

**STRATEGIC EUROPEANIZATION OF SERBIA
AND THE EU IMPACT:
THE CASE OF COOPERATION WITH INTERNATIONAL
CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA***

**SIRBİSTAN’IN STRATEJİK AVRUPALILAŞMASI VE AB ETKİSİ:
ESKİ YUGOSLAVYA ULUSLARARASI CEZA MAHKEMESİ İLE
İŞBİRLİĞİ ÖRNEĞİ**

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Abstract

From the very beginning, the majority of Serbs have evaluated the International Criminal Tribunal for the Former Yugoslavia (ICTY) both as anti-Serb and as an instrument created to punish Serbs only. This feeling created a strong resistance among them against cooperation with the Tribunal. Furthermore, the pressure from the European Union and the United States of America as well as the threats on Serbs to extradite their war heroes, revived the historic Serbian anti-West victim based feelings. However, since war-thorn Serbia was so humiliated and isolated both politically and economically that Serbs couldn't figure out any other alternative then to build institutional relations with the EU in order to get rid of this desperate situation and return back to Europe. Nevertheless, cooperation with the ICTY was put forward by the EU as a precise and indispensable condition for even the initiation of such relations. Therefore, both the Serbian public's and politicians' initial consistency on noncooperation started to change. Besides, in accordance with the rational choice institutionalists' assumptions, the building of institutional relations with the EU had even increased EU's impact capacity on Serbia. Ultimately, magnetic and transformative impact of the EU overcame and successfully convinced Serbia to extradite its most important leaders and former war heroes to The Hague.

Keywords: Serbia, European Union, Europeanization, International Criminal Tribunal for

*Bu çalışma, yazarın doktora tezinin, alt başlıklarından birinden yola çıkılarak hazırlanmıştır.

the Former Yugoslavia, Strategic Europeanization.

Öz

En başından beri Sırp'ların çoğunluğu, Eski Yugoslavya için Uluslararası Ceza Mahkemesi'ni sadece Sırp'ları cezalandırmak için kurulmuş Sırp karşıtı bir mahkeme olarak değerlendirmişlerdir. Bu düşünce, doğal olarak mahkeme ile işbirliği konusunda ciddi bir dirence neden olmuştur. Buna ilaveten, Avrupa Birliği ve ABD'nin Sırp'lara milli kahraman olarak gördükleri kişileri bu mahkemeye teslim etmeleri yönündeki baskıları, Sırp'ların yine kurban edildikleri yönündeki tarihi inançlarının canlanmasını da beraberinde getirmiştir. Ancak savaş yorgunu Sırp'lar, o yıllarda ekonomik ve siyasi anlamda aşağılanmış, izole olmuş ve çaresiz durumda olduklarından; bu umutsuz vaziyetlerinden kurtulmak ve Avrupa'ya dönebilmek adına AB ile kurumsal ilişkiler kurmayı alternatifsiz ve hayati olarak görmeye başlamışlardır. Mahkeme ile işbirliği konusu ise, Sırp'ların karşısına AB tarafından çok net ve vazgeçilmez bir koşul olarak ortaya konmuştur. İlişkilerin sadece başlayabilmesi için bile bir ön şart niteliğinde olmuştur. Bu nedenle mahkemeye işbirliği yapmamak yönündeki istikrarlı ve net duruş, zaman içerisinde değişmeye başlamıştır. Buna ilaveten, AB ile kurumsal ilişkilerin başlaması, Rasyonel Seçim Kurumsalcılarının öngörülerine uygun olarak, AB'nin Sırp'lar üzerindeki etki kapasitesini daha da arttırmıştır. Nihayetinde AB'nin çekim ve etki gücü, Sırp'ların direncini kırmayı başarmış ve birçoğunun eskiden kahraman olarak gördükleri kişilikleri Lahey'e teslim etmelerini sağlamıştır.

Anahtar Kelimeler: Sırbistan, Avrupa Birliği, Avrupalılaştırma, Eski Yugoslavya Uluslararası Ceza Mahkemesi, Stratejik Avrupalılaştırma.

INTRODUCTION

“The world asks – how much does it cost being Serb? How much for your memory? How much for your history?... It is better that we pay you to be someone else, not who you are.... For us to sit at the table of the European family as the only state that got its seat through an indecent trade, denying its own memory and identity... I do not know how to make such a bargain” (Soyaltin, 2008).

This study primarily aims to explain the reasons for Serbia’s consent to extradite its war criminal suspects to the ICTY. Evaluating the period between the October 2000 Revolution and the extradition of Goran Hadzic in July 2011 as the last remaining fugitive of ICTY, this research suggests that; regarding the relations with the Tribunal, the post-Cold War experience of Serbia proves the validity of rational choice institutionalist arguments to a large extent.

“Rational choice institutionalism” (RCI) is a version of rational choice theories, which gives particular importance to the institutions. According to RCI, actors move in line with an instrumental and strategic logic in their attempt to realize their pre-determined policy targets. In this context, actors seek membership in an international institution when they do benefit/cost analysis and estimate that it would be beneficial in maximizing their interests. Institutions in this perspective are viewed in functionalist, instrumentalist and pragmatist terms. As a case in point, this paper suggest that the Republic of Serbia viewed European Union as a “strategic instrument” primarily to return to Europe, which has come to mean for Serbs, above all; improvement of the poor economy, a consolidated democracy, post-war reconstruction, and recovery of lost dignity. However it is also true that, actors who joined these institutions for the aim of realizing their own interests, are also being affected from it unconsciously in the mid and long term and possibly change their perception of interests.

In literature, the transition processes of the eastern European countries and their integration with the European institutions are considered as the "return to Europe".¹

¹ E.g. <http://www.returntoeurope.eu/> , Gergo Medve-Balint, “Return to Europe, Reflections after 20 Years of Democratic Renewal”, Center for Policy Studies, Central European University, Budapest, 2010. : Cristina Blanco Sío-López, “Reconditioning the ‘Return to Europe’: The Influence of Spanish Accession in Shaping the EU’s Eastern Enlargement Process”, <http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/SioLopez.pdf> : Paweł Swieboda

Rather than geography, Europe is considered to be the spiritual/philosophical equivalent of the West² (Kumar, 2001, p. 96). Hence, return to Europe also means to “return to Western Europe” in practice or more generally a “return to West.” Another dominant view in the literature is that the most appropriate actor after the cold war to meet the rhetoric about the return to Europe is EU. Today, Europe has come to be defined as European Union more and more and a country’s Europeanness is measured to a great extent with the degree of its institutionalized relations with EU and its compliance with the norms and rules of the EU. In this respect, Serbia also considers EU membership as the most functional tool and step for the return to Europe. This is why all the governments of Serbia declared the membership as the most important strategic target. Statement of the former Serbian president Kostunica, can also be seen in this perspective: “*We ask for help from Europe on Serbia’s return to Europe, where she has always belonged to*” (Associated Press, 2000).

There are however, strong domestic and international hurdles in front of Serbia in her efforts towards returning to Europe. According to the RCI, the most determinate influence over foreign policy of a country depends on the identities, interests and relative influence of major institutions in domestic politics. Therefore concerning national issues such as EU membership, NATO accession, reforms, cooperation with the War Crimes Tribunal (ICTY) and the status of Kosovo, the position of major domestic institutions in Serbia such as the government, church, military, judiciary and police is of great significance.

