

Balkans: State Building and Human Rights in Kosovo, Macedonia and Serbia

The Difficulties Facing EU Conditionality in the Balkan Region

By

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The Vietnam War memorial was built in 1982 as a national reminder of the American deaths that occurred during the Vietnam War.¹ The presence of the memorial acknowledges the suffering of their families and the sacrifice they made for their country. It is difficult for any American to remain untouched when staring at his own reflection in the wall that lists his deceased countrymen. The wall ensures the dignity of their sacrifice.

There is a very similar wall several thousands of miles away. While this wall lists heroic men who died in battle and shows its visitors a reflection of their faces in the names of the men listed, it has a very different stigma. It is located in Kosovo, commemorating the KLA members who died in the fight against Serbia. The KLA is an Albanian organization with an ethnically motivated purpose.² It is not possible to achieve the democratic concept of ensuring national dignity for all who suffered during a war when the monument represents only a portion of the population. A nation cannot work together to move on from its turbulent past when the memorials are as ethnically stigmatized as the conflicts were. Today, the international community is attempting to work with Kosovar institutions to establish national cohesiveness and the inclusion of all minorities in a newly formed Kosovar state. While the institutions may possess the veneer of democracy, however, they lack underlying democratic values.

The absence of democratic values in society is a general feature of the Balkan countries. As we will examine further later, there is a considerable “distance” from the

1 “Vietnam Veterans Memorial”.<http://www.nps.gov/vive/index.htm>

2 Di Lellio, Anna. *Interview*. 6/15/2010

norms, values and identity of the EU Member States.”³ The European Union is attempting to cross this divide for the eventual integration of the countries in the region into the Union through enforcing several conditions articulated in the Copenhagen treaty. As Vachudova argues, “the EU is the single most important international actor in the Western Balkans region and thereby in a unique position of promoting ethnic reconciliation, democratization and economic revitalization.”⁴ These conditions, however, do not take into account the strength of the ethnic national identities in the Balkans. Whereas the civic elements of national identity are prevalent in established democracies, serving as a democratic basis for democratic institutions, these elements are very weak in countries without a history in democracy.⁵ In light of this, this paper will seek to prove that the absence of a strong civic element in the national identities of the Balkans and the prevalence of the ethnic elements results in a formal democracy, adhering to many of the EU conditions without sustaining democratic values. This will be achieved in two sections examining the following two major challenges facing EU conditionality. The first is a surface adaptation to European Union conditions. To fully understand this

3 Mäki, Johannes-Mikael. “EU Enlargement Politics: Explaining the Development of Political Conditionality of ‘Full Cooperation with the ICTY’ towards Western Balkans”. *Politicka misao*, (45), 2008. Pg. 75.

4 Moravcsik, A. and Vachudova M.A., “Preferences, Power and Equilibrium: the Causes and Consequences of EU Enlargement, in Schimmelfennig, F. and Sedelmeier, U. (Eds.)”, *The Politics of EU Enlargement: Theoretical Approaches*, Routledge, 2005, pg. 141.

5 Schimmelfennig, F., “The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union” *International Organization*, (55), 2001, pp. 47-80.

situation, we will look at the civil society in the region. While it may be vibrant, as required by the EU, it is ethnically stigmatized and fragmented. The second is the problem of inconsistent compliance. This occurs when a country takes steps towards EU integration, but resists satisfying conditions that interfere with the country's national identity. This is especially evident in the foreign policies of Serbia and Macedonia. The arguments will be based on a combination of interviews, academic literature and personal observation. Before addressing these two major challenges to the success of EU conditionality in the region, however, it is important to clarify the conditions for entry into the EU, the concept of national identity and its state in the Balkans region.

Conditions for Entry into the European Union

The EU's approach to enlargement is articulated in a series of treaties and Commission Reports on Enlargement. The process has developed considerably since its initial appearance in the Treaty of Rome (1957). The Single European Act (1987), the Treaty of Maastricht (1992), the Copenhagen Treaty (1993), the Treaty of Amsterdam (1997) and the Treaty of Nice (2000) have all contributed to the evolution of EU enlargement criteria.⁶ It is important to note that a 'European' state has never been defined. The Copenhagen Criteria, the most binding articulation to date, states that membership in the EU requires:

⁶ European Commission Enlargement;
http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm,
6/16/2010

Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy, as well as the ability to cope with competitive pressures and market forces within the Union, the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.⁷

According to Marie Brainiff, there are several levels to conditionality in the region. The first requires a country to pass the requirements set out by the Copenhagen European Council in 1993. The second, unique to the Balkans, involves criteria set out in the Stabilization and Association Agreements. These Agreements are country specific, as each Balkan country signs a separate one with the EU.⁸ In Serbia's case, the Stabilization and Association Agreement requires "full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), respect for human and minority rights, the creation of real opportunities for refugees and internally displaced persons to return and a visible commitment to regional cooperation."⁹ In addition, all such Agreements include the requirement for an active civil society.¹⁰ The final stage is the conditional path for

⁷ European Council, Presidency Conclusions, Copenhagen, 21-22 Jun. 1993, pt. 7, AA iii.

