

EFFICIENCY OF THE IDENTITY-SENSITIVE EU CONDITIONALITY: A CASE OF SERBIA AND THE SANCTIONS PRESSURING

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ABSTRACT

This paper deals with new developments in the EU integration of Serbia after the Russian fully-fledged invasion of Ukraine on February 24, 2022. It attempts to analyse the contextual setting and efficiency of sanctions pressuring by the EU directed at Serbia. The key leading question regards the extent of the efficiency of conditionality in cases sensitive to national identity. The research comes up with a comparative analysis and juxtaposes the case of sanctions pressuring with conditionality regarding cooperation with the ICTY and normalisation of relations between Belgrade and Pristina within the Brussels Agreement. This study is based on empirical research and 22 interviews conducted during fieldwork in Belgrade (March–April 2023) and Brussels (May 2023), involving the perspectives of NGOs, experts, academics, and representatives of governmental and EU institutions.

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Introduction

The reality of international and interstate relations over the past decade has indeed popularised the study of “global crises”. One of the central aspects of studying any “global crisis”, for example, the “migration crisis” or the COVID-19 pandemic, is the focus on the consequences of these “crises” and the way “crisis” scenarios affect international relations. In this sense, studies of the effects of the Russian invasion against Ukraine after February 24, 2022, follow recent research tendencies on the broader implications of “crises”. There have

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already been published a significant number of various academic analyses regarding the effects of the Ukrainian “crisis”. Studies address not only the post-Soviet space but also the consequences of the invasion for the political and economic dependency of Central Asian states on Russia (Malashenko 2022), remittance flows (Poghosyan 2023), or the security of Nagorno-Karabakh (Giuashvili 2022). There are also numerous studies of the consequences of the invasion for the Western Balkans. Some of the most prominent works include new dimensions of the Russian role in the conflict between Belgrade and Pristina (Davies 2022), (Emini 2022), (Kostovicova 2023), security of Bosnia and Herzegovina and its state stability (Solik, Graf, and Baar 2022), (Džihić 2022), (Ruge 2022), the relation between Kremlin and party politics in North Macedonia (Pandeva 2022), or analyses of disinformation at the regional scale (Selimi 2023), (Gjiorgovski 2023), (Zivotic and Obradovic 2022).

The dominant discourse of the abovementioned studies takes into consideration the way the Russian invasion might influence regional Europeanisation and the recent hardships of EU integration and enlargement. On the one hand, the Russian invasion was analysed through realist lenses, in the sense of a confrontation between the West and Russia in the Balkan “power vacuum” (Reka 2023). On the other hand, the European perspective refers to the “crisis” circumstances as the window of opportunity for the EU to “come back” to the Western Balkans and “reinvigorate” the EU integration process (Bieber 2023). This discussion is particularly interesting in the case of Serbia due to its extraordinary relations with Moscow as compared with other Western Balkan states. The contrast in behaviour of the EU between 2014, when Russia seized Crimea and attacked Donbas, and 2022, when a full-scale invasion against Ukraine occurred, serves as significant evidence for Europeanisation being fluid and highly dependent on the political context. This consequently applies to all mechanisms of Europeanisation, including the EU integration and enlargement process. In other words, relations between Serbia and Russia, which before 2022 did not generate major concerns in the EU, gained importance within the EU integration process after the invasion.

This paper serves as a part of the research that analyses the reasons why Serbia decided not to align with the Common Foreign and Security Policy (CFSP) of the EU and, hence, why it refused to impose sanctions against Russia. One of the key hypotheses of the thesis was that Serbia would experience pressure from the EU to impose sanctions against Russia. This is interpreted as Serbia being conditioned to impose sanctions and align with the CFSP in order to continue accession negotiations. The reasons for non-alignment with the CFSP are indeed manifold and refer to both domestic socio-political factors and legal-institutional mechanisms of EU integration. This research takes one step further and focuses solely on the efficiency of the conditionality mechanism, referring

to the theoretical concept of the logic of consequence. Since sanctions pressuring serves as an extraordinary case of conditionality that emerged under contextual shift, this paper will specifically look into conditionality applied under the circumstances addressing issues sensitive to national identity.

Methodology

The topic of this paper deals with an ongoing issue, which, at the same time, makes the research intriguing and challenging, especially from the methodological point of view. The aspect of sanctions pressuring on Serbia serves as a research gap that is not covered profoundly in the academic literature. An initial study of the available literature regarding Serbian foreign policy, the influence of Russia in the Balkans, challenges involving EU integration, and the conditionality approach does not provide sufficient information to analyse very recent events. Numerous news articles, report studies published by Serbian NGOs, analyses of public opinion polls, and documents published by various institutions, including decisions and recommendations promulgated by EU official bodies and legal acts issued by units of the Serbian government, all serve as elements of the methodological architecture enriching desk research carried out for this work. The available material collection published by media outlets, discursive analysis of official documents, institutional statements, and interpretation of statistical data and opinion polls provide a large amount of valuable information to conduct comprehensive empirical analysis. Following Conger's analysis of the advantages of mixed qualitative methods in desk research processes, their use ensures attention to detail, sensitivity to dynamic contextual complexity, and flexibility to unexpected new ideas occurring throughout research (Conger 1998). Hence, the use of various qualitative desk research methods is going to provide a solid background for the empirical analysis of this work.

