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The international anchoring of Serbian democracy: the seeds of the crisis embedded

Irena Marčeta, University of Bologna

While Milošević's regime was crumbling, in October 2000, the democratization, the economic development and the integration into the international community (EU in particular), represented the great plan of the emerging Serbian political leadership. Eight years after, Serbia is again at a crossroad, far from being a stable democracy and questioning again its future foreign policy. Part of the explanation is surely to be found in the problem of the independence of Kosovo and the unsolved questions of the state borders. Yet, the events of March 2008 are not enough to answer why Serbia's democratization is still not complete¹, or how come the EU's 1.3 billions of euro² worth project of democracy promotion has not succeeded in going beyond a fake compliance.

In this article we will face these questions and try to identify the roots of the current crisis back in the first years of transition from Milošević's regime to democracy. We will use the model of the *international anchoring* in order to explain how the interrelation of international and domestic factors brought Serbia to the same dilemma the country was supposed to have solved long ago. From the theoretical point of view, we will argue that for understanding the success of the democracy-promoting strategies and the role of the international actors (IA) in the democratization of a particular target state, a more complex model, which considers all aspects of the IA-target state relations, shall be developed. Concentrating only on the democracy-promoting aspects of such relation, assuming that the other aspects of linkage (development of the economic, military, political ties for example) are simply the “reward” offered in exchange for democratising, and assuming the spread of democracy as the core-

¹ The judiciary is thus still lacking independence, the legislative is under constitutionally granted control of the political parties, all mechanisms of horizontal accountability are seriously hampered, the harassment of reporters and political and economic pressures over the media are still present, xenophobia, racism, homophobia are widespread and result in serious violations of the basic human rights of socially marginalized groups, while politicization and corruption are still considered the main challenges to the rule of law.

² EC assistance to Serbia (without Kosovo and Montenegro) until the 2006. Data source: the European Agency for reconstruction, 2006 annual report to the European parliament and Council.

interest of the IA's policy towards the target state is all rather limiting, and we believe that all these assumptions shall be released if we are to understand the dynamics of the external influence over the domestic process. We believe that the anchoring theory developed by Morlino (1998, 2005) and Morlino and Magen's (2004, 2008) EUCLIDA analytical framework for studying the process of the international anchoring represents a particularly valuable starting point for building an analytical model able to offer us a more comprehensive insight in the mechanisms of the international influence over the process of democratization, the further development of these instruments being the main theoretical goal of this paper. The CLIDA analytical framework will therefore be built on these grounds, adding following three groups of factors: the IA interest, IA approach (*content* of the norms promoted and the *strategy* used) and IA organizational capacities.

In the empirical part of the work the model developed will be used to describe how the external and internal factors in the democratization and integration processes have combined in the case of Serbia. From the empirical point of view we are particularly interested in understanding the impact of the relationship between the EU and Serbia on the process of the democratization in Serbia. How can we explain the failure of the EU democracy promotion in Serbia? How can we explain the crisis in the relationships between the EU and Serbia, well illustrated in the Serbian hesitation to ratify the Stabilization and Association Agreement (SAA) with EU in spring 2008? More specifically, how did the EU's interests, content of the norms promoted, strategies used towards Serbia influence the domestic decision makers? How could the costs and benefits of the democratization process be altered by the costs and benefits deriving from the integration with EU? Can the present conflict over Serbia's future external policy and the shortcomings in the democratization be explained by the anchoring theory and CLIDA model we propose? If so, what practical lessons can be drawn from Serbia's example?

This article is organized in two large sections. In the first part we slightly adjust the existing model EUCLIDA developed by Morlino and Magen in order to adapt it to the finality of our study. In the second part we use such model to explain the process of the (de-)anchoring of Serbia's democratic regime.

1. The theoretical model of international anchoring of democracy

1.1. The international dimensions of democratization

After representing a long-forgotten dimension of the analysis, in more recent years the international factor's influence over the "peacetime undergoing democratisations" is attracting more and more attention. The end of the cold war and the victory of the liberal paradigm over the communism marked the beginning of a new era, in which promoting the democracy became both a

possible as well as profitable foreign policy strategy³ to follow. As the number of policy makers and international actors interested in mechanisms that would bring to the settling of a particular political regime in the third countries increased, the number of studies on the international influence over domestic political regime also grew.⁴

Recently, in an attempt to overcome the lack of a comprehensive theoretical framework for studying the phenomenon, Morlino and Magen (2004, 2008) developed a new analytical model able to approach the problem of the international influence over democratization. Thanks to its basis in the anchoring theory, this model, unlike other approaches developed mainly to explain the transition to democracy⁵, can explain its consolidation too⁶, as well as possible changes in the quality of the established democracy⁷. On the other side, it is also capable to account both for the consolidation and democratization and for the *de-anchoring* and a possible *crisis* that, as Morlino stressed, in some cases bear the imprinting of the anchoring process itself (Morlino 1998, 2005). As such, we will see, the model is particularly interesting for the Serbian case where the process of the anchoring was followed by the parallel dismantling of the EU anchors.

1.2. International anchoring

The concepts of *anchors* and *anchoring of democracy* were defined by Morlino (2005) in his study of the Southern European democratic consolidations, a work that further developed the theory of anchoring first elaborated in 1998. An anchor, as defined by the author, is:

“an institution or a mechanism, entailing organizational elements and vested interests, that is able to perform a hooking and binding effect on more or less organized people within a society” (Morlino, 2005, pp. 745).

³ On democratization as a strategy to follow instead of control, see Whitehead, 1996, pp. 10-11; on democracy promotion as a particularity of the EU foreign policy, see Mattina, 2004, pp. 315.

⁴ On the relationship between the internal and external factors of democratization, and on the different channels through which the international dimension influences the domestic process, see the works of Pridham (in particular 1993), Whitehead (particularly 1996), Schmitter (1996). For the different mechanisms of democracy promotion see the works of Pevehouse (2000, 20021, 2002b), Pehe (2004), Reiter (2001), Risse and Borzel (2000, 2004), Schimmelfenning (2001), Schimmelfenning and Sedelmeier (2004, 2005), Vachudova (2001, 2003, 2006), Levitski and Way (2005).

⁵ While the international factor can bring to, or at least influence, the transition to democracy through spread or promotion, through violence or peaceful means, through a “one shot” agreement or long-term established links, the consolidation process, due to the much longer time perspective it implies, can be externally influenced mainly by the promotion-oriented, long-term relations between the actors.

⁶ Pridham argued, as far back as in 1994, that “the international dimension is likely to fluctuate in salience and intensity between the successive phases of transition, according to their different concerns as well as the rhythm of events” (pp.20). However, this statement attracted almost no attention in literature.

⁷ On the concept of the “consolidation of democracy” and its different meanings, as well as on improving the quality of democracy as part of the consolidation process, see Schedler 1997, 1998. On the quality of democracy see: Morlino, 2004a, 2004b. In the article the author traces the five dimensions needed to assess the quality of democracy, their key features and the conditions for their development. The insight is that it is possible to understand the different types of deficient democracies by researching the dimensions of the quality of democracy. Linking this insight with the theory of anchoring developed by Morlino (1998, 2005), where the author claims that *type* and *crisis* of democracy can be explained by analyzing the process of consolidation, lets a potentially fertile ground for a research linking the *process* of consolidation to the *product* (type of democracy consolidated) emerge.

The anchors can thus compensate for the lack of the bottom-up legitimisation of the regime and as such they are of crucial importance for the maintenance of the regime that enjoys only limited and exclusive legitimacy (see Morlino 1998, pp. 338-339). Further on, the theory of anchoring links the features of the consolidation process (the kind of legitimacy and anchors) to its exit (consolidation, maintenance, crisis), allowing to study the characteristics of the established regime and the problems it faces as a product of the process that brought to its consolidation (see Morlino, 1998, pp. 338-345; Morlino 2005, pp. 744).

In his study of the Southern European democratisations, Morlino identified four “domestic” anchors of the democracy, envisaging the possibility that a regime can also be externally anchored (see Morlino 2005, pp. 750, 753). The concept of the international anchor was then further developed by Morlino and Magen (2004, 2008), who define the process of the international anchoring as a

“...Binding of domestic institutions, policies and elite circles to supranational rules and institutions characterized by commitment to liberal-democratic values. In practical terms, anchoring involves: (1) subscription to international conventions and soft-law on economic regulation, protection of human and minority rights, anti-corruption measures, labour and environmental rules; (2) submission to the jurisdiction of supranational courts (such as the European Court of Human Rights or the International Criminal Court); (3) formal participation in various international institutions, agencies and forums; (4) involvement in collective conflict prevention, crisis management and other collaborative problem-solving activities” (Morlino and Magen, 2008).

The anchoring thus represents the creation of the linkages between the target state and the international level that, among other, implies the adherence to democratic norms and creates the external incentives for the domestic actors to comply. The anchoring of democracy differs from the democracy promotion in three important aspects. First of all, while democracy can also be promoted through the use of violent means, the anchoring of the democracy is a peaceful process where the external actor does not use coercion to achieve compliance. Then, unlike democracy promotion, the anchors can play an important role not only during the instauration of democracy but also in the consolidation period and, in some cases, during the possible crisis the regime might face. This brings to the third particularity of the anchoring of democracy: besides explaining the democratization, this model also allows to study the crisis and, in line with Morlino’s theory of anchoring, to analyse the type and quality of the established democracy.

The international anchoring is also linked to another important process, the process of linkages (or, as Morlino and Magen labelled it, the “boundary removal”, 2004, pp. 11). The process of linkage may concern a few specific issues (for example the signature of the multilateral treaty on the cross-border cooperation in the fight against organized crime), or it can even include the full integration into a supranational entity such as the European Union. No matter how deep and large the boundary removal goes, the process always bears costs and benefits to the actors involved: a feature that, once the realists’

assumption about the state as a unitary actor with unitary national interest has faded, becomes of crucial importance in accounting for the domestic dynamics of the process.

1.3. A short description of the EUCLIDA model and the change from EUCLIDA to CLIDA

The process of creation (and dismantling) of the international anchor implies, as we already saw, the combining of the regime promotion with the creation of the linkage between a national state (target of the regime promotion) and a supranational actor (promoting a particular regime). The particularity of the international anchoring lies in the fact that it brings together two different processes: democracy promotion and boundary removal, which makes anchoring substantially different from democracy promotion or boundary removal taken separately⁸. In the case of international anchoring, the system of interests, costs and benefits influencing the actor's preferences in one process are linked and enriched with the interests, costs and benefits deriving from the other process. This brings to a change in the dynamics of the two processes that are no longer independent. The regime type, the distribution of power between the domestic actors and their *interests* (of crucial importance is the possible presence of change agents and veto players, as well as the ruling elite's costs and benefits balance), the political moment and possible political fluidity, the presence of alternatives to the political regime promoted and/or presence of alternative directions in the foreign policy, and last, but not least, the existence of organizational, institutional and administrative capacities, all are factors on the domestic level that shall be taken into consideration. In the EUCLIDA analytical framework developed by Morlino and Magen (2004, 2008) for analysing the international democratic anchoring of the democratic rule of law, we find the following hypothesis about the conditions under which the specific rules necessary for establishing the democratic rule of law are adopted, implemented and internalised through the process of international anchoring:

“When credible actions of the IA are complemented by actions of committed change actors, then there are changes of opportunities structures, empowerment of change agents or of governmental elite or of civil society groups and relative weakening of veto players; if so, there is the possibility of a shift in the cost-benefit balance for the decision makers; if there is domestic fluidity and no presence of domestic or international related alternatives, then the shifts bring a policy reassessment; if there is a policy reassessment, then there can be rule adoption. But there is also the opposite possibility at every step, of course especially if no policy reassessment occurs.”

