

agreement with Kosovo. The agreement commits Serbia to respect the Kosovo government's control over its territory, in exchange for limited Serb autonomy in the north and Serbia's continuing official non-recognition of Kosovo as an independent state. In January 2014, Serbia was rewarded with EU candidate status. However, many problems remain, most significantly the weak rule of law and lack of judicial independence, state capture and corruption, serious human rights violations and minority discrimination, as well as continuing state control over the media.

In this chapter, I assess the democratization project in Serbia since the ousting of Milošević in 2000. Using Sabrina Ramet's theoretical framework on the constitution of a liberal transformation to democracy,<sup>4</sup> I analyze four distinct areas of democratization in Serbia: political participation, economic transformation, sovereignty and nationalism claims, and the role of religion in the regulation of the private sphere. My findings point to accomplishments on some dimensions of democratization, but also serious backsliding and obstinacy on many others. Where improvements existed, they were achieved under tremendous EU pressure and with the strict usage of political and economic conditionality. Even with EU sticks, however, many issues within the human rights sphere such as, perhaps most glaringly, the continuing discrimination of the Serbian LGBT population, as well as the continuing shortcomings in gender equality, remain resistant to international pressures. While the general timeframe under analysis is post-2000, I build on the excellent work on Serbia's progress published in 2011 in the collection *Civic and Uncivic Values*, as well as on other analyses of Serbian politics after Milošević,<sup>5</sup> to focus more extensively on the recent political developments 2011–2014.

### Serbia under Milošević: A Few Reminders

Much has been written about Milošević's rise to power in 1987 and the catastrophic consequences this had on the entire region.<sup>6</sup> Some reminders, however, are in order if we are to set the stage for the post-Milošević democratization since 2000. It is worth remembering just how devastating Milošević's era was for the prospects of democracy and liberal values in Serbia at the end of the twentieth century.

Among the many power grab moves Milošević took as soon as he became head of the Serbian Communist Party in 1987, then president of Serbia 1989–1997, one of the first was the so-called "Anti-Bureaucratic Revolution," a series of staged popular rallies in support of Milošević's political reforms. As part of the proposed reforms, Milošević advocated for the dissolution of Serbia's confederal arrangement and the adoption of

"one man, one vote" electoral reform, which would guarantee an ethnic Serb as president of the republic by the simple power of the Serbian population majority.

This was soon followed by a dramatic suppression of political autonomies of Kosovo and Vojvodina, which had enjoyed significant autonomous status through the 1974 Yugoslav constitution. The stripping of Kosovo's autonomy had especially profound political consequences as it created a de facto apartheid state in Kosovo, where the Albanian majority was discriminated against in all facets of social life – from education, to hiring, to expressions of cultural and national distinctness.<sup>7</sup>

Already by 1989, Milošević started making preparations for war, by purchasing weapons and distributing them to Serbian allies in Croatia and Bosnia, who began to organize into ethnic militias.<sup>8</sup> The war in Bosnia started in 1991, followed by an even more brutal conflict in Bosnia in 1992. Throughout the wars, Milošević made a series of strategic political alliances – first with ethnic Serb leadership in Croatia and Bosnia, whose armed forces served as de facto proxies for Serbian military force, and then with paramilitary leaders in Serbia, such as the notorious organized crime ringleader Željko Ražnatović Arkan, whose troops committed some of the worst atrocities against Croatian, Bosnian, and Kosovar civilians and have remained completely unaccountable.<sup>9</sup> Milošević also made a strong political alliance with the extreme right-wing Serbian Radical Party, led by Vojislav Šešelj, a political party with its own paramilitary wing, the "White Eagles." The political significance of these alliances is that the political establishment, the military, organized crime, and the paramilitary sector became fully integrated in the 1990s and this merger became incredibly difficult to disentangle in the post-Milošević years.<sup>10</sup> This is one of the most significant legacies of the Milošević era and one that goes a long way toward explaining the problems Serbia had in starting a clean slate in 2000.

Another important legacy of the Milošević years is the lack of media independence and professionalization. Throughout the 1990s, the Serbian government controlled almost all of the media, including major outlets such as the *Politika* newspaper, Serbian Radio and Television (RTS), and national news agency *Tanjug*. This state-run media played an integral part of the Serbian wartime effort, both in mobilizing nationalist forces during the run up to the war, as well as during actual war operations.<sup>11</sup>

As the wars in Croatia and Bosnia were drawing to a close after 1995, the situation in Kosovo deteriorated. When the Kosovar Albanians, after years of nonviolent resistance led by Ibrahim Rugova, began to organize in an armed rebellion around 1996, Milošević unleashed a full

counterinsurgency crackdown, accompanied by a campaign of ethnic cleansing of Kosovo's entire Albanian population in 1998–1999. Serbia's escalation of the counterinsurgency then prompted the North Atlantic Treaty Organization (NATO) to carry out a seventy-eight-day aerial bombardment of the Serbian military and mixed-use infrastructure from March to June 1999, which finally ended in a UN-brokered deal that relinquished almost all of Serbia's control over the province, placing it under international protection until its final declaration of independence in 2008.