Nevertheless, dealing with recent pieces of information that did not undergo a complete critical academic analysis of their relevance and authenticity and being aware that certain information is still not available, this work assumes expert interviews as the key methodological approach, encompassing 22 semi-structured interviews conducted during a seven-week fieldwork stay in Belgrade in March and April 2023 and a two-week fieldwork stay in Brussels in May 2023. It is quite obvious that the main point of conducting interviews is to access information that cannot be found in other available sources and test the credibility of information discovered during desk research. Referring to the literature on methodological approaches in political science, one has to take into consideration the fact that the outcomes of the interviews are influenced by both interviewees and interviewers (Van

Audenhove and Donders 2019). Hence, the essential factor is included in the way questions are structured and posed. Therefore, in order to enhance the qualitative contribution of the interviews to this paper, the research design ensured interviews represented various expert environments, including academics, NGOs and think tanks, governmental and political actors, and representatives of relevant EU institutions.

Theoretical framework

This work will be based on the concept presented in 2004 for Central and Eastern European countries joining the EU that develops the theory of Europeanisation and analyses the efficiency of the EU integration mechanisms (Schimmelfennig and Sedelmeier 2004). The key assumption suggests that the candidate states, led by their respective governments, are guided by the logic of maximising utilities. Therefore, they tend to make only such decisions that will bring them net direct benefits (Casier 2011). The utility maximiser concept in the conditionality frameworks is based on several additional hypotheses. Firstly, conditionality does not automatically assume successful compliance and rule transfer since there are a number of other factors to be adequately addressed. Otherwise, conditions based on net benefits would always be efficient. Secondly, it assumes the EU treats the targeted candidate state government as a partner, whose position depends on domestic equilibrium, namely, the role of the opposition. Therefore, utility maximisation is also expressed in the EU intervening in domestic equilibrium, ensuring favourable treatment of the government (Schimmelfennig, Engert, and Knobel 2006). Thirdly, conditionality assumes that compliance always comes with the cost of adoption. Hence, in order to make conditionality efficient, the most fundamental interpretation of utility maximisation says that the rewards or benefits of alignment always have to exceed the domestic costs of adoption (Richter 2012).

Referring to the first abovementioned assumption on other factors of efficient compliance, the literature acknowledges at least three various arrangements for the EU rule transfer. Firstly, the determinacy of rule transfer has to be provided to ensure that expected outcomes can materialise for both the EU and the candidate state. In other words, the process of rule transfer has to define every rule as a condition. This not only makes the government more informed about what sort of decision is expected to be made but also commits both the EU and the candidate state to adhere to the logic of the conditionality mechanism, granting credible practices of compliance and rewards (Noutcheva 2006). Secondly, the size of rewards and the speed of granting them have to reflect proportionately the compliance of the candidate country

(Dimitrakopoulos and Passas 2020). The literature demonstrates that it is not only the promise of final accession to be maintained as feasible at the negotiation table but also the provision that the EU disposes of gradual interim incentives (Van Meurs 2003). Thirdly, the conditions, in order to be efficient, must also fulfil credibility criteria. Depending on the research, the academic literature has developed quite broadly the idea of the credibility of conditionality that can be analysed at least with seven various factors.

Firstly, it must be ensured that the EU treats its promises realistically, and when it commits itself to grant the reward for compliance, this reward, often referred to as a “carrot”, will be granted in the same form as promised. At the same time, non-compliance has to encounter assumed negative consequences for the candidate state by affecting the so-called “sticks”. The tendency to not activate assumed “carrots” and “sticks” seriously exposes the integration process to a loss of credibility and efficiency (Reinhard 2010). Secondly, the EU has to ensure possibly the lowest costs for its side if conditionality “sticks” were to be utilised. Taking into consideration the very long time of EU integration of the Western Balkans, it is particularly important to emphasise that serious decisions involving suspension of the integration process incorporate various resources and investments devoted to the candidate state that risk not only material loss but also the credibility of the whole integration process. Thirdly, the conditionality process has to follow time consistency, i.e., conditions targeting certain governments shall not change due to varying contextualisation. Fourthly, external consistency has to be provided, which entails the same content of conditions being addressed to various candidate states. Fifthly, internal consistency seems to be crucial to making conditionality credible. It denotes a unified decision of the EU member states to formulate common and internally undisputed conditions. Any internal discord among the EU member states risks the conditionality of involving double standards. Sixthly, conditionality has to take into consideration the risk of veto players on the domestic political scene of the candidate state blocking the process of EU integration. Therefore, an ideal form of conditionality prevents veto players from hindering the EU integration process by ensuring that not only the government but the entire state system would benefit from compliance. In reference to the second factor from the previous paragraph on favouring governments by intervening in domestic equilibrium, this aspect is crucial since unbalanced conditionality might lead to unintentional effects harming the democracy of the candidate state (Meyerrose 2021). Seventhly, the conditionality offer has to be sufficiently attractive in order to eliminate the possibility of other actors proposing alternatives to the EU integration process.

