

8 Promoting Stability and the Rule of Law in the EU Borderlands

The Balkans

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Transitions of the Balkans: from What, and Towards What?

Let's remind ourselves that a free country, like the free market, is an experiment, and that there is very little in the history books to give us any assurance about the long-term feasibility of such experiments. If our remarkable freedom and prosperity are not accompanied by a sense — no, a passion — for justice, then it must be said that the fate of our society is in doubt.

(Solomon 1990: 28)

The starting point of this discussion is that the concept of 'transition' is a highly treacherous one when applied to the Balkans as an EU borderland. First, this concept applies to the gradual (re-)adoption of a liberal political outlook and market economies in the countries of 'Central' Europe, former members of the Eastern bloc, after the demise of global communism embodied in the Soviet Union. Thus, the concept is based on the idea that institutional changes will allow the repressed 'natural' social sentiments and interactions to come back into play, and thereby normalize the social fabric of the lost democracies. This was not the meaning of transition in the Balkans, as the region not only had a different form of communist social organization from the rest of Eastern Europe, but also the perceptions of the communist ideology within it were deeper, more ingrained and more in the form of a social movement than a mere imposed institutional model.

Second, the social forces within the region were insufficiently developed: the dissident movement, which at the onset of the transitions was very strong

in the ‘central’ European countries was weak and corrupt in the Balkan states; thus the leadership of the social and political changes was bestowed on actors who, over time, have proven unworthy of this role, thus damning the success of the transitions to semi-transitions, at best. As with any half-hearted social change, the semi-transitions define a sickness of a political community, and give rise to the question of whether they should be assisted towards completion, or should be abolished and a new process implemented to ameliorate the consequences of unfinished transformations.

Third, unlike in the rest of Eastern Europe, the Balkan states have not conducted a decisive and comprehensive process of post-communist lustration. This was understandable from what was mentioned as a first reason for the fatigued transitions, namely the deeply ingrained and highly popular reception of the communist ideology in the years preceding the Eastern European transitions. However, the failure to conduct lustrations has meant that the entire subsequent transitional process has been marked by corruption and a confusion of values and norms. The pervasive anomie that has accompanied all major institutional, legal and social changes in the region has in fact made for a deterioration, rather than progress in the consistency and activation of the social tissue of these countries.

All the problems mentioned have caused the current difficulties in the implementation of law and order and a proper system of social controls. One can trace these issues back to ideological considerations closely related to the general political outlook of the very different political élites over the past two decades, who have, surprisingly, acted in very much the same way in the challenging moments that brought their ideological convictions to the fore. The externally different élites have thus shown themselves to be internally ideologically very similar, if not the same.

In this chapter I shall attempt to briefly discuss the facets of what I call ‘fatigued transitions’ of the Balkans at the start of the twenty-first century, point out the main issues in the area of law and order that persist in the region, and finally provide a sketch, which in the context of this chapter can only be very brief, of the conceptual ways forward that, when translated to the level of general policy, relate to the resurrection of the very notion of the nation-state and of a public discourse that relates the concepts of the individual and the political community in a healthy way. This debate has a somewhat different tone in the rest of Eastern Europe, and especially within the broader EU, which over decades has developed a federalist and

regionalist institutional political outlook. There, the nation-state was to be put on the back burner, prioritizing supranational European public management. While the institutional and, to some extent, functionalist European outlook has considerable merits, as far as the Balkans are concerned one must first take into account the fact that the organic notion of the nation-state had been so deeply suppressed by communist ideology that part of the reason for the current crisis of the transitions – and on a policy level for the crisis of law and order – lies in the lost notion of political community that starts with the nation-state. Perhaps the nation-state does indeed need to be put on the back burner in European politics; however, with regard to the Balkans, the nation-state first needs to be articulated and resurrected prior to being relegated to the historical archives.

The Current Policy Problem of Law and Order

Perhaps the most widely consensually defined problem of law and order in the Balkans today is structural corruption. This is partly the result of a culture of ‘informality’, as it is sometimes labelled in the English literature. However, the structural nature of corruption, which means that corruption has become the dominant way of conducting social, economic and political transactions in the stricken societies, has only become the problem it is since the onset of the transition. While corruption is depicted as a prime issue for social policy in the region, and is often mentioned as a key standard in the various harmonization procedures which aim to bring the region’s legislation and policy in line with those of the EU countries, practical results in addressing it are virtually absent today. Partly, it was corruption that fuelled debates within the EU as to whether to liberalize the visa regimes with the Balkan countries – a debate that has just concluded with a decision to abolish Schengen visas, not because the Balkan countries have improved their law and order practices, but because using visas as a control measure was a mistake all along. The conclusion, that repressive and restrictive measures implemented against the Balkan countries have ultimately failed to help address corruption and the related issues of criminalization of the Balkan communities, is intimately connected with the genesis of systemic corruption in this part of Europe. Systemic corruption is the result of a disintegration of value systems that rested on a prior destruction of the organic community bonds and the complete demise of the nation-state in the region during

