

Miloš Petrović

Institute of International Politics and Economics

Darko Baštovanović

Student of Master Studies, University of Belgrade

UDK: 327(497.11:497.5)

327.39(4:497.11)

THE LIMITS OF EU CONDITIONALITY IN THE CONTEXT OF SERBIA'S POLITICAL COOPERATION WITH CROATIA

ABSTRACT

This paper aims to examine the scope and results of the political cooperation between Belgrade and Zagreb in the context of the European Union's enlargement policy. The author argues that the conditionality instrument in this regard has shown its limitations over the past decade. Apart from being a consequence of external developments (such as the crisis mode of the European Union), this is a result of the profound political changes between the two observed actors. On the one hand, the asymmetry between Croatia and Serbia has increased as a consequence of Zagreb's EU accession and subsequent progress towards the inner circles of integration. On the other hand, conservative and occasionally anti-European ideologies, sentiments, and actions in Serbia have distanced it from what used to be its main strategic goal. This reveals the preference of political elites for short-term political maneuvers, which produce immediate or quicker results, over the longer-term planning required for Serbia's EU accession. The authors consider that the democratic underperformance in Serbia correlates with the lack of intention to accede to the European Union (and, by default, cooperate more closely with member states like Croatia). The authors use the comparative method and Europeanization approach to illustrate how the EU's actorness did not accomplish a convincing and comprehensive reconciliation between the two largest former Yugoslav countries, as a result of aforementioned aspects.

Keywords: EU enlargement policy, democratic underperformance, Europeanization, conditionality, stagnation.

INTRODUCTION

As the EU membership candidates from Central and Eastern Europe (CEE) were undergoing final preparations for accession, another pro-expansion milestone was achieved: the Thessaloniki summit of the European Council in 2003 formally acknowledged the European aspirations of the Western Balkans. The Stabilization and Association Process (SAP) was previously established as a tailored solution for the approximation of the region, recognizing not only the need to fulfill the Copenhagen political and economic criteria, but also those pertaining to *stabilization*: reconciliation, good-neighborly relations, and others.¹ These aspects were central to the EU pre-accession condition-

¹ Više o tome može se pronaći kod Sava Mitrović, 2022, Regional relations of Serbia in the light of the annual report of the European Commission, CEP, <https://cep.org.rs/en/blog/regional-relations-of-serbia-in-the-light-of-the-annual-report-of-the-european-commission/>, Accessed: 2 July 2024.

ality approach, which aimed to encourage the highest possible degree of harmonization with EU standards. Croatia and Serbia, as potential (and later formal) EU candidates, were also subjected to these conditions.

However, the fact that Croatia entered the process earlier, was more democratically advanced in most domains, and completed most of the reform processes before the enlargement policy mechanisms entered hibernation, was sufficient to allow for Zagreb's EU accession. In contrast, Belgrade, which entered the process later and faced many high-political challenges stemming from the recent past, was not granted accession. As a consequence of Croatia's EU accession, not only did the power asymmetry between the two countries increase, but both countries also seemingly lost their motivation to deepen political relations. This is especially evident in the case of Serbia, which is still in the process of EU accession negotiations started a decade ago, without a definite intention to join the Union in the short or medium term. This fact makes the reconciliation efforts between the two neighbors even more challenging. Additionally, the democratic asymmetry between the two increases, posing an additional problem for Serbia and all its citizens.

This paper centers around the fact that both countries made European integration their top priority almost a quarter of a century ago, and that this goal has been losing its soft power in Serbia. This has exposed them to the Europeanization process, including the conditionality principle as a tool to instigate reforms in tens of negotiating chapters. Among these conditions, sometimes more and sometimes less implicit, were those pertaining to reconciliation and good neighborly cooperation.

Research methods used by the authors of this paper include the comparative method, document analysis, and the Europeanization approach. The subject of this paper is embedded in the broader research question of the MINUCON research project, which states: How much is inter-state reconciliation spurred by other factors (foreign policy goals, security regional concerns, economic collaboration, etc.)? This particular research poses the following question: *How successful has the Europeanization process been in spurring inter-state reconciliation between Serbia and Croatia, and how much have things changed over the last decade, especially considering Croatia's EU accession and democratic difficulties in Serbia?*

The primary broad hypothesis of this research is that inter-state reconciliation between Serbia and Croatia, driven by the European integration process and its conditionality principle, has shown its limits in the case of both countries.

The secondary broad hypothesis is that the polycrises in the functioning of the European Union, which marked the dominant part of the previous decade, have contributed to unfavorable dynamics in the Western Balkans, both in terms of reconciliation and approximation to EU membership in the case of Serbia.

The first specific hypothesis is that the diverging political processes in Croatia and Serbia, coupled with prolonged Europeanization in Serbia and elsewhere in the Western Balkans, have increased the political asymmetry between the two neighbors over time, rather than decreased it.

The second specific hypothesis is that, in the case of Serbia, the EU accession goal has been losing its appeal as a consequence of political aversion towards democratization and the EU crisis mode, which particularly manifested in the stagnation of the enlargement agenda. Meanwhile, in Croatia, the enthusiasm for cooperation reduced once the EU conditionality ceased with the accession to the European Union. This coincided with government changes in Belgrade and the broader crisis mode in the EU, all of which negatively reflected on Serbia's EU accession path.

