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Europeanization and the Statehood Problem: The Cases of Croatia and Serbia

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Abstract

Croatia and Serbia are two countries that started their paths toward the EU with similar conditions. Nevertheless, in 2018, the end of this study's period, the two countries are characterized by different outcomes regarding European integration. This paper puts forward one key determinant for the more successful Europeanization process of Croatia—resolved statehood problem—and claims that the unresolved statehood problem in Serbia led to higher adoption costs of EU rules. Therefore, this article seeks to improve the theorization of the relationship between Europeanization and the statehood problem.

Keywords: European integration; Western Balkans; adoption costs; state building; nation building

Introduction

The ethno-political conflicts and the rise of competitive authoritarianism (Levitsky and Way 2010) regimes in Croatia and Serbia caused a long period of transition to democracy, which ended nearly a decade after the fall of communism. As a result, and in contrast to most Central and Eastern European countries, the incentive of European Union (EU) membership initially did not play an important role in their transformation processes. The political power of the leadership of the two countries at that time—Tuđman and his Hrvatska Demokratska Zajednica (the Croatian Democratic Union; hereafter HDZ) and Milošević and his Socijalistička Partija Srbije (the Socialist Party of Serbia; hereafter SPS)—depended on strategies that were not compatible with the prerequisites of EU membership regarding liberal democracy. Because of this, the benefits of EU membership were not attractive to the former leadership since the adoption costs of the EU rules were too high and their implementation would have threatened former leadership's political power. As Börzel put it, “the less democratic... a state is, the higher the domestic costs of Europeanization and the lower the willingness... of governments and other domestic actors to deal with them” (2000, 4).

Thus, the potentiality of EU membership for these successor states of Yugoslavia did not come until later. The EU only “entered the game” when these countries achieved the criteria for an electoral democracy. This phase began after the collapse of the already mentioned competitive authoritarianism regimes and the organization of free and fair elections, which occurred for both countries in 2000. Therefore, Croatia and Serbia not only started their path toward EU membership at the same point in time. The fact that the state of democracy in both countries was similar—confirmed by them being awarded the status “free” by the 2004 Freedom House Reports¹—also means that the incompatibility between European-level and domestic-level (Börzel and Risse 2000, 2) was similar. At the start of the accession process, Croatia and Serbia were thus characterized by a similar “goodness of fit” or degree of “misfit” (Börzel and Risse 2000, 5) with respect to political criteria of EU membership.

What is more, Croatia's and Serbia's European paths were characterized by other similar initial conditions that, according to the literature on Europeanization, decisively influence the success of this process (Börzel and Risse 2003; Schimmelfennig and Sedelmeier 2005; Elbasani 2013a; Börzel, Dimitrova, and Schimmelfennig 2017): similar historical legacies, elites and societies committed to European integration, and the same treatment from the EU with respect to the conditions and rules of the accession. Despite all these important similarities, however, at the end of the period of this study (2018), the two countries are characterized by significantly different outcomes in their respective European integration process. While Croatia was an EU member state since 2013, Serbia was still a candidate country, which only in December 2015 opened its first chapters in the accession negotiations. Accordingly, the purpose of this paper is to explain these disparate outcomes.

In recent years, much attention has been paid to studying Europeanization. Schimmelfennig and Sedelmeier define it as “a process in which states adopt EU rules” (2005, 7). According to them, the pivotal questions in Europeanization are how, why, and under what circumstances does a non-member state adopt a number of the EU rules and how does their implementation affect the country's political system (Schimmelfennig and Sedelmeier 2005, 7)? These questions, namely the conditions under which EU accession conditionality has led to rule adoption in candidate countries of Eastern enlargement, have been investigated by many authors (Grabbe 2002; Vachudova 2009; Vink and Graziano 2007). In other words, the Europeanization literature already has identified various modes by which the EU brings about compliance with its rules and practices based on constructivist and rationalist variables as explanatory factors (Cowles, Caporaso, and Risse 2001; Börzel and Risse 2012; Noutcheva 2012; Börzel, Dimitrova, and Schimmelfennig 2017).

In this regard, Schimmelfennig and Sedelmeier (2004, 2005) distinguished two dimensions of the Europeanization mechanisms. On the one hand, Europeanization can be EU or domestically driven. On the other hand, using the classification of March and Olsen (1989), Europeanization can also be based on different institutional logics: the “logic of consequences”—based on external incentives that the EU provides for a country's compliance with the EU conditions—and the “logic of appropriateness”—according to which “Europeanization is induced by social learning and persuasion, and candidate countries consider the adoption of EU rules and regulations as legitimate” (Schimmelfennig and Sedelmeier 2004, 2005; Zhelyazkova et al. 2018, 16). Departing from these assumptions, Schimmelfennig and Sedelmeier (2004, 2005) suggest three theoretical models for explaining Europeanization: the external incentives model, which they regard as the dominant one, and two alternative ones—the social learning model and the lesson-drawing model.