Evaluating the period between the October 2000 Revolution and the extradition of Goran Hadzic in July 2011 as the last remaining fugitive of ICTY, this research suggests that regarding the relations with the Tribunal, the post-Cold War experience of Serbia proves the validity of rational choice institutionalist arguments to a large extent.

“Poland’s Second Return to Europe?”, European Council on Foreign Policy, ECRC/03 December 2007 : James Hughes and Gwendolyn Sasse, “Saying ‘Maybe’ to the ‘Return to Europe’ Elites and the Political Space for Euroscepticism in Central and Eastern Europe”, *European Union Politics*, September 2002 vol. 3 no. 3, p.p. 327-355 : Reinhard Heinisch and Christa Landsberger, Christa Landsberger. “Returning to Europe: East Central Europe’s Complex Relationship with European Integration and its Repercussions.”, *History of East Central Europe Since 1700*, Arpad Stephan Klimo, Irina Livezeanu (eds.), Routledge : Evald Mikkel & Geoffrey Pridham, “Clinching the ‘Return to Europe’: The Referendums on EU Accession in Estonia and Latvia”, *West European Politics*, Volume 27, Issue 4, 2004, p.p. 716-748. : Oleksandr Svyetlov “Ukraine’s ‘return to Europe’: Path dependence as a source of mutual elite misunderstanding”, *Perspectives on European Politics and Society*, Volume 8, Issue 4, 2007, p.p. 528-543. : Sylwia Szostak, “Poland’s Return to Europe”, *Journal of European Television, History and Culture*, volume 01, issue 02/2012.

²Kumar is among the ones who claim that Europe symbolizes the Western Civilization which differs from the East (Russia, Ottoman and Orthodox lands) with its traditions and values.

HISTORICAL AND THEORETICAL BACKGROUND

Considering its population, army, strategic location, deep-rooted history and economic potential, Serbia is one of the strongest states in the Balkans. Another distinctive feature of the state is related to its location in European geography. Historically Serbia has found itself on where the imaginary borderline between the so-called West and East has been drawn. For this reason Serbian territory is also mentioned as the “east of the West” and the “west of the East”.³

In spite of the wars they fought to protect the Christianity and Europe, concurrently their contribution to the Western Civilization, Serbs are widely recognized as easterners or orientals. However, their alliance with the liberitarian West during World War I and II, and their inclusion to the respectful Tito helped Yugoslavia’s negative image to be wiped away considerably. But then the death of Tito and the Milosevic’s acquisition of power dragged Yugoslavia to a bloody war, which exacerbated Serbian image again. Because of the atrocities during the war period, the Serbs more than any other Yugoslav nation have come to be identified with crime, rape, ethnic cleansing and genocide. Especially the US led Western media introduced the Serbs as the post-modern vampires⁴ and fed the world public with such information. In this period, Serbia was driven away from Europe and the international community in general. Besides, she started to be deemed worthy of a “rogue” or “terrorist state” (H. Henriksen, 2001, p. 10), (Hodge, 2006, p. 233), (A. Melanson). Negative image attributed to the Serbs extended to such a degree that the NATO for the first time in its history decided to attack a European state for humanitarian reasons, even though there was no supporting United Nations Security Council Resolution. However, the cost of these military interventions in both material and moral sense, have been very heavy for the Serbs.

The biggest problem experienced by the Serbs in the 1990s was economic (Petak, 2003), (Žižmond, 1992). During the period of Milosevic regime Western led political, economic

³ Some of the literature which discuss this issue are: Mladen Lazić, “Serbia: A Part Of Both the East And the West?”, *Sociologija*, Vol. XLV (2003), N° 3 : Hrach Gregorian, “Serbia Between East and West” Canadian Defence & Foreign Affairs Institute, April 2012 : Andrew Konitzer, Serbia Between East And West, The National Council for Eurasian and East European Research. : Wayne S. Vucinich, “Serbia Between East and West: The Events of 1903-1908.”, *American Science of Learned Societies*, 2008. : Tesla Memorial Society of New York <http://www.teslasociety.com/serbia.htm>. Serbian Prime Minister Aleksander Vucic is among the ones who specify Serbia as a bridge between East and West. <http://www.worldbulletin.net/haber/150968/serbia-is-the-bridge-between-east-and-west>

⁴ “The last decade of the twentieth century added one more collective phantasm visualized through the lens of the Gothic Imaginary: the bloodthirsty specter of the Serbs as the vampires of the post-communist period”. The Phantom of the Serbs as figurative vampires of the new world order is reinforced by this reversal, allowing the West to show itself off as the impartial arbiter of ethnic tolerance while in reality destroying the last remnants of a South Slavic communist State. Tomislav Z. Longinovic, *Wampire Nation: Violence as Cultural Imaginary*, Duke University Press, Durham and London, 2011, P.33 : Tomislav Z. Longinovic, *Vampires Like Us: Gothic Imaginary and the Serbs*”, *Balkan as a Metaphor*, Ed. DUSan Bjelic and Obrad Savic, MIT, 2002, pp. 39-60

and military sanctions, in addition to the NATO bombardment towards not only the country's military but also the civilian and economic infrastructure, brought a situation for Serbs beyond all bearing. Over time, when it became impossible for them to meet even their basic survival needs such as nutrition, drink and heating, their cost / benefit calculations had to change. Serbs, under the influence of the EU, watched the experiences of the Central and Eastern European countries and saw the remedy of all the troubles as "returning to Europe".

Even though the Serbian governments are straight on the EU membership policy, the most important Serbian institutions resist the EU demands for historical, ideological and emotional reasons. However, with the transformative effect of the EU, these resistance points have melted considerably. Since the institutional relations between the EU and Serbia have not been built a long time ago, the recent changes in Serbia are the result of cost/benefit calculations, rather than internalization. EU is firmly institutionalized in years and a perception has come into being that staying out of the EU is harmful and being inside is profitable. Hence, attractiveness of the EU membership has increased the motivation of the third parties like Serbia to comply with the conditions of the EU and break the resistance of the opposing domestic actors. In other words, Serbia could not resist to the change caused by the EU conditions, because it evaluated that the possible benefits from the EU such as financial support, huge market access, customs reductions, better image and prestige were far stronger than its costs.

Despite the studies like Hooghe's and Mark's, which claim that identities may be as influential as economic interests, the majority of the researches on public support to the EU integration show that, socio-economic status and subjective economic perceptions are the most determinant factors (Hooghe & Marks, 2004). According to RCI, integration creates a loss in autonomy/sovereignty and state rulers consent to this cost only if it protects or increases their political power. Since the re-election of a political leader is directly related with his/her economic performance, they drive their country to integration if they expect economic benefits from the international organization (Mattli, 1999, pp. 13,51,57). The aspiration of Serbian leaders and the public for EU membership despite Union's support for Kosovo's independence stems from these economical expectations.

During the membership negotiations, the aspiring country chooses to comply when becoming a member is a far better alternative than becoming a member of an alternative organization or staying outside. If it has the chance to threaten the organization with joining an alternative organization, its negotiation power would increase. However, in this perspective Serbian leaders and public did not see any better alternatives than the EU and this strongly limited its negotiation power. Even the majority of the electors for pro-

Russian and anti-Western Serbian political parties supported the membership (Gunal, 2011, p. 60).