AN OVERVIEW OF THE POLITICIZED CONDITIONALITY APPROACH: RELUCTANT AND INCOMPLETE EUROPEANIZATION IN SERBIA

In 1999, the Stabilization and Association Process (SAP) was established for the Western Balkan region as part of the European Union's determination to draw these countries closer. At that time, the Western Balkan (WB) region also included Croatia, which was itself encompassed by the SAP. Considering the post-conflict nature of the WB region, the Stabilization and Association Agreements (SAAs) differed from the association agreements designed for countries from Central and Eastern Europe (CEE) in that they contained stabilization clauses aimed at encouraging regional cooperation, good-neighborly relations, and other important aspects of reconciliation (Schenker, 2008: 1). In Croatia's 2010 Progress Report towards EU membership, it was noted that regional cooperation and good-neighborly relations formed an essential part of Croatia's accession; that Zagreb continued to participate actively in regional initiatives and developed bilateral ties with their neighbors, including Serbia, albeit not without challenges.² At the time, in the context of EU enlargement, Croatia was considered a Western Balkan nation and had to demonstrate commitment to elevating cooperation with all other (former Yugoslav) neighbors in order to be seen as a contributing party to regional cooperation and reconciliation efforts. This was an important motivating factor for Zagreb, which was interested in distancing from the Balkans in political, economic, and other terms.

The European Partnership with Serbia-Montenegro (including Kosovo) was adopted in 2004 and identified short- and mid-term obligations for the State Union to meet membership criteria. The regional and international cooperation criteria in that document included: full cooperation with the ICTY; respect for UN Resolution 1244 and dialogue with Priština;³ enhancing stability and regional cooperation goals specified in the SAP; enforcing free trade agreements; deepening cooperation in transport and energy initiatives; and so on.⁴ In addition, the deepening of cooperation with Zagreb was recognized as a precondition for the return of displaced persons and the realization of property and social rights for refugees.⁵

In 2011, the accession negotiations with Croatia were closed, and the Treaty of Accession was signed.⁶ During the same year, the European Commission issued a positive opinion on Serbia's EU membership application, although it identified challenges in meeting membership criteria in the medium term of five years across a number of important domains.⁷ Serbia managed to gain EU candidate status in 2012 and secured a positive opinion from the European Council regarding the opening of its EU accession negotiations in late June 2013, just days before Croatia's EU accession. By doing so, Serbia joined Montenegro as the second front-runner in the domain of EU enlargement policy.

² Pogledati European Commission, 2010, Croatia 2010 Progress Report, EC, https://neighbourhood-enlargement.ec.europa.eu/document/download/83e5cb29-64c0-43d1-b84c-a8a385143615_en?filename=hr_rapport_2010_en.pdf, p. 16, accessed: 20 June 2024.

³ Dialogue with Priština practically remained a condition even following its unilateral secession from Belgrade in 2008, and was further embedded into documents and acts regulating Serbia's approximation to EU.

⁴ Ministarstvo za evropske integracije, 2004, Odluka Saveta o principima, prioritetima i uslovima sadržanim u Evropskom partnerstvu sa Srbijom i Crnom Gorom uključujući Kosovo, prema Rezoluciji 1244 Saveta bezbednosti Ujedinjenih nacija od 10. juna 1999. godine, MEI, https://www.mei.gov.rs/upload/documents/eu_dokumenta/evropsko_partnerstvo/evropsko_partnerstvo.pdf, p. 10, accessed: 10 June 2024.

⁵ Ibid, p. 9.

⁶ European Commission, 2011, Croatia 2011 Progress Report, EC, https://neighbourhood-enlargement.ec.europa.eu/document/download/4a493601-0f1e-490b-b473-839a8f16c852_en?filename=hr_rapport_2011_en.pdf, accessed: 8 June 2024.

⁷ European Commission, 2011, Commission Opinion on Serbia's application for membership of the European Union, EC, <https://www.europa.rs/upload/Report%202011.pdf>, accessed: 8 June 2024.

Despite obstacles, some of which were serious—such as contested border demarcations, genocide accusations before UN courts, and frequent discriminatory practices towards each other's minorities—at one point the gap between the neighbors was perhaps the smallest: Zagreb had signed the Treaty of Accession, Serbia and Montenegro had received candidate status, and both were moving relatively swiftly towards opening accession negotiations as regional front-runners.

In Serbia, the government changes in 2012 did not immediately hamper the European integration process. In fact, for several years, legally and technocratically speaking, the process appeared to have progressed further. This was not only due to the initial motivation of the new government to distance itself from its nationalist past and demonstrate its pro-European stance, but also because of its cooperative attitude towards Priština as part of the so-called normalization dialogue. This dialogue practically evolved into an area of exceptional political strength within the context of the EU's conditionality approach towards Serbia. The brokering of the so-called First Brussels Agreement (2013) was rewarded with the European Council's recommendation to open accession negotiations with Serbia. This dialogue has been embedded into all documents relevant to the EU accession process and has been overseen by top EU officials for over a decade (M. Petrović and all, 2023: 81-87). However, the increased focus on securing stability in the post-conflict region (especially between Belgrade and Priština, including support for political elites in those cities), coupled with the broader EU crisis mode and unwillingness to schedule new accessions anytime soon, has contributed to stabilitocratic tendencies⁸ and increasingly Potemkin-like democracies,⁹ which have been damaging for democratization in this post-conflict region. In Serbia, this has manifested in the formal opening of negotiating chapters and technocratization of the process, which nominally progressed, while in practice the Europeanization either stagnated or even worsened in some regards (Domaradzki and all, 2021:281-303).

This is also connected to a novelty introduced during Croatia's EU negotiations, when Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom, and Security) were placed at the center of the accession negotiations as crucial to the Europeanization process.¹⁰ A growing number of benchmarks, conditions, documents, and obstacles, coupled with less mature democratic circumstances and traditions in the Western Balkans and the crisis mode which de facto marginalized enlargement policy, contributed to the growth of authoritarianism in Belgrade under the pretext of preserving stability (as the core goal of the Stabilization sub-process) and a gradual decoupling from the European Union. The preparedness level to meet membership criteria largely remained the same across the board for much of the past ten years (at least through the optimistic lenses of the European Commission), while the process even technocratically reached a standstill during the pandemic/invasion years, with the last chapters being opened in 2021 and another dozen still not opened (Petrović, 2024:13-33).