The social learning model puts an emphasis on internal identities, values, and norms as the reasons for compliance, while the lesson-drawing model assumes that the country adopts the EU rules if it considers “these to be effective remedies to domestic challenges and needs and not because of the coercive or normative power of the EU” (Zhelyazkova et al. 2018, 20–21). Contrary to the social learning and lesson-drawing models, the external incentives model is a rational choice model which assumes that political actors comply with EU rules only if the benefits of the reward outweigh its domestic political costs (Zhelyazkova et al. 2018, 20–21).

It is important to emphasize that these constructivist and rationalist pathways are not mutually exclusive. In praxis, they often occur simultaneously or characterize different phases in processes of adaptational change (Börzel and Risse 2003, 74). However, several authors (Schimmelfennig and Sedelmeier 2005; Noutcheva and Aydin-Düzgit 2012; Noutcheva 2012; Zhelyazkova et al. 2018) have argued that the cost-benefit calculations and incentives, particularly those aligned with the ruling elites' domestic interests, play the most important role in the process of Europeanization. In line with these studies, this paper uses an actor-centered external incentives model (Schimmelfennig and Sedelmeier 2005). This model foresees that cost-benefit balance depends on four factors. First, cost-benefit balance depends on the determinacy and consistency of EU conditions, which implies the following (Schimmelfennig and Sedelmeier 2005; Zhelyazkova et al. 2018): candidate countries know exactly what they need to do in order to meet EU conditions; they know how relevant and binding these conditions are; and all candidates are subject to the same

requirements. Second, the credibility of accession implies "...credibility of the EU's threat to withhold rewards in case of non-compliance and, conversely, its promise to deliver the reward in case of rule adoption" (Schimmelfennig and Sedelmeier 2004, 673). It also depends on the level of consensus and conflict within the EU about accession (Zhelyazkova et al. 2018). Third, the capacity of candidate countries refers to the ability of the candidate states to implement the EU conditions (Zhelyazkova et al. 2018), namely to the capacity of a country to pursue the EU's agenda (Noutcheva 2009). Fourth, cost-benefit balance depends on domestic adoption costs, for which size and distribution determine candidate states' compliance with EU conditions (Zhelyazkova et al. 2018).

Using the process tracing approach that relies on a developed theoretical causal mechanism, we further point to the statehood problem as the main variable explaining the disparate outcomes. The relationship between the statehood problem and Europeanization is not a new phenomenon. Börzel (2013), for example, studied the impact of two dimensions of statehood on Europeanization. She argued that "limited statehood is the main impediment for the Western Balkans on their road to Brussels" because "it affects both the capacity and the willingness of countries to conform to the EU's expectations for domestic change" (2013, 174). Furthermore, Bieber (2011) has studied the conditionality approach as a tool of state building in the Western Balkans and claimed that the conditionality approach has been largely ineffective regarding state building. Contrary to his findings, Keil and Arkan (2015) called the EU a state-builder in denial, arguing that "the state building has become the most important part of the enlargement process" in the region. In a similar fashion, Denti (2014) introduced the concept of EU member-state building, with reference to the EU's purpose of building functional member states while integrating them. In sum, all these authors put an emphasis on the capacity of the state to formulate, implement, and enforce reforms, and this paper does not in any way deny the importance of a functioning state for Europeanization.

However, our approach differs from the ones mentioned above as we do not focus on the functional state. Our definition of statehood refers to both state building and nation building. Accordingly, we maintain that a country needs to fulfil two criteria for state building to be completed. Firstly, there must be a bordered territory in which any other agent is prohibited to exercise power and whose occupants are subjected to the rule of the state (Jellinek 1905). Secondly, a government needs to possess the monopoly on legitimate use of physical force in that territory (Weber 1992).

Similarly, we recognize two dimensions of nation building. Firstly, it must be decided between the ethnic approach, which puts an emphasis on dominant religion and joint experience of cultural heritage (Reeskens and Hooghe 2010), and the civic approach, which stresses political practices and values regardless of race, religion and ethnicity (Ignatieff 1993, 3). Secondly, the defined people must both participate in the formation of the general will and be subjected to it (Jellinek 1905).

Moreover, there are also scholars (e.g., Freyburg and Richter 2010) who do not focus on the state institutions but study the relationship between national identity and EU political conditionality. By using the Croatia case, they argued that national identity at first caused noncompliance and that the processes of identity change enabled the Croatian government to comply with EU criteria (Freyburg and Richter 2010, 271). However, besides the fact that our definition of the statehood goes beyond national identity, our approach also differs from theirs for the following reason: whereas Freyburg and Richter employ national identity as a constructivist variable, we focus on rational arguments. We thus believe that the proposed theoretical framework provides new innovative ground. It also offers new insights with respect to the relationship between the domestic arena (the challenging factors on the domestic side) and the Europeanization, which salience has already been emphasized by many scholars (Schimmelfennig and Sedelmeier 2005; Schimmelfennig, Engert, and Knobel 2006; Elbasani 2013a; Zhelyazkova et al. 2018; Džankić, Keil, and Kmezić 2018).