Concerning the relations with the international organizations, aspiring states may decide to consider the logic of consequentiality and/or the logic of appropriateness. In consequence, leaders may behave instrumentally as they believe that this is the best way to maximize their utility. In the other version, leaders may behave appropriately but do so because their cost/benefit calculations suggest them to do so, not because they find it ethical/moral or because it is internalized. In this perspective, Schimmelfennig also claims that *“behaving legitimately often is a choice based on a calculation wherein states determine whether the benefits of international legitimacy are worth the costs of adaptation and conformity”* (Schimmelfennig, 2000, p. 117). According to him states seek to refrain from sticks and achieve carrots (Kerremans, 2001), (G. Zucker, 1977, p. 727), (Lain Johnston, 2005, pp. 1013-1044) and (Zürnl & T. Checke, 2005, pp. 1045-1079). This paper defends that, rather than internalization, Serbia's will to cooperate with the ICTY, stems from the cost/benefit calculations, which suggests it should comply with the EU's demands.

Besides the decisiveness of their governments, being tired of; sanctions, isolations, economic difficulties, armed conflicts, insults and second-class treatment, Serbian public has also supported the integration process from bottom to top. Derived from the benefit expectations and the EU's conditionality policy, points of resistance in the public towards the change have been overcome. Since 2000s, Serbian administrations have taken very important decisions, which would have been impossible until a few years ago. These efforts are recognized, appreciated and rewarded by the EU, which at the end, motivated the country to adapt to the EU's rules and helped the country to be stronger in coping with the domestic resistance points. Being affected from the EU, some of the internal actors have changed their perceptions of “interests” and some others adopted the way they pursue their interests to the EU's rules and norms.

Europeanization and Conditionality

To be able to return to Europe, Serbia has to build institutionalized relations with the Western organizations and especially with the EU. Yet these organizations put very tough preconditions on Serbia. Moreover, without any other chance to negotiate, Serbia has to cope with some conditions, which even the current members had not been required to meet. However, an important number of Serbs believe that they were sacrificed throughout the history and largely accuse the West for the pains and sufferings they had. Hence they find it meaningless and gulling to accept the conditions of Western organizations, which are believed to involve in conspiracies against Serbia for so many

times. So the resistance against the EU conditions is not surprising.

There have also been some factors that help to break the resistance to the change and reform in the aspiring countries. In this context, “Europeanisation” is the most important one. Olsen defines Europeanization as, “*homogenization and standardization, which indicates a decrease in the diversity in behavioral, organizational and thinking patterns*” (P. Olsen, 1996, p. 264). However, the most cited definition on the Europeanization is of Radaelli. According to him, Europeanization is, “*Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies*” (Radaelli, 2000, p. 4).

Correlatively, there are mainly two specific mechanisms for EU to affect a potential candidate. One of them is the “conditionality” policy in which the membership is linked directly to the behavior of the candidate. The aspiring country needs to calculate the institution’s incentives and punishments. This mechanism is in accordance with the assumptions of RC institutionalists, who argue that the benefit/cost calculating states strive for profit maximization. Former Bulgarian Prime Minister Ivan Kostov’s words explain the situation almost perfectly: “*With all my respect for the West, I am watching there only the opinion of the structures, which finance Bulgaria. All the others, whatever they say, are of no importance*”⁵ (Kelley, 2004, p. 428), (Lain Johnston, 2005, p. 495).

The ability to use conditionality has become a great lever arm for EU to Europeanize or EU-ize the candidates. With this tool, EU is able to force candidates to adopt its rules, norms, laws, principles, administration styles and institutions. Since the public vote of the candidate state is influenced by the EU’s carrots and sticks, the politicians/rulers has also been forced to comply with the changed public demands, even if it is contrary to their ideologies. EU has exerted a great impact power on the Central and Eastern European Countries because almost all of these countries identified the EU membership as of top priority. This is also same for Serbia. Since 2000, all of the Serbian governments labeled the membership as a “strategic goal” at the top of their priority. This is one of the reasons why Serbia is quite open to the impact of the EU.

⁵ It should be noted that, constructivists and rationalists have different perspectives on above-mentioned respect. According to the constructivists, socialization based efforts can change the beliefs and the mentalities of the actors and led to a change in behavior as well. Johnston calls this, “social impact”. On the other hand, rationalists see the conformity with the norms as a “strategic decision.” Actors comply with the norms only if they calculate that this is profitable.

A group of researchers led by Shimmelfennig and Sedelmeier have put forward that the most effective policy towards changing the candidates' behaviors was the EU's external incentive, namely, conditionality (Schimmelfennig & Sedelmeier, "Introduction: Conceptualizing then Europeanization of Central and Eastern Europe", 2005, pp. 1-28). Kelley's researches as well showed that for the countries in integration process, the opposition was able to create a greater dumper against the socialization in comparison to conditionality. In other words, when European institutions used socialization as a tool, candidates rarely changed behavior. Especially if the domestic opposition was strong, socialization based efforts without the use of conditionality failed more often. This indicates that more the power of opposition in a country, the more conditionality has to be used⁶ (Kelley, 2004, pp. 426,430). Considering the high degree of received votes by the Serbian Radical Party⁷, Serbian Progressive Party⁸ and other nationalist, conservative or Euroceptic parties of the time, the tight conditionality policy imposed by EU becomes more rational.

		Legitimacy	
		high	low
Cost/benefit Analysis	benefits > costs	genuine compliance	conditionality-driven compliance
	costs > benefits	socialization-driven compliance	fake compliance

Figure 1: Relationship between conditionality and socialization

Source: Gergana Noutcheva, "EU Conditionality, State Sovereignty and the Compliance Patterns of Balkan States", 3rd Pan-European Conference on EU Politics European Consortium for Political Research Bilgi University, Istanbul, 21-23 September 2006 p.10

Noutcheva's above table explains the multilateral relations between the conditionality, legitimacy and socialization. As can be seen from the table if candidates comply to the conditions even if there is a compelling case that it is against their interests (costs>benefits) but the perceived degree of legitimacy of the EU demands is very high (legitimacy high), this means that there is a *socialization-driven compliance*. In this situation, socialization is a sufficient mechanism to change candidate's behaviour or even the way they evaluate what their "interests" are. The changes resulting from this type of

⁶After examining Lithuania and Estonia, Kelley put forth that, socialization based efforts caused a change in behavior only when the domestic opposition is low.

⁷ Serbian: Српска радикална странка, CPC / Srpska radikalna stranka, SRS

⁸ Serbian: Српска напредна странка, CHC / Srpska napredna stranka, SNS

compliance are sustainable over time.

When the expected future benefits from compliance are sufficient enough to compensate for short-term compliance costs (benefits > costs) and are perceived as legitimate (legitimacy high), outcome can be characterized as *genuine compliance*. This means they are also open to socialization. Although triggered by a cost-benefit analysis, this type of compliance gradually becomes driven by confidence in the righteousness of such state behavior.

When the candidate perceives the conditions as costly (costs > benefits) and illegitimate (legitimacy low), then there is a *fake compliance*. Even in this situation, candidates choose to comply because the eventual cost of non-compliance would anyway be higher than compliance. However, this time the only mechanism that works is the conditionality, so socialization becomes useless.