The NATO war left Serbia's infrastructure and economy decimated and, in many ways, Serbia has yet to recover.<sup>12</sup> It also, however, exposed the emptiness of Milošević's economic strategy and the extent to which much of Serbia's state budget went to either fuel war efforts or line the pockets of government leaders. It was this realization that Milošević, the emperor, had no clothes, that led to the massive public revolt in October 2000 and Milošević's ultimate downfall.

### Political Change in the Aftermath of Milošević

Serbia experienced a mostly peaceful political transition after the violence of the 1990s. Slobodan Milošević was ousted from power by a popular revolt on 5 October 2000, which he brought upon himself by rigging presidential elections on 24 September. The Democratic Opposition of Serbia (DOS),<sup>13</sup> the winning anti-Milošević coalition, was an alliance of eighteen ideologically very different parties. Adding to the instability was the DOS campaign calculation that the only opposition politician with a chance of beating Milošević was Vojislav Koštunica, the leader of the conservative Democratic Party of Serbia (DSS).<sup>14</sup> DOS decided to take a chance with Koštunica at the presidential level and deal with any policy and personnel differences among the coalition leaders after the election. Zoran Đinđić, leader of the moderate Democratic Party (DS)<sup>15</sup> became prime minister (see Box 7.2).

It became apparent immediately after 5 October 2000 that the legacies of the past, specifically the wars of Yugoslav succession and the war crimes committed, would be a serious problem which the post-Milošević government was poorly equipped to deal with. While conflict and tension within the DOS were obvious during the campaign, the fragility of the coalition became fully clear only after 5 October. The early disagreements between the DS and the DSS may have been about turf control, management of resources, and cabinet posts, but the much more serious issue was what to do with Milošević and the legacy of his criminal regime. The anti-internationalist Koštunica vigorously opposed arresting and transferring

### Box 7.1 Basic facts about Serbia

- Area: 77,474 sq. km.
- Population (July 2014): 7,209,764
- Capital city: Belgrade, with a population in 2011 of 1,135,000
- Ethnic groups (2011 est.): Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, undeclared or unknown 3.4%
- Percentage of the population speaking Serbian as their principal language: 88.1%
- Membership in religious organizations (2011 est.): Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, undeclared or unknown 4.5%
- Literacy: 98%
- GDP per capita (2013): US \$11,100
- Labor force (2013): agriculture 23.9%, industry 16.5%, services 59.6%

### Box 7.2 Prime ministers of the Republic of Serbia since 1991

- Dragutin Zelenović (Socialist Party of Serbia), 15 January 1991–23 December 1991
- Radoman Božović (Socialist Party of Serbia), 23 December 1991–10 February 1993
- Nikola Šainović (Socialist Party of Serbia), 10 February 1993–18 March 1994
- Mirko Marjanović (Socialist Party of Serbia), 18 March 1994–24 October 2000
- Milomir Minić (Social Democrat), 24 October 2000–25 January 2001
- Zoran Đinđić (Democratic Party), 25 January 2001–12 March 2003
- Nebojša Čović (Democratic Alternative), 12 March 2003–17 March 2003
- Žarko Korać (Social Democratic Union), 17 March 2003–18 March 2003
- Zoran Živković (Democratic Party), 18 March 2003–3 March 2004
- Vojislav Koštunica (Democratic Party of Serbia), 3 March 2004–7 July 2008
- Mirko Cvetković (For a European Serbia), 7 July 2008–27 July 2012
- Ivica Dačić (Socialist Party of Serbia), 27 July 2012–27 April 2014
- Aleksandar Vučić (Serbian Progressive Party), since 27 April 2014

Milošević to The Hague, while Đinđić wanted Milošević arrested to appease the international community, but also to get him out of the domestic political competition. The two entrenched positions immediately created a domestic political standoff. Complicating matters was increasing impatience from the international community and the ICTY itself for the start of real Serbian cooperation. Đinđić prevailed and orchestrated a high-stakes arrest and transfer of Milošević to The Hague in June 2001.<sup>16</sup>

Đinđić's political entrepreneurship ended tragically with his assassination by members of "the Red Berets" paramilitary-turned-organized-crime-unit in March 2003. The operation, dubbed "Stop The Hague," was orchestrated in order to stop further Hague investigations and extraditions. Đinđić's assassination was a critical moment in Serbia's democratic transition. His death left a huge political vacuum, filled by Koštunica's DSS and the extreme right-wing SRS. The first post-Đinđić elections in 2003 cost the reformists a renewed control of government.