The remainder of the article is organized as follows: firstly, a methodological framework is developed, which introduces the process tracing method (Beach and Pedersen 2013). This is followed by a detailed analysis of both the similarities between Croatia and Serbia, and of impact of the explanatory variable. The final section provides some concluding remarks.

Methodology

In order to understand the similarities and clearly demonstrate the causal role of the remaining difference—the (un)resolved statehood problem—the process tracing method will be employed. This method includes “attempts to identify the intervening causal process—the causal chain and causal mechanism—between an independent variable (or variables) and the outcome of the dependent variable” (George and Bennett 2005, 206–207). The explaining outcome process tracing of Beach and Pedersen, which puts an emphasis on a “puzzling historical outcome by building minimally sufficient explanation in case study” (2013, 32), seems to be the most applicable method for this study. In accordance with Beach and Pedersen’s understanding of process tracing, we thus attempt to craft a minimally sufficient explanation of an outcome by developing a theoretical causal mechanism.

Next to secondary sources, the data collection of this paper is also based on primary sources, such as progress reports, strategies, constitutions, and statements of key political actors. Moreover, documentary data collection is backed up by one-on-one semi-structured interviews with political actors, former politicians, and experts. All interviews were conducted during three field works in Croatia (October 2014), Serbia (April 2015), and Montenegro (July 2014).

Similarities of Croatia and Serbia’s Europeanization Paths

Due to the already mentioned similarities between Croatia and Serbia, we argue that the first three factors of the external incentives model were identically valid for both countries. Regarding the first two factors, we claim that the same rules of the game applied to both countries. Croatia and Serbia belong to the group of East European countries to which a European perspective was promised much later. Unlike in the case of Central European countries, the European Council decided only during the meeting in Santa Maria da Feira in June 2000 that Southeast European countries meet the requirements for potential candidates. As a result, the EU developed a regional approach policy for the countries of the Western Balkans—the so-called Stabilization and Association Process (SAP)—and the summit in Thessaloniki in June 2003 eventually confirmed the accession prospects of these countries.

Moreover, even though Croatia’s accession was strongly supported by countries like Germany (Jović 2006), we argue that Serbia was not in a disadvantageous position in this process. Even though Serbia did not comply with EU standards, its accession process progressed because Serbia’s European integration was considered as a “strategic accession” (Stahl 2013). Additionally, the European Commission’s (2018a) enlargement strategy from February again emphasized that the future of the region lies in an integrated Europe. As pointed out by Džankić, Keil, and Kmezić (2018) and Vachudova (2018), the EU’s commitment to the Western Balkans is enhanced due to the more active role of Russia, Turkey, China, and the Gulf states in the region.

In accordance with the mentioned regional approach, Croatia and Serbia also had to fulfill the same membership criteria. Besides the necessity of having a functioning market economy, the membership criteria are also related to: (1) the Copenhagen criteria (political criteria), which refer to the state of democracy, human rights, the rule of law, and respect for and protection of minorities; and (2) the adoption of the *acquis* alongside with necessary institutional reforms for its effective implementation (European Commission 2016a). Yet in the case of the countries of the Western Balkans, additional conditions for membership were set out in the Stabilisation and Association Process. They mostly relate to bilateral Stabilisation and Association Agreements (SAA) and regional cooperation and good neighbourly relations, the aim of which was the establishment of permanent peace and stability in the region (European Commission 2016b). The driving force behind this was “security considerations in respect to the unresolved issues of the applicant countries” (Bacheska 2014, 99).

With respect to the third factor, we argue that bureaucratic capacities of Croatian and Serbian states to implement decisions were similar due to their similar historical legacies. In this context, Croatia and Serbia are characterized by the same nature and length of the three previous

authoritarian regimes. They were a part of the common “pre-socialist” (the Kingdom of Yugoslavia) and “socialist” regimes (the Socialist Federative Republic of Yugoslavia). As Pešić pointed out, after adopting the new constitution in 1974, the latter was transformed from an authoritarian and unitary system into an authoritarian and decentralized one with republics as the bearers of the sovereignty (2000, 26; interview with Vesna Pešić, April 12, 2015).

What is more, in both countries a competitive authoritarianism regime (Levitsky and Way 2010) emerged in the nineties. Subsequently, weak institutions (Milačić 2017b) and strong clientelistic power structures emerged (Mendelski 2013), which negatively influenced the state’s infrastructural capacities to exercise authority. They were a direct consequence of these hybrid regimes, in which a strongman—Tuđman in Croatia and Milošević in Serbia—dominated the whole system.