The model of Morlino and Magen's was designed for a cross-country comparative research of the EU impact on the development of the democratic rule of law in those countries with different status of

⁸ The importance of the combination of these two processes in literature can be traced in Whitehead's concept of democratization through convergence, as well as in some works within the europeanization tradition. Thus, Demetropoulou, 2002, argues that the “Europeanization can be understood as the conceptual framework that links integration and transition” (pp. 89).

linkage with the EU, and the cross-country comparison pushed the authors to concentrate more on the domestic variables, leaving the factors on the supply side concentrated in the complex factor of the “IA credible action”.

For the purpose of this article, as both the crisis in the relation with EU and the exit in democratization process are to be explained, we need a precise insight on the internal, but also on the external variables as well. Obviously, it would be possible to argue that the EU’s failure in Serbia was a product of the low credibility of its action and the presence of opposition to the EU. But what are the causes of the low credibility of the EU’s action? How can we explain the serious drop in the support for the EU membership both in the elite and in the electorate? For the purpose of this article the factors on the international level need to be analysed more in detail. To Morlino and Magen’s framework we shall therefore add three composed factors about the international level: IA’s interests, IA’s approach and IA’s organizational capacities. The factors of the EUCLIDA identified on the national level (presence of change agents and veto players, the costs and benefits balance, presence of alternatives, fluidity/stability of the situation, existence of administrative capacity) remain identical. In line with its origin, we label this model CLIDA (Cycles and Layers of International Democratic Anchoring), as it was designed to study *any* international actor’s influence on the domestic democratization process, and it allows both cross-country and cross-IA analysis, even though in this article it is used to study the EU’s influence on Serbia⁹.

The first factor added on the “supply side” is the structure of preferences of the international actor included in the analysis. What are the interests guiding the IA’s behaviour in the process of democratization? What are the interests of the IA in creating a linkage with the target state? The interests guiding the democracy promotion activities of an international subject are numerous, the normative devotion to the democratic values being only one of the possible reasons for action. Economy, security, strategy and geo-political goals might all be pursued by influencing the domestic political regime and distribution of authorities, and democracy promotion can be one of the tactics for following these interests. Whitehead (1996) has underlined how, in cases of democratization through imposition, the influence on the political regime is considered a less costly strategy for pursuing own security (or other) interests on the conquered territory. As “not all good things come together”, we might want to ask what happens when the democratization of a particular state turns into a conflict with the external actor’s economical or strategic interests. Thus, the understanding of the structure of preferences is crucial for understanding the exit.

⁹ The author is currently engaged in testing the model for the analysis of the Council of Europe’s influence in Serbia and Macedonia. However, in this paper we will present only the results concerning the EU activity in Serbia.

To the interests and costs guiding the democracy promotion activity of the international actor, we shall add the interests and costs the international actor (might) derive from the boundary removal process.

The international actor's approach is a composed category of variables where we account for both the *content* of the process as well as for the *strategies used* by the IA when promoting the change. The *content of the regime promotion* refers to the different dimensions the international actor is promoting the change in and depends on the IA's definition of democracy (free and fair elections or the independent judiciary, efficient administration and decentralization as well? The protection of basic human rights or the protection the minority rights and the territorial autonomy for the national minorities as well? Etc). The *content of the boundary removal* process refers to the dimensions and areas of policy tackled by the linkage process (trade, security, finance, agriculture, etc). The determinacy of the norm promoted, the timetable of the reforms (first pursuing the more difficult issues, or leaving the difficult issues for the times to come?), as well as the depth of the process (does it cover only the rule adoption, or is the implementation monitored too?) are factors regarding the content that might influence the exit¹⁰.

As far as the *strategies of influence* are concerned, here we refer to the different strategies of the democracy promotion the enlargement, europeanization, and democracy promotion literature have explored. The international actor might decide to influence the decision of the ruling elite through the conditionality, by offering material rewards or "punishments" to change the costs and benefits calculations of the domestic actors¹¹, or it might try to influence the domestic distribution of power by supporting one actor against the others in order to strengthen the pro-democratic forces or even to bring in a change of the ruling elite¹². It might use the social influence¹³ in order to achieve "the pro-

¹⁰ We do not assume that democracy and democratization have one, well known and all over the world well-fitting content. As Snyder (2000) argued, in some cases the widely accepted recipe for democratization (elections, freedom of speech and active civil society) is actually a vehicle for nationalist appeals and an obstacle to the democratization process (see Snyder, 2000, pp. 40). Both the realist- as well as constructivist-inspired studies dealing with the compliance to the international norm underlined the importance of the content of the norm and the level of its distance from the domestic status quo or the level of the misfit (an importantly in the misfit of the values the norm is based upon) between the domestic accepted norm and the one promoted. Thus, we believe the analysis to be more useful if we include also the *content* of the regime promotion into the variables.

¹¹ On the factors influencing the outcome of the rule promotion through the conditionality, "reinforcement by reward" or "reinforcement by punishment" see: Schimmelfennig 2001, Schimmelfennig and Sedelmeier, 2004, Schimmelfennig, Engert and Knobel, 2003, Grabbe 2001.

¹² As this strategy of the EU has rarely been used (the three most important examples are Slovakia under Meciar, Milosevic's Serbia and Serbia since 2004 on), it is less theoretically developed than other mechanisms. In the literature on the democratization through europeanization we recognize elements of this strategy in what Schimmelfennig and Sedelmeier first described as "domestic empowerment" (2004, pp. 6709) bringing to the "prior political change at the level of government" (idem, pp. 670) and then in 2005 labelled it "differential empowerment of domestic actors", and included it as one of the mechanisms of conditionality (pp. 11 – 12). In Vachoudova, 2001, we find a description of this particular mechanism used in the case of Slovakia (Bulgaria, Romania, Croatia and Serbia are also considered) where the EU tactics brought to a change in the ruling elite. In the future writings of the author, this mechanism will be referred to as "empowerment". In the Europeanization literature we can find the "change in the domestic opportunity structure and interest constellation as one of the mechanisms of the Europeanization (see Knill and Lehmkuhl, 2002), while a great amount of political literature offers several examples of the external actor's influence on the domestic distribution of power.

norm behaviour through the distribution of social rewards and punishments” (Flockhart, 2005, pp. 97), or might use the international forums and networks as favourable settings for the social learning and persuasion¹⁴ in order to achieve the change of identities and preferences. These four channels of action significantly differ in the resources they are based on, in the mechanisms they use, the conditions influencing their efficiency and, it is possible to hypothesize, in the outcome they produce. The different level of conflictuality of these strategies and their different targets lead us to believe that their outcome would be different. Thus, the conditionality and social influence result in the compliance as a product of the change in the actor’s structure of alternatives and of the costs and benefits calculations¹⁵, but the actor’s preferences remain constant¹⁶. This superficial change, that does not goes deeper and fail to change the actor’s preferences, results in what we can label as a “controversial compliance”: the rule is not internalised and even the rule implementation might be difficult and obstructed. On the other hand, social learning directly influences the actors’ belief and/or value system, producing a more profound change. Such change is much deeper and long lasting, ensuring the compliance even if the external pressure is not present¹⁷. The compliance achieved is consensual, as the actor, after the process of social learning through which his identity was redefined and the preferences changed, embraces the norm promoted and internalises the rule. The consensual compliance is also the ideal exit of the influence of the domestic distribution of power, where the international actor’s strategy under the ideal conditions, consists of ensuring the compliance by bringing to the power those actors who share the IA’s preferences, or, at least, that are more favourable and more easily influenced by the IA. The change in this case is achieved not by acting on the actor’s calculations, neither on the actor’s beliefs,

¹³ On the factor influencing the outcome of the rule promotion through the social influence see: Flockhart, 2005, 2006; Johnston, 2001; Finnemore and Sikkink 1998; Schimmelfennig and Sedelmeir, 2004; Schimmelfennig, Engert and Knobel 2003 (the authors use the label “reinforcement through reward by use of the social incentives); on the influence of the pattern of domestic decision making on the outcome of social influence see Checkel, 2001.

¹⁴ On the factors influencing the outcome of the rule promotion through the social learning see Checkel, 2001; Sabatier and Jenkins Smith (1993) ; Sabatier (1999) ; Hall (1993) ; Finnemor and Sikkink, 1998; Ulbert, Risse and Muller (2004); Haas (1992, 2004).

¹⁵ While such exit is evident for the conditionality, in the case of social influence further clarification might be needed. Thus, Johnston, 2001, “The difference between social influence processes and persuasion is neatly summarized by the phrase Festinger used to describe compliance due to social pressure: “public conformity without private acceptance.” Persuasion would entail public conformity with private acceptances” (Johnston, 2001, pp.449). Similarly, Flockhart stresses that “Social influence elicits pro-norm behavior through the distribution of social rewards and punishments” (Flockhart, 2005, pp. 97). Finally, a similarity between the two strategies can be traced also in Schimmelfennig, Engert and Knobel, 2003, when the authors compare the “conditionality through reward by use of the social incentives” with the conditionality through reward by use of the material incentives.

¹⁶ The recent research on the rule of law in Romania in the period post-accession is illustrative for this points. Different authors reported that once the reward (EU membership) was achieved, the compliance with the democratic norms have deteriorated (Dallara 2008b).

¹⁷ Please pay attention to the difference between social learning and social influence. In the case of social learning the norm is *internalised*. As Johnston stressed: “The difference between social influence processes and persuasion is neatly summarized by the phrase Festinger used to describe compliance due to social pressure: “public conformity without private acceptance” (cited in Booster, 1995; 96). Persuasion would entail public conformity with private acceptances.” (Johnston, 2001, pp. 499).

but on the very allocation of authority. In this case, similarly to the social learning, the compliance is ensured as the actor's values and preferences are brought in line with the international actor's norms.

Outcome: Compliance		Process:	
<i>Controversial:</i>	<i>Consensual:</i>	<i>Conflictual:</i>	<i>Non-Conflictual:</i>
Social influence (through threat or reward)	Social Learning Influence over the distribution of power	Influence over distribution of power	Social Learning
Conditionality (both through threat or reward)		Social influence by threat	Social influence by reward ¹⁹ Conditionality by reward
		Conditionality by threat ¹⁸	

The four strategies described can therefore differ in their impact over the domestic regime. Morlino (1998, 2005) argued that the type of the democracy consolidated would depend on the type of the legitimacy (inclusive vs. exclusive) and on the anchors the consolidation is based upon. What happens in the case of international anchoring? Does the channel of international influence the country is subject to during the process of the democracy consolidation shapes the type (and quality) of the democracy established? Further on, the influence of the international actor and the consequence of its action, beside having a direct impact, can also exercise the systemic influence on the domestic level. The international environment (and the necessity for the leading elite to play both on the national as well as on the international level) influences the national actors' objectives and strategies. In the cases where the international actors are *interested* in the inner affairs of a specific country, this influence becomes even stronger. The strategies the IA uses, beside their direct impact on the decision makers (as already underlined), might become one of the systemic variables bringing to the redefinition of the strategies and goals of *all* actors involved. For example, the conditionality exercised over the government has a direct impact on the veto players that are, in order to avoid the rule adoption, forced to adopt a new strategy to compensate for the emergency of this new element in the system. The change of the beliefs and values of *one* actor and the change of his preferences can represent for all the other actors the structural change they have to react to. This is even more true for the influence over the distribution of power that, as underlined by Waltz in his definition of the system, represents the structural change which produces the systemic influence²⁰.