Apart from the fact that the normalization dialogue and Common Foreign and Security Policy alignment practically represent areas of veto strength for Serbia, where the country is underperforming from the viewpoint of Brussels, Belgrade has also demonstrated a lack of affinity for developing independent and competent institutions, eradicating corruption, political influences, and organized

⁸ Florian Bieber, 2018, "The Rise (and Fall) of Balkan Stabilitocracies." *Horizons: Journal of International Relations and Sustainable Development*, no. 10, 2018, pp. 176–85.

⁹ This term was also applied to study de-Europeanization across CEE. Consult: Kristína Mikulová, 2014, "Potemkin Europeanisation?" *East European Politics & Societies and Cultures*, 28 (2014), pp. 163 - 186.

¹⁰ This was done as a consequence of greater insight into the democratic underperformance in the eastern parts of the enlarged Union following their accessions in 2004/2007.

crime—beyond the aspects relevant for this chapter, such as minority rights and developing good-neighborly relations, among other things. The latter has proven to be selective and coupled with political trends; for instance, increased cooperation with political leaderships in Tirana, Budapest, Banja Luka, and occasionally Skopje is countered by complex, ambiguous, and suspicious contacts with Zagreb and Sarajevo, as well as Podgorica (the latter also depending on the ideological and other constellations during certain periods).

THEORETICAL AND METHODOLOGICAL REMARKS

The Europeanization process can be perceived as a multi-faceted endeavor comprising several aspects: EU enlargement (geographic expansion); institutional development; transformative processes in terms of governance; the export of norms and models across EU borders; and as a political project aimed at unifying the once-divided continent (Bandov, Herceg Kolman, 2018:134-135). It is a top-down approach, which should not be mistaken for the European integration process, which is viewed as a bottom-up approach (Bandov, Herceg Kolman, 2018:135). When elaborating on the perspectives of Europeanization and transformative efforts in CEE within the enlargement policy, Kovačević noted that the EU's influence and success in these regards mostly depended on two factors: the domestic costs of rule adoption and external pressure on the candidates to fulfill criteria, which relied on the consistent implementation of conditionality (Kovačević, 2020:125). These observations align with the external incentives model proposed by Schimmelfennig and Sedelmeier, who argued that the effectiveness of rule transfer correlated with the credibility of EU conditionality and the domestic costs of rule adoption, while also identifying the role of normative and democratic contexts in each country.¹¹ The imminence of achieving EU membership in the upcoming years represented an important argument for democratic governments in CEE to undertake necessary steps and accelerate reform processes. This was also the case in Croatia, even though its EU path was somewhat longer compared to the earlier CEE candidates. However, by the time Serbia officially commenced its accession negotiations in 2014, after Croatia had already joined, European Commission President Juncker announced that no new enlargements would occur during his mandate,¹² signaling a lack of political willingness, as well as the unpreparedness of both the candidates and the Union to consider new accession rounds.

Petričušić and Blondel perceive the Stabilization and Association Process (SAP) as an effective framework for post-conflict reconciliation and consider the process through three distinct levels of conditionality: (1) the normative-institutional conditions established by the Copenhagen criteria for respect and protection of minority rights; (2) the judicial prosecution of war crimes in domestic criminal courts and cooperation with the ICTY; and (3) the encouragement of reconciliatory efforts through the return of refugees, resolving disputes over property rights, compensating refugees, deepening good-neighborly relations and regional cooperation, establishing truth and reconciliation commissions, and public apologies by political leaders (Petričušić, Blondel, 2012: 2). According to Gavrilović, some actions in the direction of reconciliation occurred on both sides in the early 2000s, including high-level political gestures such as the presidential apologies in Belgrade and Zagreb for “all of

¹¹ More about that topic on Frank Schimmelfennig, Ulrich Sedelmeier. 2004. “Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe”, *Journal of European Public Policy*, 11(4), pp. 661–679.

¹² Florian Bieber, 2014, Enlargement delayed? A New Commission without an Enlargement Commissioner, *Balkan Insight*, <https://balkaninsight.com/2014/09/04/enlargement-delayed-a-new-commission-without-an-enlargement-commissioner/>, accessed: 10 June 2024.

the evils” perpetrated by their countries, as well as judicial proceedings (including the precondition of full cooperation with the ICTY to advance on the European path), academic and scientific exchanges, and cross-border infrastructural and other forms of cooperation.¹³ By doing so, the (potential) membership candidates demonstrated their competence to address the recent past and work towards acquiring EU principles and values, including in their relations with minority groups.¹⁴

Apart from the cooperation with the ICTY, which both countries sufficiently satisfied to proceed on their EU paths, reconciliatory efforts were also evident during the presidencies of Tadić and Josipović, when further gestures were made. For instance, in 2010, President Tadić became the first Serbian high-ranking official to express words of apology and regret for the 1991 massacre in Vukovar, one of the most symbolic places of war suffering in Croatia,¹⁵ while Josipović made a “historic visit” to Belgrade that same year (Baštovanović, 2016:150). These gestures coincided with the closing of the last negotiating chapters in Croatia’s EU accession process and the issuance of a conditional recommendation for Serbia to receive official EU candidate status. Considering the importance of the “stabilization” requirement in the Western Balkans, one should not understate the significance of institutional and other steps towards reconciliation in the once-war-stricken region.

