³³ Other countries like Austria and Germany decided straightaway to keep their borders closed for workers from the new member states until 2011, and some countries established the same rules against the labour force from Romania and Bulgaria, until the end of 2013.¹³⁴ If such measures are necessary is very questionable, but they are a strong sign that the governments are supporting the economic fears of their citizens. Domestic politics have a direct influence on the actions, which political actors take on the European level. Regarding enlargement, some states have even created their own rules, or at least announced to do so. Under President Jacques Chirac, France announced to change its constitution, in order to hold a referendum before any further enlargement. Austria stated that it would hold a referendum, too, before Turkey was granted accession.¹³⁵ Those measures are probably supposed to please the voters, but as Olli Rehn said and many analysts argue, refusal of EU matters among the citizens is often an expression of dissatisfaction with domestic politics rather than with the EU or

¹³¹ Olli Rehn as cited in Smale/ Bilefsky, 2006

¹³² Eurobarometer, 2006, as cited in Devrim, Deniz/ Schulz, Evelina (2009): Enlargement Fatigue in the European Union: From Enlargement to Many Unions, Real Instituto Elcano, WP 13/2009, p. 3. Available at: <http://biblioteca.ribei.org/1784/1/WP-13-2009.pdf> [27.11.2013]

¹³³ Forgue/ Kehoskie, 2007, p. 1; Balfour Rosa/ Stratulat, Corina (2012): The Enlargement of the European Union. In: European Policy Center Discussion Paper, 10 December, p. 1. Available at: http://www.epc.eu/documents/uploads/pub_3176_enlargement_of_the_eu.pdf [05.12.2013]

¹³⁴ European Parliament News online (2011): Germany, Austria finally open to workers from new EU countries. 4 May. Available at: <http://www.europarl.europa.eu/news/en/news-room/content/20110504STO18667/html/Germany-Austria-finally-open-to-workers-from-new-EU-countries> [27.11.2013]

¹³⁵ Szolucha, 2010, p. 1-4; Forgue/ Kehoskie, 2007, p. 1-2

enlargement. Thus, the politicians' rhetorical chest-beating is of little actual use, but it might find approval in parts of the democratically disappointed population. Another example of disappointed citizens is the negative outcome of the referenda on the Constitutional Treaty. In France and the Netherlands people voted against the treaty out of dissatisfaction with domestic politics rather than with enlargement issues. Some scholars have also come to the conclusion that in the referenda the public expressed its discontent with various issues, including the national governments, pressures of globalization and also the democratic deficit in the EU, but not enlargement.

Considering the different arguments mentioned above, one can see that part of the enlargement fatigue generates from the European citizens' opinions. But to address the people's concerns with referenda, as several EU countries do, could be a fallacy. Firstly, and most of all, the citizens should be more informed about the advantages and benefits enlargement brings to them. Disadvantages are usually obvious and often experienced personally, while advantages are less obvious from an individual's point of view.¹³⁶ Also, the experiences people make are diverse. Some developments are good for some member states, while others pose a disadvantage to them. The member states are all part of the European Union, but not necessarily in the same situation. Therefore interests can differ and even be contrary. Hence, it becomes obvious, that decisions concerning European issues are often a projection screen for discontent with domestic politics and globalization pressures. A lack of opportunities for democratic participation and a lack of information contribute to enlargement fatigue as well.¹³⁷

Enlargement fatigue is not only a problem among the citizens of Europe. The leading political elites of the EU are also agitated by this topic. There are different positions on how the EU should develop. Even, the political leaders don't share the same vision of a European future. Traditionally there are two contrary approaches: Widening and deepening. Neill Nugent describes the process of deepening as a "vertical integration", which intensifies the existing relations of the member states. Widening, he defines as a "horizontal integration", which means enhancing the EU's size through the integration of new member states. The controversy between wideners and deepeners in the EU is nothing new. Those who are in favour of deepening, argue that further enlargement could harm the EU's ability to function efficiently. Those who are in favour of widening, see enlargement as a necessity for further

¹³⁶ Szolucha, 2010, p. 4; Balfour/ Stratulat, 2012, p. 1

¹³⁷ Szolucha, 2010, p. 4-5

EU development.¹³⁸ In the debate surrounding enlargement fatigue there is also a realist and a constructivist approach. Realists would argue, that the EU should only enlarge, if it is of material use. An enhancement of security or power would be the main incentives here. Constructivist, on the other hand, would say that the EU is acting against its own ideals, values, and rules, if it stopped to admit states, which are willing to conform to its norms.¹³⁹ The political players in the EU have to deal with various issues and different positions. On the one hand, the European institutions need to be efficient, which becomes more difficult the more member states belong to the Union. The European Parliament, for example, is a huge body of 766 members now. The increasing variety of languages, the inability of a larger group to agree on EU policies, and the different needs and ideas of new member states are further concerns.¹⁴⁰ Except of that, there is doubt that further enlargement will bring more advantages than disadvantages in an economic sense. On the other hand, enlargement has served as an important incitement for treaty reforms, which are crucial to meet the challenges in today's Union. The EU must find efficient ways to cope with its own size and it can't lose its credibility, or break its own rules, by impeding further enlargement. Instead of stopping the enlargement, the communication with the European citizens has to be improved and the advantages of enlargement need to be made more visible.

Today the EU faces a new range of problems, which contribute to enlargement fatigue. After five years, Bulgaria and Romania are still unable to show sufficient progress in such matters as corruption and crime and justice reform. This causes frustration and reasons for distrust in the EU. Other member states have developed in a less democratic direction recently, favouring populism. Some people might think that this phenomenon occurs only in member countries, which went through a transition to democracy before joining the EU. But the democratic values and standards of the EU are also being tested in the old member states. On the national level some political players use enlargement as a scapegoat for shortcomings in domestic politics and as an instrument to gain political advantages. Furthermore, the economic crisis is working in favour of populist parties, which are opposed to enlargement and gaining ground in many of the old and new member states.¹⁴¹ Enlargement fatigue and rivalling ideas have challenged the European project many times. It was not the first time after the enlargement rounds of 2004 and 2007 that the EU had to find a consensus among its

¹³⁸ Nugent, 2010, p. 27

¹³⁹ Szolucha, 2010, p. 5

¹⁴⁰ Nugent, 2010, p. 48-50

¹⁴¹ Balfour/ Stratulat, 2012, p. 2; Hillion, Christophe (2010): The Creeping Nationalisation of the EU Enlargement policy. Swedish Institute for European Policy Studies, Report 2010:6, p. 6

member states to carry on.¹⁴² Today enlargement fatigue is linked to new problems and developments, and, hence, far from over. New solutions have to be found to make further enlargement possible and desirable for the member states.

6.2.1 The new Enlargement Strategy

The ongoing enlargement fatigue set in after the enlargements in 2004 and 2007 and after the WB had been assured of their future in the European family. Anyway, Croatia's application for membership was accepted in 2005 and Serbia was negotiating the SAA in the same year. It seemed that the WB countries took on their way to EU accession, despite enlargement fatigue. But did, or in case of Serbia does, the state of the Union really not affect the pace of the accession process? In its enlargement strategy paper from 2006 the European Commission responded to some of the issues surrounding enlargement fatigue. The Commission stated that the WB and Turkey can still join the EU, once they fulfil the necessary criteria. In the document it is reassured that the already existing integration processes with candidate and potential candidate countries will be finished. Yet, in the same breath it also states that:

*“The journey towards membership has value in itself, even if accession is many years away.”*¹⁴³

Regarding the democratic deficit, the document emphasizes the important role of the citizens and the member states in the approval of enlargement. To ensure that the public is in favour of new accessions, the member countries, supported by the EU institutions, are supposed to provide information on the advantages of enlargement to the people. The EU has to be careful concerning any further commitment to enlargement, according to the Commission. It must possess the capacity to integrate new members and undergo necessary reforms first. For the countries in the accession process the enlargement strategy defined “rigorous but fair conditionality” as the right means to achieve reform and accession. Individual step-by-step improvement in each country is supposed to guarantee a successful integration, according to the 2006-2007 enlargement strategy.¹⁴⁴

¹⁴² Szolucha, 2010, p. 5-6

¹⁴³ European Commission (2006b): Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2006 – 2007, COM(2006) 649, p. 2. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/com_649_strategy_paper_en.pdf [29.02.2014]

¹⁴⁴ European Commission, 2006b, p. 2-5

In the same document benchmarks were introduced as a new tool in the accession process. Each chapter of the community acquis¹⁴⁵ is now linked to benchmarks, which define the steps that have to be taken, in order to close a chapter successfully. If a country doesn't comply with the benchmarks at any time, chapters can be re-opened and the negotiations can be suspended. The decision, if the necessary benchmarks were fulfilled, is made by the Council, which gives the member states more influence on single steps of the negotiation process.¹⁴⁶ So the Commission's enlargement strategy emphasized that: Firstly, the EU must commit to those countries, which are already going through an integration process. But the length of the integration process is less important than its values. Secondly, rigorous and fair conditionality has to be applied during the process. Hence, the conditions have to be stepped up. And thirdly, the people of the EU have to be more informed about the advantages of enlargement, to create a broader acceptance for it. The document was a clear response to the issues surrounding enlargement fatigue. The new strategy gives the member states more influence on the process, it tries to fight the democratic deficit by addressing the citizens and it sets a limit for future enlargement. Furthermore, the time frame of the integration process is extended indefinitely.¹⁴⁷ Even though the EU still commits fully to its promise of a European future for the WB, it also made the process of accession more conditional and more difficult for them. The European Commission stated that despite an ongoing integration process, the time of accession can be many years away. This statement shows that it is the EU, which defines the pace of accession not only the countries' success in the negotiation process. Furthermore, the new enlargement strategy gave much more power to the member states, because a tremendous influence on the decision-making process regarding membership applications, integration capacity, and benchmarks was transferred to the Council. This means that single member states can block the accession process of a country due to their own concerns or discretion.¹⁴⁸

In the case of Croatia, the accession process was slowed down by Slovenia for example. The border dispute between Slovenia, which joined the EU in 2004, and the acceding Croatia was not a new topic or an issue that came up for the first time. The bay of Piran became a matter of discussion already after the break-up of Yugoslavia and continued to be a problem in the following years. But during the negotiations for Croatia's EU accession Slovenia used its

¹⁴⁵ All countries need to accept and implement the Community acquis to join the EU. The acquis contains the community laws, rules, rights, and obligations. See: EUROPA Summaries of EU Legislation (2013): Glossary. Community Acquis. Available at: http://europa.eu/legislation_summaries/glossary/community_acquis_en.htm [09.03.2014]

¹⁴⁶ Hillion, 2010, p. 19

¹⁴⁷ European Commission, 2006b, p. 3; Hillion, 2010, p. 21

¹⁴⁸ Balfour/ Stratulat, 2012, p. 3; Hillion, 2010, p. 21

opportunity to put the accession process on hold unless a solution was found.¹⁴⁹ Serbia's application process was at first blocked by Germany and later interrupted by another member state. Romania, which joined the EU in 2007, suddenly blocked the approval on Serbia's membership application over the treatment of the minority of Vlachs in Serbia. The Vlachs are a group of 35.000 people, living in Serbia and considered Romanian by the Romanian government, even though part of the minority considers itself as Serbian. Romania later dropped its charges against Serbia and the application was accepted.

Both cases are descriptive examples of member states blocking another country's EU integration process over bilateral issues.¹⁵⁰

6.3 Current Status in the EU

6.3.1 Croatia's Current Status

After eight years of negotiations, Croatia joined the European Union in July 2013. As the 28th member state, Croatia brought 4.4 million new citizens to the European family. Despite the long road and the final success, the atmosphere in Zagreb was reserved on the day of EU accession. The general opinion on EU accession seemed to be of a more pragmatic nature and not of a euphoric one. The Croatian people know that the economic crisis, which affects Croatia, also affects the EU. For many Croats becoming a member state is thus no reason to hope for an immediate improvement of their situation. Especially unemployment poses a problem in many people's lives. With 17.6 percent Croatia has the third highest unemployment rate in the EU after Greece and Spain, according to the Statistical Office of the European Union (Eurostat). Mostly for young people, who want to study and work abroad, the EU accession is a positive change. Youth unemployment reached 52.4 percent in October 2013, so the opportunity to leave the country is of great importance to them.¹⁵¹

¹⁴⁹ Hillion, 2010, p. 22; Alić, Anis (2007): Slovenia, Croatia, the EU and Piran Bay. In: The International Relations and Security Network Articles, 23 May. Available at: <http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?id=53176> [11.12.2013]

¹⁵⁰ Bieber, Florian (2012): Serbia's candidate status delay: Romania, the Vlachs of Serbia and the EU, 28 February. Available at: <http://fbieber.wordpress.com/2012/02/28/serbias-candidate-status-delay-romania-the-vlachs-of-serbia-and-the-eu/> [11.12.2013]; Balkan Insight online (2013a): Romania and Serbia Cross Swords Over Vlach Symbol, 24 October. Available at: <http://www.balkaninsight.com/en/article/romania-again-raises-question-of-vlach-minority-in-serbia> [11.12.2013]

¹⁵¹ Fuster, Thomas (2013): EU-Beitritt von Kroatien. Verblasster Glanz. In: Neue Zürcher Zeitung, 29 June. Available at: <http://www.nzz.ch/aktuell/international/reportagen-und-analysen/verblasster-glanz-1.18107729> [12.12.2013]; Eurostat online (2013): October 2013: Euro area unemployment rate at 12.1%. EU28 at 10.9%, News release 179/2013, 29 November. Available at: http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-29112013-AP/EN/3-29112013-AP-EN.PDF [12.12.2013]

As the newest member state, Croatia finds itself in an unpleasant position. It was the first country to join the EU after Bulgaria and Romania, which have become somewhat of a precedent for unsuccessful enlargement. Hence, Croatia is under pressure to set a positive example, not only for its own sake but also for the other countries of the WB and those Europeans, which are in favour of further enlargement.¹⁵² But the first months of Croatia's membership didn't go overly well. Several incidents caused trouble between the EU institutions and the new member state and gave Croatia a bad image in the other member countries. The first issue developed around a new law, which the Croatian parliament passed shortly before the accession. The new bill is supposed to protect persons, who are accused of committing crimes in the 1990s from extradition to other European countries. According to the Croatian party HDZ and the media, the bill was passed to prevent an extradition of former secret service chief Josip Perković, who was accused of killing a dissident from Yugoslavia in Germany in 1983 and is now wanted by the German authorities. The government denies a connection between the new law and this particular case, though. Nevertheless, the European Commission has threatened to sanction Croatia, because the bill is not coherent with EU rules. The Croatian government proposed to change the law eventually.¹⁵³

The accession process paved the way for many important reforms in Croatia. The country managed to fulfil the EU's criteria successfully and has earned its status as a member state. Still there are difficulties that even the accession process couldn't erase. The economic situation of Croatia is rather bad since the economic crisis hit the country in 2008. Unemployment and debts are rising. What Croatia needs to reverse this development are growth and structural reforms in the economic sector. Despite European membership, these problems have to be tackled on the national level, by the Croatian government, but no major developments have been accomplished so far.¹⁵⁴

¹⁵² Stratulat, Corina (2013): For better, for worse: The European Union takes Croatia as its 28th member. In: European Policy Center Commentary, p. 1-2. Available at: http://www.epc.eu/documents/uploads/pub_3579_the_european_union_takes_croatia_as_its_28th_member.pdf [12.12.2013]

¹⁵³ Euractiv online (2013a): Croatia signals move to end extradition row with EU, 16 September. Available at: <http://www.euractiv.com/central-europe/croatia-signals-move-extradition-news-530448> [16.12.2013]

¹⁵⁴ Dirmoser, Dietmar (2012): Die Skeptiker kommen. Kroatien nach den Wahlen und vor dem EU Referendum. In: Friedrich Ebert Stiftung Internationale Politikanalyse, p. 5. Available at: <http://library.fes.de/pdf-files/id-moe/08858.pdf> [17.12.2013]

Hence, in December 2013, merely half a year after Croatia's accession, the European Commission recommended to open an Excessive Debt Procedure (EDP)¹⁵⁵ for Croatia, due to the country's high debt and deficit. The Commission suggested giving Croatia time until 2016 to implement structural reforms and to increase growth, with interim assessments by the Commission and the Council.¹⁵⁶

Another unpleasant incident was created around the Croatian town Vukovar. The city in the east of the country was highly contested during the war in the 1990s, before it was taken by the Yugoslav People's Army (JNA), and more than 200 Croats were killed. Today Serbs make up more than 30 percent of the population, so the government installed Cyrillic signs in accordance with the law. Croatian veterans and conservatives were agitated by the new signs, which were repeatedly removed. Later top politicians like the Prime Minister and President were hindered by demonstrators, when they wanted to join a walk of remembrance in the city of Vukovar. Furthermore, opponents of bi-lingual signs started a petition in order to hold a referendum on minority rights. With 700.000 signatures the initiative wants to pressure the government to change the law. They want to make the installation of Cyrillic signs binding only when the minority makes up 50 percent of a city's population, instead of one third as it is now.¹⁵⁷ To be clear, the language issue is not a matter for the EU institutions and no European rules have been broken.¹⁵⁸ Minority rights, on the other hand, are an important issue for the EU and such incidents are not welcome. Also the media all over Europe reported on these events, which is not positive for Croatia's reputation as the newest member state. News about Croatian nationalists, who go against minority rights, are everything but good news.

¹⁵⁵ When a member state has a deficit of more than three percent of GDP or a debt to GDP of more than 60 percent, an Excessive Debt Procedure can be opened. During an EDP the country has six months to implement the given recommendations for improvement. After six months, the actions of the government are assessed. Depending on the results, the EDP can be stepped up or closed. The EDP is expressed in Art. 126 TFEU. See: European Commission (2013g): Policy and Surveillance. The corrective arm. Available at: http://ec.europa.eu/economy_finance/economic_governance/sgp/corrective_arm/index_en.htm [18.12.2013]

¹⁵⁶ European Commission (2013h): Croatia: Commission takes steps under the Excessive Deficit Procedure, MEMO, 10 December. Available at: http://europa.eu/newsroom/rapid-failover/memo-13-1124_en.pdf [18.12.2013]

¹⁵⁷ BBC News online (2013): Croatia plans Cyrillic signs for Serbs in Vukovar, 3 January. Available at: <http://www.bbc.co.uk/news/world-europe-20899868> [18.12.2013]; Spiegel Online (2013): Verfassungsänderung: Kroatiens Nationalisten wollen Minderheitenrechte beschneiden, 16 December. Available at: <http://www.spiegel.de/politik/ausland/kroatien-nationalisten-wollen-referendum-ueber-minderheitenrechte-a-939411.html> [18.12.2013]; Die Presse online (2013): Kroatien: Kommt Volksabstimmung gegen die serbische Minderheit? 2 December. Available at: http://diepresse.com/home/politik/aussenpolitik/1493337/Kroatien_Volksabstimmung-gegen-serbische-Minderheit [18.12.2013]

¹⁵⁸ Euractive online (2013c): Croats tear down Cyrillic signs in Vukovar, reviving Yugoslav war memories, 4 September. Available at: <http://www.euractiv.com/culture/croats-tear-signs-cyrillic-vukov-news-530203> [18.12.2013]

In December 2013 Croatia held a referendum on same-sex marriage. The majority of voters decided that the constitution should contain a passage that defines marriage as an alliance between a man and a woman only. Hence, there will not be a legal same-sex marriage. Even though the European Commission didn't respond to this referendum, since this is a topic for the domestic level and no EU rules have been broken, also this event was printed in newspapers and discussed all over Europe. Croatia is not the only European country, which is opposed to gay marriage, but the expectations in the new member state, which is supposed to develop in a more democratic or modern way, were disappointed. It is worth mentioning though, that some analysts have interpreted the vote as a sign against the government, which was opposed to the man-and-woman-amendment of the constitution, rather than a sign against same-sex marriage. Furthermore, only 37 percent of the population voted, which means that the referendum is not binding. Usually Croatia is not inactive concerning Lesbian, Gay, Bisexual and Transgender (LGBT) rights. For example, every year the country holds two Pride Parades in Zagreb and Split, which are joined by leading politicians. This is an exceptional development in the WB region, which gave Croatia a good reputation in the past. The new development regarding marriage is thus a setback.¹⁵⁹

Croatia has come a long way to the EU. The country has adjusted itself to the conditions of the accession process and mastered many years of serious reform and constant pressure. Now, that Croatia has achieved its goal, it finds itself in a new situation and challenging position. During a speech in Vienna, Gordan Bakota, the Croatian Ambassador to the Republic of Austria, explained the special tasks his country has due to its new position. Bakota said that Croatia was very active as an advocate for the countries of South Eastern Europe in Brussels and also very active in providing its neighbours with support and the necessary know-how for the accession process. Regarding Croatia's accession, he concluded that the process itself was more important than the goal, because it was not only about negotiations, but about a project of peace and values. Bakota explained that Croatia is now planning to actively participate in the shaping of EU policies and aiming to become part of the Schengen area in the year 2015. The Ambassador's conclusion regarding the crisis-ridden state, in which Croatia joined the EU, was:

¹⁵⁹ Euractive online (2013b): Referendum in Kroatien. Nein zur Homo-Ehe, 2 December. Available at: <http://www.euractiv.de/soziales-europa/artikel/nein-zur-homo-ehe-008305> [18.12.2013]; Hopkins, Valerie (2013): What does Croatia's same-sex marriage referendum mean? In: Open Democracy, 18 December. Available at: <http://www.opendemocracy.net/5050/valerie-hopkins/what-does-croatia%E2%80%99s-same-sex-marriage-referendum-mean> [18.12.2013]

“We need more Europe rather than less Europe.”¹⁶⁰

Even if the first months of membership have not gone very well, Croatia still has time to adjust to its new position. Most of all, the economic crisis must be overcome and inner struggles have to be solved. Nationalist or discriminating tendencies must be countered by the government and the country needs to implement structural reforms in accordance with the EU's proposals. In the last eight years Croatia has proven to be a country, which is able to implement reforms and to undergo big changes. Now, as a part of the European family, Croatia has to continue this development.

6.3.2 Serbia's Current Status

Serbia's accession negotiations started in January 2014. 35 chapters are to be negotiated in the accession process, with a special focus on reforms in the rule-of-law-sector. These recent positive developments are for a huge part based on Serbia's cooperation with Kosovo.¹⁶¹ Progress in Serbia's relations with Kosovo was the main condition for the negotiations to begin. Border management and Serbia's involvement in North Kosovo were two important matters, which were put aside in EU-mediated talks. These talks and their successful course were the most important condition Serbia had to fulfil. But even after these talks went well, Serbia didn't move one step closer to EU accession automatically. First, the EU had to find a consensus among its member states. Great Britain, Germany and The Netherlands aimed for a later beginning of accession negotiation talks, while Austria, Italy, Greece and others wanted to start earlier. When a date for the beginning of negotiations was set, there was a new divisive issue: How much weight should be put on Kosovo in the community acquis for Serbia? There were two models. One included Kosovo in every chapter, while the other included it only in one chapter.¹⁶² As we can see, the EU's member states are split on the accession process of Serbia, which doesn't make it any easier for the country. Eventually, Kosovo was only included in the 35th chapter of the negotiating framework, which is reserved for “other issues”. Chapter 35 is regarded as the biggest obstacle for Serbia in the

¹⁶⁰ Speech of Croatian Ambassador to Austria Gordan Bakota, 20.11.2013: Croatian Foreign Policy Priorities after the EU Accession, Clubrooms of the Austro-American Society, Stallburggasse 2, 1010 Vienna.

¹⁶¹ Council of the European Union (2013a): Council conclusions on Enlargement and Stabilisation and Association Process. General Affairs Council meeting, Brussels, 17 December, p. 7. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140142.pdf [18.12.2013]

¹⁶² Barlovac, Bojana (2012): EU: No Date for Serbia Accession Talks. In: Balkan Insight, 11. December. Available at: <http://www.balkaninsight.com/en/article/no-date-for-eu-serbia-talks-brussels-says> [18.12.2013]; Barlovac, Bojana (2013): Kosovo and Serbia Reach Historic Deal in Brussels. In: Balkan Insight, 19. April. Available at: <http://www.balkaninsight.com/en/article/kosovo-and-serbia-may-seal-eu-deal> [18.12.2013]; Ristic, Marija (2013): EU Mulls Kosovo's Role in Serbia Talks. In: Balkan Insight, 3. December. Available at: <http://www.balkaninsight.com/en/article/eu-mulls-to-insert-kosovo-in-serbia-talks> [18.12.2013]

negotiations. It stipulates that before Serbia and Kosovo can become members of the EU, a bilateral agreement has to be signed by both, to guarantee a normalisation of the situation. This requirement is less than recognition of Kosovo's independence, which many Serbs feared could be a part of an EU accession. Nevertheless, it will be a difficult chapter to close. The EU-led talks between the representatives of Serbia and Kosovo are to be continued during the negotiating process as well.¹⁶³

In its 2013 progress report for Serbia the European Commission stated, that it was a very productive and positive year for the country. Except of an improvement of the relations with Kosovo, Serbia also worked on its regional cooperation with other neighbours. The Commission also stated that Serbia set some important steps to improve its economic situation. A slight improvement could already be seen at the beginning of the year, but not concerning the labour market, which is an important issue.¹⁶⁴ Unemployment is high and so are debts and deficit. In April 2013 the unemployment rate was at 25.5 percent, according to the Statistical Office of The Republic of Serbia (SORS). Furthermore, Serbia's medical sector is in a bad condition, which is one of several lacks concerning important social matters. Other crucial issues for Serbia in the accession process are judicial reform, corruption, and organized crime. The country also needs to reorganize the public administration, which is of an exorbitant size.¹⁶⁵

Concerning minority rights Serbia has established rules, but needs to secure their implementation. The LGBT community for example doesn't receive political support and suffered a major drawback, when the Pride Parade was cancelled once again in 2013. For the third time the parade was cancelled, due to the government's security concerns. Every year certain conservative groups, radicals and hooligans make announcements against the event and threaten to attack participants of the parade. The government gets criticized a lot for not

¹⁶³ Barlovac, Bojana (2014): Serbia's 35 Steps to EU Membership. In: Balkan Insight, 23. January. Available at: <http://www.balkaninsight.com/en/article/serbia-has-35-steps-to-eu-membership> [02.03.2014]

¹⁶⁴ European Commission (2013i): Serbia. 2013 Progress Report, p. 1-3. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/serbia_2013.pdf [19.12.2013]

¹⁶⁵ Džihic, Vedran (2013): Serbien zwischen EU-Pragmatismus und der Gefahr einer neuen Form der Partokratie. Anmerkungen zur aktuellen Situation in Serbien im Herbst 2013. Österreichisches Institut für Politikwissenschaft, Kurzanalyse, p.1. Available at: <http://www.oii.ac.at/de/publikationen/artikel-kommentare.html> [19.12.2013]; SORS (2013): Rates of activity, employment, inactivity and unemployment. Available at: <http://webrzs.stat.gov.rs/WebSite/public/PublicationView.aspx?pKey=41&pLevel=1&pubType=2&pubKey=2128> [19.12.2013]

allowing the Pride Parade and for the lack of support for LGBT rights from leading Serbian politicians. This topic is still a big issue in the country.¹⁶⁶

In December 2013 the EU admonished Serbia to reconsider its agreement with Russia on the South Stream pipeline, if it didn't want to get in trouble during the accession process. The Commission argued that bilateral contracts with the Russian natural gas company Gazprom concerning a new pipeline are against EU law. Serbia is not the only country that signed one of these agreements. Also Austria, Bulgaria, Hungary and other member states did. But for Serbia, which has to negotiate the energy sector in the accession talks, an agreement against EU law could be a major drawback.¹⁶⁷

Serbia's course towards an EU accession is clear. The government is following through on the conditions it has to fulfil and seems to be very determined. There are no more word games concerning Kosovo and EU accession, but clear announcements and actions. The government is obviously following a strict pragmatic program to get closer to the EU. Unfortunately, even this official approach can't guarantee a peaceful co-existence. In northern Kosovo, where a majority of Serbs live, conflicts and violent incidents still occur. Surrounding the municipal elections in Kosovo, the Serbian inhabitants of the north were rather unwilling to follow through on the Serbian government's call to participate in the elections. In a first attempt the elections had to be cancelled due to intimidations and violent actions. Only in a second attempt two weeks later, the elections were held peacefully under international supervision. Earlier, in September 2013 a convoy of the EU Rule of Law Mission in Kosovo (EULEX) was attacked by yet unidentified persons in northern Kosovo. One soldier died and two more were injured. The incident was later condemned by officials from Serbia and Kosovo. So, even though the political leadership takes a clearer direction today, there is still a capacity for breakouts of violence between the different groups in the area.¹⁶⁸ The EU thinks that Serbia is on the right path, but the country needs to follow the bilateral talks through and to improve its influence on the Serbs in Kosovo, to prevent negative incidents from happening and spoiling the country's EU accession. Despite the high importance of Serbia's relations to Kosovo,

¹⁶⁶ Amnesty International (2013): Belgrade Pride: Serbian authorities bow to extremists once again, 28 September. Available at: <http://www.amnesty.org/en/for-media/press-releases/belgrade-pride-serbian-authorities-bow-extremists-once-again-2013-09-28> [19.12.2013]; European Commission (2013i): Serbia. 2013 Progress Report, p. 2. Available at:

http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/serbia_2013.pdf [19.12.2013]

¹⁶⁷ Balkan Insight online (2013b): EU Presses Serbia on South Stream Pipeline, 20 December. Available at: <http://www.balkaninsight.com/en/article/eu-presses-serbia-on-south-stream-pipeline> [27.12.2013]

¹⁶⁸ B92 online (2013a): EULEX member killed in northern Kosovo, 19 September. Available at: http://www.b92.net/eng/news/crimes.php?yyyy=2013&mm=09&dd=19&nav_id=87711 [19.12.2013]; Geoghegan, Peter (2013): Kosovo Serbs head to the polls – again. In: Deutsche Welle, 7 November. Available at: <http://www.dw.de/kosovo-serbs-head-to-the-polls-again/a-17211698> [19.12.2013]; Džihic, 2013, p. 2-4

there are other issues Serbia needs to focus on as well. And even besides EU criteria and conditions, Serbia will have a difficult time convincing some of the member states of its readiness to join the EU. As mentioned above, some countries will not make way for another WB country, or this particular one, easily.¹⁶⁹

Two interesting events took place in 2014, which give different insights on the current situation of Croatia and Serbia in the region. On the one hand, an international lawsuit was opened at the International Court of Justice (ICJ), in which Croatia and Serbia sue each other for alleged genocide during the 1990s. Croatia began with this procedure in 1999 and Serbia countered in 2010. The lawsuit is not expected to bring any results and the topic is not very popular among the people of both states, as a BIRN news report states. Anyway, it can only be hoped that the political relations between Croatia and Serbia will not suffer from the outcome of this legal dispute, which is a grim reminder of their difficult past.¹⁷⁰ On the other hand, recently seven Prime Ministers of the region, which included those of Serbia and Kosovo, gathered for the ‘Western Balkan Investment Forum’ in Great Britain’s capital. The politicians came together to discuss the economic situation of the WB and regional cooperation, which is a great achievement considering the tensions between some of them. Such a meeting gives the positive impression that the EU’s aim to reconcile and unite the region, through shared economic goals and European integration, is finally gaining ground.¹⁷¹

¹⁶⁹ Džihic, 2013, p. 2-5

¹⁷⁰ Ristić Marija/Ivanović, Josip (2014): Croatia-Serbia Genocide Lawsuits Expected to Fail, 28 February. Available at: <http://www.balkaninsight.com/en/article/serbia-croatia-genocide-lawsuits-expected-to-fail> [05.03.2014]

¹⁷¹ Nikolov, Nikolay (2014): Determined and United in the Western Balkans. In: Balkanist, 25 February. Available at: <http://balkanist.net/determined-and-united-in-the-western-balkans/> [05.03.2014]

7. Serbia and Croatia: A comparison by means of two fields

In this chapter, two fields of importance in the accession process of Serbia and Croatia will be compared. The two fields are cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY)¹⁷² and territorial disputes. In both countries these two factors had an influence on their relations with the EU and the pace of the accession processes. Both Croatia and Serbia suffered drawbacks in the development of their relations with the EU due to non-compliance with the ICTY or territorial disputes.