In 2004, Serbia elected DS leader Boris Tadić as its new president, ushering in an awkward period of government "co-habitation," where the president was from the reformist DS, and the governing coalition was made up of much more conservative parties – the DSS and the Serbian Renewal Movement (SPO)<sup>17</sup> – together with the technocratic G17+, and with tacit parliamentary support by Milošević's own SPS.

The January 2007 elections produced yet another Serbian government. Even though the SRS won more votes than any other single party (28.6 per cent), it could not form its own majority government. Instead, DS, DSS, and G17+ formed a governing coalition, with Koštunica as prime minister and Tadić as president. The major issues facing the country deeply divided this governing coalition, particularly on issues such as cooperation with The Hague and the status of Kosovo. These divisions perpetuated the fundamental instability of the Serbian government and obstructed any serious progress toward European integration.

In 2008, Boris Tadić was reelected president, after very narrowly beating SRS candidate Tomislav Nikolić in the election runoff. The parliamentary elections that same year again shook up the Serbian government. The DS-led coalition "For European Serbia" formed an alliance with the Socialists, G17+, and a few smaller minority parties, indicating a firm return of Milošević's party to government. Mirko Cvetković from the DS was elected prime minister.

This period is also marked by quite pernicious nationalist flirtation by the Tadić government, especially when it came to Serbian–Bosnian relations. Tadić appointed a very outspoken nationalist, Vuk Jeremić, to the post of foreign minister, who then proceeded to forge a very close relationship with Republika Srpska Prime Minister Milorad Dodik, almost

completely ignoring the Bosnian government in Sarajevo. For example, president Tadić met with Dodik a total of twenty-three times between 2009 and 2011, while making only one official visit to Sarajevo during the same period.<sup>18</sup>

DS rule, however, came to an end in May 2012 when, first, Boris Tadić lost to Tomislav Nikolić (SRS) in the presidential runoff, and then the DS-led coalition lost the parliamentary elections. The catastrophic losses for DS came just days after the EU awarded candidate status to Serbia, a move widely interpreted as an attempt to boost the chances of the DS and President Tadić, who had long presented themselves as the only pro-international political forces in Serbia.<sup>19</sup>

In another shake-up of the Serbian political scene, a new party emerged in 2008, when the SRS split into the "old" SRS which claimed Vojislav Šešelj, the accused war criminal on trial at The Hague, as the leader, and the "new wing," led by Tomislav Nikolić, Šešelj's former deputy. The split was precipitated by the "new wing" advocating that Serbia sign the EU accession agreements, and the "old wing" refusing to do so. This led to the new wing forming an entire new political party, the Serbian Progressive Party (SNS),<sup>20</sup> which is quite a paradoxical misnomer for a party whose policies are quite far from being progressive.

SNS did very well in the 2012 elections, forming a coalition government with the Socialists and a few smaller parties. Iвица Dačić, the SPS leader, was elected prime minister, and Aleksandar Vučić from the SNS became a powerful deputy prime minister. With the SNS's Nikolić at the presidential helm, the purge of DS reformers was complete. The March 2014 parliamentary elections further solidified the SNS's stranglehold on power, with the SNS easily winning a plurality of votes (48.35 per cent), but a majority of seats, and installing Vučić as the prime minister. With Socialists and former Radicals in power again, including rewarding Socialist Iвица Dačić with the prominent post of foreign minister, 2014 in Serbia looks increasingly like 1994.

### Political Participation and Acceptance of Democracy

While the Serbian political scene has been quite volatile since the democratization process began in 2000, it is very difficult to accurately judge the political preferences of the Serbian public because of extremely low levels of political participation. The rates of electoral turnout have been steadily declining since the watershed elections of 2000.<sup>21</sup> This is partly the result of inadequate party differentiation, but also due to general voter apathy and the quite bleak outlook most Serbian citizens have about the future, as well as about their power to effect meaningful change.<sup>22</sup>

