Transitional justice contradictions between Serbia and the European Union

Post-war Serbia on its way to Europe through critical geopolitical eyes.

Photo: PressEurop.eu

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Supervisor: Olivier T. Kramsch

Preface

I still can slightly remember how I stared at the TV in 1995 at the age of seven. The massacre of Srebrenica had happened and I couldn't understand it at all. Thousands of people were killed and I just couldn't get a clue of how such thing could happen. It turned out to be the worst ethnic cleansing in Europe since World War II. With retroactive effect the Yugoslavia breakup and its wars kept me fascinating. With the trials of the International Criminal Tribunal for the Former Yugoslavia in The Hague, just a hour and a half dive from my house and the questionable position and role of the Dutch militaries during the fall of Srebrenica, the Yugoslavia breakup stayed on the political and public agenda.

Along the way I became very close friends with Jusmir, a Bosnian teammate from football and with that, I became friends with his whole family. Traces of the wars in Yugoslavia from which they fled to the Netherlands, are still very observable. From a wealthy Bosnian family, they became refugees with almost nothing in my own village. His mother shouted at the television each time Milosevic was on and Jusmir told me that his family often dreamt about returning to their beloved Bosnia, although in practice that was never the case.

In the summer of 2010 me and my closest friends made a trip to Bosnia. I was quit shocked of the traces the war had left behind. On the side of almost every road we crossed, signs with 'Pazi Mine' (Watch out, Mines) appeared. Along with these minefields, devastated houses made these mountains hard to cross without any emotion.

Through this relation with Jusmir and his family, the trip to Bosnia and my own interest in the conflict, the breakup of Yugoslavia is a war which affected me the most. Even more than World War II which took place in my own country, on my own soil and which affected my own grandparents.

In this thesis my focus lies within Serbia. According to Jusmir and his family the evil cause of the war in Bosnia. It is not only his family or other Bosnians who have this opinion. In Europe Serbia has the reputation as the architect of the Yugoslav breakup (Subotic 2010, p 597). When I made a short trip to Belgrade for some interviews for this thesis that opinion reappeared. Serbians have the feeling that they are pointed out as the wrongdoer while they have the feeling that there was a war between more sides so there are also more to blame (M. Nazar, Interview, 28th May, 2013). I think it is interesting and valuable to take a look at the 'other side'. Behind the image of Serbia as received here in Western Europe and behind the image Jusmir and his family have. That is why I have put my attention on Serbia the last four months.

In March 2012 Serbia received official candidate status and Croatia is on schedule to become a full member this year (EU, 2012). The enlargement policy is a way for Europe to bring stability in this former conflict region by implementing the Stabilization and Association Process (SAP) as a part of the negotiations for membership. SAP is a tool for the EU to establish peace and stability in the Western Balkan region (Stahl 2011, p 465). 'The SAP was developed in 1999 to create clear criteria that prospective Balkan states had to meet to reach intermediary goals on the path to full membership'(Perskin & Boduszynski 2011, p 58).

This is the core of my work the last months. Serbia is on heading on the path towards Europe but on the other hand often seen as the architect of the whole breakup. In my research I have looked to

what extent there are still contradictions between the EU and Serbia in terms of the legacy of the war or 'transitional Justice' as the term that I will be using throughout this thesis. It has been an interesting journey. Along the way I gained more insides and started to understand the legacy of the war more and more as my findings are exposed in this thesis.

At last, I want to thank my supervisor Olivier T. Kramsch for directing me in the right direction and on the other hand for not restricting me to much so I still could go my own way. I also want to thank Jusmir for the talks we had about this thesis, about my findings and what his thoughts were. I also want to thank my roommate Wesley for reading my thesis and his focus on my grammar and for listening for my aloud thinking.

Jesper Remmen June 2013

Summary

According to the latest EU progress report a lot of progress has been made towards accession of the EU. The dialogue with Kosovo has improved and led to an agreement whereby Kosovo and Serbia agreed that Kosovo has the legal authority over the region. Also the cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) remained fully. Thereby progress is made in the fight against corruption and President Nikolic has apologized on behave of Serbia for crimes that have been done in Bosnia during the war.

All these aspects are signs that Serbia is on the way of getting a date in order to start the negotiations for EU accession. This research focuses on contradictions that are still there between Serbia and the EU over transitional justice, including the aspects named above. I have looked at the latest developments and new players and their role within this discourse. To prove if new developments are made and if the discourse around accession of Serbia is still on the same track.

If you look closely at those aspects of transitional justice, you still find some contradictions. Serbia still doesn't recognize Kosovo as an independent state and also the sentiments within society about the Kosovo-agreement are not positive. Although it is currently not a demand of the EU for Serbia, it needs to recognize Kosovo one day because Kosovo can't become a member of the EU because it has no international status J.M. Wiersma, interview 8 May 2013).

Also the sentiments about the functioning of the ICTY are still not positive and are clearly visible at certain moments. This comes to light when the Croat general Ante Gotovina was released from the tribunal. He first was sentenced to 24 year to prison for war crimes against the Serbs in 1995. But after that, Gotovina was released because of the lack of evidence. "then the Serbian politics, the officials, prime-minister and the president, everybody was furious and then the real interrelation between these countries is visible." (M. Nazar, interview, 28 May 2013).

There are also strong doubts about the politicians within Serbia. They are clearly divided between the demands and conditions of the EU and what the sentiments within society are. According to the experts I have been interviewing, there is a policy of schizophrenia "we have right now a schizophrenic situation that the groups who represented themselves as completely anti-European, for example the social party, the radical party, most of the people right now in the political leadership belonged to the radical party, right now are open pro-European. It is a problem of trust"(M. Podunavac, interview 29 May, 2013).

In terms of corruption there are still some contradictions. The EU wants a good working investigation and police force, independent judges and a certain number of convictions. In practice, Serbia is working on it, but is on the other hand deeply involved within the network of corruption. Prime-minister Dacic became the talk of the town when it came to light that Dacic had contact with one of the spokesman of the biggest drugs barons of Serbia, Saric. Saric is on the run and seems not to be found. Dacic traded some relevant information for Blackberry telephones (The Economist, 4 February 2013). The trust in politicians is very low. Everybody expects en knows that politicians are corrupt and that they have ties with different organizations. On the outside they pretend to fight corruption, but it is naïf to think they are totally clean (M. Nazar, interview, 28 May 2013). Suspicions of corrupted politicians and the interweaving of state policy within the economy make it hard to fight corruption.

The protection of minorities is another point of focus. Several gay parades are cancelled because of violent threats or even attacked in the past. Although recently there is been a new law which sentence hate crimes. So legally LGBT rights are protected, but In practice there still needs to be done a lot in order to gain acceptance and tolerance within the Serbian society. "As regard the human rights it there is not any kind of sensibility to people who demonstrate different kind, not only ethnic, but also sexual identity, LGBT , population. This is an open clash between extreme political groups which are very strong in Serbia right now"(M. Podunavac, interview, 29 May 2013). There are still groups of Hooligans, youth who is influenced by the Orthodox church who come to Belgrade to attack any parade regarding the LGBT-population (M. Nazar, interview, 28 May 2013). The Roma population is also a problem. There is a huge drop out from schools, they are forced to live outside of the city and are being discriminated on the labour market.

This is a short outline of the biggest results of my research. Within my research I have looked at the aspects named above. I analyzed these contradictions by approaching them in a critical geographical way. It appears that the struggle over justice is also a struggle over space.

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Introduction

Serbia is on the verge of receiving a date to start the negotiations for accession to the European Union. According to the last expectations Serbia is receiving a date to start the negotiation for accession this year. Actual membership takes, depending on the progress of the negotiations, another 5-10 years (P. Paquet, interview, 21 May 2013). In this thesis I will look at the final stages of the preparations before getting a date. Serbia signed a Stabilization and Association Agreement (SAA) which is the framework for the current relationship between Serbia and the EU. Serbia has to make progress and fulfill certain conditions in order to receive a date and gain full membership.

In this thesis I will focus on transitional justice and to what extent contradictions between Serbia and the EU are still present. Within transitional justice I have focused on several different aspects; The relation with Kosovo, the cooperation and influence of the International Criminal tribunal for the former Yugoslavia (ICTY), the role of political protagonists, the protection of minorities and the fight against corruption. I have done a literature study combined with several qualitative interviews with experts on these matters in order to gain more information. An important part of my focus is on collecting up to date information. I have looked at the latest developments and new players and their role within this discourse in order to see if new developments are made and if the discourse around accession of Serbia is still on the same track.

Within transitional justice the legacy of a war is very important (ICTJ, 2013). That is why my thesis starts with a short overview of the wars that broke up Yugoslavia. Then I explain the concept and theoretical framework of my research in order to understand how I did my research and how it is build up. My thesis then continues with Serbia and its road towards Europe which eventually leads to my empirical chapter, the core of my research. Here I will focus on the transitional justice contradictions between Serbia and the EU and I will find the answer to my research question. The answers to my questions will be explained further in my conclusion. At last, I will do some recommendations due to the results I have discovered and a short evaluation.

Chapter 1: History

In order to create a bit of a background and context, the focus of this chapter lies on the history of the former Yugoslavia. In my thesis I deal with Serbia's process of entering the EU and to what extent post-war issues, in this sense transitional justice issues, have influence on that process and create contradictions between Serbia and the EU. These post-war issues cite to the Balkan wars in the nineties. For that reason the history I will focus on, deals with the Balkan wars in the early nineties and the war with Kosovo in the second half of the decade.

The situation in Yugoslavia started to worsen in the second half of the 1980's (Popov 2000, p 634) two explanations have been given for the start of this unbalanced period. One is the death of Tito on the 4th of May 1980. After that Yugoslavs of all nationalities went into demonstrative mourning, barely able to conceive how the country could govern itself without their stern grandfather at the helm. Yugoslavia faced enormous problems in interpreting Tito's confusing political legacy (Glenny 1999, p 622-623). The other factor is the ending and the aftermath of the Cold war. With the reforms of Gorbachev, Yugoslavia lost it strategic relevance it had for forty years (Udovicki J. & Ridgeway J 1997, p 216).

As a result of this instability of Yugoslavia, internal tensions rose. The first shock came in March 1981 when Albanian students rioted over poor food at their university in Pristina. This disturbance spread through many parts of Kosovo and assumed an openly political character. The Kosovars wanted equality with the other nationalities in Yugoslavia (Glenny 1999, p 224).

Growing mistrust

Mistrust of the federal began to grown further by 1986. Unemployment, strikes and an inefficient banking system and the growth of nationalism became important factors. Slovenia and Croatia renewed their criticism of a system where their foreign income directly went to the development of the poorer, southern regions. Diverse foreign loans were contracted by different banks and the system was impenetrable. The federal government had to negotiate both with the western banks and with the banks of the six republics. This also encouraged corruption on a large scale (Glenny 1999, p 225).

It seems to be the precursors for the breaking up of Yugoslavia and different wars between its republics. First Croatia and Slovenia called for secession. This was after an EU conference held on 16 December 1991. This conference stated that al Yugoslav republics which should ask for recognition will be acknowledged. Soon after that Macedonia and Bosnia, out of necessity, followed. Otherwise they have to remain within Yugoslavia under conditions controlled by the Serb military institutions in Belgrade, which had the majority because of number of members of the Presidency. The conference was for the EU the first common foreign policy, in order to prevent the destructive potential of the Yugoslavia crisis (Popov 2000, p 641-643).

Croatian war

The tensions between Croatia and Serbia started before the conference and eventually evolved in a war between Croatia and the Serbian minority within Croatian territory. In 1990 Croatia made a change in their constitution. Serbians were no longer recognized as Croatia's 'constituent nation' but as its 'national minority'. Shortly after that mass layoffs of Serbs took place. In all kind of institutions and industries the Serbs were replaced by Croatians. As a response to every new step of Croatian

president Tudjman, the Serbian leader Milosevic followed with statements that if Croatia continued insisting on leaving Yugoslavia, the only way to protect the Croatian Serbs would be to attach the regions with a significant Serbian population to Serbia. This leaded eventually to the 'Croatian War' which would claim twenty thousand lives and the international recognition of Croatia in January 1992 (Udovicki J. & Ridgeway J 1997, p 153-158).

Bosnian war

On the other hand the Croatian and Serbian leaders Tudjman and Milosevic worked together on a plan for the partition of Bosnia between the two republics. Tudjman claimed that parts of Bosnia belonged historically to Croatia and Milosevic stated that the Serbs in Bosnia never must be cut off from the motherland and that would be the case when Bosnia was calling for independence, fed by their nationalist and extremist ambitions caused by the Croatian war. They worked out a plan for the partition. Bosnia, in the mean time, applied for recognition on December 24th of 1991. The Serb minority (one third of the whole population of Bosnia) boycotted the referendum which was required for official and international recognition. The other part of the people, the Muslims and the Croatian minority vote overwhelming for independence. But one of the criteria was that there has to be a majority of every ethnic group who supports the secession. In this case the Serbs were left out. The European community approved the referendum and the recognition of Bosnia's independence and thus put the votes of the Muslims and Croats above the vote of the Serbian community. Full-scale war erupted immediately after the EC's recognition. In the following years the fighting remained between the Serbs, Croats and the Muslims. Different peace plans to split the country over the three groups failed. The hostilities between the Croats and the Bosnian government ended following the February-March 1994 cease-fire negotiations in Washington. In the summer of that same year the international community tried to press for a peaceful solution, but despite international pressure, the Serbs conducted another wave of ethnic cleansing. The massacre of Srebrenica is probably the most known. The NATO launched on 30th August of 1995 the bombing of Serbian ammunition depots, antiaircraft positions and arm factories. Bosnia managed to capture land and Serbia now needed the peace talks in order to keep the land that was left. The final negotiations of the peace deal were held in Dayton in Ohio. Bosnia was divided between the Serbs (Republika Srpska) and the Bosnian Muslims and Croatian delegation. Eventually peace was signed on November 22, 1995 (Udovicki J. & Ridgeway J 1997, p 174-198).