7.1 ICTY Cooperation

Regarding the ICTY, the condition for the two countries was to fully cooperate with the international court. When the countries did not comply, the EU punished them, for example with the suspension of financial assistance or the stop of negotiations. The most important issue for both states was the extradition of suspects to the court in The Hague. The extradition of alleged war criminals is neither a simple nor an uncontroversial process. Firstly, the suspects had to be found, which proved especially difficult when they had supporting networks. Secondly, the population and its perceptions needed to be considered. Someone, who is a suspect for the ICTY, can still be a heroic figure for the people of their country and the extradition of such “national heroes” is a difficult task for a government that doesn’t want to lose public support. Thirdly, the ICTY is not considered a legitimate or fair institution by most people. Fourthly, cooperation with the ICTY was also more problematic, when the political leadership was divided on the issue.¹⁷³ As the theoretical input suggests, state interest and different phases of compliance will be analysed, in order to evaluate the states’ behaviour and the EU’s approach from a realist and a constructivist point of view

¹⁷² The ICTY was established in 1993, by the UN Security Council, in the face of the terrible crimes that were committed against civilians during the dissolution of Yugoslavia. It was the first court of its kind and the third international tribunal after Nuremberg and Tokyo. The court’s main task is to bring suspects to trial for war crimes that were committed in Yugoslavia from 1991 on. The ICTY is located in The Hague, Netherlands, and prosecutes crimes against the international humanitarian law, against the Geneva Convention, against the laws and rules of war, and crimes against humanity. The list of punishable crimes includes a broad range of serious wrongdoings that occurred during the brutal break-up of Yugoslavia like murder, deportation, enslavement, wanton destruction, rape, persecution and genocide. The ICTY puts individuals on trial, which means persons who gave commands and also persons who acted on orders. The court can try anyone, regardless of their political position, and it stands above the national courts in the countries of the former Yugoslavia. See: UN Security Council (1993): Statut des Internationalen Strafgerichtshofs für das ehemalige Jugoslawien, p. 1-4. Available at: <http://www.un.org/depts/german/internatrecht/jugostat2000.pdf> [27.12.2013]

¹⁷³ Rupnik, Jacques (2011): The Western Balkans and the EU: 'The Hour of Europe'. In: European Union Institute for Security Studies, Chaillot Paper, No. 126, June 2011, p. 27; Swoboda, 2009, p. 36

7.1.1 Croatia's ICTY Cooperation

In the early 1990s, when Croatia became independent, the Croatian leadership was obviously determined to establish good relations with the international community and the EU. Even before the formal integration began, Croatia started to adjust its new laws to EU legislation and the establishment of the ICTY was welcomed by the Croatian authorities at first. The court was legally recognized by the parliament, President Tuđman, and the HDZ, despite some critical voices in their own ranks. The reason for cooperation was the belief that Croats would not be put on trial by the ICTY. In the Croatian authorities' understanding of the situation, Croatia was defending itself against Yugoslav, or Serbian aggression and the Croatian army was not in a position to commit any war crimes, because it was only acting in self-defence.

The parliament also made sure that the operations 'Storm' and 'Flash'¹⁷⁴ were not handled by the international court, but on a national level. After a while it became obvious though, that Croatia's cooperation with the ICTY was not satisfying for the international community. The country didn't cooperate on a steady basis but rather arbitrarily. The suspects, who were extradited to the ICTY, were not important Croatian persons and there was no support for the staff of the court, when they tried to find evidence for war crimes committed by Croatian forces on Croatian ground. Even though the Croatian government claimed that it was investigating and trying war crimes in its own national courts, there was little evidence for such procedures. In fact, most suspects were released and continued to work for the Croatian army. Despite the international pressure on Croatia to start cooperating, Tuđman and his government were not willing to do so when it came to Croatian suspects and strictly forbade members of the army to speak with the ICTY staff.

Thus, during the presidency of Franjo Tuđman, Croatia's cooperation with the ICTY was rather feigned. The country established a constitutional law, which was designed to regulate ICTY cooperation, but in fact the Croatian authorities were unwilling to deliver Croatian suspects and to support any of the ICTY's investigations against the Croatian armed forces. Under heavy pressure of the international community more than 10 Bosnian Croats, who were suspects of war crimes, were delivered to The Hague, but probably only to cover up for others. The lack of cooperation with the ICTY was one reason for the international

¹⁷⁴ During the Croatian military operations 'Bljesak' and 'Oluja' in the Krajina and in Western Slavonia more than 150.000 Serbs were expelled, tens of thousands of houses were destroyed and hundreds of civilians were killed. See: Pavlaković, Verjan (2008): Croatia and the ICTY. In: Ramet, Sabrina P./ Clewing, Konrad/ Lukić, Reneo: Croatia since Independence. War, Politics, Society, Foreign Relations, München, R. Oldenbourg, p. 450

community to stop supporting Croatia and one of the ways in which Tuđman drove the country into isolation.¹⁷⁵

With a change of government, after Tuđman's death, the country's cooperation patterns changed. The shift from the authoritarian rule of the former president to a democratic government also meant that important decisions were no longer made by one powerful person alone, but by the parliament. In the year 2000 the ICTY and Croatia were off to a new start. With the new Prime Minister Ivica Račan of the SDP in charge, Croatia reaffirmed its willingness to cooperate with the court without exceptions, which means that investigations against the Croatian armed forces on Croatian ground and during the operations 'Storm' and 'Flash' became possible. The new government paved the way for a real cooperation with the ICTY and the prosecution of war crimes committed by Croatian armed forces.¹⁷⁶ The newly elected leadership had a hard time competing with the old self-image of Croatia though. Under the auspices of Tuđman the country was taught to see itself as a victim of aggression, a heroic nation and the rightful winner of the war. So among the Croatian people and politicians there were still opponents of the ICTY, who considered a prosecution of Croats as war criminals illegitimate.¹⁷⁷

The most controversial cases, which put the new government into a difficult situation, were those of Mirko Norac, Janko Bobetko, Rahim Ademi and Ante Gotovina. The ICTY wanted to put Norac, Bobetko and Ademi on trial for their involvement in an operation in September 1993. The men were indicted for persecution, murder, plunder and wanton destruction, all directed against the Serbs in the area. Ante Gotovina was accused for the operation 'Storm' in the Krajina.¹⁷⁸ When the first indictment against the war-time General Norac became public, resistance against the ICTY formed in the population. The right-wing parties, together with veteran organizations, used the opportunity to mobilise against the government. Demonstrations were held in the country, at times with thousands of participants, and the public seemed to identify with the alleged war criminal. In general it can be said that all ICTY cases became highly politicized. These first public events were a well organized move, by the HDZ and other fractions, and revealed the potential such cases offered for the right-wing and

¹⁷⁵ Pavlaković, 2008, p. 451-453; Lamont, Christopher K. (2010): *International Criminal Justice and the Politics of Compliance*, Farnham, Ashgate, p. 34-36

¹⁷⁶ Pavlaković, 2008, p. 451-453; Lamont, 2010, p. 34-36

¹⁷⁷ Jović, Dejan (2012): *Croatian EU Membership and the Future of the Balkans*. In: Džihic, Vedran/ Hamilton, Daniel: *Unfinished Business: The Western Balkans and the International Community*, Washington D.C., Center for Transatlantic Relations, p. 205

¹⁷⁸ ICTY (2004a): Case Information Sheet: "Medak Pocket" (IT-04-78) Ademi & Norac, p. 1-2. Available at: http://www.icty.org/x/cases/ademi/cis/en/cis_ademi_norac.pdf [28.12.2013]

veteran groups to mobilize against the government. Eventually Norac's case was handed over to a national court in Rijeka, after he disappeared and refused to have his trial at the ICTY. But the other indictments put the Croatian leadership in a tricky situation again, because extraditions of 'national heroes' were very unpopular in the country but necessary to stay in good relations with the international community.¹⁷⁹

To understand the enormous impact of the ICTY issue on Croatia, one must only take a look at the political scene in the early 2000s. The Račan government won the elections in 2000 and tried to establish good relations with the international community. But due to the tense situation at home, where the extradition of alleged war criminals was not welcome at all, cooperation with the international court became a very risky endeavour for the government. Soon the new leadership hopped on the anti-ICTY train and set its positive image abroad at risk. Furthermore, its coalition of six parties began to crumble. For the HDZ the ICTY became an important vehicle for a better run in the next elections. The party rallied heavily against the international court and used narratives of Croatian pride and glory to gain support in the population.¹⁸⁰ After the first indictment against Norac the Croatian leadership took its time to respond to the new accusations and in the meantime the famous General Gotovina disappeared. Therefore his extradition became technically impossible and the government couldn't deliver the alleged war criminal. The next case, Ademi, on the other hand, didn't cause as much a stir as the other indictments. In fact, his case was handed over to a national court and Ademi was released, after he had handed himself over to the ICTY. For a short period of time the Croatian leadership managed to avoid further trouble, but only until the year 2002, when Bobetko was accused of war crimes by the ICTY.

The sensitive case of this General changed the course of the Račan government. There was little to no support for the extraditions of war criminals in the population and the government's opponents saw the Bobetko case as another opportunity to challenge Račan's coalition. A government attempt to challenge the legal grounds of the ICTY's indictment failed and, by putting itself in the anti-ICTY corner, the government made a severe mistake. After several ups and downs, this was the first time that the EU actively responded to the country's lack of compliance. The ratification of Croatia's SAA was cancelled and the country received a clear warning that integration into the EU was impossible, if there was no

¹⁷⁹ Pavlaković, 2008, p. 453-455; Lamont, 2010, p. 38

¹⁸⁰ Jović, Dejan (2009): Croatia after Tudjman: The ICTY and Issues of transitional Justice. In: Batt, Judy/Obradovic-Wochnik, Jelena: War crimes, Conditionality and EU Integration in the Western Balkans. European Union Institute for Security Studies Chaillot Paper, No. 116, p. 14-15

full cooperation with the ICTY.¹⁸¹ The Bobetko case did clearly damage Croatia's EU aspirations. The country was planning to submit its application for membership soon, but due to the delicate situation it was advised not to do so. Furthermore, the European Parliament called on the other institutions to halt Croatia's integration process and to stop financial assistance in the WB countries in general, if full cooperation with the ICTY was not given.¹⁸² Once again the EU didn't speak with one voice though. While Great Britain and The Netherlands refused to ratify Croatia's SAA and demanded a strict course against the country's behaviour, other member states like France put much less pressure on the issue. Prime Minister Račan travelled to several European states and tried to improve the negative image of his country diplomatically, which proved to be successful in some places. Even though the ratification of the SAA was blocked by the UK and The Netherlands, the EU eventually didn't sanction the country. Weakening Croatia's democratic government was not in the interest of the EU, especially because the HDZ seemed to gain momentum from the political crisis.¹⁸³ The suspect Bobetko contributed to the tense situation in Croatia. He locked himself up in his house, where he received journalists for interviews. Talking to the media, Bobetko put himself in the limelight and threatened that he would not go to The Hague alive.¹⁸⁴

In the country there were different approaches to the indictment. While the Račan government was struggling to find a legal way to prevent an extradition, the HDZ openly opposed the ICTY in general and also the other parties showed no will to cooperate. Only President Stipe Mesić called for a full cooperation with the international court, regardless of the political battle that developed around the latest indictment, which earned him international affirmation and national criticism. The population showed little support for the ICTY's indictment. The OSCE stated in a report in October 2002 that 66 percent supported the government's legal course against the indictments. Verjan Pavlaković wrote that there were 71 percent in opposition to the accusations in September 2002, while Dejan Jović stated that 84 percent were against an extradition of the General. Even though the numbers differ, there was

¹⁸¹ Pavlaković, 2008, p. 455-457

¹⁸² Euractive online (2002): EU Warns Croatia Over Bobetko Case, 13 November. Available at: <http://www.euractiv.com/enlargement/eu-warns-croatia-bobetko-case/article-118202> [29.12.2013]

¹⁸³ Altmann Lothar/ Kasch, Holger (2002): Kroatien am Scheideweg? Der Fall Bobetko als Prüfstein der Außen- und Innenpolitik. In: Stiftung Wissenschaft und Politik-Aktuell, 47, p. 6

¹⁸⁴ Pavlaković, 2008, p. 457; Altmann/ Kasch, 2002, p. 2

obviously much more support against than for the indictments in the population.¹⁸⁵ Eventually the Bobetko case ended suddenly with the death of the accused General in 2003.

The next name on the ICTY's list was Ante Gotovina, the General who had disappeared. Despite pressure from the ICTY the Croatian leadership was unable to deliver him to the court. In this case, and also in the case of Serbia, it was difficult to say, if the government was unable or unwilling to deliver a 'national hero' to the ICTY. In the case of Gotovina, the prosecution, under the auspices of chief-prosecutor Carla Del Ponte, tried to pressure the Croatian leadership into delivering the suspect. Furthermore the chief-prosecutor openly criticised the Prime Minister and his government and indicated that Gotovina received help from national sources.¹⁸⁶

In February 2003 Croatia applied for EU membership and in November the country held parliamentary elections. The HDZ, which had turned itself into a pro-EU party under the new party head Ivo Sanader, won the elections. The party had changed itself and returned to the image of Croatia as a member of the European family, embracing the idea of the country's Europeanness. This development is particularly interesting, because the party, which was considered nationalist, became an advocate of EU membership and abandoned the negative EU image that it adopted under the leadership of Tuđman.¹⁸⁷ With a new government in charge, the country's cooperation with the ICTY changed. Interestingly, the HDZ, which organized demonstrations against the extradition of alleged war criminals before and criticised the previous government repeatedly, improved the situation. The HDZ's goal was EU accession and compliance with the ICTY requirements was a necessary task to fulfil. When the first new indictments against Ivan Čermak and Mladen Markač arrived, there was no public outcry and no turmoil in the opposition. The two suspects handed themselves over to the international court, after having consulted with Prime Minister Sanader. The HDZ took a different approach to the ICTY soon as it was in the government. It didn't oppose or denunciate the ICTY anymore, but cooperated and granted support for the suspects in their trials to keep the population calm. Sanader's new approach at the beginning of his term earned him support and praise in the international community.¹⁸⁸

Consequently, the Commission stated in its opinion on Croatia's application that the country's cooperation with the ICTY had improved. The extradition of five Croats and 27 Bosnian

¹⁸⁵ OSCE (2002): Background Report: The ICTY and General Janko Bobetko, 10 October 2001, p. 3-6 Available at: <http://www.osce.org/zagreb/22043> [29.12.2013]; Pavlaković, 2008, p. 457-458; Jović, 2009, p. 16

¹⁸⁶ Pavlaković, 2008, p. 458-459

¹⁸⁷ Jović, 2012, p. 206

¹⁸⁸ Lamont, 2010, p. 41; Pavlaković, 2008, p. 461

Croats was interpreted as a good sign, as well as the voluntary surrender of the accused Generals Čermak and Markač. The new government cooperated with the ICTY much more strongly, which included access to the state's war-time records and the opportunity to speak with possible witnesses for the prosecution. In April 2004 the country's cooperation with the international court seemed to satisfy the international community, the ICTY and also the EU. Only the state's inability to deliver Gotovina, who was still in hiding, cast a shadow on the positive opinion on Croatia's cooperation with the ICTY.¹⁸⁹ The longer Gotovina was untraceable the bigger his story became. In the meantime he had become the number one Croatian fugitive for the international community and even more of a 'national hero' in his home country. Even though Sanader openly endorsed cooperation with the international tribunal, this case remained a thorn in the ICTY's flesh and an obstacle for Croatia's bid for EU and NATO accession.¹⁹⁰ In 2005 the situation culminated in a decision by the EU to postpone Croatia's EU accession talks over the still missing Gotovina. Especially due to the accusations of chief-prosecutor Del Ponte, there was severe doubt about the Croatian government's excuse that the fugitive was not in Croatia and could therefore not be delivered to the court. The EU's decision to postpone the appointment was a huge drawback for the Croatian leadership and its international aspirations. For the Council of Ministers it was a difficult step as well, especially since there was no consent on the issue. Some countries like Austria, Hungary, Slovenia and Slovakia wanted to keep the date for accession talks, while the UK, The Netherlands, Sweden and others wanted to postpone. But since the EU emphasized repeatedly that accession talks could only begin, if the country cooperated fully with the ICTY, the Gotovina case could not be left unfinished.¹⁹¹

With a negative evaluation of its ICTY cooperation, Croatia's accession talks were blocked. The Croatian leadership tried to improve the situation diplomatically. The Prime Minister insisted that Gotovina was not in the country or to be found by Croatian authorities. President Mesić assured that Gotovina was no longer receiving any support from Croatian networks, even though he admitted that that probably happened in the past. Meanwhile the Minister of Foreign and European Affairs, Kolinda Grabar-Kitarović, advocated for Croatia's accession talks despite the unfinished ICTY case. Croatia's leadership argued that postponed accession

¹⁸⁹ European Commission (2004): Opinion on Croatia's Application for Membership of the European Union, COM(2004) 257 final, p. 30-32. Available at: http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004_0257en01.pdf [30.12.2013]

¹⁹⁰ Pavlaković, 2008, p. 461-462

¹⁹¹ BBC News online (2005): EU postpones Croatia entry talks, 16 March. Available at: <http://news.bbc.co.uk/2/hi/europe/4351357.stm> [30.12.2013]; Ratz, Alexander (2005): Kroatien. "Geiselhaft" wegen Gotovina. In: Stern online, 16 March. Available at: <http://www.stern.de/politik/ausland/kroatien-geiselhaft-wegen-gotovina-537780.html> [access date: 30.12.2013]

talks could harm the country's relations with the EU and set a negative example in the other WB countries. Furthermore, it would support the non-EU forces in Croatia and its neighbouring states and create a harmful image of the EU in the population.¹⁹²

After a few tense months the EU finally agreed to begin accession talks with Croatia, even though Gotovina was still not in The Hague. In October the negotiations began, after the Council issued a statement in which it approved of Croatia's readiness. One of the factors, which contributed immensely to an opening of accession talks, was a statement by Carla Del Ponte, in which she confirmed that Croatia was fully cooperating with the ICTY. This and the commitment of Ivo Sanader to continue the search until the fugitive was found convinced the Council. Nevertheless, in its statement the Council insisted that full cooperation must be guaranteed throughout the accession negotiations at all times, because non-compliance could set the process on halt again. Croatia's political elites managed to convince the EU through skilled lobbying for their case. Small EU countries like Austria or Slovakia and also influential Germany and France were in favour of negotiations with Croatia, after the country successfully advocated its case. Austria, which held the EU presidency at that time, was in strong favour of Croatia's bid and stated that it would not agree to negotiations with Turkey, which were supposed to begin at the same time, if Croatia was left out. It was a smart move from the Croatian leadership to lobby not only in the institutions of the EU and in the EU parties, but also in the other EU member states.¹⁹³

Not long after the accession talks began, the last important Croatian ICTY fugitive was found. In December 2005 Gotovina was arrested on the Spanish Canary Island Tenerife and later delivered to The Hague. The news of Gotovina's capture caused several reactions. The Prime Minister saw the arrest in Spain as a proof for his claim that the fugitive could not be found in Croatia and so did the President and Foreign Minister. Sanader granted full support for the ICTY procedure, but also reminded of the nature of the 'Homeland war' in Croatia, which basically meant that, in his opinion, Gotovina could not be a war criminal. In general the political responses to the arrest called for calm in the population and awaited a fair trial, not only for Gotovina, but for the country. Only nationalist parties and veteran groups interpreted the arrest as a negative event. Despite the political advice to stay calm, there were public protests in some places. In Zagreb and Zadar protestors engaged in vandalism, which resulted

¹⁹² Braniff, 2011, p. 111; Euractive online (2005): Croatia: EU's conditions threaten to fuel Euroscepticism, 4 March, Available at: <http://www.euractiv.com/enlargement/brief-croatia-eus-conditions-thr-news-213367> [01.01.2014]

¹⁹³ Braniff, 2011, p. 112; Jović, Dejan (2006): Croatia and the European Union: A long delayed journey. In: Journal of Balkan and Near Eastern Studies, Vol. 8/1, p. 24-25

in several arrests. Other demonstrations, organized by veteran and other groups, attracted many participants, but here there were no acts of violence or vandalism. In the public perception Gotovina was not identified as a war criminal by 61 percent of the people at this time. More than 40 percent thought that the ICTY would not treat him fairly, according to the OSCE.¹⁹⁴ The charges against Gotovina were held on grounds of the operation 'Storm' in 1995, which he commanded. Violent and inhumane acts against the Serbs of the region, including murder, destruction and deportation, were the indictments of the ICTY.¹⁹⁵ The war-time General pleaded not guilty.

In 2006 the European Commission issued a progress report for Croatia, in which it summed up the current situation regarding Croatia's cooperation with the ICTY. Even though Gotovina was delivered to The Hague, the process was not over yet. There were ongoing trials and the ICTY still expected Croatia's support. The international court had handed the cases of Norac and Ademi over to a national court in Croatia, but one year later the trials were still not in process. The Commission also found that there was little effort in the country to reveal what really happened regarding war crimes in Croatia. Besides, the public had no access to unbiased information about The Hague and the cases according to the Commission.¹⁹⁶

In 2012 Gotovina, Markač and Čermak were acquitted by the ICTY, after a first verdict was reversed. Originally, only Čermak was found not guilty and Gotovina and Markač were sentenced to 18 and 24 years in prison, but due to an appeal the sentence was removed. The court was unable to prove that there was a plan to exile Serbs from Croatian land during the war in the 1990s. Hence, there was no way to prove that there was a joint criminal enterprise (JCE) with the aim to remove Serbs, as the prosecution tried to reveal.¹⁹⁷ In Croatia the acquittal was welcomed by politicians and by the public. The outcome of the trial seemed to support the idea of the Croatian 'Homeland war' and the understanding that there were no war crimes committed by Croatians. Thousands of people celebrated the acquittal of the Generals, when the news arrived in Croatia. While Croatia was celebrating the release of its 'national heroes' the verdict was not a reason to celebrate in Serbia. The Serbian President Tomislav

¹⁹⁴ OSCE (2005): Spot Report: Reaction in Croatia to the arrest of Ante Gotovina, 13 December, p. 1-4. Available at: <http://www.osce.org/zagreb/17496> [01.01.2014]

¹⁹⁵ ICTY (2005a): Transfer of Ante Gotovina to the Tribunal. In: International Criminal Tribunal for the former Yugoslavia Press Release, CVO/MO/1034e, 10 May, Available at: <http://www.icty.org/sid/8497> [01.01.2014]

¹⁹⁶ European Commission (2006c): Commission Staff Working Document. Croatia 2006 Progress Report, SEC(2006) 1385, p.13-14. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/hr_sec_1385_en.pdf [01.01.2014]

¹⁹⁷ ICTY (2012a): Case Information Sheet: "Operation Storm" (IT-06-90) Gotovina & Markač. The Prosecutor v. Ante Gotovina, Ivan Čermak & Mladen Markac, p. 1-8. Available at: http://www.icty.org/x/cases/gotovina/cis/en/cis_gotovina_al_en.pdf [01.01.2014]

Nikolić and many others were disappointed by the acquittal. Among other things, it was stated by Serbian politicians that the verdict had done great harm in terms of stability in the region and credibility of the ICTY.¹⁹⁸

Croatia's leadership repeatedly announced that it would support Croatians, who were accused of committing war crimes by the ICTY. In 2013 the Balkan Investigative Reporting Network (BIRN) published an article, in which it claimed that Croatia spent 28 million Euro on the defence of the Generals Gotovina, Markač, and Čermak. According to the report, the aim of the Croatian leadership was to keep its promise to assist the 'national heroes' in their trials, in order to keep the support of the population and a positive image at home and abroad. Eventually all three of the accused Generals were acquitted and are free men today. BIRN also stated that, except of the 28 million Euros, there was probably more money involved. Funds raised by private initiatives were also used to support ICTY fugitives. It is important to mention that the state's financial support of the Generals is not against national or international law, but the amount of money that Croatia spent on the defence of its 'national heroes', gives an idea of how important these trials were to the country to keep the public satisfied and the narrative of the defensive 'Homeland war' alive. From all the WB countries, which have alleged war criminals on trial in The Hague, Croatia spent the highest sum on their defence.¹⁹⁹

With the closure of the Gotovina case, Croatia's difficult relationship with the ICTY came to an end. The ICTY office in the Croatian capital was closed at the end of 2012, in terms with the court's completion strategy.²⁰⁰ In its 2013 report on Croatia's accession preparations the European Commission didn't mention ICTY cooperation anymore.²⁰¹

Overall, it is important to mention that despite its EU orientation, the Croatian leadership didn't attempt at any time to dissolve the myths about the Croatian 'Homeland war' and its 'national heroes'. Verjan Pavlaković explains that neither under Račan nor under Sanader the

¹⁹⁸ Spiegel Online (2012): Surprise from The Hague: Yugoslav Tribunal Overturns Croatian Guilty Verdicts. 16 November. Available at: <http://www.spiegel.de/international/europe/the-yugoslav-war-crimes-tribunal-overturns-gotovina-conviction-a-867689.html> [01.01.2014]; Der Standard online (2012a): UNO-Tribunal sprach kroatische Ex-Generäle Gotovina und Markac frei, 16 November. Available at: <http://derstandard.at/1350261557975/UNO-Tribunal-sprach-kroatische-Ex-Generale-Gotovina-und-Markac-frei> [01.01.2014]

¹⁹⁹ Balkan Insight online (2013c): How Ex-Yugoslav States Funded War Crimes Defendants, 23 December. Available at: <http://www.balkaninsight.com/en/article/how-ex-yugoslav-states-funded-war-crimes-defendants> [01.01.2014]

²⁰⁰ ICTY (2012c): Tribunal closes field offices in Croatia and Kosovo. In: Press Release, CT/CS/PR1542e, 31 December. Available at: <http://www.icty.org/sid/11180> [05.01.2014]

²⁰¹ European Commission (2013j): Monitoring Report on Croatia's accession preparations, COM(2013) 171 final, p. 6-7 Available at: http://ec.europa.eu/commission_2010-2014/fule/docs/news/20130326_report_final.pdf [02.01.2014]

government condemned or distanced itself from nationalist notions in Croatia. Despite cooperation with the ICTY and a gradual improvement of this cooperation, the country's leadership never spoke out against the cult that developed around the alleged war criminals, who became even more famous and glorified in the face of prosecution through the ICTY.²⁰²

ICTY cooperation in Croatia did not follow a linear development, but took place in different phases of cooperation to a greater or lesser extent. Three major phases can be identified:

Phase 1: In the Tuđman era Croatia welcomed the establishment of the ICTY and supported the idea of prosecuting war crimes, but only until it became apparent that there would be investigations against the Croatian armed forces, too. Altogether the compliance level under Tuđman was low, not to say it was feigned. The leadership only cooperated under enormous pressure and when it did cooperate, it delivered only suspects that were of little importance for the country, while important suspects of the Croatian armed forces were not even allowed to speak with the ICTY investigation teams. After gaining independence, Croatia's leadership wanted to be accepted by the international community, most of all by the NATO and the EU, but when cooperation with the ICTY became a major condition to improve the partnerships and especially the possibility for EU accession, the government, under the dominant President, preferred isolation over cooperation. In the Tuđman era there was little to no cooperation with the ICTY, based on the belief that Croatians could not have committed any war crimes. The narrative of the 'Homeland war' was not compatible with the ICTY accusations. Furthermore, it can be assumed that Tuđman and his elite had no interest in revealing any information about themselves, their networks or their goals in the war.²⁰³

Phase 2: After Tuđman's death, the coalition under Prime Minister Račan tried to improve cooperation with the ICTY. Despite attempts to increase cooperation, the government was soon in an unpleasant situation though, when the ICTY demanded the extradition of war criminals that were considered 'national heroes'. Fuelled by the HDZ, other right-wing parties and veteran groups, there was a public outcry against the extradition of Croatia's Generals. The government tried to find effective ways to pursue good relations with the international community, without damaging its own image at home, but it didn't succeed. Despite a higher degree of cooperation than the last leadership showed, it is obvious that there

²⁰² Pavlaković, 2008, p. 462-463

²⁰³ *ibid*, p. 451-453; Lamont, 2010, p. 34-36; Jović, 2012, p. 205

was no voluntary full cooperation and no intention to touch the country's narratives of self-defence and national heroism.²⁰⁴

Phase 3: The HDZ scored points at the beginning of its term, because Ivo Sanader publicly supported ICTY cooperation and even convinced suspects to surrender voluntarily. With a promise to support the 'national heroes' and to have the truth about the 'Homeland war' revealed to the international community, he managed to bridge the gap between compliance with the EU's condition and the risk to become unpopular in the country. When the ICTY intensified the pressure to deliver Gotovina the good impression began to vanish, though. The sensitive issue surrounding the popular General caused trouble. Especially the EU's threat to postpone accession talks was a high risk for the government, since EU accession was its declared goal. Eventually diplomatic skills and the arrest of Gotovina brought Croatia back on the EU track. On the one hand, this was probably the most successful era regarding full cooperation with the ICTY.²⁰⁵ But, as Pavlaković points out:

*"On the other hand, there has never been any systematic effort to demystify the Homeland War or the glorification of Gotovina, who has transcended the reality of soldier fortune and bank robber to become a saintly embodiment of Croatia's struggle for freedom."*²⁰⁶

The amounts of money, which the government spent to support the defence of the three accused Generals in The Hague, underlines the assumption that the Croatian leadership had no intention to destroy the narrative of the country's past.²⁰⁷

As we can see, ICTY cooperation in Croatia depended heavily on the government in charge. The three different phases of government show three different approaches to the condition of full cooperation with the ICTY. How successful a government was depended on its strength in comparison to the opposition and anti-ICTY groups. Another decisive factor was how well the government managed to convince the population of its approach. The problematic status of the accused Generals put all governments in a dilemma, because they were regarded as 'national heroes' by large parts of the population. The question remains, if full cooperation with the ICTY was ever voluntary, based on moral concepts, or only the fulfilment of a necessary requirement for EU accession, based on state interest and calculation?