Finally, if the demanded reforms are seen in compliance with the interests of the candidate (benefits > costs) but not legitimate (legitimacy low), then their acceptance can be defined as *conditionality-driven compliance*, which I evaluate as “strategic Europeanization”. Candidates act as if they were Europeanized. They do not believe this is the right/just thing to do, but do it anyway to acquire the expected benefits. If this kind of compliance cannot be supported by internalization, it may stop or even be reversed in time.

SERBIA’S CHANGING ATTITUDES TOWARDS ICTY

Besides the Kosovo problem, the main obstacle in Serbia’s relations with the Western institutions or her return to Europe has been the issue of cooperation with the ICTY. Since the historical and theoretical background is already given, in the next section, the period and the reasons for Serbs to change their irreconcilable negative policy towards the Tribunal will be examined.

International Criminal Tribunal for the Former Yugoslavia

Human rights and humanitarian issues have started to become an important part of the international relations after 1945. However in 1990s, the issue gained global importance and world witnessed the establishment of international criminal courts that judge the individuals. Perhaps the most important among those is, “The International Criminal Tribunal for the former Yugoslavia”. It is a United Nations court of law, dealing with the war crimes that took place during the conflicts in the Balkans in the 1990’s. Beside mass

killings and ethnic cleansing, reports and scenes of violent crimes from torture to sexual abuse⁹ terrified the international community and forced the UN Security Council to act. In order to pressure the conflicting parties to comply with their obligations under international humanitarian law, in October 1992, the Security Council (UNSCR 780 (1993) asked the UN Secretary General to establish a Commission of Experts to report on evidences of grave breaches of international humanitarian law in the former Yugoslavia. The outcome of the report had a broad repercussion, especially on European countries whose generations had still not forgotten the Nazi ferocity (Project on International Courts and Tribunals). In this context the Court was established by Resolution 827¹⁰ of the Security Council in accordance with Chapter VII of the UN Charter. The ICTY was the first war crimes court created by the UN and the first international war crimes tribunal since the Nuremberg and Tokyo tribunals. The maximum punishment it can inflict is life imprisonment. Tribunal has shown that the individual's high status can no longer protect them from prosecution.¹¹

At the beginning, ICTY was only seen as a show and was not taken serious by the Serbs. In its first year, its budget was only 276.000 dollars and the judges had to rent their togs from a theatre store. The Court did not have its own police force and did not have the power to arrest the suspects or bring them to the Court. It also worked quite slowly. To give an example, it even took 16 months to agree on the first prosecutor. Moreover, he had to spend almost all of his time in office striving for greater budget (Pond, 2006, pp. 22-23).

Attitudes of Serbian Leaders towards the ICTY

The attitude and discourse of the first president of the democratic Serbia-Vojislav Kostunica was actually rough and negative. When he first came to the office, he labeled the Court as the "*last hole in the pipe*" and declared that the cooperation with the Court was not a priority. Moreover he said that the Court was a political instrument to offend Serbs and it made him sick (International Crisis Group, 2002, p. 12). Because of the fragile situation in the mentioned period, even Zoran Djindjic, who was known as a strong pro-European, had said no one should have expected him to make supportive comments on the Tribunal (Simpson, 2002), ("*Serbia after Milosevic*", 2000).

Kostunica's unwillingness to cooperate with the ICTY or transfer the suspects to it was in accordance with the Serbian public's general view at the time. The interviews done

⁹ It has jurisdiction over four clusters of crime: Genocide, crimes against humanity, grave breaches of the Geneva Conventions, violations of the laws or customs of war.

¹⁰ http://www.icty.org/x/file/Legal%20Library/Statute/statute_827_1993_en.pdf

¹¹ <http://www.icty.org/sections/AbouttheICTY>

between 2001-2005 shows that 2/3 of the Serbian public did not trust the Court (Obradovic-Wochnik, 2009, p. 32). Serbs accused the Court for using its full force for the Serb suspects and create very little pressure on the Croats, Albanians and Bosniaks. (Türbedar, 2008, s. 89) Kostunica claimed that the Serbs already had the best record on cooperating with the Court at the time and numerically he was right (Pond, "Demythologizing Serbia and Montenegro", 2006, p. 221). Until September 2008, ICTY denounced 161 individuals, and 93 Serbians, 31 Croats, 14 Bosniaks, 8 Albanians and 3 Macedonians were handed over (Türbedar, 2008, s. 89). Because of this, the fundamental aim of the Court as to find individual crimes and criminals, served in an opposite way for the Serbs and refreshed their historical victim based sentiment. In conjunction with this sentiment, during the trial, Slobodan Milosevic had used the discourse that "*not him but the Serbian nation was being tried*" ("Milosevic on Trial", 2002).

Being aware of the fragile situation in Serbia, the leaders of the EU members also comprehended Kostunica's initial unwillingness for cooperation. In EU's Biarritz Summit, even one of the greatest defenders of the Court, the foreign minister of Holland, Van Aartsen suggested not to over pressure Serbia with the view that Kostunica needed time and opportunity to stabilize his government (Associated Press, 2000).

Kostunica's attitude towards the ICTY's chief prosecutor at the time, -Carla Del Ponte was also quite distant. Del Ponte once left a co-meeting with anger, when Kostunica accused the Court for being anti-Serb and misused by the USA (Cvijanovic, 2001). After Kostunica became prime minister in 2004, he defended that meeting Del Ponte's wishes was neither just nor patriot (Biserko, 2010). On January 23, 2004, Ponte gave a warning message publicly and stated that it was impossible to reconcile with Kostunica and that he had to change his mind because Serbia's return to international community depended on that (Peric, "Give up Milosevic or face sanctions, UN tribunal chief tells Belgrade", 2001). This warning, triggered Kostunica's first policy change on ICTY. He declared that Serbs were not going to be sent to the Hague for the command duties, but this time, he left the low rank soldiers who obeyed the orders outside his protection.

In spite of his negative feelings, Kostunica often had to change his attitude towards ICTY. He seemed to be stuck between his own ideology, the conditions of the West and the demands of the public. His discourse proved that he saw the Court as anti-Serb, but at the same time non-cooperation as too costly to bear. In accordance with the rational choice institutionalists' arguments, Kostunica as a nationalist was able to act according to his own ideology when the public was also anti-Court or at least indecisive, but when the public vote changed towards cooperation, with the impact of the West, he had to comply with the new situation as well.

In March 23rd 2001, pressures of the EU started to produce results and a Bosnian Serb, Milomir Stakic, was sent to Hague as the first suspect to be arrested by the Yugoslav authorities (Peric, “War crimes suspect snatched from Belgrade street to face tribunal”, 2001). This passed as a good grade on Serbia’s record, but it should be noted that Kostunica claimed he was not informed about this handing over (Guardian, 2001).

The Case of Slobodan Milosevic

Until 1998, Milosevic was accepted as one of the most important actors in the peace talks and his being put into trial in a wrong time was evaluated as quite dangerous. This evaluation caused “peace” to be put prior to the “justice” (Sell, 2002, p. 168). However when Milosevic lost his functional position on peace building mainly because of the events in Kosovo, ICTY officially accused him of “planning, encouraging, ordering and carrying out violence and terror campaign towards the Albanians”. This was the first time that a ruling president came across with such a situation. On October 9, 2001 ICTY accused Milosevic with crime against humanity and on 23 November 2001 with genocide (ICTY Case Information Sheet).