communist rule. Systemic corruption is a sign of social decay, but the structure of this decay, or the logic of the chaos, is different in the Balkans from that in other parts of Europe which suffer from widespread corruption. The anomie in the Balkans draws on the lack of community bonds and the missing feeling of collective identity that other Eastern European countries possessed prior to the aggregation of the ideological identities associated with communist ideology. The issue is well put by a former Serbian Justice Minister between the two world wars who was later labelled a traitor and a fascist collaborator, Dimitrije Ljotić. In his essay on 'The Individual and the Community' published in the 1930s, Ljotić argues that the relationship between the community and the individual was lastingly destroyed by the idea that the social stratification of society is the source of all evils, and that loyalty is due to one's social class, rather than one's family, nation or the state. The 'class internationalism' fostered by the communist ideology took particularly strong root in the authoritarian Serbian society of the time. It gradually led to the destruction of the primary loyalties to the organic communities that made it possible for the 'transition' to evolve into the monster that has created the dramatic problems of law and order once the authoritarian ideology met its demise (Ljotić 2003: 149–218).

Repressive models of social control have proven ineffective in most environments where they have been tried as the dominant control strategy. In societies where institutional social controls prevail, including the most advanced democracies today, the crime rates do not respond well to any harshening of repressive measures; they tend to remain relatively stable, hovering around a certain long-term level regardless of enforcement 'crack-downs', or even increase in response to more severe penalties. As a contrast, in societies with more transparency, generally in smaller societies where the standard of living is high and where the feelings and perceptions of common identity are historically strong, without having suffered major interruptions or ideological impositions detrimental to those perceptions, crime rates tend to be low despite (or because of) the relatively lax repressive measures and laws. The countries of the Balkans suffer from the syndrome of destroyed organic communities. While nostalgic sentiments over the loss of such communities have been voiced in modern sociology and political philosophy in Europe and North America, the loss these writings refer to is different from the decisive and dramatic loss of such communities in the Balkans. Although there is a crisis of the family and loyalty to the nation worldwide,

the reasons and consequences of this crisis differ from one place to another. For example, if the cause of the crisis of national loyalty is modernization and globalization, then this loss of nationhood as a prevailing sentiment is naturally replaced by suitable other loyalties, adequately globalized and positioned in a different, yet equally socially acceptable, context. However, if the loss of nationhood is the result of destructive and explosive communist propaganda that reaches deeply into the social tissue of the nation, the consequences are likely to be the creation of new aggregate identities that are based on ideology; when they collapse, as they did with communism, they tend to be replaced by social destruction, including structural criminalization through the creation of selfish and highly profitable organized structures that play the role of organic communities.

There is one natural question that arises here, namely that additional arguments are needed to establish that communism was particularly destructive for organic communities in the Balkans on account of their subsequent criminalization, because criminal syndicates as social networks exist elsewhere, too, and they also cater to the collective identity needs of their members in ways not entirely dissimilar to ideology. This is, after all, why criminal cultures are thus called, and why they factually play the role of subcultures in even the most developed legitimate social cultures.

The response to this issue is simple. There is a difference between criminalization as a general phenomenon, for which all of the above is true, and structural criminalization as a pervasive social phenomenon that marks a society in decisive ways. The difference is essentially the same as the one between the general phenomenon of corruption, which, to varying degrees, exists in most societies, and structural corruption, which exists only in some societies and represents the main, and in some cases the only, way to conduct business in any walk of life. Structural criminalization is not the same as the emergence and flourishing of organized crime; it is the rule of organized crime, facilitated by structural corruption, in a political community that becomes defined by such criminalization. In a country that claims to be undergoing an in-depth 'transition', where public opinion polls show that the majority of the population do not trust the police, consider them to be corrupt, incompetent, and even dangerous, and where the public sentiments about the police show that people think increasingly about ways to protect themselves from being victimized by the police, the problem of the criminalization of the state apparatus does not merely exist in the same way

as it exists in other countries; it becomes an acute, structural feature of the society.

Structural criminalization is particularly aggressive against the background of destroyed collective identities; this means that in the communities where the organic links are severed, criminalization will mobilize people who otherwise would not be corrupt or involved in crime. (A separate but related discussion of security-driven foreign policy and its impact on collective identities is David Campbell's 1998 *Writing Security: United States foreign policy and the politics of identity*). In short, if the only, or the only effective way to conduct business, whether it is private business in the conventional sense, or any social transaction in the broad sense, from applying for various licences to providing services, is the corrupt and criminal way, then far more people will opt for the corrupt or criminal way than would otherwise be the case. One factor that will limit popular participation in structural corruption and criminalization is the feeling of decency that arises from a moral obligation to one's collective identity, which is embodied in the relevant organic community. People will be less inclined to become involved in crime, as well as to demonstrate a high threshold of tolerance, or even justification, of crime and corruption, if they have intense feelings of mutual obligation arising from a strong sense of community. This is also the source of what is sometimes called 'social activation', meaning that individuals will more likely participate in collective action if they recognize the collective identity behind the action as their own. In extreme cases of destruction of the public morale and of the ethics of everyday relationships, which as a rule follow the destruction of collective identities, criminalization is not only an outcome – it is also a phenomenon that receives wide approval.