²⁰⁴ Jović, 2009, p. 14-15; Pavlaković, 2008, p. 455-457

²⁰⁵ Lamont, 2010, p. 41; Pavlaković, 2008, p. 461

²⁰⁶ Pavlaković, 2008, p. 463

²⁰⁷ Balkan Insight online, 2013c

7.1.2 Serbia's ICTY Cooperation

With the beginning of the 1990s Slovenia and Croatia declared themselves independent and sought recognition and integration into the international community. At a point where Croatia has already begun to strengthen its ties with the EU, Serbia's mission was still to pursue the existence of Yugoslavia with all its constituent republics.²⁰⁸ The plan was to gain recognition of the SFRY's legal existence on the international level, in order to support Serbia's position during the wars. Belgrade's claim didn't find sufficient support though and in the meantime Slovenia and Croatia were slowly recognized as independent states. The Serbian leadership under Milošević thus began to condemn the international community and its institutions. Also the establishment of the ICTY in 1993, at a time when the conflicts were still ongoing, was not welcomed by the Serbian leadership. Only in 1995, when the Dayton Peace accords were signed, did Milošević accept the existence of the international court officially. But in the following years there was no real cooperation between Serbia and the ICTY. Only one extradition took place in 1996, when two suspects were delivered to The Hague. Dražen Erdemović and Radoslav Kremenović were extradited to the international court as witnesses for the Srebrenica massacre²⁰⁹. Before that, they had given interviews to international newspapers, such as the French *Le Figaro*, and attracted international attention. Due to pressure from the US, the Serbian leadership finally delivered them to The Hague. This was the only case of cooperation under Milošević.²¹⁰

During the Kosovo crisis in 1998 the Serbian leadership harshly expressed its objection to ICTY investigations in the area. It argued that those actions were an attack on Serbia's sovereignty and refused to let ICTY employees enter the region anymore. The relationship between Serbia and the ICTY, and the international community in general, worsened. Milošević simply ignored all further arrest warrants and admonishments from the ICTY. In 1999 the court declared that Slobodan Milošević himself and four members of his government were suspects of war crimes and demanded their extradition. Except of the President of the

²⁰⁸ For clarity the country will be referred to as Serbia, even though the name was not always Serbia. At the beginning of the 1990s it was still the SFRY and from 1992 on the FRY. From 2003 on there was the loose union of 'Serbia and Montenegro' and finally only 'The Republic of Serbia' after Montenegro's secession in 2006. See: CIA World Factbook (2013): Serbia: Background. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ri.html> [03.01.2014]

²⁰⁹ 7.000 to 8.000 Bosnian Muslim men and boys from the city Srebrenica were killed in July 1995 by Bosnian Serb forces. The massacre is considered the worst crime committed during the war in Bosnia and Herzegovina and was a major case for the ICTY. The ICTY came to the conclusion that what happened in Srebrenica was genocide with the intention to destroy the Bosnian Muslim community. See: ICTY (2005b): Facts about Srebrenica. In: International Criminal Tribunal for the former Yugoslavia Outreach. Available at: http://www.icty.org/x/file/Outreach/view_from_hague/jit_srebrenica_en.pdf [03.01.2014]

²¹⁰ Lamont, 2010, p. 61-67; Hagan, John (2003): Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal, Chicago, The University of Chicago Press, p. 75-77

FRY, Milošević, also the President of Serbia, Milan Milutinović, the Deputy Prime Minister of the FRY, Nikola Sainović, the Chief of Staff of the Yugoslav Army, Dragoljib Ojdanic, and the Minister of Internal Affairs of Serbia, Vljako Stojilkovic, were accused of committing war crimes during the Kosovo crisis.²¹¹ There was no cooperation regarding the arrest warrants and none of the accused men went to The Hague at first.

At this time the European Council was actively supporting the democratic opposition against the Milošević regime. It stated that Serbia had a clear European perspective, once a peaceful and democratic change would take place. The Council found that specific sanctions were necessary to harm the government, as long as the President was still in charge, but it clearly expressed that these measures were not directed at the people of Serbia. The European strategy was to accomplish a regime change and an orientation towards Europe through support of the democratic forces in the country and the people.²¹² It is important to mention that ICTY cooperation was strongly promoted by the USA at the beginning. It was the US leadership, which promised Serbia financial aid in return for the extradition of Milošević. Only later, when Serbia's EU perspective became more realistic, the EU took the responsibility for ICTY cooperation.²¹³

In the year 2000 the old regime fell apart and the political leadership of Serbia was renewed. But this change of government did neither change the perceptions of the international community and the EU, nor the cooperation with The Hague immediately. The new Yugoslav President, Vojislav Koštunica, continued a negative relationship with the ICTY. His approach was based on fulfilling only the absolutely necessary demands, in order to pursue international favour. One meeting between him and the ICTY Chief Prosecutor Del Ponte went quite badly, because the President didn't hesitate to point out to her an alleged bias of the tribunal against Serbs. Publicly Koštunica showed little interest in cooperating with the international tribunal and emphasized that he would prefer to handle such cases on the national level. In Serbia the situation was very tense between opponents and supporters of ICTY cooperation. Serbian Prime Minister Zoran Đinđić, for example, was determined to improve the country's ties with the international community and to deliver Milošević, who

²¹¹ Boelaert-Suominen, Sonja (2000): The International Criminal Tribunal for the former Yugoslavia and the Kosovo conflict. In: International Review of the Red Cross, No. 837, 31 March. Available at: <http://www.icrc.org/eng/resources/documents/misc/57jqd2.htm> [03.01.20140]

²¹² Lamont, Christopher K. (2009): Contested Sovereignty: The International Politics of Regime Change in the Federal Republic of Yugoslavia. In: Journal of Communist Studies and Transition Politics, 25:2-3, p. 190-191

²¹³ Delević, Milica (2009): Serbia's EU Integration: Unfinished Business, but Who is to finish it? In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration, Baden-Baden, Nomos, p. 42-43

had been arrested in April 2001 by Serbian police. Despite major difficulties, he made the extradition of the former President possible. In 2001 Milošević was extradited to The Hague. Koštunica stated that he didn't know about the steps the Prime Minister had taken. Đinđić, on the other hand, argued that the extradition was necessary to further develop good relations with the international community, which was about to decide on financial assistance for Serbia. The extradition of Milošević was one step towards ICTY cooperation, but there were four other major suspects that The Hague demanded and one of these subjects was still the President of the Serbian Republic at that time.²¹⁴

Milošević was accused of committing war crimes and crimes against humanity in Kosovo, Croatia and BiH. The list of crimes he was tried for is very long and includes genocide, murder, torture, deportation and extermination.²¹⁵ The prosecution established the theory that the former President of the FRY was part of three JCEs.²¹⁶ Milošević's case was held as a single case and not combined with those of other suspects. The trial began in February 2002, but never came to an end, because the accused died in 2006 before a verdict was announced.²¹⁷

In 2003 the political situation in Serbia began to change once again. The FRY was reformed into the State Union of Serbia and Montenegro and thereby Koštunica lost his position as the President of the FRY. The new President of Serbia was Nataša Mičić, who replaced the accused Milutinović. Nevertheless, Koštunica was still the head of the DSS and preparing for parliamentary elections in December. Around the same time the next important ICTY indictment arrived in Serbia. Vojislav Šešelj, head of the SRS,²¹⁸ was accused of committing crimes during the wars in the 1990s and being part of one JCE, which allegedly operated in

²¹⁴ Lamont, 2010, p. 68-69; Magliveras, Konstantinos D. (2002): The Interplay between the Transfer of Slobodan Milosevic to the ICTY and Yugoslav Constitutional Law. In: *European Journal of International Law*, Vol. 13/3, p.663; Gordy, Eric D. (2005): Post-War Guilt and Responsibility in Serbia: The Effort to confront it and the Effort to avoid it. In: Ramet, Sabrina P.: *Serbia since 1989: Politics and Society under Milosevic and After*, Seattle, University of Washington Press, p. 173; Steele, Jonathan (2001): Kostunica snubs UN call to seize Milosevic. War crimes prosecutor in frosty talks with president. In: *The Guardian online*, 24 January. Available at: <http://www.theguardian.com/world/2001/jan/24/warcrimes.jonathansteele> [03.01.2014]

²¹⁵ ICTY (2006): Case Information Sheet. Kosovo, Croatia and Bosnia (IT-02-54) Slobodan Milošević. Available at: http://www.icty.org/x/cases/slobodan_milosevic/cis/en/cis_milosevic_slobodan_en.pdf [04.01.2014]

²¹⁶ The first alleged JCE's aim was to evict the Kosovo Albanian population from Kosovo. Other suspects were Milutinović, Šainović, Ojdanić, and Stojiljković, who were indicted at the same time. Regarding Croatia, the ICTY tried to prove his involvement in another JCE, which had the aim to create an only Serbian population in the Krajina and Western Slavonia. The list of accomplices included Goran Hadžić, Vojislav Šešelj, Željko „Arkan“ Ražnatović and others. The aim of the third JCE, which Milošević was allegedly involved in, was to remove Bosnian Croats and Bosnian Muslims from several areas in BiH. Here the list of accomplices featured, among others, the well known names Radovan Karadžić and Ratko Mladić. See: ICTY, 2006

²¹⁷ ICTY, 2006

²¹⁸ Srpska radikalna stranka (Serbian Radical Party)

BiH and Croatia. The head of the radical party surrendered himself voluntarily to The Hague, which didn't stop him from continuously influencing the political situation in Serbia until today. The accused decided to be his own defendant, like Milošević, and still uses the international court as a forum for his political speeches today. In March of the same year Prime Minister Zoran Đinđić was assassinated. Zoran Živković took his place as Prime Minister and the government began an enormous operation to discover the criminal network behind the assassination. The importance of the widespread actions against criminal groups and their accomplices lays in the fact, that they targeted the remains of the old regime, which had spun a net that connected criminals, the mafia, politicians, the media and society. The groundbreaking investigations were a success and a novelty in Serbia, but the spirit didn't last for long.²¹⁹

Parliamentary elections and presidential elections were held at the end of the year 2003 and resulted in a coalition of DSS, SPO,²²⁰ G17+ and NS,²²¹ headed by the new Prime Minister Koštunica. The presidential elections were won by Boris Tadić, a choice that was very welcomed by the international community.²²² The newly elected political players in the country had very different opinions on ICTY cooperation. Koštunica and the DSS followed their own strategy, the SPS was strictly opposed to extraditions and the G17+ and SPO advocated ICTY cooperation and EU integration. Vojislav Koštunica continued his ambiguous relationship with the ICTY. He developed a new strategy, which allowed him not to take the responsibility for delivering suspects to The Hague. The idea was to reward accused persons for surrendering themselves, but Koštunica's voluntary-surrender-strategy wasn't successful and, due to non-compliance with the ICTY, US financial support was suspended in 2004. Another decisive factor was the upcoming EU report on Serbia's SAA capability. The EU's assessment was the long expected approval or dismissal for the beginning of accession preparations in Serbia.

Under this enormous amount of pressure, since financial aid was crucial for the country, the rewards for voluntary surrender and punishments for disobedience were enhanced, which finally made an impact. Altogether 14 suspects surrendered themselves to The Hague in 2005.

²¹⁹ Bideleux, Robert/ Jeffries, Ian (2007): *The Balkans: A Post-Communist History*, New York, Routledge, p. 299-300; ICTY (2012b): Case Information Sheet: (IT-03-67) Vojislav Šešelj. Available at: http://www.icty.org/x/cases/seselj/cis/en/cis_seselj_en.pdf [05.01.2014]; Pavlaković, 2005, p. 38-40

²²⁰ Srpski Pokret Obnove (Serbian Renewal Movement)

²²¹ Nova Srbija (New Serbia)

²²² ICG (2004): Serbia's Changing Political Landscape. In: International Crisis Group Europe Briefing. 22 July, p. 1-2. Available at: http://www.crisisgroup.org/~media/Files/europe/040722_serbia_changing_political_landscape.pdf [05.01.2014]

How voluntary these extraditions were, and how high the incentives were, remains questionable, but it was the first major compliance with ICTY conditions in Serbia. Unfortunately, two major suspects, whom the international tribunal was eager to get into its trial chambers, were not among the 14 delivered suspects. Ratko Mladić and Radovan Karadžić were still at large.²²³ Karadžić and Mladić were both indicted with genocide, based on their involvement in BiH during the war and especially on grounds of the Srebrenica massacre. Karadžić was the President of the Republika Srpska and the Supreme Commander of the Armed Forces and Mladić was Commander. The ICTY indictments were announced in 1995, but for more than ten years the two most important suspects, after Milošević, remained at large and caused harm to Serbia's progress in the EU accession.²²⁴

In October 2005 Serbia received a positive response from the EU for SAA negotiations. The important meeting was a milestone in Serbia-EU relations, but unfortunately the success didn't last for long. In May 2006, only a few months later, the SAA was suspended. The decisive factor was Mladić, or actually the fact that he was still at large. Chief-prosecutor Del Ponte and Serbian Foreign Minister Vuk Drašković supported the suspicion that the Serbian leadership knew about the suspect's whereabouts and even about his support network. Both stated that it was the Serbian Army, which assisted the fugitive. After his arrest it turned out that they were right. Mladić had even received a monthly pension from the military and Koštunica knew more about his life in hiding than he ever admitted. Anyway, it could not be clarified at this point in time, if the state was involved in hiding him or not. Despite government efforts to convince the EU otherwise, the SAA negotiations for Serbia were cancelled, after the deadline for Mladić's arrest had passed.²²⁵ The European Commission stressed in its 2006 report on Serbia, that the country needed to fully cooperate with the ICTY in order to advance in the SAA process, which meant the arrest of Mladić and the other remaining fugitives. The report acknowledged that the cooperation was a difficult task for the government, which was split on this agenda. But except of the government's late offer to conduct a cooperative international search for the suspect, there was no sufficient cooperation in this case. Nevertheless, the Commission also acknowledged that there were some improvements. When connections between army personnel and ICTY suspects became

²²³ Dobbels, Mathias (2009): Serbia and the ICTY: How effective is EU Conditionality? College of Europe Diplomacy Paper 6, p. 20. Available at: <https://www.coleurope.eu/website/study/eu-international-relations-and-diplomacy-studies/research-activities/eu-diplomacy> [30.03.2014]; Bideleux/ Jeffries, 2007, p. 312-316

²²⁴ ICTY (1995): The Prosecutor of the Tribunal against Radovan Karadzic and Ratko Mladic. Indictement, CASE NO.: IT-95-18-I, Available at: <http://www.icty.org/x/cases/karadzic/ind/en/kar-ii951116e.pdf> [05.01.2014]

²²⁵ Bideleux/ Jeffries, 2007, p. 318; Dobbels, 2009, p. 22

known of, the Serbian leadership engaged in legal charges against the helpers. Furthermore, an ICTY cooperation centre was established under the auspices of the Ministry of Defence. Documents and archives were opened to the international tribunal's investigators and the treatment of witnesses became better. The handling of suspects also improved, when the state decided to freeze their assets.²²⁶

Interestingly, the perception of the ICTY in the public was better before the year 2000, as Mirko Klarin points out. Opponents of Milošević saw the ICTY as a legitimate instrument to bring this regime down, and therefore those who were against him were in favour of the international tribunal. The negative attitude towards the ICTY later was based on different factors. Especially the assumption that the international tribunal is biased against Serbs remains strong. In 2007, more than 60 percent believed that Serbs were treated unfair in comparison to other groups of the region, as Klarin cites from a survey by the Belgrade Center for Human Rights. In general, Klarin concludes, that the Serbian population, like every other people involved with the ICTY, preferably defines its own group as victims and not offenders. The media coverage in the countries of the Former Yugoslavia contributes to this situation, because the news makers pay attention almost exclusively to accused war criminals, instead of paying attention to the victims and crimes. Despite their negative image of the ICTY, more than 50 percent of the Serbs thought that there should be cooperation with The Hague, in the study mentioned above. The main reasons for this opinion were the need for international financial aid and acceptance in the international community. This understanding was in coherence with the government's strategy.²²⁷

The year 2006 brought another major change in the Serbian political landscape. Serbia and Montenegro ended their loose State Union and both became independent countries.²²⁸ When the State Union ceased to exist, the EU and newly independent Serbia got back to work. The EU continued to insist on full ICTY cooperation, but with a new Serbian government in charge, the relationship became better again. Another incentive for the EU to resume negotiations was the arrest of Zdravko Tolimir, another ICTY suspect who worked with

²²⁶ European Commission (2006d): Serbia 2006 Progress Report, COM(2006) 649 final, p. 8-16. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/sr_sec_1389_en.pdf [06.01.2014]

²²⁷ Klarin, Mirko (2009): The Impact of the ICTY Trials on Public Opinion in the Former Yugoslavia. In: Journal of International Criminal Justice 7, p. 90-94

²²⁸ When Montenegro began to pressure for independence, the situation the EU began to mediate between the two countries, in order to achieve a peaceful solution. The agreement between Belgrade and Podgorica concluded that independence was only possible, if more than 55 percent of Montenegro's population voted in the referendum. After a successful referendum the country became independent in June 2006, and nothing remained from Yugoslavia. See: Canas, Vitalino (2007): Independent Montenegro: Early Assessment and Prospects for Euro-Atlantic Integration. In: NATO Parliamentary Assembly, 160 CDS 07 E BIS. Available at: <http://www.nato-pa.int/default.asp?SHORTCUT=1162> [06.01.2014]

Mladić in the military. In May 2007 Serbia and the EU began to negotiate visa facilitation and in June, finally, the SAA talks continued. The negotiations on both topics ended successfully in September the same year. But in the meantime another worrisome issue occurred. The discussion of Kosovo's independence became a new obstacle on Serbia's EU integration path. While the US and parts of the EU were in favour of an independent Kosovo, Serbia, with the support of Russia, opposed it.²²⁹

The next major turnout regarding ICTY cooperation happened in 2008. A new government under President Tadić was formed and led by the DS. Soon the new government had its first major achievement with the arrest of Radovan Karadžić. This success was possible due to the new political leadership and some changes in the secret service and military, where the supporters of ICTY fugitives became less. Karadžić was delivered to The Hague shortly after his arrest. The ICTY's new chief-prosecutor, Serge Brammertz, was very impressed with the delivery of one of the two most important suspects. He congratulated the government, but it was also made clear that full cooperation with the ICTY was still not given. Only the delivery of Mladić and Goran Hadžić, who was accused of committing war crimes in Croatia, would finish this chapter. Furthermore, Serbia still needed to enhance its capability to deliver important documents and to secure witnesses. In the country the news about Karadžić's arrest was not celebrated. In response to the extradition, around 15.000 persons protested in the streets of Belgrade and instigated fights with the police. The demonstration was announced by the SRS and supported by "ultra-nationalists", as the newspapers call them.²³⁰

Negotiations between the EU and Serbia continued in the following years, but full ICTY cooperation remained a major problem for the country. The Netherlands and the UK blocked Serbia's SAA, because there were still two major ICTY suspects missing. Despite these complications, the integration continued in other fields though. In 2009 the agreement on visa-free travel was put into force and Serbia applied for an EU membership. Finally, in 2010, the Netherlands and the UK dropped their vetoes against Serbia, after the chief-prosecutor

²²⁹ European Commission (2007): Serbia 2007 Progress Report, COM(2007) 663 final, p. 5. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf [07.01.2014]; Euractive online (2007): Green light for EU-Serbia 'association' talks, 4 June. Available at: <http://www.euractiv.com/enlargement/green-light-eu-serbia-associatio-news-218263> [07.01.2014]

²³⁰ Dobbels, 2009, p. 25-27; Sueddeutsche Zeitung online (2010): Karadzic Auslieferung: "Tadic, Du bist am Ende", 17 May. Available at: <http://www.sueddeutsche.de/politik/karadzic-auslieferung-tadic-du-bist-am-ende-1.599989> [06.01.2014]; ICTY (2013a): Case Information Sheet: (IT-04-75) Goran Hadzic. Available at: http://www.icty.org/x/cases/hadzic/cis/en/cis_hadzic_en.pdf [06.01.2014]

stated that the country was doing everything it could to cooperate. Over 40 suspects had been delivered to The Hague by the Serbian authorities until that year.²³¹

2011 was the decisive year for Serbia's cooperation with the ICTY. Mladić was arrested in May and Hadžić in July. The two last suspects were finally delivered to The Hague. The reaction to Mladić's arrest was pretty similar to the public response to the arrest of Karadžić. The SRS called for protest and soon nationalists came to demonstrate in the Serbian capital. People in the city, in which the suspect was born, also demonstrated against the arrest of their 'national hero'. Internationally the arrests of the last two suspects were appreciated and many voices argued that Serbia had earned an approval for its EU membership application. The ICTY also stated that it was very relieved due to the final arrests.²³² The Serbian President Tadić gave several interviews, after the arrests of the two last suspects, in which he explained the difficult connection between the several former governments of Serbia and cooperation with the ICTY. He explained that in the last 16 years there were only few politicians, who were truly willing to find the fugitives. Zoran Đinđić's government delivered Milošević, but the following government of Vojislav Koštunica showed little effort to cooperate with the ICTY. Then it took until 2008, until a new government was elected, and the search was continued. Tadić also stated that, especially during the time of Milošević, the fugitive Mladić received help from the military. He suspected further that later other leading politicians also helped the suspects in hiding. Only when the new government of 2008 was elected, there was surely no such assistance, according to Tadić.²³³

The BIRN report on government spending for the defence of ICTY suspects shows, that Serbia invested 1.7 million Euro in Serbian suspects, from 2004 to 2013. The money didn't go to the defence of the accused though, but covered travelling expenses of the families, medical bills and "personal allowances", as BIRN stated. At the time of writing Serbia has 26

²³¹ Traynor, Ian (2010): Serbia closer to EU status as UK drops veto. In: The Guardian online, 14 June. Available at: <http://www.theguardian.com/world/2010/jun/14/serbia-eu-uk-drops-veto> [07.01.2014]; The Delegation of the European Union to Serbia (2012): Milestones in EU-Serbia relations. Available at:

http://www.europa.rs/en/srbija-i-evropska-unija/politicki_ekonomski_odnosi.html [07.01.2014]

²³² FAZ online (2011a): Nationalisten protestieren gegen Mladics Verhaftung, 29 May. Available at: <http://www.faz.net/aktuell/politik/ausland/serbien-nationalisten-protestieren-gegen-mladics-verhaftung-1642856.html> [07.01.2014]; FAZ online (2011b): Mutmaßlicher Kriegsverbrecher Hadzic gefasst, 20 July. Available at: <http://www.faz.net/aktuell/politik/ausland/serbien-mutmasslicher-kriegsverbrecher-hadzic-gefasst-11106803.html> [07.01.2014]

²³³ Glass, Susanne (2011): Interview mit Serbiens Präsident Boris Tadic: "Mladic wurde nur viereinhalb Jahre gesucht". For: ARD-Studio Südosteuropa, 30.05. Interview Text available at: <http://www.tagesschau.de/ausland/interviewtadic100.html> [07.01.2014]; FAZ online (2011c): Tadic will gegen Mladics Fluchthelfer ermitteln, 2 June. Available at: <http://www.faz.net/aktuell/politik/ausland/serbiens-staatspraesident-im-f-a-z-interview-tadic-will-gegen-mladics-fluchthelfer-ermitteln-1655524.html> [07.01.2014]

defendants to support in The Hague.²³⁴ Mladić, Karadžić, Hadžić and Šešelj are still on trial and the cases of more than 20 other suspects are on appeal. Altogether the ICTY has indicted 161 persons and there are no more fugitives at large.²³⁵ In 2013 the ICTY chief-prosecutor stated that Serbia was fully cooperating with the international tribunal. After the last suspects were delivered, the country also improved in fulfilling further demands of the ICTY. Brammertz reported that he was satisfied with the cooperation, but also expected that Serbia would deliver information on the networks that supported the suspects while they were hiding.²³⁶

Serbia's relationship with the ICTY was a very complicated one. As much as in the case of Croatia it is obvious that there were different phases of cooperation, depending on the government in charge. Since Serbia went through several political and even constitutional changes in the last years, there are more than three different phases of cooperation in this case:

Phase 1: When the ICTY was established, the war in Yugoslavia was far from over. With the signature of the Dayton Peace agreement Milošević gained importance and even won favour of the international community, despite his negative image. He was the man of the hour, who managed to seal the deal. As a reward for the successful peace agreement and his achievement to convince the Bosnian-Serb leaders to agree as well, the sanctions against Serbia were lifted and even indictments of the ICTY against men of the JNA found no international support.²³⁷ It was only during the Kosovo crisis that the international community turned against the President of the FRY and supported the ICTY indictments against him and his staff. Except of one extradition in 1996, there was no cooperation with the ICTY at this time. The President simply chose to ignore ICTY indictments.

Phase 2: From 2000 until 2003 Serbia was caught up in a deep struggle between the new leadership and the remains of the old regime. Furthermore, the new government was often split on important matters. While Prime Minister Đinđić insisted on cooperation with the ICTY as a necessary means to integrate Serbia into the international community, FRY President Koštunica objected to ICTY cooperation and the extradition of suspects. The

²³⁴ Balkan Insight online, 2013c

²³⁵ ICTY (2013b): ICTY Facts and Figures. Available at: http://www.icty.org/x/file/About/Infographics/Infographic_facts_figures_en.pdf [08.01.2014]

²³⁶ Brammertz, Serge (2013): Address of Mr. Serge Brammertz Prosecutor, International Criminal Tribunal for the Former Yugoslavia to the United Nations Security Council, The Hague, 12 June, p. 1-2. Available at: http://icty.org/x/file/Press/Statements%20and%20Speeches/Prosecutor/130612_proc_brammertz_un_sc_en.pdf [09.01.2014]

²³⁷ Silber/ Little, 1996, p. 386-387; Lamont, 2009, p. 187

delivery of Milošević to The Hague, against Koštunica's will, was the major success in this phase. Only when the Prime Minister was killed in 2003, the government began to deliver suspects and supported the international tribunal's accusations against former members of the Milošević regime, but Christopher K. Lamont argues that those acts cannot be interpreted as a real cooperation with the ICTY, but rather as an attempt of the government to use the ICTY to rid itself from unwanted subjects of the old elite.²³⁸

Phase 3: After the elections in 2003 Vojislav Koštunica became Prime Minister and led a newly formed government. The head of the DSS continued his negative pattern of feigned compliance with the ICTY, until the international community responded to this behaviour. The US suspended financial aid from 2004 to 2005 and the EU threatened to postpone SAA negotiations, until a full cooperation was granted. The government failed to fulfil its obligations and, consequently, EU talks were suspended in 2006. Especially suspicions about the involvement of leading politicians and military personnel in the hiding of suspects upset the international community. The ICTY was convinced that Koštunica's government was not cooperating with the tribunal, but with the fugitives.²³⁹

Phase 4: After the separation of Serbia and Montenegro, the EU and the new Serbian government resumed negotiations. From this time on Serbia's relationship with the international community improved. Negotiations on visa-free travel were one of the most important developments at this time. Nevertheless it was clear that all EU integration efforts could not achieve a happy ending, until the remaining suspects Mladić, Karadžić and Hadžić were arrested and delivered to The Hague. Especially the Netherlands and the UK made this clear, by blocking Serbia's SAA.²⁴⁰

Phase 5: The newly elected pro-European government under President Tadić finally achieved full cooperation with the ICTY. All of the remaining suspects were delivered to the international tribunal, which was a major improvement for Serbia's integration process. Connections of the old governments and the military to the suspects were openly discussed and the official leadership of the country acknowledged the importance of the ICTY. Yet, support for The Hague remained small in the population. The perception, that the ICTY was a biased institution that mainly prosecuted Serbs, is still dominant.²⁴¹

²³⁸ Lamont, 2010, p. 71

²³⁹ Dobbels, 2009, p. 20-22; Bideleux/ Jeffries, 2007, p. 318

²⁴⁰ Euractive online, 2007; European Commission, 2007, p. 5

²⁴¹ Dobbels, 2009, p. 25-27; Klarin, 2009, p. 90-94; Glass, 2011; FAZ online, 2011c

7.1.3 Croatia and Serbia in Comparison

A comparison of Serbia and Croatia regarding ICTY cooperation reveals similarities and differences. Certain similarities can be identified immediately after the regime change, but later, due to internal and external factors, the cooperation patterns of the two countries were different.