¹⁸ According to Schimmelfennig and Sedelmeir, the conditionality through the threat is rarely used strategy, due mainly to, as the authors stress, its too high levels of conflictuality.

¹⁹ According to the results of the reasearch conducted by Schimmelfennig, Engert and Knobel, 2003, this strategy has proved to be rather inefficient.

²⁰ For the definition of the system and structure see Waltz, 1979. On how the international structure, actors, objectives and strategies of the international actors influence the domestic actors, their objectives and strategies, see Bozzo and Simon-Belli, 2000.

Finally, the IA's institutional capacities influence the process by determining the available courses of action. The international actor's characteristics and resources, material, symbolic, organizational, would be decisive for the credibility and the success of the actions undertaken. The strategy used and its potential for the success would be influenced by the international actors' institutional and organizational capacities to credibly exercise the influence.

If we turn back to the hypothesis about the rule adoption we found in EUCLIDA, we see how the "credible action of the IA" is made of three added factors: the international actor's interest (both in the democracy promotion but also in the boundary removal process), the international actor's approach (where the *content* and the *approach* are the two sub-groups of factors influencing the process), and the international actor's organizational capacities. To these factors on the international level, we shall add the factors on the domestic level: the domestic distribution of power and structure of preferences of the actors involved, the structure of alternatives and the characteristics of the political asset (fluid or stable).

Here we come to the last factor to be included in the framework: the feedback of the process of linkage and process of democracy promotion and their mutual influence. When we speak of the boundary removal or about the promotion of the democratic norms and rules, we shall underline that each of these processes is gradual, taking place in time. The actions of the international actor might produce a change on the national level, the change that can itself have internal and/or external effects. As a consequence of the feedback process, the interests and strategy of the international actors can change, and the content of the norms promoted might also be re-examined. The same can happen on the domestic level, where, due to the impact of the democratization process or to the impact of the linkage with the international actor, the structure of preferences of the actors involved might change. The feedback can produce positive effects on further anchoring, but it might also produce negative effects, causing stagnation or de-anchoring. The de-anchoring, or a crisis in the creation of the international anchor, while diminishing the international actor's capacity to influence the domestic change and, consequently, hampering the outcome of the eventual democracy promotion efforts, does not necessarily (even though it might) bring to the stagnation or crisis of the democratization in the country. The consequences of the de-anchoring depend on the importance the international dimension has for the democratization. In those cases where there is no internal legitimisation for the democratic regime and no domestic anchors are created, the destruction of the international anchor would cause the regime crisis in the target state. In those cases where the democratic regime is supported internally, the break of the international anchor would cause limited damage. This way, the period of stagnation and/or the destruction of the international anchor represent a critical moment for the domestic regime and allows the analyst to assert the importance of the international dimension.

In the EUCLIDA analytical framework Morlino and Magen (2008) introduced the concept of cycles to refer to those moments when “the different events and moments, occasionally close in time, in a sector follow the same direction, i.e. anchoring of the democratic rule of law. Long stops and reverse of direction may be anticipated before the democratic rule of law (DRoL) becomes genuinely internalised and entrenched”. Being interested mainly in the outcome of the process, the authors defined the cycles of anchoring by referring to the *outcome* of the democratization process. In the measure in which the international factor is salient for the domestic process of the regime change, the positive cycles of the democratization would coincide in timing with the favourable setting of the factors we underlined above, and, even more importantly from the analytical point of view, the negative constellation of these factors would produce a negative turn in the process of democratization.

In the following sections we will use the model to describe the development of the international anchoring in the case of Serbia. We will trace the process of the international anchoring as well as the achievements of the democracy promotion undertaken by the EU in Serbia since the 2000 and we will argue that the current crisis in the relationship between the EU and Serbia is a product of the process of de-anchoring which roots can be traced back already in 2001-2002 and was embedded in the particularities of the international anchoring. The organization of the paragraphs is as follows: in the first paragraph we examine the supply side, EU, along with its interests and approach in the process. In the second paragraph we concentrate on the domestic actors in the democratization, their preferences and distribution of power, and follow the temporal developments in the consolidation of democracy, identifying the cycles of the process and explaining the exit in the different cycles with the particular settling of the external and domestic variables. In the third paragraph we concentrate on the content of the linkage process in order to assess in which measure the benefits and costs deriving from economic and other political requirements were able to alter and make the structure of costs and benefits deriving from the democratization more favourable. In the last paragraph we turn to the conclusions and express some concerns about the further developments.

2. The case of Serbia

2.1. The EU's interest and approach

As several researches showed, EU is one of the most active and, seen the experience of the central-Eastern Europe, most successful democracy-promoting international actors²¹. The democracy promotion became a hallmark of EU's foreign policy, both as a declared normative principle and as an

²¹ On the conditions the international organization shall fulfil in order to successfully promote democracy see Pevehouse, 2002. On the supremacy of the EU over other international actors to successfully use the different channels of influence, see Magen, 2004.

instrument of security policy²². As we will see, in the case of Serbia (FR of Yugoslavia, State Union of Serbia and Montenegro), the EU's policy, its economics and the democracy promotion activities, all were primarily guided by security concerns.

The commission report of 1996, about the common principles for the contractual relations with the Balkan states, testifies that the security concerns shaped EU's approach to the Western Balkans:

“The overriding objective of the European Union's action in South-Eastern Europe is the successful implementation of the Dayton/Paris peace agreements and the creation of an area of political stability and economic prosperity, also by fostering the process of political and economic reforms and the respect of human and minority rights and democratic principles... Due to geographic proximity the European Union has a particularly great interest in peace and stability in the former Yugoslavia. The area is surrounded by Member States and associated countries, and the spreading of political and military conflicts and economic crisis onto its own present and future territory must be avoided... Agreement with these countries should be negotiated at a time and with a content so as to make a maximum contribution to the stability in the region” (Report from the commission to the council and the European parliament, com (96) 476 final).²³

The neo-liberal paradigm and the interpretation of the ethnic violence in the former Yugoslavia brought the EU policy makers to identify the “essential elements for peace and stability in the region” (ibidem) with the protection of human and minority rights, the return of refugees, the establishment of the democratic regime and the political and economic reforms.

Serbia was considered a key actor for the Balkan's stability, the Serbian nationalism being particularly feared, as the so-called “Serbian national question” was one of the causes of the 1990 violence. When, in 1997/98, it became clear that, far from being a guarantee of peace in Balkans, Milošević's politics in Kosovo was opening a new ethnical conflict, the international community and the EU intensified their support to the Serbian civil society and opposition parties seeking to overthrow

²² Mattina would argue: “the fall of the USSR allowed the EU to develop its particular way of acting in the foreign policy, i.e., linking the security issue to democracy, starting from the assumption that the latter, when supported by a strong market economy, represents a guarantee for the stability on the continent” (“Il crollo dell'Unione Sovietica ha perciò consentito all'UE di mettere a frutto il suo modo peculiare di fare politica estera, cioè di coniugare il tema della sicurezza con la democrazia partendo dall'assunto che la seconda, sorretta da una robusta economia di mercato, costituisca una garanzia di stabilità per il continente”, Mattina, 2004, pp. 14).

²³ Similar argumentation is also found in the more recent documents. Thus, in the EU country strategy paper for Serbia and Montenegro for the period 2002 / 2006 we find the following passage: “The **Republic of Serbia's** policy agenda is dominated by completing reconstruction and deepening economic reform and, on the political side, continuing the democratic dialogue with Montenegro, consolidating the solution following the earlier crisis in southern Serbia, resolving the status of Kosovo and enhancing diplomatic and economic relations with neighbouring countries. This will be complemented by the substantial strengthening of local government, the establishment of open, transparent and efficient public administration and state institutions and the reform of the judiciary with particular focus on tackling corruption and organized crime.”. In MIP for Serbia and Montenegro 2005-2006: “The first MIP 2002-2004 has striven to support the progress of Serbia and Montenegro in above mentioned difficult political and socio-economic scene which, to a certain extent, has hampered the efficiency and results of the CARDS assistance to support reforms and progress in the SAP. In this situation, Serbia and Montenegro has not yet fulfilled the necessary conditions for contractual relations with EU.” Finally, in the recent speech of Oli Ren delivered at the joint Parliamentary meeting at European Parliament, we find the same structure of the EU's security concerns recognizing in Serbia a key factor for the stability and peace of the whole region: “Our shared goal is to maintain peace and stability, while making substantial progress in the gradual integration of the Western Balkans into the EU... Serbia is central for regional stability and good neighborly relations in the Balkans. The recently signed SAA confirms the EU's commitment to the European future of the country. I welcome the success of the reform-oriented forces in the elections. I trust that the new government will pursue the country's reform agenda and its path towards the EU.”

the regime (due to the limited space in this work we will not face the issue of the NATO intervention and its consequences for the regime change in Serbia). During this period, the end of Milošević's authoritarian regime and the democratization of Serbia became almost synonyms for the stability and peace in the region, thus bringing the EU's security concerns in line with the democracy promotion concerns.

From this point of view, the end of 2000 was decisive. In September 2000 Koštunica, candidate of the united Democratic Opposition of Serbia (DOS), won over Milošević in the federal presidential elections. On October the 5th, the "prudent revolution" forced Milošević to recognize the electoral results and hand over the power. Finally, after two months of cohabitation, in December 2000 DOS won the 2/3 of the majority in the assembly, taking the power at both federal and republican level. During this first period, the goal (security) and the instrument (democracy promotion) of the international actor appeared to be in harmony, as the presumed causal link between the two was supported in the field by the structure of preferences on the national level. The four most crucial dimensions of internal conflict between the old and new political elite (political regime, foreign policy, economy and approach to the unsolved statehood questions) were overlapping (rather than intersecting) in two completely distinct discourses²⁴. Over this period, the democracy promotion meant the assistance (both economical and technical) and the social influence over the pro-democratic, pro-European elite which was enjoying large support. The content of the promoted regime was a "standard", "one size fits all" European package, while the "other" political requirements concerned the cooperation with ICTY and the reconstruction of the federal state by settling the relationships between Serbia and Montenegro, which were the most fundamental issues for the IA. This way, while the democratic reforms and the compliance to the Copenhagen political criteria were conditions for the candidate status, more immediate financial conditionality and strong diplomatic pressures were exercised to ensure compliance with the difficult issue concerning the ICTY.