Following Croatia’s EU accession in 2013, the Union’s interest in safeguarding stability and security evolved into a full-fledged obligation for Zagreb, and the country generally supports Serbia’s pro-European aspirations, partly due to the Croatian minority in Serbia. Nonetheless, Strupinskienė and Vaškevičiūtė argued that transitional justice and the human rights situation in Croatia began to deteriorate following EU accession, as exemplified by: (1) problems in ensuring the respect for and protection of minority rights (especially for ethnic Serbs), including issues related to implementation and increased violence; (2) a decline in the elimination of impunity for war crimes, both in the judiciary and in political rhetoric; and (3) insufficient efforts to foster reconciliation, as despite some progress on issues for returnees, discrimination remained widespread.¹⁶

This problem can be perceived as part of a larger issue surrounding the limits of the conditionality principle in European integration: how to secure post-accession compliance with EU standards, norms, values, and practices. Rohac considers the democratic backsliding in Central Europe following their EU accession, attributing it, among other things, to weak and/or dependent institutions (Pridham, 2008:426). Pridham reminds us of the very purpose of defining the Copenhagen criteria in 1993, which was to enable the admission of CEE candidates to the EU by ensuring that they had fully transitioned to democracy and would thus be better able to adapt to the institutional, political, and economic functioning of the Union.¹⁷ However, the post-accession period has revealed issues in this regard, contributing to enlargement fatigue and the reconsideration of admitting new members. Gateva has written about the specific instance of post-accession conditionality—namely,

¹³ More about that topic at Darko Gavrilović, 2010, “Myths about Borders and the Reconciliation Moment”, *Suvremene TEME*, Vol. 3, No. 1/2010, pp. 63-73.

¹⁴ Both Serbs and Croats can be grouped into “cross-border minorities”, when international boundary does not precisely coincide with the ethno-linguistic border, thus forming a potential for “overspill effect”. As per: Alan Anderson, 2017, “Ethnic minorities and minority rights in Europe: theoretical typologies”, *ECMI WORKING PAPER #99*, p. 4.

¹⁵ BBC, 2010, Serb leader Tadic apologises for 1991 Vukovar massacre, BBC, <https://www.bbc.com/news/world-europe-11689153>, accessed: 1 June 2024.

¹⁶ More about that topic at Lina Strupinskienė, Simona Vaškevičiūtė. 2021. “What Happened to Transitional Justice in Croatia After the EU Accession?”. *Politologija* 101 (1): 8-51.

¹⁷ Geoffrey Pridham, 2008, “Status Quo Bias or Institutionalisation for Reversibility?: The EU’s Political Conditionality, Post-Accession Tendencies and Democratic Consolidation in Slovakia.” *Europe-Asia Studies*, vol. 60, no. 3, p. 426.

the functioning of the Cooperation and Verification Mechanism (CVM) in Bulgaria, primarily in the domain of the rule of law—critically examining its scope and perspectives for implementation in the context of that country’s EU membership.¹⁸

While deliberating on the perspectives of post-accession conditionality in Serbia and other candidate countries, Petrović, Kovačević, and Radić-Milosavljević also reflect on the nature of the CVM as an instrument that allowed for speedier accession for Bulgaria (and Romania), which essentially represented a compromise but resulted in challenges related to meeting EU membership criteria even many years after accession (Petrović at all, 2023:327). Only in 2023—16 years following their accession—was the CVM formally abolished for Bulgaria and Romania, while the EU has opted to monitor the state of the rule of law in all Member States through the “Rule of Law Toolbox” in response to concerns about the state of democracy in numerous countries.¹⁹ This also pertains to Croatia, which, despite joining after Sofia and Bucharest, was (surprisingly or not) not subjected to post-accession conditionality through CVM-like instruments (despite being a post-conflict nation with difficulties stemming from its recent past). Reports of democratic backsliding in various fields therefore extend beyond Croatia and apply to numerous EU members across Central and Eastern Europe, as well as to candidate countries in the Western Balkans.

In 2012, the government changes in Belgrade signaled a conservative shift, which gradually became more Euro-skeptic over time.²⁰ Additionally, over the past decade, political relations with Croatia have become increasingly strained and occasionally even contrary to diplomatic protocols, despite the fact that EU integration has remained the strategic goal and that Zagreb was a member state of the Union Belgrade sought to join. Meanwhile, Serbia (and Montenegro) have become the longest-negotiating accession candidates apart from Turkey. While Podgorica has been making progress and is likely to become the next EU member, Belgrade has lacked motivation to pursue reforms, formally citing high political challenges such as alignment with the Common Foreign and Security Policy (e.g., sanctioning Russia) and the normalization dialogue with Priština as dominant reasons for the stalemate in its accession process. Depicting the European Union as unwilling to consider new accessions is not particularly difficult for pro-government media, considering that, paradoxically, Montenegro and Serbia in 2024 remain the only candidates who have been negotiating through chapters or clusters for ten years or more. From the perspective of Schimmelfennig and Sedelmeier’s external incentives model, the insufficient credibility of the conditionality instrument, coupled with the domestic costs of rule adoption, has facilitated Serbia’s position as a country that is not making progress towards membership while leveraging its strategic partnership with the Union for political, economic, and other purposes.

¹⁸ Eli Gateva, 2010, “Post-Accession Conditionality - Support Instrument for Continuous Pressure?,” *KFG Working Papers* p0018, Free University Berlin.

¹⁹ Thomas Wahl, 2023, Commission Formally Closes Cooperation and Verification Mechanism for Bulgaria and Romania, Euclid, <https://euclid.eu/news/commission-formally-closes-cooperation-and-verification-mechanism-for-bulgaria-and-romania/>, accessed 1 July 2024.