At the beginning of the Europeanization process, even the domestic adoption costs (the fourth factor) were similar too. Since the regime change, there was a pro-European consensus among the political elites in both countries and the EU accession was regarded as the most important foreign policy goal. This initial condition was important because the elites’ commitment to integration is key in the enlargement process, as it is them that must make costly decisions (Schimmelfennig and Sedelmeier 2005; Börzel 2011). Both prodemocratic forces and parties that were responsible for the emergence of competitive authoritarian regimes in the nineties were in favour of EU membership. In Croatia, the HDZ-led governments (2003–2011) implemented many necessary reforms and strongly supported Croatia’s European integration. In Serbia, even Milošević’s SPS, at least nominally, supported the country’s European path since the party’s 2003 congress (Goati 2006, 36). Moreover, the anti-European party Srpska Radikalna Stranka (the Serbian Radical Party; hereafter SRS) split in 2008, after a moderate wing created the new pro-European party Srpska Napredna Stranka (the Serbian Progressive Party; hereafter SNS) that by now dominates the whole Serbian party system.

Additionally, European integration has also enjoyed broad support in Croatian and Serbian societies. In 2003, the support of public opinion for the accession of Croatia to the EU was 73% (Sošić 2007, 104). In the same year, the support of the Serbian public was almost identical—72% (Valtner 2013). Public opinion’s support plays an important role, as the likelihood of rule adoption increases with the identification of the target state and society with the EU community (Schimmelfennig and Sedelmeier 2004).

In other words, in both Croatia and Serbia initially there was a consensus that EU integration was in the best interest of the countries, which resulted in similar domestic adoption costs. However, the fact that Croatia started the Europeanization process with a resolved statehood problem, while Serbia did not, later influenced the size of domestic adoption costs. It led to an increase of the adoption costs in the Serbian case. We regard this development as the key reason for different outcomes.

Causal Mechanism: Statehood Problem and Adoption Costs

As already emphasized, regional cooperation and good neighbourly relations became a significant part of EU-conditionality policy toward the Western Balkans. The recent enlargement strategy of the European Commission (2018a) only confirmed this. The conditionality related to the Western Balkans at the beginning of the EU accession process was manifested in one issue that both Croatia and Serbia had to deal with: the cooperation with the International Criminal Tribunal for the former Yugoslavia in The Hague (ICTY). This issue can be regarded as a direct consequence of state building. It is a direct product of the war and ethno-nationalist mobilization from the 1990s.

However, conditions for EU membership were also manifested in other issues, which concerned only Serbia and which were a consequence of the unresolved statehood problem: the “Montenegro issue” (until 2006), because the institutional reform of the Serb-Montenegrin state was a precondition for the Stabilisation and Association Agreement, and the “Kosovo issue” (on-going), which is the part of the conditionality related to regional cooperation and good neighbourly relations. Here

the similarities between two cases thus ceased to exist because Croatia has resolved its statehood problem.

Indeed, after the restoration of Eastern Slavonia into Croatian jurisdiction, as the last part of the Croatian territory that was still occupied by Serbian rebels, Croatia fulfilled all criteria of the statehood definition: undisputed borders; a state's monopoly on the legitimate use of force on the whole territory; a constitution defining people in accordance with an ethnic concept of citizenship as "Croats and others"; and the people's participation in the formation of the general will and subjugation to it (Milačić 2017a, 378). Additionally, Croatia made a clear commitment to Bosnia and Herzegovina's territorial integrity after 2000 (Džankić and Keil 2018, 184). Even though some Croatian political actors started questioning Bosnia and Herzegovina's territorial identity again (Agić 2016), this is not an official state policy (as in the 1990s), which is why we argue that Croatia's statehood problem has been resolved.

In contrast to that, since the Serbian Constitution as well as all relevant Serbian parties regard Kosovo as a part of Serbia, "Serbian borders are still disputed, Serbian authorities do not exercise power over the whole territory, and it is not entirely clear 'who are the people' because inhabitants of Kosovo, who according to the Constitution belong to the 'folk', are not subjected to the general will" (Milačić 2017a, 378).²

Consequently, the most important difference between Serbia and Croatia lies precisely in the fact that only Croatia started the Europeanization process with a resolved statehood problem. Accordingly, we argue that the unresolved statehood problem in Serbia led to higher adoption costs of EU rules because the EU's requirements collided with both political actors' nation/state building goals and preferences of most voters with respect to statehood-related issues (see Figure 1). This negatively affected a pro-EU identity of the country. Subsequently, a stronger and more successful impact of the EU on Serbia was thwarted.

Croatia: Improving the "Content" of the "Framework"

At the end of the nineties, Croatia found itself in an unofficial isolation because the ethnic nationalism developed by Tuđman was hostile to the EU and the idea of Europe (Jović 2006, 85). However, after the fall of the HDZ regime in 2000, the situation in Croatia changed significantly. The new government changed the country's foreign policy goals, signed the Stabilisation and Association Agreement with the EU on October 29, 2001, and applied for membership in February 2003. The precondition for all this was a new institutional configuration that promoted the consolidation of democracy and was in line with the Copenhagen criteria for the EU membership. In other words, in Croatia, political actors did not have to deal with the "framework," and institutional reforms in accordance with EU demands were implemented shortly after the regime change.