A few comprehensive public opinion surveys convey the depth of the problems with citizen political participation in Serbia. A 2010 study found that 67 per cent of the participants considered Serbia to be on the wrong track, 76 per cent were unhappy about their financial situation, and 60 per cent felt like losers of the economic transition. As many as 71 per cent were dissatisfied with the functioning of government, and as many as 73 per cent considered government either incompetent or corrupt. That this dissatisfaction was structural and not particular to the current government is clear, as 64 per cent were also unhappy with the political opposition.<sup>23</sup> Support for the EU had been in steady decline since 2000, and was hovering around 50 per cent in 2012<sup>24</sup> but increased slightly to 55 per cent in both 2013<sup>25</sup> and 2014.<sup>26</sup>

Attitudes toward democracy are more ambiguous. Serbian citizens approve of democracy in the abstract, but are much more uncertain whether democracy is a good solution for a small country like Serbia, which they perceive as being at the mercy of “big powers,” and where democratic institutions may slow down necessary reforms. Most alarmingly, the majority prefers a strong leader to political party competition, while also broadly rejecting Western liberal democracies as models to emulate.<sup>27</sup> Interest in political participation, from voting to joining civil society activities, is very low, and has been decreasing each year.<sup>28</sup> These dispiriting findings have led the authors of the study to conclude that “democracy support in Serbia is shallow and inconsistent.”<sup>29</sup>

Four years later, another study conducted by the Center for Electoral Studies and the National Democratic Institute showed even further erosion of support for democracy in Serbia. In a 2014 survey, as few as one-third of Serbian citizens viewed democracy as the best form of government, choosing instead “any form of government in which I have enough money.”<sup>30</sup> Perhaps most startlingly, only 15 per cent of Serbian citizens in 2014 viewed the 2000 ousting of Milošević as positive, with an overwhelming majority considering his defeat the beginning of Serbia’s downfall.<sup>31</sup> Further, Serbian voters expressed a preference for an electoral system in which they could vote for leaders instead of political parties.<sup>32</sup>

These depressing attitudes about democracy are also the result of a particular type of political party clientelism and depredation, where parties serve as employment and advancement networks and are increasingly devoid of ideological differentiation, giving voters very little reason to show up at the polls. This has been particularly evident since 2008 and the widespread disillusionment with the performance of the reformist DS. In fact, the electoral success of the SNS since 2012 can be much more easily attributed to low political participation and voter apathy than to any

specific electoral promise the SNS has made to rally support. Such was the profound sense of betrayal and even disgust with the corruption and clientelism of the DS government and its leader, Boris Tadić, in 2012, that a significant portion of the more progressive part of the electorate joined the “white ballot” campaign and refused to vote at all, effectively handing the victory to Nikolić for the presidency and to the SNS for the parliament.<sup>33</sup>

The most dramatic shift on the Serbian political scene since 2012 has been the rise of Aleksandar Vučić. Through very smart image management, Vučić has succeeded in largely blocking the public memories of him as a high-ranking official in the Serbian Radical Party, the extreme right-wing outfit of the 1990s, and as Milošević’s information minister. After SRS leader Vojislav Šešelj was arrested on war crimes charges and transferred to The Hague for trial, Vučić effectively ran the party and on multiple occasions rallied public support for the two most notorious accused war criminals, Radovan Karadžić and Ratko Mladić.<sup>34</sup> But since leaving the SRS and joining the SNS in 2008, Vučić has remodeled himself as a pro-Europeanist of sorts. He publicly declared his commitment to Serbia’s EU future; he negotiated the agreement with Kosovo; he embarked on a “war on corruption”; he arranged multiple foreign investments in Serbia’s failing public companies, such as for example the Abu Dhabi-based Etihad Airlines’ purchase of struggling Air Serbia airlines (former JAT). He has, most significantly, presented himself to the Serbian public, as well as to the EU and the larger international community, as someone who can, finally, get things done.

His public relations strategy has been very successful. His advisors tout “his sincerity, his everyman quality,” and explain his popularity with the fact that the Serbian people, “who need a leader,” have recognized one in him.<sup>35</sup> These leadership qualities, but also widespread disappointment in Boris Tadić and the failures of the Democratic Party to instill meaningful reforms while in power, have made Vučić by far the most popular politician in the country. In a May 2013 survey, Vučić’s approval rating was at 52 per cent, a historically high number in post-Milošević Serbia, and dwarfing the next two politicians in line – Tomislav Nikolić and Ivica Dačić, who both sat at 37 per cent.<sup>36</sup> In a September 2013 survey, as many as 66 per cent of respondents wanted Vučić to become Serbia’s new prime minister.<sup>37</sup> Realizing his unique electoral advantage and wanting to get rid of the SPS as a coalition partner, Vučić and the SNS called for snap elections for March 2014. The SNS won decisively and Vučić replaced Ivica Dačić in the prime ministerial post and consolidated his unprecedented power in the country. For the first time since the watershed

elections of 2000, a single party (the SNS) had won a plurality of the vote (48.34 per cent) and a majority of the seats in parliament (156 of 250), and was therefore able to form a government on its own, without a coalition partner.