²⁰ Since 2012, the governments in Belgrade have been centered around the coalition by the Serbian Progressive Party and the Socialist Party of Serbia.

A DE-COUPLING FROM THE EU (AND FROM CROATIA)?

According to Article 2 of the Treaty on European Union, the EU is built upon the principles and values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities.²¹ This latter aspect has, throughout the European integration project, been among the most incremental not only for demonstrating the pro-European and democratic maturity of the candidate countries but also for reducing socio-political tensions among neighbors and spurring regional stability and collaboration. The European peace project has always been deeply rooted in efforts to reduce inter-ethnic tensions and overcome grievances among neighboring countries. This is especially true in the Western Balkans, for which the European Union, given its tragic recent past, designed a special process: the Stabilization and Association Process (SAP).

On the one hand, this process was intended to encourage what Börzel refers to as a top-down “downloading” approach as part of the Europeanization efforts, during which a country adopts EU rules, standards, values, and practices.²² Although her research analyzed the behaviors of Member States rather than candidate countries, the downloading process also applies to the latter, given the very nature of the accession process, during which a non-EU country gradually and progressively evolves into a Member State through increased harmonization across the board. Regarding the downloading, the transposition of EU norms, standards, values, and principles has been at the core of democratization efforts. According to the European Commission, the goal of the accession negotiations is for the candidate to adopt the *acquis communautaire* in its entirety and ensure its full implementation and enforcement upon accession.²³

However, despite being in the accession negotiations stage for a decade as one of the formal EU accession frontrunners, the motivation to adopt (let alone implement) EU norms has reached very low levels. The latest report (late 2023) from the National Program for Adoption of the Acquis (Nacionalni program za usvajanje pravnih tekovina Evropske unije) shows a mere 32% harmonization rate between July 2022 and December 2023, indicating that the vast majority of planned acts were not adopted during that period, contrary to initial plans.²⁴ Likewise, from the perspective of the European Commission, the overall degree of membership preparedness has been stagnant throughout most of the accession negotiations, signaling a lack of intention to transform institutions and the political and economic framework to achieve the goal of joining the European Union. This fact, coupled with the political dominance of the ruling coalition since 2012 and a sharp democratic decline in Serbia, has led to what Freedom House (FH) reports as the largest democratic downturn in 2024 among the 29 countries observed in terms of rule of law, electoral processes, and other aspects, and the second-highest decline in the longer term, after Hungary.²⁵

²¹ Consolidated version of the Treaty on European Union - TITLE I COMMON PROVISIONS - Article 2, https://eur-lex.europa.eu/eli/treaty/teu_2012/art_2/oj, accessed 1 July 2024.

²² More about that topic at Tanja Börzel, 2002, “Pace-setting, foot-dragging, and fence-sitting: Member state responses to Europeanization”, *Journal of Common Markets Studies*, 40(2), pp. 193-214.

²³ European Commission, From EU membership application to accession negotiations: FAQs, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/FAQ%20accession%20negotiations.pdf>, accessed: 10 June 2024.

²⁴ Ministarstvo za evropske integracije, Izveštaj o sprovođenju Nacionalnog programa za usvajanje pravnih tekovina Evropske unije (NPAA) za četvrto tromesečje 2023. godine, https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_cetvrto_tromesecje_2023.pdf p. 2, accessed: 11 June 2024.

²⁵ Freedom House, Freedom in the World 2024, https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf, p. 7, accessed: 2 July 2024.

However, this data is not new. It was the 2020 Freedom House Nations in Transit report that first downgraded Serbia to the “hybrid regime” category (from “semi-consolidated democracy,” where the country had been listed for many years since 2003).²⁶ The most recent report identifies further deterioration, considering Serbia to be an “autocratizing hybrid regime,”²⁷ which indicates a grim outlook for democracy in what was once the Western Balkans’ democratic front-runner. When comparing the Croatian and Serbian Freedom House democracy scores up until 2017, Petrović found that the two countries ranked similarly, with a slight advantage for Zagreb (Petrović, 2018:5). However, by the 2024 Freedom in the World report, the differentiation had increased significantly, with Croatia scoring 83/100 (classified as a free, semi-consolidated democracy),²⁸ whereas Serbia scored 57/100 (classified as a partly free hybrid regime).²⁹ The widening gap between the two countries is problematic because it also indicates a lack of interest in Europeanization, considering that Croatia, as an EU member state, is obliged to adhere to EU norms, standards, and practices (despite the fact that it should not be perceived as a progressive or front-runner EU state in that regard). Contrastingly, the apparent de-Europeanization of Serbia also casts a grim outlook on the prospects for regional cooperation, particularly with countries dedicated to deepening European integration, such as Croatia.

On the other hand, the second element of the SAP—stabilization—has remained crucial for the Western Balkans’ EU aspirations. This concept is what is referred to as “special conditionality” — the Union’s demand that the Western Balkans resolve its inter-ethnic conflicts and improve both bilateral and overall regional cooperation.³⁰ The Western Balkans were required to do so not only to prevent conflicts from reoccurring but also to prevent the European Union from being destabilized from within once these countries became full members. From the viewpoint of functionalist approaches, this can be observed as a negative potential spillover effect of integration; an unstable and volatile member state could jeopardize the entire bloc, given the comprehensiveness of the European integration project. To prevent this, the EU’s approach towards the Western Balkans was especially focused on encouraging the resolution of bilateral disputes and regional integration initiatives. In the case of Serbian-Croatian relations, this primarily concerned issues such as the statuses of national minorities, the plight of those displaced by war or living in an atmosphere of fear (such as Croats of Vojvodina), border delimitations along the Danube River,³¹ and the prosecution of war crimes, including before the ICTY. As the ICTY requirement was more or less completed by both sides, the European Union seemingly decreased its interest in the challenges surrounding political relations between Belgrade and Zagreb. This decrease in attention was partially due to Croatia’s accession to the Union, which provided Zagreb with instruments to influence Serbia’s further approximation to the EU on a more hierarchical scale. While the problems between the two neigh-

²⁶ Freedom House, Nations in Transit 2020 - Serbia, <https://freedomhouse.org/country/serbia/nations-transit/2020>, accessed 1 July 2024.