With reference to the theoretical conceptualisation of conditionality and the logic of consequence, this paper suggests the following research question:

How efficient is the EU conditionality mechanism in the case of the “sanctions pressuring” of Serbia?

In the following sections, the empirical analysis will be conducted by juxtaposing the sanctions pressuring with other cases of conditionality with reference to the conceptualisation of the logic of consequence. Efficiency of the EU conditionality refers to policies made by the EU that address EU integration and Europeanisation of Serbia. Consequently, efficiency denotes successful conditionality and the overall realisation of EU integration.

Empirical analysis

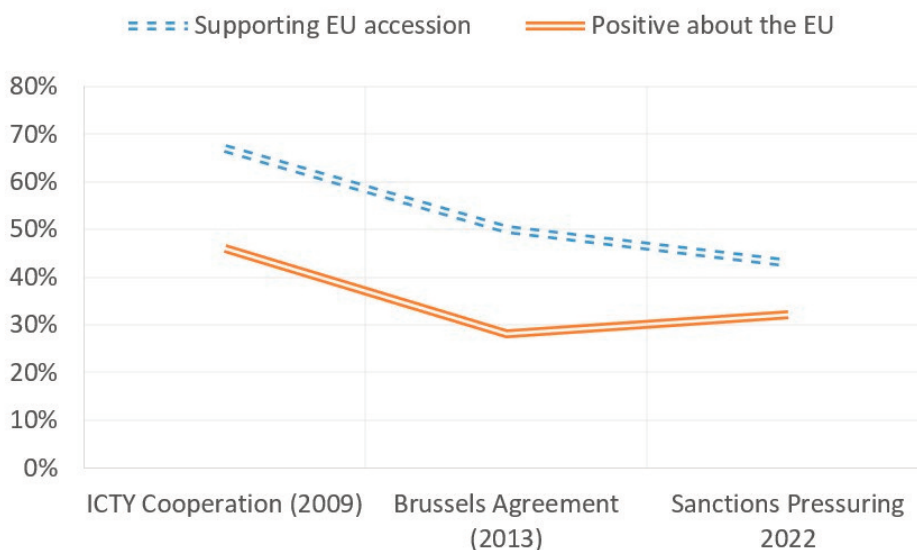
In order to understand the effectiveness of the sanctions pressuring as a tool in the conditionality agenda but also its broader contextualisation, this part will be based on a comparative analysis guided by three benchmarks, whose formulation represents an interpretation of available literature on cost-benefit conditionality. Hence, the analysis of the sanctions pressuring would be conducted in juxtaposition with two other pressuring and conditionality policies, namely, cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the years 2005–2009 and normalisation of relations between Belgrade and Pristina leading to the signing of the Brussels Agreement in the period 2008–2013. There are several reasons explaining the given case study selection. Firstly, all three cases represent issues that are extremely sensitive to national identity, whose collective emotionality poses a huge challenge for governmental stability and decision-makers. Secondly, the results the EU expected regarding these cases manifest decisions being genuinely unpopular in the public opinion view, which in combination with the previous factor threatened the whole course of EU integration. Thirdly, ICTY cooperation, normalisation dialogue, and the sanctions pressuring are all forms of conditions that comprise additional accession requirements going beyond the *acquis* not mentioned on the agenda of the 2004/2007 enlargement in Central and Eastern Europe. Fourthly, taking into consideration different time frames of ICTY cooperation, normalisation dialogue, and the sanctions pressuring, it might provide new contextual factors that have been neglected so far, especially as the academic literature on the two first cases is quite comprehensive and the sanctions pressuring is still a recent phenomenon.

Therefore, this part will analyse the efficiency of the conditionality mechanism in the case of the sanctions pressuring based on three benchmarks. Firstly, the relevance of the popular support for EU accession will be assessed. Secondly, the way conditions are formulated will be evaluated. The third part will focus on the credibility of conditions regarding time and external and internal consistency.

Popular support for EU integration

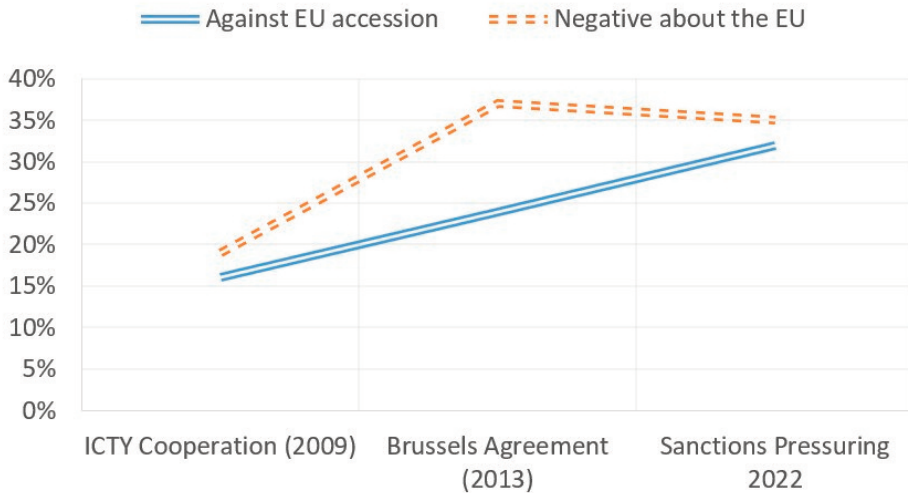
In the first section, the relevance of popular support for EU integration will be analysed. According to one of the interviewees, Maja Kovačević, popular support for EU integration is crucial in order to legitimise decision-making as sensitively perceived by society. Hence, this section comes up with a hypothesis stating that the more popular support for EU accession, the more efficient the conditionality based on the pressure underpinned by EU integration leverages. At the time of the ICTY cooperation and negotiation period leading to the signing of the Brussels Agreement, both the support for EU accession and perception of the EU were marked by majoritarian positive attitudes. In reference to surveys conducted by the Ministry of European Integration (MEI) in December 2009, 67% of people would vote in favour of accession and only 16% against it (Ministry of European Integration 2021), i.e., in the time frame of full cooperation with the ICTY. In June 2013, when the Brussels Agreement was signed, 50% would vote for accession and 24% against it. When it comes to another indicator mentioned in MEI surveys, in December 2009, 46% of people had positive feelings about the EU, and 19% had negative ones. However, in June 2013, the share of perceptions turned into 37% negative and only 28% still being positive.