ICTY cooperation was a difficult task for Croatia and Serbia after the regime change in 2000. The old regimes with their dominant leading figures Tuđman and Milošević bluntly rejected the ICTY's demands and tried to delegitimize its agenda, once it started to investigate against their own people and networks. In both countries the newly elected governments after 2000 had a hard time promoting and accomplishing cooperation with the ICTY. While the Račan government in Croatia was put under heavy pressure by the opposition, the Đinđić government in Serbia was split on the topic. In both cases it was impossible to achieve full cooperation with the ICTY and both governments behaved ambiguously. At this point in time, both countries had to fight inner struggles, when it came to ICTY cooperation and received negative feedback from the international community. Schimmelfennig, Engert and Knobel conclude that Serbia's Prime Minister Đinđić wanted to cooperate, because international integration was the best way to improve the country's position. But neither he nor Koštunica saw cooperation with the ICTY as a moral obligation.²⁴² The Račan government didn't do anything to unravel Croatia's 'Homeland war' narrative either, but acted only in order to achieve international support and acceptance.²⁴³ The comparison shows that the approaches of both Serbia and Croatia were very much alike before and right after 2000. The old regimes of both countries didn't support the ICTY and the moral concept that constitutes it. Both regimes tried to present the international tribunal as an illegitimate and biased institution instead. Neither Tudman's appreciation of the ICTY at the beginning, nor Milošević's recognition of the ICTY in the Dayton accords, can be interpreted as interest in the ideal that lies beneath the prosecution of war criminals. The governments that were responsible for ICTY cooperation after the regime changes, only proved to be more pragmatic than their successors. The pragmatic approach of Sanader was more fruitful for Croatia and improved the country's image, which Serbia could not achieve at that time. Nevertheless the cooperation cannot be interpreted as more than a calculation that the state made in its own interest. The same is valid for Serbia, where the government of 2008 achieved an enormous success for the country, but ICTY cooperation remained an obligation for EU accession and not a voluntary act.

²⁴² Schimmelfennig/ Engert/ Knobel, 2003, p. 328-329

²⁴³ Lamont, 2010, p. 41; Pavlaković, 2008, p. 461-464

Furthermore, both countries showed a similar kind of behaviour when put under pressure. The Koštunica government enhanced pressure or incentives for suspects to deliver themselves to The Hague, only when US financial aid was suspended and the EU postponed the SAA negotiations. Cooperation in terms of conducting international searches and delivering documents were also connected to international pressure or incentives.²⁴⁴ The Sanader government also experienced a lot of pressure, when the search for Gotovina remained fruitless, and the EU threatened to postpone the accession talks. Also in this case, the search for the fugitive and cooperation with investigators in the country improved only, when specific reasons were given and not voluntarily.²⁴⁵ The comparison shows that the pragmatic approach was dominant in both countries, when they were put under pressure. Voluntary full cooperation was never at hand, only the necessary criteria were fulfilled for the sake of EU integration.

More percent of the population in both countries were not in favour of the ICTY and a full cooperation on voluntary grounds. Cooperation was agreed to only as a necessity to enable EU integration by most people. In both countries the international tribunal had a reputation of being biased and unfair towards the respective ethnic group, while the identification with alleged war criminals was widespread.²⁴⁶

Nevertheless, in both Croatia and Serbia also normative elements can be identified. Some important political figures supported the moral perspective of the war crime tribunal. Also in Croatia there were not only opponents, but also high ranked ICTY supporters. The former President Stjepan Mesić, for example, spoke in favour of the international court very early and several times. He emphasized not only Croatia's interests, but also normative reasons for cooperation. Mesić spoke publicly about the necessity to face the past of the country and to acknowledge crimes, in order to facilitate peace in the region. Also his successor, Ivo Josipović, clearly expressed that Croatia must face its own crimes to develop further. Josipović also visited and publicly apologised to Bosnian and Serbian victims of Croatian aggression during the war.²⁴⁷ In Serbia the words and gestures of Vuk Jeremić and Čedomir Jovanović promoted a normative approach to ICTY cooperation and its moral importance for

²⁴⁴ Dobbels, 2009, p. 20-21

²⁴⁵ Pavlaković, 2008, p. 461-464

²⁴⁶ Klarin, 2009, p. 90-94; OSCE, 2005, p. 1-4

²⁴⁷ Subotić, Jelena (2013a): Diverging paths in the Western Balkans. In: *Current History*. Vol. 112/752, p. 108; Subotić, Jelena (2013b): Perceptions of Legitimacy in the Western Balkans. In: Woodrow Wilson Center for Scholars, WP, p. 2. Available at: <http://www.wilsoncenter.org/sites/default/files/Subotic%20Working%20Paper%20%236.pdf> [09.01.2014]

the region. Former President Tadić also apologized for war crimes in BiH and Croatia.²⁴⁸ In both countries the number of ICTY supporters was smaller than that of ICTY opponents, but it is important to mention that there were also people and organisations that supported the work of the international tribunal. In a study about the impact of the ICTY on Serbia, Diane F. Orentlicher and her team conducted interviews with Serbian supporters of the tribunal. The study gives an interesting insight on the opinion of this group of the population that might be smaller in number but not irrelevant. One of the major findings in Orentlicher's analysis is that people who supported the ICTY thought that the society must accept that crimes were committed. Another important factor for the respondents was the necessity to face the truth and to accept the country's own past. Some of them also believed that the process of dealing with the past was necessary to facilitate a democratic society. The study shows that there were segments in the Serbian society that interpreted ICTY cooperation as a moral duty rather than an international obligation.²⁴⁹ Furthermore, there are organisations such as the Humanitarian Law Centre in Belgrade, which was established in 1992, with the aim to document war crimes and to make them public, in order to achieve a process of acceptance and memorialisation in the society.²⁵⁰ This important NGO also promotes an ideal, a moral concept for the society, and not a pragmatic approach.

In Croatia an important change took place when the HDZ won the elections. The strong party, which opposed ICTY cooperation and mobilized against the Račan government when it was in opposition, turned into an ICTY supporter as soon as it came to power. Hence there was no longer a stronghold against ICTY cooperation, when the HDZ brought the topic to the parliament. Furthermore, the Croatian parliament was in favour of EU integration and accepted ICTY cooperation as a necessary condition. Prime Minister Sanader engaged actively in pursuing good relations with the international community and the international tribunal, even convincing Croatian suspects to surrender themselves. In Serbia, on the other hand, there was still an important opposition to ICTY cooperation in the parliament and Prime Minister Koštunica was not interested in ICTY cooperation either.²⁵¹ Also, his attempt to

²⁴⁸ Orentlicher, Diane F. (2008): Shrinking the Space for Denial. The Impact of the ICTY in Serbia. In: Open Society Justice Initiative Report, p. 61-62. Available at:

http://www.opensocietyfoundations.org/sites/default/files/serbia_20080501.pdf [12.03.2014]

²⁴⁹ Orentlicher, 2008, p. 40+61-62

²⁵⁰ Humanitarian Law Center (2013): About us. Available at: http://www.hlc-rdc.org/?page_id=14390&lang=de [09.01.2014]

²⁵¹ Lamont, 2010, p. 69-71

make suspects surrender voluntarily didn't bring any success at first, until the pressure was enhanced.²⁵²

Another difference between the two countries is the number of suspects and the status of suspects, as Lamont points out. The list of indicted Serbs includes politicians, party heads, Ministers, Presidents and other „civilian political elites“, as Lamont calls them. He argues that the indictments against Serbs were seen as less individual and more covering for whole groups of persons, who were still involved in politics or the army. Hence, the will to cooperate was very low among Serbian elites. In Croatia, on the other hand, only individuals, who were in the armed forces were targeted by the ICTY, most importantly the popular generals, and not large parts of the whole political leadership.

In Serbia the connections between the remains of the old regime and the new leadership were very persistent. The strong networks between politicians and criminals remained and there was no unbiased institution to carry out justice. These connections also paved the way for criminal actions against reformers like Zoran Đinđić.²⁵³ In Croatia, on the other hand, such ties and dramatic incidents as assassinations didn't occur at all. Lamont argues further that Serbia had no legal basis for ICTY cooperation, in opposite to Croatia. Tuđman was in favour of the ICTY at the beginning, so in 1996 a law for cooperation with the international tribunal was passed, which eased cooperation for the following governments. In Serbia there was no such law and therefore no legal backing for ICTY cooperation. This complicated the situation and gave ICTY opponents an argument against cooperation.²⁵⁴

Both countries supported their ICTY suspects during the trials, but the amount of money and the purpose it was spent on, are very different. According to BIRN, Croatia is the leading country when it comes to financial aid for its defendants. The country spent 28 million Euro on the defence of the war crime suspects Gotovina, Markač and Čermak alone. Serbia, on the other hand, spent only 1.7 million Euro on its war crime suspects. Also the money was not spent on their defence, but such matters as family visits and medical costs.²⁵⁵

The comparison shows that ICTY cooperation in Croatia and Serbia was mostly driven by state interest, namely the support of and integration into the EU and the international community in general. Both states identified themselves as victims of an unfair and biased institution, which didn't take their view into account. The idea of being a victim, first of the

²⁵² Dobbels, 2009, p. 20

²⁵³ Lamont, 2010, p. 69-71

²⁵⁴ *ibid*, p. 70-71

²⁵⁵ Balkan Insight online, 2013c

war and then of the injustice of the international community, was dominant in both countries. ICTY cooperation was interpreted and promoted as a sacrifice for a higher goal. Croatia's advantage was a lower number of suspects, a more stable political situation and the proper legal embedment, which helped to close this chapter earlier. Serbia had to deliver a large number and different kind of suspects, the country underwent a series of constitutional and political changes, the political sphere was still entangled with old elites and the change to a more rational political approach had more opponents and therefore took more time. The normative aspect is rather undeveloped in this field, regarding the work of the respective governments, which were responsible for ICTY cooperation. But some political and civil actors did emphasize the ideational importance of the war crime tribunal. Here the Croatian political sphere proved to be more advanced at an earlier stage. Overall, it is not surprising that Croatia managed to finish this chapter earlier than Serbia due to different conditions and a more cooperative, or at least pragmatic, political sphere.

7.2 Territorial Disputes

In the early 1990s the European Community began to focus on bilateral issues between future member states. The reason was the insecure situation of the CEE countries after the collapse of the Soviet Union. Conflict prevention was the major aim behind the wish to solve bilateral matters. With the plan to integrate the CEE countries, the focus on bilateral disputes became even stronger and several states managed to solve their disagreements in prospect of EU integration. But, when the preparation of the 2004 enlargement round was in progress, the Union was also confronted with the first territorial dispute that would cause problems within the EU for many years.²⁵⁶ From the beginning of the integration process Cyprus' division into a Greek and a Turkish part posed a major issue for some member states of the EU. As Nugent describes, the fear was that by letting the island enter like this, the EU would admit a "deep-rooted security-dispute" into its own territory. The assumption of some Europeans was that such security issues are a threat to the EU and must therefore be prevented. Furthermore, there is also a practical dilemma with importing an unresolved territorial dispute like this one. The whole acceding country has to be involved in the process and not just one part of it, for example, regarding the delivery of information about the whole country and political dialogues with all relevant representatives. This particular issue also affects the population, because every citizen should have the opportunity to be involved in the EU accession process. A territorial dispute might leave some parts of the population overruled. The EU is also not

²⁵⁶ Uilenreef, Arjan (2010): Bilateral barriers or good neighbourliness? The role of bilateral disputes in the EU enlargement process. In: Clingendael European Papers, p. 9-10. Available at: http://www.clingendael.nl/sites/default/files/20100600_cesp_paper_uilenreef.pdf [15.02.2014]

interested in disrupting its relations with other countries that are involved in someone's bilateral territorial dispute. In the case of Cyprus this was Turkey, a country that has its own political and economical ties, and ongoing accession negotiations with the EU.²⁵⁷ Another important aspect is that territorial disputes can interfere with EU rules, for example regarding border management, or traffic and trade regulations. In these cases it is of importance to find a solution as well. It became obvious that the EU framework had to be adjusted and in the enlargement strategy for 2009 to 2010 it was stated that:

*"[...] the EU expects candidate countries to resolve any border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter, including if necessary jurisdiction of the International Court of Justice."*²⁵⁸

What the EU promotes is a peaceful settlement of territorial disputes. What it offers is impartial assistance in the process. It is important to understand that the EU can't force a country to solve its bilateral issues, or make a decision on behalf of the states involved. There is no EU jurisdiction or part of the *acquis* concerning territorial disputes.²⁵⁹ Under the term "good neighbourly relations" the EU began to emphasize the necessity of settling bilateral territorial disputes in the political criteria section of its agreements and reports. Furthermore, bilateral relations with neighbouring member states and acceding countries are also discussed in the SAP. But they are not part of the accession process or the *acquis communautaire*, because the EU member states have no unanimous position.²⁶⁰

The question is: Can the normative approach of EU integration alone solve territorial disputes? To evaluate the EU's approach, it is important to understand the nature of territorial disputes. In *realism* it is assumed that power is the driving force behind a state's acts. Here territory is of utmost importance when it comes to power. Hence, territorial disputes are driven by power-related interests, which can derive from the natural egoism of the state (classical realism) or the structure of the anarchic world system (neorealism). Furthermore, as Tuomas Forsberg explains, nationalist tendencies can expand the power-related interest to areas that are of national interest to the state, for example, regions with a considerable number

²⁵⁷ Nugent, Neill (2000): EU Enlargement and 'the Cyprus Problem'. In: Journal of Common Market Studies, Vol. 38/1, p. 134

²⁵⁸ European Commission (2009a): Enlargement Strategy and Main Challenges 2009-2010, COM(2009)533, p. 6. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2009/strategy_paper_2009_en.pdf [28.02.2014]

²⁵⁹ Brozović, Zorana (2011a): Territorial and Border Demarcation Disputes in the Western Balkans. Case Study: The demarcation process between Serbia and Montenegro. In: Belgrade Centre for Security Policy, Policy Paper 3, p. 3. Available at: http://www.bezbednost.org/upload/document/1112231512_pp_3_territorial_an.pdf [11.01.2014]

²⁶⁰ Uilenreef, 2010, p. 28

of inhabitants from the same ethnic group.²⁶¹ The EU would thus be most likely to succeed in the resolution of a territorial dispute, if the solution suited the interest of the state, in terms of power or security.

From a *constructivist* point of view, territorial disputes are driven by norms and beliefs. Here territory is not only related to power, but also to identity. Sovereignty, and the mutual respect for it, are basic norms in the international system and connected to an understanding of justice. This view enables a state to feel the just or historical right to possess a territory, because it is the very base of its identity. Thus, territory poses not only a strategic necessity but a social necessity for the constitution of the nation and its ethnic group. It fulfils also a social purpose based on normative beliefs and an understanding of justice and injustice. Therefore, territorial disputes are not only a question of power, but of identity.²⁶² According to Diez, Stetter and Albert territorial conflicts are based on identities, or actually different identities and “subject positions”. As long as there are incompatible subject positions, there is a dispute. In this understanding, conflicts like territorial disputes are based on the production and reproduction of identities and history. Diez, Stetter and Albert say that discourse, which produces and reproduces rivalling subject positions, is essential for the existence of dispute. It would thus be logical to assume that the discourse is also essential for the resolution of a conflict.

*“The European Union would therefore be seen as having successfully influenced the conflict only if it helped to fundamentally change these subject positions, as is generally claimed for the impact of European integration on the transformation of previously antagonistic interest and identities of Germany and France.”*²⁶³

As examined before, territorial conflicts are a bilateral issue and if a dispute cannot be solved only arbitration by an independent committee or court can be suggested by the EU. From a *realist* point of view, supranational arbitration or ruling is nothing a sovereign state would accept, except if it was forced to do so. Especially in cases that inherit a lot of interest for the state, it is unlikely to comply. In cases of lower interest, the state is more likely to allow the interference of a third party, but there is no guarantee that it will adhere to a

²⁶¹ Forsberg, Tuomas (1996): Explaining Territorial Disputes: From Power politics to Normative Reasons, Journal of Peace Research, Vol. 33/4, p. 435

²⁶² Forsberg, 1996, p. 433-439

²⁶³ Diez, Thomas/ Stetter, Stephan/ Albert, Mathias (2004): The European Union and the Transformation of Border Conflicts. WP Series in EU Border Conflict Studies, No. 1, p. 4-5. Available at: <http://www.birmingham.ac.uk/Documents/college-social-sciences/government-society/polsis/research/eu-border-conflict/wp01-eu-transformation-of-border-conflicts.pdf> [11.03.2014]

supranational ruling. From a *constructivist* point of view, arbitration could respond to the state's values and understanding of justice and injustice. If a state assumes that it has a just right to possess a territory and it shares the EU's norms and values, it is more likely to allow an international judgement as a peaceful approach to the resolution of disputes.²⁶⁴

In the WB different cases of territorial disputes appeared, after the break-up of Yugoslavia. As mentioned in chapter six about the history of the Balkans, there were different opinions on the arrangement of Yugoslavia's entities and regions before its establishment. While the second Yugoslavia was still intact, these issues were put aside or dealt with through adjustments. Later the Badinter Committee was asked by the European Community to arbitrate the border demarcation process, after the dissolution of Yugoslavia. The group consisted of five members from France, Germany, Italy, Belgium and Spain. The Committee relied heavily on the existing borders between the republics, which were then established as the principle demarcation lines. These general guidelines didn't manage to conquer all territorial disputes between the republics though.²⁶⁵ In the following case descriptions it will be shown what kind of territorial disputes there are in the WB now, how the EU approaches them and how the states respond. As the theoretical input suggests, state interest and subject positions will be analysed, in order to evaluate the EU's approach and the states' behaviour from a realist and a constructivist point of view.

7.2.1 Croatia's Territorial Disputes

Croatia had several territorial disputes in the past. The war in the 1990s created border conflicts with Serbia and BiH, and Croatia also had several difficulties concerning its territorial boundaries with neighbouring Slovenia.

The first case evolved around the Neum corridor, which is used by Croatia and BiH. For BiH the area grants its only access to the sea. For Croatia the corridor separates its most southern peninsula from the mainland. Croatia thus wants to construct a bridge there, to connect the popular peninsula Pelješac, around the famous city Dubrovnik, with the Croatian road network. But BiH is opposed to this idea.²⁶⁶ For the EU this territorial dispute is of special

²⁶⁴ Simmons, Beth A. (2002): Capacity, Commitment and Compliance: International Institutions and Territorial Disputes. In: Journal of Conflict Resolution, 46/2002, p. 831-834

²⁶⁵ Pellet, Alain (1992): The Opinions of the Badinter Arbitration Committee. A Second Breath for the Self-Determination of Peoples. In: European Journal of International Law 3(1), p. 178-180; Balfour, Rosa/ Basić, Dijana (2010): A bridge over troubled borders: Europeanising the Balkans. In: European Policy Centre Policy Brief, p. 2. Available at: http://www.epc.eu/documents/uploads/pub_1170_a_bridge_over_troubled_borders.pdf [10.3.2014]

²⁶⁶ Vilson, Thomas M./ Hastings, Donnan (2012): A Companion to Border Studies, West Sussex, Wiley-Blackwell, p. 251

importance, because Croatia's border with BiH forms its own external border now. Until the issue is settled, the external border will be interrupted by the Neum Corridor, which belongs to a non-EU member state. Despite efforts to solve the territorial dispute, Croatia entered the EU without a complete solution to the Neum corridor dispute, but an agreement on port traffic and border points has been reached, which was of high priority for the EU. In the meantime Croatia is still in favour of building a bridge and the EU permitted a feasibility study regarding this idea. For BiH this is still not an option.²⁶⁷ In the whole dispute the EU was particularly interested in a border and trade agreement that guarantees adherence to EU law. The social sphere in this area proved rather calm and not troublesome. In a study on the people's perspective in the region of Neum, conducted for the NPO Saferworld in 2011, it was found out that there are no serious tensions between the local inhabitants of BiH and Croatia. People in BiH felt unheard by their own political representation, regarding their concerns and wishes, and people on the Croatian side felt badly informed and included by their respective government as well, because politicians only touch on the topic in times of elections. The study states that people on both sides are mostly concerned about the dispute's effect on tourism and want to be involved in the decision-making process, but there are no tensions between them, because all of them belong to the Croatian ethnic group. The political interest is usually also marginal.²⁶⁸

In this territorial dispute both sides were unsatisfied with the border demarcation that was established in the past and the EU accession of Croatia complicated the dispute. Croatia's new status influences the trade regime in the area, which could have been harmful for the neighbouring non-member state. Both states argued on a functional level. For BiH access to the sea, trade in the port and tourism make the area functionally important. For Croatia it is the connection of its peninsula Pelješac, a tourism hotspot, which explains the wish for a connection to the rest of Croatian territory. For the EU the territorial dispute interfered with border management and traffic rules. Therefore a solution, at least for these aspects, had to be found. The EU mediated between the two states and, under its auspices, an agreement was reached. The European Commission stated that:

²⁶⁷ European Commission (2013k): Croatia - Bosnia and Herzegovina: Agreements on border management signed. Available at: http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/06/20130619_en.htm [13.01.2014]

²⁶⁸ Attree, Larry/ Istrefi, Astrit (2011): Drawing boundaries in the Western Balkans: A people's perspective, London, Saferworld, p. 12

*“The Joint Interpretative Note on the Neum/Ploče Agreement, the Border Crossing Point Agreement and the Local Border Traffic Agreement are fundamental for the smooth implementation of border management rules of the EU after the accession of Croatia.”*²⁶⁹

When the most important concerns were erased the issue became less important for the EU and didn't influence Croatia's accession any further. Since there are no tensions between the people in the area, the EU is probably not concerned about the dispute anymore. In this case, the EU mediated successfully between the two states, after the EU accession of Croatia added another difficulty to the territorial dispute, due to a new traffic and border regime. For the two states the agreement meant an improvement of the situation eventually. BiH's access to the port was secured and Croatia erased an obstacle in the EU integration process.

The second Croatian dispute concerns two islands in the river Danube. Serbia argues that these two islands are closer to Serbia's side of the Danube than Croatia's. The Danube is important for both states and an agreement could not be reached yet. While Serbia wants to demarcate the border according to “international practice”, as Rosa Balfour and Corina Basić put it, Croatia is going for a historical explanation, based on the Austro-Hungarian and Yugoslav rule. The relevance of the territory lies in the nature of the Danube, since it is an important route for trade and transportation in Europe. Interestingly, this territorial dispute arose not only from past events, but also from natural changes at the river bank.²⁷⁰ Anyway, in the war in the 1990s Serbian forces occupied the land, which was later freed by the Croats. But the two remaining islands are still under Serbian control.²⁷¹ The EU mentioned the demarcation of the Danube in Croatia's progress reports and in assessment documents, together with other unresolved bilateral matters.²⁷² But the relations between Serbia and Croatia apparently don't suffer from this territorial dispute anymore. Bilateral talks concerning border demarcation were held at several occasions, since 2001. The political leaderships are obviously trying to find a peaceful solution. In March 2013 a new commission of Croatian and Serbian representatives was established to solve the issue.²⁷³ Furthermore, it was the Croatian President Josipović, who stressed that it must be possible to agree on a settlement, especially due to the economic

²⁶⁹ European Commission, 2013k

²⁷⁰ Balfour/ Basić, 2010, p. 2

²⁷¹ Vilson/ Hastings, 2012, p. 251

²⁷² European Commission, 2006c, p. 9

²⁷³ European Commission, 2013i, p. 14

cooperation between the two countries in this area.²⁷⁴ The territorial dispute regarding the Danube didn't influence Croatia's EU accession, even though the Commission did mention the outstanding demarcation agreement in its reports. The peaceful situation and the bilateral efforts to find a solution might be a reason for the EU's reservation. The historical component might cast a shadow on the case, but there haven't been any tangible tensions in the area. The Croatian President assured that the economic cooperation of Serbia and Croatia in this area would encourage a resolution. Furthermore, in 2010 Josipović and his Serbian counterpart, Tadić, stated in a joint meeting that they would not stand in the way of any other country aspiring EU membership.²⁷⁵ Regarding the fact that Croatia already is a member state by now, it is crucial for Serbia that this promise will be kept. Otherwise an issue like the Danube demarcation could easily turn into a bilateral accession blocker. The discourse shows that European values, such as peaceful unification through economic cooperation, are blossoming in the WB. The Croatian President argued in this fashion, when he put economic cooperation above all other factors in this territorial dispute. So far, the issue was mentioned in official documents and reports by the EU institutions, but the focus on good neighbourly relations between Croatia and Serbia doesn't lie with the Danube demarcation.²⁷⁶ Croatia and Serbia are not constantly at loggerheads over this topic and its relevance seems rather small in comparison with other issues. The mature political discourse probably influenced the perception of this dispute additionally.