This first positive period did not last too long, and things soon changed. The mixture of international actor's strategy and internal problems brought to a situation where both the distribution of powers and the preferences of the domestic elite gradually changed, increasing the salience of the IA's security concerns. By the end of 2002-mid 2003, the rise of the nationalists and the assassination of the Prime Minister Zoran Đinđić brought to a re-assessment of the situation. It became clear both to the domestic and the external actors that the elements of the ancient regime and the EU's hostile

²⁴ The analysis of the political programs and electoral platforms of the principal political parties in the end of 2000 shows a clear distinction between the two discourses present. On one side we observe that the support for the old political regime is combined with the strong opposition to the western integrations and the foreign policy oriented eastwards to Russia and China, a radical (even militant) approach to the questions of Kosovo or Montenegrin independence, and the preference for the status quo in economy. On the other side the new emerging elite was advocating the change of the political regime, economic reforms and the foreign policy directed towards West, European integrations being the most important issue. The existence of the two "discourses" in the domestic literature is present as the distinction between two poles (see, for example, Goati, 2002).

nationalist forces were still present and rather strong, which made the IA's concerns over the stability of the democratic regime in Serbia and security in the region even stronger. According to Snyder (2000, 2005), it is possible to argue that such a situation was at least partially provoked by the international community's approach to Serbia. The consequence, as we will see, is a situation where, on the supply side, the security and democracy concerns are no longer as harmonious as they were in the first period.

Since the end of the Balkan wars, the international community opted for condemning and prosecuting the atrocities committed during the conflict. In the case of Serbia, given the number and position of the indictees²⁵, the question was particularly delicate. As the western international community was conditioning the future arrangements and the financial help in cooperation with ICTY, the foreign policy oriented towards the west became too costly for the old elite exponents. Indirectly, this also increased the old elite's costs of the democratization, as the democratization meant a potential shift in the external policy. As Snyder and Vinjamuri (2003) underlined, the insistence on international justice, especially through the establishment of international courts of justice like ICTY, can seriously undermine the process of democratization, as, the author argued, was the case in Serbia²⁶. The pressures and the strong financial conditionality of EU and other international actors in order to ensure Serbia's cooperation with ICTY, undermined the basis of the transition negotiated in October 2000²⁷. The ruling coalition got divided (resulting in the split DS-DSS), and ancient regime supporters were now trying, by any mean, to obstruct the cooperation with ICTY. The international (and not national) prosecution of the war crimes, the still unsolved territorial questions of Kosovo, the Montenegrin insistent query for independence, the turbulences in southern Serbia (where the Albanian minority in

²⁵ Of the 161 indictees facing the court, 81 belonged to the Serbian ethnical group. All the leaders of the ancient regime were among the indictees, and some of them, like Milutinović, were still in charge during the first transitional period.

²⁶ Similar argumentation can be found in Snyder 2005, where the author explains: "In those cases where the country's political institutions are weak, forces of reform have not won a decisive victory and potential spoilers are strong, attempts to put perpetrators of atrocities on trial are likely to increase the risk of violent conflict and further abuses, and therefore hinder the institutionalisation of the rule of law... Justice does not lead; it follows. A norm-governed political order must be based on a political bargaining among contending groups and on the creation of robust administrative institutions that can predictably enforce the law. Preventing atrocities and enhancing respect for law will frequently depend on striking politically expedient bargains that create effective political coalitions to contain the power of potential perpetrators of abuses. Amnesty – or simply ignoring past abuses – may be a necessary tool in this bargaining. Once such deals are struck, institutions based on the rule of law become more feasible. Attempting to implement universal standards of criminal justice in the absence of these political and institutional preconditions risks to weaken the norms of justice by revealing their ineffectiveness and hindering necessary political bargaining" (Snyder 2005).

²⁷ Even though October the 5th 2000, when Milošević was forced to admit the victory of the opposition, is labeled as a "revolution" due to the mass protest, the negotiation between the new elite and the security forces took place prior to the protest in order to avoid violence and the involvement of the security forces. Moreover, some of the figures of the previous regime did keep their charge, due to the continuity approach advocated by Koštunica. Thus, Milutinović (one of the indictees) kept his chair of president of Serbia until the end of his mandate, as the too-high requirements for the impeachment procedure did not allow a change of the president by constitutional means. The military and security heads, controlled at a federal level (which means by the president Koštunica), also kept their positions in exchange for their fidelity to the new president. Even though, as we will see, Đinđić's block tried several times to pursue the lustration in Serbia, this never happened, mainly due to the strength of the ancient regime that ensured the continuity approach to prevail. The thesis of the negotiated nature of the Serbian transition is also supported by the finding that even though the anti-corruption council prepared the well testified charges against the heads of the previous regime, the procedure was blocked in the office of the public prosecutor and the prime minister Zivkovic was justifying the delay of the process due to the "sensitivity of the issue". See Barac i Zlatic, 2004.

Presevo required to join Kosovo), and, most of all, the 1999 NATO intervention in Serbia, all represented a fertile ground to build nationalistic, anti-western rhetoric. Nationalism was used to delegitimise both the ICTY and the international actors insisting on the compliance. Since, after October the 5th, the turn to the old regime was no longer a viable option and democracy was (at least nominally) largely diffused in the public opinion, the ancient regime supporters and the nationalists were forced to make a strategic shift and to re-define the issues at stake: they “broke” the equation between “democratization” and “European integration” by embracing, at least rhetorically, democratization as one of the goals. The new discourse underlined that direction in foreign policy is independent from the preference over the regime, so being anti-western did not necessarily mean being anti-democratic²⁸.

Here we will not discuss the (lack of) coherence between the nation and the democracy-building projects, a question already widely discussed in literature (see Linz and Stepan, 1996, or Goio, 2007). What matters is that such rhetoric found supporters within the Serbian public opinion, and that it became a new interpretation of reality. This shift brought to the end of the dichotomy “authoritarian regime + nationalism + foreign policy oriented towards Russia and China” vs. “democracy + European integration” and to the diversification of the political offer. Thus, while all parties were now engaged in underlining their democratic orientations, patriotism vs. universalism and the direction of the foreign policy were combined differently.

This change in the *domestic* distribution of power and preferences was reflected on the preferences and, consequently, on the strategies of the international actor. The protection of the international actor’s security interests was no longer only the democratization of Serbia and the acceptance of the EU’s standard set of democratic norms and rules (requirements on the level of the political regime). In these new circumstances it implied the preference for the *specific* distribution of power between the domestic actors (preference on the level of political authorities). A possible victory of the ultra-nationalists might not only bring to security problems (seen the nationalist’s position on the questions of Montenegro and Kosovo), but it would also close the doors to the European influence and would make peaceful and diplomatic pressures an impossible strategy to undertake. Finally, judging from the

²⁸ Since 2000 even the ultra-nationalists are underlining their democratic orientation in their party documents, offering a self-identification as a patriotic and democratic party (program SRS u deset tacaka). The political regime they advocate is the majoritarian, centralized democracy in the state defined on the national principle. The nationalist party gave their contribution for some important pieces of legislation for the democratization process, particularly in the field of the electoral legislation. The democratic principles in the program of the nationalistic SRS are treated by the *type* of the democracy the party was advocating, a majoritarian, centralized democracy, which in the cases of multi-ethnic, deeply divided societies like Serbia, is considered to be a source of instability, conflict and/or suppression of the minorities. Another potential concern in the program of the SRS was their approach to the open questions of statehood, like Kosovo and Montenegro issues, for which the party openly claimed the necessity to defend Serbia’s national interests by *any* necessary mean. The position in the regional issues, in particular the relations with BiH and Croatia, were also a point of concern for the process of stabilization in the region. Thus, in a measure in which we can keep peace and stability separated from the questions concerning the political regime, the nationalists were a much more serious threat for Serbia’s cooperative approach in the peace-building process in the Balkans and represented a security treat, rather than being a direct threat for democratization in the narrow sense.

SRS electoral promises, their victory would have strengthened the Russian's influence over the Balkans, making it difficult for the western companies to enter the Serbian market, possibly also threatening foreign investments in the country, as the party was promising the "revision" of the privatisation arrangements and was opposing the right of non-citizens to own property. All kinds of different interests the European Union could possibly have in Serbia (security, economic, geo-political, or simply an EU-oriented government easily subject to external pressures), would all be threatened by a SRS government.

This resulted in the situation where the EU's security concerns created an interest in limiting the alternation to power in order to exclude what, unfortunately, emerged as the strongest political option in the country. As the nationalist were gaining force, the EU was trying more and more intensively to stop the trend by de-legitimising the nationalists, supporting the so-called "democrats" and pressing the divided "democratic" block to cooperation²⁹. We can thus observe how the security interests resulted in the inclusion of a new channel of influence in approaching Serbia: more or less openly, the EU began to undertake actions aiming to influence the distribution of power between the domestic actors.

The strategy aiming to influence the distribution of power between the domestic actors is, in comparison with other channels of influence (conditionality, social influence, social learning), a strategy with the highest level of conflictuality, especially when it takes the shape of weakening, de-legitimation and limitation of the opposition's perspective of power. In practical terms, this meant that the moment the EU identified SRS as the enemy to fight, the anti-EU behaviour of SRS was sealed. The EU's de-legitimation of the radicals contributed to strengthen the party's identity and was the best guarantee of the radicals' commitment to anti-Europeism that the party could offer to its own electorate³⁰.

While the effects of such EU's strategy on the SRS electoral results are mixed (the discussion would require a specific study on the subject), it had a decisive influence on the SRS's (im)possibility to gain the power. It decreased the radicals' coalition potential, and it kept their candidate away from the President's office.

²⁹ The public statements of "hopes", proclaimed prior to all elections since 2002, that Serbia will "opt for democracy and Europe", the satisfaction expressed for the victory of the democratic blocks with, however, concerns expressed for the rise of nationalists, are a clear illustration of the effort to make the EU preferences clear to Serbian voters. "No EU future is possible with radicals" is a very clear message to the Serbian electorate, that found a practical example in may 2007. During the 5-day-long Nikolić's mandate as the assembly's spokesman, the Belgrade stock market fell, the international agreements signatures were postponed and foreign investments suspended. Even more importantly, "no financial assistance" is a clear message given to the political parties in the period of the post-electoral bargaining over the new government.

http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=03&dd=30&nav_category=11&nav_id=291555

As far as the financial aspect of this support is concerned, seen the lack of transparency of the political party's financings it is difficult to bring the evidence of the possible material supports coming from the EU. However, there is a high probability that such link exists already since the period of '90s, when the opposition to the regime was financed by international donations (illegal, according to the law). See Southeast European legal development initiative report "Anti corruption in southeast Europe: first steps and policies", pp. 91.

³⁰ The effect of the EU de-legitimization of the SRS on the party's electoral results represents a potentially fertile ground for testing the Rabinowitz's model of the spatial competition. The hypothesis could be made that far from discouraging its voters, the EU approach to the SRS augmented the credibility of the party's anti-western rethoric.

The effects of such strategy, however, were not only those we have just discussed. From the analytical point of view, much more interesting is another set of consequences this strategy produced. As underlined by Waltz (1979) in his brilliant discussion on the concept of “system”, the distribution of power represents a structural characteristic, and the influence over the distribution of power produces a systemic change influencing all actors of the system. It is possible to imagine that the EU’s effort to influence the domestic distribution of power produced, beside the direct effects above described, other political actors as well. In line with Bozzo and Simon-Belli (2000) we can wonder to what extent the IA’s strategy influenced the domestic actor’s strategies and objectives.