Photo: ICTY

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Kosovo

the relation with the Albanian majority in Kosovo and the Serbs stayed during the nineties. Some Albanians had the perception that their cause was left out of the Dayton-agreement and call for more radical means to be used in pursuit of their struggle for independence. After an Albanian student was killed in 1996, two policemen were attacked and one was killed. The attacks were claimed by the Kosovo Liberation Army (UCK). The start of the attacks of the UCK brought fear to the Serbian Minority living within Kosovo. (Thomas 1998, p 399-400).

The fighting on both sides held on the death toll mounted in Kosovo on both he Serbian and Albanian sides. Serbia didn't allow international troops in order to protect the Albanians to enter Kosovo. In March the NATO started to bomb government buildings in Belgrade. Serbia reacted by driving out the Albanians from Kosovo. After three months Milosevic collapsed and had to surrender (Glenny 1999, p 653-661). Till today, Serbia refuses to recognize Kosovo officially as an independent state.

Chapter 2: Concept of research

2.1 Research aim

The aim of every research project is to gain knowledge, new insights and information that can contribute to the solution of a problem. Thereby there has to be a connection between existing theories on this specific field (Verschuren & Doorewaard, 2007 p 33). For my research that is not any different. The research that I am willing to do is a theory based research. The research should be the framework for a theory developing research. These kind of research projects are looking for new phenomenons or developments on their particular field where not much is written about. (Verschuren & Doordewaard, 2007 p 43).

Allocated to my research I will go further with the current discourse on Serbia entering the EU and the problems they have over transitional justice. At the start of my research the current negotiations were in an impasse. The EU would only continue to talk when Serbia improved their relation with Kosovo (European Commission 2012a, p. 26).According to Obradovic-Wochnik & Wochnik (2012 p 1159) Serbia has made some progress in the relation with Kosovo up to now, but: "Serbia is reluctant to endorse any solution that may seem like an implicit (or explicit) recognition of Kosovo's independence." Despites the pressure from the EU towards Serbia over transitional justice, little progress is made. The trails of the ICTY did accordingly to Ramet in (McMahon & Forsythe 2008, p 418) not forced Serbs to re-examine their political views. In the first decade of the twenty-first century, the politics of illiberal nationalism and anti-Western hostility continued to dominate the Serbian politics. According to Subotic (2010, p 597) Serbia did not immediately identify with Europe. Joining Europe was a matter of national priority, but the European identity never fully internalized. Serbian post-Yugoslav identity has developed in profound isolation from Europe because of the reputation of Serbia as the architect of the Yugoslav breakup.

The first step in my research is to explore this discourse of which the lines above are a short outline of. The discourse of transitional justice in Serbia is ongoing. Different actors can influence the processes within the discourse. An example is the change of president last year. Tomislav Nikolic has been elected as president. As a nationalist he can play an important role in the discourse while people doubt if Serbia will remain on the path towards Europe. (New York Times, 2012). Another example is that during my research the relationship with Kosovo changed. In the spring report on the progress of Serbia(2013) the EU states that:

> *In the light of the progress made in the EU-facilitated dialogue between Serbia and Kosovo, under the auspices of the High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the Commission. And with the perspective of further substantial progress being achieved in the first part of 2013, the council agreed in its conclusions of 11 December 2012 to review during the Irish Presidency the progress made by Serbia on the basis of a report presented by the Commission and the High Representative in the Spring 2013, with a view to a possible decision of the European Council to open accession negotiations with Serbia(p 3).*

In an accompanied document of the European commission document (2012b) the commission is saying Serbia has still progress to make in regional cooperation:

However, some unhelpful statements for reconciliation in the region were made by the new Serbian President, Mr. Nikolic, at the time of his election and taking office, such as that denying the qualification of genocide for the crimes in Srebrenica. Several regional leaders decided not to attend the inauguration of the new president. Serbia needs to continue to make a positive and constructive contribution to regional cooperation and reconciliation (p 20-21).

Again, during my research changes were made in the process of this discourse. In an interview on Bosnian television president Nikolic apologized for the crimes that have been committed by Serbia. (Al Jazeera April 2013).

What I want to stress here is that some of the literature is a couple of years old and in the mean time progress has been made within the discourse and it stays an ongoing process. I believe there is a need of constant up to date data. "The most challenging cases for Europeanization, the most reluctant Europeanizers (Serbia, Albania, Moldova), remain persistently understudied and under theorized in the Europeanization literature"(Subotic 2010 p 595).

I think there needs to be more focus on the Serbian side of the discourse. More detailed information on the current domestic politics on Europe and specific on transitional justice. The view of Europe is known. Reports of the EU on Serbia are public and up to date. But during my searching I could not find very much information and research on the recent developments of the discourse, especially on the Serbian side of the discourse. In my research I focus more on the Serbian view on entering the EU and their views on transitional justice issues towards the EU. What according to Schimmelfenning & Sedelmeier (2005) needs to be done:

> *The process of adoption in the candidate countries is seriously understudied in this literature. Part of the explanation for this lacuna is that it takes some time before the impact of EU rules in the candidate countries can be assessed. It may also have to do with the fact that, to study transfer of EU rules. It is necessary to look into the CEECs' domestic systems-something that the International Relations and EU scholars who make up the majority of enlargement researchers are rarely prepared or equipped to do (p. 4).*

I want to assess the political climate within Serbia and recent developments in order to update and expand the current discourse. To summarize, my research goal will be:

The goal of this research is to gain more understanding of the contradictions between Serbia and the EU on terms of transitional justice, by expand and update the Serbian side of the discourse of transitional justice issues between Serbia and the EU.

2.2 Research question

To formulate a research question is the most important part of the whole research project. The question should be directing somewhere to and should be efficient. A steering research question makes clear what in the concerning research needs to be done. Efficiency means to what extent the collected knowledge by answering the research question, contributes to reaching the research goal (Verschuren & Doorewaard, 2007, p 95-97).

Linked to my research goal, my research question should be dealing with an expansion and update of the discourse of transitional contradictions between Serbia and the EU. This expansion and update will focus on the Serbian side of the discourse. Therefore my central research question will be:

To what extent are domestic Serbian politics causing contradictions on transitional justice between Serbia and the EU?

In the next chapter I will focus more on the research question by making a conceptual model, a theoretical framework and the formulation of sub-questions.

2.3 Theoretical framework

Geography is about power. Although often assumed to be innocent, the geography of the world is not a product of nature but a product of histories of struggle between competing authorities over the power to organize, occupy and administer space (Tuathail, 1996 p 1).

In this chapter I will explain the theoretical framework of my research. I will go deeper into the theoretical approach of my research and the way the research is set up. My research is not build on the foundation of a concrete theory or ruling scholars. I am looking at and will analyze the discourse of transitional justice contradictions between Serbia and the European Union. Thereby I study more practical information and processes dealing with and creating the discourse. That is not so much based on a theory, but more on an approach. In this sentence a critical geopolitical approach as the glasses through which I look at the discourse.

2.3.1 History of (European) geopolitics

Geopolitical thought emerged at the end of the nineteenth century as geographers and other thinkers sought to analyze, explain and understand the transformations and finite spaces of the world. Geopolitics is related to other elements of geography that underpinned western imperialism in the period. This period was a period with global economic and political change. The shift from an older industrial capitalism based on steam, coal and iron to a newer version based on gas, oil and electricity seemed to change the ground rules by which the world economy functioned. The USA was going through a Fordist revolution of intense industrial production and rapidly expanding mass marked and seemed perfectly placed to dominate the new age. With countless rail and road connections linking major cities on both the Atlantic and the Pacific coasts, pointed towards a new relationship between space and state politics that was entirely different than the traditional European world order. This older system contained small European states with distant, often chaotically scattered empires. This was the context within which geopolitics was born. An era of global economic change fed by a kind of 'geopolitical panic' practically in Europe where an entire generation of politicians, diplomats and intellectuals expended much of their energy devising strategies to cope with the collapse of their familiar world order (Atkinson and Dodds, 2000 p 28-29).

Since the intellectual outburst and earliest expressions of geopolitics at the start of this century, geopolitics has been a controversial and emotive term. Right from the beginning individuals such as Rudolf Kjellén, Halford Mackinder, Karl Haushofer and Isaiah Bowman tried to influence the national and international politics with their theories about the cotemporary world as a reaction to the change of the world order and the development of the USA. As a reaction to the rise of that new economic and political force, In Europe politicians and intellectuals tried to find ways to compete

with the United States of America. The empires within Europe tried to find new markets, possibilities and raw materials overseas and particularly in Africa. Over 16 million square kilometers and 150 million people were added to the European empire. Europe was hoping that this would allow small European states to survive in the new world order (Atkinson and Dodds, 2000 p 29).

In 1954 American geographer Richard Hartshorne claimed that geopolitics was 'an intellectual poison' and confirmed the widespread opinion that geopolitical reasoning was synonymous with Nazi spatial expansionism and theories and approaches gathered under the label 'geopolitics' were little more than a bogus 'pseudo-science' whose political contamination brought shame upon academic geography. (Atkinson and Dodds 2000, p xiv). To many geographers geopolitics has remained an enigmatic, shadowy, contested and sometimes shameful category. But on the other hand geopolitics never fully lost the attention of geographers or other intellectuals.(Atkinson and Dodds 2000, p xv).

The end of the Cold War, the deepening impacts of globalization and the new informational technologies who reduced any distance seem to have driven a stake into the heart of geopolitics. With the crumbling of the Berlin wall in 1989 the pervasive and persuasive order of geopolitical understand about meaning and identity across global political space collapsed. In many analyses geopolitics has become old-fashioned, out of place and has been left for dead (Dalby and Tuathail, 1998 p 2).

2.3.2 Critical geopolitics

> Geopolitics *"should be critically re-conceptualized as a discursive practice by which intellectuals of statecraft 'spatialize' international politics in such a way as to represent a 'world' characterized by particular types of places, peoples and dramas. In our understanding, the study of geopolitics is the study of the spatialization of international politics by core powers and hegemonic states (Tuathail 1996, p 59-60).*

the possible dead of geopolitics as widespread reasoning made place for renewed approaches. The renewed interest over the last decade in critical histories of geography fabricated a body of writing labeled 'critical Geopolitics which sought to combine the interrogation of contemporary political change with critical evaluations of geopolitical reasoning and representations (Atkinson and Dodds 200, p 9). Civil rights struggles, protests on the Vietnam War or the France war in Algeria were critiques on the current geopolitics. With the work of Yves Lacoste, a critical approach became more conceptualized (Tuathail, 1996 p 57-58). The theory developed more with the work of Agnew and Tuathail by re-conceptualizing geopolitics as:

> *a discourse comprising two overlapping components. First, the 'practical geopolitics of everyday statescraft, whereby the world is spatialized into regions with imagined attributes and characteristics - leading to a mosaic of places of 'danger', 'threat', or 'safety' that underpins foreign policy. Second, the 'formal geopolitics' created by 'security intellectuals' who produced theories and strategies to guide and justify the statescraft of practical geopolitics (Atkinson and Dodds, 2000 p 10).*

Critical geopolitics has emerged out of the work of a number of scholars in the fields of geography and international relations who, over the last decade, have tried to investigate geopolitics as a social, cultural and political practices. It places critiques by these geopolitical practices. 'Critical geopolitics

must be grounded in the particular cultural mythologies of the state. It confronts and analyses the geopolitical imagination of the state. Its foundational myths and national exceptionalist lore' (Dalby and Tuathail 1998 p 3). Thereby critical geopolitics pays attention to the boundary-drawing practices and performances that characterize the everyday life of states. It is about the very construction of boundaries of 'inside' and 'outside'', 'here' and 'there', the 'domestic' and the 'foreign' (Dalby and Tuathail 1998 p 2-4).

> *Critical geopolitics is particularly interested in analyzing the interdigitation of all these practices, in examining how certain conceptual spatializations of identity, nationhood and danger manifest themselves across the landscapes of states and how certain political, social and physical geographies in turn enframe and incite certain conceptual, moral and/or aesthetic understandings of self and other, security and danger, proximity and distance, indifference and responsibility* (Dalby and Tuathail 1998 p 4).

One more important aspect is that critical geopolitics argues that the practice of studying geopolitics can never be politically neutral. It is a 'situated knowledge'. The response of critical geopolitics is to insist on the situated, contextual and embodied nature of all forms of geopolitical reasoning. By doing so it is to insist on the gendered nature of geopolitical writings and interpretative acts (Dalby and Tuathail 1998 p 5-6).

Critical geopolitics treats geography as a technology of power that does not simply describe but also produces political space. 'Geographical claims are necessarily geopolitical, because they inscribe places as particular types of places to be dealt with in a particular manner. Conversely, all politics is also geopolitics, because it necessarily involves geographical assumptions about territories and borders'(Kuus 2007, p 7). It is a discursive practice by which intellectuals of statecraft spatialize international politics and represent it as a world characterized by particular types of places, peoples and dramas(Kuus 2007, p 7).

2.3.3 EU and the East
In the case of my research I will be looking at the critical geopolitical perspective of the European Union towards Serbia as a possible future member-state as part of the enlargement politics of the Union.

First, I want to focus on the (former) contradictions of Western Europe and the East in the framework of Edward W. Said's Orientalism (2003). Said is saying that the West as Occident is projecting the East as the Orient.