While Vučić's popularity has given him a lot of leeway domestically and has made him a desirable partner to international actors who finally see a leader who gets results, it has also led to a remarkable rise in the personalization of politics, a veritable personality cult that has already demonstrated very undemocratic tendencies. The consolidation of his power has been evident across different state sectors. In 2012, Serbia changed the Law on the Organization of Security Services to eliminate the requirement that the president's chief of staff serves as the Secretary of the National Security Council. Vučić then took this position for himself, effectively acquiring full control of all state security agencies and an unprecedented clinch on total state power.<sup>38</sup> He has also stepped up control of the banking sector, the media, and political opponents through selective anti-corruption arrests that have undermined the opposition, while not touching corrupt tycoons loyal to the ruling party<sup>39</sup> – all of which could represent a slow march toward the "Putinization of Serbia."<sup>40</sup>

The consolidation of Vučić's power, however, is perhaps most clear in the increasing control of the media.<sup>41</sup> While direct physical threats and targeted assassinations of journalists, present during the Milošević era, may be gone, the Serbian government today practices "soft censorship" of media,<sup>42</sup> where reporters are under government influence in more subtle ways, due to the threat of actions such as sudden cancellations of provocative political TV shows, lack of access to investigative journalists, or even cyber attacks on antigovernment news websites.<sup>43</sup> The independent media of the Milošević era – B92 radio and TV network, *Vreme* weekly, and a few smaller outlets – have become much more mainstream, perhaps less so from outright government intimidation but from commercial realities which dictated the toning down of progressive rhetoric and acceptance of the new political order.

In August 2014 the Serbian parliament passed three media laws: on public information, broadcast media, and public broadcasting services.<sup>44</sup> The laws were passed as part of the EU candidate state package, and are meant to curb media corruption and to allow for media privatization and more transparent media regulation. It remains to be seen what impact the new legislation has on the media landscape, but it is not a promising sign that a few months after the law was passed the leading independent broadcaster B92 basically disappeared, being bought by a commercial

Greek media company and rebranded as a purely entertainment outfit with no room for serious news.<sup>45</sup>

In this univocal political and media environment, Vučić's total power, however, is a double-edged sword, as consolidating this much responsibility carries clear political risks. With the SNS in absolute control of the government, it will be difficult for the party to blame its coalition partners for any failures. For Vučić personally, this is even more dangerous as he has built his popularity on his own personal populist appeal. As reforms fail, or as new scandals will inevitably emerge, or government is perceived as incompetent – all these failures will be pinned on him, as much as previous successes have been. We were starting to see the beginnings of this crack in his popularity in the aftermath of the catastrophic floods that ravaged Serbia in May 2014, as well as in the massive Middle Eastern refugee influx in the summer of 2015. During both of these crises the citizens took on many of the relief responsibilities from the government, which was overwhelmed and ill-prepared to deal with such emergencies. Likely aware that his popularity could only gradually diminish, Vučić announced snap elections to be held in 2016, two years before schedule, in a clear effort to consolidate his rule.<sup>46</sup>

This de facto one-party rule, with the opposition weakened and in disarray, is also dangerous for the future of democracy consolidation in Serbia and the development of a truly competitive democratic process.<sup>47</sup> The larger structural issue, however, is the increasing lack of ideological differentiation between political parties. Instead of pursuing a particular policy platform that represents some commitment to a specific vision or a set of values, Serbian political parties have increasingly become employment vessels, interested in acquiring as much control of local budgets as possible, and using clientelistic networks to reward their loyalists and secure control over important state resources. The parties' willingness to make deals and court coalition partners from any party interested in participating, regardless of any ideology or conviction, has made citizens increasingly politically apathetic and disinterested. As a consequence, the current political staleness is hard to change.

### Economic Transformation as State Capture

The Serbian government has for a long time refused to crack down on widespread corruption at the highest levels of the country's economic and political elite.<sup>48</sup> For years, for example, the EU has been flagging suspicious transactions surrounding many privatization projects in Serbia. More broadly, fifteen years since the end of the Milošević regime,

Serbia's economy remains fundamentally unprepared for European integration. Economic reforms have progressed slowly under all governments, with each newly elected prime minister promising to be the one to speed them up.