²⁷ Freedom House, A Region Reordered by Autocracy and Democracy, <https://freedomhouse.org/report/nations-transit/2024/region-reordered-autocracy-and-democracy>, accessed 1 July 2024.

²⁸ Freedom House, Freedom in the World 2024 – Croatia, <https://freedomhouse.org/country/croatia/freedom-world/2024>, accessed 1 July 2024.

²⁹ Freedom House, Freedom in the World 2024 – Serbia, <https://freedomhouse.org/country/serbia/freedom-world/2024>, accessed 1 July 2024.

³⁰ Christina Eva Griessler, “Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia?“, *Medjunarodni problemi*, Vol. LXXV, No. 3, p. 416.

³¹ Which even during the initial phase of the reconciliation failed to produce significant or at least publically visible results. See: Duško Dimitrijević, „Delimitacija srpsko-hrvatske granice na Dunavu“, *Medjunarodna politika*, Vol. LXI, No. 1138, pp. 5–19.

bors persisted, in the domain of regional cooperation, good-neighborly relations, and reconciliation, they were overshadowed by other high-profile disputes, such as those between Belgrade and Priština or issues concerning the functioning of Bosnia and Herzegovina as an independent country. These developments can be partially attributed to the conservative turns in both countries over the past decade and Zagreb's distancing from its recent Balkan history and associated problems.

Politically, there have been several important aspects: the ICTY cooperation requirement for Serbia (and Croatia); border demarcations (for instance, between Montenegro and Croatia, or Croatia and Slovenia); sectoral projects in the context of EU integration; and minority and refugee status issues. These aspects also included respect for minority rights and associated gestures. A more recent notable political gesture is the Golubić Declaration (2022), which represents a commitment to cooperation between Serbs in Croatia and Croats in Serbia. This declaration was signed by the leaders of the two minorities, Milorad Pupovac and Tomislav Žigmanov, respectively (Veselinović, 2022:10).

There were some additional high-profile steps, such as the restoration of the memorial home of Ban Josip Jelačić in Petrovaradin and the appointment of Tomislav Žigmanov, a Vojvodinian-Croat politician, as Minister for Human and Minority Rights and Social Dialogue. In the ecclesiastical domain, the former Metropolitan of Zagreb and Ljubljana, Porfirije, became the Patriarch of Serbia, which was expected to contribute to reducing tensions between the two largest former Yugoslav republics. Unfortunately, these positive developments were countered by severe and frequent political rhetoric, particularly from ministers like Aleksandar Vulin, who regularly accused Zagreb of nurturing *neo-Ustaša* ideology and earned a *persona non grata* status in Croatia.³² Additionally, socio-political antagonisms also arose from other sources, given the increasingly conservative, radicalized, and anti-Western narratives and actions in Serbian politics.

Unsurprisingly, the aforementioned aspects were complemented by the sharp demographic decrease of the Croatian national minority in Serbia, which fell to 39,107 in 2023, down from over 70,000 twenty years earlier.³³ Additionally, the controversies surrounding the status of the Bunjevac national minority continue to affect political and social contacts between Croatian and Serbian officials. Nonetheless, in 2023, state-level exchanges of visits occurred following the adoption of the Golubić Declaration in 2022. These events spurred hopes for increased political willingness to overcome difficulties, challenges, and mistrust. The exchange visits of PM Ana Brnabić and PM Andrej Plenković in 2023 were facilitated and organized by the respective national minorities' councils and leaders, Milorad Pupovac and Tomislav Žigmanov, respectively. This represents an encouraging instance of minorities acting as inter-ethnic bridges in otherwise difficult and complicated situations.

CONCLUSION

This research points to the conclusion that the de-coupling from the European Union is manifested through de-Europeanization and autocratization, including the regional cooperation and good-neighborly relations requirements (unless these were politically, ideologically, or otherwise beneficial to the interests of the political elites, as exemplified by shared illiberal democratic views with the northern neighbor, Hungary). Instead of a growing approximation to EU standards and trans-

³² Vlada Republike Hrvatske, 2018, Aleksandar Vulin nije dobrodošao u Hrvatsku do daljnjega, <https://vlada.gov.hr/vijesti/aleksandar-vulin-nije-dobrodosao-u-hrvatsku-do-daljnjega/23751>, accessed: 1 July 2024.

³³ Popis 2022, Konačni rezultati - Nacionalna pripadnost, <https://popis2022.stat.gov.rs/sr-latn/5-vestisaopstenja/news-events/20230428-konacnirezpopisa/>, accessed: 23 June 2024.

formative processes that lead to “creative destruction”³⁴ and the establishment of improved and sustainable, independent, and competent regulations, institutions, and practices, the proclaimed EU membership goal appears to no longer serve its intended purpose. The estrangement between Serbia and its neighbor, Croatia (an EU member), results in growing democratic, political, and other asymmetries, which is a consequence of Serbia’s lack of interest in joining the Union and improving bilateral cooperation with its member states.