> *Therefore as much as the West itself, the Orient is an idea that has a history and a tradition of thought imagery and vocabulary that have given it reality and presence in and for the West. The two geographical entities thus support and to an extent reflect each other. (p 5)*

By saying that, Said focused first and foremost on the imaginary contradiction between East and West. The West as the seed of reason, civilization, progress, capitalism and enlightenment. The East, the orient, by contrast imagine geographically as backward, undeveloped, uncultured, uncivilized and in need of western support and guidance.

There are doubts if Orientalism can be introduced in the case of the Balkans. Orientalism is based on colonial history, a history that does not include the Balkans. Besides that, the Balkans don't deal with

a contradiction of a Muslim majority towards the on Christianity based West which is also important for the theory of Orientalism (Todorova 1997, p 17). "There is no history or tradition of West European academic interest in the Balkans that is remotely comparable to the history of Western academic study of the colonized orient" (Fleming 2000, p 1224).

Despites the lack of academic history of the Balkans, traces can be found of a kind of Orientalism. These features of Orientalism were presented in travel literature and plays (Fleming 2000, p 1225-1226). Also in fictional stories the Balkan was presented in a characteristic way, for example in the comic strip Tintin.

> *Tintin finds himself in southeastern Europe in the fictive "Syldavia," next to the similarly invented "Borduria," at war with anarchists, corrupt military police, moustachioed fez-wearing bandits, and all manner of narghile-smoking Balkan buffoons.* (p 1218)

Fleming (2000, p 1126) is saying that during times of crisis and conflicts the interest in the Balkan rose and that most scholarly and semi-scholarly is written in those periods. In colonial and postcolonial periods, the production of scholarly on the Balkan countries has been most consistently linked to the perception of them as dangerous, unstable, a war zone.

Todorova (1997) is giving examples of journalist reports on the Balkan crisis at the end of the twentieth century which colorize what Fleming (2000, p 1126) was expounding:

> *Kennan [American journalist] has been echoed by great many American journalist who seem to be truly amazed at Balkan savagery at the end of the twentieth century. Roger Cohan exclaimed 'the notion of killing people... because of something that may have happened in 1495 is unthinkable in the Western World. Not in the Balkans.' He was quite right. In the Balkans they were killing over something that happened 500 years ago; in Europe, with a longer span of civilized memory, they were killing over something that happened 2,000 years ago. One is tempted to ask whether the Holocaust resulted from a "due" or "undue" predominance of barbarity. It occurred a whole fifty years ago but the two Balkan wars were even earlier. Besides, Kennan wrote his essay only a year after the "neat and clean" Gulf War operation....Whether the Balkans are non-European or not is mostly a matter of academic and political debate, but they certainly have no monopoly over barbarity (p. 6-7).*

The East has been Europe's constitutive Other since the inception of the European Idea. The region became conceptualized as distance from an idealized Europe. Eastern Europe was included in the geographical entity called Europe but simultaneously excluded from it as a political and cultural entity. Conceptually, it became a halfway house between Europe and Asia. Not simply backward, but a testing ground to which the most advanced legal and administrative ideas could be applied with a completeness impossible in western Europe (Kuus 2007, p 22).

East-Central Europe became the object of the Western transition effort and Western managing and 'helping' Eastern Europe. Western consultants flew in to give crash courses in economics and politics. East Europeans themselves were assigned the role of furnishing data and statistics. Their role was to bear witness to Westerners analyzing their situation (Kuus 2007, p 24-25).

2.3.4 Enlargement
The concept of post-Cold War Europe and it geopolitics is to reunited West and Eat as a cultural

whole (Kuus 2007, p 21). Tatham (2009)described the idea of enlargement politics as "the continue process of creating an ever closer union among the peoples of Europe on the foundations already laid"(p. 2). What gives Europe strength to do that is simply the power of attraction: 'Europe doesn't change countries by threatening to invade them: it biggest threat is having nothing to do with them at all'(Leonard 2005 in Bialasiewicz 2008, p 74). This is according to Bialasiwicz true for the sates hoping to join Europe. "The EU's unique synthesis of capitalist economy with the stability and welfare offered by its oft maligned social-democratic model increasingly provides a much more attractive – and viable- alternative to the American Dream"(Bialasiwicz 2008, p 74). Hix and Goetz in (Subotic 2010) are giving a reason why states Europeanize. "The EU sets conditions for joining, and candidate states comply with these requirements because the benefits of EU membership are greater than the domestic price of compliance with EU conditions"(p 597). These EU conditions for potential new EU-members are formulated by the EU as follows (European Commission 2007, p. 6):

> 1. Political: stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.
>
> 2. Economic: a functioning market economy and the capacity to cope with competition and market forces in the EU.
>
> 3. The capacity to take on the obligations of membership, including adherence to the objectives of political, economic and monetary union.
>
> 4. Adoption of the entire body of European legislation and its effective implementation through appropriate administrative and judicial structures.
>
> In addition, the EU must be able to integrate new members, so it reserves the right to decide when it is ready to accept them.

In the case of the Balkans another geopolitical argument is valid besides trying to create a 'space' amongst the people of Europe and trying to reunite East and West. An important issue is the stability of the Balkan region. The EU wants to create a situation where military conflict is unthinkable – expanding to the region the area of peace, stability, prosperity and freedom established over the last 50 year by gradual European Integration (Pridham 288, p 64).

> *Despite resistance in some quarters, EU policy-makers seem to have decided that it is better to have these countries inside the club rather than causing trouble outside. A look at the map explains why. In 2007, Romania and Bulgaria are due to join the EU, although that date may slip to 2008. The remaining Balkan countries will then be encircled by the EU. Unless they have a genuine prospect of membership, that could have serious consequences. With some 22m people penned inside a kind of poor Balkan reservation, interethnic conflict, smuggling and organized crime would be certain to flourish. Compared with the cost of all that, EU membership might look quite cheap* (The economist 5 November 2005).

That is why the EU in their enlargement politics for the Western Balkans put forward the Stabilization and Association Process (SAP). 'The SAP was developed in 1999 to create clear criteria that prospective Balkan states had to meet to reach intermediary goals on the path to full membership'(Perskin & Boduszynski 2011, p 58). It contains several EU criteria which the Balkan states have to comply with in order to gain ultimate acceptance as official candidates for EU-

membership. These criteria include for example trade liberalization, improved financial and economical assistance and a regular political dialogue (Tatham 2009, p 165). SAP is a tool for the EU to establish peace and stability in the Western Balkan region (Stahl 2011, p 465).

2.3. 5 transitional justice

The Stabilisation and Association Agreement (SAA) for Serbia in particular has the main focus on issues such as the relationship and non-recognition of Kosovo, the impact of the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague on Serbia. I have also focused on the protection of minorities, human rights and corruption. According to the progress reports of the European commission (2012) and (2013) these are the focus points for further negotiation. All these issues have to deal with a form of justice; the legal position of the territory of Kosovo, the prosecution of war criminals, the protection of minorities and the fight against corruption to open the door for independent rule of law. These are all factors of the concept of transitional justice according to the definition of the International Center of Transitional Justice (ICTJ).

> *Transitional justice refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms. Transitional justice is not a 'special' kind of justice, but an approach to achieving justice in times of transition from conflict and/or state repression. By trying to achieve accountability and redressing victims, transitional justice provides recognition of the rights of victims, promotes civic trust and strengthens the democratic rule of law* (ICTJ 2013)

According to this definition transitional justice is an approach to achieve justice in times of transition. The Balkans and thus also Serbia are currently in a transition from a legacy of the Balkan wars towards an 'European' future. Serbia is hoping to receive a date for negotiation talks and Croatia is on the Doorstep of official membership (European Commission, 2013). That is why I think the concept of transitional justice fits right in the geopolitics of the EU towards Serbia and my critical geopolitical approach to it.

2.3.6 Critical geopolitical approach

In my research I will dig deeper into the enlargement politics of the European Union towards Serbia. I will focus on the transitional justice issues as explained above. I want to see to what extent there are contradictions over these transitional justice issues between the EU and Serbia. As I have discussed in this chapter the geopolitics of the EU is about creating an ever closing union for the peoples of Europe. Also, the EU wants to have stability and peace in the Balkan region and tries to achieve that by including Serbia in the EU and let Serbia profit from the EU's unique synthesis of capitalist economy with the stability and welfare if Serbia is willing to give up certain domestic conditions. The EU is in this sense a hegemonic power and by definition a 'rule writer' for the word community and by that also the geographer of international affairs(Tauthail, 1996 p 61).Or how Kuus (2007) described it as the 'discursive practice by which intellectuals of statecraft spatialize international politics and represent it as a world characterized by particular types of places, peoples and dramas' (p. 7).

I want to look at the remaining contradictions between the EU and Serbia in the framework of enlargement by a critical geopolitical approach. As said before, critical geopolitics is interested in analyzing the reciprocity of the geographical practices as noticed by Tuathail (1996) and Kuus (2007) above. I want to look at the spatializations of identity, nationhood and how they manifest themselves

across the landscapes of the European Union. I want to explain the moral, and aesthetic understandings of self an others, the indifferences and distances between the EU and Serbia in the framework of transitional justice. that is what critical geopolitics is about as explained by Dalby and Tuathail (1998 p 4).In chapter 5 and 6 I will look closer to these different issues of transitional justice and discover to what extent there are still contradictions as seen with critical geopolitical eyes.

2.4 Conceptual model
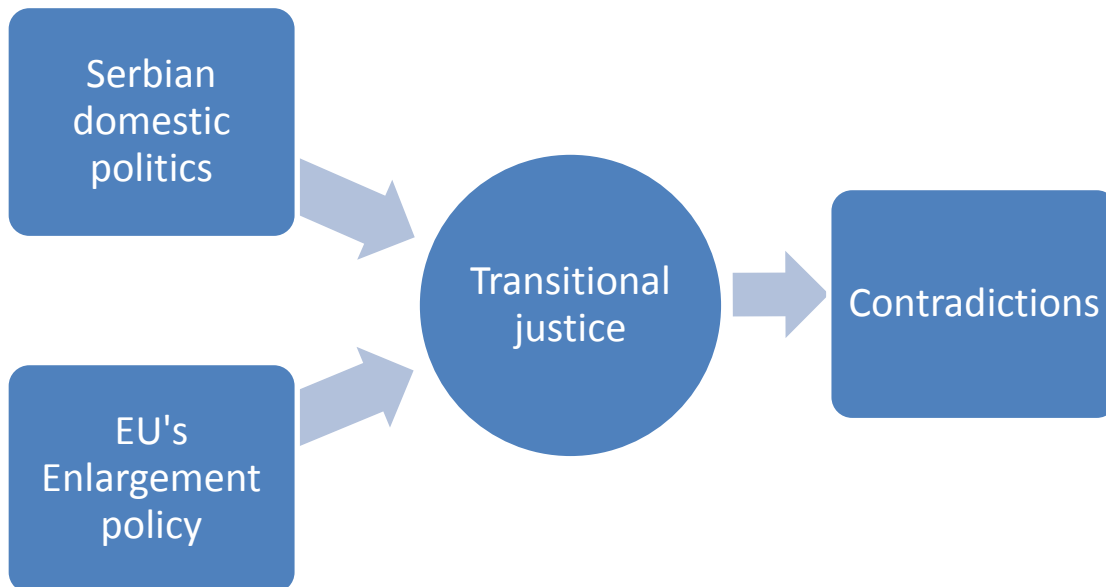
This conceptual model shows the process of the discourse. There are two side, the EU's enlargement policy and Serbian domestic politics. They both have a particular view on transitional justice issues. Eventually, these two views on transitional justice produce contradictions. The aim of this research is to investigate the view of Serbia on transitional justice by looking at the domestic politics and to what extent this view produce contradictions towards the EU's view. This model represents a more expanding structure of the discourse.

Serbian domestic politics thus will be my most important variable in relation to transitional justice. This is the variable on which I will focus most. Subsequently I will juxtapose this towards the EU's view on transitional justice and describe to what extent contradictions are represented.

2.5 Sub-questions in research
In order to answer the central research question, I have to make sub-questions. These sub-questions are dealing with parts of the central questions. All answers on the sub-questions together give an answer on the central question from which these sub-questions are deducted (Verschuren & en Doorewaard, 2007 p 102).

The central research question for my thesis is:

To what extent are domestic Serbian politics causing contradictions on transitional justice between Serbia and the EU?

When looking closely at my research question combined with the goal of this research, I can divide my question in two smaller parts; the different aspects of transitional justice and to what extent they produce contradictions. The goal of the research is to look at the differences on transitional justice. Therefore I need to know what the view of Serbian politics on this issue is and what the view of the European Union is in order to compare those two. I think that it is valid to say I have these sub-questions:

- To what extend does the issue about Kosovo produce contradictions between Serbia and the European Union?
- To what extend does the issue about the ICTY produce contradictions between Serbia and the European Union?
- To what extend are political protagonists producing contradictions between Serbia and the European Union?
- To what extend does the amount of corruption produce contradictions between Serbia and the European Union?
- To what extend does the policy on protection minorities produce contradictions between Serbia and the European Union?

Together I believe these questions ,and more important the answers to these questions, will give new information in order to update and expand the discourse.

Chapter 3: Methodology

With the aim and research questions and the theoretical framework, the research strategy will be fabricated. Strategy means to gain and absorb relevant information in order to answer the sub-questions and eventually the central research question (Verschuren & Doorewaard, 2007, p.157-159).