The EU’s policy towards the strongest political party succeeded, as we saw, in changing the domestic actor’s perspective of power, and consequently produced a change (undesired by the EU) in the domestic actor’s strategies and short-term objectives, also changing their preferences in the matters linked to the democratization (see the section on the domestic actors).

Finally, the combination of the IA’s interests (security-guided policy) and the strategy it chose (the influence of the distribution of power) offered the Serbian ruling elite a possibility to use the EU’s security concerns to decrease its vulnerability towards the EU requirements, especially in those areas concerning the democratization process.

Thus, since the presidential elections in 2002 and the assassination of the Prime Minister Đinđić, we can observe an enrichment in the choice of the channels of influence. The influence on the distribution of power through intensive de-legitimation of the nationalists was combined with the conditionality over the key issues, (the cooperation with ICTY being given a particular importance) and with the less conflictual strategies of social influence and social learning. The conditionality reached its peak in May 2006 with the cessation of SAA negotiations due to the Serbian failure to cooperate with the ICTY.

As the situation in Serbia became more delicate, due to the Montenegrin independence, the Kosovo status issue, the strengthening of the SRS and Koštunica’s shift towards the nationalists, the security concerns forced the IA to adjust their tactics. We can thus observe how, since mid-2007 (we can take the formation of Koštunica’s second government in May 2007 as a starting point), the EU’s approach towards Serbia changed again. The measures EU took were visibly security-guided, undermining seriously the credibility of the actor’s action³¹. The SAA negotiations with Serbia, suspended in 2006, were re-opened in order to support the “pro-European” government formation. The agreement was defined (November 2007) and then signed (April 2008), in both cases during the electoral campaign and in order to “give a positive signal to Serbia”. Of great importance here is the change in the EU’s approach to the ICTY that suddenly lost its centrality. Serbia succeeded in concluding and signing the

³¹ For the factors influencing the credibility of the conditionality, and especially on consistency as a factor of credibility, see Schimmelfennig and Sedelmeier, 2005, 13 – 16.

SAA without complying with the requirements concerning the democratization and without ensuring full cooperation with ICTY.

In this section we traced the changes in the IA’s priorities and the subsequent changes in the channel of influence it used (for a schematic representation, please see table 4). Due to the salience of the two factors (IA’s interests and IA’s approach in terms of channel of influence) for understanding the case of Serbia, the two have been described in details in this section. We will only shortly mention the content of the promoted norm and the IA’s organizational capacity before shifting our attention to the domestic level variables.

Table 1: “EU’s interest, approach and strategies”.

Period:	1999		2000 – 2001		2002 - 2007		2007 on
IA’s guiding interest	Security						
To be achieved through	Change of the regime	Change of the regime at domestic level	Consolidation of democracy	The rise of the nationalists at domestic level	Keeping the nationalists away from power and consolidation of the democracy	Further strengthening of the nationalists	Keeping the nationalists away from power, ensuring the peaceful approach to Kosovo issue
IA’s conception on democratization and security	Democratization as instrument for security		Democratization as instrument for security		Democratization <i>and</i> the particular distribution of power as the instruments for security		Particular distribution of power as the instrument for security
Channels of influence Linkage			Strong conditionality (ICTY/SCG/Kosovo)		Strong conditionality (ICTY/SCG/Kosovo) Influence on the domestic distribution of power		Influence on the domestic distribution of power (Kosovo)
Democratization			Soft conditionality, social influence, social learning		Soft conditionality Social influence Social learning		

The norms promoted by the EU as part of the democracy promotion process in the case of Serbia represented the usual “EU package”, with a rather large definition of democracy including: free and fair elections, the rule of law with particular attention to the judiciary and its independence, the building of the administrative capacity and good governance, the de-politicisation of the administration and creation of the efficient, modern civil service, the respect for the human and minority rights, the respect for political and civil rights, the fight against corruption and organized crime. In the part dedicated to the democratization process we will analyse the developments in these areas of policy.

The requirements of the EU that did not concern the process of democratization included political issues like the respect for the international obligations (and with this connected the cooperation with ICTY), the regional integrations and good relations with the neighbouring states. The economic requirements, especially in the field of existence of a free market economy and structural reforms, and the requirements deriving from the SAA (concerning the internal market and trade, sectoral policies, cooperation in justice and home affairs) represents the standard content of the EU’s stabilization and

association agreement. As the goal of this work does not allow a detailed analysis of all the issues tackled by the boundary removal process, we will trace the developments in those dimensions that showed to be of particular relevance for understanding the developments in Serbia: namely, the cooperation with ICTY, the Kosovo issue, and the economic reforms (talking the question of the liberalization of the market and anti-monopoly policies that are the dimensions of the SAA that put up the greatest resistance).

In terms of importance that the *content* had in the case of Serbia, the inclusion of the ICTY cooperation as one of the most salient issues and the concentration of the pressure to ensure the compliance with ICTY appear to be of the highest importance. As we will argue, the necessity to cooperate with ICTY made the negotiation pattern of transition difficult, it influenced the relationship between Serbia and EU and as a consequence it influenced the course of democratization process.

As far as the organizational capacity of the international actor is concerned, in this paper such variable is not considered, as it appeared to be constant in the covered period. In order to reveal the impact of the IA's organization capacities on the process, a comparative study including more IA might be needed. As the period covered by the study (2000-2008) is a period during which the EU has undergone a significant change due to its enlargement, we can wonder to what extent the enlargement influenced the EU's capacity to promote democracy. The increasing of the number of members surely widened the EU's resources, and Serbia's vulnerability to the EU as a country is practically surrounded by the EU, but it also made the decision-making process more complicated. However, the goal of this paper does not allow us a more detailed analysis of this phenomenon.

In the following section we will trace the changes of the CLIDA variables at a domestic level. We will argue that, while it is obvious that the IA's actions were a product of the events on a domestic level, the domestic factors were strongly shaped by the international actor's actions.

2.2. Democratization process

2.2.1. The preferences of the domestic actors

One of the causes that brought to the 10 years long persistence of the Milošević regime was the inability of the fragmented democratic opposition to organize a united front against the regime. The authors identified two causes of such deficiency: personal interests and animosities of the power-seeking oppositional leaders, and, more importantly, the large ideological distance between the opposition parties (see Goati, 2000, 2002). The one and unique common goal the 19 parties that in 2000 formed DOS had in common was to throw Milošević from power. Obviously, all of them

advocated the change of regime and democratization, and they all appeared to support the western turn in the foreign policy, but substantial differences on means and priorities lay under these generic goals³².

The main conflicts dividing Đinđić and Koštunica concerned the approach towards the ancient regime supporters and the problem of continuity vs. discontinuity in reforms. Almost all debates over the concrete policy solutions in that period reflected this basic conflict over these two available alternatives. However, in the period immediately after transition, given the high instability and fluidity of the political system, the actor's preferences over the political regime and the related areas were mainly "democracy" oriented³³. It was obvious that sooner or later the DOS coalition, composed of 19 political parties, would fall apart and this uncertainty of the future electoral exits strongly encouraged all actors to push for the adoption of the democratic rules.

Paradoxically, a similar argument can be made for the forces of the old regime. While democratization surely was not their first choice, in a situation where, due to the strength of the democratic option, the re-establishment of the previous regime was impossible, their main interest was to avoid the responsibility for the crimes committed in the previous period and to protect themselves from the political purges. These most immediate goals might be achieved also through a democratization based on continuity: the latter, or at least some kind of negotiated amnesty, would allow them to avoid responsibility and in some cases even to keep their position and influence, whereas the democratization would protect them from political harassment and give them the possibility to fight for power³⁴.

Consequentially, the laws adopted and drafted in that period clearly reflected the intention of the decision makers to ensure democratic rules for the game, to introduce the system of inter-institutional checks and balances, to create an independent judiciary and build mechanisms of horizontal accountability (see the next section). In many cases, however, the rule adoption and/or implementation were seriously hampered by the conflict over the alternatives offered by the two clashing principles (continuity/discontinuity) and with this tightly linked problem of "lustracija"³⁵.

The problem of "lustracija", which the eastern-European countries already faced in the nineties, had never been tackled in Serbia. With the fall of Milošević's regime, the problem of facing the past was unavoidable, especially because of the atrocities committed by the old elite and the abuse of power by

³² See for example Goati, 2002, pp. 26.

³³ About the continuity/discontinuity conflict in the field of judiciary, see particularly Hiber, 2005. A similar argument is the basis to the "quick" vs. "slow" approach, or "legalistic" vs. "revolutionary", "legalism" vs. "pragmatism" conflicts that were identified by the authors as a main cause of separation between Koštunica and Đinđić. See also Goati 2006, who considers the fight for power, the ICTY and decentralization and the "legalistic" vs. "revolutionary" approaches of the leaders as the sources of the dissolution of DOS.

³⁴ Goati, 2006, also stresses the transformation of the ancient regime parties and their ideologies, particularly of Milošević's SPS.

³⁵ The term "lustracija"/"lustration" in the transitional justice literature refers to a means by which some countries deal with a legacy of human right abuses: through the mass disqualification of those associated with the abuses under the prior regime.

all state agencies. While those that suffered the injustices of the previous regime were now expecting- and considering it a moral obligation to implement it- the process of “lustracija”, both to satisfy the justice and to remove corrupted and unprofessional officials from administration, police, judiciary etc, the opposition to it was extremely strong. How to deal with the supporters of the ancient regime was a crucial question in the conflict between the continuity/discontinuity approach.

While the split between Đinđić and Koštunica, given the ideological and personal differences between the two, was almost inevitable, we can claim that the international factor, unfortunately, sped this split up with the pressures that put the question of lustracija in the front line³⁶. Here we mainly refer to the enormous pressures Serbia was subject to, in order to arrest and submit Milošević to the ICTY, and, further on, to ensure the cooperation with the ICTY. The US and EU financial support, the financial arrangement with IMF (and, consequently, the agreements with Paris Club and World Bank) all were directly conditioned by the capture of Milošević and his submission to The Hague. Unable to find a compromise with Koštunica and faced with enormous international pressure, Đinđić used his control over the police forces to secretly submit Milošević to The Hague, just one day before the Donor’s Conference in 2001, this way ensuring the US and EU participation and their positive assessment (worth 1,56 billion €). This step, taken without informing the then president of Yugoslavia Koštunica, marked the beginning of the open conflict between the two. It made it impossible to leave the question of the lustration or to seek a compromise between the two actors. The dispute over the ICTY opened the conflict between the two and marked the beginning of a turn from the initial enthusiasm for the democratization to a crisis that reached its peak with the assassination of Đinđić.