Figure 1: Pro-EU stances polls according to MEI



Source: Ministry of European Integration 2021.

Figure 2: Anti-EU stances polls according to MEI



Source: Ministry of European Integration 2021.

Hence, there are two important statistical observations to be taken into consideration. First, according to one of the anonymised interviewees affiliated with an international organisation in Belgrade, high results for EU accession support and positive perceptions of the EU in 2009 are consequences of amalgamated actions that can be coined as “European momentum”. These include, for instance, the implementation of the visa-free regime for Serbian citizens, Fiat purchasing the majority stake in Zastava Company in Kragujevac, heralding new investments, or the Stabilisation and Association Agreement (SAA) negotiated in Brussels. Therefore, “European momentum” was constructed as the leverage force of the EU, proving that advancing in the EU integration process translates into benefits for Serbian citizens that can even legitimise the cost of contested ICTY cooperation. Second, the example of changing perceptions of the EU in 2013 demonstrates that pushing for another sensitive issue, understood as the top-down approach, partially undermined the credibility of the EU, decreasing its positive reception in Serbia. Nonetheless, the effects of “European momentum” were still strong. Namely, despite a falling positive perception of the EU, 50% of people would vote in favour of EU accession.

It seems that the three cases analysed here have quite a similar perception in society. 70% of persons in 2009 (Belgrade Centre for Human Rights 2009) did not think that Serbs were treated fairly by the ICTY. According to the BCBP survey from 2011, only 13% of people declared it reasonable to recognise Kosovo for the price of EU integration, while 61% maintained that Serbia should

not recognise Kosovo independence at any cost (Ejdus 2011). In line with the Demostat survey from 2022, 80% of people opposed the imposition of sanctions against Russia (Demostat 2022). Nonetheless, there are three crucial aspects to be taken into consideration. First, interestingly enough, the MEI survey results on the perception of the EU did not change compared to 2013. Furthermore, 35% of negative opinions about the EU and 32% of positive ones indicate a slight improvement in 2022, with 2% less negative answers and 4% more positive ones. However, what is crucial here is the fact that only 43% of people would vote in favour of EU accession (a 7% fall in comparison to 2013), and 32% would vote against it (an 8% rise in relation to 2013 results). One of the interviewees, Vladimir Ateljević, admits there are different methodologies affecting varying results between MEI and other surveys. However, it is a fact that the 11% difference between people voting for and against is the lowest value since the beginning of MEI surveys. Other research centres provide even more dramatic results. Namely, according to the Demostat survey, only 34% would vote for accession and 51% against. CRTA's examination indicates 42% for and 45% against (Ilić et al. 2022).

Taking into consideration all results demonstrating a gradual fall in accession support with a relatively constant share of negative and positive feelings about the EU, one can come to the conclusion that what actually changed between 2013 and 2022 was the decrease in the number of people having a negative perception of the EU still being in favour of accession. Numerically speaking, in 2013, almost every second person supporting EU integration did not have a positive view of the EU, whereas one-third of people having a negative view of the EU would not vote against the accession. Both positive and negative perceptions of the EU, more and more corresponding to the for and against accession votes, demonstrate the rising polarisation of public opinion and the shrinking space of people who would vote differently than their perception about the EU. As one of the interviewees, Ivana Radić Milosavljević, mentions, these perceptions were motivated by their personal interests in free travel and the economic incentives of the common market. Ateljević added that the part of society representing fluctuating perceptions and EU accession opinions is the crucial one when it comes to social mobilisation needed for the majoritarian vote. The shrinking space of the electorate supporting accession despite their negative opinion of the EU is a very clear suggestion of "European momentum" being lost, making EU integration-pressuring leverage less effective.