The Europeanization process has shown limited implications for inter-state reconciliation between Serbia and Croatia over the past decade, especially since Croatia became an EU member state and ceased to be subject to the EU conditionality principle. On the other hand, Serbia’s interest in EU accession has gradually waned, exemplified by the paralysis of its accession negotiations³⁵ and stagnation or backsliding in numerous domains, judging by the previously mentioned international reports. Rather than being motivated by the gains from EU accession, the political elites are driven by the intention to preserve power and sustain—rather than advance—the current level of relations with Brussels. This includes relations with Croatia, which plays a role in the decision-making process within EU institutions.

Compared to June 2013, when both countries were still outside the European Union—Croatia as an acceding country and Serbia as a candidate who had just received European Council endorsement for opening membership negotiations—and when both were comparable in terms of democratic performance under the scope of Europeanization, a decade later Croatia is situated in the inner circle of European integration (having become a Schengen and Eurozone member), while Belgrade has not even opened all negotiating chapters/clusters, let alone closed them. On the contrary, rather than focusing on Europeanization to align standards, norms, and practices in Serbia and its neighborhood, the ruling parties are pursuing non-European international coalitions and partnerships and limiting the influence of the European Union in Serbia. Under these circumstances, where the EU no longer plays a visible role in reconciliation and regional cooperation, political ideologies and the particular interests of the elites drive the dynamics of cross-border relations. The inclination to favor short-term political solutions over longer-term strategic visions (such as EU accession) will continue to pose a significant challenge to the prospects for cooperation between the two largest countries of the former Yugoslavia.

³⁴ The concept of “creative destruction” is not used literally, but to depict the ambivalence between the need for economic or political progress, which often results in the remodelling or abandoning of previous institutions and practices in favour or upgraded ones; however, this frequently causes resistance among the (previously) privileged circles, which has its own ramifications. As per: Daron Asemoglu, Džejms A. Robinson, 2014, *Zašto narodi propadaju – poreklo moći, prosperiteta i siromaštva*, Clio, pp. 98-100.

³⁵ The last negotiating chapters were opened in 2021, following a lengthy pause.

Bibliography

- Alan Anderson, 2017, "Ethnic minorities and minority rights in Europe: theoretical typologies", ECMI WORKING PAPER #99, p. 4.
- Asemoglu Daron, Džejms A. Robinson, 2014, Zašto narodi propadaju – poreklo moći, prosperiteta i siromaštva, Clio.
- BBC, 2010, Serb leader Tadic apologises for 1991 Vukovar massacre, BBC, <https://www.bbc.com/news/world-europe-11689153>, accessed: 1 June 2024.
- BBC, 2010, Serbia and Croatia forge ties with talks in Belgrade, BBC, <https://www.bbc.com/news/world-europe-10679367>, accessed: 1 June 2024.
- Bandov Goran, Nikolina Herceg Kolman, 2018, "Research on Europeanization in Literature: From the Top-down Approach to Europeanization as a Multi-directional Process", CADMUS Vol. 3, No.5, pp. 134-144.
- Baštovanović Darko, 2016, „Političko-pravni položaj hrvatske nacionalne manjine u Srbiji u procesu EU integracija Srbije“, Godišnjak za znanstvena istraživanja, 8, pp. 107-155.
- Bieber Florian, 2018, "The Rise (and Fall) of Balkan Stabilitocracies." *Horizons: Journal of International Relations and Sustainable Development*, no. 10, 2018, pp. 176–85.
- Bieber Florian, 2014, Enlargement delayed? A New Commission without an Enlargement Commissioner, Balkan Insight, <https://balkaninsight.com/2014/09/04/enlargement-delayed-a-new-commission-without-an-enlargement-commissioner/>, accessed: 10 June 2024.
- Börzel Tanja, 2002, "Pace-setting, foot-dragging, and fence-sitting: Member state responses to Europeanization", *Journal of Common Markets Studies* 40(2), pp. 193-214.
- Consolidated version of the Treaty on European Union - TITLE I COMMON PROVISIONS - Article 2, https://eur-lex.europa.eu/eli/treaty/teu_2012/art_2/oj, accessed 1 July 2024.
- Dimitrijević Duško, „Delimitacija srpsko-hrvatske granice na Dunavu“, *Medjunarodna politika*, Vol. LXI, No. 1138, pp. 5–19.
- Domaradzki Spasimir, Ivana Radić Milosavljević. 2021. "Between Populism and Technocracy: How National Executives in Bulgaria and Serbia Manipulate EU Rule of Law Conditionality?" *Journal of Contemporary European Research* 17(2), pp. 281-303.
- European Commission, 2010, Croatia 2010 Progress Report, EC, https://neighbourhood-enlargement.ec.europa.eu/document/download/83e5cb29-64c0-43d1-b84c-a8a385143615_en?filename=hr_rapport_2010_en.pdf, p. 16, accessed: 20 June 2024.
- European Commission, 2011, Croatia 2011 Progress Report, EC, https://neighbourhood-enlargement.ec.europa.eu/document/download/4a493601-0f1e-490b-b473-839a8f16c852_en?filename=hr_rapport_2011_en.pdf, accessed: 8 June 2024.
- European Commission, 2011, Commission Opinion on Serbia's application for membership of the European Union, EC, <https://www.europa.rs/upload/Report%202011.pdf>, accessed: 8 June 2024.
- European Commission, From EU membership application to accession negotiations: FAQs, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/FAQ%20accession%20negotiations.pdf>, accessed: 10 June 2024.
- Freedom House, Nations in Transit 2020 - Serbia, <https://freedomhouse.org/country/serbia/nations-transit/2020>, accessed 1 July 2024.
- Freedom House, Freedom in the World 2024, https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf, p. 7, accessed: 2 July 2024.
- Freedom House, A Region Reordered by Autocracy and Democracy, <https://freedomhouse.org/report/nations-transit/2024/region-reordered-autocracy-and-democracy>, accessed 1 July 2024.
- Freedom House, Freedom in the World 2024 – Croatia, <https://freedomhouse.org/country/croatia/freedom-world/2024>, accessed 1 July 2024.
- Freedom House, Freedom in the World 2024 – Serbia, <https://freedomhouse.org/country/serbia/freedom-world/2024>, accessed 1 July 2024.