The third territorial dispute evolved between Croatia and Slovenia around the Bay of Piran. The problem was that Slovenia wanted the bay as part of its territory, because it grants access to international waters, while Croatia wanted at least part of it to be Croatian territory. It was disputed, if a border was drawn during the time of the second Yugoslavia or not. Slovenia argued that the bay and sea area were under Slovenian control back then, but Croatia didn't accept this interpretation and proposed a fifty-fifty separation. A settlement draft was reached in 2001, but never ratified. Interestingly, this case was already at hand before Slovenia joined the EU in 2004. Back then, the European Council already recommended ICJ arbitration, but there were no possible consequences for the accession of Slovenia, if the dispute could not be

²⁷⁴ B92 online (2010): Talks on confirming Serbo-Croat borders, 1 May. Available at: http://www.b92.net/eng/news/politics.php?yyyy=2010&mm=05&dd=01&nav_id=66851 [17.01.2014]; B92 online (2011): Croat president: Serbia, Croatia should harmonize interests, 25 June. Available at: <http://www.b92.net/eng/news/region-article.php?mm=6&dd=29&yyyy=2011> [17.01.2014]

²⁷⁵ Pop, Valentina (2010): Croatia and Serbia vow not to use bilateral disputes as EU veto. In: EU Observer, 29 March. <http://euobserver.com/enlargement/29783> [22.01.2014]

²⁷⁶ European Commission, 2006c, p. 17-18; European Commission (2012a): Commission Staff Working Document. Comprehensive Monitoring Report on Croatia, SWD(2012) 338, p. 9. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/hr_analytical_2012_fr.pdf [14.01.2014]

settled in time.²⁷⁷ For some, the Bay of Piran was a big topic, especially for the local news. Steady incidents occurred at the bay and the media reported frequently. Fishermen and sailors were sent away by the one police and sent back by the other, because both sides claimed that the waters they were fishing or sailing in belonged to them. Then Slovenia came up with a new strategy, planning to instigate its people to boycott tourism in Croatia, and so forth. Incidents and political charades occurred on a regular basis at this time, backed by frequent media coverage. The perceptions in the population varied. Croatians and Slovenians both ridiculed the whole dispute at times, but in Slovenia the issue seemed to be taken more seriously.²⁷⁸

Slovenia joined the EU in 2004 without solving the territorial dispute with Croatia. So, it was just a question of time until the topic would come up again, due to Croatia's accession. When it did come up again, though the topic was actually never off the table, it became a serious problem for Croatia. In this phase the territorial dispute took to another level. Slovenia threatened to block Croatia's EU accession process and, in fact, did so. The public bickering continued and the territorial dispute became a popular topic again, this time not only in the two affected countries but in the whole EU. The whole dispute became exorbitantly politicized and was used by politicians on both sides for their own purposes. The constant media coverage and political wrangling didn't leave the public unaffected. According to an article by Anes Alić 62 percent of Slovenians would have voted to halt Croatia's EU accession over the Bay of Piran in 2007. Only 22 Percent were against such measures.²⁷⁹ This case is particularly interesting, because it survived for a long time and through one EU accession. When Slovenia joined the EU, the territorial dispute was an issue, which the EU addressed, but not an obstacle to the ongoing integration process. Slovenia was admitted into the Union without a settlement. But later, when it was Croatia's turn, the accession process was delayed, even though it was not the EU that blocked the accession, but Slovenia. It was an EU member against a non-member, and Slovenia made use of its ability to block Croatia over a bilateral dispute. Later the dispute was handed to a team of appointed judges, whom the EU suggested as arbiters. Eventually Croatia and Slovenia both agreed to this procedure.²⁸⁰ They did what the EU suggested and opted to settle the territorial dispute

²⁷⁷ Šabič, Zlatko/Jelušič, Ljubica (2003): Slovenia and NATO Enlargement: Twists, Turns and Endless Frustrations. In: Krupnick, Charles: Almost NATO: Partners and Players in Central and Eastern European security, Lanham, Rowman & Littlefield, p. 92-93

²⁷⁸ Alić, 2007

²⁷⁹ ibid

²⁸⁰ Euractiv online (2012): Slovenia, Croatia agree arbiters for border dispute, 18 January. Available at: <http://www.euractiv.com/enlargement/slovenia-croatia-agree-arbiters-news-510223> [14.01.2014]

through international mediation. The European Commission signed responsible for the achievement of this agreement. Under the auspices of the former Commissioner for Enlargement, Štefan Füle, the representatives of both countries began their negotiations on a border arbitration agreement. In a press release the European Commission stressed the importance of this peaceful conflict settlement method and the example that the two countries are setting:

“A common agreement would be a positive political signal for the further development of the good neighbourly relations between the two countries as well as for the WB regions showing how difficult issues could be solved.”²⁸¹

This territorial dispute is a good example for an influential bilateral issue in the accession process. The member state Slovenia used its position to block Croatia's progress. Even though the unresolved bilateral issue was no obstacle for Slovenia's accession, it became one for Croatia. The EU, unable to directly intervene in the bilateral conflict, suggested an unbiased tribunal of judges to arbitrate the conflict, which was finally accepted after a long and intense phase of political dispute and media wars. Today the situation is calm and Croatia and Slovenia are no longer engaged in a public fight or daily incidents at the bay. The EU managed to persuade both countries to choose its peaceful way of solving this long-lasting dispute eventually. At the time of writing the arbitration is still ongoing. A final decision by the court is unlikely before 2015.²⁸²

7.2.2 Serbia's Territorial Disputes

After the dissolution of Yugoslavia, Serbia was confronted with several territorial disputes. With BiH a territorial dispute evolved around small villages around the river Lim, which flows through Montenegro, Serbia and BiH. The problem is that the existing border literally puzzles the map in some parts, which leaves some villages unconnected to the rest of the respective territory they belong to. The small town Sastavci, for example, belongs to BiH, but it is not connected to Bosnian land, but to the territory of Serbia, under which's administration it stands. In order to access the village in the Republika Srpska²⁸³ several borders have to be

²⁸¹ European Commission (2012b): Border Arbitration Agreement between Slovenia and Croatia. MEMO/12/8, 11 January. Available at: [http://europa.eu/rapid/press-release MEMO-12-8_en.htm](http://europa.eu/rapid/press-release_MEMO-12-8_en.htm) [16.01.2014]

²⁸² The Slovenia Times online (2013): Arbitration on Border with Croatia Entering Next Phase, 27 December. Available at: <http://www.sloveniatimes.com/arbitration-on-border-with-croatia-entering-next-phase> [01.04.2014]

²⁸³ Through the Dayton peace agreement BiH was divided in two entities, the Federation and the Republika Srpska (RS). The RS is part of BiH, but home to a Serbian population. See: Džihic, Vedran (2006): Bosnien-Herzegowina. In: Džihic, Vedran; et al.: Europa-Verflucht begehrt. Europavorstellungen in Bosnien-Herzegowina, Kroatien und Serbien, Wien, Braumüller, p. 20-21

crossed. Additionally the border affects a pair of hydro electric plants, which's use is also disputed, because BiH wants a share of the outcome. There was no progress in the talks about this territorial dispute for years, but Serbia and BiH continued their negotiations in 2009 and work towards an agreement.²⁸⁴ In its 2013 report on Serbia the EU mentioned that border demarcation still needs to be resolved between these two countries.²⁸⁵ Apparently the territorial situation has a negative influence on people's lives, for example regarding the inhabitants of Sastavci, but the unresolved demarcation process doesn't produce bilateral tensions. Along the border most of the inhabitants are ethnic Serbs, living in Serbia or Republika Srpska.²⁸⁶

This territorial dispute poses a functional difficulty. There are administrative issues and also problems for the inhabitants, who have to cross borders when leaving or entering their villages. The use of the hydro electric plants is another functional issue, between the two states. For several years there was no dialogue between the two countries, but then they came back to the table. The last proposal from Serbia was that it would integrate this part of land and compensate BiH with other parts.²⁸⁷ In its 2013 report on Serbia, the Commission mentions that border demarcation needs to be addressed, but altogether the relations between Serbia and BiH are evaluated as developing positively now, after years of deadlock.²⁸⁸

The next dispute concerns Serbia and Montenegro. The border between these two states was uncontroversial, when they still formed a state union. Even after the separation in 2006, the countries remained in good relations at first, despite the now problematic border demarcation. But in 2008 the situation changed. When Montenegro officially recognized the independence of Kosovo, Serbia broke the diplomatic ties with its neighbour and rejected political relations for years. Only in 2011, after the situation cooled down, talks resumed, but the border demarcation remains an unresolved issue. Serbia insisted that there could not be a solution, unless Kosovo is regarded as a part of Serbia. It is important to mention, that this specific case of territorial dispute seems of no concern to the EU institutions. The unresolved issue is not even mentioned in its progress reports and other documents on Serbia, probably because Serbia and Montenegro are already implementing the EU's border management system and

²⁸⁴ Balfour/ Basić, 2010, p. 2-3

²⁸⁵ European Commission, 2013i, p. 13

²⁸⁶ Attree/ Istrefi, 2011, p. 10

²⁸⁷ Balfour/ Basić, 2010, p. 2-3

²⁸⁸ European Commission, 2013i, p. 13

the area is conflict-free.²⁸⁹ For the people of the region the issue does matter, though. The Serb and Montenegrin communities get along well, but the border demarcation has an influence on the everyday business of locals. Especially for farmers, necessary border crossings are difficult and time consuming. Infrastructure and transportation are issues that concern the locals on both sides. People in Montenegro are also concerned about roaming costs, due to different active mobile networks in the area. The situation for the locals has to be improved, but there are no tensions between the people of Serbia and Montenegro.²⁹⁰

This territorial dispute inherits political and functional issues. Montenegro's recognition of Kosovo put the demarcation process in a deadlock, because Serbia is unwilling to proceed without recognition of its sovereignty as a whole, which means including Kosovo. Despite the absence of conflict and the usually good relations between the two countries, the dispute influences people's lives in a negative way and should therefore be resolved. But for the EU this unfinished demarcation process is apparently no concern, though it might become one, when one of the two countries joins the EU.

The most influential territorial dispute exists between Serbia and Kosovo. Kosovo's declaration of independence in 2008 caused a rift that remains an unresolved issue for both of them and especially for Serbia's EU accession. This case is exceptional, because the EU takes a very active approach to solve the issue, or as Zorana Brozović puts it in a study on the border demarcation process between Serbia and Kosovo:

*"The EU is giving its full attention to developments in the region adjoining the administrative border with Kosovo and Metohija."*²⁹¹

This issue is also not part of the good neighbourly relations chapter, as territorial disputes usually are, but resurfaces in many different chapters of the progress reports. Actually, there is a specific chapter called "Normalisation of relations between Serbia and Kosovo". In terms of border management, Serbia and Kosovo agreed on legal cooperation in accord with the EU's Rule of Law Mission (EULEX) so far, which was an important condition of the international community.²⁹² Regarding territory, the unresolved situation has a far-reaching

²⁸⁹ Brozović, Zorana (2011a): Territorial and Border Demarcation Disputes in the Western Balkans. Case Study: The demarcation process between Serbia and Montenegro. In: Belgrade Centre for Security Policy, Paper 3, p. 1-8. Available at: http://www.bezbednost.org/upload/document/1112231512_pp_3_territorial_an.pdf [11.01.2014]

²⁹⁰ Attree/ Istrefi, 2011, p. 10

²⁹¹ Brozović, Zorana (2011b): Territorial and Border Demarcation Disputes in the Western Balkans. Case Study: Territorial and boundary disputes between Serbia and Kosovo. In: Belgrade Centre for Security Policy, Paper 4, p. 3-4. Available at: http://www.bezbednost.org/upload/document/1112271612_pp_4_territorial_an_kosovo.pdf [11.01.2014]

²⁹² European Commission, 2013i

influence on Serbia. Macedonia's border with Serbia was agreed upon in 2001, but after Kosovo became independent, a new agreement was initiated. Macedonia, from its own point of view, now has a border with Kosovo and not Serbia, which is not accepted by Serbia. Montenegro and Serbia are also unlikely to agree on their border demarcation until the Kosovo issue has been solved. The fact that Kosovo has not been recognized as an independent country all over the world and especially not all over Europe further complicates the situation.²⁹³ Until now over a hundred states recognized Kosovo, but five EU member states and some globally influential countries, like Russia or China, are not among them. Spain, Cyprus, Greece, Slovakia and Romania refused recognition so far, due to their own difficulties regarding minorities and secession. Especially Spain, which is confronted with the secessionist plans of Catalonia, is unlikely to support such a precedent for a unilateral declaration of independence in Europe.²⁹⁴ Nevertheless, Kosovo is now a potential candidate for EU accession and the possibility to open SAA negotiations is being considered.²⁹⁵ This means that the EU-facilitated talks between Belgrade and Pristina are essential to both countries' progress in the European integration. In the last years cooperation has been ambivalent, but recently some progress has been achieved, which had a positive impact on Serbia's EU integration. At the time of writing the territorial dispute between Serbia and Kosovo still remains unsolved.

This territorial dispute is the most complicated and influential one in the region. The special emphasis on the issue surely derives from the violence that has shattered this area for a long time. This region is the only one, where warfare was continued after the disintegration of Yugoslavia ended. Even after the end of the Kosovo crisis and the NATO bombardment in 1999, harmful clashes reoccurred. This territorial dispute is highly politicized and the unsatisfying situation often resulted in mutual acts of violence. In fact, hostilities, riots, and violence continue until now. The international Kosovo Force (KFOR) is still needed to secure some areas.²⁹⁶ The EULEX mission has to facilitate peace as well. In 2003 the EU initiated the first direct dialogues between the leaderships of Serbia and Kosovo to solve outstanding issues and facilitate peace. Both parties came to the table, but violent escalations in the spring

²⁹³ Balfour/ Basić, 2010, p. 3

²⁹⁴ Barber, Tony (2013): EU makes headway on healing Kosovo independence rift. In: Financial Times Online, 6 October. Available at: <http://www.ft.com/cms/s/0/fab1da78-2e6f-11e3-be22-00144feab7de.html#axzz2rDpmRP6u> [23.01.2014]

²⁹⁵ European Commission (2013): Kosovo's* progress in addressing issues set out in the Council Conclusions of December 2012 in view of a possible decision on the opening of negotiations on the Stabilisation and Association Agreement, JOIN(2013)8 final. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/ks_spring_report_2013_en.pdf [23.01.2014]

²⁹⁶ Brozović, 2011b, p. 5-8

of 2004 put an end to the negotiations. In 2005 the EU ensured Kosovo of its European perspective, and Serbia that the status of Kosovo would not interfere with its own integration into European structures, but after the declaration of independence the situation looked different.²⁹⁷ For Kosovo it is impossible to be integrated any further unless the remaining EU members, who have not yet recognized its independence, do so. For Serbia the normalisation of relations with Kosovo is crucial to pursue a successful integration process, too.²⁹⁸

Interestingly, it was Serbia, which took the case to international counselling a few years ago. After the declaration of independence, Serbia requested an opinion from the ICJ. Serbia was confident that the opinion would be in its favour, since the sovereignty of Serbia was not respected and unilaterally declared independence is usually not favoured by international standards. But the Court came to the conclusion that the unilateral declaration of independence didn't break the international law and left Serbia with little ground for argumentation.²⁹⁹ After that Serbia received the clear message from several EU member states that EU integration would only be possible together with a resolution to the Kosovo situation. At the end of 2010 the new Belgrade-Pristina-dialogues were already in preparation and Serbia agreed to participate. A sort of two-tracked approach developed, which allowed the Serbian leadership to pursue EU integration without formally recognizing Kosovo. The talks were presented as a necessary means to normalise life for the people in Kosovo, to receive a date for accession talks and to solve other issues, without recognizing the independence. The first EU-led dialogue eventually took place in spring 2011. The most difficult issue is the north of Kosovo, where a Serbian population lives and parallel structures out of Pristina's reach developed.³⁰⁰ In the meantime several rounds of dialogue took place and Serbia and Kosovo managed to agree on some important technical issues. In January 2014 Serbia was allowed to begin its accession negotiations with the EU, because the Council concluded that the country fulfilled its role in the dialogues. As a condition for further progress, the measures

²⁹⁷ European Commission (2005): Eine europäische Zukunft für das Kosovo, KOM(2005) 156 endgültig. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0156:FIN:DE:PDF> [23.01.2014]

²⁹⁸ Todorić, Vladimir/ Malazogu, Leon (2011): Belgrade Prishtina Dialogue: Transformation of Self-Interest required. In: Democracy for Development, 16 November, p. 8. Available at: <http://d4d-ks.org/assets/2012/09/2011-11-16-PER-Beograd-Prishtina-DIALOGUE.pdf> [24.01.2014]

²⁹⁹ Caplan, Richard (2010): The ICJ's Advisory Opinion on Kosovo. In: United States Institute of Peace, Peace Brief 55, 17 September, p. 1-2. Available at: <http://www.usip.org/sites/default/files/PB55%20The%20ICJs%20Advisory%20Opinion%20on%20Kosovo.pdf> [23.01.2014]

³⁰⁰ Todorić/ Malazogu, 2011, p. 9-11

that Serbia and Kosovo agreed on have to be executed and the relations will have to normalise continuously.³⁰¹ This is also part of chapter 35 of Serbia's negotiating framework.³⁰²

This conflict displays several problems. Serbia doesn't recognize Kosovo's declaration of independence, but considers Kosovo to be its southern province. Hence, Serbia doesn't recognize Kosovo's borders, neither the ones with itself nor the ones with Macedonia and Montenegro. As we can see, this territorial dispute has a far-reaching impact not only on the two parties involved, but also on the neighbouring countries. Furthermore, this conflict shows that territorial disputes can exist for a long time, sometimes more intense and sometimes less. As mentioned in chapter six, Kosovo's status was already in question when the second Yugoslavia was established. Depending on the political leadership in charge, the situation was either peaceful or escalated in the last decades. There is also a functional component to this territorial dispute. The administration of borders that are not agreed on is always a difficult issue. Hence, getting both Belgrade and Pristina to agree on border management was one of the EU's primary goals. Nevertheless, it will be essential to find an agreement on the status issue to make a real border demarcation possible. The situation is especially complicated for the inhabitants of Kosovo. Particularly in the north, with its own parallel structures, many functional problems occur. In general people in Kosovo suffer from the deteriorating economic situation and unemployment. For the Albanian community it became difficult to move freely between Serbia and Kosovo and some people now have to cross borders to get in and out of their village, which often entails problems. Furthermore, there is a noticeable division between the two ethnic groups. The continuous presence of national and international police and peace-keeping forces is another problematic factor for some citizens.³⁰³

The EU-led dialogues focus on several of these issues and have already brought some achievements. Still, life in and around Kosovo is highly influenced by the unresolved territorial dispute. In terms of security, it is understandable that the EU pays a lot of attention to the territorial dispute between Serbia and Kosovo, because it would import a major security threat, if Serbia or Kosovo were permitted to become members without a solid resolution to this conflict. The concession of 2005, in which Serbia was granted that Kosovo would not influence its accession process, obviously expired with Kosovo's declaration of

³⁰¹ Council of the European Union (2013b): Council conclusions on Enlargement and Stabilisation and Association Process. General Affairs Council meeting, Brussels, 17 December, p. 7. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140142.pdf [24.01.2014]

³⁰² Barlovac, Bojana (2014): Serbia's 35 Steps to EU Membership. In: Balkan Insight, 23 January. Available at: <http://www.balkaninsight.com/en/article/serbia-has-35-steps-to-eu-membership> [02.03.2014]

³⁰³ Brozović, 2011b, p. 9-18

independence. In the 2013 progress report for Serbia it was emphasized again that Kosovo was the key priority for the EU and that:

*“Continued visible and sustainable progress in the normalisation of relations with Kosovo, including the implementation of agreements reached so far, will remain essential.”*³⁰⁴

The recent approach puts a lot of emphasis on this territorial dispute, but it also bears one major problem regarding a solution: Serbia agreed to the dialogues, but not to ever recognize Kosovo. Also, in all EU documents the name Kosovo is still tagged with an asterisk, which entails an explanation regarding the unclear status. The beginning of accession negotiations in January 2014 was a big boost for Serbia and highly welcomed by Serbian and international politicians. Nevertheless, Prime Minister Ivica Dačić immediately mentioned that a change of Serbia’s position on Kosovo was not part of any legal agreement.³⁰⁵ Chapter 35 of Serbia’s negotiating framework also doesn’t include recognition of Kosovo’s independence. It requires only a final resolution of the territorial dispute, sealed with a mutual legal agreement.³⁰⁶

For Serbia the main incentive to agree on a dialogue with Pristina was surely its own EU accession. The EU made clear that without any progress in the relation between the two parties there was no further progress in the integration process, either. Hence, it is a state interest to pursue a normalisation of relations, but there is a remarkable difference between the strategies of the last two governments. While Tadić tried to keep Kosovo and access the EU at the same time, the following Prime Minister and Deputy Prime Minister of Serbia, Ivica Dačić and Aleksandar Vučić, chose a more pragmatic path. Both politicians stated that it is necessary to find solutions and that Serbia will have to face painful compromises. It became widely accepted that the country will not enter the EU without a solution with Kosovo and the political leadership decided for the EU membership, even if it means hard concession to Kosovo. In the past both Dačić and Vučić acted and spoke in nationalist fashion and it is unlikely that they changed their ideas and beliefs all of a sudden, as Vedran Džihčić points out, but the new course of the political leadership was a more pragmatic one, supposed to help integrate the country further into the EU and to create better relations with the member states.³⁰⁷ EU accession has become the primary goal of all government parties in Serbia, which was not the case a few years ago and especially not in the course of Kosovo’s

³⁰⁴ European Commission, 2013i, p. 4

³⁰⁵ Der Standard online (2014a): Serbien und EU starteten offiziell Beitrittsgespräche, 21 January. Available at: <http://derstandard.at/1389857712359/Serbien-und-EU-offiziell-mit-Beitrittsgesprachen-begonnen> [24.01.2014]

³⁰⁶ Barlovac, 2014

³⁰⁷ Džihčić, 2013, p. 2

declaration of independence. The EU acknowledged that and in the 2013 progress report on Serbia it was stated that:

*“The coalition government has remained united in demonstrating commitment to joining the EU and to EU-facilitated dialogue with Kosovo.”*³⁰⁸

Even the current Serbian President, Tomislav Nikolić, who came from the nationalist SRS and then formed his own party SNS³⁰⁹, changed his rhetoric regarding Kosovo. After he won the election against Tadić, Nikolić’s first interviews gave a grim vision of which course Serbia might take under his guidance. In October 2012 the politician stated that Serbia might give up on EU accession, if it meant the loss of Kosovo, for example. But, only a few months later, in March 2013, his argumentation changed. Even though he still insisted that the independence of Kosovo will not be recognized, at the same time he accepted that, even if Serbia rejected EU accession, Kosovo might not come back. Then, in regard of the beginning accession talks in 2014, the President stated that Serbia will fulfil all necessary conditions, because it is now bound to the EU.³¹⁰ Apparently the pragmatic approach of the Serbian government is far-reaching. It also pleases the Serbia-sceptical EU member states more and helped Serbia to get a date for accession negotiations.

7.2.3 Croatia and Serbia in Comparison

Both Serbia and Croatia struggled in their EU integration process due to territorial disputes. The main cases were Croatia’s dispute with Slovenia, which led to Slovenia blocking Croatia’s accession, and Serbia’s territorial conflict with Kosovo, since a normalisation of relations with Kosovo is mandatory for progress in EU relations. Both countries also have other unresolved territorial disputes, which are of a more functional nature and are solved more quietly.

A difference is that all of Croatia’s unresolved territorial disputes result from the break-up of Yugoslavia in the 1990s. Contrarily, Serbia’s disputes with Montenegro and Kosovo result from later events, namely the declaration of independence of both Montenegro and Kosovo. Croatia became an independent state in the early 1990s, with more or less defined borders.

³⁰⁸ European Commission, 2013i, p. 7

³⁰⁹ Srpska napredna stranka (Serbian Progressive Party)

³¹⁰ Der Standard online (2012b): Nikolic: Möglicher Verzicht Serbiens auf EU-Eingliederung, 16 October. Available at: <http://derstandard.at/1350258441041/Nikolic-Moeglicher-Verzicht-Serbiens-auf-EU-Eingliederung> [27.01.2014]; Der Standard online (2013): Nikolic: Verzicht auf EU bringt Kosovo nicht zurück, 26 March. Available at: <http://derstandard.at/1363706052739/Nikolic-Verzicht-auf-EU-bringt-Kosovo-nicht-zurueck> [27.01.2014]; B92 online (2014): Nikolić says Serbia linked its fate to EU, 24 January. Available at: http://www.b92.net/eng/news/politics.php?yyyy=2014&mm=01&dd=24&nav_id=89111 [27.01.2014]

Serbia, on the other hand, remained in a State Union with Montenegro until 2006 and Kosovo declared independence in 2008. The initial positions were thus different.

Serbia's position is, indeed, very different from Croatia's, even though both countries were hindered in their EU accession. Croatia was blocked by a member state and the EU institutions had no legal basis to intervene. Only an arbitration offer could be made from their side. In this case, Slovenia, as an EU member state, was in a more powerful position than Croatia.³¹¹ Regarding Serbia and Kosovo, no one is in a better position in terms of EU power-relations. Also, Serbia has to resolve its territorial dispute as a condition for further integration. The territorial dispute between Serbia and Kosovo is a case *sui generis* in the region and the only one that repeatedly entailed acts of violence and severe security threats. The territorial disputes of Croatia may have been accompanied by political bickering and extensive media coverage, but there was no violent outbreak. Furthermore, the EU created a condition around Serbia's territorial dispute with Kosovo, hence, this is the only territorial dispute in the region, in which the EU actively interferes and which determines whether an accession will take place or not.³¹²

The analysis of territorial disputes shows, that the EU takes an ambivalent role in this context. On the one hand, it is opposed to the import of territorial disputes. On the other hand, it defines territorial disputes as bilateral issues and thereby limits its own capacities to exert more than persuasive power in this area. In the accession process, as it is constituted now, member states can easily exploit bilateral issues for their own interest.³¹³ Croatia and Slovenia are a good example for an imported territorial dispute like this. Slovenia entered the EU regardless of its unresolved boundary problem with Croatia, which only became a problem when the latter wanted to join. Croatia, which is now a member state, also brought unresolved territorial disputes into the EU. That way the border demarcation along the Danube, for example, might become a problem for Serbia, when Croatia is in a position to block it over a bilateral issue.

Anyway, the EU's approach has achieved some successful changes regarding territorial disputes. From a theoretical point of view, it is often argued that changes in state behaviour are based on interest and pragmatic decisions by politicians, rather than on changed ideas or identities. Of course, it is difficult to interpret the behaviour of former nationalist politicians, whose highest goal now is EU membership, in any different way. The decision to pursue

³¹¹ Euractive online, 2012

³¹² European Commission, 2013i, p. 4

³¹³ Uilenreef, 2010, p. 28-30

accession and to make concessions in order to reach this goal probably is a pragmatic one, a state interest so to say. But, it is also interesting that the discourses and the approaches have changed and that might be more influential than it seems. When the Deputy Prime Minister, Prime Minister and, slowly, even the President of Serbia began to change their argumentation, it might have been pure realist calculation.³¹⁴ Nevertheless, a change in the discourse is of utmost importance, if the goal is to change the subject positions or identities. Serbia is probably still far away from embracing a solution with Kosovo instead of accepting it as a painful compromise for EU accession, but the common goal of today's government is membership, even if it entails painful compromises, and acts of violence or disobedience are no longer supported by either side. Serbia's approach changed tremendously, when we look back at the military aggression of the late 1990s, and also the discourse of the leading politicians is very different today. Croatia and Slovenia also changed their approach to their territorial dispute. After years of political bickering and media wars, both agreed to the EU's way of solving bilateral issues eventually, which seems to be a remarkable change from their openly hostile behaviour of many years.

It can be assumed that the EU does have an influence on the acceding countries, in both *realist* and *constructivist* sense. Of course, there is probably a lot of state interest behind the new agreements and dialogues - after all, the goal is membership - but nevertheless also the political discourses change and with them the production and reproduction of incompatible subject positions that lead to conflict. Furthermore it is interesting to see that the countries took their disputes to international arbitration, which is a peaceful option in coherence with the EU's norms and rules, which slowly seem to blossom in this region. Especially the dialogue between Serbia and Croatia, regarding the Danube demarcation, was obviously guided by the European ideal of bringing former opponents together through economic cooperation. The fact that most of these territorial disputes don't entail violence anymore and that violence is condemned by the political leaderships, is also an important achievement and change of policy.

³¹⁴ Der Standard online, 2012b; Der Standard online, 2013; B92 online, 2014

8. Perceptions

This chapter is dedicated to perceptions for several reasons: Firstly, this part of the analysis creates the opportunity to focus more on the importance of the constructivist approach in the field of international relations. In opposite to other theories constructivism offers a reasonable way of depicting the social construction of reality in a discipline that, after all, belongs to the social sciences and should put more weight on the social scope. Therefore, constructivism should not only be used as a fill-in when it comes to the limits of other theories in international relations but its arguments should also be considered autonomously.³¹⁵ Furthermore, this chapter will contribute to the construction of a broader and more comprehensive picture, which is the aim of this comparative analysis.³¹⁶ Finally, the examination of perceptions will contribute to the final discussion and answers to the research questions, which were formulated at the beginning of this thesis.

The most heard voices regarding EU integration are usually those of politicians. As representatives and negotiators they are supposed to advocate their country in the EU and the EU in their country, but European integration and the conditions a country has to fulfil in order to become a member state are not only their concern. The population has opinions and an influence on the process too. How the EU is perceived in the populations of member and non-member states is subject to different surveys every year, and certain questions give an interesting insight on the general state of mind regarding the integration process. After all, the integration process is not only influenced by the EU institutions and the acceding countries, but also by the member states. Therefore, the perceptions of citizens in Croatia, Serbia, and the EU will be analysed on the following pages.