Serbia remains quite poor and the global economic crisis of 2007–2009 hit the country especially hard. In 2012, the average per capita purchasing power rose to only 35 per cent that of the European Union average.<sup>49</sup> Unemployment is astronomically high, reaching 23.9 per cent in 2012 and hovering around 20 per cent in 2013,<sup>50</sup> with only one-third of Serbian citizens over the age of fifteen actually employed. There is a constant threat of inflation and unstable pricing, especially on staples, such as food. Widespread corruption and lack of enforcement of legal decisions significantly hamper investment and small business expansion.<sup>51</sup> Large international investments, such as the Fiat auto plant, have relied on generous state subsidies and other government incentives to secure political support.<sup>52</sup> Foreign governments have attained significant control of Serbia's strategic resources, with Russia fully controlling the energy sector after Gazprom acquired a controlling stake in Serbia's national oil company, NIS,<sup>53</sup> in 2008.<sup>54</sup> Many of these international deals have been made with little or no transparency, and many in blatant violation of the existing laws, such as the Law on Procurement.<sup>55</sup> Corruption has been embedded in the security services, especially the police, but also in the judiciary and health care services.<sup>56</sup> Citizens overall have an extremely low trust in these public institutions and accept corruption as a fact of life, which explains why cases of corruption are so vastly underreported, fueling the cycle of corruption impunity.<sup>57</sup>

The structural political problem that has allowed for such widespread corruption is the phenomenon of "state capture," defined as a "seizure of laws to the advantage of corporate business via influential political links in the parliament and government."<sup>58</sup> As a consequence, government bodies became private fiefdoms of political parties, where predatory parties utilized state resources by, for example, seizing control of public companies, without any checks or balances. In Serbia, therefore, political institutions have come to serve the interests of political parties, and not the other way around. This fundamental crack in the democratic contract is why Serbia continues to be less than a consolidated democracy.<sup>59</sup>

Much hope for a major turnaround, especially on the international side, was placed on the reformist DS government, in power from 2008–2012. However, the DS government proved to be a tremendous disappointment on many levels, both within Serbia but also in foreign capitals. Institutional corruption ran rampant. Heavily touted judicial reform resulted in the judiciary being stacked with party loyalists. The party

control of and clientelist networks in the public sector increased under DS tenure, while politically connected tycoons accumulated stratospheric wealth under dubious circumstances.<sup>60</sup> The government exercised strong control of the media and criticism of DS was not without career consequences.<sup>61</sup>

After the 2012 elections and the victory of SNS, the new government, and especially deputy Prime Minister Aleksandar Vučić, announced swift changes and renewed the dedication of the government to fighting corruption. The government put new resources into the Anti-Corruption Agency and, most surprisingly, embarked on a series of high-profile arrests. The most notable of these was the dramatic arrest in December 2012 of Miroslav Mišković, Serbia's wealthiest man and the country's most famous tycoon, on charges of tax evasion and financial malfeasance.<sup>62</sup> Another high-profile arrest was that of Serbia's "narco boss" Darko Šarić in March 2014.<sup>63</sup> What remains to be seen, however, is whether these arrests are followed by fair trials with due process, but also whether they will lead to a more systematic and less political fight against corruption. The ruling SNS could certainly be using the anti-corruption momentum to undermine the DS and its loyalists. What is noteworthy, however, is that Prime Minister Vučić's very highly publicized "war on corruption" has been tremendously popular with the Serbian public and has also earned him many points in Brussels.<sup>64</sup> In July 2013, however, Mišković was released from prison to continue his defense while on a 12 million euro bail. He has returned to his company and has continued to be a powerful financial player, even attending government brainstorming sessions on investments and economic reform.<sup>65</sup> It really remains to be seen just how much commitment the SNS truly has to uprooting corruption in all sectors of economic and public life, regardless of the cheap political points it can score with tabloid-ready high-profile arrests. In August 2015, the Serbian government proposed a new law on establishing the origins of citizen property, in an effort to further make the corruption issue publicly visible. The law, however, would not be applied retroactively, which would seriously blunt its effect on fighting already existing corruption networks.<sup>66</sup>

### Sovereignty and National Self-Determination

The issue of how to solve the "Serbian national question" has been the centerpiece of Serbian politics since the fall of communism. By "solving" this issue, Serbian nationalists of course meant the creation of a Serbian political entity that would encompass all adjacent territories where Serbs live. Outside Serbia proper, this included large parts of Croatia, Bosnia-