3.1 Research strategy

Verschuren & Doorewaard (2007, p 161) point out five different research strategies. Survey, experiment, case study, fundamental theory approach and desk research. My research is a case study. In a case study the researcher will focus on intensive practice orientated research. The researcher will gain a detailed insight in how particular processes in 'real life' work and why they work this way and not in another way. A qualitative method is often used as a research method. (Verschuren & Doorewaard, 2007, p 163).

Case study research begins with the identification of a specific case. This case can be at a less concrete level, for example a decision process or a specific project. A good qualitative case study is a study that presents in-depth understanding of the case. Thereby, many forms of qualitative data should be collected. From interviews, to documents, to observations (Creswell, 2007 p 98).

Reduced to my research I studied and analyzed two cases: Serbian politics on transition justice and the European Union's view on transitional justice. It is a Collective case study (Creswell, 2007 p 99). I focused on more than one case in order to understand the contradictions between Serbia and the EU in terms of transitional justice. Therefore I have collected different forms of qualitative data; interviews, documents and observations from scholars, but relative small amounts of research units. An additional benefit is that with the collection of different forms of data I will be able to produce more reliable insights, what is called triangulation. I have collected my data from different research objects. My research project is a comparing case study according to the hierarchical method (Verschuren & Doorewaard, 2007 p 187-188). The cases are studied separately in order to gain more knowledge of the two sides of the discourse. After I have analyzed and compared the two cases in order to gain more knowledge on the contradictions of Serbia and the EU on transitional justice.

3.2. Sources and unlocking

After determining what the research strategy will be, the focus lies on how to get the information that is needed. Thereby three questions need to be answered (Verschuren & Doorewaard, 2007 p 214-215):

a) Which categories of research objects can be distinguished?
b) What kind of information of these objects is relevant?
c) Where do I get this information?

In my thesis two different categories can be made in my research objects. I focus on Serbian politics and on the European Union enlargement policy. Therefore I gained information from **persons**. Because not very much is written about current Serbian politics I collected information about the Serbian politics towards transitional justice through persons. There for I have consulted persons who are experts on Serbian politics. For my research I have conducted five qualitative interviews in order to gain more information and insights on the current discourse.

Name	Expertise	Date of interview	Place
Jan Marinus Wiersma	Research fellow, former Vice-president of the PSE in the EU-parliament on enlargement issues	8th may 2013	Leiden
Patrick Paquet	Political desk officer Enlargement Serbia	21st may 2013	Brussels
Mitra Nazar	Journalist, correspondent	28th may 2013	Belgrade
Slobodan Samardzic	Professor on European relations	29th may 2013	Belgrade
Milan Podunavac	Professor on political culture, political structure	29th may 2013	Belgrade

In the framework of triangulation I have combined the information I gained from the interviews with the writings of other scholars.

The second category is **situations and processes**. Because I am analyzing and expanding the current discourse, I have looked at current situations and processes within the discourse. In my research I used documents and literature as well. For instance reports on the progress and negotiations of Serbia. The information I needed I got in the form of reports of the progress that Serbia is making towards enlargement politics and literature that is been written about the enlargement politics. Besides that I have consulted literature of scholars that have written about the contradictions between Serbia and the EU. To summarize: I gained information in documents, literature and media in order to analyze and expand the discourse of contradictions on transitional justice between the EU and Serbia.

3.2.1 Unlocking
The data that I have collect from persons, I have gained through face-to-face interviews. The biggest advantage of doing interviews is to bridge distances in space and time. By interviewing experts I didn't have to be in Serbia as a researcher and investigate in the domestic politics. Since I don't have unlimited time for my research I was not able to go to Serbia for a couple of months to do my investigation. Instead, I made a short trip to Belgrade and interviewed three experts. I also did one interview in Leiden and one in Brussels as is showed in the table above.

The face to face interviews took place at different locations. The interviews with both professors took place at their offices at the University of political science in Belgrade. With Mrs. Mitra Nazar I had an appointment at a small restaurant. The interview with Mr. Paquet took place at his office in Brussels and the interview with Mr. Wiersma was taken at his home. For all interviews I have made a list of questions which were my guideline but the interviews were not structured. I used a semi-structured approach whereby the questions formed a checklist of different themes and issues I wanted to discus.

The data that I needed in terms of the situations and processes, I unlocked by using content analysis. By doing so I collected the information I needed from literature and documents. I interpreted the information I collected and I looked for useful information about the discourse of transitional contradiction between Serbia and the EU. An advantage is that it will supplement to my interviews. Besides the fact that I have a large amount of diverse information which is easily accessible.

I have also used search systems to get order in the maze of all the literature and documents there are. There for I used the search systems of the university library of Nijmegen. I also used the search engine of Google, Google Scholar, to look for scientific literature.

3.2.2 Schematic view
If we put my explanation from the previous chapters in a model, we will get the following model:
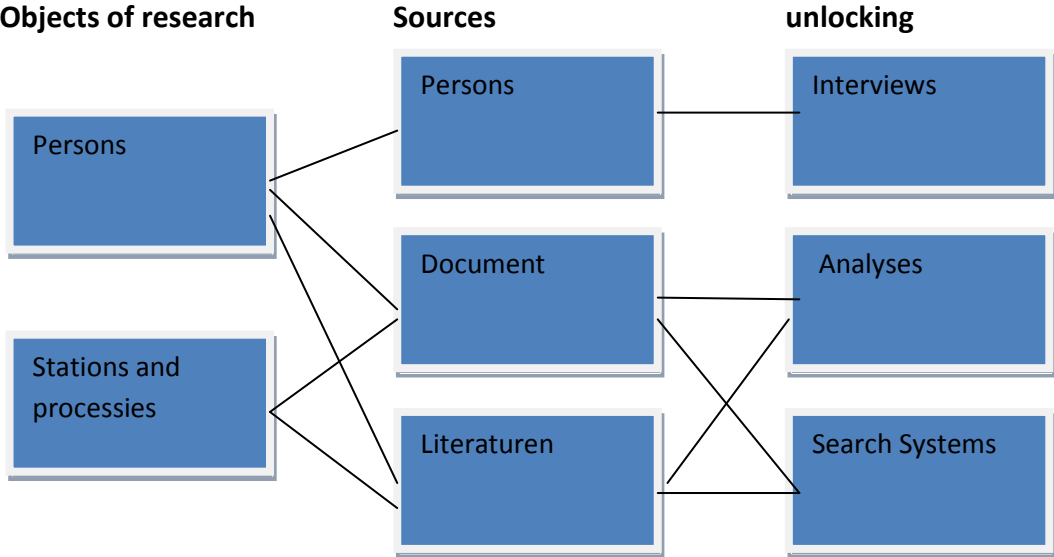
Sources	Sort	Unlocking
Persons	Experts	Face-to-face interviews
Documents	Progress reports EU Enlargement reports	Content analysis/search systems
Literature	Existing research Approaches	Content analysis/search systems

3.2.3 Critical discourse analysis
In order to analyze the collected data, I used the perspective of critical discourse analysis. In my thesis I looked at the discourse of the EU entry of Serbia and I looked mostly at the Serbian view. To be more specific, I focused on the domestic politics of Serbia on this particular issue. Thereby I also looked at the European perspective in order to compare these two views and look to what extent there are contradictions. To look for contradictions, a critical discourse analysis suits perfect. A

critical discourse analysis puts power, conflict and struggle in the heart of its analysis in analyzing policy. Thereby it offers a systematic procedure for analyzing texts as windows upon the struggle between ideologies and social practices. "New positions and identities emerge all the time because people use elements of different discourses in their struggle to grasp initially confusing issues and work out a position for themselves with regard to these" (Wagenaar 2011, p 158). This is exactly the core of my research. I focused on conflict, struggle and contradictions over transitional justice between Serbia and the EU. I looked at new actors or changes in language of the main actors. Thereby I also looked at different reports from the EU on the progress that has been made. At the end I hope I have given a clear image of the current contradictions between the EU and Serbia in terms of transitional justice.

Chapter four: The road to Europe

This chapter deals with Serbia's road towards Europe after the Yugoslavian breakup. This chapter outlines different themes of the current discourse around EU entrance for Serbia. It can been seen as a built up towards my research and my application to the discourse of Serbia's road to Europe which can be found in the next chapter.

4.1 Enlargement

Prior to 1989, European Borders appeared to be fixed. Since then, the borders of Europe and membership of the European Union have become a source of constant debate. Since the 1950's there have been five rounds of enlargement. With the collapse of communism in 1989 and the breakup of the Yugoslav Federation gave the enlargement of the EU a new impulse (Cini 2007, p. 422-423).

Tatham (2009) describes the enlargement policy goal as: "to continue the process of creating an ever closer union among the peoples of Europe on the foundations already laid"(p. 2). Hix and Goetz in (Subotic 2010) are giving a reason why states Europeanize. "The EU sets conditions for joining, and candidate states comply with these requirements because the benefits of EU membership are greater than the domestic price of compliance with EU conditions"(p 597). According to Cini (2007) "Enlargement is the most successful foreign policy toll that the EU has at its disposal in terms of influencing the behavior of neighbouring states". Besides that, the EU provides an exemplar for states seeking to develop market economies in a politically stable framework(p. 422).

In 2004 eight central and Eastern European (CEE) states joined the EU including the Czech Republic, Hungary, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Malta and Cyprus. In 2007 Romania and Bulgaria achieved membership. This fifth enlargement had the goal to end the historic divisions in Europe (Cini 2007, p. 423). With Slovenia as one former Yugoslav republic who joined the EU.

Any European state can apply for membership. This application has to be approved by the Commission and the European Parliament has to support the application. During the European Council in Copenhagen a framework of political and economic conditions has been set up. CEE states who might become member must have established (Cini, 2007, p 426):

- Stable institutions guaranteeing democracy, the rule of law, respect for human rights and the protection of minorities.
- a functioning market economy capable of withstanding the competitive pressures of membership
- the ability to take on the obligations of political, economic and monetary union
- adopt the body of law and regulation of the EU

During the war in the nineties there was no specific EU policy towards the western Balkans as a region. With the violent implosion and breakup of Yugoslavia development of any contractual relations with EU was put to hold. The priorities shifted to provision of emergency aid and other financial assistance throughout the region. Under French EU Presidency a summit was held in Royaumont on 13th of December 1995, one day before the signature of the Peace Agreement in Paris. The summit was between representatives from EU Member States, The SEEC's, neighbouring States in the region, the US and the Russian Federation together with representatives for NATO, the OSCE and the Council of Europe. They launched the 'Royaumont Process for Stability and Good

Neighbourliness in South-Eastern Europe'. Accompanying the Royaumont Process, the EU launched its own Regional Approach, which was meant to be for those SEEC's that did not, at that moment, qualify as being suitable candidates for negotiation talks (Tatham 2009, p. 161-163).

In the western Balkans the EU 's regional approach aims to restore peace and stability in that region. Through funding and investment, the development of democracy and the rule of law, the protection of fundamental rights and of minority rights. And the successful development of a market economy. All of these demands are drawn up in the light of eventually full membership of the European Union.

> *The EU's approach in all this is radically different from previous enlargement exercises, amounting rather to State-building than state consolidation, even when compared to the tasks in faced in the respect of the CEEC's. As such, the western Balkans will surely be the litmus test to extend security, liberal democratic principles, and economic change beyond its current southern border and simultaneously endeavour to create and reinforce the relevant States' system* (Tatham 2009, p 160-161).

4.2 Stabilization and Association Agreement

Building forward on the regional Approach the European Commission put forward the concept of the Stabilization and Association Process (SAP). It aimed to assist each western Balkan state to meet the relevant EU criteria and their ultimate acceptance as official candidates. The SAP was designed to create both a bilateral and a regional dimension to deepen the ties between the SEEC and the EU and to encourage region cooperation between the SEEC and their neighbours. The SAP and within the SAP the Stabilization and Association Agreement will remain the framework all the way trough the future accession. Each country signs his own agreement (Tatham 2009, p. 165-166). For Serbia two articles I want to point out since my research deals with the issues outlined here below in the articles 2 and 5 of the SAA of Serbia which was signed on 29th of Aril 2008.

> *Respect for democratic principles and human rights as proclaimed in the Universal Declaration of Human Rights and as defined in the Convention for the Protection of Human Rights and Fundamental Freedoms, in the Helsinki Final Act and the Charter of Paris for a New Europe, respect for principles of international law, including full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), and the rule of law as well as the principles of market economy as reflected in the Document of the CSCE Bonn Conference on Economic Cooperation, shall form the basis of the domestic and external policies of the Parties and constitute essential elements of this Agreement (SAA 2007, p. 11)*

> *International and regional peace and stability, the development of good neighbourly relations, human rights and the respect and protection of minorities are central to the Stabilisation and Association process referred to in the conclusions of the Council of the European Union on 21 June 1999. The conclusion and the implementation of this Agreement come within the framework of the conclusions of the Council of the European Union of 29 April 1997 and are based on the individual merits of Serbia(SAA 2007, p. 13)*

4.3 Serbia's application

Serbia is one of four potential candidates for the European Union membership, besides Former Yugoslav Republic of Macedonia, Montenegro and Turkey. Serbia was granted candidate status by the European Council's decision on 1 March 2012, and currently is waiting for the European Council

to decide on the date for starting negotiations on its full membership. When Serbia meets the criteria defined by the European Commission, this date will be given.