8.1 Perceptions in Croatia

The Delegation of the EU in Croatia conducted an opinion poll in April 2013, shortly before the country's accession. The results show that 46 percent of the Croatian people had a very positive or somewhat positive image of the EU. 29 percent had a rather negative or very negative impression. Still, more than 60 percent of the people would have voted in favour of EU accession again at this time, in opposite to 35 percent who wouldn't have. The data shows that a majority of Croats still prefers EU membership, despite the generally low expectations. One of the major problems, revealed in this survey, is a well known one: The citizens of

³¹⁵ Guzzini, Stefano (2000): A Reconstruction of Constructivism in International Relations. In: *European Journal of International Relations*, Vol. 6(2), p. 147-148

³¹⁶ Haynes, 2005, p. 76

Croatia don't feel informed enough about the EU, which might be one reason for little excitement.³¹⁷

In general, many acceding countries show a similar development when it comes to the public opinion on the EU. At the beginning of the integration process the support is high, but the nearer the actual accession comes the lower the support gets. Many countries have gone through this change of perception. In Croatia the public opinion developed a little bit differently though. From the year 2000 until 2003 the support in Croatia was high and stable, but after this period the number of EU supporters became smaller. The public support for EU accession decreased quite early and not only in the face of the actual accession as it usually does. Some analysts blame this development on a wide-spread scepticism towards the European project that also affected Croatia. Others interpret it as a reaction to the economic situation of the country, or the fear of a sovereignty-loss through an EU accession. These are concerns that can also be found in other small states that joined the EU.³¹⁸ However, the Croatian perception of the EU and EU membership gives a quite ambiguous impression. On the one hand, the EU didn't have a positive image in the last years but, on the other hand, the country's accession seemed to be the next logical step. Dejan Jović explains that this perception was for one part, created by the media, which presented the EU integration as an aloof process out of the population's reach and influence. Accession was left to the bureaucrats and specialists, while the people felt disconnected and unimportant. Furthermore, the unpopularity of the EU, which prevails in most member states as well, didn't allow a dialogue between the political representatives and the people. No one wanted to lose public support by talking about an unpopular topic. The general perception was that the EU accession is something out of the people's reach, something that they had no influence on and something that would happen either way, if they like it or not. An atmosphere of apathy was created.³¹⁹

In opposite to that some conditions of the EU were always perceived as negative. The last survey, by the International Institute for Democracy and Electoral Assistance, showed that only 21 percent of the people in Croatia had a good perception of the ICTY, for example.³²⁰ The widespread assumption, that the indicted persons were heroes and not criminals,

³¹⁷ Delegation of the EU in the Republic of Croatia (2013): Results of the latest survey on citizens' opinion on EU accession. Available at: <http://www.delhrv.ec.europa.eu/?lang=en&content=4883> [03.02.2014]

³¹⁸ Perković, Ana Jese (2013): National Heroes vs. EU Benefits: Croatia and the EU Conditionality. In: Central European University Political Science Journal, Vol. 8/2, p. 192-194

³¹⁹ Jović, Dejan (2011): Turning Nationalists into EU Supporters: the case of Croatia. In: European Institute for Security Studies Chaillot Papers, No. 126, p. 34-35

³²⁰ Klarin, 2009, p. 91-92

contributed to an understanding that the ICTY could not be trusted in large parts of the population. The media and some politicians supported this perception of the international tribunal in Croatia. Some used the discourse surrounding the tribunal to portray Europe as a powerful but morally corrupted institution, which tries to rule over Croatia. A certain understanding of Croatia as a victim developed, accompanied by a feeling of humiliation and unfairness. The international assumption, that Croatian forces committed war crimes, interfered with the country's self perception as a defendant against external aggression in the 'Homeland war' and furthermore questioned Croatian identity. Jović explains that the war in the 1990s led to the creation of a completely different Croatia. The country became not only independent, but home to only one ethnic group. The major goal on the national agenda, to create a sovereign state with an only Croatian population, was achieved. The reason for the problematic perception of the ICTY is that the Croatian identity became two-folded after the wars: Winner and victim, both. Winner, because the general assumption was that Croatia won the war, victim due to the external aggression which led to the 'Homeland war' and the missing support from Europe at this time.³²¹

In the context of EU integration and Europeanness, it is important to focus on the dualism of national and European identity. In general it is found that the Croatian identity is based on an understanding of being European. It was and is an important part of the self-perception that Croatia belongs to (Western) Europe and that it was more European than the other states of the former Yugoslavia. This European identity comes with a long list of historical arguments. There is, for example, the narrative of Croatia as the stronghold against the Ottoman Empire or the defendant of Christianity. This idea of the Croatian nation was reproduced in the 1990s and used ever since to define the Croatian identity. It was possible for the leading elite to develop this identity through discourse, depending on the underlying situation. When the relations with the European Community worsened under Tuđman, the discourse was changed for example. To continue the European identity of Croatia and discredit the European Union at the same time, Croatia was reinvented as part of the "original Europe". This means a better Europe from the past, which was invented as a contrast to the allegedly corrupted and immoral European Community of the present. The difficult heritage for the politicians that followed was to retransform this negative perception of the EU into one that goes along with the Croatian identity. The interesting specific of the Croatian identity is that the strong national part is not adverse to the European part. It is not a problem to be Croatian and European, basically being Croatian means being European. The European element is a non-

³²¹ Jović, 2011, p. 37-40

detachable part of the Croatian identity, but it was not always clear which Europe Croatia wanted to belong to and, as the past has shown, the image of Europe can be changed through discourse.³²²

In 2007 Siniša Rodin argued that the feeling that Croatia is already European might have the potential to hinder an identity change towards the shared ideals the EU is based on. His assumptions were based on the negative perceptions of the people, political discourses and problematic social circumstances in the country. There was, for example, the fear of foreign influences on the national market and of a loss of sovereignty, a sovereignty which had been gained not too long ago and through the atrocities of a war. Furthermore, there was a social and economic favouritism based on national criteria in Croatia, which pleased many people but goes against EU values. These examples show that some European values and ideas were not experienced as Croatian ideas but as an external obligation that stood in opposition to national values.³²³

Despite all mentioned oppositions among the population, none of the authors quoted beforehand seriously questioned, if Croatia would become a member of the EU, since Croatia was the best equipped and most successful WB country, and therefore would accomplish the accession before any other state of the region. Yet two questions remained, when would Croatia be ready to become a member state and how well would it perform in this role?

The crucial time for Croatia's EU accession began after 1999, when the old regime began to vanish and EU integration became a goal for the new political leaders of the former national HDZ party. To make this change credible, and to receive the support of the population, the political elite connected national concerns with EU membership. The new narrative was that Croatia would never be a fully sovereign state and accepted as such in the international community without an EU membership. Being an EU member state would grant the country the ability to be a stronger and more independent player and not an outsider under the supervision of the international community. Furthermore, complete integration into the EU would finally cut the ties between Croatia and the Balkans, to which the country never belonged anyway. According to this new strategy, the European and the Croatian identity would finally be united and the country would take its rightful position in Europe. This was a narrative that the national political elites could promote, without losing their credibility. After

³²² Perković, 2013, p. 189-190; Pajić, 2006, p. 149-154

³²³ Rodin, Siniša (2007): Identity and the Divergence of Discourses in Croatia and Europe. In: Croatian Yearbook of European Law and Policy, Vol. 3, p. 230-240

all, they managed to present the integration into the EU as the next logical step on the country's way to full sovereignty.³²⁴

In 2013 Croatia achieved its goal and became a member state, but, as we can see from recent events, Croatia's first months in the EU were difficult and accompanied by bad media. In some cases, such as the incidents surrounding the installation of bilingual signs in Vukovar, it seems that the national identity still overpowers the European identity. It is important to mention though, that Croatia is not the only EU member state with this sort of unpopular problem. One of the best examples is probably Austria, where the installation of bilingual signs in Carinthia caused trouble and international embarrassment for many years. Croatia's political sphere has developed a lot in the past years and the country has shown many positive developments, when it comes to shared European values. Croatia is highly engaged in assisting its neighbouring countries in the EU integration process, for example. Croatian politicians like Mesić and his successor Josipović were the first to publicly promote reconciliation in the region. Furthermore, the political sphere in Croatia has become more democratic. The discredited right-wing was voted out of office after corruption scandals surrounding Sanader became public.³²⁵ The Social Democrats with Prime Minister Zoran Milanović won the following elections and facilitated the EU accession. The Croatian voters had the power to change the political sphere and they did, against corruption and still in favour of the EU.

So even though Croatia's first months in the EU brought about some difficulties and negative attention, it should not be forgotten, that the country has fulfilled all the necessary criteria and implemented all reforms to become an EU member state. When we look at Croatia in comparison to other member states of the EU, we can see that some of them seem to have difficulties to further develop their European identity over national sentiments too. As mentioned before, Croatia's relationship with the EU is an ambivalent one, but it was probably beneficial for the country that it felt as a rightful member of the European family while negotiating with the EU. Even if the rivalry between the national and the European identity causes difficulties in some areas, there was never a doubt whether Croatia belongs to Europe or not. In the future European values need to be strengthened and the country must continue to comply with EU law. Also the people of Croatia will need time to feel not only as true Europeans but as EU citizens.

³²⁴ Rodin, 2007, p. 240-242

³²⁵ Subotić, 2013a, p. 107-108

8.2 Perceptions in Serbia

EU integration is an important topic in Serbia. Every half year the government makes a survey about the people's opinion on the EU and the country's integration process. In December 2013 another poll was conducted and it turned out that 51 percent of the Serbian people support EU membership. The poll also found that 22 percent would have voted against the EU and 20 percent would not have participated in a vote. EU membership was considered a good thing by 44 percent and a bad thing by 26 percent. 29 percent found it neither good nor bad. The support for EU membership is decreasing, despite a little increase from the all time low of 41 percent in 2012. From 2002 to 2009 the percentage of EU supporters was never lower than 60 percent, but in the course of 2010 the numbers began to drop.³²⁶

What people mostly associate with the EU is a better future for young people, job opportunities and visa-free travelling. In 2013 a Serbian European Integration Office (SEIO) poll showed that 38 percent thought that Serbia would benefit from EU membership, while only 16 percent thought that there is no benefit at all. Apparently the people see the accession as a good thing for the country, but there is still little knowledge about personal or individual benefits. 34 percent thought that membership is also beneficial for them as individuals, but 30 percent said exactly the opposite. What we can learn from these numbers is that the people's expectations in the EU are rather low. In general, the EU has a more fragile image now and discussions about the future of the EU and enlargement also affect Serbia. Apparently there is little hope for an improvement of life in Serbia, which derives from the bad economic situation and the high unemployment rates, which affect people directly and immediately, while EU accession seems far away from them. The longer the EU accession takes, the less support it will get. It will be more and more difficult to sell necessary reforms to an exhausted and frustrated population.³²⁷

The conditions, which the EU sets up for Serbia, are another relevant issue. Depending on the year in which the survey is conducted, there is always a significant condition that people identify as the most important one. In the latest survey 39 percent identified agreements and renouncement concerning Kosovo as the main condition for progress in the EU integration. A few years before, cooperation with the ICTY was named as the main condition. The problem

³²⁶ SEIO (2013): European Orientation of the Citizens of Serbia. Public opinion research. Available at: http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanja_javnog_mnjenja/opinion_poll_de_c_2013.pdf [02.02.2014]

³²⁷ SEIO, 2013; Džihic, Vedran (2012): Serbien nach den Wahlen: Neue Konstellationen, gleiche Problemlagen. Österreichisches Institut für Politikwissenschaft, Policy Paper 6, p. 10-11. Available at: <http://www.oii.ac.at/de/publikationen/policy-paper.html> [11.03.2014]

is that many people think of conditions in a negative way and as an unfair treatment of Serbia. 38 percent think that condition setting equals constant blackmailing from the EU and is blocking the countries progress in the accession. Only 12 percent see the incompetence of domestic politicians as the major obstacle and 11 percent the people's mentality and aversion to change.³²⁸ The general opinion was that The Hague and Kosovo were the decisive factors for Serbia's EU accession, which leaves out most of the other important and beneficial reforms that the country has to implement. Reforms in the political and economic sector, which are more important for the country's future and will have more impact on the people's lives, are not taken into consideration.³²⁹

The ICTY always had a very negative image in Serbia. In 2011 the Organization for Security and Co-operation in Europe (OSCE) conducted an opinion poll in which it found out that 66 percent of the respondents didn't think that the establishment of the ICTY was necessary. Only 22 percent thought that it was. The Hague was considered a hostile institution, and a majority of people believed that war crimes should be handled on the national level by the country's own courts. 40 percent of the people were convinced that the war crime tribunal's purpose was to blame all the Serbs for the wartime atrocities. 70 percent believed that the ICTY was at least biased and judging people differently depending on their ethnicity. Cooperation with the tribunal thus seemed worthless to the people, because it didn't do anything for the country. Even as a means to come closer to the EU, only 10 percent valued the cooperation as important.³³⁰

Regarding Serbia's convergence with Kosovo, the percentage of people, who see it as the main condition to fulfil, has sunken a little bit in comparison to the last years. Nevertheless, it was still the uncontested number one on the list, but not only as an EU criterion. 70 percent of the people said that this issue needs to be addressed anyway and not just in the course of accession.³³¹ Kosovo remains a sensitive topic, which inherits a number of fears. One concern is that Serbia will be forced to accept Kosovo's independence in the course of EU accession, even though more than 60 percent realize that practically Kosovo has already become

³²⁸ SEIO, 2013; Čavoški, Aleksandra (2013): Perceptions of the European Union in Serbia. In: Heinrich Böll Stiftung, WP 12/2013, p. 2-5. Available at:

http://www.boell.eu/sites/default/files/uploads/2013/12/perceptions_of_the_eu_in_serbia.pdf [02.02.2014]

³²⁹ SEIO (2012): European Orientation of the Citizens of Serbia. Available at:

http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanja_javnog_mnjenja/opinion_poll_13.pdf [02.02.2014]

³³⁰ OSCE (2011): Attitudes towards war crimes issues, ICTY and the national judiciary. Available at:

<http://www.osce.org/serbia/90422> [03.02.2014]

³³¹ Kočić, Nebojša (2014): More than half of Serbian citizens want the EU – survey. In: InSerbia. 29 January.

Available at: <http://inserbia.info/news/2014/01/more-than-half-of-serbian-citizens-want-the-eu-survey/> [02.02.2014]; SEIO, 2013

independent, as a survey, which was conducted in 2013 by the Serbian broadcasting company B92 showed. In the same poll it was found out that more people would like to keep Kosovo as a part of Serbia than to become part of the EU. Over 60 percent preferred this scenario, while 28 percent would have chosen the EU over Kosovo. Further concerns connected to this decision are probably the fate of the Kosovo Serbs in the north and the remaining cultural heritage of the Serbian people in Kosovo.³³² The Kosovo issue is a very emotional topic and the political discourse contributes to the continuous revival of national sentiments. On the one hand, the government is acting as a pragmatic broker in the EU-led dialogues with Pristina. On the other hand, politicians repeatedly state how important Kosovo is for the Serbian history and identity, how they will never give up on it and how all concessions in the dialogues are painful sacrifices. This presentation of the issue and the EU-facilitated dialogues create a picture of Serbia as a victim of EU conditions and bias. Consequently, 78 percent of the participants in the B92 survey thought that the EU was favouring Kosovo over Serbia. This negative image of the EU, especially regarding the Kosovo topic, contributes to the people's generally low enthusiasm for accession.³³³

Another important factor in Serbia's perception of the EU is that it is not perceived as the only option for the country. In 2012 and 2013 Russia was believed to be the biggest financial assistant to Serbia by the population, when actually the EU is the biggest donor.³³⁴ In general Russia is still mentioned as an important partner and often constitutes a counter pole in discourses about the EU. Russia's importance for Serbia derives from historical ties, political support, and investments. The country also backs Serbia when it comes to Kosovo's independence. Nevertheless, it is important to mention that Russia's relations with Serbia are very unlikely to replace an EU accession, but, as Aleksandra Čavoški explains, it is especially the academic elite in Serbia, which promotes alternatives to the European path.³³⁵ Not only a stronger relationship with Russia, but also other forms of association with the EU and its internal market are discussed. Such discourses are often accompanied by common difficulties that all countries have with the EU membership. The loss of sovereignty, the relatively weak position of smaller countries in the EU, and the interference with the domestic political agenda were concerns in many acceding countries. So these debates can't be interpreted as specific for Serbia, but the problem, which Čavoški identifies, is that the idea of no EU

³³² B92 online (2013b): New poll explores attitudes toward Kosovo issue. 5 March. Available at: http://www.b92.net/eng/news/society.php?yyyy=2013&mm=03&dd=05&nav_id=84999 [02.02.2014];

Todorić/Malazogu, 2011, p. 13

³³³ Subotić, 2013a, p. 109; B92 online, 2013b

³³⁴ SEIO, 2012; SEIO, 2013

³³⁵ Čavoški, 2013, p. 5-6

association or another form of EU association ignores that important reforms, which Serbia needs to undertake in the accession process, are essential for the country's future not for the EU.³³⁶

The perception of the EU in Serbia is also influenced by the Serbian identity and the way in which it is constructed and reconstructed in the face of Europeanization. The general assumption is that the Serbian and the European identity are opposed identities that can't go together without sacrifice. The conditions of the EU are often understood as a degradation of Serbia. Therefore, their fulfilment is portrayed whether as unacceptable or as a sacrifice for the sake of the country. As Florian Bieber points out, the actual value of the accession process is not taken into account.³³⁷ The problematic relationship of the Serbian and the European identity make the integration even more difficult, but as Bieber concludes:

*"Identity, however, is changeable and not fixed, and discussions about how identity – in particular, national identity – can be made compatible with European integration have yet to make progress."*³³⁸

The perceptions of the people are also reflected on the political level. In 2012 a new president and government were elected. The outcome of the elections was interpreted as a step backwards and a return to old patterns by many analysts and European media. The elected national-conservative President, Tomislav Nikolić, is a former member of the SRS and used to be close to The Hague-defendant Vojislav Šešelj. Despite their alienation and Nikolić's formation of his own political party, which supports EU accession, his election was not welcomed by the EU and his first public statements stirred controversy. The former hardliner, who insists that one can change their opinion, offended Croatia and fantasized openly about his destroyed dreams of a Greater Serbia in several press interviews. Furthermore, the President gained negative attention by denying the Srebrenica massacre and sympathising with war criminals.

The former President Tadić was the favourite of the EU, but his popularity in Serbia declined with the years. His power and influence was regarded as overwhelming by some people. The SNS won in the government elections, which were also held in 2012, and formed a coalition with the former Milošević party SPS. Ivica Dačić, who used to work for Slobodan Milošević,

³³⁶ Čavoški, 2013, p. 6-7

³³⁷ Bieber, Florian (2009): Territory, Identity and the Challenge of Serbia's EU Integration. In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration. Baden-Baden: Nomos, p. 70-71

³³⁸ Bieber, 2009, p. 70-71

became the Prime Minister. As we can see, 2012 didn't bring any progress in Serbia but put the political sphere back into the 1990s, with well known actors from the past. The whole election process revealed how frustrated the people were with the situation in their country and the inability of the former government to change it. The participation in the election was also very low. That the national-conservative parties scored more votes shows that there was no more trust in the existing structures, or an improvement of the economic and social situation. In times of crisis people tend to turn to the populist or national-conservative political forces, not only in Serbia.³³⁹

Anyway, the following developments weren't overall bad. Nikolić's pragmatic approach to the EU didn't replace his national orientation, but it has to be said that the President learned to control his rhetoric. In the 2013 progress report for Serbia the European Commission stated that:

*"After his disputable statements on Srebrenica and Vukovar, the Serbian President made a number of particularly welcome gestures that contributed to a spirit of reconciliation."*³⁴⁰

Eventually Dačić and his Deputy Vučić also found the approval of the EU, since they proved to be reliable partners in the integration process and the Kosovo dialogues, but the latest events show how the Serbian political system is still permeated with the criminal and mafia-like structures of the 1990s.³⁴¹ Prime Minister Dačić, who became a popular politician at home and abroad, is now faced with the allegation that he cooperates with criminals. His Deputy Vučić raised suspicions about Dačić meeting with the boss of a drug cartel. Eventually it turned out that the meeting really took place, though the Prime Minister neglects any knowledge of the man's relations to the criminal world. The findings around Dačić were obviously part of a power struggle between him and Vučić. Nevertheless, the plot thickened for Dačić, when telephone recordings and other evidences gave more substance to the allegations against him and led to early re-elections in March 2014.³⁴² What these recent developments show is that improvements in the Serbian political sphere are more than necessary. The population is frustrated with the living conditions in the country and deeply disappointed by their political representatives. The positive image, which the Prime Minister and his Deputy managed to create abroad, fell apart in a power struggle that revealed how the

³³⁹ Džihic, 2012, p. 3-9; Subotić, 2013a, p. 108-109

³⁴⁰ European Commission, 2013i, p. 13

³⁴¹ Džihic, 2013, p. 1-2

³⁴² Der Standard online (2014b): Vorerst keine Neuwahlen in Serbien, 4 February. Available at: <http://derstandard.at/1358305611553/Vorerst-keine-Neuwahlen-in-Serbien> [07.02.2014]

political and the criminal sphere in Serbia are still connected. With the election of familiar political actors from the past, verbal faux-pas and a continuous cronyism between legal and illegal spheres it seems as if the country has not yet managed to leave the 1990s completely behind.

8.3 Perceptions in the EU

Now that the perceptions of the people in Croatia and Serbia have been examined, it is also of interest to analyse the perceptions of the WB enlargement in the EU. It is important to create a complete picture of the accession process and this picture includes the EU and its member states as well. Despite the EU's promise to integrate all of the WB countries, it does make sense to analyse the general perception of this enlargement in the public opinion. In order to understand the influence of public perceptions on the enlargement process, it is important to figure out who is doing what. The institutions of the EU are not the only actors in the enlargement process. The member states have a significant influence as well. As explained before, they can for example use a veto against an acceding state. The politicians in the member states are naturally influenced by the interests of their own citizens, who are their voters. Hence, the widespread assumption that the people in the EU don't have an influence on the integration process is not exactly precise, because at least indirectly they do. Furthermore, political representatives in different countries of the EU have claimed often enough that they want the will of their citizens to be considered and announced that they will hold referenda on the accession of other states. Austria and France, for example, announced that they would hold a referendum on Turkey's accession, which would allow the citizens to directly influence this process.³⁴³ The people's perceptions on the states of the WB are formed through different influencing factors: The image of the EU in the member states, the enlargement fatigue and the economic crisis, the perception of the last enlargements, and the role of the media. The perception of a particular candidate country in a specific member state is also influenced by their bilateral, historical or cultural ties.³⁴⁴

In general enlargement is not a very popular topic among the citizens of the EU today. Several developments indicate that the perception of the EU, its legitimacy and capacity are not overall positive. The rejection of the Constitution, the negative referenda on the Treaty of Lisbon and the increasing support of right-wing parties indicates that the people are unsatisfied. The economic situation is probably one of the strongest influences on the negative

³⁴³ Forgue/ Kehoskie, 2007, p. 1-2

³⁴⁴ Lecheler, Sophie/ De Vreese, Claes (2010): Framing Serbia: the effects of news framing on public support for EU enlargement. In: European Political Science Review, Vol. 2/1, p. 75

attitude towards enlargement, but also the role of the media must not be underestimated. Frequent negative media coverage on the EU and enlargement influences the people's opinion as well.³⁴⁵ For example, the integration of Romania and Bulgaria is often portrayed as a failure of the EU that poses a threat to other, especially wealthier member states.

The Eurobarometer surveys, which the European Commission carries out on a regular basis, give a more concrete idea of the people's perception of enlargement. The latest results concerning the opinion of people on enlargement are from 2009. Back then, 46 percent of the respondents were in favour of future enlargement, while 43 percent were against it. The report explains that the support in the new member states was higher than in the old member states. In fact, in the old member states the majority voted against future enlargement. Least support was found in Austria where 65 percent were against it, followed by Germany and France with 60 percent.³⁴⁶ The last data about the perception of specific enlargement countries is from 2006. Here 50 percent of the questioned EU citizens were in favour of Croatia's accession, while 36 percent were against it. In opposite to that, only 37 percent supported Serbia's accession and a majority of 48 percent was against it. This survey showed that Croatia, Macedonia, Montenegro and BiH were more welcome in the EU than Serbia. Also here it became obvious that the new member states showed more support for enlargement than the old ones.³⁴⁷ A more recent study from Austria, carried out by the Austrian Society for European Politics (ÖGfE), also shows that support levels differ, depending on the acceding country. While 55 percent of the Austrian respondents were in favour of Iceland's accession, for example, only 24 percent supported Serbia's accession. 62 percent opposed Serbia as an EU member state. Only an accession of Kosovo, Albania and Turkey received even lower support from the Austrian citizens in 2013.³⁴⁸

The statistics show three important things regarding the perception of EU citizens: Firstly, enlargement is supported by less than 50 percent of the EU citizens. Secondly, people in the old member states object enlargement more than people in the new member states. Thirdly, the support for Croatia was higher than the support for Serbia is. The last point suggests that the perception of a specific country has an influence on the support its EU accession bid

³⁴⁵ Lecheler/ De Vreese, 2010, p. 73-74

³⁴⁶ European Commission (2009b): Standard Eurobarometer 72, p. 232-235. Available at: http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_vol1_en.pdf [28.02.2014]

³⁴⁷ European Commission (2006e): Standard Eurobarometer 66, p. 222-223 Available at: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_de.pdf [10.03. 2014]

³⁴⁸ ÖGfE (2013): ÖsterreicherInnen sehen in EU-Erweiterung keine Priorität - stärkere Zusammenarbeit der EU-Länder vorrangig. In: Österreichische Gesellschaft für Europapolitik Umfrage. Available at: [http://www.oegfe.at/cms/index.php?id=63&tx_ttnews\[backPid\]=113&tx_ttnews\[tt_news\]=647&cHash=42c74c9632](http://www.oegfe.at/cms/index.php?id=63&tx_ttnews[backPid]=113&tx_ttnews[tt_news]=647&cHash=42c74c9632) [10.02.2014]

receives. Hence, it could be argued that the people in the EU have a better perception of Croatia than of Serbia. Sophie Lecheler and Claes De Vreese assume that Serbia's part in the dissolution of Yugoslavia, the Kosovo issue and the trouble with The Hague contribute to the bad perception of the country.³⁴⁹

As explained before, bilateral relations, economic, cultural and historic ties also influence one country's perception of another. A positive example is Austria's support for Croatia, which was not only displayed in the public opinion, but also in actual political bargaining, when the country threatened to block Turkey, if Croatia's accession was not pursued.³⁵⁰ A negative example is the Netherlands' hard stand on Serbia, when it came to ICTY cooperation. The Dutch government showed an exceptionally strict attitude towards Serbia and blocked developments, even if all other EU member states agreed. Political scientist Ainius Lašas argues that the Netherlands' involvement in Srebrenica and the feeling of guilt and anger about the massacre led to the country's intransigent behaviour and strong insistence on the deliverance of General Mladić.³⁵¹ That the perception of Croatia was more positive than the perception of Serbia, contributes to the raising fear that enlargement will slow down now that Croatia, the most favoured state from the WB, has become a member state. Furthermore, these findings suggest that Serbia's accession process is slower than that of Croatia, because the country is less popular.

8.4 Comparison

In both Serbia and Croatia the support for EU accession was not very high among the population in the last years. Different opinion polls show that about one third of the people would have voted against the EU. In Serbia this was the result in late 2012 and in Croatia in spring 2013. What the analysis also shows is that some EU conditions were met with refusal and people in both countries were afraid of negative implications of an accession. The loss of sovereignty and national identity was discussed in both states. It is important to say though, that these discussions take place in most of the smaller countries that want to join the EU.

Also the perception of the ICTY was very negative in both countries. The people of both countries showed a big distrust in the international tribunal and its work. In Serbia and Croatia the impression of the ICTY was especially negative, because it put both countries in an

³⁴⁹ Lecheler/ De Vreese, 2010, p. 74

³⁵⁰ Jović, 2006, p. 1

³⁵¹ Dutch Soldiers were stationed in Srebrenica when the massacre happened. Their inability to prevent the killings was often criticized, especially when pictures of a friendly encounter between the Bosnian Serb General Mladić and the Dutch Colonel appeared. See: Lašas, Ainius (2013): Legacies of Srebrenica: The Dutch Factor in EU-Serbian Relations. In: Political Psychology, Vol. 34/6, p. 903-905+912-913

uncomfortable situation regarding their own past and national sentiments. While many Croats neglected the sheer possibility of Croatian war crimes, many Serbs felt mostly that the trials were very biased against their own group. The international fixation on this matter was perceived as a negative intrusion into national business in both countries and generated a feeling of being victims of injustice.³⁵²

The analysis also shows that the perceptions of the EU in Croatia and Serbia are different. The popularity of the EU was not overwhelming in both countries, but Croatia's European identity let an EU accession appear to be more natural. The Serbian identity is not so connected with the European family and the EU accession is therefore perceived differently. In Serbia the feeling of belonging to the EU seems to be underdeveloped and alternatives to membership are still discussed. Despite a general understanding of the advantages that the EU brings for the country, as individuals people seem to be more alienated than encouraged by the EU.³⁵³

European values and ideas became a part of Croatian policies rather early in comparison to Serbia. Political gestures of reconciliation and reflection took place right after 2000 and continued, even from unexpected actors like the HDZ. The process of confronting the past started right after the election of President Mesic and continued, when Ivo Sanader became Prime Minister in 2003.³⁵⁴ Serbia also started a regional reconciliation approach years later, but still today the rhetoric of some politicians is more likely to fuel tensions than to reconcile. When such words come from re-elected political actors from the 1990s, it is even more disturbing.

The analysis of perceptions in the EU shows that the public opinion on enlargement is negative, especially regarding the WB. While an accession of Iceland for example wouldn't be controversial at all, the accession of Serbia is quite unpopular among the citizens of the EU. The support for Croatia was much higher, which leads to the assumption that Croatia is perceived more positively than Serbia. The perception of Serbia is surely influenced by the country's role in the war, the ICTY trouble and the Kosovo issue. Positive media coverage on Serbia is quite rare and some EU member states take a particularly hard stand on the country in the accession process. Serbia's image problem proved to be problematic in the past and

³⁵² OSCE, 2011; Jović, 2011, p. 37-40

³⁵³ Bieber, 2009, p. 70-71

³⁵⁴ Melčić, Dunja (2008): Croatia's Discourse about the Past. In: Ramet, Sabrina P./ Clewing, Konrad/ Lukić, Reneo: Croatia since Independence. War, Politics, Society, Foreign Relations, München, R. Oldenbourg, p.113

might cause further disturbances in the future. After Croatia the EU might take a long time to include another WB country, especially when the public opinion on this matter is negative.³⁵⁵

Finally, the political spheres in both countries show different levels of Europeanization. Croatia has developed a democratic political sphere and already in the year 2000 the first reconciling and self-critical words were spoken. This course was continued ever since, not by everyone, but most importantly by high ranked politicians. Croatia has become an important advocate of the WB and supports its neighbours in their accession processes. There are no signs of hostility on the political level.³⁵⁶ In Serbia the political sphere is less developed and experienced a backlash in 2012. Familiar national-conservative politicians from the 1990s, problematic statements and the lasting entanglement of politicians and criminals give a very negative impression of where Serbia stands today.³⁵⁷

From a realist point of view, it can always be argued that every improvement in the integration process is simply state interest and calculation, but the constructivist approach seems more applicable in the context of perceptions. Croatia's different stages of identification with Europe suggest, for example, that identity can be changed, because it is socially constructed and not naturally given as realism suggests. Also the support in the EU member states is not based only on interest, but on perceptions that the states have of each other and which influence their behaviour. This point of view also emphasizes the importance of discourse and its ability to change the interaction between states. Considering reconciliation and peaceful cooperation the words of high ranked politicians should be taken into consideration, because they are a powerful and influential tool as well.

