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Panel “People against Pluralism? Sources of Public Support for Illiberal Regimes”

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Illiberal Tendencies in Serbia: The Role of the EU

Alike the majority of the successor states of Yugoslavia, Serbia was in Europe among the last states to be affected by the (third) wave of democratization. By the time Serbia had started its transition into a democracy, which was after in October 2000 Slobodan Milošević as the president of the back then Federal Republic of Yugoslavia lost elections and this way introducing a regime change, most of the other eastern European countries were already undergoing a one decade long reform process, strongly supported by the European Union and with a membership perspective, which eventually materialized in 2004. Entering the same process belated, Serbia not only missed the momentum to start the transition process in the 1990s, but was already in the first decade of its transition confronted with what will develop into a “poly-crisis” (Zeitlin, Nicoli, Laffan, 2019): the global financial crisis and EU debt crisis (2008-2016), the refugee crisis (2015-2016), the Brexit (2016), and the COVID 19 pandemic (2020). Ample research shows that this poly-crisis contributed to the rise of populism, erosion of liberal democracies, consequently to the rise of illiberalism and that it triggered a wave of autocratization in Europe. Being no exception in this regard, the state of democracy in Serbia has been steadily deteriorating since 2012, with currently no signs of improvement. However, apart from all these tendencies, what draws the attention of scholars is the non-critical and to a large extent even persistent support of the EU for the regime in Serbia, leading (in)directly to a weakening of the anyhow young and fragile democracy. This presentation wants to look at the reasons for this support and to ask to what extent it could be argued that the EU in Serbia, be it deliberately or undeliberately, serves as a driving force for the rise of illiberal features. To this end, the presentation will first give an overview of what could be considered the beginnings of illiberalism in Serbia, then show the position of the EU towards Serbia throughout this period and finally try to more precisely define the role that could be attributed to the EU for this development in Serbia.

1. Roots of illiberalism in Serbia

If one talks about illiberal tendencies, this presupposes that the starting ambient is liberal. This however, cannot be applied in the case of Serbia. Without ever having had all elements of a fully liberal democracy, Serbia has been throughout its modern history oscillating mainly between illiberal democracy with one very dominant party misusing its power among others, and communism with nominally only one party in charge. Instead, periods that could be considered as pluralistic and liberal, or at least during which the ruling political elite attempted to introduce mechanisms and strengthen the elements of a liberal democracy, were rather rare. While providing a historical overview would go beyond the scope of this presentation, it will only briefly look at the period starting from 1989, also because this helps contextualizing Serbia's position in comparison to other European states that are in the focus of this panel.

After 1989, the rise and development of a western style liberal democracy, like it happened in all other Eastern and Central European countries, did not take place in Serbia and this year was anything but a liberal breakthrough comparable to the ones experienced by these other countries at that time. On the contrary, in Serbia the year 1989 had marked the beginning of a reverse process - the end of the Yugoslav semi-liberal communist period, and the start of an striking anti-liberal period under the authoritarian regime of Slobodan Milošević, that culminated in the wars in Croatia, Bosnia and Herzegovina and finally Kosovo. This period, was marked not only by wars, but also by a very high level of authoritarianism, no free elections, a strong media control and manipulation of wide masses by the dominant Socialist party of Serbia, and strong and often also violent actions against members of opposition parties. Also, in this period the regime, coming out of the communist period, had only formally proclaimed a separation of power and new democratic mechanisms that would control the government, while in reality this illiberal system remained under the complete control of one party, moreover its president, Slobodan Milošević. As will be seen, this was a fertile ground for illiberal elements to return very easily in the second decade of the 21st century. As far as the international relations, during this period 1990-2000, Serbia was within Europe an isolated state, without a support not even from Russia, suspended from many international organisations and under sanctions of the EU, but also the UN.

When in 2000 Milošević was removed from power the liberal turn and democratization started to take place, including the return into international organisations and more

importantly the beginning of the EU integration. And while the overall democratization process, not only according to various democracy indices, started in the first decade to show promising results, the EU integration of Serbia had shown for a number of internal and external reasons less success than in most of the states in central and eastern Europe (Ristić, 2008). As many studies show, this in the long run had also a major impact on the democratization process, given that the European Union and a perspective to become member was considered the main driving force for many candidate states in the past, especially those who had entered in 2004 and 2007 (Schimmelfennig/Sedelmeier, 2020).

The first decade after 2000, especially looking from today's perspective, was clearly a step into the right direction, despite having been far from ideal. Among the things Serbian political elites were missing was a stronger commitment from Brussels, less conditions and a better understanding of the fragile situation. It was this overall fragility of the still young democracy in Serbia that in 2012 brought the Serbian progressive party, led by Aleksandar Vučić, to power, who throughout the following decade was slowly and refined in a textbook populist manner reintroducing all the illiberal elements that Serbia was exposed to during the regime of Slobodan Milošević:

- controlling and manipulating elections
- strongly seizing all national media
- violently attacking members of the opposition
- capturing the state and eliminating all mechanisms of separation of power
- concentrating all power in the hands of the president (who constitutionally has a rather formal role)
- using strong nationalism to create escalations in the region whenever it is needed to distract from other problems.

This is being reflected also in all democracy indices, according to which democracy in Serbia is declining year by year. With a major difference to the 1990s: president Vučić has been throughout this whole period having a full support of the EU and been praised for his achievements.

2. EU towards Serbia

Now, we will go one step back and look at the relations of the EU towards Serbia after 2000, where two aspects can be identified as crucial starting: conditionality and enlargement fatigue.