Herzegovina, Montenegro, even Macedonia, and certainly all of Kosovo. The role of Kosovo in the Serbian political imagination is well studied and understood.<sup>67</sup> In many ways, Kosovo served as a trigger for the Serbian nationalist project of the 1990s, and it remained the core territorial issue for Serbia even after the wars of Yugoslav succession in 1999. After the NATO aerial bombardment of Serbia in 1999 ended with Serbian troops pulling out of Kosovo, the former Serbian province was placed under international control. Keeping Kosovo “Serbian” remained a centerpiece of Serbian foreign policy long after Milošević was ousted from power. In fact, the rhetorical commitment to holding on to Kosovo, at all costs, in the face of all international pressures and demographic and political realities on the ground, has been at the core of Serbian state identity, and has served to maintain its ontological security, the security of the self, as a state.<sup>68</sup> What this meant in practice was that the question of Kosovo was non-negotiable, non-debatable, and non-tradable. This does not, however, mean that there were no voices within Serbia that counseled a different approach to Kosovo, one that was less mythological and more pragmatic. These ideas, however, were either presented by civil society members who have been successfully delegitimized as “anti-Serbian” by years of government and media propaganda onslaught, or spoken quietly behind closed doors in the hallways of government. They were never presented publicly as legitimate policy options because politicians were convinced that arguing for the end of Serbia’s reign over Kosovo would effectively label them as traitors of the state and would be akin to political suicide.<sup>69</sup> All Serbian political leaders until recently – from Koštunica to Đinđić to Tadić – felt that Kosovo was an albatross around their neck, and they closed their eyes, hoping it would simply go away.

This strategy, however, is untenable if Serbia is to be truly committed to European Union accession. In September 2010, the International Court of Justice (ICJ) confirmed that Kosovo’s 2008 declaration of independence was in accordance with international law. Serbia was pressured by the EU to acknowledge this legal ruling and begin to slowly relinquish its claim of total territorial control over Kosovo through a series of EU-sponsored discussions. Under close EU supervision, Belgrade and Prishtina engaged in a number of technical negotiations between spring 2001 and summer 2012 on issues such as freedom of movement, customs control, integrated border management, recognition of higher education degrees, and Kosovo’s representation in regional forums.<sup>70</sup> In 2012, the two states instituted a more relaxed border control regime.<sup>71</sup> In 2013, the negotiations moved to integration of border checkpoints, customs disputes and standardization, and more general freedom in movement of people between states. Further into the year 2013, both state

governments agreed on even further relaxing the inter-state travel restrictions with the eventual permanent changes scheduled for 2014.<sup>72</sup>

Serbia and Kosovo finally signed an agreement on 19 April 2013 in Brussels. The compromise requires Serbia to accept the authority of Prishtina over the entire territory of Kosovo, in exchange for Kosovo granting local autonomy to Serbs living in the north. Kosovo is also obligated to refrain from using its military in the Serb-controlled area. The Brussels Agreement was contradictory in many ways, primarily because it allows Serbia to continue to officially not recognize Kosovo as a state, presumably in perpetuity. The ambiguity of the agreement allowed for both sides to interpret what they have signed in starkly different ways. Kosovo interpreted the agreement as Serbia’s *de facto* acceptance of Kosovo’s sovereignty. Serbia, however, understood the agreement as the continuation of the status quo, allowing Serbia more control within Kosovo.<sup>73</sup> These different interpretations allowed Belgrade and Prishtina, as well as the EU as the mediator, to all declare the agreement a historic success. Serbia and Kosovo both received EU rewards for the successful agreement. Serbia was finally declared an official EU candidate state, and Kosovo received a recommendation for the start of formal talks on a Stabilization and Association Agreement, a baby step in the EU accession process.

The compromise of the Brussels Agreement was to include the four northern majority Serb municipalities into Kosovo’s legal system, but also establish a new Association of Serbian Municipalities (ASM), which would grant them considerable powers of self-governance. All of this was to be set in motion following the November 2013 municipal elections.<sup>74</sup> The run-up to the elections, however, indicated very quickly how far both Serbia and Kosovo have yet to go to truly implement the agreement. The mayors and many political leaders in the Serb-controlled Kosovo north organized a boycott of the elections. The Head of Kosovo office in Serbia declared election ballots unacceptable if they carried any official insignia of the “state of Kosovo” (which of course they would as official election ballots).<sup>75</sup>

In such a charged atmosphere, it is not surprising that the elections were highly irregular. Armed thugs intimidated candidates and voters across the north. International election observers from the Organization for Security and Cooperation in Europe (OSCE) closed the polling stations early and pulled back their staff.<sup>76</sup> Amid widespread accusations of electoral malfeasance, the Serbian government-backed Serbian Civic Initiative (GIS)<sup>77</sup> won nine out of the ten Serbian municipalities, ensuring Belgrade’s full control over Kosovo Serbs in the north. Further, the Agreement allows for the possibility of massive money transfers from