⁸ Brainiff, Marie. "Transforming the Balkans? Lesson Learning and Institutional Reflexivity in the EU Enlargement Approach", *European Foreign Affairs Review* (14), 2009, pg. 548

⁹ Ibidem, pg. 556

¹⁰ Ibidem, pg. 557

accession. The first two stages must be consistently upheld during the consideration process.

The case of European Union Enlargement in the Western Balkans is to date unique. The EU introduced several new and stricter requirements directed specifically at the region, focused primarily on political conditionality. It has also developed a broad benchmark process—a series of conditions that need to be met in certain timeframes. These are intended to facilitate the “road to Europe” through providing the Western Balkans countries with “an appropriately detailed road map guiding them to their desired destination.”¹¹ However, the process is burdened with opposition and tensions in the internal EU politics, difficulties with the technical implementation of the approach and disillusionment in the Balkans region. We will soon see whether or not the EU’s conditions have developed enough to ensure the full democratic evolution of the Western Balkans states.

National Identity and its State in the Balkans

The lines between national identity, nationalism and patriotism have become increasingly blurred as they are used interchangeably.¹² The general academic understanding of national identity is based in social identity theory as articulated by Tajfel. According to Tajfel, social identity is “the knowledge of membership in a social group (or groups) together with the value and emotional significance attached to the

¹¹Brainiff, Marie. 2009, pg. 558

¹² Novakova, Kumjana. “European Identity in Focus: Construction and Re-construction of European feeling of belonging in Bulgaria and Ireland”. *Free University Amsterdam*. Pg. 3

membership.”¹³ A nation, as defined by Anderson, an adherent to the constructivist school, is an “imagined community” usually along ethnic, territorial or civic lines.¹⁴ This definition is supplemented by Turner’s self-categorization theory (SCT) that emphasizes the fluid nature of identity. While a member of the Serbian community may identify as “Serb,” they are not always aware of this identity. If a political conservative is in a room filled with political liberals, he might be more aware of his political identity than his national or ethnic identities. Thus, while identities are not unstable, their “accessibility may vary across contexts.”¹⁵

It is also important to note the strength of the identity. People who have a high level of identification within the group tend to conform more readily to the group’s norms. They shift their personal identity to align more closely with the group identity, creating a greater group consensus.¹⁶ Thus, in a national context, those who identify strongly with their nation (whether ethnic or civic) will be more inclined to internalize the appropriate national norms. Patriotism, while directly related to national identity, is a separate concept. Primoritz defines patriotism as “loyalty to the basic values and

13 Tajfel H. “*Human Groups and Social Categories*.” Cambridge: Cambridge University Press. 1981. Pg.10

14 Anderson, B. “*Imagined Communities. Reflections on the Origin and Spread of Nationalism*.” New York: Verso. 1991.

15 Khatib, Nadia. “The Influence of National Identity and Civic Norms on Involvement”, *Midwest Political Science Association Annual Meeting*, Chicago, 2007, pg. 23

16 Ibidem, pg. 25.

principles of one's polity."¹⁷ Nationalism, a step further, is frequently defined as a sense of national *superiority* over other nations.¹⁸

In democratic countries, civic norms are a central component of national identity. Being a good citizen is frequently associated with voting, paying taxes and participation in national politics. In studies asking Americans what they associated with being American, the most frequent answer was voting.¹⁹ This importance attributed to civic participation is evidence of strong underlying democratic values. It is not the same situation in the Balkans. In order to understand the absence of civic norms in their identity, however, it is important to first understand the convoluted facts of their history (with a particular focus on recent history, through individual case studies, assuming that national identities are still evolving and in the process of formation).

As with many European countries, the initial inhabitants of the Balkan region are difficult to discern. It is important to note, however, that when Slavs arrived in the sixth century C.E., there were already people present. The identity of the various groups living in the Balkans, including Serbs and Albanians, was still in its formative stages when the Turks first challenged the occupants. The most significant battle against the Turks was at Kosovo Polje (Blackbird's Field) in Kosovo. While the result

17 Primoritz, I. *Introduction: "Patriotism"* Amherst: Humanity Book, 2002. Pg. 19

18 Khatib, Nadia. 2007, pg. 28

19 Ididem, pg. 35

of the battle is generally believed to be a draw, the battle is significant today because its celebration can be used as a strong rallying cry for the Serbian population.

According to Serbs, the Serbian hero, Lazar, who sacrificed his life arguably for all Balkan peoples during this battle, represents the Serbian national determination and constant struggle for land. An often forgotten fact is the presence of Albanian soldiers fighting on the side of the Balkan peoples as well.

The Turks ultimately succeeded in conquering the region and began a rule that lasted more than half a century. The occupiers were fairly lenient, desiring primarily dutiful citizens. Thus, Catholicism and Orthodoxy were permitted. There were, certainly, many civil benefits for converting to Islam. In light of the strength of the Orthodox religion among the Serbian population, the primary converts were Albanians, the majority of which were Catholics. This endowed Albanians with a superior position under Turkish rule, instigating tensions resulting from Serbian resentment of Albanians that had not previously existed. During this time period, many Albanians moved into what is now Kosovo, land still today seen by the Serbs as Serbian 'holy land.'