The experience of war and authoritarian rule, from 1989 to 2000, clearly had a strong impact on the readiness and preparedness of Serbia to start and carry out their integration into the EU. In this regard a strong support and commitment of the EU, similar to the one Brussels showed for the countries which joined in 2004, fuelling this way also the support for the EU among the citizens of Serbia, would have been crucial. However, this commitment, existed only at the very beginning, when the public and elites of the EU member states were not seriously questioning further enlargements. But the enthusiasm about a united Europe clearly did not have the same intensity anymore as in 1989 for Eastern and Central European. The EU did believe that after the armed conflicts the region needed stability and security, and has formally offered an EU perspective in Thessaloniki in 2003. But this signal soon started to be weakened by the introduction of new conditions that were challenging the political elites and society in the region, creating what later became known as the **EU conditionality** (Anastasakis, Bechev 2003; Džankić, Keil, Kmezić 2018). Among the most disputed was certainly the condition for all states (and Serbia being mostly affected by it) to cooperate with the International Criminal Tribunal for the former Yugoslavia and the process of facing the past. The second one was the question of the status of Kosovo, that at one point became part of the EU negotiations, requiring of Serbia the normalization of its relation to Kosovo, but not defining precisely what normalization means and whether full recognition is part of it. Also the changing requirements for a visa-free regime for entering the EU, were often used to illustrate the arbitrary and not often objective requests by the EU towards Serbia and Western Balkans. For the citizens of Kosovo, for example, the visa liberation and hence their free movement is still being postponed, with a perspective that it will be possible starting from January 2024. Conditionality in this sense over time became a tool that the EU started to apply frequently, changing at the same the conditions or introducing new, and also regularly postponing the year in which a membership for the Western Balkans countries would be welcomed.

These conditions and their ongoing amendments led to a decrease of the public support for the EU integration in the region, while at the same fueling those with opposing and critical opinions towards the EU. Parallel, the public support for a new enlargement in the Western Balkans started by 2005 to decrease also among the public and the elites in the EU states.

While the reasons behind this are also very specific from country to country, and while these reasons are certainly not only to be found in the enlargement wave of 2004/2007, but also in the shifts in global politics and the economic crisis, very soon after 2004 it was clear that the EU – its citizens, the member states and the common EU institutions – started to face an ***enlargement fatigue***. This phenomenon is describing a hesitancy and fear of citizens and political elites over accepting new member states, their absence of conviction that an enlargement would bring more positive (benefits) than negative aspects and generally a very skeptical attitude towards the readiness of the Western Balkans region to cope with EU standards.

This has been also reflected in the public polls over the years. In 2006 only 37% of the population of the back then 25 EU member states saw the accession of the Western Balkans countries primarily in the interest of the EU (or of single EU member state), while a relative majority of 45% believed that this accession would be of advantage only for the Western Balkan countries. Hence enlargement was not perceived as a win-win option, but rather as a sacrifice the EU would make for the new members (Special Eurobarometer 2006, 65-67, 74). Generally, the population of the old member states has been more against the enlargement than the citizens of the states that had joined EU after 2004, which underlined the East-West division in Europe. Over the following decade, this support for a further enlargement was declining all until 2019, when it started slightly growing again, gaining a relative majority of 47%, with still 42% being against it in 2021 (Eurobarometer 2022, 22).

3. The EU support for illiberal regimes

Considering all these development sine 2000, both internally in Serbia, and among the citizens and political elites in EU, one cannot but be puzzled by the fruitful interaction between the Serbian illiberal regime and the EU. Apart from the fact that this cooperation and support which the regime in Serbia is getting from the EU is undermining the credibility of the EU among those citizens who since the 1990s believe that Serbia should join the EU, the crucial question remains why is the EU supporting an illiberal regime that is only declaratively stating that it wants to join the EU, while in fact practically going against it? And is this support deliberately or undeliberately serving as a driving force for the further rise of illiberal features in Serbia?

One common answer to this question is that this is a phenomenon called *stabilitocracy*. This term was introduced by the scholar Srđa Pavlović, who was using it to describe a regime in which obvious undemocratic, even authoritarian practices persist while (in the case of Serbia) the EU turns not only a blind eye on it but at the same time preaches about democracy and the rule of law. These regimes get significant external support from the EU, and hence a legitimization, for the sake of the false promise of stability, and in this way putting geostrategic interests over liberal democracy. And while this argument is frequently used by scholars dealing with the EU integration of the region, it remains not compelling in regard to the stability these regimes are seemingly providing, be it only in a geostrategic sense. On the contrary, there is no evidence that without them in power the geostrategic situation would deteriorate or that these states would become more unstable, and hence it does not provide a compelling explanation of the EU support for the regime in Serbia. Moreover by doing so it can be said that in one way the EU deliberately supports illiberal features in Serbia, with the excuse that it creates stability.

However, the context remains important. While the EU is turning a blind eye on the development in Serbia, it is certainly not doing it because it does not want Serbia to become a democracy. It seems more compelling that the EU has not identified any interest nor it is willing to allocate any substantial resources to open up a new perspective and to work on developing a path for the EU integration of the Western Balkans. Consequently, on a different level, the EU support for the illiberal regime in Serbia can be seen also as only indirect deliberately, since the EU is just having a minimalistic approach towards EU enlargement and is for obvious reasons and current internal problems creating only policies for the short run, in which the position of the Western Balkans remains completely marginal.

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