Serbia to ASM, additionally entrenching Serbia's control over Kosovo's north, and extending political influence in the south, where there has been more progress toward integration.<sup>78</sup> Perhaps most significantly, the Brussels Agreement allows for the formation of ASM in accordance with "constitutional law." Since Kosovo's legal system does not recognize such a concept, Serbian negotiators have interpreted this ambiguity to open up the possibility for a dual sovereignty of ASM by integrating it into the Serbian legal system, which does include reference to "constitutional law," and which Serbia is expected to soon adopt.<sup>79</sup>

Serbia's continuing claims on Kosovo not only were therefore reduced to national rhetoric, but nonetheless have been institutionally codified in ways that are difficult to sever. In 2006, under Koštunica's government and following a referendum of questionable legality,<sup>80</sup> Serbia adopted a new constitution, with a preamble that declared Kosovo "an integral part of the territory of Serbia," effectively making recognition of Kosovo an illegal act. The new constitution was also necessitated by the May 2006 declaration of independence by Montenegro, the loss of which made Serbian leaders even more politically attached to Kosovo. In 2013, Serbian President Tomislav Nikolić proposed a new Kosovo Platform, which stipulates that "every solution in the Belgrade/Prishtina dialogue needs to be in accordance with the constitution and the [UN] Resolution 1244, and Serbia's continuing position not to recognize the independence of Kosovo."<sup>81</sup> The Serbian government also adopted the Resolution on Kosovo, which states that because of the central role Kosovo continues to play in Serbian national politics, security, and identity, Serbia cannot recognize Kosovo as an independent state.<sup>82</sup>

Serbia's attachment to and intentions in Kosovo, therefore, are not over. If anything, Serbia's designs on Kosovo have been transformed from stubborn insistence on non-recognition of the new Kosovo state to a more subtle control over the Serbian population in Kosovo's north. Serbia's continuing interest in Kosovo also serves its domestic purposes as it perpetuates the narrative of Kosovo being an integral part of Serbia. Serbia may no longer effectively control Kosovo's territory, but it can control the Kosovar Serb population.<sup>83</sup>

### **The Role of the Church in the Regulation of the Private Sphere**

While the Serbian Orthodox Church played an instrumental role in the rise of Milošević to power by aligning its national priorities with those of Milošević's state-building project,<sup>84</sup> the true hold of the Church over Serbian society became even more visible after the

5 October revolution. Many leaders of the anti-Milošević opposition who came to power in 2000 built their careers as anti-communist dissidents. Their problem with Milošević, therefore, was primarily that he was a communist autocrat. His nationalism was much less of a problem for the new leadership, who in fact absorbed much of the Milošević-era nationalist rhetoric throughout the post-2000 period, especially on the issue of Kosovo.

The strong anti-communism – or the public turn toward anti-communism – of much of the post-2000 Serbian political leadership is also visible in the comprehensive official state effort at political rehabilitation of the Serbian World War II anti-communist right, including the Chetniks and anti-Semitic forces within the government and the Church.<sup>85</sup> In 2012, a Serbian High Court officially rehabilitated Serbian Chetnik leader Dragoslav Draža Mihajlović, who had been sentenced to death as the enemy of the Yugoslav state in 1946. This lawsuit has received much more extensive publicity in the Serbian media than any of the trials of Serb war criminals and has been interpreted by much of the media as a case of overdue justice.<sup>86</sup> The Mihajlović rehabilitation project, however, is only a small part of a larger official initiative, which includes rewriting history textbooks, massive public exhibitions, and street name changes that all aim to establish a particular vision of Serbia's anti-communist and monarchist past, which is then used to justify contemporary political conservatism, nationalism, and the narrative of Serbia's place among the great European powers.<sup>87</sup>

The role of the Church was instrumental in this effort, but it also extended to many other aspects of Serbian society. Serbia, as a country, has become much more religious than it has ever been (measured less by church-going and more by religious holidays observance).<sup>88</sup> There is an increasing conflation of Serbian national identity and Orthodox Christianity as a religious practice.<sup>89</sup> Serbia, in other words, has undergone profound social clericalization, which is clear in the increasing importance and influence of religion in everyday life, but more significantly in much greater participation of the Church in the affairs of the state.<sup>90</sup>

For example, the Church has strong-armed the reformist DS government to introduce religious classes into public schools. All Serbian military units now have designated chaplains and their own "patron saints," and the Church has also organized collective baptisms for the soldiers and pilgrimage journeys of military brass to Serbian religious sites, such as the Hilandar monastery in northern Greece.<sup>91</sup> Most Serbian political parties now also have "patron saints" – a practice that is quite new and is now increasingly accompanied by a Serbian Orthodox priest "blessing" the