Actually, Kostunica did not oppose the idea of judging Milosevic. The main burden for him was to send Milosevic to a foreign court. Publicly, Kostunica declared for several times that Milosevic should have been judged but it was the Serbian Courts who should have done it, because this was the essential requirement of state sovereignty. Kostunica’s main concern on cooperation with the ICTY stemmed from the negative stabilizing potential of Milosevic’s transfer (Naegele, 2000). This was understandable, because at that period, public opinion polls also showed that more than %50 of the Serbs opposed to Milosevic’s being judged of war crimes, %30 was convinced that he should be judged only in Serbia and a tiny %9 accepted his handing over to the Hague (Naegele, 2000). Besides that, security forces were still not under full control of the government and especially after the protests of special police forces, Kostunica’s courage was lost (International Crisis Group, 2002, p. 19), (Todorovic, 2001), (Bideleux & Jeffries, 2007, p. 592), (Telegraph, 2001). Hence at that time, because public opinion did not support the handing over, and also because it was contrary to his ideological stand, Kostunica did not find it rational to transfer Milosevic.

Related to the handing over, Kostunica insisted on passing a new law at the federal level. In June 2001, he asked his Montenegrin partners to consider the highest degree of the nation’s and state’s interests (Stojkovic, 2003, p. 10). At that time, Kostunica saw these interests as not cooperating with the ICTY. But when the President of USA, at the time George W. Bush, sent him a letter warning that the cooperation was a precondition not only for the foreign aid but also for the EU membership (“Bush Presses Yugoslavia on

Tribunal”, 2002), (Todorovic, “Yugoslavia set for extradition of Milosevic”, 2001), Kostunica had to state in November 2001 that cooperation with the ICTY was a must (Bideleux & Jeffries, 2007, p. 593). Right after this, his government froze the assets of the indictees to meet the EU’s demand (Pond, *Endgame in the Balkans*, 2006, p. 232).

After lasting quarrels on June 14¹² 2001, Yugoslav government agreed on the above mentioned law. On June 23, because of the restriction of the Yugoslav constitution on the extradition of its own citizens, the word “extradition” was removed from the draft law and the term “handing over” was used instead (Zimonjic, 2001), (Bideleux & Jeffries, 2007, p. 583). As it can be seen, the government even played word games in order to meet EU’s demands.

After the heavy pressures of EU and the decision of the US Congress to connect the foreign aid to cooperation with the ICTY, Yugoslav government ordered Milosevic to be detained in his villa on February 1, 2001. In the wake of the US Congress’ deadline for the aid to Serbia, Belgrade police arrested Milosevic, despite 36 hours of armed resistance and threats of suicide (Halberstam, 2001, p. 512), (Sell, 2002, p. 353). However, the reason for the arrest was stated as abuse of power and embezzlement only.

In the beginning, pro-European Prime Minister Djindjic stated that he was decisive on arresting Milosevic, but he also never spoke of war crimes. Besides, at the time, Milosevic was living in a luxury villa in Belgrade under the protection of special police forces and he was again elected as the head of the Socialist Party of Serbia¹² in December 2000 (Sandford, 2000). However, EU’s pressure also changed Djindjic’s perceptions of interest. In spite of the fact that the Constitutional Court decided a stay of execution on the transfer decision, Djindjic said he will not obey the Court’s decision¹³ (Simons, 2001), (Guardia A. L., 2001). Djindjic said, “the stay of execution would be a shame for the nation but what was more important, this could cause Donors Conference to disallow financial aid to Yugoslavia” (Telegraph, 2001). As it can be seen, his main issue was more rational than ethical.

Milosevic was delivered to Hague on June 28, 2001¹⁴, but Kostunica was allegedly informed after the delivery (The New York Times, 2001), (BBC, 2006), (Evans-Pritchard, 2001), (Stevanovic, 2004, pp. 16,20). This process showed that for Serbia, the institutional relations with the EU and expected benefits from it, were seen more important than the constitution or constitutional institutions in this matter. After the

¹² Serbian: Социјалистичка партија Србије, СПС / Socijalistička partija Srbije, SPS

¹³ Court’s judges were appointed by Milosevic and it had disnuled the election results before the October Revolution.

¹⁴ Milosevic refused the lawyer appointed by the Court claiming it was not a legal Tribunal. However this was a contradiction because he was the one who signed the Dayton Treaty which created the Tribunal :

arrest, Western countries at the International Donors Conference announced that they would help Yugoslavia with £ 900 million (Guardia, “£900m in aid for handing over Milosevic”, 2001). Also during this period, as economic troubles and conditional help signals had increased, public resistance started to break even more. According to the opinion poll on June 25, half of the Serbs were in favor of Milosevic's delivery while one of third was against (Bideleux & Jeffries, 2007, p. 583).

On June 29, the leader of the Montenegrin Socialists and the Prime Minister of Yugoslavia, Zoran Zizic resigned, declaring that he would not accept the delivery of Milosevic to Hague on behalf of his own or the Serbian people, and this would be a cost which Serbian honor could not bear (The New York Times, 2001), (People’s Daily, 2001), (PBS, 2002), (Evans-Pritchard, “Milosevic's wife may be with him as trial opens”, 2009). Kostunica claimed that he was not informed and Milosevic was kidnapped officially (International Crisis Group, 2001, p. 10). Therefore he declared that he would resign from the government because of this undemocratic decision. Djindjic refuted Kostunica’s claim and defended that the President was continuously informed throughout the process (Bideleux & Jeffries, 2007, p. 586). This case showed that Kostunica had to approve the process, but he also had to send a message to his voters that he abided with his previous promises. Indeed, in August, Kostunica withdrew his party from the coalition. However, official reason for this was not Milosevic’s transfer as expected, it was his accusations of corruption against Djindjic and his team.

Although Kostunica specified Milosevic's extradition as illegal and unmoral, he used a very important sentence on June 25: *"Handing out is a decision lesser of two evils. However, the damage of handing out is less then not handing out"* (Gall, 2001). Kostunica’s expression has clearly shown that he has also above all looked all of these developments in the context of cost/benefit calculations. However, he had previously said that the national honor was more important than the Dollars (Todorovic, “Milosevic may face the death penalty”, 2001). Moreover Kostunica said, *"it would be better to trial war criminals in Belgrade, but pressure put by the West and Serbia's democratic reformists made it impossible"*¹⁵ (Bideleux & Jeffries, 2007, p. 584). This expression has shown that, the change in his perception of interests stemmed from both external and the internal sources influenced by the EU and USA.

Throughout the process, on one side Prime Minister Kostunica and on the other side Foreign Minister Vuk Draskovic together with President Boris Tadic were those who created public opinion difference on ICTY. Draskovic thought that transferring war

15 As well known, the legendary 1389 Kosovo War and its 600th anniversary had played an important role on Milosevic's rise. Ironically, Milosevic was delivered to Hague on the 612nd anniversary of Kosovo War, by using the Constitution him self wrote. So the foregoing legend anniversary had been both the beginning and the end of Milosevic.

criminals were not only a requirement for the EU membership but also a matter of honor for Serbs (Pond, *Endgame in the Balkans*, 2006, p. 223). President Tadić demonstrated a more rational stance by saying that cooperation with and participation in international organizations (EU) was an indispensable prerequisite for foreign investments and good living standards (Radio Free Europe, 2005). During this period, EU worked to change benefit/cost calculations of the Serbian elite and public opinion by declaring that the accession process would proceed faster if Serbia had the political will to cooperate with the ITCY. Serbian public opinion, being convinced that post-war reconstruction and financial aids could be materialized only through the establishment of good relations with the West, changed stance and increased their support for cooperation.