When the Ottoman Empire became increasingly weak in the late 19th century, the western powers held the Congress of Berlin and decided to intervene and ensure that territorial lines were drawn, primarily to protect the region from Russian infringement.²⁰

The majority of these territorial lines crossed ethnic lines. Thus, while Europe was

20 Vickers, Miranda. *"Between Albanian and Serb."* New York: Columbia University Press. 1998

undergoing the formation of nation-states, the newly formed Balkan states were struggling with fresh ethnic divisions and conflict over territory. As MacMillian describes the situation, “On the population maps of the Balkans, the patterns were rather pretty, a pointillist scattering of colors and an occasional bold blob. On the ground it was less pretty, a stew of suspicions and hatreds bubbling away.”²¹ A key actor during this time period, which is not to be overlooked, was the Prizren League. The League consisted of Albanians with the goal of establishing a ‘greater Albania’ through the territorial unification of all parts of the Balkans with Albanian inhabitants. While their attempts were thwarted by the international leaders of the time, the concepts and ideas initiated by the Prizren League are still festering among Albanians today.

After several ethnic skirmishes in 1912 known as the Balkans Wars were solved by minimal territorial revisions and a first attempt at the Kingdom of Yugoslavia in 1913, the whole world devolved in the chaos following a desperate measure by a Yugoslav nationalist in 1914. Subsequently, the region faced two ethnically divisive World Wars in which different ethnicities found themselves on differing sides, with a brief interlude during which a second Kingdom of Yugoslavia was attempted. The region finally settled down following World War II under the leadership of Josip Broz Tito into the Federal People’s Republic of Yugoslavia.

After a transitory attempt at Stalinism, Tito introduced a new and enlightened form of communism that would endow the region with a prosperity and

²¹ MacMillian, Margaret. Paris 1919. *Random House Publishing*; 2003. Pg. 200

freedom of movement unparalleled in the communist sphere. Tito's withdrawal from the Warsaw pact resulted in favorable treatment from the West. Under this form of Yugoslavia, the celebration of the various ethnicities and their national identities was discouraged.²² Instead, Tito's goal was to unite the nation through making a social identity out of a political identity (Tito's form of communism). After Tito decentralized the nation with revisions to the constitution in 1974 and after the regional struggle during the global recession in the 1980s indicated serious flaws in the market socialist system, however, it slowly became evident that while the Yugoslav identity had been successful for several decades, the glue of a political identity was not strong enough to perpetually hold a contentious region together. After Tito's death, a weak central government, the reappearance of ethnic national identities, and several other factors, led to a slow and violent dissolution of the Socialist Federal People's Republic of Yugoslavia. After the Plethora of conflicts in the region, ethnic tensions still run high and every group considers itself a victim.

The absence of an established democracy in the history of the region is good evidence for the lack of democratic civic norms in the various national identities. While many would argue that there was a brief emergence of a citizenship based on *demos* following the Yugoslav Partisan movement after World War II, neither the international community nor the local communities fostered the concept. Thus, ethnicity, or citizenship based on *ethos*, has been the only consistent unit in the region that has held an enduring

22 Vickers, Miranda. 1998.

identity.²³ According to Conces, “ethnic nationalism is bound to identity formation” in the region.²⁴ He goes further to explain how choosing an ethnic nationality as a person’s primary identity, as is done in the Balkans, can pose serious problems to interpersonal relationships. This emphasis on ethnicity in the national identity as opposed to civic norms is further evident in the political situations of the various countries of the region. Three brief case studies on Kosovo, Serbia and Macedonia respectively will most acutely bring the ethnically based political situation to light.

Kosovo

The Kosovar Albanians have had visions of grandeur since the establishment of the Prizren League in 1878. These visions were perpetuated over the course of history with several instances endowing them with brief stints of increased power. Two particularly salient instances include the Albanian alliance with Italy during World War II and Tito’s liberalization of the autonomous province in the 1974 revisions to the Constitution. The later was perhaps the most important event sparking unrest in the country. Kosovo was not satiated by the acquisition of increased power in the Yugoslav republic; the Albanian people’s desire for full autonomy was merely increased. The University of Prishtina, the first institute of higher learning in Albanian in the Yugoslav republic, became the center for nationalist sentiment. This blind nationalistic sentiment

23 Cafruny, Alan. “The European Union and the war in the former Yugoslavia: the failure of collective diplomacy” *The Union and the World*. Kluwer Law International; pp. 133-150.

24 Conces, Rory. “The role of the hyperintellectual in civil society building and democratization in the Balkans”, *Study of Eastern European Thought* (59), 2007, pg. 142

was driven by the poor economic conditions in the province. In contrast to the six republics in the Yugoslav state, Kosovo had never been modernized and thus the concept of individualism never took hold. Consequentially, when Milosevic placed the country under martial law, Albanian nationalism reached new heights and the country leaned towards the military resistance of the KLA lead by Hashim Thaci as opposed to the peaceful resistance of Ibrahim Rugova.