Secondly, CRTA's survey provides other data suggesting waning "European momentum" even more pointedly. These include 43% of indifference and 19% of joy reactions regarding a scenario of EU integration negotiations being discontinued (35% concern), and 33% of indifference reactions and 28% of joy reactions if Serbia discontinued negotiations and established a new alliance

with Russia (the same 35% level of concern). A similar level of concern reactions, corresponding to the 32% positive perception of the EU demonstrated by MEI, indicates only one-third of the Serbian electorate to be genuinely interested in the EU accession mobilised by the EU integration leverage. Kovačević believes that high values of indifference towards EU integration and a limited number of mobilised EU integration supporters confirm the concept of “enlargement fatigue” being induced by the waste of “European momentum” after 2013, whose responsibility should be attributed to both Serbia and the EU. According to Kovačević, these reasons include: (1) contradictory in the whole “European momentum” statement of Juncker in 2014, excluding any enlargements during his 2014-2019 Commission tenure; (2) decelerating negotiations process stumbling upon mutually exclusive conditions impossible either to be accepted by the EU or realised by Belgrade; (3) the EU integration discourse being less visible in media and agendas utilised by Serbia inviting other actors, including Russia or China; and (4) employment of incompetent people in the governmental Office for European Integration² decreasing its institutional capacity and independence.

Apart from these, another interviewee, the director of the Serbian office of the Konrad Adenauer Foundation, Jakov Devčić, added that “European momentum” was also lost due to huge communication troubles from the side of the EU. He mentions that a very small section of a few dozen people working for the EU Commission deals with strategic communication issues in the Western Balkans. Also, the EU Delegation to Serbia employs almost 150 people, which is one of the largest delegations in the world. The meagre number of employees dealing with communication competition in the era of information society and digital security threats is definitely not enough to counter disinformation and the downgraded role of the EU in comparison with other international actors. The perception of the EU in Serbia, neglected by the EU itself, proves that underestimations of the economic role of the EU in Serbia are the effects of Serbian and others’ disinformation practices and the EU’s ignorance. One of the interviewees mentions that during one of the EU Commission meetings, they suggested that the communication issue poses a considerable obstacle to successful EU integration. Instead, Commission representatives argued that “the use of hashtags” would suffice in delivering the EU agenda to the Serbian public. Devčić indeed supports the development of the communication strategy and appreciates the campaign of the EU posters put around Belgrade. However, he claims that this sort of activity should have emerged much earlier. On the other hand, according to one of the EU officials,

² The Office underwent restructuration into the Ministry mentioned before as MEI in 2017.

challenges entailed with communication and perception of the EU in Serbia are indeed recognised, and their priority has been elevated in recent years. Apart from social media campaigns or posters, the EU Delegation was planning an extensive campaign project for May. However, it was rescheduled due to the school shooting in Belgrade.

Nonetheless, the EU Delegation to Serbia is incapable of countering negative discourses formed in media and political dimensions alone. Whereas the EU expects objective communication based on facts, its mission in Serbia is not to “spread its own propaganda” or “open an alternative pro-EU tabloid”. Despite repetitive calls addressed to politicians at the state and local levels to include objective discourse on the EU and its role in the social and economic life of the country, the attention devoted to the EU in political statements and media still did not reach a satisfactory level. Hence, one of the key reasons for the rise of Euroscepticism in Serbian society is deeply connected with the negative portrayal of the EU and the West by governmental officials and popular media. All these indicators proving “European momentum” is lost explain the falling efficiency of the EU integration leverage, reducing the impact of the sanctions pressuring in 2022.

Thirdly, it is essential to observe that despite negative perceptions of the ICTY’s impartiality or Kosovo’s independence, the EU was able to utilise “European momentum” to reach compromise solutions by finding majoritarian support from public opinion. Hence, 55% of people supported cooperation with the ICTY for the price of EU integration in 2009, and 69% supported the idea of establishing dialogue on normalisation between Belgrade and Pristina in 2013 (Belgrade Centre for Security Policy 2013). Both cases serve as good solutions, portraying the relevance of “European momentum” and high support for EU accession to be utilised as a significant mechanism strengthening conditionality that fulfilled completely EU demands in the case of ICTY cooperation and appeased at least partially some security concerns in the case of Kosovo normalisation. In other words, the rise in support for cooperation with the ICTY from 36% in 2001 to 55% in 2009 demonstrates that the EU integration leverage was strong enough to legitimise the decision previously opposed by society.

On the other hand, the case of Kosovo shows that despite the low support for recognising Kosovo independence since being indifferent to EU integration benefits, 69% of people who supported normalisation dialogue in 2013 legitimised a temporary compromise. Therefore, both cases suggest that, first, the leverage of EU integration is fully effective in the ICTY case and partially effective in the Kosovo case, prompting “European momentum” leverage to wane gradually between 2009 and 2013 and completely vanish after 2013. Thus, even lower EU integration leverage expressed with falling support for

EU accession was not effective in imposing the sanctions pressuring on Serbia in 2022.

Second, the Brussels Agreement, perceived as a temporary solution compromising the interests of the EU and Serbia, suggests that the imposition of sanctions against Russia will find a similarly compromising temporary solution so that decision-making will be more legitimised. Instead, addressing an extremely unpopular decision with pressure and awareness of domestic costs and harms to national interests would lead to political deadlock. The results of CRTA's survey on the effects of the Brussels Agreement are far from optimistic. However, 62% of people believe that continuation of dialogue is important, 55% are against withdrawing from dialogue if it would cost EU integration blockade, and 21% support recognition of independence in exchange for EU accession. Even though the rise of the last value from the 13% level in 2013 to 21% currently would not portray the Brussels Agreement project in a very successful light, ongoing negotiations and numerous small-scale compromising accords, together with maintained legitimacy for the dialogue, prove that limited concessions bring more effects than unreachable conditions, risking a complete deadlock.