The constitutional amendments of 2000–2001 introduced a premier-presidential system of government, and thus abolished the presidential-parliamentary system, which had contributed significantly to the emergence of competitive authoritarianism regime. Moreover, the Constitutional Law on the Constitutional Court of the Republic of Croatia was adopted in 2002, strengthening the judicial branch and the overall position of the parliament (Bačić 2003, 59). These institutional reforms positively effected the political criteria for EU membership and improved the state's bureaucratic capacity to adopt and implement provisions from the acquis.

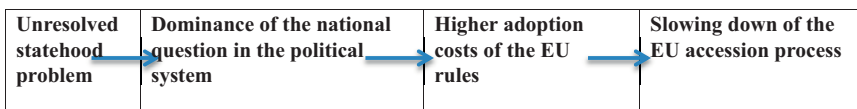


Figure 1. Causal Mechanism.

The transfer of power after the 2003 parliamentary elections did not endanger these achievements. Although the HDZ came to power again, there were no authoritarian regressions as this party continued the course of reforms and European integration. The HDZ government would have faced high political costs if it had tried to prevent further EU integration or subvert it. In addition, the new party leader Ivo Sanader was reform-oriented and initiated the transformation of a nationalist party into a Christian, democratic one. It thus does not come as a surprise that the HDZ reached an agreement with all parties represented in the parliament to form an “Alliance for Europe” (Sošić 2007, 105). What happened in Croatia between 2003 and 2007 is best explained in the words of Schimmelfennig:

“When liberal parties control the government, their democratic reforms clear the hurdles for further Western integration, and progress in integration raises the stakes in democratic consolidation and increases the costs of any future reversal. Populist parties therefore adapt their political goals to preserve the achieved benefits of integration... Thus, the lock-in effects of integration create path dependency across changes in government” (2007, 135).

However, the Croatian path toward the EU was slowed down due to one issue that was a direct product of the unresolved statehood problem during the nineties: cooperation with The Hague Tribunal. The first Croatian government was under massive pressure from two veto players (the military and war veterans’ organizations) not to cooperate with the Tribunal. This was particularly the case in September 2000, after twelve suspects, including two generals, were arrested on suspicion of war crimes. This provoked an angry reaction from the military itself. In an open letter, twelve generals accused the government of slandering war heroes and damaging the honour of the Homeland War (Milačić 2017a). As this was a reaction very close to a coup, President Mesić quickly retired the generals who signed the letter: “This was a political pamphlet with the following message: We have defended Croatia and we will decide what is to be done. If I had not fired them, I would have been forced to resign” (interview with Stjepan Mesić, October 13, 2014).

The veterans’ organizations, which Zakošek and Maršić labelled as “extremist nationalist movement” (2010, 830), also mobilized the opposition to the government. Strongly supported by the HDZ, at that time leader of the opposition, they organized series of demonstrations and roadblocks in protest against Croatia’s cooperation with the Hague Tribunal.³ They accused the government of criminalizing the Homeland War as well as of being treacherous in terms of EU integration (Fisher 2003, 89). The EU accession was thus considered incompatible with the Croatian identity, and the whole process was portrayed as a humiliation of Croatia (Milačić 2017b, 229).

Since the new Croatian HDZ-led government both promoted European integration as a key foreign policy objective and appreciated concerns of its nationalist electorate, a new dispute with the international community was inevitable. It was triggered by the demands for arrest and transfer of the symbol of the Homeland War General Ante Gotovina, who was accused in 2001 and was hiding ever since. This issue caused a long delay in the ratification of the Stabilisation and Association Agreement, which Croatia had signed on October 29, 2001, and which only entered into force on February 1, 2005, as Great Britain and the Netherlands refused to ratify it in their parliaments. The EU also made clear that the evidence of Croatian cooperation with the ICTY was necessary before the accession negotiations could start and delayed their start (European Commission 2005a, 3). However, in October 2005, the Chief Prosecutor Carla del Ponte attested “full cooperation” and, consequently, at an EU Intergovernmental Conference the green light was given for the beginning of the accession negotiations (Milačić 2017b, 231).

The negotiation process was finally opened in 2006. This process was demanding and not always perceived as fair by Croatian political actors (Klarić 2012). One example of this was the border issue regarding the Gulf of Piran. Despite Croatia having internationally recognized borders, this issue caused a bitter dispute with Slovenia. As a result, Slovenia blocked Croatia’s EU accession from December 2008 until October 2009. This dispute is still not resolved and demonstrates how even a minor issue related to the matters of the territory can affect the whole Europeanization process.