Today, following the involvement of the international community, Kosovo faces several problems. The ethnically stigmatized, Albanian military organization, the KLA, was never reintegrated into society. Instead, many former KLA members hold political positions, resulting in an ethnically based political climate. A series of personal interviews conducted on the streets of Prishtina asking a series of questions on national identity soundly proved that the Albanian citizens of Kosovo do not consider themselves 'Kosovar,' but instead 'Albanian.' The vast majority of the population remains uneducated, driving the country into a complex social situation based on paternalistic structures. Finally, there is an utter lack of democratic political culture. As the Ombudsperson in Prishtina explained, many citizens do not file complaints because it is not in their culture.²⁵ In addition, as articulated by the Youth Initiative for Human Rights in their latest assessment of *Governance and Free Expression in Kosovo*, "instead of a left-right divide, Kosovo Albanian parties still trace themselves back to respective 'war' or 'civil' origins, marking the 1990s schism in how to resist Serbia's oppression."²⁶ Even

²⁵ Kurteshi, Sami. Personal Interview. 6/18/10

²⁶ "State of Constriction?: Governance and Free Expression in Kosovo." *Youth Initiative for Human Rights*, Prishtina, 2010. pg. 14.

the political parties are not based on civic norms, but instead are still focused on the ethnically stigmatized opposition to Serbia. It is evident that the political climate in Kosovo and the resulting national identity is based in ethnicity with little civic presence.

Serbia

The Serbian political climate during the dissolution of Yugoslavia was one colored by xenophobia and oblivion to the external occurrences. The internal rule of Milosevic from the early 1990s until his downfall in 2000 can be characterized by the repression of the media, travel and economic wellbeing. The Serbian people suffered years of detrimental inflation. The desperation experienced during this time period came to light during several personal interviews with Serbs. One woman related the story that upon receiving her weekly paycheck in plastic bags full of cash, she sprinted across the city to the nearest bakery, praying that the inflation would hold long enough for her to purchase a single loaf of bread.²⁷ In addition, the Serbian people underwent a series of bombings by the international community. A Serbian girl of seventeen related the story that her best friend from elementary school had been walking along the sidewalk next to the radio station when it was bombed and not a single remnant of her has been found. As a Serbian woman articulated in a personal interview, the Serbian people still feel “as if ten years have been lost from [their] lives.”²⁸ Thus, while many external observers blame the Serbs

²⁷ Gandjeva, Milica. Personal Interview 6/ 12/10

²⁸ Gandjeva, Milica. Personal Interview. 6/12/10.

for the majority of the atrocities committed during the 1990s, it is important to note that the Serbian people were suffering as well and were generally oblivious to external occurrences due to the internal economic and social situations.

The suffering during these years coupled with the Serbian societal memory of history has molded the Serbian victim mentality that pervades the people today. The Battle of Blackbird Field against the Ottomans is of great significance for the Serbian people. It represents their resistance of many external oppressors, eternally vying for independence. This resistance persisted through the 20th century, frequently in the name of Yugoslavia (the motivation behind the murder of Archduke Ferdinand). It is the general perception of Serbs that they fought these battles for territorial autonomy of the region on their own and it is their prerogative to persist. Thus, the concept of secession from a Yugoslav Union is offensive to what the Serbs perceive as a past of Serbian protection. This is evident in the endless Serbian espousal today of 'Kosovo is Serbia.' Even the most moderate Serbs chant this. Kosovo possesses the Serbian holy land of Blackbird Field and it represents the final piece of land that they spent so many lives to protect. Also not to be ignored is the Serbian memory of World War II. During these years, the Croats, members of the Nazi alliance, committed horrific atrocities against the Serbian people.²⁹ This recent past has not been forgotten. The combination of all of these factors has resulted in a persistent xenophobia juxtaposed with a victim mentality.

Following the demise of the Yugoslav state, the emergence of the church in the identity of the Serbian people is not to be neglected. Serbian Orthodoxy, repressed during

²⁹ Global Security; <http://www.globalsecurity.org/military/world/war/croatia.htm>. 8/3/10

Yugoslavia, is now frequently used as a tool for social mobilization. Today, Serbs associate their nationality with membership in the Serbian Orthodox Church. Thus, the battle for Kosovo has taken on a 'holy' dimension. Many Orthodox priests have articulated support for policies resisting the independence of Kosovo. This dimension was particularly evident on the Serbian national holiday, St. Vitus day. A visit to the Serbian Orthodox church in Gracanica on the holiday exposed clerical support for the Serbian retention of Kosovo. The priests, while moderate, reiterated the importance of Kosovo as a 'holy land' for Serbia. This was further apparent when the group proceeded to Gazimestan where there were Serbs bottling soil, presumably for a shrine. After the priests were done speaking, the group broke out into chants of "Kosovo is Serbia." With a clerical backing, it is not likely that the Serbian people will speak out in opposition to the political path of resistance to Kosovar independence.