The split within DOS opened the possibility for what was considered the “rebirth” of the nationalists in 2002. Actually, the analysis of the electoral results shows that we can speak of a rebirth of the SRS *only* if we compare the 2002 electoral results with those from 2000 (a growth from 322.333 to 845.308 votes; the percentage difference, due to the high turnout in 2000, is even higher, around 15%). If we look at the results of the SRS in the previous elections, we notice a relatively stable support to the nationalists of about 1.100.000-1.200.000 votes (with a peak of 1.730.581 in the presidential election in 1997, when SRS was facing Milošević’s candidate, thus representing the “opposition”)³⁷. It is clear that the feature to be explained is not the rebirth of the nationalists in 2002, but their apparent disappearing in 2000. The strength of the regime parties (nationalists and Milošević’s SPS) was far greater than what the 2000 “revolution” made it seem, as a large number of DSS’s supporters were actually the supporters of the nationalists and of the former regime, seeking a slow, continuous change

³⁶ Goati considers the transfer of Milošević to Hague to be a moment where already existing ideological differences towards the ICTY bursted in the conflict DSS-DS. Obviously, the fight for power between the two main actors and their personal animosities were also part of the clash. See Goati, (2006). See also Goati, 2002, pp. 34-36.

³⁷ source: Republička Izborna Komisija

(Komšić, Pantić i Slavujević, 2003). The former regime was much stronger than it appeared to be after the 2000 elections.

The assassination of the Prime Minister in 2003 was interpreted as one of the signs of the ancient regime's strength. The state of emergency was used by DOS as an excuse for the long awaited purge of the political opponents. Violation of human rights took place, and legislations giving enormous powers to the executive, especially over the judiciary, were adopted³⁸. The scandals that then shook the government only contributed to the weakening of the ruling coalition, increasing the strength of DSS and of the nationalists whose rhetoric was concentrated on fighting against the corruption, the reforms, the rule of law and order.

It is important to notice how the re-emergent nationalists have, at least nominally, changed their discourse, trying to define *nationalistic* as compatible with *democratic* while keeping the question of the political regime separated from the questions concerning the foreign policy.

The rebirth of the nationalists and their strengthening in 2003 had an important impact over the Serbian political system. The ideological distance of the relevant actors increased, now resulting in the establishment of the bilateral opposition (see Sartori 1976, pp. 134), thus strengthening DSS's central position and allowing the minority government to survive. It also strengthened Koštunica's position towards the external actors, namely the EU, that, fearing that the political instability could strengthen the radicals, accepted the rehabilitation of Milošević's SPS and tolerated government's strategy of fake compliance in the field of democratization and insisted on the compliance with the ICTY as the most important issue on the agenda.

The polarized pluralism type of party system and its dynamics with joint external pressure aimed in keeping the largest political party away from power, seriously hampering the electoral accountability as it limited the alternation in government (on accountability see Morlino 2006). The limited electoral accountability and the "peripheral turnover" (Sartori, pp. 139) swept away the uncertainty of the electoral competition for Koštunica's party occupying the central position, which was no longer encouraged to pursue the necessary reforms that would decrease the powers and control concentrated in the hands of the executive.

To the mechanisms limiting the electoral accountability deriving from the nature of the party system, we should add the international influence and its systemic effect produced by the strategy of de-powerment of the nationalistic parties. Given the distribution of power between europeists and nationalists, the central position occupied by DSS represented a mix between the country's western orientation with *patriotism* and *Serbian tradition*. Besides being always moderate in his nationalism, Koštunica also was always relatively soft in his European orientation, which easily slipped to the second

³⁸ For the violations of human rights see: Serbia and Montenegro stabilization and association report 2004, Belgrade center for human rights, report on the human rights in Serbia and Montenegro in 2003.

place in his value system. Consequently, his vulnerability to EU (especially to the legitimisation and social influence by the international actors) was lower than it was with DS (the external criticism was easily represented as an unjustified anti-serbism from the international community, or as a mask for the IC's economic interests). The result was that in the process of bargaining, both with his political opponents and with the EU, DSS could always use the "nationalistic" card to increase his blackmailing potential. The practical illustration and bargaining power of such tactics was showed in May 2007 when, thanks to the 5-day-long "agreement" with the nationalists, Koštunica succeeded to achieve the chair of prime minister and the re-opening of the SAA negotiations, blocked since May 2006.

We can observe how the low electoral accountability and the peripheral turnover (both a product of the polarized pluralism combined with the de-legitimisation of the strongest political party) limited the central actor's uncertainty and created a systemic incentive to keep the status quo in the process of democratization. At the same time, the structure of the interests of the international actor, combined with the distribution of the interests in the domestic scene, produced an incentive to use nationalism in order to maintain the central position. The *mid*-instability, a certain level of threat to security that would derive from the presence of the nationalistic rhetoric, and the uncertainty on the direction to take in the foreign policy became a basis for keeping DSS in power. As far as the process of the European integration is concerned, it becomes clear that the uncertainty of the Serbia's foreign policy direction was part of the status quo that would allow Koštunica to stay in power. The pro-European rhetoric and several formal steps undertaken to show commitment to the EU integrations were cohabitating with the lack of compliance to the political requirements, occasional criticisms on the "lack of understanding" from the EU and gradual shifts towards the nationalists.

As the next section will show, since 2004 the ruling elite assumed the position of what can be metaphorically called "fake change agents". It appeared rather active, pushing forward a series of legislations and reforms, but at the same time succeeding in obstructing the process of democratization by modelling the content of the adopted legislations or hampering their implementation. The "rule pollicisation" (or, less metaphorically, the rhetoric use in media and in front of the domestic and international public to show the intention to comply with democratic norms), rather than the rule implementation, was what followed the adoption of the law on financing political parties, conflict of interest, ombudsman or judicial independence. Vachoudova's term "fake compliance" well describes the reformist "activities" of what we labelled "fake change agents".

Other than the governmental actors, we shall also account for the position of other actors playing the role of the change agent or veto players in the process. Even though the size of this work does not allow to examine the distribution of the preferences in each specific area of policy, we would like to underline that in the case of judiciary, administration and reform of the security forces, the public officers, judges, prosecutors, the employees in the administration, the respective services or even

associations had their own vested interest and played an important role in the reform process in their specific fields. Their positions and preferences were also divided, some opposing the change and some pushing for the reforms, mainly in the function of their own calculations of the costs and benefits deriving from such reforms. The continuity/discontinuity dilemma was also present in the case of the employees in those sectors needing to be reformed, as they were to be directly touched by the reforms.

Table 2: “Distribution of the preferences of the domestic actors”

Phase	Fluidity/stability of the domestic political environment	Distribution of power among the domestic actors	System of preferences of the domestic central actor
2001-mid 2002	Fluid, cooperative	Ancient regime appears destroyed Rise of the new elite (DOS, composed of 19 pro democratic political parties)	DOS: pro EU DOS: Pro democratization
External pressures for the ICTY			
2002-2003	Fluid, conflictual	Nationalists re-emerge DOS divide and weakening DSS exit the DOS and offers support to the ancient regime forces	DOS(-DSS): pro EU DOS: Use of the authoritarian means to fight back the opponents in the name of democracy
External influence over the distribution of power			
2004-2007	Too stable	DSS appears as the central actor in the polarized pluralism, augmenting of the bargaining potentials due to the collocation in the party system and thanks to the EU's strategy	DSS: EU integrations: maintaining of the status quo and uncertainty, maintaining of the mid instability DSS Democratization: status quo, avoiding horizontal accountability

2.2.2. The cycles of democratization and the results

If we concentrate on the result of Serbia's democratization in terms of policy output, we can distinguish three cycles during which “events were going more or less in the similar direction”. In this section we will represent the “cumulative” results of a more complex research³⁹. Please note that in each area of policy the EU was active in promoting specific rules, creating the conditionality (by including issues in the EU partnerships), offering technical assistance and legal advices and offering funds and material resources for the implementation.

- The enthusiastic honey moon (2001-mid 2002)⁴⁰

The rules adopted and laws drafted in this period are mainly in line with democratic standards, while the cooperation with international actors was also rather good. We can remember the law on judges (November 2001), law on local self government (February 2002), omnibus law on Vojvodina (January 2002), creation of the council for the fight against corruption (October-December 2001), the amendments to the criminal code (February 2002), the law on the secret services, the first drafts of the

³⁹ The similar distinction of the phases in the process of the democratization in Serbia can be found in Dallara 2008a, and Morlino and Magen, 2008.

⁴⁰ The label “honeymoon” has been used by Begovic to refer to the first years of Serbian transition in the interview with Dallara. See Dallara 2008a, pp. 179, note 49.

law on police (2001) and the draft law on the ombudsman (proposed to the assembly in November 2002, not adopted due to the political struggle); all documents appear to communicate a commitment of the legislator to the democratic reforms. However, we can also observe how larger, comprehensive reforms were not undertaken in this period: constitutional reform, civil service reform, police sector reform, decentralization, reform of the electoral system... none of these “large jobs” were undertaken. Some had begun to be drafted but remained unfinished (the judiciary system reform); others were not even tackled, with some *ad hoc* solutions adopted to calm the pressures.

- The democratic (op-)position falling apart (2002-end 2003)

Fearing the loss of power and weakened by the conflict with the DSS, Đinđić’s government began a series of “short-term oriented decision”. In the name of democracy (and as a mean for political struggle), some “undemocratic” solutions were used, both with the instruments of executive control inherited from the previous regime, and with the adoption of *ad hoc* legislations. The assassination of the Prime Minister Đinđić brought to the culmination of this trend: during the state of emergency a series of violations of human rights took place⁴¹. The amendments to the law on judges in July 2002 and particularly in 2003, as well as the 2003 amendments to the criminal law and law on police, all illustrate the effort to strengthen the executive over the other institutions, allowing political harassment. However, the negative developments did not involve *all* policy areas in this period. Laws were drafted and some positive steps of reform from within were made in the fields of the public administration and military forces. Yet, the crisis in the country showed also in those fields creating the deadlock in the legislative activity of the assembly and pushing the reformist activities in the background, waiting for better times to come.

- Time of fake compliance, fake agents, fake democratization (2004-2007)

In the last period, going from 2004 on, an intensive rule adoption and settling of the legislative framework took place, but at the same time, the rules adopted were often emptied of their content (either not implemented, or with built-in instruments preserving the status quo), and looked more like a fake change rather than true reforms. In relation to the external actor’s requirements, the legislation adopted is judged inconsistent with the international standards and represents a clear case of fake compliance, even though the domestic elite is continuously highlighting the importance of the reforms for both democratization and European integrations.