Nevertheless, the issues of corruption, strengthening of the rule of law, and fundamental rights were emphasized in the European Commission's progress reports as main challenges and, therefore, dominated Croatia's accession process (European Commission 2009, 2011). After almost six years of negotiations, Croatia signed an accession agreement with the EU in late 2011. On July 1, 2013, it became the EU member state. However, we disagree with the description of Croatia as a poster child of Europeanization (Elbasani 2013a) since it is still facing many problems. This particularly concerns corruption and the rule of law. On the 2017 Transparency International's Corruption Perception Index, Croatia occupied the 57th place together with Saudi Arabia. A 35th place on the 2017–2018 World Justice Project Rule of Law Index, a worse than Romania and Poland's classifications, is another indicator for the above mentioned.

In sum, the lack of issues related to the statehood problem caused lower adoption costs of the EU rules in comparison to Serbia. A clear "framework" also meant that the Croatian political actors were able to focus on improving the "content." In this process, the high incentives—and not the change of identity as claimed by Freyburg and Richter (2010)—were pivotal. According to Jović, "the accession to the EU was a national program for the HDZ since in their view Croatia's full independence and sovereignty will only be achieved with EU accession" (interview with Dejan Jović, October 14, 2014).

The reactions with respect to the latest verdict of The Hague Tribunal on war crimes committed against the Muslim population in Bosnia and Herzegovina seem to confirm this. The President of Croatia Grabar-Kitarović, who was the HDZ candidate, defended the convicted Croatian war criminals, thereby strongly denying Croatia's aggression toward Bosnia and Herzegovina (Slobodna Dalmacija 2017). She portrayed the country as a victim of Milošević's Serbia and stressed that "nobody else, not even The Hague Tribunal, can write our history" (Slobodna Dalmacija 2017). In a similar fashion, the leader of the HDZ and Prime Minister Plenković called the verdict a "moral injustice" and strongly denied Croatia's involvement in the war in Bosnia and Herzegovina (Nacional 2017). Moreover, any political actor who disagrees with a predominant nationalist narrative, such as the former President Mesić and the former Foreign Minister Pusić, is immediately branded as a traitor (Mijić 2017). In other words, the narrative, according to which Croatia is an innocent and heroic nation that was the victim of the Serbian aggression and never an aggressor itself, never changed and still dominates Croatia's Right. The nationalist rhetoric was only tuned down for the sake of EU accession.

Serbia: Disputes about the "Framework"

The first Serbian democratic government under Zoran Đinđić also declared the EU membership its priority and initiated the first reforms in accordance with it. However, in Serbia the domestic context was significantly different in comparison to Croatia. As already noted, besides cooperation with The Hague Tribunal, which was common for both countries, Serbian political actors also had to deal with two issues that are directly related to the statehood problem: the "Montenegro issue" and the "Kosovo issue."

Yet, in the first half of the decade, the "Hague issue" was the main obstructor of Serbia's European path and caused the highest adoption costs. While Prime Minister Đinđić declared his readiness to cooperate with The Hague Tribunal, this was not the case with the newly elected President of Yugoslavia Vojislav Koštunica. He denounced The Hague Tribunal as "an American court and... a means of pressure that the American government uses for realizing its influence here" (as quoted in Schimmelfennig, Engert, and Knobel 2006, 90). Moreover, he stressed that the "Kosovo issue," Serbia's territorial integrity, and a strengthening of the state union with Montenegro were his priorities (Orlović quoted in Dolenc 2013, 180–181), thereby presenting himself as the champion of the national interests. In other words, amid the unresolved statehood problem, the nationalist platform was still very much politically opportune in Serbia. As a consequence, "the criminal structures in the army, police and organized crime with numerous links to the political, military and

police structures of the old regime were efficiently protected by Koštunica and other conservatives with an inflammatory mixture of patriotic ideological rhetoric and misinterpretation of legality” (Dimitrijević 2005, 67).

Subsequently, the cooperation with the ICTY was also blocked from the start by these elements of the old regime, which remained in positions of authority and in control over the monopoly of force (Subotić 2010, 609). The allegations about the complicity of the army in relation to general Ratko Mladić’s constant evasion of arrest were numerous, both within the EU and The Hague Tribunal (Milačić 2017b). Its Chief Prosecutor Carla del Ponte repeatedly claimed that Mladić was guarded by the military. When not guarded officially, he was at least guarded by the “anti-Hague” cadres in the intelligence services of the military (Edmunds 2007, 179). Accordingly, the EU Enlargement Commissioner Olli Rehn stressed that “the accession negotiations proper cannot even be considered until the country achieved full cooperation with the ICTY” (as quoted in Schimmelfennig, Engert, and Knobel 2006, 91).

However, at the beginning of the accession process another issue slowed down Serbia’s European path: institutional reform of the Serb-Montenegrin federal state, which was a precondition for the Stabilisation and Association Agreement. Serbian and Montenegrin leadership had completely different visions about the future of the federal state. While Serbian leadership opted for a federation, Montenegrin leadership pursued its country’s independence. Amid such strong differences, any compromise that would have led to functional institutions was naturally accompanied by high political costs. Unsurprisingly, a stalemate followed.