9. Results and Discussion

The comparison of Serbia and Croatia shows that, despite their geographical proximity and shared past in Yugoslavia, these two countries are quite different. Regarding European integration, their circumstances and strategies were not alike. The readiness of Croatia's political sphere carried the country's integration process and developments and decisions for an EU membership happened earlier and in a more stable fashion than in Serbia. Looking back on Croatia's accession process, one can see a red line that guided the countries representatives and was mostly obeyed by all of them. Only ICTY cooperation proved to be a difficult chapter, in which the priorities of the political sphere were not clear. Regarding

³⁵⁵ Lecheler/ De Vreese, 2010, p. 74

³⁵⁶ Melčić, 2008, p.113

³⁵⁷ Subotić, 2013a, p. 108-109

territorial disputes, for example, the leadership learned to internalize and use the EU's repertoire for solving outstanding issues. The country's leadership relied on shared European norms, despite political quarrelling at some points. Especially the high political representatives promoted the EU and shared European ideas, like regional stability, cooperation and reconciliation, at an early stage. Croatia established itself as the role model of the region and therefore was the first country to join the EU. It is obvious that the country worked hard for its achievements. Nevertheless, some other factors also contributed to Croatia's fast and successful integration. The country's identity, which has a strong European component, and its generally good reputation and ties with EU countries helped in the integration process. Needless to say, that Croatia had time to recover since the end of the war in the 1990s and was not confronted with a violent crisis since then. The current perception of Croatia is not overall positive, because the country's economy is still crisis-ridden and some events caused a bad media coverage, but basically Croatia has a functioning market economy and in comparison with other EU countries, which have different problems and difficulties too, the youngest member state doesn't seem to be any more troublesome than some others. Overall, Croatia followed a straight path through the accession criteria and internalized very early the norms and values of the EU, which, together with its European identity, accelerated the integration process.

Serbia's younger history shows a lot of ups and downs and so does its integration process. Until a few years ago the country underwent several changes regarding its constitution and territory. This unstable situation is not a good foundation for the immense efforts of an integration process. Furthermore, the political sphere proves to be rather unstable and is prone to scandals and re-elections. The EU opposition among political representatives was strong for many years and declined only recently, but even if they changed their game, actors from the old elites are still active and defining politics today and their dubious connections remain a problem as well. Serbia never really cut its ties with the past and the instability of the political sphere contributes to the country's slow integration process. Furthermore, Serbia is not equipped with an identity, which is especially close to the idea of Europe. The perception of the EU is still ambivalent and a deeper connection seems to be missing, which results in a low internalization of European values and norms. Also the EU often seems to be perceived as an intruder rather than a partner, which shows in the seeking of alternatives to an EU membership and the overly positive perception of Russia. In the EU countries Serbia is not perceived very positively either, which is another hindering factor for its progress.

Regarding the hypotheses, which were presented at the beginning of the thesis, the following statements can be made: The first hypothesis said that Croatia's developed political sphere and its faster identification with the EU, regarding identity and shared European norms, accelerated the accession process. This has proven to be true, especially in opposite to Serbia. The second hypothesis was that the differences between the states of the WB call for an individual approach to European integration, which can be verified too. The general approach to the region, which the EU applied before the Stabilisation and Association Process (SAP), failed. Hence, individual approaches are essential, because for a successful integration the unique features and circumstances of every country need to be taken into account. The comparison of Serbia and Croatia shows how differently these states are constituted, even if they are part of the same region and seem to have many similarities at the first sight. Hypothesis three stated that the current state of the EU has a negative influence on the integration of the WB. As the analysis of enlargement fatigue, indecisiveness and perceptions in the EU has shown, this hypothesis can also be verified with regard to the pace of accession. The absence of a concrete time frame for the accession process, the increase of conditions and the negative perception of enlargement in the member states make the accession more difficult for the states of the WB.

10. Future Perspectives and Recommendations

The next goal for Croatia is to become part of the Schengen area, which the government wants to achieve by 2015, as Ambassador Bakota explained.³⁵⁸ Regarding its responsibility as an advocate of the WB, Croatia is doing well, supporting others and promoting European values in the area. These actions contribute to regional cooperation and reconciliation.³⁵⁹ Croatia should keep this positive spirit and support the accession of other WB countries, instead of blocking them over bilateral issues like territorial disputes in the future. Anyway, the country has to improve its economic situation most of all. Especially the high unemployment rates are a big problem.³⁶⁰

In Serbia yet another change of government will, hopefully, not disturb the EU integration process. The EU was satisfied with the country's progress and willingness to compromise in 2013, a development that should be continued. Improvements and reforms in the economic and the political sphere are highly required, especially regarding unemployment, which is a

³⁵⁸ Speech of Croatian Ambassador to Austria Gordan Bakota, 20.11.2013: Croatian Foreign Policy Priorities after the EU Accession, Clubrooms of the Austro-American Society, Stallburggasse 2, 1010 Vienna.

³⁵⁹ Subotić, 2013, p. 108

³⁶⁰ Fuster, 2013

major problem in Serbia too. In order to progress in the integration process, Serbia also needs to continue the talks with Kosovo and work towards a tangible solution, which will secure peace and stability. The country should also continue reconciliation, cooperation, and border demarcation processes with its other neighbours.³⁶¹ Furthermore, the chapters of the accession process must be worked on and closed successfully.

The EU should engage more in the region. If accession and reform are never in reach, the still fragile peace could fall victim to unresolved problems and broken promises. The people in the WB have, understandably, reached a peak of frustration with their living situation and political representatives, who proved unable to change things. A recent example is BiH, where people all over the country have taken their anger to the streets. The general stagnation in political matters, caused by the fragmentation and corruption of the political scene, has become an unbearable burden for the economy and the people.³⁶²

The tense situation in BiH shows how much reform in the political systems and an improvement of the people's living situation in the WB is needed.³⁶³ Putting the citizens of the region on hold will not contribute to the facilitation of peace and stability, but most likely to the exact opposite. The EU should be more of an active player and less of a quiet observer, if it wants to achieve its own goal of peaceful and functional Western Balkans.

Regarding territorial disputes between member-states and non-member states, the EU should also consider a more tangible solution in the future. One possible solution is that accession should only be possible, once a country has resolved all its bilateral disputes with other candidates. If not, territorial disputes will continuously create problems in future accession processes. Furthermore, if all candidate countries were forced to put their bilateral disputes aside, it might even enhance the chance to solve them. After all, the candidate countries are all striving for the same goal.³⁶⁴

³⁶¹ European Commission, 2013i

³⁶² In 2013 thousands of citizens demonstrated against the politicians' inability to pass a law on standardized ID numbers and in early 2014 protests and riots resulted in the destruction of several official buildings in Tuzla, Sarajevo, Zenica and Brcko. See: Illerhues, Judith (2013): Soziale Proteste in Bosnien und Herzegowina. Ein mögliches Signal zum Aufbruch. In: Friedrich Ebert Stiftung, Perspektive. Available at: <http://library.fes.de/pdf-files/id-moe/10150.pdf> [08.03.2014]; Kleine Zeitung online (2014): Armut und hohe Arbeitslosigkeit als Sprengstoff, 8 February. Available at: <http://www.kleinezeitung.at/nachrichten/politik/3542387/bosnier-haben-genug-den-aasgeiern.story> [09.02.2014]

³⁶³ Illerhues, 2013; Kleine Zeitung online, 2014

³⁶⁴ Uilenreef, 2010, p. 29-30

11. Bibliography

Allcock, John B. (2000): Explaining Yugoslavia. New York: Columbia University Press.

Alić, Anis (2007): Slovenia, Croatia, the EU and Piran Bay. In: The International Relations and Security Network Articles. 23 May 2007. Available at: <http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?id=53176> [11.12.2013]

Altmann, Lothar/ Kasch, Holger (2002): Kroatien am Scheideweg? Der Fall Bobetko als Prüfstein der Außen- und Innenpolitik. In: Stiftung Wissenschaft und Politik-Aktuell. 47. November 2002.

Amnesty International (2013): Belgrade Pride: Serbian authorities bow to extremists once again. 28 September 2013. Available at: <http://www.amnesty.org/en/for-media/press-releases/belgrade-pride-serbian-authorities-bow-extremists-once-again-2013-09-28> [19.12.2013]

Anastasakis, Othon (2008): The EU's political conditionality in the Western Balkans: towards a more pragmatic approach. In: South East European and Black Sea Studies. Volume 8. Issue 4. pp. 365-377.

Attree, Larry/ Istrefi, Astrit (2011): Drawing boundaries in the Western Balkans: A people's perspective. London: Saferworld.

B92 online (2010): Talks on confirming Serbo-Croat borders. 1 May 2010. Available at: http://www.b92.net/eng/news/politics.php?yyyy=2010&mm=05&dd=01&nav_id=66851 [17.01.2014]

B92 online (2011): Croat president: Serbia, Croatia should harmonize interests. 25 June 2011. Available at: <http://www.b92.net/eng/news/region-article.php?mm=6&dd=29&yyyy=2011> [17.01.2014]

B92 online (2013a): EULEX member killed in northern Kosovo. 19 September 2013. Available at: http://www.b92.net/eng/news/crimes.php?yyyy=2013&mm=09&dd=19&nav_id=87711 [19.12.2013]

B92 online (2013b): New poll explores attitudes toward Kosovo issue. 5 March 2013. Available at: http://www.b92.net/eng/news/society.php?yyyy=2013&mm=03&dd=05&nav_id=84999 [02.02.2014]

B92 online (2014): Nikolić says Serbia linked its fate to EU. 24 January 2014. Available at: http://www.b92.net/eng/news/politics.php?yyyy=2014&mm=01&dd=24&nav_id=89111 [27.01.2014]

Balfour, Rosa/ Basić, Dijana (2010): A bridge over troubled borders: Europeanising the Balkans. In: European Policy Centre Policy Brief. November 2010. Available at: http://www.epc.eu/documents/uploads/pub_1170_a_bridge_over_troubled_borders.pdf [10.3.2014]

- Balfour, Rosa/ Stratulat, Corina (2012): The Enlargement of the European Union. In: European Policy Center Discussion Paper. 10 December 2012. Available at: http://www.epc.eu/documents/uploads/pub_3176_enlargement_of_the_eu.pdf [05.12.2013]
- Balkan Insight online (2013a): Romania and Serbia Cross Swords Over Vlach Symbol. 24 October 2013. Available at: <http://www.balkaninsight.com/en/article/romania-again-raises-question-of-vlach-minority-in-serbia> [11.12.2013]
- Balkan Insight online (2013b): EU Presses Serbia on South Stream Pipeline. 20 December 2013. Available at: <http://www.balkaninsight.com/en/article/eu-presses-serbia-on-south-stream-pipeline> [27.12.2013]
- Balkan Insight online (2013c): How Ex-Yugoslav States Funded War Crimes Defendants. 23 December 2013. Available at: <http://www.balkaninsight.com/en/article/how-ex-yugoslav-states-funded-war-crimes-defendants> [01.01.2014]
- Barber, Tony (2013): EU makes headway on healing Kosovo independence rift. In: Financial Times Online. 6 October 2013. Available at: <http://www.ft.com/cms/s/0/fab1da78-2e6f-11e3-be22-00144feab7de.html#axzz2rDpmRP6u> [23.01.2014]
- Barlovac, Bojana (2012): EU: No Date for Serbia Accession Talks. In: Balkan Insight. 11. December 2012. Available at: <http://www.balkaninsight.com/en/article/no-date-for-eu-serbia-talks-brussels-says> [18.12.2013]
- Barlovac, Bojana (2013): Kosovo and Serbia Reach Historic Deal in Brussels. In: Balkan Insight. 19. April 2013. Available at: <http://www.balkaninsight.com/en/article/kosovo-and-serbia-may-seal-eu-deal> [18.12.2013]
- Barlovac, Bojana (2014): Serbia's 35 Steps to EU Membership. In: Balkan Insight. 23. January 2014. Available at: <http://www.balkaninsight.com/en/article/serbia-has-35-steps-to-eu-membership> [02.03.2014]
- BBC News online (2005): EU postpones Croatia entry talks. 16 March 2005. Available at: <http://news.bbc.co.uk/2/hi/europe/4351357.stm> [30.12.2013]
- BBC News online (2013): Croatia plans Cyrillic signs for Serbs in Vukovar. 3 January 2013. Available at: <http://www.bbc.co.uk/news/world-europe-20899868> [18.12.2013]
- Bideleux, Robert/ Jeffries, Ian (2007): The Balkans: A Post-Communist History. New York: Routledge.
- Bieber, Florian (2009): Territory, Identity and the Challenge of Serbia's EU Integration. In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration. Baden-Baden: Nomos. pp. 65-71.
- Bieber, Florian (2012): Serbia's candidate status delay: Romania, the Vlachs of Serbia and the EU. 28 February 2012. Available at: <http://fbieber.wordpress.com/2012/02/28/serbias-candidate-status-delay-romania-the-vlachs-of-serbia-and-the-eu/> [11.12.2013]
- Boeckh, Katrin (2009): Serbien Montenegro. Geschichte und Gegenwart. Regensburg: Friedrich Pustet.

Boelaert-Suominen, Sonja (2000): The International Criminal Tribunal for the former Yugoslavia and the Kosovo conflict. In: International Review of the Red Cross. No. 837. 31 March 2000. Available at: <http://www.icrc.org/eng/resources/documents/misc/57jqd2.htm> [03.01.2014]

Boix, Carles/ Stokes, Susan C. (2007): Introduction. In: Boix, Carles/ Stokes, Susan C.: The Oxford Handbook of Comparative Politics. Oxford et al.: Oxford University Press. pp. 3-23.

Brammertz, Serge (2013): Address of Mr. Serge Brammertz Prosecutor, International Criminal Tribunal for the Former Yugoslavia to the United Nations Security Council. The Hague. 12 June 2013. Text of the Speech available at: http://icty.org/x/file/Press/Statements%20and%20Speeches/Prosecutor/130612_proc_brammertz_un_sc_en.pdf [09.01.2014]

Braniff, Máire (2009): Transforming the Balkans? Lesson Learning and Institutional Reflexivity in the EU Enlargement Approach. In: European Foreign Affairs Review. Vol. 14. Issue 4. pp. 547–563.

Braniff, Máire (2011): Integrating the Balkans: Conflict Resolution and the Impact of EU Expansion. London, New York: I.B. Tauris.

Brozović, Zorana (2011a): Territorial and Border Demarcation Disputes in the Western Balkans. Case Study: The demarcation process between Serbia and Montenegro. In: Belgrade Centre for Security Policy. Policy Paper 3. December 2011. Available at: http://www.bezbednost.org/upload/document/1112231512_pp_3_territorial_an.pdf [11.01.2014]

Brozović, Zorana (2011b): Territorial and Border Demarcation Disputes in the Western Balkans. Case Study: Territorial and boundary disputes between Serbia and Kosovo. In: Belgrade Centre for Security Policy. Policy Paper 4. December 2011. Available at: http://www.bezbednost.org/upload/document/1112271612_pp_4_territorial_an_kosovo.pdf [11.01.2014]

Bunce, Valerie (1997): Conclusion. Peaceful versus violent State Termination. In: Bokovoy, Melissa K./ Irvine, Jill A./ Lilly, Carol S.: State-Society Relations in Yugoslavia. 1945-1992. London et al: MacMillan.

Canas, Vitalino (2007): Independent Montenegro: Early Assessment and Prospects for Euro-Atlantic Integration. In: NATO Parliamentary Assembly. 160 CDS 07 E BIS. Available at: <http://www.nato-pa.int/default.asp?SHORTCUT=1162> [06.01.2014]

Caplan, Richard (2010): The ICJ's Advisory Opinion on Kosovo. In: United States Institute of Peace Peace Brief 55. 17 September 2010. Available at: <http://www.usip.org/sites/default/files/PB55%20The%20ICJs%20Advisory%20Opinion%20on%20Kosovo.pdf> [23.01.2014]

Čavoški, Aleksandra (2013): Perceptions of the European Union in Serbia. In: Heinrich Böll Stiftung. Working Paper 12/2013. Available at: http://www.boell.eu/sites/default/files/uploads/2013/12/perceptions_of_the_eu_in_serbia.pdf [02.02.2014]

Checkel, Jeffrey T. (2000): Compliance and Conditionality. ARENA Working Papers. WP 18/2000. Available at: http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/working-papers2000/wp00_18.htm [02.03.2014]

CIA World Factbook (2013): Serbia: Background. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ri.html> [03.01.2014]

Clapham, David [et al.] (1996): Housing Privatization in Eastern Europe. Westport: Greenwood Press.

Council of the European Union (2013a): Council conclusions on Enlargement and Stabilisation and Association Process. General Affairs Council meeting. Brussels. 17 December 2013. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140142.pdf [18.12.2013]

Council of the European Union (2013b): Council conclusions on Enlargement and Stabilisation and Association Process. General Affairs Council meeting. Brussels. 17 December 2013. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140142.pdf [24.01.2014]

David, Charles-Phillipe (2001): Alice in Wonderland meets Frankenstein: Constructivism, realism and peacebuilding in Bosnia. In: Contemporary Security Policy. 22:1. pp. 1- 30.

Delegation of the EU in the Republic of Croatia (2013): Results of the latest survey on citizens' opinion on EU accession. Available at: <http://www.delhrv.ec.europa.eu/?lang=en&content=4883> [03.02.2014]

Delević, Milica (2009): Serbia's EU Integration: Unfinished Business, but Who is to finish it? In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration. Baden-Baden: Nomos. pp. 41-47.

Der Standard online (2012a): UNO-Tribunal sprach kroatische Ex-Generäle Gotovina und Markac frei. 16 November 2012. Available at: <http://derstandard.at/1350261557975/UNO-Tribunal-sprach-kroatische-Ex-Generaele-Gotovina-und-Markac-frei> [01.01.2014]

Der Standard online (2012b): Nikolic: Möglicher Verzicht Serbiens auf EU-Eingliederung. 16 October 2012. Available at: <http://derstandard.at/1350258441041/Nikolic-Moeglicher-Verzicht-Serbiens-auf-EU-Eingliederung> [27.01.2014]

Der Standard online (2013): Nikolic: Verzicht auf EU bringt Kosovo nicht zurück. 26 March 2013. Available at: <http://derstandard.at/1363706052739/Nikolic-Verzicht-auf-EU-bringt-Kosovo-nicht-zurueck> [27.01.2014]

Der Standard online (2014a): Serbien und EU starteten offiziell Beitrittsgespräche. 21 January 2014. Available at: <http://derstandard.at/1389857712359/Serbien-und-EU-offiziell-mit-Beitrittsgespraechen-begonnen> [24.01.2014]

Der Standard online (2014b): Vorerst keine Neuwahlen in Serbien. 4 February 2014. Available at: <http://derstandard.at/1358305611553/Vorerst-keine-Neuwahlen-in-Serbien> [07.02.2014]

Devrim, Deniz/ Schulz, Evelina (2009): Enlargement Fatigue in the European Union: From Enlargement to Many Unions. Real Instituto Elcano Working Paper 13/2009. Available at: <http://biblioteca.ribei.org/1784/1/WP-13-2009.pdf> [27.11.2013]

Die Presse online (2013): Kroatien: Kommt Volksabstimmung gegen die serbische Minderheit? 2 December 2013. Available at: http://diepresse.com/home/politik/aussenpolitik/1493337/Kroatien_Volksabstimmung-gegen-serbische-Minderheit [18.12.2013]

Diez, Thomas/ Stetter, Stephan/ Albert, Mathias (2004): The European Union and the Transformation of Border Conflicts. Working Papers Series in EU Border Conflict Studies. No. 1. January 2004. Available at: <http://www.birmingham.ac.uk/Documents/college-social-sciences/government-society/polsis/research/eu-border-conflict/wp01-eu-transformation-of-border-conflicts.pdf> [11.03.2014]

Dirmoser, Dietmar (2012): Die Skeptiker kommen. Kroatien nach den Wahlen und vor dem EU Referendum. In: Friedrich Ebert Stiftung Internationale Politikanalyse. Januar 2012. Available at: <http://library.fes.de/pdf-files/id-moe/08858.pdf> [17.12.2013]

Dobbels, Mathias (2009): Serbia and the ICTY: How effective is EU Conditionality? College of Europe Diplomacy Paper 6/2009. Available at: <https://www.coleurope.eu/website/study/eu-international-relations-and-diplomacy-studies/research-activities/eu-diplomacy> [30.03.2014]

Džihic, Vedran/ Kramer, Helmut (2006): Die Kosovo Bilanz. Scheitert die Internationale Gemeinschaft? 2nd updated and corrected edition. Wien: LIT Verlag.

Džihic, Vedran (2006): Bosnien-Herzegowina. In: In: Džihic, Vedran [et al.]: Europa – Verflucht begehrt. Europavorstellungen in Bosnien-Herzegowina, Kroatien und Serbien. Wien: Braumüller. pp. 13-94.

Džihic, Vedran (2012): Serbien nach den Wahlen: Neue Konstellationen, gleiche Problemlagen. Österreichisches Institut für Politikwissenschaft Policy Paper 6/2012. Available at: <http://www.oii.ac.at/de/publikationen/policy-paper.html> [11.03.2014]

Džihic, Vedran (2013): Serbien zwischen EU-Pragmatismus und der Gefahr einer neuen Form der Partokratie. Anmerkungen zur aktuellen Situation in Serbien im Herbst 2013. Österreichisches Institut für Politikwissenschaft Kurzanalyse. September 2013. Available at: <http://www.oii.ac.at/de/publikationen/artikel-kommentare.html> [19.12.2013]

EU Delegation to the Republic of Serbia (2009): Liberalisation of EU visa regime for Serbian citizens celebrated in Belgrade. 18 December 2009. Available at: <http://www.europa.rs/en/mediji/arhiva-vesti/2009/577/To+Europe+without+visas.html#sthash.8AdR6tdw.dpuf> [22.11.2013]

Euractive online (2002): EU Warns Croatia Over Bobetko Case. 13 November 2002. Available at: <http://www.euractiv.com/enlargement/eu-warns-croatia-bobetko-case/article-118202> [29.12.2013]

Euractive online (2005): Croatia: EU's conditions threaten to fuel Euroscepticism. 4 March 2005. Available at: <http://www.euractiv.com/enlargement/brief-croatia-eus-conditions-thr-news-213367> [01.01.2014]

Euractive online (2007): Green light for EU-Serbia 'association' talks. 4 June 2007. Available at: <http://www.euractiv.com/enlargement/green-light-eu-serbia-associatio-news-218263> [07.01.2014]

Euractive online (2012): Slovenia, Croatia agree arbiters for border dispute. 18 January 2012. Available at: <http://www.euractiv.com/enlargement/slovenia-croatia-agree-arbiters-news-510223> [14.01.2014]

Euractive online (2013a): Croatia signals move to end extradition row with EU. 16 September 2013. Available at: <http://www.euractiv.com/central-europe/croatia-signals-move-extradition-news-530448> [16.12.2013]

Euractive online (2013b): Referendum in Kroatien. Nein zur Homo-Ehe. 2 December 2013. Available at: <http://www.euractiv.de/soziales-europa/artikel/nein-zur-homo-ehe-008305> [18.12.2013]

Euractive online (2013c): Croats tear down Cyrillic signs in Vukovar, reviving Yugoslav war memories. 4 September 2013. Available at: <http://www.euractiv.com/culture/croats-tear-signs-cyrillic-vukov-news-530203> [18.12.2013]

EUROPA Summaries of EU Legislation (2007a): Phare programme. Available at: http://europa.eu/legislation_summaries/enlargement/2004_and_2007_enlargement/e50004_en.htm [15.10.2013]

EUROPA Summaries of EU Legislation (2007b): The CARDS programme (2000-2006). Available at: http://europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm [14.10.2013]

EUROPA Summaries of EU Legislation (2010): The stabilisation and association process. Available at: http://europa.eu/legislation_summaries/enlargement/western_balkans/r18003_en.htm [11.10.2013]

EUROPA Summaries of EU Legislation (2012): Instrument for Pre-Accession Assistance (IPA). Available at: http://europa.eu/legislation_summaries/regional_policy/management/e50020_en.htm [09.10.2013]

EUROPA Summaries of EU Legislation (2013): Glossary. Community Acquis.). Available at: <http://dict.leo.org/#/search=deliberately&searchLoc=0&resultOrder=basic&multiwordShowSingle=on> [09.03.2014]

European Commission (1999): The Stabilisation and Association process for countries of South-Eastern Europe. Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic Of Macedonia and Albania. COM(1999)235 final. Available at: <http://aei.pitt.edu/3571/1/3571.pdf> [11.10.2013]

European Commission (2004): Opinion on Croatia's Application for Membership of the European Union. COM(2004) 257 final. Available at: http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004_0257en01.pdf [30.12.2013]

European Commission (2005): Eine europäische Zukunft für das Kosovo. KOM(2005) 156 endgültig. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0156:FIN:DE:PDF> [23.01.2014]

European Commission (2006a): Strengthening the European Neighbourhood Policy. COM(2006) 726. Available at: http://ec.europa.eu/world/enp/pdf/com06_726_en.pdf [24.11.2013]

European Commission (2006b): Enlargement Strategy and Main Challenges 2006 – 2007. COM(2006) 649. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/com_649_strategy_paper_en.pdf [29.02.2014]

European Commission (2006c): Commission Staff Working Document. Croatia 2006 Progress Report. SEC(2006) 1385. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/hr_sec_1385_en.pdf [01.01.2014]

European Commission (2006d): Serbia 2006 Progress Report. COM(2006) 649 final. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/sr_sec_1389_en.pdf [06.01.2014]

European Commission (2006e): Standard Eurobarometer 66. Available at: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_de.pdf [10.03. 2014]

European Commission (2007): Serbia 2007 Progress Report. COM(2007) 663 final. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf [07.01.2014]

European Commission (2008a): Roadmap on visa free travel opens EU doors to Serbia. IP/08/717. Brussels. May 7 2008. Available at: http://europa.eu/rapid/press-release_IP-08-717_d.htm [24.11.2013]

European Commission (2008b): Visa Liberalization with Serbia. Roadmap. Available at: <http://www.esiweb.org/index.php?lang=en&id=352> [28.02.2014]

European Commission (2009a): Enlargement Strategy and Main Challenges 2009-2010. COM(2009)533. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2009/strategy_paper_2009_en.pdf [28.02.2014]

European Commission (2009b): Standard Eurobarometer 72. Available at: http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_vol1_en.pdf [28.02.2014]

European Commission (2011a): Erweiterungsstrategie und wichtigste Herausforderungen 2011-2012. COM(2011)666 final. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0666:FIN:DE:PDF> [20.11.2013]

European Commission (2011b): Evaluation of EU Readmission Agreements. COM(2011)076 final. Available at: http://ec.europa.eu/dgs/home-affairs/news/intro/docs/comm_pdf_com_2011_0076_f_en_communication.pdf [24.11.2013]

European Commission (2012a): Commission Staff Working Document. Comprehensive Monitoring Report on Croatia. SWD(2012) 338. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/hr_analytical_2012_fr.pdf [14.01.2014]

European Commission (2012b): Border Arbitration Agreement between Slovenia and Croatia. MEMO/12/8. 11.01.2012. Available at: http://europa.eu/rapid/press-release_MEMO-12-8_en.htm [16.01.2014]

European Commission (2013a): Steps towards joining. Special process for Western Balkans. Available at: http://ec.europa.eu/enlargement/policy/steps-towards-joining/index_en.htm [14.10.2013]

European Commission (2013b): Overview - Instrument for Pre-accession Assistance. Available at: http://ec.europa.eu/enlargement/instruments/overview/index_en.htm [14.10.2013]

European Commission (2013c): Serbia - financial assistance. Available at: http://ec.europa.eu/enlargement/instruments/funding-by-country/serbia/index_en.htm [14.10.2013]

European Commission (2013d): How does it work? IPA planning and programming. Available at: http://ec.europa.eu/enlargement/instruments/how-does-it-work/index_en.htm [14.10.2013]

European Commission (2013e): Croatia - financial assistance. Available at: http://ec.europa.eu/enlargement/instruments/funding-by-country/croatia/index_en.htm [14.10.2013]

European Commission (2013f): Enlargement. Countries preparing to join. Available at: http://ec.europa.eu/enlargement/countries/check-current-status/index_en.htm [20.11.2013]

European Commission (2013g): Policy and Surveillance. The corrective arm. Available at: http://ec.europa.eu/economy_finance/economic_governance/sgp/corrective_arm/index_en.htm [18.12.2013]

European Commission (2013h): Croatia: Commission takes steps under the Excessive Deficit Procedure. MEMO. 10 December 2013. Available at: http://europa.eu/newsroom/rapid-failover/memo-13-1124_en.pdf [18.12.2013]

European Commission (2013i): Serbia. 2013 Progress Report. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/serbia_2013.pdf [19.12.2013]

European Commission (2013j): Monitoring Report on Croatia's accession preparations. COM(2013) 171 final. Available at: http://ec.europa.eu/commission_2010-2014/fule/docs/news/20130326_report_final.pdf [02.01.2014]

European Commission (2013k): Croatia - Bosnia and Herzegovina: Agreements on border management signed. Available at: http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/06/20130619_en.htm [13.01.2014]

European Commission (2013l): Kosovo's* progress in addressing issues set out in the Council Conclusions of December 2012 in view of a possible decision on the opening of negotiations on the Stabilisation and Association Agreement. JOIN(2013)8 final. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/ks_spring_report_2013_en.pdf [23.01.2014]

European Council (1996): Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina and Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:204:0001:0005:EN:PDF> [15.10.2013]

European Council (2003): The Thessaloniki agenda for the Western Balkans. Moving towards European Integration. In: Press Release. General Affairs and External Relations. 2518th Council meeting. 10369/03 (Presse 166). 16 June 2003. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf [08.10.2013]

European Parliament News (2011): Germany, Austria finally open to workers from new EU countries. 4 May 2011. Available at: <http://www.europarl.europa.eu/news/en/news-room/content/20110504STO18667/html/Germany-Austria-finally-open-to-workers-from-new-EU-countries> [27.11.2013]

Eurostat online (2013): October 2013: Euro area unemployment rate at 12.1%. EU28 at 10.9%. News release 179/2013. 29 November 2013. Available at: http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-29112013-AP/EN/3-29112013-AP-EN.PDF [12.12.2013]

FAZ online (2011a): Nationalisten protestieren gegen Mladics Verhaftung. 29 May 2011. Available at: <http://www.faz.net/aktuell/politik/ausland/serbien-nationalisten-protestieren-gegen-mladics-verhaftung-1642856.html> [07.01.2014]

FAZ online (2011b): Mutmaßlicher Kriegsverbrecher Hadzic gefasst. 20 July 2011. Available at: <http://www.faz.net/aktuell/politik/ausland/serbien-mutmasslicher-kriegsverbrecher-hadzic-gefasst-11106803.html> [07.01.2014]

FAZ online (2011c): Tadic will gegen Mladics Fluchthelfer ermitteln. 2 June 2011. Available at: <http://www.faz.net/aktuell/politik/ausland/serbiens-staatspraesident-im-f-a-z-interview-tadic-will-gegen-mladics-fluchthelfer-ermitteln-1655524.html> [07.01.2014]

Forge, David G./ Kehoskie, Nicole Schude (2007): Enlargement Fatigue in the European Union. In: International Law News. Vol. 36. No. 2. Available at: http://www.barnesrichardson.com/4E8FDC/assets/files/News/tbl_s47Details_FileUpload265_126_forgue_fatigue.pdf [02.04.2014]

Forsberg, Tuomas (1996): Explaining Territorial Disputes: From Power politics to Normative Reasons. Journal of Peace Research. Vol. 33. No. 4. pp. 433-449.