Macedonia

The Macedonian case, while related to the previous cases, is unique in both its evolution and its current status. While Macedonia, like many of the Balkan states, had once dreamt of a "Greater Macedonia," from an international perspective, the country had largely matured by the point of the demise of Yugoslavia. It was the only peaceful transition from Yugoslav membership prior to Montenegro and it received a positive rating from the Badenter commission, whose job it was to rate the Constitutions of the newly independent ex-Yugoslav states. The peaceful transition appeared to be an illusion, however, following the conflict that broke out in the country in the late months of 2000. An Albanian insurgency (largely made up of Kosovars) posed a large problem for the Macedonian government. As the insurgency spread in numbers, however, it evolved from

an insurgency advocating for Albanian territorial autonomy into a group of Albanians demanding a more equal status in the Macedonian Constitution. The speedy international involvement forced a quick resolution to the conflict through the Ohrid Agreement. This Agreement included several provisions for large minorities, satisfying the Albanians, but leaving the Macedonians resentful.

In hindsight, while there was Macedonian nationalism that flared up during the creation of the Macedonian Constitution, a document marginalizing minority groups, the measures taken to rectify this marginalization are perhaps more divisive. Albanians are allowed to have Albanian as a majority language in areas where Albanians are a majority. This means that a section of the population speaks Albanian and the remainder speaks Macedonian. Neither can understand the other. Nonetheless, there has been a general acceptance of the current status quo between the two differing ethnic groups.

The division among Slavic Macedonians and Aegean Macedonians is perhaps the biggest struggle in establishing a unified Macedonian national identity. In recent years, the nationalist ruling party has taken advantage of the disagreements with Greece over the Macedonian territory. Instead of investing in economic or social capital, the Macedonian government has been focused on developing symbolic capital through the Skopje 2014 project. The project is focused on proving the Aegean Macedonian history as separate from Greece, citing the Slavic Macedonian history as a “mere footnote” in the history of Macedonia.³⁰ These political activities have brought to light a new ethnic

30 Trajanoski, Zarko. Personal interview. 7/6/10

division. Thus the Macedonian national identity is not only plagued by a split between Albanians and Macedonians, but also by a division among Macedonians themselves.

A closer look at both the history of the region and the current political climate of several countries in the region thus bring to light populations whose identities are primarily based on *ethos*. The constant awareness of the juxtaposition of ethnicities makes the ethnic aspects of national identity far more salient than the civic aspects, a side to national identity that is practically nonexistent in the history of the Balkans. Every ethnic group feels unfairly disadvantaged or attacked by ethnic groups, endowing each respective ethnic group with a feeling of entitlement and consequentially a feeling of superiority over other ethnic groups. This enforces a strong ethnic basis to national identity, the competitive nature of which takes on the dimension of nationalism. As we will soon see, this feeling of superiority infiltrates most of the democratic institutions, endowing them with, at best, a precarious validity.

EU Conditionality: Establishing a Formal Democracy

Civil society is one of these democratic institutions that are questionable in the region. Civil society is not a static concept. As Mavrikas-Adamou explains, “civil society organizations don’t ‘float freely in social space,’ but are grounded in indigenous social and political structures which have historical roots found within the political culture of each society.”³¹ In this context, civil society in a region where ethnicity is the driving factor in the process of national identity formation will be vastly different from civil

³¹ Mavrikas-Adamou, Tina. “Challenges to democracy building and the role of civil society” *Democratization* (17). 2010, pg. 523

society in a region where civic norms are predominant. According to Saunder, there is a distinction between “civil society” and “democratic civil society.” The former is “a complex network of associations and relationships that citizens generate to deal with the problems they face throughout life.”³² The latter is different in the substantial and qualitative change to the network of which a person is a part. More specifically, “the ways citizens relate within groups and how these groups relate to others—through deliberation, dialogue, collaboration rather than authoritarian or adversarial interactions.”

³³ Thus, it is important to note that civil society can exist without being based in truly democratic values. According to Conces, “although civil society is often referred to as being compatible with or promotional of democracy, it can be racist, exclusionary, backward and recalcitrant.”³⁴ He explains that this is the case in Bosnia and Herzegovina. With this in mind, let us examine several social movements in the Balkans and the consequential trends developed in civil society.

Otpor was a Serbian organization formed in 1998 by a group of students who had worked together previously during the student protests of 1996/1997. The initial motivation of the founders was to establish a movement against the human rights violations of the Milosevic regime. In order to appeal to a wider audience, however, they

32 Saunders, H. H. *“Politics is about relationships: A blueprint for the citizens’ century.”* New York: Palgrave Macmillan, 2005. pg. 202

33 Ibidem pg. 58

34 Conces, Rory. 2007,pg. 202

realized that they needed to consolidate under the goal of ousting Milosevic from power. Thus in early 2000, Otpor developed into a people's movement against Milosevic.³⁵ With this momentum, Otpor was able to mobilize 800,000 people in October of 2000 to defeat Milosevic and to set a united opposition party in power. A recent interview with one of the founding members of Otpor indicated a personal disillusionment with the movement, however. Jelena Urosevic explained that, while the movement succeeded in bringing down Milosevic, it failed to fix the illnesses of the system. Many of the people in the movement were motivated by nationalistic purposes, such as punishing Milosevic for his failure to hold on to Kosovo. The man who subsequently gained power, Kustuniza, had an equally nationalistic agenda. Urosevic explained how the 'democratic' system today is based on non-democratic values. She became generally disillusioned with the Otpor movement itself when it became politicized several years ago.