> *The decision on being granted the candidate status followed after several positive opinions regarding the readiness of Serbia to gain that status. In its report issued on 12 October 2012, the European Commission, in its Opinion on the Serbia's candidacy, recommended that "Serbia should be granted the status of a candidate for joining the European Union, as well as that the negotiations on its membership should start as soon as Belgrade makes progress in the dialogue with Pristina." The European Commission's recommendation came three months after Serbia arrested the last remaining International War Crime Tribunal (ICTY) fugitive, a Croatian Serb wartime leader Goran Hadzic. The most wanted ICTY fugitive, former Bosnian Serb military commander, Gen. Ratko Mladic was arrested the same year on May 26. At their summit on 9 December 2011, members of the European Council noted the considerable progress Serbia had made towards fulfilling the political criteria set by the Copenhagen European Council and the Stabilization and Association Process requirements and that a fully satisfactory level in its cooperation with ICTY was reached*(The delegation of the European Union to the republic of Serbia, 2012).

As seen above and in the progress reports of the EU (2012) and (2013) Serbia is on the eve of starting the negotiations for official accession to the EU. Although progress has been made, there are still contradictions such as the relationship with Kosovo. In the next chapter I will focus on these contradictions in the framework of transitional justice and through critical geopolitical eyes. Besides that I will look at new information, new insights and new players who put a change to particular issues. I will expose them on the basis of the sub questions I made up earlier in the research process.

Chapter five: contradictions between Serbia and the EU

The following pages expose for the greater part the research I have done. That research consists of a study of relevant literature and several qualitative interviews with experts on the different topics within transitional justice contradictions between Serbia and the EU and I will analyze them through the concept of a critical geopolitical approach.

5.1 Kosovo

the first point of attention is the issue of Kosovo. Kosovo was the last chapter of the Yugoslav wars in the nineties. The war was stopped by a NATO intervention in 1999. This intervention took place without the authorization of the United Nations Security Council, it remains a controversial action regarding its legality and legitimacy. From then on a geopolitical dimension was added to the Kosovo dispute that proved particularly important later on during the Kosovo Status process.(Yannis 2009, p 162). The conflict was about the majority of Albanians who wanted to make Kosovo an independent state and on the other side Serbia who want to protect the Serbian minority who mostly live in the northern region of Kosovo. The status of Kosovo is the main tragedy. The Kosovo Albanians and the Serbs have total opposed claims over the territory of Kosovo. The Kosovo crisis is not about power or form of government, but a contest over territory (Yannis 2009, p 161).
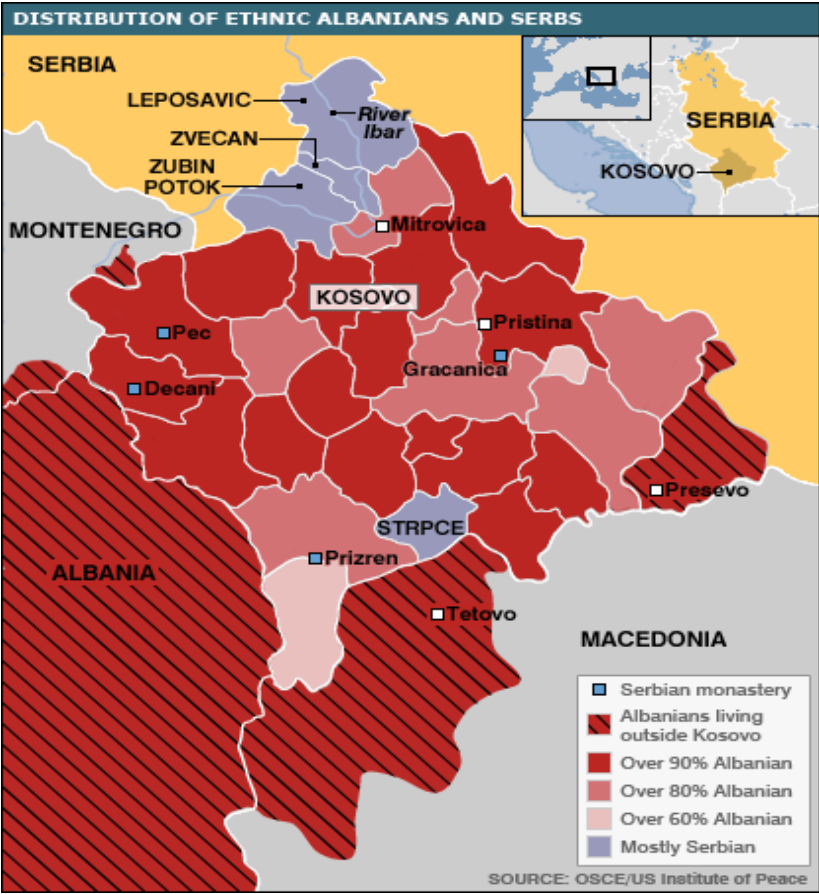

Photo: OSCE/US institute of Peace

In 2008 Kosovo received their declaration of independence but the refusal of the Serbian government to recognize Kosovo's independence has become the litmus test for any Serbian politician aspiring to win elections (Di Lellio & McCurn 2012, p133). " issues of Kosovo independence

and European Union membership have dominated Serbian domestic politics and foreign policy since the fall of Slobodan Milosevic in 2000"(Obradovic-Wochnik & Wochnik 2012, p1158). According to Obradovic-Wochnik & Wochnik (2012 p 1159) Serbia has made some progress in the relation with Kosovo up to now, but: "Serbia is reluctant to endorse any solution that may seem like an implicit (or explicit) recognition of Kosovo's independence." The EU does not demand that Serbia will recognize Kosovo's independence, but requires good neighbourly relations and regional cooperation (Obradovic-Wochnik & Wochnik 2012 p 1159). But Serbia's position towards Kosovo has not changed a great deal since the Milosevic era, threatening to derail regional cooperation (Obradovic-Wochnik & Wochnik 2012, p 1177).

5.1.1 EU on Kosovo

The European solution to the conflict aims to shift the emphasis away from inevitably divisive decisions over the status of the territory, and towards the shared aspiration for a better European future for Both Kosovo and Serbia. The promise for eventual membership in the European Union for both Kosovo and Serbia was put into work with the Thessaloniki Declaration in June 2003(Yannis 2009, p 163).

Although the EU does not require recognition from Serbia towards Kosovo, they expect a normalization of the relations between the two countries. After the recognition of Kosovo Serbia said that from that point it would use all possible legal and political instruments to defeat this declaration. When Serbia applied for membership the EU stated very clearly that it expected a good relationship with Kosovo if it wanted to move ahead. It was the framework for further negotiations and accession talks with the EU. Normalization of relations was the missing link and the entry ticket to negotiation talks with the EU. So the EU was waiting for improvement of this relationship ever since (P. Paquet, interview, 21 May 2013).

According to the latest progress report of the EU of October 2012 Serbia made some progress in relationship with Kosovo, which for the EU is the key priority for membership application:

> *Serbia continues to contest Kosovo's declaration of independence and to actively oppose recognition by third parties but has participated in a dialogue with Pristina since March 2011. Additional agreements were reached in that dialogue in February 2012 on regional cooperation and representation of Kosovo and on integrated management of border/boundary crossing points (IBM), in the run-up to the March European Council which granted Serbia candidate status. Implementation of these agreements was long delayed. Serbia adopted at first an overly restrictive internal instruction regarding the participation of Serbian delegations in regional meetings and conditions to be observed for its acceptance of Kosovo's participation. Soon after formation of a new government, a revised instruction was adopted in September 2012 which, subject to continued implementation, enables inclusiveness of regional cooperation. Serbia eventually signed the IBM technical protocol in September 2012 but it has yet to be implemented. Other agreements reached in this dialogue between March and September 2011 regarding freedom of movement, civil registries, customs stamps and mutual acceptance of diplomas are being implemented, except for cadastre, on which Kosovo still needs to adopt a law. Some areas are facing technical difficulties, e.g. vehicle insurance and car number plates for the freedom of movement agreement. Gates 1 and 31 remained mostly closed or only partially open, while there has been considerable traffic using unregulated crossing points into and from Serbia.*

Serbia was constructive in accepting OSCE facilitation in Kosovo for the holding of its parliamentary and presidential elections there and in not calling local elections in Kosovo. Serbia continued to fund and to maintain its structures, particularly in northern Kosovo, including not only hospitals and schools, but municipal administrations, security services and judicial structures. Cooperation with EULEX has improved. Direct high-level contacts facilitated operational cooperation. Cooperation in combating organized crime has improved but needs to be further developed in regard to some specific cases.
Following the elections and a new leadership in Serbia taking up office, Serbia needs to continue to engage constructively in the next phase of the dialogue in order to achieve further progress towards a visible and sustainable improvement of relations with Kosovo (p.19).

Earlier this year a renewed spring report was published by the European Commission. In this report the EU was even more satisfied and made clear that the relations between Serbia and Kosovo made a further positive development. Between October 2012 and April 2013 ten meetings with the objective to normalise the relations between the two sides were held and on 6 February a meeting between the two presidents Nikolic and Jahjaga took place. The two sides for instance agreed on a fund for the developing of the northern Kosovo and on an agreement for the protection of religious and cultural heritage sites (European Commission 2013, p. 4). What is remarkably new, is the agreement on governing the normalization of relations, about the authority within Kosovo over the Serb municipalities in northern Kosovo:

The discussions on northern Kosovo and the Kosovo Serb community concerns were concluded on 19 April with the initialing of a "First agreement of principles governing the normalisation of relations". The agreement provides for the establishment of an Association/Community of Serb municipalities in Kosovo which will function/operate within the existing legal framework of Kosovo. The Association/Community will have a statute and its own bodies on the basis of the other existing Association in Kosovo and will have a representative role to the central government. On police, the text of the agreement affirms the principle of a single police force in Kosovo and the integration of all police in northern Kosovo to the Kosovo Police. A regional Police commander is appointed for the four northern municipalities. He is nominated by the Ministry of Internal Affairs of Kosovo from a list provided by the four mayors. This means that it was agreed that the four mayors of the northern Serb majority municipalities would consult the Association/Community and submit a list to the Ministry of Internal Affairs who will make the nomination from this list. On judiciary, the text affirms the principle of integration and functioning of all judicial authorities within the Kosovo legal framework. An Appellate Court in Pristina is established to deal with all Kosovo Serb majority municipalities and a division of this Court will sit permanently in northern Mitrovica. Municipal elections, according to the agreement will be organised in the northern municipalities in 2013 with the facilitation of the OSCE. The text of the agreement also provides for concluding the discussions on energy and telecoms by mid-June. The two parties have agreed that neither side will block, or encourage others to block the other side's progress in their respective EU paths. As to next steps, the two parties agreed to adopt an implementation plan by 26 April and to establish an implementation committee with the facilitation of the EU(p. 5).

The EU also expects that the two parties, in the spirit of the new understanding between them and without prejudice to the positions on the status of Kosovo, will continue to work further for the normalization of relations between them and in this framework will address, among other issues, Kosovo's integration and participation in international bodies (European Commission 2013, P. 5).

5.1.2 agreement

As been said, before the agreement of April 19th relationships between Kosovo and Serbia were poor. The Serbian and Albanian community have a pretty poor history. They don't have any common history. These communities lived twice together. First when they were enslaved by the Ottoman empire and the second time will be in the European Union. For a long time the gap between Kosovo and Serbia was not handled in a democratic way. But mostly by repression and empyreal rule. Back in 1912 in the first and second Balkan wars and followed by the Milosevic government that produced a deeper gap between Kosovo and the Serbian community and there is still a great mistrust and misunderstanding (M. Podunavac, Interview, 29 May, 2013).

with the agreement between Kosovo and Serbia a big step is made. The Northern part of Kosovo with a majority of Serbs is now subject to Kosovo law. Kosovo will have power over economic development, education, healthcare and town planning. Besides that the agreement stipulates that only the Kosovo police force will be deployed in the north, but the regional commander will be a Serb and the force will reflect the area's ethnic make-up. Both parties also agreed not to hinder each other efforts to gain EU membership. "It's the best possible offer," said the Serbian prime minister, Ivica Dacic (Guardian 2013).

The signing of this agreement seems to be enough for the EU to start the negotiations.

> *So it looks as an ambiguous position of Serbia, but this is the space we have and basically there is unanimous view on the side of the EU and I think the U.S. sees it that way too. As long as things function in practice and are clarified and that the unity of the initiative and the legal system of Kosovo is established and basically the preaches of 1244, which were basically also the preach of the Kosovo territory as defined by 1244. As long as this is overcome, we consider this is a positive situation. Full resolution of the Kosovo-relations comes when the tide comes. It doesn't need to come now, what we need that in practice these positions evolve sufficiently for organizing the normal functioning of the place (P. Paquet, Interview, 21 May, 2013).*

Official recognition is a delicate matter for Serbia. In 2006 there was a change in the Serbian constitution which made it legally impossible for Serbia to recognize Kosovo independence. "The major constitutional preamble - that Kosovo is a constitutive, "inalienable" part of Serbia – is clearly aimed at locking in the hard-line Serbian position against Kosovo independence for any future Serbian government" (Subotic 2010, p 605).

The agreement made some commotion within domestic politics. Aleksandar Vulin, director of government's Office for Kosovo who is responsible for the agreement between Serbia and Kosovo wanted to resign in protest against the conclusion of the agreement because he felt the decision over this issue should have gone through a referendum (Balkaninsight 24 April). But in the parliament everybody agreed and politicians accepted the deal. The weight of the EU is bigger than holding on Kosovo but within Serbia the common belief still is 'Kosovo belongs to Serbia'(M. Nazar, interview, 28th May, 2013). With this agreement something irreversible developed. Although it is officially not recognition Serbia, in fact, accepted that Kosovo has authority over the whole territory, as well as over the Serbian enclaves in the north. But on a given moment this obstacle of non-recognition needs to disappear because Kosovo can't become a member of the EU because it has no

international Status. In Belgrade they realize that this needs to happen, but will rely on how successful the negotiations are and how this influence the environment. Because the last EU-polls are a bit negative. Because people feel the Kosovo-agreement has been pushed by the EU (J.M. Wiersma, Interview, 8 may, 2013).