An analysis of the debate over the bills and of the decision making process brings the ambiguous behaviour of the ruling elite to the light: the government appears to be at the same time a change agent promoting democracy and a veto player defending the status quo and obstructing the change. An

⁴¹ For the violation of Human rights see: Serbia and Montenegro stabilization and association report 2004, Belgrade centre for human rights, report on the human rights in Serbia and Montenegro in 2003. After the change of government in 2004, the newly appointed minister of interiors Jocić (DSS) underlined that acts of political revanchism and the violations of human rights took place during the state of emergency (Dnevni list Danas, 15-16 maj 2004).

analysis of the content of the adopted legislations, on the other side, reveal that in almost all cases the shortcomings concerned the same issue: horizontal distribution of power and the politicisation of the institutions, whose independence is a necessary condition for their proper functioning. Thus:

- in the case of the judiciary, the most serious shortcoming is the lack of its independence;
- in the public administration (strategy on public administration reform 2004, law on government 2005, law on public administration 2005, law on civil servants 2005), the reformists failed to ensure the transparent recruitment, professionalism and accountability;
- the secret services were put under the executive's control of the executive, therefore controlled by the ruling political parties. This meant that, instead of a democratic control, the services continued to serve the interests of the political boss;
- in the police reform (the law on police 2005) there is a lack of accountability and professionalization combined with a structure that ensures high levels of political pressures;
- the law on the conflict of interests (2004) allows the deputies to be a part of the managerial boards of the public companies, excluding the judges, the judicial servants and the local governments' officers from compliance, and it constitutes the council for the prevention of the conflict of interest with insufficient resources and lack of staff;
- the law on financing the political parties (adopted in 2003, in force since January 2004), envisaged to, among else, increase the transparency in the parties' spending and financing, is systematically violated, while the body supposed to monitor the compliance (assembly's committee), being composed by party members depending on their leaders, has neither intention, nor the necessary resources, to question the regularity of the unclear accounts submitted by their party fellows;
- the obligation to declare the assets was finally adopted (part of the law on conflict of interests 2004), but, due to matters of privacy, the information is not available to the public;
- the ombudsman (the law on ombudsman 2005), the last shelter for citizens from what seems to be a de facto unlimited power of the government, was appointed only in 2007, two years after the officially announced deadline, and its work is still hampered by the lack of financial resources;
- media are free, but not too much, because in order to "protect the citizens" the government keeps the radio-diffusion agency under control (the law on broadcasting was adopted in 2002 but remained mainly not implemented until the amendments in 2004 putting the Broadcasting council under a more tied political control. The amendments adopted in 2006 gave the council the exclusive right to shut down the emitter and to use the police forces in order to enforce the decision);
- finally, the last source of horizontal accountability, the assembly's control over the executive, is annulled by the political party's ownership over the mandate. Even though the constitutional court decision ruled against the provisions in the electoral law that gave the control of the mandates to the

parties, the executive violated such decision in the whole period 2004-2006. Finally, the newly adopted constitution (2006) confirmed the party's ownership of the mandate giving it constitutional basis.

We can observe how all "shortcomings" in the process of the democratic transition benefit the same actors: the ruling political parties. Being the Serbian political parties strongly centralized and hardly "democratic" (Goati, 2006), the result is a situation where all powers are concentrated in the hands of a few party leaders.

Further on, in a context where the peripheral turnover undermines the electoral accountability, such benefits are distributed unevenly between the political actors, the greatest advantages going to the central actor. In the part about the domestic actors we claimed that the structural characteristics created a situation in which DSS, at least in the short run, was interested in maintaining the status quo and obstructing any further democratization. The empiric analysis of the developments in the specific areas of policy gave clear evidence of central actor's presumed interest not to democratise (consider that the ministries guiding the reforms we mentioned above - ministry of justice, ministry of public administration and ministry of interior, were all in the hands of DSS party members). If we compare the bills advocated by DSS in the first phase (the law on judges 2001, for example) with those adopted in the third phase, it is evident that such Koštunica's "*undemocratic*" preference was the product of the systemic influence over the actor's short term goals and strategies, and not part of his original ideological package.

2.3. The issue concerning linkage process

As underlined in the theoretical part of this paper, the particularity of the process of international anchoring is that it combines two otherwise distinct processes (democracy promotion and the creation of linkages) with the external actor. In practical terms, this means that to the costs and benefits deriving from the regime change, the costs and benefits deriving from the "boundary removal" shall be added. In the previous sections we described the general distribution of preferences of the main state actors and the outcome of the process of democratization. We saw how the particular set of external and internal factors modelled the central actor's preferences in the democratization process creating an incentive for maintaining the status quo and avoiding the establishment of the mechanisms of vertical accountability. In this section we will examine the main issues at stake in the process of linkage, and check how the structure of the interests in the linkage process influenced the overall distribution of preferences. The central factor in the studies of the international dimension over the democratization represented a possibility for the international actor to produce a change in the cost and benefits balance by offering the economic or other type of incentives to moderate the losses the actors are suffering from the democratization process. Further on, given the importance the economic elite has in the process of democratization and the influence that the political regime (and its changes) have over the

economic elite, in order to fully understand the preferences of the domestic actors, we shall analyse the incentives produced in the linkage area: the economic elite preferences, their preferences concerning the country's foreign policy, and any positive or negative influence that the economic elite's calculations over the costs and benefits deriving from the integration with EU and democratization had on the domestic political elite.

In the following paragraphs we will thus analyse the economic dimension of the EU-Serbia relations and the preferences of the economic elite in the democratization and boundary removal process.

2.3.1. Economic issues

The creation of the linkages with the EU, beside the political requirements, also has its economic dimension. In this section we will try to ponder on the possibility of the economic ties to serve as a mean of supporting the process of democratization and we will try to assess the structure of incentives for compliance/integration deriving from the creation of the economic ties and financial incentives of the EU.

Unlike other central-European countries, Serbia's post-communist economy was developed in a climate of international isolation, by an authoritarian regime and in a war-shaken society where corruption, grey economy and organized crime were tightly linked to the central authorities. The rising of an economic elite with capitals of dubious origins, used to playing by unfair rules, and a situation where a closed market was split among politicians and businessmen, controlling all legal and illegal flows, were its logical consequence⁴².

After the regime change, the economic elite succeeded in legitimising itself and established strong ties with the new political circles, ties which in lack of transparent and efficient political institutions took the shape of clientelistic/corruptive links⁴³. The "newcomers" to the game (foreign investors attracted by the possibility to buy, together with the companies, "slices" of the Serbian market put on the sale due to the particularities of the legislation on privatisation), once entered, did not only easily adjust to the game of the monopoly and cartels of the Serbian economy, but, becoming monopolists themselves, also joined the old elite in pressing the central government to continue its protectionist policies⁴⁴.

⁴² For the links between the political, economic elite and organized crime in Serbia and Croatia, see Rotta, 2003. On the link between nationalism, organized crime and corruption and on the influence the international isolation have on the development of such links, see Kemp, 2003. On the links between the Serbian elite (political and economic) and the organized crime during the '90s see the report of the Southeast European Legal Development Initiative, "Anti corruption in southeast Europe: first steps and policies", on the difficulties and costs of the integration with EU rising from the existence of the economic elite linked with the nationalist pattern governments see Vachudova, 2003.

⁴³ For the paradoxical legitimization of the illegal profit through the law on extra profit with retroactive effects as well as on how the law implementation brought to the establishing of the ties between the economic and political elite, see Mijatović, 2005, Bisić, 2005, Prokopijević, 2002.

⁴⁴ About the monopolies and cartels in Serbia, the mechanisms of the privatisation process that resulted in further limitation of competition and monopolies, see Mijatović 2005, Prokopijević, 2002, Janković 2006.

What is, then, this economic elite's interest in the process of the European integrations? On one side the political requirements of the EU pushing for more transparent and open policy making processes, the fight against corruption, the free and independent judiciary, the rule of law, would surely contribute to what is usually considered a "better environment for business", but on the other side they would also take away the political protection the economic elite enjoys. The state's intervention in the market and economy, the lack of the anti-monopoly legislation, the state aid and closed market, the lack of rule of law, the corruption and the lack of judiciary independence actually are the mechanisms that this elite was (and it appears to continue) using for their own benefit⁴⁵. The political reform would surely create a tidier and more certain environment, but this would award the competitors and the newcomers, not the existing economic elite whose interests are already pampered by the links with the political leaders, the judiciary and the state bureaucracy⁴⁶.

The foreign investors are not in much a different position, as once they bought their portion on the market their interest lies in limiting the competition. The lack of a stable environment is surely a factor of potential concern, but on the other side, the strong dependence of Serbia on western governments' financial support is a specific guarantee of their basic rights. From that point of view, the correspondence between the countries' international aid and the national origin of foreign investors gains in importance (the countries that according the EU donor atlas are placing Serbia among the 5 main beneficiaries of their state aid, are at the same time the countries whose companies are the biggest investors in Serbia according to the data on the flow of the international investments from the National Bank of Serbia).

As far as the political elite is concerned, the economic and financial structures further decreased the elites' devotion to full democratization and to more radical economic reforms. The pressures of the economic elite is added to the already well-known high political costs of economic reforms, and to the pressures of a large public sector fearing unemployment, as a further incentive for the political elite to follow its own private corporative interests instead of pushing for the difficult reforms. The new, "democratic" ruling elite thus becomes an obstacle to the economic reforms, driving the benefits from the status quo.

Finally, as far as the capacity of the economic side of EU-Serbia relation to soften the losses suffered in the democratization process is concerned, the actors enduring costs in democratization did not turn out to be the beneficiaries of the economic integration with EU neither. While international aid and financial assistance were strongly conditioned with the cooperation with ICTY, bringing again

⁴⁵ We notice that the main destination of Serbia's companies investing abroad are Bosnia, Slovenia, Macedonia, Montenegro, USA, Russia (data of the National Bank of Serbia), where a large percentage (88%) were invested in countries that, among European countries, score high on the flows of corruption and lack of respect for the rule of law which obviously do not appear *that* crucial in the calculation of the risk of Serbian investors. (according to the transparency international corruption perception index: Serbia, Bosnia, Macedonia and Montenegro all scores 3.3, Russia 2.3)

⁴⁶ For an inspirational analysis of the links between the Serbian political leaders and the economic elite see Pešić, 2006.

the costs to the ancient regime forces, the reward offered (financial aid) brought major benefits to the new ruling elite ensuring that they kept their position of power. Similarly, the financial assistance in the form of the CARDS program was mainly supply-guided as, by definition, it was oriented to those requirements that are envisaged by the stabilization and association process. As it actually served to push the EU agenda, these resources were far from rebalancing the costs that the implementation of the SAP priorities was imposing on the different actors in the different sectors of policy.

The economic side of the boundary removal did not succeed in altering the costs and benefits balance deriving from the process of the democratization. While the integration with the EU would surely bring enormous benefits to the citizens of Serbia, it would dismantle the existing monopolies and cartels, bringing enormous costs to the economic cronies. While the economic elite was thus interested to maintain the status quo in the relation with the EU, not pushing for the integrations, it also did not represent the source of the impulse for democratization, as the ties it had established with the ruling elite were far more profitable than the benefits a further democratization would bring. After all, the lack of the political leaders' accountability, the lack of the independent judiciary and the politicized administration, were the keys to the economic cronies' success rather than an obstacle to it.

We also saw how the other two faces of the EU-Serbia economic relations, financial aid and economic assistance, due to the EU's security concerns, were used to foster the goals other than democratization. Finally, not even the CARDS projects were able to change the domestic actors' preferences.

2.3.2. Other issues

Similarly to the economic area, other aspects of the boundary removal have further increased the costs of the EU integration and/or democratization process. We already diffusely mentioned the influence that the EU's insistence on Serbia's cooperation with the ICTY had in shaping the domestic politics. The link between the cooperation with the ICTY and EU integrations made the EU-oriented foreign policy unacceptable for the representatives and supporters of the ancient regime. It was not only the decision to give the support to the ICTY (an issue that is far from being a necessary condition for the democratization, thus we do not consider it as a part of the democracy promotion), but also the schedule chosen by the IA (insisting on the cooperation from the very beginning of the transition) have been extremely unfavourable. The prosecution of the old elite for the crimes committed during the authoritarian rule is obviously a politically difficult and costly issue that, if undertaken in the first years of the transition, especially if the ancient forces are still rather strong, it might push the newly established democracy into a crisis. Further on, as Snyder and Vinjamuri, (2003) showed, the establishment of international courts for processing crimes committed by the authoritarian regimes is far from being the only, and it surely is not the best, approach to the problem, as it can hamper the

democratization. We thus see how the content of the IA's boundary removal agenda, both in terms of the issues promoted, as well as in terms of the schedule and order in which the compliance is required, have been one of the most important factors in the process of democratization in Serbia.