Contrary to his initial statements, as it was not a priority, Kostunica as well had to declare that his priority would be the cooperation with the ITCY. As a matter of fact, at a meeting in 2002 he said that it was a “must” (International Crisis Group, 2002, p. 12). But still, he explained that his effort would only be to convince the suspects to go voluntarily to ITCY. Naturally, high level suspects did not voluntarily go to Hague between the years 2003-2004 and Serbian security forces did not arrest them. After the assassination of Djindjic, a short hesitation occurred but in a short time Serbia started to take more serious steps to cooperate with the ITCY. In return of this, Serbia not only got aid promises from USA and EU but also provided approval for membership to Council of Europe (Stojkovic, 2003). Later, in accordance with the policy of Kostunica, 16 Serbian suspects voluntarily went to Hague within a few months. But later it was understood that these volunteer surrenders were realized through some incentive measures such as state payments up to € 100,000, and threats such as, pension cuts and apprehensions (“Real Progress in The Hague”, 2005), (International Crisis Group, 2005, pp. 1-7), (Government of the Republic of Serbia European Integration Office, 2011, p. 548). That is, while Kostunica was rhetorically opposing to the Court, personally he was working on transferring the suspects.

Kostunica clearly understood over time that opposing the ITCY was not rational both for himself and his country. The most important reasons for this change were EU’s refusal to sign “Stability and Cooperation Agreement”, economically vital for Serbia, NATO’s refusal to allow Serbia to join Partnership for Peace (PfP) Programme and the Bush administration’s decision to stop the aid to Serbia, on condition that the suspects, especially those of the top-level, did not go to ITCY. Thereupon Kostunica had to change his policy because his war-weary country had vitally needed international support. International aids, were also a requirement for his staying in power. After the aids were released as a result of the political change, Kostunica appreciated EU assistance publicly for the first time saying, “*we see the EU as our common house*”, but he also needed to

add that the EU was very tough on Serbia¹⁶ (Pond, Endgame in the Balkans, 2006, p. 222).

In 2005, Vladimir Lazarevic, who is one of the 4 retired-suspect top generals, decided to surrender to the Court after visiting Kostunica. That event was met with happiness by the majority of the population and got integration process back on the track. Finance Minister Mladjan Dinkic revealed the government's global perspective saying "*Lazarevic's decision is very important and thus will open a path for a record-sized foreign investment between 1.5-2 billion dollars thanks to completing SAA feasibility study*". But more surprisingly, Lazarevic showed the reason of his surrender as "*continuing to serve his homeland until the end*" (Aleksandar, 2005). The general had appraised not hindering his country's EU integration by means of his surrender as a national service. General's surrender was also met positively by the Serbian media. For example, *Kurir Daily* commented this event as a "*quite patriotic behavior*". Even Serbian Patriarch Pavle praised Lazarevic for sacrificing himself for the homeland. However, Milosevic had wailed over changing perception in Serbia saying that, those defending their country against the enemy throughout the war were now being seen as enemies (Sell, 2002, pp. 352-353). It should also be noted that Sesel, the President of the Radical Party and well-known nationalist, even called chauvinist, chose to surrender of his own accord to Hague in 2003. These events strikingly show the transformation of Serbian's perceptions over national interests affected by the EU. It is shocking how Serbs assent to deliver their own national heroes who fought for their homeland, to a foreign court. However, how they identified these surrenders as "patriotism" sounds more interesting. Not cooperating with the Court used to be perceived as patriotic, yet after this period, to cooperate with the Court became an indicator of love of homeland. In this context, Serbia is a very interesting and a good example of EU's transformative impact.

Even though the general attitude of Serbs had changed to a certain extent, Kostunica's fluctuating policies on the ICTY and the EU had costs at domestic policy. The extreme nationalist Serbian Radical Party showed an incredible ascension by raising his votes in the presidential election to 45% while it was 9% in parliamentary elections in 2000. However, the winner of the elections was the pro-European and reformist Boris Tadic (53%) any way. But the rates of vote had clearly shown dimensions of public reaction and the possible risks of an uncounted movement. It should be reminded that, heavy pressure already put on the suspects by the EU and accusation of 4 famous generals for the atrocities in Kosova in 1999, made a big contribution to the Radicals' victory in the election of December 2003. The Radical Party won 1/3 of the votes at the parliamentary elections even if its leader Seselj had been on trial at the time.

16 EU froze the SAA feasibility study until the top names were sent to the Hague. When former Chief of Staff and commander of the forces in Kosovo general Nebojsa Pavkovic surrendered in 25 April 2005, process started again.

The Cases of Karadzic and Mladic

After Milosevic and the former veteran generals were extradited, the government focused on the former leader of Bosnian Serbs, Radovan Karadzic and the former commander of Bosnian Serbs, Ratko Mladic. However the hardest case was that of Karadzic. Karadzic was first accused of war crimes on 25 July 1995. However, there was no political will to arrest him for a long time, fearing that it could destabilize the region and damage Serbia's interests. Besides, it was already known that Kostunica was anti-Court and respected Karadzic. Moreover, even two days before his arrest, Serbian authorities declared that they did not know where Karadzic was¹⁷ (Türbedar, 2008, p. 86).

After 13 years of fugitiveness, Serbian government declared on 21 July 2008 that Karadzic was arrested. He was arrested just after Tadic changed the head of Serbian National Intelligence Service. Besides, he was caught on the same day as the meeting of EU foreign affairs ministers. So it is highly likely that, Serbian authorities knew where Karadzic was hiding and waited for the most strategic and profitable time. Hence, %63.6 of the Serbs also thought that government waited for the right time (Balkan Monitor, 2008). So it is clear that the arrestment was evaluated from the rational/strategic perspective rather than ethical.

Even recently, an important number of Serbs saw Karadzic as a national hero. It was possible to see posters of Karadzic hanging in the center of Pale. Positive view of Serbs on Karadzic could easily be seen in the interviews made in 2008 as well. According to one interview, %47.3 of the Serbs thought Karadzic was a good Serb and only %28.4 thought he was bad (Balkan Monitor, 2008). Moreover, it is understood that Serbs did not believe that Karadzic was responsible for the crimes he was accused of. The interview indicated that %46.5 found Karadzic not guilty while only %25 found him guilty (Balkan Monitor, 2008). Besides, %48.1 of the participants said the arrest would not serve the purpose (Balkan Monitor, 2008). But despite all, it seemed that Serbian public agreed with the politicians on this issue because even though the majority loved Karadzic and found him not guilty, they thought it would be better for Serbia if he was transferred to Hague.