While Otpor began with a civic basis, its need for wider appeal forced it to develop new dimensions that were not civically based. The movement extended into the nationalist sphere. The great mobilization of society that Otpor achieved had the additional effect of educating the people in civic participation. With the indigenous social and political structures, however, this could be a more negative than positive result.

Vetevendosje, a movement still active in Kosovo, became the organization that it is today in the middle of 2005. Its Manifesto calls for Kosovar self-determination and complete independence from the international community until it succeeds in establishing

³⁵ Urosevic, Jelena. Interview. 6/13/2010

full autonomy from Serbia.³⁶ The 15,000 members of the organization and the 1,000 activists are ethnic Albanians, and Albanian nationalist symbols are prominently figured in all of their public activities. The Albanian aspects of the movement were further emphasized in an interview with a member of the organization. When pressed for his national identity, the representative consistently answered Albanian. He explained that the territorial borders of Kosovo were imposed, and that he did not feel the need to accept a Kosovar identity. For his grandfather, the concept of Kosovo did not exist. His grandfather considered himself a part of Albania. With this, the representative asserted that he would not be opposed to eventual annexation with Albania. He also expressed ambitions of the organization to eventually evolve into a political party and thus acquire political dimensions.

Vetevendosje, although far more ethnically stigmatized than Otpor, is currently the biggest civil society organization in the region. Their motivation is not the promotion of democratic values, but the establishment of a homogeneous ethnic Kosovar state. As with Otpor, the vast membership of Vetevendosje is educating the population in civic participation. This again raises the question as to whether or not this is a positive side effect of the movement.

As explained in the requirements for the enlargement of the European Union, one of the conditions in the Stabilization and Association Agreements, drawn up for the Balkans region, is a vibrant civil society. From the view of an outsider, there is a very active civil society. The number of organizations is far larger than in Western

³⁶ Vetevendosje. "Manifesto." <http://www.vetevendosje.org/?cid=1,15>

Democracies and membership is quite high.³⁷ However, a closer analysis would lead to a less positive view of the civil society that does exist.

There are two trajectories of civil society to examine. A democratic civil society based on a civic national identity (grounded in democratic values) leads to ethnically blind activism, which fulfills civil society's role as the third pillar of society, controlling the system of governance. This results in further democratization. The civil society in the Balkans that is based in an ethnic national identity takes a different trajectory. In the cases of Serbia and Kosovo, the ethnically based national identity led to the creation of two wide-ranging movements. The nationalistic bases of these movements established the precedence and tools for further development of civil society. The civil society that resulted from these movements, however, is often based on ethnic affiliation and is ethnically isolated. Such divisive civil society organizations lead to further divisions within society, driving nationalism, resulting in ethnic conflicts. Thus, the consequence of ethnically motivated civil society is the perpetuation of undemocratic principles.

The perpetuation of undemocratic principles creates a serious hindrance of the goals that the European Union is attempting to reach. As Conces explains it, "associational life may have little to do with civility, particularly civility as it pertains to interethnic group interaction."³⁸ In fact, associational life perpetuates incivility. Thus, in the case of civil society, the EU only achieves a formal democracy. A formal democracy

³⁷ Deda, Ilir. Interview. 6/16/2010

³⁸ Conces, Rory. 2007,pg. 202

is defined as a state that has democratic institutions without the existence of underlying democratic values.³⁹ Thus, one danger of the European establishment of political and societal conditions for enlargement is the fulfillment of the conditions without acquiring the necessary values to implement them in their pure and intended democratic forms.

The adoption of a veneer of democracy is particularly evident in Kosovo. Its democratic institutions are directly imposed from the international community, following their intervention in 1999. While they possess all the governmental bodies necessary for a democracy, they are lacking a basic understanding of democratic principles. This is perhaps most evident in their nationalist symbols. The international community worked with the Kosovar government to create a national flag that represents the entire population. While this would appear to be inclusion of minorities on the surface, it is rarely implemented in practice. Every single Albanian government official who was interviewed had an Albanian flag in his office, whether or not he had the Kosovar flag. In addition, a series of street interviews failed to find a single person who was in support of the new flag. The questions about a 'Kosovar' identity were met with confusion. The interviewees' Albanian ethnicity was immediately emphasized in response. Thus, while Kosovo has inclusive national symbols in theory, they are not used in practice. Kosovo may have the façade of supporting minority rights, but the basic national identity of the region remains deeply entrenched in ethnicity. True democracy, in this case, remains a façade.

Inconsistent Compliance: Traveling the Road to Europe with Subtle Exceptions

39 Rocamora, Joel. *Transnational Institute*. <http://www.tni.org/article/formal-democracy>. 2005

According to Anastasakis, there has been a very “mixed record of compliance” with the conditions of the European Union in the region. While many academics laud the EU for their constant improvement of the conditionality process, Anastaskis expresses stark concern with the exceptionally “adaptable and pragmatic assessment” of the progress for the process as opposed to a more “rigorous assessment of compliance” that should accompany the evolving conditions.”⁴⁰ As many members of NGOs who were interviewed pointed out, the European Union puts a greater worth on the pragmatic requirement of security in the region as opposed to strict requirements of democratic progress.