Finally, the highly important issue concerning the Kosovo status, and the EU security guided engagement in settling the question, have only further contributed to the strengthening of the opposition against the EU. The Kosovo issue has significantly shaped Serbia's both internal and external politics. We already underlined how the pressures to cooperate with ICTY increased the costs for the ancient regime supporters that, in order to avoid the trials, tried to use nationalist rhetoric to delegitimize the western international community. The unsolved problem of the national borders and statehood were perfect for the goal, especially if we take into account the 1999 NATO unilateral decision to attack Serbia without the approval of the UN Security Council and the several civilian victims which were the result of such intervention. As the moment of the Kosovo's final status was getting nearer and negotiations were open between Belgrade and Priština, the EU involvement in the process and the pressures it exercised to ensure the compromise were perceived as harmful for the Serbian interest and used for further delegitimizing the actor. The unilateral declaration of the independence of Kosovo in March 2008 and the recognition of this independence by a large number of the EU members, as well as the EU decision to send the military and civil mission to Kosovo instead of UNMIK represented the final argument in the hands of the anti-European forces.

It is important for the purpose of this analysis to underline that, in the measure the process of the EU integration implies the acceptance of Kosovo's independence, the costs for the Serbian ruling elite to accept such solutions would increase. The position of the EU on the Kosovo independence is, at the moment, ambiguous, as the EU has not adopted a common position on Kosovo on an official level yet (due to some member states' position against Kosovo's unilateral independence). At the same time, the unsolved problem of the polity, as already underlined in the literature, is a serious obstacle to democratization. Kosovo's unilateral declaration of independence thus represents a tough challenge to the process of democratization in Serbia.

3. Conclusions: Anchoring and de-anchoring of democracy in Serbia, the seeds of crisis embedded

In this paper we tried to develop an analytical framework for studying the international influence over the democratization that would be capable to explain not only the democratization and consolidation, but the crisis and possible failure as well. We identified in Morlino's anchoring theory and in Morlino and Magen's EUCLIDA analytical framework a potentially fruitful basis upon which we build the CLIDA model by adding three more factors, all concerning the international actor: interest, approach and organizational capacity. We released the assumption about the genuinely democracy-

oriented international actors and include the IA's interest in the framework. We released the assumption on the existence of the one-size-fits-all democratic package, including the IA's definition of democracy, as well as the content of the boundary removal process and the schedule in which the compliance is requested as another important factor in the process. We released the assumption according to which the integration with EU is necessarily perceived as a reward by the domestic actors, arguing that the interests, preferences, costs and benefits deriving from the boundary removal process shall also be included in the analysis. They might contribute to the democratization by compensating for the costs the actors are enduring in the democratization process, but they might also create further costs. The costs that the boundary removal and EU integration imposed on Serbia's ancient regime supporters were far higher than the costs deriving from the democratization itself. Finally, we described the four channels of influence the IA can use to ensure the compliance with the requirements of the democratization or boundary removal process, underlining that the strategies the IA use, beside their efficiency in ensuring compliance with the particular norm, can also exercise a more general, often overlooked systemic influence on the domestic political system.

The model is then used in an effort to explain the EU-Serbia relations and their impact on the democratization process. We paid particular attention to the factors that brought to the crisis that have culminated in March 2008, when Serbia refused to ratify the SAA (ratification in the Serbian assembly is still waited for). We argued that the content of the EU boundary removal package that underlined the cooperation with the ICTY as a necessary condition for the Serbian integration pushed the difficult question of facing the past onto the national agenda. It had the catalyst effect pushing the differences within the new ruling elite to emerge, disturbing the possibilities for the negotiated, continuity-based transition and increasing the costs of the EU orientation in foreign policy. The ancient regime forces found their shield in the nationalists who profited from the citizens disappointment to gain support. The dissolution of DOS and rise of nationalists brought to the establishment of the strongly polarized party system organized around the foreign police and nationalism vs. civic values as the most salient, overlapping dimensions of domestic conflict.

The strengthening of the anti-EU extreme of the party system increased the EU's security concerns, which was than reflected over the EU's strategies, inducing the external actor to try to influence the domestic distribution of power by delegitimizing the nationalists and investing the resources to ensure that the country maintain its pro-European course. The strategy appeared successful for keeping the radicals away from power but, at the same time, exercised the systemic influence at the domestic level, changing the central actor's short-term strategies and preferences. Parallel with the process of anchoring the Serbian political regime and foreign policy into the "EU hub", the very instruments used were thus bearing the seeds of crisis and de-anchoring.

The product of such asset in terms of democratization is a democracy in which both components of the procedural dimension identified by Morlino (2004a, 2004b), rule of law and accountability, are damaged. We already underlined how the lack of horizontal accountability is combined with the seriously hampered electoral accountability due to the systemic factors. The consequential deficiency in the rule of law is therefore obvious, the lack of an independent judiciary, the politicised administration and corruption being the main shortcomings identified. To what extent the establishment of such delegative democracy is a result of a specific action by the international actors and, consequently, a result of the particular type of external anchor created, is an issue to be further explored in the comparative studies. The identified mechanisms testify the existence of the structural factors created as a by-product of the IA's action (strategies and interests in particular). It might serve as a starting point to ponder the possible implications the strategies chosen by the external actors might have on the type of democracy established.

If we change perspective and pass from observing the domestic process of democratization to the democracy promotion itself, what we see is the prevailing of a fake compliance by what we can label the domestic "fake change agents". This change of perspective appears useful as it sheds some more light on the *potential* developments rather than on the current situation. In a context where the ruling elite is strongly motivated to maintain the status quo and to oppose the further democratization and with a low level of external pressures (as the international actor was more concerned with other issues) the fake compliance can be perceived as a positive development. First of all, it testified the potential of social influence and the importance of maintaining at least apparent commitment to the democratic discourse. The presence of an international actor requiring and monitoring the introduction of the democratic norms, due to the prevailing legitimisation of democracy as a political regime, succeeded in bringing the issues to the agenda in an environment where resistance to change was very strong. It also marked the existence of a high level of domestic support to the democratic regime in principle, as it showed that the democratic principle is an important source of legitimacy for the domestic political elite which shall be maintained at least at a formal level. In this field, given the weakness of the domestic civil society and its exclusion from the decision-making process, the role of the international community and the presence of the international actors were decisive. Fake compliance is, after all, a half-empty bottle. Even though it is half empty, the other half is still full. After all, the neo-institutionalists showed how the existence of the institutions can produce a change in the behaviour.

To what extent can Serbian democracy be considered anchored to the EU? The answer is difficult to give, seen the ambivalent role the EU had in the process of the democratization. The EU was, at least up to now, successful in keeping the ultra-nationalist parties away from power, and in the measure in which SRS is a threat to Serbian democracy, the role of the EU was decisive. It also supported the reforms with technical and financial assistance and it had an important advisory role in the drafting of

many legislations. It exercised a significant social influence and last but not least, with its insistence on the creation of a “pro-democratic government”, it created a situation where a certain degree of compliance to the democratic rules and of reformist attitude were necessary in order to maintain several benefits that the EU was offering to the democratic regime in Serbia.

Two lessons can be learned from what actually appears to be the EU’s failure in Serbia, both confirming the well-known theories the decision makers forgot to account for. The first is the transition process. As Linz and Stepan (1996) argued, except for the rare cases where the old forces are completely destroyed, the negotiated, continuity-based transition (*riforma pactada*) appears to be the safest way for the newly establishing democratic regime. In the case of Serbia the international actor, by requiring the prosecution of the ancient regime elite for the war crimes, intervened with what at the beginning was supposed to be the negotiated process. The split in the DOS and the bursting of the conflict Koštunica-Đinđić, as well as the re-emergency of the nationalists with the anti-European agenda were all significantly accelerated and modelled by Serbia’s obligation to cooperate with the ICTY.

The other lesson concerns the systemic impact of the international environment and the impact of the different channels of influence. While the level of the analysis did not allow us to test the impact of the social learning as a strategy, or to compare the efficiency of the social learning to the impact of the social influence or conditionality (also because these strategies were combined and used simultaneously), it, however, shed some light over the strategy of influencing the domestic distribution of power. Due to the systemic influence this strategy might have, its impact can go beyond the desired one, altering the perspective for power, short term preferences and strategies of the domestic elite. The final product can thus be different from the one sought for⁴⁷, calling for particular attention when applying such tactics. In a combination with the domestic factors (the polarized pluralism of the party system and the presence of the nationalist parties) and the factors on the international level (security concerns prevailing over the democracy promotion interest), it shaped the process of democratization in Serbia bringing to the establishment of a delegative democracy where the lack of mechanisms of horizontal accountability produced the deficiencies in the rule of law.

Finally, as already stressed, how important the EU is as an anchor for the Serbian democracy, will show in times to come. It surely was an important source that contributed to the development of the democratic institutions (some of them, like the ombudsman, for example, being established only due to the external pressures) and with its recommendations, priorities, standards and requirements it successfully put on the agenda a series of issues that otherwise might have remained forgotten. As far

⁴⁷ We might as well recall that also in the case of the similar mechanism identified in the europeanization literature, the “Europeanization by changing domestic opportunity structures”, as showed by Knill and Lehmkuhl, 2002, the direction of the domestic change, concurrency with EU objectives or the drifting away from the EU objectives, is unpredictable and subject to the domestic factors.

as its importance for the stability and maintenance of the democratic regime is concerned, we might argue that it is proportional to how the crisis in the relationship between Serbia and EU might provoke a crisis in the democracy. The difficulties in the functioning of the country and the political crisis from December 2007 until July 2008 appears at the moment concluded, bringing to the formation of the most incredible coalition between SPS and DS and creation of the pro-EU government. The inner conflict, however, persist, and it appears deeper than ever. The EU concerns continues, now more than ever, to be security-guided, bringing not only to the acceptance of the SPS as a governmental actor, but also remaining blind for the occasional, light violations of the democratic norms by the president Tadić that contributed to the creation of the government. Currently, both DS and SPS are in a position to enjoy the same benefits DSS enjoyed in the period 2004-2007, so the EU approach to the situation in Serbia will be decisive in influencing their strategies and short-term preferences, and, consequently, in influencing the process of democratization. In case the external incentives continue to limit the competitiveness of the system, and if the external actors fail to use the mechanisms of the external accountability to decisively push on the further democratization on agenda, it might easily happen that the Koštunica phenomenon repeats again. The systemic dimension of the international influence might strike again, and this time, seen the continuous erosion of the pro-EU block, the strike might be decisive. As Vachoudova stressed, "... Parties that are considered extremist, such as the Radical party in Serbia, are unlikely to disappear. The best hope is to open up more channels of communication and create incentives for them to embark on the process of "adapting" to an EU-compatible agenda" (Vachudova, 2006, pp. 3).

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