5.1.3 territory

The latest reports show that the relationship between Serbia and Kosovo has improved. They are willing to cooperate and it seems that the European solution to the crisis has been fruitful. Both countries are on its way to Europe and the crisis can be resolved. On the other hand does the European solution not provide a solution for the status of the territory of Kosovo.

> *In fact, it was a useful euphemism for not having a good solution and trying to make the best out of it, rather similar to the euphemism of a 'peace process' when this term is used to refer to the absence of a peace agreement while trying to keep the peace. It could not, and there for did not, alone resolve the status problem. But it could, and did, help to make it easier* (Yannis 2009, p 164).

For the EU it was important to resolve the only unresolved status issue left over from the dissolution of former Yugoslavia and shifting the focus to the positive dynamics of European integration and consolidating stability and influence in the region (Yannis 2009, p 166).

But the EU must avoid getting trapped in a never-ending crisis management. The only sustainable way to provide a definitive conclusion to the story of Kosovo is to address sooner rather than later the hard issue of Serbia and Kosovo and its recognition. Serbia and a few European Union members vowed not to recognize Kosovo and it is also a race for time. Serious problems persist. It is important to keep both countries on track towards accession and becoming official member so that perspective makes it probably easier to guarantee an official status for the territory of Kosovo supported by both sides. Should the European Union fail to deliver, stability in the Balkans and security at the borders of Europe could be at stake once more. This could also damage its rising confidence as a major actor in international politics. Not least because Kosovo is inside Europe and if the European Union cannot deliver on its own borders its credibility as a global player is obviously at stake (Yannis 2009, p 168-169.

5.2 Criminal Tribunal for the Former Yugoslavia

where the focus of the recent talks lies on the relationship with Kosovo, former negotiations were about the cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). According to the Copenhagen criteria the states of the former Yugoslavia must confront their responsibility for wartime by providing full cooperation to the ICTY, particularly in the arrest and transfer of suspects for trial in the Hague (Boduszynski & Peskin 2011, p 54).

in the latest report of April this year the cooperation with the ICTY is no longer named. In the 2012 progress report it only gets small attention:

> *Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to be fully satisfactory. Serbia continued to provide smooth and swift access to documents and witnesses, in support of ongoing or planned ICTY trials. The June report of ICTY prosecutor Brammertz regretted the lack of action against the network of aid to ICTY*

fugitives. The War Crimes Prosecutor started criminal proceedings against an aid network in June 2012. A new trial against a previously identified group of 10 people suspected of aiding Ratko Mladic to evade justice was also restarted. However, Serbia must still further intensify its efforts in the conduct of more in-depth investigations into the fugitive networks in order to achieve visible results (European Commission 2012, p 18-19).

The ICTY was established in 1993 as a temporary institution, for the specific purpose of investigating crimes committed during the wars in the former Yugoslavia and prosecuting those responsible. This was done at a time when the domestic judicial systems in the former Yugoslavia were not able or willing to do so themselves. By 2003, ten years after its establishment, the Tribunal was operating at full capacity while the various national judicial systems in the region demonstrated varying degrees of intent to improve their ability to handle war crimes cases. The last remaining fugitives , Goran Hadžić, was arrested on 20 July 2011.Estimates as of December 2012 suggest that of the cases in the trial stage, four will be concluded in 2013. The trial of Radovan Karadžić is expected to finish in 2014. The estimates for the Hadžić and Mladić cases forecast those trials finishing by 31 December 2015 and 31 July 2016, respectively (ICTY, 2013).

Approximately 65 % of the indicted war criminals of the ICTY were ethnic Serbs, though only 13 % were Serbian citizens. Serbia has arrested and handed over four of the highest profile war criminals. Slobodan Milosevic in 2001, Radovan Karadzic in 2008, Ratko Mladic in May 2011 and Goran Hadzic in June 2011. Given that these indictments came in 1995 (for Karadzic and Mladic) and in 1999 for Milosevic. It is clear the ICTY alone did not produce a change in Serbia's behavior. Serbia's record of holding war criminals accountable is quite poor. As of early 2009 the Serbian government arrested only 12 of its citizens though dozens of Serbs surrendered (McMahon & Miller 2012, p 427-428). According to Boduszynski & Perskin (2011) the EU did force Serbia to cooperate more with the ICTY and result that was booked was only due to the pressure from the EU (p. 52) "Serb nationalist have long reviled the ICTY for focusing its prosecutorial scrutiny primarily on Serbian atrocities in Croatia, Bosnia and Kosovo. At key junctures, backlash against the tribunal has strengthened the political fortunes of the nationalist, imperiling Serbian moderates as well as their political and economic reforms" (P. 53).

Anti tribunal sentiment did not disappear with the 2000 demise of the Milosevic and Tudjman regimes in Serbia and Croatia. The new democratic coalitions initially indicated a willingness to cooperate with The Hague. But the power of nationalist groups and their ownership over matters of national memory have remained salient. Nationalists have protested against the states willingness to collaborate with the tribunal and argue that the ICTY is damning all of their countrymen and not only single convicts (Boduszynski & Perskin 20011, p. 55). According to Klarin (2008, p 92) only 7 % of Serbian citizens polled believed that the ICTY was unbiased when it trialed Serbians. 63% of the respondents thought there were 'too many' Serbs being accused compared to other ethnic groups. Pound (2012, p 81) is saying that 57% of the Serbs view the ICTY as unfair.

In June 2011 Radovan Mladic and Goran Hadzic were found in Northern Serbia and handed over to The Hague. The EU representatives reacted enthusiastically and praised Serbia's cooperation. But these successful deliverances did not represent a shift in Serbia. As the 'Sudden detections' of fugitives in Serbia (Tolimir, Zupljanin, Karadzic, Mladic) reveal, all Serbian Governments have been bluntly lying to the international community. The former government has already admitted to have hidden Mladic until 2003. Serbia only 'Sacrifices' its heroes for national survival and the former

governments of Kostunica and Tadic used the fugitives simply to overcome negotiation deadlocks, not because of norm internalization (Stahl 2011, p. 485).

Even though all fugitives are extradited to The Hague and are sentenced or are on current trail, the matter of the ICTY seems not too fulfilled, even though it doesn't receive much attention in the latest EU reports. The trials of the ICTY still have a sensible ground within Serbia. This is for example shown when the Croat general Ante Gotovina was released from the tribunal. He was first sentenced to 24 year to prison for war crimes against the Serbs in 1995. But after that, Gotovina was released because of the lack of evidence. "Then the Serbian politics, the officials, prime-minister and the president, everybody is furious and then the real interrelation between these countries is visible." (M. Nazar, Interview, 28 may 2013). "There is a sort of grudge within Serbian Society about the ICTY. Serbians have the feeling that they are punished disproportionate hard in comparison with the other countries of the Balkan" (J.M. Wiersma, Interview, 8 may 2013). "For a long time the tribunal was a kind of public enemy of Serbia. I do believe that they didn't provide, particularly in the last years, any improvement in some kind of reconciliation between the people in the region"(M. Pondunavac, interview, 29 may, 2013).

5.2.1 geographical dimension
Although the issue of the ICTY is penetrated with the concept of transitional justice, there is also an geographical dimension to this story. The prosecution and conviction of war criminals was a prior conditionality for Serbia in entering the EU and the first accession talks and this aspect differs from other post-socialist newcomers outside the Balkans. In order to became part of the European 'space' Serbia had to meet up with demands from the European Union and sent their former political protagonists to The Hague. "European integration was thus tied to and understanding of Serbian nationhood, characterized by a tension between an ethnic and civic notion of Serbian identity" (Kostovicova 2004, p 25).

Along the way the European meaning of Justice and accordingly, Serbia's spatiality in relation to it, have been tested. Prime-minister Djindjic was willing to cooperate with The Hague as he described is as an act that would free Serbia from constant pressure and conditioning. Former president Kostunica and others accused the tribunal of 'selective justice'; against Serbs and therefore rejected cooperation.

> *The issue of cooperation with the ICTY spawned a new meaning of Europe as identity. Instead of corresponding to Serbia's democratization and accession to the EU, the new meaning reflected the notion of Serbia's victimization by the EU and, by implication, questioned Serbia's quest for European intergration (Kostovicova 2004, p 25.)*

5.3 Political protagonists
The overall trend of the post-Milosevic era was to move away from Europe. Certainly after the assassin of prime-minister Zoran Djindjic in early 2003. According to the sentencing judge, Djindjic was murdered by members of Milosevic's security forces because of his pro-western policies and his cooperation with The Hague tribunal (Di Lellio 2009, p. 378).The Djindjic government gained great support in the West and made the EU to intensify its efforts. On the Thessaloniki EU Council in 2003 the perspective for EU-membership for the whole region was confirmed. But after the murder of Djindjic Serbia's transition to democracy stumbled (Stahl 2011, p. 475). In the 2008 election a 'Serbia

for Europe' coalition achieved 39% and declared itself the winner of the elections. This coalition led by Tadic was received very positive in the west. Yet it had no majority so President Tadic formed a government with the Socialists, the party of the former dictator Milosevic as a junior partner, assuring the EU that Serbia would remain on an integration track. Part of staying on that track was to deliver Karadzic and Mladic to the tribunal. Karadzic was detained but Mladic was still unfound. The EU wanted to start intensify the cooperation with Serbia but Belgium and the Netherlands first wanted to see Mladic in front of the court before anything was signed. Eventually in 2010 the majority of the member states were willing to put Serbia on a 'fast track' to membership. in November 2010 the Council officially passed Serbia's application to the commission. (Stahl 2011, p. 481-483).

Last year new elections were held in Serbia. President Boris Tadic resigned and was replaced by the leader of the Serbian Progressive Party (SNS), Tomislav Nikolic. The leader of the Serbian Progressive Party (SNS), won in the presidential election against the incumbent Boris Tadic, the leader of the Democratic Party (DS). The SNS list secured the largest number of MPs, with 73 seats out of 250, followed by the DS list with 67 seats. The list led by the Socialist Party of Serbia (SPS) came third with 44 seats. The Democratic Party of Serbia (DSS) secured 21 seats, the list led by the Liberal Democratic Party (LDP) 19 seats and the Union of Regions of Serbia (URS) 16 seats. The remaining 10 seats were gained by parties representing minorities. Most of these parties are in favor of Serbia's joining the EU. The Serbian Radical Party, which opposes Serbia's EU integration efforts, did not reach the threshold for entering parliament. Following the parliamentary elections, a new coalition government took office in July, on the basis of an agreement between SNS, SPS, URS and two smaller parties, with the leader of SPS assuming the position of Prime Minister (Dadic) The new Prime Minister has pledged to accelerate the EU agenda of reforms with the aim of opening accession negotiations (European Commission 2012, p. 7).

after the results of the elections, many people were skeptic about Serbia's track towards accession would continue. "An early start to talks, however, is now less likely, with Nikolic, a former leading light in an extreme nationalist party headed by a war crimes suspect, less likely to make the concessions on the breakaway country of Kosovo that Brussels will deem necessary for opening negotiations" (the Guardian, 20 may 2012). "The result could slow down the Balkan country's attempts to join the EU and reconcile with wartime foes, including the former province of Kosovo that declared independence in 2008"(Huffington Post, 21 may 2012).

"Serbia will keep the EU path but also protect Kosovo. Serbia is a modern country – I will co-operate with everyone," said Nikolic after he was elected (The Guardian, 20 may 2012). And even though there were fears about a possible slowdown in the track towards the EU, the latest spring reports shows that Serbia is making progress, especially with the agreement between Serbia and Kosovo. But doubts still exist. Also because of the turn Nikolic and other politicians made in his political career. He is known as "the undertaker" due to an earlier career running a funeral company in central Serbia. Nikolic was previously a leading light in the Serbian Radical party, the creation of Vojislav Sutlej, a warlord from the 1990s currently on trial at the war crimes tribunal in The Hague. In the war years, Nikolic was a keen advocate of "greater Serbia" – the conquest of and incorporation into Serbia of large tracts of Croatia and Bosnia. But he broke away to head his Progressive party, tempered his views, and shifted to the centre-right, committing to membership of the EU. His party and his

constituency are nonetheless more critical of the EU and western integration and more open to overtures from Moscow (the Guardian, 2012).

> *In Serbia we have some kind of political restoration of the old regime, political restoration. In the sense that you have the same actors, the same persons, the same political technology and something which is, from my point of view, the most dangerous for Serbia is very open authority and personalized system of government. Right now, you have a leader who concentrates the enormous political power, this concentration of personal political power is followed by destruction of legal and political institutions. And right now we are almost in the same position as in the early nineties. We have highly personalized government, weak political constitutions, low level of institutes and organized power and something that human rights democratic legitimacy and tolerance is not on the political agenda of this political leadership. In this sense, I guess, that Serbia has a very autonomic position right now. But we have right now a schizophrenic situation that the groups who represented themselves as completely anti-European, for example the social party, the radical party, most of the people right now in the political leadership belonged to the radical party, right now are open pro-European. It is a problem of trust (M. Podunavac, interview 29 may, 2013).*

There is always a front and a backside within the political climate of Serbia. On one hand Serbia is heading towards Europe , but on the other hand there is a society were sentiments still play an important role (J.M. Wiersma, Interview, 8 may 2013). The government is trying to compromise between the sentiments within the society and the demands of the EU (M. Nazar, Interview, 28 may 2013). An example of these 'turning politics' is seen recently. In 2012 President Nikolic did according the European Commission some statements about the genocide in Srebrenica:

> *However, some unhelpful statements for reconciliation in the region were made by the new Serbian President, Mr. Nikolic, at the time of his election and taking office, such as that denying the qualification of genocide for the crimes in Srebrenica. Several regional leaders decided not to attend the inauguration of the new president. Serbia needs to continue to make a positive and constructive contribution to regional cooperation and reconciliation. (European Commission 2012 p. 20-21)*

This year, however, Nikolic apologized for the war crimes committed by Serbs on Bosnian television. "I am down on my knees because of it. Here, I am down on my knees. And I am asking for a pardon for Serbia for the crime that was committed in Srebrenica. I apologize for the crimes committed by any individual on behalf of our state and our people," he said (Telegraph 25 April 2013). After that, Nikolic tried to spin his statement back in Serbia. He admitted he said it, but he pointed out that this doesn't mean that he is recognizing the genocide (M. Nazar, Interview, 28 may 2013). President Nikolic produces different messages. He has a very poor public record. He did apologize to Bosnia and Herzegovina but it is a different apology. Former president Tadic visited Srebrenica and he did apologize to the Bosnian people. However It is good to somehow recover this relation between Bosnia and Serbia, but you cannot believe is comes from the heart. The government has a problem with credibility and political trust (M. Podunavac, interview, 29 may, 2013).