In order to judge the European response to the fulfillment of the conditions, however, it is first important to understand the theoretical concepts behind the conditions and the reasons for inconsistent compliance with the conditions. A great emphasis was placed on the practice of political conditionality to enforce development in Eastern Europe after the implosion of the Soviet Union. The European Union has relied heavily on this practice to force behavioral adaptation. The supranational organization has had a fair amount of success in achieving behavioral change, particularly in Central Europe.⁴¹ This region, however, had previously experienced democracy and had a societal behavioral memory to aid the progress of democracy. The Balkans region is a very

⁴⁰ Anastasakis, Othon. “The EU’s political conditionality in the Western Balkans: towards a more pragmatic approach” *Southeast European and Black Sea Studies* (8), 2008, pg. 2

⁴¹ Noutcheva, Gergana. “Fake, partial and imposed compliance: the limits of the EU’s normative power in the Western Balkans” *Journal of European Public Policy* (16). 2009, pg. 1068.

different case from Central Europe. The absence of a history in democracy creates many hindrances to a simple transition to democratic values. Thus, there has been a major flaw in the majority of literature on the reactions in the region to political conditionality. Many academics focus purely on the rationalist theory that sees reactions to conditionality as cost-benefit calculations. This is accompanied by the assumption that target governments will alter their behavior if the motivating factors are strong enough. This relies on the *logic of expected consequences*.⁴²

There is an additional factor that has been generally overlooked, however. Going beyond the rationalist arguments, the constructivist dimension of national identity plays an essential role in determining policy in the region. According to Subotic, “national identity defines and shapes the way in which actors view their perceived instrumental and material interests and which preferences are regarded as legitimate and appropriate.”⁴³ If the incentives and conditions set by the European Union require actions that are at odds with the nation’s identity, it is very unlikely that the policy will be implemented. This *logic of appropriateness* results in a policy of *incomplete compliance* with the conditions of the European Union.⁴⁴ The governments of the region follow the logic of expected consequences when making decisions on conditions that do not conflict with national

42 Freyburg, Tina; Richter, Solveig. “National Identity matters: the limited impact of EU political conditionality in the Western Balkans”, *Journal of European Public Policy* (17), 2010, pg. 265

43 Subotic, Jelena. “Europe is a State of Mind: Identity and Europeanization in the Balkans” *Annual Convention of the International Studies Association*, New York, 2009, pg. 32

44 Freyburg, Tina; Richter, Solveig. 2010, pg. 267

identity, but rely on the logic of appropriateness when dealing with conditions conflicting with the nation's self-definition. Thus, incomplete compliance may lead to institutional development, but the nation's national identity remains fundamentally the same. Conditions do not force an evolution from ethnic norms to civic norms.⁴⁵

Evidence of national identity hindering the success of political conditionality can be seen in Serbia and Macedonia. After the October Revolution which deposed Milosevic in Belgrade, there were several positive steps taken towards integration with the European Union. Djindjic was elected Prime Minister, and he established a political agenda oriented towards a speedy accession. Within a short period of time, Serbia was recognized as a candidate for EU accession. This progress came to an abrupt halt in March of 2003, when the Prime Minister was assassinated.⁴⁶ Since then, while Serbia has already ratified the Stabilization and Association Agreement and is reaching the third and final stage of accession, there are several issues that Serbia has yet to address.

The first of these issues is Kosovo's final status. Serbia refuses to accede to the EU unless Kosovo is recognized as within Serbian territory. According to many interviews with Serbs, the majority of the population truly believes in the widely used phrase: 'Kosovo is Serbia.' As is discernable from political rhetoric as well, Kosovo is

⁴⁵ Subotic, Jelena. 2009, pg. 37

⁴⁶ Exit Europe (Serbia). Documentary 2004.

indispensable for the Serbian national identity.⁴⁷ While employing the logic of consequences, one would draw the conclusion that it is appropriate to exchange Kosovo for EU membership, the use of the logic of appropriateness would result in a different conclusion. When an issue involving accession to the European Union clashes with national identity, the latter takes supremacy. As an ethnic group, Serbs feel like victims of the 1990s, having lost vast power. Consequentially, the ethnic group is against further losses, particularly land that they consider 'holy land.'