Third, as Ateljević claims, every new conditionality leverages a national identity-sensitive issue, dwarfing the importance of such aspects as the functional judiciary, customer protection, or freedom of media, which decrease the credibility of the whole conditionality mechanism. In other words, the prioritisation of identity-sensitive conditionality and its unexpected emergence, as in the case of sanctions pressuring in 2022, demotivates both society and public administration dealing with the EU integration process. According to Živojinović, submitting to EU pressure and overcoming national identity-sensitive conditions does not guarantee that another controversial demand conflicting with Serbian national interests will not enter the EU conditionality and integration agenda. Therefore, an inefficient conditionality mechanism in the case of sanctions pressuring occurs due to the three abovementioned aspects: (1) the loss of leverage of "European momentum", reducing both support for EU accession and its relevance for effective conditionality and pressuring, confirming the hypothesis suggested at the beginning of this section; (2) the lack of willingness to come up with legitimised temporary decisions; and (3) the conditionality mechanism losing credibility due to the prioritisation of identity-sensitive issues.

Clarity of conditions

The second comparative benchmark to be analysed is how the EU conditions for Serbia were formulated and communicated. According to the literature analysed in the part on the theoretical framework, this section

suggests a hypothesis of a correlation between the clarity of the formulation of the condition and its efficiency. When it comes to cooperation with the ICTY, Pawelec and Grimm claim that the determinacy of the condition was quite straightforward and outsourced to the ICTY's opinions (Pawelec and Grimm 2014). In other words, the EU expected Serbia to receive satisfactory assessments on compliance with the ICTY's extradition and arrest demands, the delivery of all necessary documents, and granting access to governmental archives. Hence, one might observe that the clear demands of the ICTY and the EU translated into the efficiency of the condition. The case of the Brussels Agreement is quite different. Even though the majority of Western states recognised the independence of Kosovo in 2008, recognition did not become an official condition from the side of the EU. Assuming the legal independence of Kosovo as an unacceptable "red line" for Serbia, the negotiation framework came up with vague definitions of its parties, and instead the agreement was concluded between Belgrade and Pristina, not state actors or governments. Not only were the subjects of the agreement unclearly stipulated, but the whole document included so many confusing elements that scholars classified it under the category of constructive ambiguity (Kartsonaki 2020). Hence, the effects of the Brussels Agreement can be assessed twofold. On the one hand, unclear conditionality made it easier to approve general decisions to be specified later during the implementation process. On the other hand, ambiguous conditions for what had to be done later made the implementation contested and blocked. Therefore, the unclear conditions provided in the Brussels Agreement confirm the hypothesis since their implementation at a later stage was ineffective.

Where should the sanctions pressuring be placed between these two poles of clear and unclear conditions? Indeed, as Radić Milosavljević claims, the message from the side of the EU is straightforward and calls Serbia to impose restrictive measures against Russia as well as to undertake all other actions leading to alignment with the CFSP as mentioned in the EC 2022 report (European Commission 2022b). Indeed, according to one of the interviewed Members of the European Parliament, the EU awaits clear "signals" from the side of Serbia showing it would join the restrictive measures against Russia, prevent the facilitation of any circumvention of the EU sanctions by Russia using the Serbian market as a means, and demonstrate Belgrade is on the same side as the EU by increasing its CFSP alignment outcome. Nonetheless, another interviewee, Miroslav Gačević, mentioned that the MEI's communication with the EC encountered numerous challenges. As a response to various accusations of facilitating the circumvention of sanctions, he has mentioned David O'Sullivan, the International Special Envoy for the Implementation of European Union Sanctions, as being grateful for "an open and constructive attitude" (Zimonjić Jelisavac 2023) when it comes to the prevention of the circumvention

of sanctions by Serbia. Moreover, Gačević claims that it turned out that joining any package of sanctions would have a domino effect and immediately involve the content of other packages. In other words, “cherry picking” of sanctions is practically impossible, as joining one package of sanctions would denote joining all other packages imposed against Russia since 2014. Since pressuring does not assume complete alignment with the CFSP and the imposition of all restrictive measures against Russia at once, Serbia would not be able to join sanctions step by step. According to the package-by-package logic, due to security and stability concerns, partial alignment would have excessive consequences. From this understanding, outlining a specific roadmap for Serbia that would offer an alternative to package-by-package alignment could improve the determinacy of expected implementation and define details regarding the satisfactory extent of Serbian alignment with sanctions. Therefore, straightforward requests from the EU, dwarfed by questionable implementation and expected details, make the clarity of the condition only partial, i.e., in line with the hypothesis, the efficiency of the condition is also limited.