17 Declaration was even made by the leader of the commission of cooperation with ICTY Rasim Layiç.

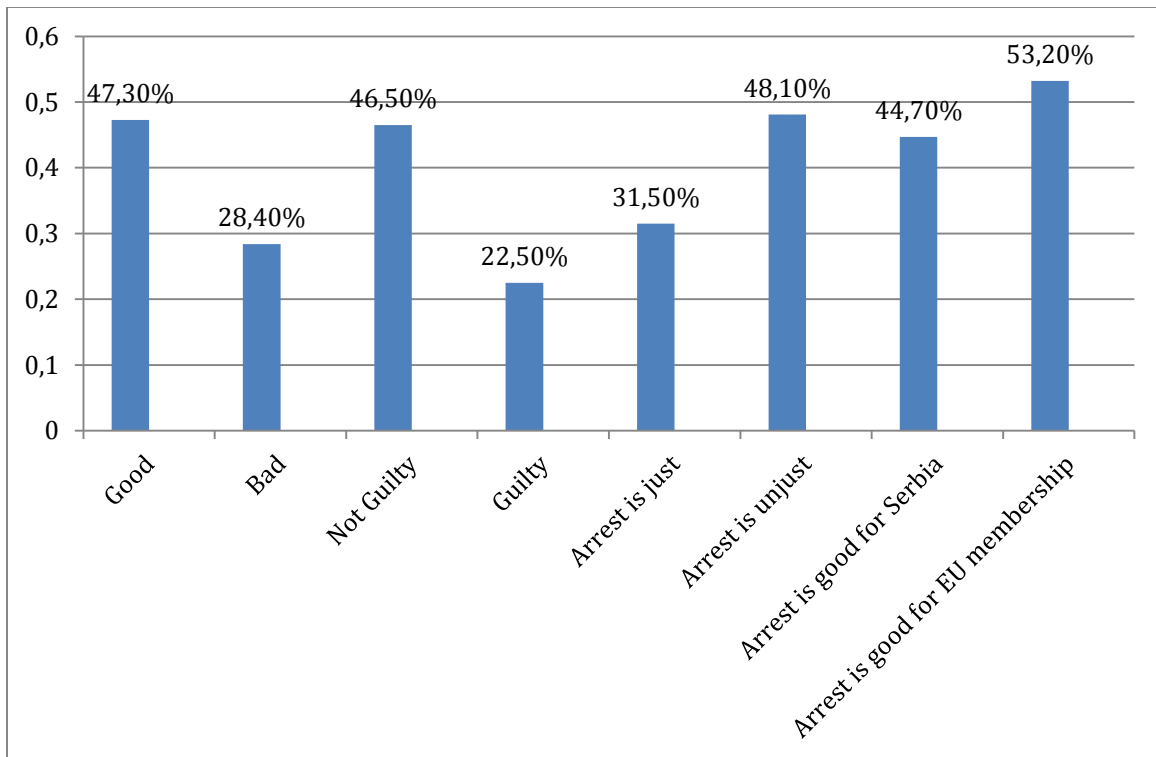


Figure 2: What do you think about Karadzic?

Source: Collected separately from <http://www.balkan-monitor.eu/index.php/dashboard> (27.05.2011)

In the same interview, Serbs who believed Karadzic was guilty is %22.5 but Serbs who thought he should be handed over was %53.2. This also shows that Serbian approach is benefit based, because even though they knew Karadzic was going to be punished, they wanted him to be sent to Hague. Participants had put their interests prior to their emotions or ideologies.

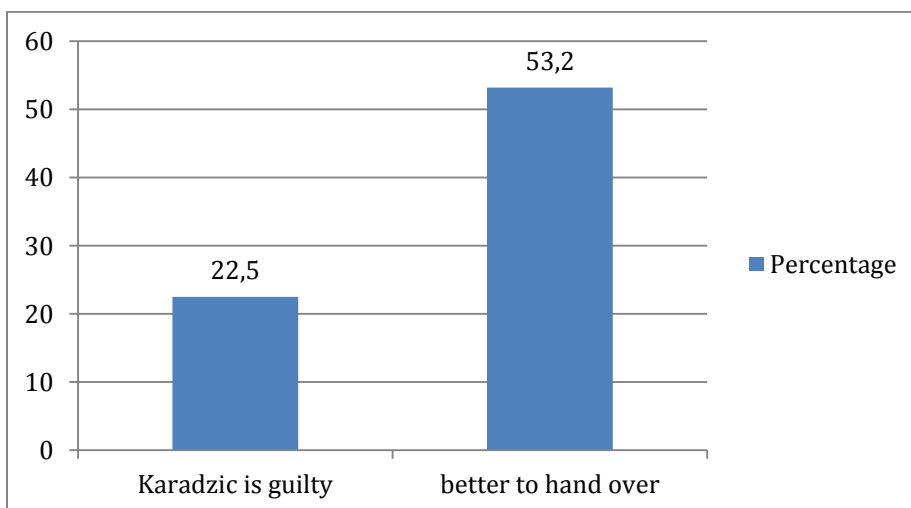


Figure 3: Difference between the number of Serbs who believes Karadzic is guilty and he should be handed over to Hague.

Source: Collected separately from <http://www.balkan-monitor.eu/index.php/dashboard> (27.05.2011)

As a result of the media effect and EU's pressures supported by USA, from 2008 on, Serbian people exactly understood the importance of cooperation with the ICTY and supported it accordingly. In an interview done in 2010, %65.7 of the participants found cooperation with ICTY important for the membership (Balkan Monitor, 2008). Moreover, from the EU conditions, far more Serbs acknowledged the condition for the cooperation with ICTY. This also shows how much Serbian public was busy with the issue and how much they were pressured.

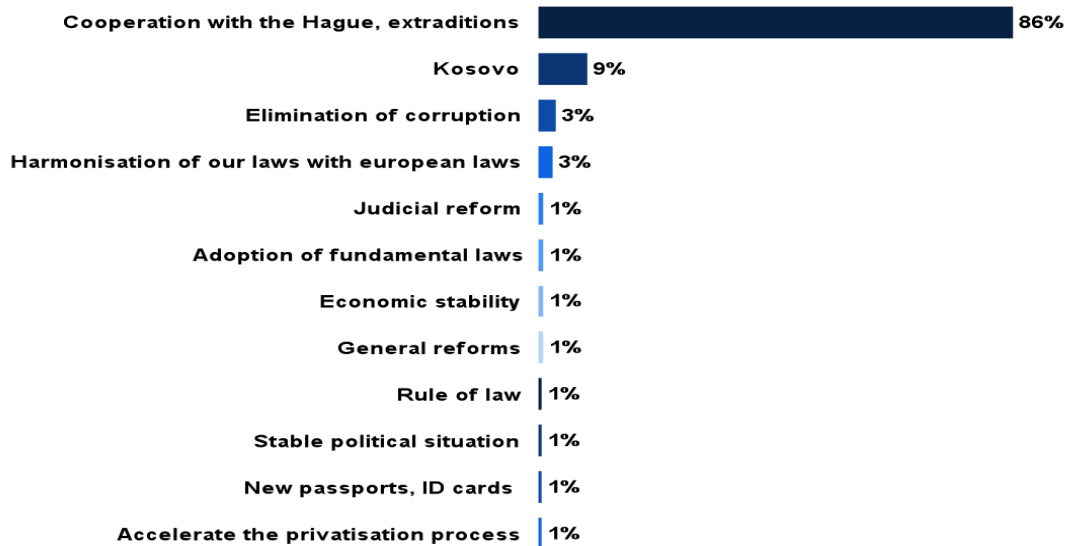


Figure 4: Which of the EU conditions are you most aware of?