- Gateva Eli, 2010, "Post-Accession Conditionality - Support Instrument for Continuous Pressure?," *KFG Working Papers* p0018, Free University Berlin.
- Gavrilović Darko, 2010, "Myths about Borders and the Reconciliation Moment", *Suvremene TEME*, Vol. 3, No. 1/2010, pp. 63-73.
- Griessler Christina Eva, "Good neighbourhood as an EU accession criterion for Ukraine, Moldova and Georgia?," *Medjunarodni problemi*, Vol. LXXV, No. 3, pp. 409–433.
- Kovačević Maja, 2020, *Evropska diferencirana unija*, Fakultet političkih nauka, Beograd.
- Mikulová Kristína, 2014, "Potemkin Europeanisation?" *East European Politics & Societies and Cultures* 28 (2014), pp. 163 - 186.
- Ministarstvo za evropske integracije, 2004, Odluka Saveta o principima, prioritetima i uslovima sadržanim u Evropskom partnerstvu sa Srbijom i Crnom Gorom uključujući Kosovo, prema Rezoluciji 1244 Saveta bezbednosti Ujedinjenih nacija od 10. juna 1999. godine, MEI, https://www.mei.gov.rs/upload/documents/eu_dokumenta/evropsko_partnerstvo/evropsko_partnerstvo.pdf, p. 10, accessed: 10 June 2024.
- Ministarstvo za evropske integracije, Izveštaj o sprovođenju Nacionalnog programa za usvajanje pravnih tekovina Evropske unije (NPAA) za četvrto tromesečje 2023. godine, https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_cetvrto_tromesece_2023.pdf, p. 2, accessed: 11 June 2024.
- Mitrović Sava, 2022, Regional relations of Serbia in the light of the annual report of the European Commission, CEP, <https://cep.org.rs/en/blog/regional-relations-of-serbia-in-the-light-of-the-annual-report-of-the-european-commission/>, Accessed: 2 July 2024.
- Petričušić Antonija, Cyril Blondel, 2012, "Introduction - Reconciliation in the Western Balkans: New Perspectives and Proposals", *Journal on Ethnopolitics and Minority Issues in Europe (JEMIE)*, Vol 11, No 4, 2012, pp. 1-6, p. 2.
- Petrović Milenko, 2018, "Serbia on its way to EU membership – the remaining challenges and obstacles", *Australian and New Zealand Journal of European Studies* Vol10 (3), p. 5 (print edition).
- Petrović Miloš, Maja Kovačević, Ivana Radić Milosavljević, 2023, *Srbija i Evropska unija dve decenije nakon Solunskog samita*, Institut za međunarodnu politiku i privredu, Beograd, str. 81-87.
- Petrović Miloš, 2024, "Političke posledice prepoznavanja perspektive članstva u Evropskoj uniji za tri istočna partnera", *Evropsko zakonodavstvo*, XXIII, (85): pp. 13–33.
- Popis 2022, Konačni rezultati - Nacionalna pripadnost, <https://popis2022.stat.gov.rs/sr-latn/5-vestisaopstenja/news-events/20230428-konacnirezpopisa/>, accessed: 23 June 2024.
- Pridham Geoffrey, 2008, "Status Quo Bias or Institutionalisation for Reversibility?: The EU's Political Conditionality, Post-Accession Tendencies and Democratic Consolidation in Slovakia." *Europe-Asia Studies*, vol. 60, no. 3, pp. 423–54.
- Rohac Dalibor, 2016, "Is New Europe Backsliding?: Poland, Hungary, Slovakia and the Czech Republic 25 years after communism. *American Enterprise Institute*, 2016. JSTOR, <http://www.jstor.org/stable/resrep03266>.
- Schenker Harald, 2008, "The Stabilization and Association Process: An Engine of European Integration in Need of Tuning", *Journal on Ethnopolitics and Minority Issues in Europe (JEMIE)*, Vol. 7, No. 1/2008, 1.
- Schimmelfennig Frank, Ulrich Sedelmeier. 2004. "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy*, 11(4), pp. 661–679.
- Strupinskienė Lina, Simona Vaškevičiūtė. 2021. "What Happened to Transitional Justice in Croatia After the EU Accession?". *Politologija* 101 (1): 8-51.
- Veselinović Janko, 2022, „Deklaracija o saradnji Srba iz Hrvatske i Hrvata iz Srbije – „Golubička deklaracija““, str. 10, u: „Srpsko-hrvatski odnosi: Od heroizacije i političkih mitova u odnosima Srbije i Hrvatske do održivog razvoja nacionalnih zajednica“, 2022, Novi Sad/Golubić.
- Vlada Republike Hrvatske, 2018, Aleksandar Vulin nije dobrodošao u Hrvatsku do daljnjega, <https://vlada.gov.hr/vijesti/aleksandar-vulin-nije-dobrodosao-u-hrvatsku-do-daljnjega/23751>, accessed: 1 July 2024.
- Wahl Thomas, 2023, Commission Formally Closes Cooperation and Verification Mechanism for Bulgaria and Romania, Euclid, <https://eucrim.eu/news/commission-formally-closes-cooperation-and-verification-mechanism-for-bulgaria-and-romania/>, accessed 1 July 2024.