As a counterargument, one of the EU officials claims that the overall architecture of sanctions against Russia is divided into individual-directed and state-directed sanctions. At the same time, the official admits that the mechanism of sanctions alignment is quite complex and might involve ambiguous statements since the CFSP alignment is a deeply politicised decision. On the one hand, joining recent sanctions from 2022–2023 that serve as modifications of the original ones from 2014 does not make much sense without clear alignment with the original sanctions. On the other hand, joining individual-directed sanctions does not seem like a decision that would automatically involve all packages at once. Moreover, the EU conditions to align with sanctions are equal for all candidate states, and there is no procedure assuming special implementation roadmaps. Addressing this aspect, the other EU official finds the argument on the special roadmap requirement quite “artificial”. According to them, the establishment of certain roadmaps would not only prolong the whole process of Serbian alignment with the CFSP but also create a precedent that could be used by other candidate states to create new conditionality exceptions and “special treatments” that eventually would decrease the efficiency of conditions, making them unable to push for reforms.

Credibility of conditions

This section will analyse aspects of the credibility of conditions and the role of credibility in the efficiency of conditions. Following literature analysed on “logic of consequence” in the theoretical framework part, this part assumes three different elements delineating the credibility of conditions, including: (1)

time consistency of conditions; (2) external consistency, namely, all candidate governments targeted with equal conditions; and (3) internal consistency, in other words, a lack of discord on the side of the EU. The first analysis will be devoted to the case of the ICTY. When it comes to time frames, the EU was quite consistent and, from the very beginning, i.e., since the end of armed conflicts in former Yugoslavia, insisted that all states must deal with their pasts, assuming that the presence of war criminals in post-war political reality might obstruct the progress of reforms and pose security challenges (Spoerri 2011). More controversies could definitely be attributed to external consistency, namely, accusations of the ICTY for not following principles of impartiality or serving anti-Serb interests. Indeed, the EU decided to halt the progress of integration with Croatia in 2005 and Serbia in 2006 based on reports on the unsatisfactory level of cooperation with the ICTY (Hartmann 2009). Renewal of both integration processes in 2007, despite the incomplete compliance of Croatia and Serbia with the ICTY, puts into question the consistency of their own conditions but not the impartial treatment of targeted governments. Additionally, acts of acquittal of various military figures, including Croats Ante Gotovina or Mladen Markač, Serbs Vojislav Šešelj or Momčilo Perišić, Bošnjak Naser Orić, or Albanian Ramush Haradinaj, were utilised by every government in the Western Balkans in order to accuse the ICTY of unequal treatment, following the logic why “their” war criminal gets exonerated and “ours” are still imprisoned (Orzechowska 2013). Nevertheless, the abovementioned exculpations affected people from all sides of the armed conflicts in former Yugoslavia. Thus, the undermined external consistency rule entailed more burdensome communication, limited transparency, and insufficient justification for acquittals. Speaking of internal consistency, there were no major discords between the EU member states when it comes to the ICTY conditionality, as the general consensus on imprisoning all relevant war criminals prevailed. Therefore, taking all three aspects of consistency into consideration, one might observe that upholding credibility in all three criteria translated into the efficiency of the condition.

The level of credibility of the conditions when it comes to the issue of Kosovo is not that clear. Firstly, one can notice a time inconsistency between a massive wave of independence recognitions in 2008 on the level of member states that was consequently not taken as the conditionality mechanism by the EU for the Brussels Agreement negotiations in 2011–2013. On the other hand, it goes without saying that the normalisation of relations between Belgrade and Pristina is a long-lasting security and stability priority for the EU. The aspect of external consistency has been highly contested since Kosovo’s secession in 1999, and in 2008, it was treated completely differently than other instances of attempted secession in Bosnia and Herzegovina or North Macedonia. However,

it has to be admitted that the key architect responsible for approving the secessionist movement in Kosovo and preventing the one in Bosnia was not the EU but NATO. At the same time, the EU consistently fosters the state-building of multicultural and multinational entities in Bosnia, North Macedonia, and Kosovo. Nevertheless, the point of criticism in the light of external consistency might be addressed to the requirement of the EU regarding solving sovereignty problems before the EU accession, having on board Cyprus, which does not have de facto control over its northern province. The biggest challenge is presumably attributed to internal consistency since five EU members, including Greece, Cyprus, Spain, Slovakia, and Romania, do not recognise the independence of Kosovo, posing difficulties for the common position of the EU. Hence, contested internal and, to some extent, external consistencies of the EU conditions impact their credibility and, consequently, efficiency.

How does the credibility of conditions expressed with benchmark constancy influence the efficiency of sanctions pressuring? Firstly, in contrast with the ICTY and normalisation cases, Serbia's alignment with the CFSP presents a considerable challenge to time consistency. The conditionality regarding Serbo-Russian relations was practically inexistent until 2022, emerging with the new shape of EU-Russian relations after February 24 as one of the most urgent affairs to be solved under the EU integration and Europeanisation framework. Interestingly enough, as one of the interviewees, Strahinja Subotić, mentions, the EU partners have expressed much more concern since 2019 about the rising role of China in the region, somehow neglecting Russian influences. Changing the focus of foreign policy from China to Russia demonstrates the extent of time inconsistency in the case of sanctions pressuring. Secondly, there is a lot of criticism regarding the external consistency of condition targeting. Ateljević admitted that the EU stance towards Moldova, taking into consideration the way foreign policy standards were addressed towards Belgrade, is nothing more than the application of double standards. Not only the limited alignment with the CFSP was completely ignored by the EU, even though the country has been experiencing constant backsliding since 2019³, but also the EU Council decided to reward Chişinău with EU candidate status. Additionally, candidate status awards for Moldova and Ukraine greatly undermine the credibility of the conditionality integration process, as compliance with the EU standards that in the Western Balkans lasted for years in the case of Kyiv and Chişinău was recognised in a matter of weeks. Moreover, the decision to reward Bosnia and

³ According to the EC Report on Moldova from 2022, Moldova aligned with CFSP in 2019 at 80%, in 2020 at 68%, in 2021 at 62%, and, according to ISAC data for 2022, at 57%, namely, the value not that far from Serbian alignment estimated at 48% (Novaković and Plavšić 2023).