Another condition that challenges Serbian national identity is the cooperation with the ICTY. A study conducted by Johannes-Mikael Mäki draws on previous scholarly research to determine that limited cooperation with the ICTY is directly connected with the distance of Serbian national norms from the norms shared by European Union member states.⁴⁸ The European Union is waiting for the indictment of Ratko Mladic and Goran Hadzic for crimes against humanity. While Radovan Karadzic was recently arrested, there is still strong nationalist sentiment against the indictment of these men. There are several civil movements in Serbia against the indictment of these men (particularly in support of Mladic) and efforts to find the two men by the Serbian government are limited.⁴⁹ With this as the final act missing before Serbia will enter the final stage of accession, it would be rational according to the logic of consequences to

47 Mäki, Johannes-Mikael. 2008, pg. 65

48 Mäki, Johannes-Mikael. 2008, pg. 78.

49 Noutcheva, Gergana. 2009, pg. 1075.

indict Mladic and Hadzic in exchange for the carrot. However, since Serbian national norms do not match the democratic norms necessary to support the indictment, the logic of appropriateness is employed. Serbian national identity interferes with the completion of the condition. The existence of both of these issues proves that Serbia's national identity is still based primarily in ethnicity as opposed to democratic civic norms. In light of this, it is appalling that Serbia is nearing the final stage of accession without having adopted the democratic norms and values that are essential for the creation of a true democracy.

National identity has recently interfered with the Macedonian fulfillment of European Union criteria as well. In the early 1990s, it appeared as though Macedonia would be the only country in the Balkans with a peaceful transition from the Socialist Federal People's Republic of Yugoslavia. Macedonia's Constitution was one of the few Constitutions that received a positive opinion by the Badenter's commission. After the low intensity conflict of 2001, Macedonia amended its Constitution based on the Ohrid Agreement Framework and appeared to be further progressing towards accession to the European Union. This progress was halted in 2006, when disagreements with Greece were highlighted. The Greeks lay claim to much of the Macedonian history and are essentially barring the Macedonian accession to the EU unless a compromise is reached.

An interview with writer Zharko Trajanowski highlighted the strength of the Macedonian national identity that is interfering with reaching such an agreement. The current ruling party is strongly supporting a nationalist ideology. They began the Skopje Project 2014, which involves the mass building of national monuments in Macedonia's capital. As Trajanowski indicated, this emphasis on defiant symbolic capital further

polarizes Greece and turns the nation's attention away from potential economic or social developments that could bring it closer to accession to the EU. Despite this obvious interference with Macedonia's ambitions to join the EU, VMRO DPMNE, the ruling nationalist political party, garnered 48% of the vote in the elections of 2008.⁵⁰ While the right wing party's rhetoric is frequently in support of EU accession, its political policies, decisions and ultimate political values strongly conflict with European democratic morals.

As determined in a study by Noucheva, it is also important to note that the party's political rhetoric centers on Macedonian supremacy in the disagreement with Greece during election periods. Thus, it would appear that nationalist rhetoric grounded in ethnic norms is still a large motivating factor for society. Thus, while Macedonia has successfully fulfilled many of the conditions for entry into the EU, the conditionality has only forced the ruling party to change its rhetoric, while still supporting policies that are at odds with European norms. As with Serbia, the EU has allowed Macedonia to practice *inconsistent compliance*, and consequentially, Macedonia has not been forced to evolve its national norms from an ethnic orientation to a civic orientation.

Discussion and Conclusions

A central goal for this research has been to establish a connection between national identity in the Balkans and the states' adherence to the conditions for accession of the European Union. Much of the literature on this topic has focused on a rationality

⁵⁰ Trajanowski, Zharko. Interview. 7/6/2010

approach to conditionality and has generally neglected the constructivist element of national identity. With a closer look at the divergent bases of national identity of the Western democratic states and of the Balkans region, it is impossible to neglect national identity's role in the difficulties facing the EU in its preparation of the Balkans states for accession.

As we have seen, conditionality is most effective when the requirements are not at odds with a country's self-definition. In these situations, the rationalist approach will dominate and change can be achieved. However, when a condition is at odds with the national identity of a country, the country will either only adhere formally to the condition or will fail to comply with the condition.

So how should the European Union improve the process of conditionality? Brainiff points out that the EU has already done much to improve the process of conditionality from the accession of other states. This is the first time, however, that the supranational organization has to deal with a profound difference in the basis of national identity. In regards to this, the EU must establish clear benchmarks with a clear timeframe for fulfillment. This will ensure that countries such as Macedonia and Serbia are not able to come to the end of the process without addressing conditions that directly challenge their national identity earlier in the process. In addition, the EU should develop regionally specific conditions that challenge the region's national identity basis. This would perhaps involve stricter requirements for the incorporation of minorities in the Balkans.

Finally, it would be in the best interest of the EU to establish the requirements at the beginning of the process and resist changing them. In the Balkans, the EU has been inconsistently lenient with certain conditions. The alternation between discipline and leniency has led to general disillusionment with the organization in the region. In Autumn 2009, 42% of people in the region polled stated that they did not trust the EU.⁵¹ Thus, if the EU wants to remain a motivating factor for change, it needs to establish reliability in consistency.

Despite the shortcomings of the conditionality process, there is general scholarly consensus that potential membership to the European Union is the best chance for instigating lasting change in the Balkans. In light of this, several changes to the conditionality process and a concrete timeline with specific requirements could be essential in instigating development and change in the region. It has become the role of the EU to prompt a profound shift from an ethnically based national identity to a national identity grounded in truly democratic civic norms.

⁵¹ Mavrikos-Adamou, Tina. 2010, pg. 527

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