5.3.1 Serbian geographers

Kuus (2007) described critical geopolitics as the 'discursive practice by which intellectuals of statecraft spatialize international politics and represent it as a world characterized by particular types of places, peoples and dramas' (p. 7). In this sense the intellectuals of statecraft are in conflict with each other . On one hand there are the intellectuals of the European Union who are giving conditions

for entering the space of the European Union. But within domestic politics of Serbia there is also an urge to find some sort of 'Serbian national space' (Kostovicova 2004, p 25). The political protagonists nowadays have strong links with the Milosevic era and are balancing between meeting up with the conditions set up by the EU and the sentiments within Serbian society and their urge for something like this ' national space' . On the front politicians try to follow the line of the European Union in order to make progress in the accession process, but at the same time these politicians try to create a basis for their policy by sympathizing with Serbian society and their 'national space' .

5.4 Protection of minorities

Within Serbia there are three main groups of minorities. There is a Hungarian minority who lives mostly in Vojvodina, in the North of Serbia. It is the most developed part of Serbia. The Hungarians are well organized. "They prefer some kind of bargaining between the central government and the Hungarian minority, some kind of trading and some kind of political privileges and economic privileges of that minority. In this sense the Hungarian minority is probably in institution sense the most influential minority in Serbia right now"(M. Podunavac, Interview, 29 may, 2013). In the Sandžak area there is a huge Muslim community, Bosniaks. This area has historically some kind of autonomy and behind that, there is a strong demand for some kind of territorial political autonomy. There is also an Albanian Minority in the so called Preševo Valley. This community openly resists any kind of participation in the public life of Serbia (M. Podunavac, Interview, 29 may, 2013).

Photo: Balkanium.com

In the 2012 Progress-report the European Commission described the situation as follows:

> *The legislation is in place but implementation at field level remains uneven throughout the entire territory of Serbia. Generally, Vojvodina is more advanced while South and South-West*

Serbia lag behind, due in part to a lack of available funding. Coordination between the central and local level needs to be further improved as well as awareness on the minority issues legal framework, including from the minorities themselves. Further improvements are also needed regarding information and education in minority languages, including the provision of all the necessary textbooks. The inter-ethnic situation in the Autonomous Province of Vojvodina remained good. Elections for the Provincial Assembly took place in May 2012. There have been only sporadic interethnic incidents. Reactions to such incidents by provincial officials and the police were adequate but the legal process needs to be improved as the prosecution continued to treat them as misdemeanor cases rather than criminal offences. The Provincial Ombudsman's 2011 annual report noted that out of 1,237 complaints 65 were related to minority issues (5.25%). The law on Vojvodina's own resources, required by the Constitution, has yet to be adopted. The Constitutional Court invalidated in July 2012 some provisions of the law regulating the competences of Vojvodina. As regards the municipalities of Presevo, Bujanovac and Medvedja, the situation continued to be stable overall, although there were sporadic incidents. An Albanian/Serbian Department of Economics was opened in Bujanovac in October 2011 as a branch of the Novi Sad Faculty of Economics and 69 students were enrolled. Students from Presevo and Bujanovac were granted scholarships to study at Novi Sad University. Several textbooks in Albanian were provided for the 2011 school year. In April 2012 the government and the municipal authorities reached an agreement on state investment in small and medium-sized enterprises in the three municipalities. Following calls by their political parties, Albanians however massively boycotted the October 2011 population census and partially boycotted the May 2012 parliamentary elections. Albanians continue to be underrepresented in the public administration and local public companies. The area remains among the poorest in Serbia and requires further commitment from the State authorities for its economic development. Regarding the Sandzak area, the situation has been stable overall. The campaign for parliamentary and municipal elections was calm and no incidents were recorded. Parties from Sandzak which participated in the elections in April 2012 signed a code of conduct for the campaign and largely abided by it. The Bosniak community continued to be underrepresented in the local administration, judiciary and police. A 2011 recommendation to a municipal administration by the Equality Commissioner to ensure the use of the Bosniak language and Latin alphabet has not been followed. The Ombudsman also issued recommendations in April 2012 to ensure adequate use of the Bosniak language in four municipalities. No solution was found to the outstanding issue of the election of the Bosniak national minority council, nor has the issue of the two rivaling Islamic communities been resolved. The area remained significantly underdeveloped, with a high unemployment rate and a lack of adequate infrastructure and investment. It requires further commitment from the State authorities for its economic development (European Commission 2012, p. 17-18).

The legal framework for the protection of minorities is in place and generally respected. Some positive steps were taken to improve the situation of minorities. Regular financial reporting by the national minority councils has been introduced. Additional efforts are needed to ensure effective implementation of minority legislation throughout the territory of Serbia and address known shortcomings. Serbia needs to do more to support the socio-economic development of Sandzak and Presevo, Bujanovac and Medvedja (European Commission 2012, p. 18).

In this sense Serbia is in a very complex position. Because, I would say that all of this demands from different sides propose some kind of redefinition of political architecture of Serbia. Serbia is a unitary political society and I would say it needs some kind of federalization of Serbia as a state, but for different reasons. Federalism does not have any legacy within Serbian political culture. This is the first one. On the other side the disillusion of former

Yugoslavia. Certainly the second reason is the concession of Kosovo, which is a fear of federalism, fear of federalization. In this sense, Serbia is in a very complex position, how to reconsider this different minds of unity and diversity. Which is important for every political community (M. Podunavac, Interview, 29 may 2013).

5.4.1 Roma

The Roma minority still is a huge problem within Serbia (J.M. Wiersma, Interview, 8 may, 2013) and (M. Nazar, Interview 28 may, 2013). There is a lot of discrimination. Roma are living outside of the cities and rarely take part in Serbian social live. Besides that, they are raised with a different culture and language. When entering a Serbian school they are not allowed because of a language deficiency. Hence, the Roma children are forced to special schools were they hardly develop or even drop out. Besides that, within Roma culture children often work at an early age for their parents and are forced to drop out from school. Hence there is a lack of education and trouble finding a well paid job. And even when they manage to get a good education there is a lot of discrimination on the labour market (M. Nazar, interview, 28 may 2013).

According to the European Commission lots of effort needs to be done in order to develop the position of the Roma population. A special plan has been set up for the registration of Roma. Many Roma are not registered and thus invisible and have no right for public healthcare. Serbia takes an active part in this plan but a lot of work has to be done:

> *The measure allowing undocumented Roma to register using a provisional address has yet to be implemented. Active measures to increase social inclusion of the Roma have continued. The enrolment rate of Roma children in the education system has increased. 170 Roma teaching assistants have been employed together with 75 health mediators. The school drop-out rate for Roma children remains however high. The 2012–2014 Action Plan for the implementation of the Roma Strategy has not yet been adopted. Most of the Roma population lives in informal settlements under difficult conditions. Some positive steps to comply with international standards were taken regarding the relocation of Roma evicted from such informal settlements. Further sustained efforts are required to fully comply with international standards on forced evictions. The Roma population, and especially Roma women, are the most discriminated against in the labour market. The Roma minority continues to face discrimination, social exclusion and high unemployment. Roma women and children are still frequently subject to family violence, which often goes unreported (European Commission 2012, p. 18).*

5.4.2 LGBT rights

Another focus point regarding the protection of minorities is the protection of LGBT (Lesbian, Gay, Bisexual and Transgender) rights. In 2001 the first Pride Parade in Belgrade ended being attacked by a thousand-strong crowd(Mirkus. M 2011, p 835). Also in 2010 the parade was attacked and there were clashes between the police and right-wing groups who tried to stop this parade. Therefore the parade in 2011 was cancelled (BBC, 30 September 2011).

According to the European Commission the protection of the LGBT population have been stepped up. This also has to deal with the making of a new law that focuses on discrimination in the work place based on sexual orientation. Besides that, social workers are setting up awareness raising activities regarding LGBT-rights. The Preparations for the 2013 Belgrade Pride Parade have started. "Such efforts need to be developed further and supported by visible political commitment in order to

promote a better inclusion and protection of LGBT population and improve tolerance and understanding across the Serbian society" (European Commission 2013, p. 9).

So the legal framework within Serbia is okay. It protects the rights of the LGBT-population. But what is important is not a simple demand from Brussels, but that Serbia is generating the conditions in their own society for greater acceptance. It takes time convincing a whole society to be more tolerant (P. Paquet, Interview, 21 may 2013). Although the EU believes progress is made, tensions in Society over the LGBT – population are still there. "As regard the human rights it there is not any kind of sensibility to people who demonstrate different kind, not only ethnic, but also sexual identity, LGBT , population. This is an open clash between extreme political groups which are very strong in Serbia right now"(M. Podunavac, interview, 29 May 2013). There are still groups of Hooligans, youth who is influenced by the Orthodox church who come to Belgrade to attack any parade regarding the LGBT-population (M. Nazar, interview, 28 May 2013).

5.4.3 Right to the Serbian place

As seen in this chapter, there are different groups, identities, within the Serbian territory looking for their own space. The two groups who have the most problems in finding that space are the Roma and the LGBT-population. They are being discriminated and cannot take part in the daily life of the Serbian society. LGBT-population experience a lot of tension within society and Roma have a disadvantage in education and on the labour market so it is hard for them to take part in Serbian society and try to develop their in position within this society. Except for the Hungarian minority, there is too little bargaining and trading between the minorities and the rest of the society. To little interaction to make the Serbian place also a place for those minorities. Especially for the LGBT-population and the Roma there is a need for a common place within the Society. Although the EU reports seem optimistic, those places need to be developed.

5.5 corruption

the last issue I want to focus on is corruption. According to the Corruption Index Serbia occupies the 80th place in the ratings per country (CPI, 2012). Corruption is deeply rooted within Serbian society. There is a legacy in the Serbian history that handling political power presupposes some kind of corruption. Also the war has to deal with it. The war completely destroyed the principle of legality. Legal institutions and consolidation of rule of law in a post-war society. What is also important is that Serbia is not an open market economy. The intrusion of the state is very high, so you have this kind of very close relation between market and state and the government (M. Podunavac, interview, 29 may 2013). What is important for the EU is that Institutions are working, judges are doing their work, the detection of criminals is function well and that it leads to convictions. What is also important is the competition level of companies. EU citizens can't have a disadvantage if they don't want to cooperate in the framework of corruption (J.M. Wiersma, interview, 8 may, 2013).

The European Commission made up a plan in order to fight corruption:

> *A draft strategy is being prepared on the fight against corruption for the period 2013-2018. Its preparation encompasses all involved institutions and relevant stakeholders and is taking into consideration positive examples from the region. It aims at both a structural approach dealing with issues such as good governance, independent institutions, internal and external audit and control, protection of whistle-blowers, and a sectorial one, addressing corruption in*

sensitive sectors such as urbanism and spatial planning, judiciary, police, education and health. The complementary roles of the Anti-Corruption Agency and Anti-Corruption Council should be better defined for the implementation and monitoring of the strategy and inter-institutional cooperation should be facilitated. The government aims to finalize the strategy in the course of the spring. Preparations of an action plan are to begin following the public consultation on the draft strategy. (European Commission 2013, p. 7-8).

Serbia has really stepped up in the fight against corruption with the leadership of Vice-president Alexsandar Vucic, with far more high level criminal investigations. It has a certainly promising approach and now they are in the process. Not only about adopting a document, it is about having analyzed the efficiency of past actions and defining a very robust and comprehensive approach. Combining all the instruments, combining also the different angles of both normal police and financial investigations. It is encouraging, but in terms of criteria this needs to show in the coming years. It's not now recommendations to open the negotiation (P. Paquet, Interview, 21 May 2013).

On the other hand the fight against corruption causes also commotion. Vucic is praised for his hard work and for example the arrest of one of the richest man in Serbia, Marko Miskovic for suspicion of corruption (Balkan Insights, 12 December 2012). But prime-minister Dacic became the talk of the town when it came to light that Dacic had contact with one of the spokesman of the biggest drugs barons of Serbia, Saric. Saric is on the run and seems not to be found. Dacic traded some relevant information for Blackberry telephones (The Economist, 4 February 2013). The trust in politicians is very low. Everybody expects en knows that politicians are corrupt and that they have ties with different organizations. On the outside they pretend to fight corruption, but it is naïf to think they are totally clean (M. Nazar, Interview, 28 May 2013).