Herzegovina with candidate status was interpreted as reactionary conduct justifying similar rewards bestowed on Ukraine and Moldova. Nonetheless, Sarajevo fulfilled only one out of fourteen conditions formulated earlier to recognise the rationale for candidate status (Burianová and Hloušek 2022). The CFSP alignment value is higher than that of Serbia, but 81% does not demonstrate complete alignment (European Commission 2022a).

Nevertheless, according to one of the EU officials, cases of Bosnia and Herzegovina and Moldova shall not be treated as double standards. In the case of Bosnia, the EU has bestowed the government with an opportunity that includes “a serious warning”, namely that the process of integration would be stalled if no reforms are introduced in the upcoming months. It has to be taken into consideration that the candidate status is only a symbolic expression of EU integration, and Sarajevo is still far from reaching the point of integration progress corresponding to that of Belgrade. When it comes to Moldova, the EU is aware of the special status of Moldovan security and perceives alignment differently due to: (1) the risk of the armed conflict escalating and involving also Moldovan territory; (2) the government in Chişinău unequivocally stating its position towards EU integration, support for Ukraine, and criticism of Russia, also reflected by the high level of internal legitimacy and high popular support for EU accession; (3) contrasting attitudes of EU member states, including Poland and Baltic states, willing to obstruct the process of the EU integration with Serbia upon sanctions claims; and (4) the position of Hungary declaring support and understanding for Serbian attitude towards sanctions which demonstrates high level of EU internal discords. In conclusion, time, external, and internal inconsistencies of the sanctions pressuring conditions indicate a low degree of credibility of conditions in contrast to ICTY cooperation, and, to some extent, the instance of Kosovo normalisation illustrates the efficiency of the conditionality in the case of sanctions pressuring to be the weakest.

Conclusion

With reference to the research question, the following conclusions might be drawn:

- EU conditionality is inefficient in the case of the sanctions pressuring due to falling support for EU integration.
- The topic will remain in a political deadlock as long as the EU does not offer any legitimised compromise on sanctions.
- The overall credibility of the conditionality mechanism was gradually lost due to the prioritisation of issues sensitive to national identity over democratic reforms.

- Due to the lack of a roadmap for the introduction of sanctions, the alignment would exceed domestic costs.
- The benchmark of time, external, and internal consistencies that make the sanctions pressuring conditionality to be least credible in comparison to the ICTY and Kosovo normalisation cases provides indication to argue that the sanctions pressuring condition is least effective among the analysed three.

This research contributes to the study of conditionality and the logic of consequence by extending analysis to a comparative focus on conditions sensitive to national identity. Observing various tendencies in the EU integration and enlargement policy, this study brings new implications to the cases of other candidate states. Firstly, it opens a new discussion on the efficiency of conditionality and alignment in the case of Serbia that might be further developed to include aspects of relations between Serbia and China, Serbian migration, visa policy, or the question of Kosovo. Secondly, a focus on national identity-sensitive conditionality might contribute to new discussions in other candidate states struggling with accommodating EU integration and sensitive identity issues, as in the case of North Macedonia. Thirdly, aspects of sanctions pressuring and relations with Russia might serve as an interesting point of comparison for further research on the CFSP alignment of Ukraine, Moldova, or Georgia.

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**ЕФИКАСНОСТ ИДЕНТИТЕТСКИ ОСЕТЉИВОГ ЕУ УСЛОВЉАВАЊА:
СЛУЧАЈ СРБИЈЕ И ПРИТИСАК НА УВОЂЕЊЕ САНКЦИЈА**

Апстракт: Овај рад се бави новим развојима у процесу европских интеграција Србије након руске инвазије на Украјину 24. фебруара 2022. Покушава да анализира контекст и ефикасност притиска на увођење санкција од стране ЕУ усмереног ка Србији. Кључно питање односи се на степен ефикасности условљавања у случајевима осетљивим по национални идентитет. Истраживање пружа компаративну анализу и супротставља случај притиска на увођење санкција са условљавањем у случају сарадње са Хашким трибуналом и нормализацијом односа Београда и Приштине у оквиру Бриселског споразума. Овај рад је заснован на емпиријском истраживању и 22 интервјуа спроведена током истраживања у Београду (март-април 2023) и Бриселу (мај 2023) који су укључивали ставове невладиних организација, стручњака, представника владиних органа и ЕУ институција.

Кључне речи: санкције; притисак; ЕУ интеграције; Украјина; Србија; рат; условљавање.