Fouéré, Erwan (2013): Boosting the Balkans' Progress towards the EU. In: Balkan Insight, 16. May 2013. Available at: <http://www.balkaninsight.com/en/article/boosting-the-balkans-progress-towards-the-eu> [20.11.2013]

Fuster, Thomas (2013): EU-Beitritt von Kroatien. Verblasster Glanz. In: Neue Zürcher Zeitung. 29 June 2013. Available at: <http://www.nzz.ch/aktuell/international/reportagen-und-analysen/verblasster-glanz-1.18107729> [12.12.2013]

Gärtner, Heinz (2008): Internationale Sicherheit. Definitionen von A-Z. 2nd revised and updated Version. Baden-Baden: Nomos.

Geoghegan, Peter (2013): Kosovo Serbs head to the polls – again. In: Deutsche Welle. 7. November 2013. Available at: <http://www.dw.de/kosovo-serbs-head-to-the-polls-again/a-17211698> [19.12.2013]

Glass, Susanne (2011): Interview mit Serbiens Präsident Boris Tadic: "Mladic wurde nur viereinhalb Jahre gesucht". For: ARD-Studio Südosteuropa. 30.05.2011. Interview Text available at: <http://www.tagesschau.de/ausland/interviewtadic100.html> [07.01.2014]

Goldstein, Ivo (2004): Croatia: A History. 3rd Impression. London: C. Hurst.

Gordy, Eric D. (2005): Post-War Guilt and Responsibility in Serbia: The Effort to confront it and the Effort to avoid it. In: Ramet, Sabrina P.: Serbia since 1989: Politics and Society under Milosevic and After. Seattle: University of Washington Press. pp. 166-191.

Guzzini, Stefano (2000): A Reconstruction of Constructivism in International Relations. In: European Journal of International Relations. Vol. 6(2). pp. 147-182.

Hagan, John (2003): Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal. Chicago: The University of Chicago Press.

Haynes, Jeffrey (2005): Comparative Politics in a Globalizing World. Cambridge: Polity Press.

Hillion, Christophe (2010): The Creeping Nationalisation of the EU Enlargement policy. Swedish Institute for European Policy Studies. Report 2010:6. Available at: <http://www.wider-europe.org/sites/default/files/attachments/events/SIEPS%20report.pdf> [02.04.2014]

Hopkins, Valerie (2013): What does Croatia's same-sex marriage referendum mean? In: Open Democracy. 18 December 2013. Available at: <http://www.opendemocracy.net/5050/valerie-hopkins/what-does-croatia%E2%80%99s-same-sex-marriage-referendum-mean> [18.12.2013]

Hösch, Edgar (2007): Geschichte des Balkans. 2nd edition. München: C.H. Beck.

Humanitarian Law Center (2013): About us. Available at: http://www.hlc-rdc.org/?page_id=14390&lang=de [09.01.2014]

Huth, Paul K. (1998): *Standing Your Ground: Territorial Disputes and International Conflict*. Ann Arbor: The University of Michigan Press.

Hyde-Price, Adrian (2008): A 'tragic' actor? A realist perspective on 'ethical power Europe'. In: *International Affairs* 84:1. pp. 29-44.

ICG (2004): Serbia's Changing Political Landscape. In: International Crisis Group Europe Briefing. 22 July 2004. Available at: http://www.crisisgroup.org/~media/Files/europe/040722_serbia_changing_political_landscape.pdf [05.01.2014]

ICTY (1995): The Prosecutor of the Tribunal against Radovan Karadzic and Ratko Mladic. Indictment. CASE NO.: IT-95-18-I. Available at: <http://www.icty.org/x/cases/karadzic/ind/en/kar-ii951116e.pdf> [05.01.2014]

ICTY (2004a): Case Information Sheet: "Medak Pocket" (IT-04-78) Ademi & Norac. Available at: http://www.icty.org/x/cases/ademi/cis/en/cis_ademi_norac.pdf [28.12.2013]

ICTY (2005a): Transfer of Ante Gotovina to the Tribunal. In: International Criminal Tribunal for the former Yugoslavia Press Release. CVO/MO/1034e.10 May 2005. Available at: <http://www.icty.org/sid/8497> [01.01.2014]

ICTY (2005b): Facts about Srebrenica. In: International Criminal Tribunal for the former Yugoslavia Outreach. Available at: http://www.icty.org/x/file/Outreach/view_from_hague/jit_srebrenica_en.pdf [03.01.2014]

ICTY (2006): Case Information Sheet. Kosovo, Croatia and Bosnia (IT-02-54) Slobodan Milošević. Available at: http://www.icty.org/x/cases/slobodan_milosevic/cis/en/cis_milosevic_slobodan_en.pdf [04.01.2014]

ICTY (2012a): Case Information Sheet: "Operation Storm" (IT-06-90) Gotovina & Markač. The Prosecutor v. Ante Gotovina, Ivan Cermak & Mladen Markac. Available at: http://www.icty.org/x/cases/gotovina/cis/en/cis_gotovina_al_en.pdf [01.01.2014]

ICTY (2012b): Case Information Sheet: (IT-03-67) Vojislav Šešelj. Available at: http://www.icty.org/x/cases/seselj/cis/en/cis_seselj_en.pdf [05.01.2014]

ICTY (2012c): Tribunal closes field offices in Croatia and Kosovo. In: Press Release. CT/CS/PR1542e. 31 December 2012. Available at: <http://www.icty.org/sid/11180> [05.01.2014]

ICTY (2013a): Case Information Sheet: (IT-04-75) Goran Hadzic. Available at: http://www.icty.org/x/cases/hadzic/cis/en/cis_hadzic_en.pdf [06.01.2014]

ICTY (2013b): ICTY Facts and Figures. January 2014. Available at: http://www.icty.org/x/file/About/Infographics/Infographic_facts_figures_en.pdf [08.01.2014]

Illerhues, Judith (2013): Soziale Proteste in Bosnien und Herzegowina. Ein mögliches Signal zum Aufbruch. In: Friedrich Ebert Stiftung Perspektive. Juli 2013. Available at: <http://library.fes.de/pdf-files/id-moe/10150.pdf> [08.03.2014]

Jović, Dejan (2006): Croatia and the European Union: A long delayed journey. In: Journal of Balkan and Near Eastern Studies. Vol. 8. No. 1. April 2006. pp. 85-103.

Jović, Dejan (2009): Croatia after Tudjman: The ICTY and Issues of transitional Justice. In: Batt, Judy/Obradovic-Wochnik, Jelena: War crimes, Conditionality and EU Integration in the Western Balkans. European Union Institute for Security Studies Chaillot Paper. No. 116. June 2009. pp. 13-28.

Jović, Dejan (2011): Turning Nationalists into EU Supporters: the case of Croatia. In: European Institute for Security Studies Chaillot Papers. No. 126. June 2011. pp. 33-45.

Jović, Dejan (2012): Croatian EU Membership and the Future of the Balkans. In: Džihic, Vedran/ Hamilton, Daniel: Unfinished Business: The Western Balkans and the International Community. Washington D.C.: Center for Transatlantic Relations. pp. 201-209.

Kälin, Walter (2000): Guiding Principles on Internal Displacement. In: Studies in Transnational Legal Policy. No. 32. pp. 1-75.

Klarin, Mirko (2009): The Impact of the ICTY Trials on Public Opinion in the Former Yugoslavia. In: Journal of International Criminal Justice. 7/2009. pp.89-96.

Kleine Zeitung online (2014): Armut und hohe Arbeitslosigkeit als Sprengstoff. 8 February 2014. Available at: <http://www.kleinezeitung.at/nachrichten/politik/3542387/bosnier-haben-genug-den-aasgeiern.story> [09.02.2014]

Klemenčić, Mladen/ Shofield, Clive (2004): Contested Boundaries and Troubled Borderlands. In: Pavlakovich-Kochi, Vera/ Morehouse, Barbara J./ Wastl-Walter, Doris: Challenged Borderlands: Transcending Political and Cultural Boundaries. Aldershot: Ashgate. pp. 63-74.

Kočić, Nebojša (2014): More than half of Serbian citizens want the EU – survey. In: InSerbia. 29 January 2014. Available at: <http://inserbia.info/news/2014/01/more-than-half-of-serbian-citizens-want-the-eu-survey/> [02.02.2014]

Kotevska, Biljana (2009): Ending ‘Ghettoisation’ of the Western Balkans. Visa Liberalisation Prospects. In: Analytica. 3/20/2009. pp. 1-23.

Krell, Gert (2000): Weltbilder und Weltordnung. Einführung in die Theorie der internationalen Beziehungen. Baden-Baden: Nomos.

Kuljic, Todor (2010): Umkämpfte Vergangenheiten. Die Kultur der Erinnerung im post-jugoslawischen Raum. Berlin: Verbrecher Verlag.

Kupchan, Charles A. (2012): Von Feindschaft zu Freundschaft. Wie Frieden ausbricht. In: Friedrich Ebert Stiftung Internationale Politikanalyse. Februar 2012. Available at: <http://library.fes.de/pdf-files/iez/08898.pdf> [10.03.2014]

Lamont, Christopher K. (2009): Contested Sovereignty: The International Politics of Regime Change in the Federal Republic of Yugoslavia. In: Journal of Communist Studies and Transition Politics. 25:2-3. pp. 181-198.

Lamont, Christopher K. (2010): International Criminal Justice and the Politics of Compliance. Farnham: Ashgate.

Lašas, Ainius (2013): Legacies of Srebrenica: The Dutch Factor in EU-Serbian Relations. In: Political Psychology. Volume 34. No. 6. pp. 899-915.

Lecheler, Sophie/ De Vreese, Claes (2010): Framing Serbia: the effects of news framing on public support for EU enlargement. In: European Political Science Review. Volume 2. Issue 01/March 2010. pp 73-93.

Magliveras, Konstantinos D. (2002): The Interplay between the Transfer of Slobodan Milosevic to the ICTY and Yugoslav Constitutional Law. In: European Journal of International Law. Vol. 13. No. 3. pp. 661-677.

Manners, Ian (2002): Normative Power Europe: A Contradiction in Terms? In: Journal of Common Market Studies. Volume 40. Number 2. pp. 235-258.

May, Ernest R./ Rosecrance, Richard/ Steiner, Zara (2010): History and Neorealism. New York: Cambridge University Press.

Melčić, Dunja (2008): Croatia's Discourse about the Past. In: Ramet, Sabrina P./ Clewing, Konrad/ Lukić, Reneo: Croatia since Independence. War, Politics, Society, Foreign Relations. München: R. Oldenbourg. pp.107-139

Morgenthau, Hans J. (1985): Politics among Nations. The Struggle for Power and Peace. 6th edition revised by Kenneth Thompson. New York: Alfred A. Knopf.

Nikolov, Nikolay (2014): Determined and United in the Western Balkans. In: Balkanist. 25 February 2014. Available at: <http://balkanist.net/determined-and-united-in-the-western-balkans/> [05.03.2014]

Nugent, Neill (2000): EU Enlargement and 'the Cyprus Problem'. In: Journal of Common Market Studies. Vol. 38. No. 1. pp. 131-150.

Nugent, Neill (2010): The Government and Politics of the European Union. 7th edition. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

ÖGfE (2013): ÖsterreicherInnen sehen in EU-Erweiterung keine Priorität - stärkere Zusammenarbeit der EU-Länder vorrangig. In: Österreichische Gesellschaft für Europapolitik Umfrage. 16 October 2013. Available at: [http://www.oegfe.at/cms/index.php?id=63&tx_ttnews\[backPid\]=113&tx_ttnews\[tt_news\]=647&cHash=42c74c9632](http://www.oegfe.at/cms/index.php?id=63&tx_ttnews[backPid]=113&tx_ttnews[tt_news]=647&cHash=42c74c9632) [10.02.2014]

Orentlicher, Diane F. (2008): Shrinking the Space for Denial. The Impact of the ICTY in Serbia. In: Open Society Justice Initiative Report. May 2008. Available at: http://www.opensocietyfoundations.org/sites/default/files/serbia_20080501.pdf [12.03.2014]

OSCE (2002): Background Report: The ICTY and General Janko Bobetko. 10 October 2001. Available at: <http://www.osce.org/zagreb/22043> [29.12.2013]

OSCE (2005): Spot Report: Reaction in Croatia to the arrest of Ante Gotovina. 13 December 2005. Available at: <http://www.osce.org/zagreb/17496> [01.01.2014]

OSCE (2011): Attitudes towards war crimes issues, ICTY and the national judiciary. Available at: <http://www.osce.org/serbia/90422> [03.02.2014]

Paić, Hrvoje (2006): Kroatien. In: Džihic, Vedran [et al.]: Europa - Verflucht begehrt. Europavorstellungen in Bosnien-Herzegowina, Kroatien und Serbien. Wien: Braumüller. pp. 95-152.

Pavlaković, Verjan (2005): Introduction: Serbia as a Dysfunctional State. In: Ramet, Sabrina P./ Pavlaković, Verjan: Serbia since 1989: Politics and Society under Milosevic and After. Seattle: University of Washington Press. pp. 3-10.

Pavlaković, Verjan (2008): Croatia and the ICTY. In: Ramet, Sabrina P./ Clewing, Konrad/ Lukić, Reneo: Croatia since Independence. War, Politics, Society, Foreign Relations. München: R. Oldenbourg. pp.447-469.

Peckham, Robert Shannan (2003): Rethinking Heritage: Cultures and Politics in Europe. London, New York: I.B. Tauris.

Pellet, Alain (1992): The Opinions of the Badinter Arbitration Committee. A Second Breath for the Self-Determination of Peoples. In: European Journal of International Law 3 (1). pp. 178-185.

Perkovic, Ana Jese (2013): National Heroes vs. EU Benefits: Croatia and the EU Conditionality. In: Central European University Political Science Journal. Vol. 8. No. 2. pp. 177-201.

Planert, Ute (2004): Nation und Nationalismus in der deutschen Geschichte. In: Politik und Zeitgeschichte. B 39/2004. pp. 11-18.

Pop, Valentina (2010): Croatia and Serbia vow not to use bilateral disputes as EU veto. In: EU Observer. 29 March 2010. <http://euobserver.com/enlargement/29783> [22.01.2014]

Pollack, Mark A. (2012): Realist, Intergovernmentalist, and Institutionalist Approaches. In: Jones, Erik/ Menon, Anand/ Weatherill, Stephen: The Oxford Handbook of the European Union. Oxford: Oxford University Press. pp. 3-17.

Ramet, Sabrina P. (2006): The three Yugoslavias. State-building and legitimation, 1918 - 2005. Washington DC: Woodrow Wilson Center Press.

Ramet, Sabrina P. (2011): Die Drei Jugoslawien. Eine Geschichte der Staatsbildungen und ihrer Probleme. Updated and corrected edition. München: R. Oldenbourg.

Ratz, Alexander (2005): Kroatien. "Geiselnhaft" wegen Gotovina. In: Stern online. 16 March 2005. Available at: <http://www.stern.de/politik/ausland/kroatien-geiselnhaft-wegen-gotovina-537780.html> [access date: 30.12.2013]

Reljić, Dušan (2013): Die jugoslawische Tragödie. In: Deutschlandradio Kultur. Lesart. 29.03.2013. Available at: <http://www.dradio.de/dkultur/sendungen/lesart/2057457/> [30.08.2013]

Riescher, Gisela (2007): Nationalismus. In: Nohlen, Dieter/ Grotz, Florian: Kleines Lexikon der Politik. 4th revised and extended edition. München: C.H. Beck. p. 345.

Ristić, Irena (2009): Stuck between a Rock and a Hard Place: Serbia's EU Integration Process. In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration. Baden-Baden: Nomos. pp. 49-54.

Ristić, Marija (2013): EU Mulls Kosovo's Role in Serbia Talks. In: Balkan Insight. 3. December 2013. Available at: <http://www.balkaninsight.com/en/article/eu-mulls-to-insert-kosovo-in-serbia-talks> [18.12.2013]

Ristić, Marija/Ivanović, Josip (2014): Croatia-Serbia Genocide Lawsuits Expected to Fail. 28 February 2014. Available at: <http://www.balkaninsight.com/en/article/serbia-croatia-genocide-lawsuits-expected-to-fail> [05.03.2014]

Rodin, Siniša (2007): Identity and the Divergence of Discourses in Croatia and Europe. In: Croatian Yearbook of European Law and Policy. Vol. 3 (2007). pp. 229-240.

Rupnik, Jacques (2011): The Western Balkans and the EU: 'The Hour of Europe'. In: European Union Institute for Security Studies Chaillot Paper. No. 126. June 2011.

Šabić, Zlatko/Jelušić, Ljubica (2003): Slovenia and NATO Enlargement: Twists, Turns and Endless Frustrations. In: Krupnick, Charles: Almost NATO: Partners and Players in Central and Eastern European security. Lanham: Rowman & Littlefield. pp. 83-118.

Schimmelfennig, Frank (1999): The Double Puzzle of EU Enlargement. Liberal Norms, Rhetorical Action, and the Decision to Expand to the East. In: ARENA Working Papers. WP 15/1999. Available at: http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/working-papers1999/wp99_15.htm [02.04.2014]

Schimmelfennig, Frank/ Engert, Stefan/ Knobel, Heiko (2003): Europäisierung in Osteuropa: Reaktionen auf die demokratische Konditionalität. In: Österreichische Zeitschrift für Politikwissenschaft. 32. 2003/3. pp. 321-337.

Schroeder, Paul W. (2010): Not even for the seventeenth and eighteenth centuries: power and order in the early modern era. In: May, Ernest R./ Rosecrance, Richard/ Steiner, Zara: History and Neorealism. New York: Cambridge University Press. pp. 78-102.

Schwok, René (1999): Is there a Security Dimension in the EU Enlargement to Central and Eastern Europe? In: Goetschel, Laurent: Security in a Globalized World: Risks and Opportunities. Programme for Strategic and International Security Studies. Baden-Baden: Nomos. pp. 153-162.

SEIO (2012): European Orientation of the Citizens of Serbia. December 2012. Available at: http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanja_javnog_mnjenja/opinion_poll_13.pdf [02.02.2014]

SEIO (2013): European Orientation of the Citizens of Serbia. December 2013. Available at: http://www.seio.gov.rs/upload/documents/nacionalnadokumenta/istrazivanja_javnog_mnjenja/opinion_poll_dec_2013.pdf [02.02.2014]

Silber, Laura/ Little, Allan (1996): *The Death of Yugoslavia*. Revised edition. London et al: Penguin Books/ BBC Books.

Simmons, Beth A. (2002): *Capacity, Commitment and Compliance: International Institutions and Territorial Disputes*. In: *Journal of Conflict Resolution*. 46/2002. pp. 829-856.

Smale, Alison/ Bilefsky, Dale (2006): *Fighting EU 'enlargement fatigue'*. In: *The New York Times online*. 19 June 2006. Available at:
http://www.nytimes.com/2006/06/19/world/europe/19iht-eu.2005285.html?_r=1&
[27.11.2013]

Søberg, Marius (2007): *Croatia since 1989: The HDZ and the Politics of Transition*. In: Ramet, Sabrina P./ Matić, Davorka: *Democratic Transition in Croatia. Value Transformation, Education & Media*. College Station: Texas A&M University Press. pp. 31-62

SORS (2013): *Rates of activity, employment, inactivity and unemployment*. Available at:
<http://webrzs.stat.gov.rs/WebSite/public/PublicationView.aspx?pKey=41&pLevel=1&pubType=2&pubKey=2128> [19.12.2013]

Spiegel Online (2012): *Surprise from The Hague: Yugoslav Tribunal Overturns Croatian Guilty Verdicts*. 16 November 2012. Available at:
<http://www.spiegel.de/international/europe/the-yugoslav-war-crimes-tribunal-overturns-gotovina-conviction-a-867689.html> [01.01.2014]

Spiegel Online (2013): *Verfassungsänderung: Kroatiens Nationalisten wollen Minderheitenrechte beschneiden*. 16 December 2013. Available at:
<http://www.spiegel.de/politik/ausland/kroatien-nationalisten-wollen-referendum-ueber-minderheitenrechte-a-939411.html> [18.12.2013]

Stability Pact for South Eastern Europe (1999): *Cologne Document*. Available at:
<http://www.stabilitypact.org/constituent/990610-cologne.asp> [08.09.2013]

Steele, Jonathan (2001): *Kostunica snubs UN call to seize Milosevic. War crimes prosecutor in frosty talks with president*. In: *The Guardian online*. 24 January 2001. Available at:
<http://www.theguardian.com/world/2001/jan/24/warcrimes.jonathansteele> [03.01.2014]

Stratulat, Corina (2013): *For better, for worse: The European Union takes Croatia as its 28th member*. In: *European Policy Center Commentary*. 12 June 2013. Available at:
http://www.epc.eu/documents/uploads/pub_3579_the_european_union_takes_croatia_as_its_28th_member.pdf [12.12.2013]

Subotić, Jelena (2013a): *Diverging paths in the Western Balkans*. In: *Current History*. March 2013. Vol. 112. Issue 752. pp. 107-113.

Subotić, Jelena (2013b): *Perceptions of Legitimacy in the Western Balkans*. In: *Woodrow Wilson Center for Scholars Working Paper*. Available at:
<http://www.wilsoncenter.org/sites/default/files/Subotic%20Working%20Paper%20%236.pdf>
[09.01.2014]

Sueddeutsche Zeitung online (2010): Karadzic Auslieferung: "Tadic, Du bist am Ende". 17 May 2010. Available at: <http://www.sueddeutsche.de/politik/karadzic-auslieferung-tadic-du-bist-am-ende-1.599989> [06.01.2014]

Sundhaussen, Holm (2003): Staatsbildung und ethnisch-nationale Gegensätze in Südosteuropa. In: Politik und Zeitgeschichte. B 10-11/2003. pp. 3-9.

Sundhaussen, Holm (2007): Geschichte Serbiens. 19.-21. Jahrhundert. Wien, Köln, Weimar: Böhlau.

Swoboda, Hannes (2009): Serbia and European Integration. In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration. Baden-Baden: Nomos. pp. 33-40.

Szołucha, Anna (2010): The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue? In: Journal of Contemporary European Research. Volume 6. Issue 1. pp. 107-122.

The Delegation of the European Union to Serbia (2012): Milestones in EU-Serbia relations. Available at: http://www.europa.rs/en/srbija-i-evropska-unija/politicki_ekonomski_odnosi.html [07.01.2014]

The Economist online (2006): A case of enlargement fatigue. Hostility to expansion of the European Union reflects displaced fears of globalisation. 11 May 2006. Available at: <http://www.economist.com/node/6914116> [25.11.2013]

The Guardian online (2006): Enlargement fatigue. 27 September 2006. Available at: <http://www.theguardian.com/commentisfree/2006/sep/27/politics.eu> [25.11.2013]

The Slovenia Times online (2013): Arbitration on Border with Croatia Entering Next Phase. 27 December 2013. Available at: <http://www.sloveniatimes.com/arbitration-on-border-with-croatia-entering-next-phase> [01.04.2014]

Todorić, Vladimir/ Malazogu, Leon (2011): Belgrade Prishtina Dialogue: Transformation of Self-Interest required. In: Democracy for Development. 16 November 2011. Available at: <http://d4d-ks.org/assets/2012/09/2011-11-16-PER-Beograd-Pristina-Dialogue.pdf> [24.01.2014]

Todorova, Maria (1997): Imagining the Balkans. New York, Oxford: Oxford University Press.

Traynor, Ian (2010): Serbia closer to EU status as UK drops veto. In: The Guardian online. 14 June 2010. Available at: <http://www.theguardian.com/world/2010/jun/14/serbia-eu-uk-drops-veto> [07.01.2014]

Uilenreef, Arjan (2010): Bilateral barriers or good neighbourliness? The role of bilateral disputes in the EU enlargement process. In: Clingendael European Papers. June 2010. Available at: http://www.clingendael.nl/sites/default/files/20100600_cesp_paper_uilenreef.pdf [15.02.2014]

UN General Assembly Security Council (1995): General Framework Agreement for Peace in Bosnia and Herzegovina. 30 November 1995. Available at: <http://www.ucdp.uu.se/gpdatabase/peace/BoH%2019951121.pdf> [15.08.2013]

UN Security Council (1993): Statut des Internationalen Strafgerichtshofs für das ehemalige Jugoslawien. Available at: <http://www.un.org/depts/german/internatrecht/jugostat2000.pdf> [27.12.2013]

USIP (1995): The Erdut Agreement. Available at: http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/croatia_erdut_11121995.pdf [15.08.2013]

Vlahutin, Romana (2009): The European Union, the Western Balkans and Serbia. Can things be done better? In: Petritsch, Wolfgang/ Svilanović, Goran/ Solioz, Christophe: Serbia matters. Domestic Reforms and European Integration. Baden-Baden: Nomos. pp. 55-63.

Vilson, Thomas M./ Hastings, Donnan (2012): A Companion to Border Studies. West Sussex: Wiley-Blackwell.

Waltz, Kenneth (1979): Theory of International Politics. London et al.: Addison-Wesley.

Wendt, Alexander (1999): Social Theory of International Politics. Cambridge, New York, Port Melbourne: Cambridge University Press.

Zuokui, Liu (2010): EU's Conditionality and the Western Balkans' Accession Roads. In: Journal on European Perspectives of the Western Balkans. Vol. 2. No. 1. pp 79-98.

Abstract

Serbia and Croatia are important and influential players in the Western Balkans region and the two states also share a common past and faced some similar obstacles in the European integration process. But while Croatia became a member of the European Union faster than any other Western Balkans country involved in the current enlargement process, Serbia's integration process is marked by ups and downs and the country is not likely to join soon. The different accession pace of these two states suggests that they are not as similar as it seems and led to the core question of this thesis: What did Croatia do differently? The aim of the analysis is to find out, why Croatia's integration process proceeded so much faster than that of Serbia. Therefore the two states and the European Union are analysed using different theoretical approaches. A comparison of Croatia and Serbia in specific areas reveals their similarities and differences, while an examination of the strategies behind the enlargement round for the Western Balkans and the current approach of the EU provide a bigger picture of the integration process.

Serbien und Kroatien sind wichtige und einflussreiche Akteure in der Region des Westlichen Balkans und die zwei Staaten verbinden auch eine gemeinsame Vergangenheit und einige ähnliche Hindernisse, die sie im Rahmen des Europäischen Beitrittsprozesses überwinden mussten. Doch während Kroatien schneller als alle anderen Länder des Westlichen Balkans ein Mitglied der Europäischen Union wurde, ist Serbiens Integrationsprozess von Fort- und Rückschritten gekennzeichnet und ein Beitritt wird noch längere Zeit ausständig bleiben. Die unterschiedlichen Geschwindigkeiten der Beitrittsprozesse der beiden Staaten legen die Vermutung nahe, dass sie doch nicht so ähnlich sind, wie es scheint und führten zur Kernfrage dieser Arbeit: Was hat Kroatien anders gemacht? Das Ziel der Analyse ist es herauszufinden, warum Kroatiens Beitrittsprozess so viel schneller fortschritt als jener Serbiens. Zu diesem Zweck werden die beiden Staaten und die Europäische Union anhand unterschiedlicher theoretischer Zugänge untersucht. Ein Vergleich von Kroatien und Serbien in spezifischen Bereichen, zeigt ihre Ähnlichkeiten und Unterschiede, während eine Analyse der Strategien, die hinter der Erweiterungsrunde für den Westlichen Balkan stehen, und der aktuellen Herangehensweise der Europäischen Union mehr Aufschluss über den gesamten Beitrittsprozess geben soll.

Curriculum Vitae

Personal Data

Name: Verena-Christiane Gärtner

Education

1998 - 2002	Bundesgymnasium Klosterneuburg
2002 - 2006	Bundesoberstufenrealgymnasium Hegelgasse, 1010 Wien
2006 - 2011	Diploma/Bachelor programme in Political Science, University of Vienna
2012 - 2014	Master programme in Political Science, University of Vienna

Training

Autumn 2012	Training Academy in European Affairs European Movement International (EMI) Brussels, Belgium
Summer 2012	Summer School in Comparative Conflict Studies Belgrade Singidunum University Belgrade, Serbia

Languages

Mother tongue:	German
Other languages:	English, French, Czech, Serbian, Hebrew