5.5.1 boundaries
Critical geopolitics pays attention to the boundary-drawing practices and performances that characterize the everyday life of states. It is about the very construction of boundaries of 'inside' and 'outside'', 'here' and 'there', the 'domestic' and the 'foreign' (Dalby and Tuathail 1998 p 2-4). In the framework of corruption, there can be seen differences between the everyday life of states. The EU is striving for reduction of corruption and believes that Serbia made some progress in their fight against corruption. But it is a fact that corruption is deeply rooted within Serbian society. Due to the legacy of the war. The war completely destroyed the principle of legality. Legal institutions and consolidation of rule of law in a post-war society. What is also important is that Serbia is not an open market economy. The intrusion of the state is very high, so you have this kind of very close relation between market and state and the government (M. Podunavac, interview, 29 may 2013).

So we can say that everyday life of Serbia contains corruption and even though some progress is made, current politicians still show links to corruption. Serbia has simply a different background and this makes it hard to fit into the space of the European Union. The European Union's everyday life stands for minor state influence within the economy, independent politicians and no corruption at all. That is not the case in Serbia. In a way this creates boundaries between the European and the Serbian state. A domestic state of Europe without a foreign state of Serbia with a large amount of corruption, a clear example of a different 'here and there'.

Chapter 6: Conclusion

A quick comparison between the period of time between 2012 progress report of the European Commission and the spring report from April 2013 shows how fast things can change within the discourse of Serbia's accession towards the EU. In 2012 the report stated that: "Following the elections and a new leadership in Serbia taking up office, Serbia needs to continue to engage constructively in the next phase of the dialogue in order to achieve further progress towards a visible and sustainable improvement of relations with Kosovo" (p.19). Nearly a half year later, an agreement between Serbia and Kosovo has been signed. The Northern part of Kosovo with a majority of Serbs is now subject to Kosovo law. Kosovo will have power over economic development, education, healthcare and town planning. Besides that the agreement stipulates that only the Kosovo police force will be deployed in the north, but the regional commander will be a Serb and the force will reflect the area's ethnic make-up. Both parties also agreed not to hinder each other efforts to gain EU membership. "It's the best possible offer," said the Serbian prime minister, Ivica Dacic (Guardian 2013).

Another aspect with a remarkable change over the two latest reports are statements of president Nikolic. The European Commission reported in their progress report of 2012 that Nikolic did some unhelpful statements for reconciliation in the region: "such as that denying the qualification of genocide for the crimes in Srebrenica. Several regional leaders decided not to attend the inauguration of the new president. Serbia needs to continue to make a positive and constructive contribution to regional cooperation and reconciliation" (p. 20-21). This year, however, Nikolic apologized for the war crimes committed by Serbs on Bosnian television. "I am down on my knees because of it. Here, I am down on my knees. And I am asking for a pardon for Serbia for the crime that was committed in Srebrenica. I apologize for the crimes committed by any individual on behalf of our state and our people," he said (Telegraph 25 April 2013).

So does this mean that all differences between the EU and Serbia are out of the way and Serbia is ready to become an official member? Although Serbia probably will receive a date to start the negotiations in order to become a full member, there are still some major points of attention and discussions over the spaces of Serbia and the European Union, about the self and other, the domestic and the foreign. Because these contradictions are still there and clearly visible from a critical geopolitical perspective.

Regarding the relationship with Kosovo improvement is made. With this agreement something irreversible developed. Although it is officially not 'recognition', Serbia, in fact, accepted that Kosovo has authority over the whole territory, as well as over the Serbian enclaves in the north. But on a given moment this obstacle of non-recognition needs to disappear because Kosovo can't become a member of the EU because it has no international Status. In Belgrade they realize that this needs to happen, but will rely on how successful the negotiations are and how this influence the environment. Because the last EU-polls are a bit negative. People feel the Kosovo-agreement has been pushed by the EU (J.M. Wiersma, Interview, 8 May, 2013). Those sentiments still play a role. The common belief is still Kosovo is part of Serbia (M. Nazar, interview, 28 May, 2013). Official recognition is also difficult for Serbia by law. In 2006 there was a change in the Serbian constitution which made it legally impossible for Serbia to recognize Kosovo independence. "The major constitutional preamble - that Kosovo is a constitutive, "inalienable" part of Serbia – is clearly aimed at locking in the hard-line

Serbian position against Kosovo independence for any future Serbian government (Subotic 2010, p 605). The EU must avoid getting trapped in a never-ending crisis management. The only sustainable way to provide a definitive conclusion to the story of Kosovo is to address sooner rather than later the hard issue of Serbia and Kosovo and its recognition. Serbia and a few European Union members vowed not to recognize Kosovo and it is also a race for time. Serious problems persist. It is important to keep both countries on track towards accession and becoming official member so that perspective makes it probably easier to guarantee an official status for the territory of Kosovo supported by both sides. Should the European Union fail to deliver, stability in the Balkans and security at the borders of Europe could be at stake once more. This could also damage its rising confidence as a major actor in international politics. Not least because Kosovo is inside Europe and if the European Union cannot deliver on its own borders its credibility as a global player is obviously at stake (Yannis 2009, p 168-169.

According to the EU the cooperation with the ICTY remains good (2012) and (2013). On paper this seems not to be an issue. But within society this still produces some (spatial) contradictions. The cooperation with the ICTY was the framework at the beginning of the talks between the EU and Serbia. War criminals needed to be sentenced first, before this talks could continue. Since the arrest of the latest fugitives Mladic and Hadzic in 2011 this seems to be more or less a closed case. But within Serbia sentiments about the ICTY are still there.

> *The issue of cooperation with the ICTY spawned a new meaning of Europe as identity. Instead of corresponding to Serbia's democratization and accession to the EU, the new meaning reflected the notion of Serbia's victimization by the EU and, by implication, questioned Serbia's quest for European intergration (Kostovicova 2004, p 25.)*

This comes for instance to light when the Croat general Ante Gotovina was released from the tribunal. He was first sentenced to 24 year to prison for war crimes against the Serbs in 1995. But after that, Gotovina was released because of the lack of evidence. "then the Serbian politics, the officials, prime-minister and the president, everybody is furious and then the real interrelation between these countries is visible." (M. Nazar, Interview, 28 may 2013). There is a sort of grudge within Serbian Society about the ICTY. Serbians have the feeling that they are punished disproportionate hard in comparison with the other countries of the Balkan (J.M. Wiersma, Interview, 8 may 2013).

The protection of minorities remains an issue that requires attention. The legal framework for the protection of minorities is in place and generally respected. Some positive steps were taken to improve the situation of minorities. Regular financial reporting by the national minority councils has been introduced. Additional efforts are needed to ensure effective implementation of minority legislation throughout the territory of Serbia and address known shortcomings. Serbia needs to do more to support the socio-economic development of Sandzak and Presevo, Bujanovac and Medvedja (European Commission 2012, p. 18). This regards the Albanian and Bosniak (Muslim) minority. The Hungarian minority seems to be integrated better within Serbian society.

The two groups who have the most problems in finding that space are the Roma and the LGBT-population. They are being discriminated and cannot take part in the daily life of the Serbian society. LGBT-population experience a lot of tension and Roma have a disadvantage in education and on the

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labour market so it is hard for them to take part in Serbian society and try to develop their in position within this society. Except for the Hungarian Minority there is too little bargaining and trading between the minorities and the rest of the society. To little interaction to make the Serbian place also a place for those minorities. Especially for the LGBT-population and the Roma there is a need for a common place within the Society. Although the EU reports seem optimistic, those places need to be developed.

Serbia has a certainly promising approach towards corruption and they are in that process. Not only adopting a document, it is about having analyzed the efficiency of past actions and defining a very robust and comprehensive approach. Combining all the instruments, combining also the different angles of both normal police and financial investigations. It is encouraging, but in terms of criteria this needs to show in the coming years. They are not now recommendations to open the negotiation (P. Paquet, Interview, 21 may 2013).

Critical geopolitics pays attention to the boundary-drawing practices and performances that characterize the everyday life of states. It is about the very construction of boundaries of 'inside' and 'outside'', 'here' and 'there', the 'domestic' and the 'foreign' (Dalby and Tuathail 1998 p 2-4). In the framework of corruption, we see differences between the everyday life of states. The EU is striving for reduction of corruption and believes that Serbia made some progress in their fight against corruption. But it is a fact that corruption is deeply rooted within Serbian society. Due to the legacy of the war. The war completely destroyed the principle of legality. Legal institutions and consolidation of rule of law in a post-war society.

So we can say that everyday life of Serbia contains corruption and even though some progress is made, current politicians still show links to corruption. Serbia has simply a different background and this makes it hard to fit into the space of the European Union. The European Union's everyday life stands for minor state influence within the economy, independent politicians and no corruption at all. That is not the case in Serbia. In a way this creates boundaries between the European and the Serbian state. A domestic state of Europe without a foreign state of Serbia with a large amount of corruption, ' here and there'.

Europe vs. national place
Kuus (2007) described critical geopolitics as the 'discursive practice by which intellectuals of statecraft spatialize international politics and represent it as a world characterized by particular types of places, peoples and dramas' (p. 7). In this sense the intellectuals of statecraft are in conflict with each other . On one hand there are the intellectuals of the European Union who are giving conditions for entering the space of the European Union. Within domestic politics of Serbia there is also an urge to find some sort of 'Serbian national space' (Kostovicova 2004, p 25). The political protagonists nowadays have strong links with the Milosevic era and are balancing between meeting up with the conditions set up by the EU and the sentiments within Serbian society and their urge for something like this ' national space' . On the front politicians try to follow the line of the European Union in order to make progress in the accession process, but at the same time these politicians try to create a basis for their policy by sympathizing with Serbian society and their 'national space' .

With critical geopolitical glasses on, contradictions over transitional justice are still there. Serbia is in conflict with itself as a national state and in relation to the European Union as a state. That is

expressed in all the issues that I have been discussing in my research. There is a certain move towards the Europe state and although Hix and Goetz in (Subotic 2010) are saying that "The EU sets conditions for joining, and candidate states comply with these requirements because the benefits of EU membership are greater than the domestic price of compliance with EU conditions"(p 597).It seems that Serbia does not fully want to pay that domestic price and those struggles over the price that has to be paid still echo out loud within the Serbian national state. So even when Serbia will receive a date to start the negation talks this year, the country still has some fight to fight, conflicts to be resolved in order to fit in the European space without being blocked by their own national space.

Chapter 7: Recommendation

This thesis is meant to explore the discourse of EU-accession of Serbia in the framework of transitional justice. In order to look at new developments, new documents and new protagonists who come to play. In a discourse new positions and identities emerge all the time because people use elements of different discourses in their struggle to grasp initially confusing issues and work out a position for themselves with regard to these" (Wagenaar 2011, p 158). That was also the case in my research. With elections last year and new progress reports from the EU, new information was given and roles and positions within this discourse changed.

What I did was a short exploration of new faces and new information. I've studied recent and relevant literature, followed the public agenda and interviewed experts who were up to date. I focused on different aspects of transitional justice; The Kosovo issue, the cooperation with the ICTY, the role of the political protagonists, the protection of minorities and the fight against corruption. This was all done within a timeframe of hardly three months. I think it is valid to say that my work is just an introduction, an exploration of new developments within this discourse. It could be used as a stepping stone for new and extended research. It can provide extra information for the next cases of enlargement of the EU within the Balkans, for instance Montenegro or Bosnia.

The perspective is that Serbia will receive a date to start the negotiations this year. Actual membership will take another 5 till 10 years from that point (P. Paquet, interview, 21 May 2013). It could be fruitful to further explore the aspects of the transitional justice aspects I have named in this thesis. It could be useful in the next negotiation talks between the EU and Serbia and maybe contribute some extra information for smoother talks.

What I personally would like to know is the basis of Serbian politics within the society. As I firsthand have discovered, Serbian politicians are divided between the people of Serbia and the demands of the EU. Those two sides sometimes collide. A research which goes deep into the society and looks at the basis of EU-policy and find out where the bottlenecks are. Information as such could also be helpful for the process of accession of Serbia to the EU.

Because of the timeframe I was not able to do a very comprehensive research. But what I hope I have achieved is an introduction, a starting point for more research in order to understand more what the contradictions are between Serbia and the EU towards EU accession. Maybe it will be a starting point for me as well, when I return to this matter with my Master-thesis.

Evaluation
overall I think I have collected enough information to answer my research question. I was able to make a clear view about the different aspects of transitional justice and what the contradictions between Serbia and the EU are. I found It very welcome that I gained information from scientific articles to create a sort of a background. The interviews I did, I used to gain up to date information or extra information building on the information from the documents and articles a have been using. My interviews went quiet well, although I found It hard to interrupt the person when he/she was talking. I found it also difficult to find out to what extent I can guide the interview in a certain direction. This has to deal with my fear of influencing the information I am getting when I am interrupting or directing too much. In total I did five interviews from which I used four. Those four interviews went well and it gave me a lot of new and useful information. The interview with

professor Slobodan Samardzic was hard and Mr. Samardzic was not really listening to my questions. Instead he was holding his own speech and did not want to talk about the negative role of Serbia in the Kosovo question for instance. He was holding a quiet nationalistic speech and I decided not to use his interview. For the next time is it probably good to screen someone extra good, because I found out that he was a political advisor for former vice-president Kostunica and thus not totally independent.

Because I focused on recent developments within the relationship between Serbia and the EU in the framework of transitional justice, I think a critical discourse analysis is the best way the analyze. As been said before, new roles and identity emerge all the time within a discourse and this is exactly the core of my research. I focused on conflict, struggle and contradictions over transitional justice between Serbia and the EU and gained some new information, roles and identities which can update and expand the current discourse.

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Milan Podunavac   29 May 2013