Already in 2002, the European Commission noted in its report that the constitutional reform is blocked as a result of the “Montenegro issue” (2002, 6). It criticized Belgrade and Podgorica “for its constitutional uncertainty at the federal level... blocking necessary constitutional reforms” and spoke of a “constitutional stalemate” (as quoted in Schimmelfennig, Engert, and Knobel 2006, 225). The transformation of the Federal Republic of Yugoslavia into the State Union of Serbia and Montenegro did not improve the situation. The common customs regime, common trade policy, and integration of the internal market could not be implemented (Schimmelfennig, Engert, and Knobel 2006, 226), whereby the accession process was slowed down again as they were the absolute prerequisites for the SAA (van Meurs 2003, 77). The EU integration process of Serbia and Montenegro was thus stuck until the EU introduced a twin-track approach in 2004 that enabled separate negotiations within the same SAA (European Commission 2005b). Gordana Đurović, the former Montenegrin Minister for European Integration, confirmed this: “Those were completely lost years regarding the European integration” (interview with Gordana Đurović, July 11, 2014).

However, by that time another factor started to dominate the relations between the EU and Serbia. Kosovo, which Serbian conservatives regard as “Jerusalem of Serbia,” climbed back to the top of the priority list of Serbian politics and became the biggest obstacle on the path to the EU membership. Only in 2006, six years after the regime change, all parliamentary parties (except the Liberal Democratic Party) had reached a consensus on the Constitution. Preserving the territorial sovereignty of Serbia was a priority and questions on standards and design of institutions were backgrounded accordingly (Ristić 2010, 905). Already in its preamble the new constitution underlined that “... the province of Kosovo and Metohija is part of Serbia, and has a substantial autonomy within the sovereign Serbia and that out of this situation of the province of Kosovo and Metohija the constitutional obligation arises for all state organs to represent and defend the state interests of Serbia in Kosovo and Metohija in all internal and external political relations...” (Constitution of the Republic of Serbia 2006).

Such focusing on territorial sovereignty led to renewed tensions between Belgrade and Brussels. A strong anti-EU discourse emerged in 2007 after in Serbia’s view the EU agreed to establish the EU Rule of Law Mission in Kosovo (EULEX) in order to support the unilateral implementation of the Ahtisaari plan for Kosovo. This plan was vehemently rejected by Serbia. Prime Minister Koštunica refused to accept EULEX or sign the Stabilisation and Association Agreement. The EU mission EULEX has been presented as a midwife of the independent Kosovo (Bieber 2008, 324) and the EU’s

policies on Kosovo in general as antagonistic to the country's statehood and sovereignty (Noutcheva 2009). This, together with already existing widespread notion of Serbia's victimization by the West (Milačić 2017b, 196), strongly contributed to the decline of the support for EU membership in the Serbian electorate (Valtner 2013) and thus to the rise of domestic costs for EU compliance.

After most EU member states had recognized the unilaterally declared independence of Kosovo in 2008, Prime Minister Koštunica not only called into question the further discussions on the SAA, but the whole process of Serbian European integration. This led to new parliamentary elections, in which voters had to choose between parties that promised the preservation of the sovereignty of Serbia over Kosovo, and those that were in favour of Serbia's integration into the EU. On the eve of the elections the EU persuaded the Netherlands to allow the signing of the SAA with Serbia in order to strengthen the pro-European option, which eventually indeed won the elections.⁴

The new nominally pro-European government, in which there was no place for Koštunica and his DSS, also refused to give up reservations against the EU.⁵ All coalition partners agreed that, although the EU accession was in the "deepest interest of state and citizens of Serbia," Kosovo would continue to be considered as an inseparable part of Serbia and could in no way be recognized by Belgrade as an independent state (Ristić 2008, 348). As the EU at that time did not provide clear conditions regarding Serbia's policy toward Kosovo (Obradović-Wochnik and Wochnik 2012), this approach of the Serbian government was possible. This was confirmed in 2015 by the Serbian Foreign Minister Ivica Dačić, who claimed that no one in the EU had mentioned the issue of Kosovo before general Mladić was arrested (CdM 2015).

The closer Serbia was getting to the EU membership, the more the unresolved "Kosovo issue" and its high adoption costs were preventing European integration. The 2013 talks between Serbia and Kosovo, though, yielded an unprecedented success, crowned with the 15-point "First Agreement of Principles Governing the Normalization of Relations" (the Brussels Agreement), by which the conditions were fulfilled for Serbia's official start of the accession negotiations. Yet it has been more than five years since the Agreement has been signed and the implementation has been poor, which is why Serbia opened first negotiating chapters only in December 2015.