Source: Serbian European integration office of the government, the EU perspective of Serbian citizens' trends, results of a public opinion poll (December 2008)

The interview made in 2007 by the European Integration Office explicitly showed the relation between the expected benefit from the EU and the cooperation with the ICTY. The interview indicated that, %45.9 of the Serbian population supported and %54.1 opposed cooperation with the ICTY.¹⁸ However, %26.6 of those who were against said, if this caused Serbia's integration process with EU to halt, then they could change their views and support it.¹⁹ This clearly proves that some part of the Serbian population could change their ideological/ethical stand for strategic/rational causes.

¹⁸ Serbian European Integration office of The Government, "The EU Perspective Of Serbian Citizens Trends", Results of A public Opinion Poll, December 2008.

¹⁹ Serbian European Integration Office of The Government, The EU Perspective Of Serbian Citizens trends, Results of A public Opinion Poll (June 2007)

In the interview made by OSCE in 2009, only %8 of the participators said they had positive view on the ICTY and %78 was negative. Not only that, %44 of the negative viewers said they were extremely negative. When the reason for this negation was asked, %27.6 of them said because it was not just, objective and neutral, %26.1 said because the Court accused the Serbs only. Serbs also expressed negative opinion on the transfer of former high level commanders like Milan Milutinovic, Nikola Šainovic, Dragoljub Ojdanic, NebojšaPavkovic and Vladimir Lazarevic (ICTY). %54 of the participants didn't believe that these commanders killed Albanians systematically and only %8 believed. Serbs who did not believe that Karadzic committed war crimes were %61 and the ones who believed were only %16. Besides, this interview was made just after the media show on what happened in Srebrenica and broadcasted Mladic saying, "*it was the time to take revenge from Turks*". More interesting is that even though suspects admitted, %80 of the participants did not believe that they had committed these crimes. They thought they made this confession because of the international pressures or a quest for a more moderate judgment. Only %8 of them thought confession was because of the sense of guilt. In other words, even if the commanders admitted that they committed crimes, Serbs did not believe they did it. But interestingly despite all, %50 of the Serbs said Serbia should cooperate with the ICTY although %43 said she should not. %75 of this %50, explicitly said they want this to meet EU demands and get rid of the sanctions. These Serbian explanations show that, Serbs do approach ICTY in a rational way based on benefit/cost calculations. Interviews indicate that, cooperation with the ICTY is found rational, but at the same time illegitimate because they did not believe the indictees were guilty and the Court was fair. This proves that a "strategic Europeanization" based on conditionality was taking place. In order to realize their interests and benefit from the EU, Serbs chose to comply and acted like they shared the European view, but in reality they didn't.

Karadzic was transferred to Hague on 30 July 2008 and Serbia got rid of one of the biggest problems on the road to EU membership. Karadzic's transfer created tremendous benefits for Serbia. Having a speech at UNSC, Chief Prosecutor of ICTY declared that Serbian authorities responded the Court's demand adequately and in time (European Commission, 2009, p. 19). On June 7, 2010, USA secretary of foreign affairs Hillary Clinton approved that Serbia cooperated with ITCY and 2009 Progress Report of EU also stated that Serbia increased its efforts on cooperating with ICTY (Radikal, 2008).

After Milosevic's and Karadzic's arrests, only Mladic and Goran Hadzic were left as high level indictees. However, these two indictees were also affected from the change in public's attitude. An interview made in 2006 showed that more than half of the Serbs looked positive to Mladic's transfer to Hague (Pond, "Demythologizing Serbia and Montenegro", 2006, p. 238). Moreover, discontent occurred in the public when Mladic

could not be caught before the deadline. Vice Prime Minister Labus resigned saying, “they searched for Mladic in everywhere except where he was. If we stay out of EU, there is no hope for better life” (B92, 2006).



Picture 1: Serbian caricaturist Corax's caricature criticizing Kostunica's not being able to catch Mladic.

General Mladic who was seen as the architect of Srebrenica genocide was caught on 26 May 2011, 16 years later than the ICTY's decision, and was transferred to the Hague. The arrest was realized a few hours after the chief prosecutor Brammertz's statement declaring that Mladic's and Hadzic's arrests were a precondition for EU membership. After the arrest, Tadic said that the EU's doors would be opened now (NTV, 2011). EU's and USA's reactions to the transfer were very positive and French president said Serbia was now closer to the EU (Haber Türk, 2011).

CONCLUSION

The last of the 161 indictees, Goran Hadzic, was caught on 20 July 2011 in Vojvodina after 7 years of fugitiveness and was transferred to Hague (Euronews, 2011). Thus, after 18 years, one of the most important conditions of the EU was met properly. For the sake of EU membership, Serbia transferred 2 former presidents, 1 prime minister, 1 vice prime minister, 3 General Chief of Staffs and 94 high level ministers, diplomats, politicians, policemen and soldiers to the Hague and this is a really striking event.

Serbia's experience with the ICTY shows that the gain expected from EU membership could get ahead of any other emotional or ideological issues and even the nationalist

feelings. Even though EU members destroyed Serbian economy, demanded Serbian former heroes to be extradited and also helped Kosovo to become independent, Serbian people again voted for pro-EU parties. Another interesting thing about the issue is that, Karadzic's transfer was realized after Milosevic's party undertook the position of interior ministry, which was responsible for the police and intelligence service. Kostunica led Milosevic's turnover and Serbia's return to Europe, but after Kosovo's independence he turned his back to Europe and approached to Serbian Radical Party (Mujezinovic, 2008). However, Socialist Party which was founded by Milosevic and took Serbia away from Europe, later chose to ally with Tadic's Democratic Party and arrested Milosevic for the sake of EU membership. This role change and the transformation of former Serbian Radical Party leader Nikolic into a pro-European politician, show how interesting and confusing Serbian politics can be.

Evaluating the period between the October 2000 Revolution and the extradition of Goran Hadzic on July 2011 as the last remaining fugitive of ICTY, this research suggests that; regarding the relations with the Tribunal, the post-Cold War experience of Serbia proves the validity of rational choice institutionalist arguments to a large extent. Tired of wars, crises, degradation and conflicts, Serbs have come to believe that, living a normal life in economic and political terms, required a return to Europe. All the Serbian governments since the democratic revolution have taken this view into consideration and have come to the conclusion that the best instrument for the realisation of national interests is the EU membership. In the process, however, major institutions in Serbia initially have resisted the reforms demanded by the EU. The biggest challenge was on cooperation with the ICTY. Serbian people and politicians resisted severely towards sending their national war heroes to an international court that is not in their sovereignty. However, as the institutional relations with the EU have developed, essentially because of the conditionality policy, Serbia has found itself adapting, sometimes consciously and sometimes unconsciously, to the rules of the EU. Serbia as a whole, "strategically Europeanized," have been very strongly influenced by the EU. This obliged them to reformulate their interests and strategies. In this sense, even in the cases where EU conditions are not found legitimate by the public, EU still enjoys a transformative impact, and continues to be the centre of attraction despite all its economic and political weaknesses.

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