Contrary to before, the EU now provides much clearer conditions regarding the Serbian policy toward Kosovo. The Brussels Agreement is not only part of political conditionality, but with Chapter 35 it became part of the *acquis* conditionality. What is more, Chapter 35 is not just *any one* of 35 chapters in the negotiating process, as the opening and closing of negotiations in other negotiating chapters depends on the progress in the normalisation of relations with Kosovo (Burazer 2015). An essential importance of full normalisation of relations with Kosovo for Serbia's progress on the European path was further emphasized in both the Commission's enlargement strategy (European Commission 2018a) and in the 2018 Serbia Report (European Commission 2018b).

However, the constitutional obligation for all authorities to consider Kosovo as a part of Serbia tied the hands of every Serbian government and significantly complicates the solution of Serbia's statehood problem. The constitution's preamble determines the boundary between treason and patriotism and prevents any rational consideration of the Kosovo problem (Kovačević-Vučo 2009, 152). Subsequently, it made and still makes further European integration of Serbia difficult, since those EU countries that have recognized Kosovo would not sign a treaty with Belgrade that mentions Serbia's claim to Kosovo. By the same token, Serbia would be prohibited by its constitution to sign international treaties in which such a claim to Kosovo is not asserted (Reljić 2009).

A rather emotional—and not rational—approach toward the "Kosovo issue," as well as the national ideology that surrounds it, thus eliminated any real possibility of alternative positions regarding this problem. The latest harsh attacks of clerical leaders and intellectuals on President Vučić clearly demonstrated this. His demands for a nationwide debate on the "Kosovo issue" were portrayed as a betrayal of Serbia and Kosovo (Slobodna Evropa 2018). And since the great majority of Serbs (65%) would choose reintegration of Kosovo into Serbia over membership in the EU (Blic 2013), any deal regarding the "Kosovo issue" would be accompanied by high political costs.

Serbia's accession negotiations' main challenges thus concern political criteria—as in Croatia's case—as well as the “Kosovo issue.” This was also confirmed by the Serbian President Vučić, who claimed that “in a meeting (with EU representatives) of 120 minutes, 119.5 minutes are about Kosovo” (Danas 2018). In a similar fashion, some argue that the dialogue with Kosovo crowded out all other issues related to the accession process, such as the rule of law and the freedom of media (Bassuener and Weber 2013). Accordingly, the “Kosovo issue” leads to higher adoption costs of the EU rules. It also causes a situation in which the political actors are focused on the “framework” instead of the “content” of the “framework.” This additionally slowed down Serbia's accession process because a contested statehood absorbs much of the energy needed for reforms (Elbasani 2013a). Therefore, as long as Serbia is considered by its own elite as an unfinished state (Dimitrijević 2009, 148), its Europeanization will suffer.

Conclusion

The aim of this article was it to contribute to a better understanding of two issues: the Europeanization process of two Southeast European countries, and the relationship between statehood and Europeanization. Croatia and Serbia started their paths toward the EU with many similar initial conditions that strongly influence the success of that process. Yet there was one major difference, namely the (un)resolved statehood problem, which is mainly responsible for different outcomes of Europeanization. The resolved statehood problem in the case of Croatia not only led to lower adoption costs of the EU rules but also allowed Croatian political actors to focus on the improving of the “content”—that is, on the reforms.

The salience of statehood in the process of Europeanization has already been emphasized by many scholars (Elbasani 2013b; Woelk 2013; Börzel and Grimm 2018; Džankić and Keil 2018). What is new in our approach is that we did not focus on a functioning state. Instead, we used a different definition of statehood, which separates state building and nation building, and thereby claimed that an unresolved statehood problem causes higher domestic adoption costs and, as a result, considerably determines the success of the Europeanization. This kind of a connection to the statehood problem seems to be either neglected or under theorized in the literature on Europeanization. Thus far, studies on Europeanization have not treated the relationship between Europeanization and the statehood problem from this perspective—especially in the form of high adoption costs that originate from an unresolved statehood problem. So this article aimed to partially fill in this gap.

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Notes

- 1 We are using the year 2004 here because in that year Serbia was included for the first time.
- 2 For more on citizenship regimes of the successor states of former Yugoslavia, see Shaw and Štiks (2012).
- 3 For more on this, see Fisher (2003) and Edmunds (2007).
- 4 At the end of April 2008, and thus seven years after Croatia, the SAA with Serbia was signed. The signing took place with the restriction that it could only be implemented once Mladić is arrested, a condition that was met in May 2011.
- 5 The coalition “For a European Serbia” (DS, G17 +, SPO and a number of smaller parties) led by Serbian President Tadić formed the government together with Milošević's SPS. Since after the elections the SPS had the role of a kingmaker, the EU exerted a strong pressure on this party to

form a government with Tadić's coalition. On the October 18, 2008, the leader of the DSS Tadić and the leader of the SPS Dačić signed an agreement on reconciliation, which can be seen as a rehabilitation of the SPS.

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