The logic of structural criminalization can be followed through the electoral outcomes among the élites and by their open statements that reflect the deterioration of social policy. For example, in 2011 Bulgaria, a Balkan country that has inherited many of the problems of semi-transition, despite having successfully joined the EU, was blessed with a new Prime Minister, Mr Boyko Borisov, the former mayor of Sofia. Borisov is said to be a colourful character: a former martial arts expert, he was a police officer during the communist regime, then Secretary of the Ministry of the Interior during the rule of Tsar Simeon II in his role of Prime Minister between 2001 and 2005. Borisov had operated a private security firm in the first years of transition, and is rumoured to have unresolved issues with a number of

organized crime figures in the region, including the now arrested Serbian gangster boss Sreten Jocić, who is known as the leader of Serbian organized crime in Amsterdam. Jocić is accused of numerous crimes involving professional assassinations and drug trafficking. Borisov has a broad reputation in Bulgaria as a ‘strongman’, who makes appearances dressed in ‘streetclothes’ at scenes of violent crimes and is known to have made political statements on such occasions. The election of Mr. Borisov shows just how far the criminalization of Bulgarian society has progressed, so much so that a controversial figure such as he is elected to the position of Prime Minister.

In December 2009, the High Audit Commission in Serbia found that the government had abused the public budget *en masse*, both by using the funds illegally, and by giving parts of it as loans to companies which, as it subsequently turned out, were never going to repay the loans. On several occasions, the government made *de facto* donations to the same companies that had received loans and never repaid them, despite the outstanding debts. According to the report, virtually all ministries had been involved in abuses. As a result, not only did neither the government nor the parliament take any measures to establish criminal responsibility of the ministers, but the president also declared that ‘the government would examine the findings of the High Audit Commission’ (whose role is to examine the records of the government, not vice versa), and that ‘wages for the members of the High Audit Commission would be increased to compensate them for their work’, although ‘at this stage’ no measures would be taken against those responsible for the abuse of the millions of euros. Statements of this sort are made in plain view of the public and the media; they are not qualified by any of the traditional ‘democratic safeguards’ such as claims that various ‘commissions would be established’ or that ‘further inquiries would be made’. Instead, public recognition of the structural criminalization of Serbian society is such that the government no longer feels the need to even verbally defend the pretence that there is a rule of law in the country, and it is able to comfortably declare that no, it does not plan to sanction crime in its own ranks in any way, while it will provide payments to the controlling body to appease it. Such practices have a long history, which is traced in a book edited by Aleksandra Bulatović and Srđan Korać, *Corruption and the development of the modern Serbian state* (“Korupcija i razvoj moderne srpske države”) (Bulatović and Korać 2006).

Both examples show better than any academic argument could that the crisis of law and order in the Balkans is a social process, rather than a mere institutional issue. The phenomena are directly related to the social atmosphere in the borderlands of Europe, which have traditionally served as buffers for external influences. In the buffer zones, the value of human life has historically been underestimated. The outcomes of the transitions have conformed to this historical trend and the status of law and order policy and the current situation regarding human security both bear witness to this trend.

Human security is a useful unifying concept that brings together under one heading all the various sources of insecurity that diminish the full integrity of democratic citizens as it arises from the protections afforded by society. Clearly such a broad concept of security, which includes not only individual physical or national security, but also economic and environmental security, is directly threatened by social deviation and issues developing within an internal criminal milieu. The Balkans suffer from an acute growth of organized crime, which has taken the form of a large and entrenched parallel economy. The Serbian attack on the narcotics cartel owned by Montenegrin Darko Šarić that started in early 2010 and has included consecutive seizures of numerous houses, boats and cars, apart from arrests, illustrated just how prevalent organized crime has been in the Balkans since the very beginning of the transitions. In October 2009, 2.2 tonnes of cocaine were seized from Serbian nationals in Uruguay, followed by a drug bust in Buenos Aires in later November 2009, resulting in the seizure of another 492 kilos of cocaine (ADNKronos International, 16 April 2010).

The arrests and the campaign against the cocaine groups, cumulatively attributed to the Šarić family, have shown the enormous breadth of the informal economy financed and organized by the cocaine trade in the Balkans. Parts of the hospitality industry and, perhaps more importantly, large portions of the most fertile agricultural land in the northern province of Vojvodina, have been found to be the property of the narcotics bosses. By extension, considerable portions of the 'white' economy appear to rest on the cocaine profits as well, allowing a large number of unsuspecting participants in the 'official' economy a standard of living that could not be sustained by the objective features of the official economy itself. For decades now, parts of the Balkans have economically thrived on the criminal economy, and the successive political élites have capitalized on the results of the criminal economy impacting on the standard of living rather than opening the

Pandora's box of cocaine files. According to some political statements, this affair suggests possible connections with Serbian government officials over the past several years and, to quote the Serbian Justice Ministry's State Secretary, 'are certain to lead to political figures' (Marković 2010). The 2010 campaign by the Serbian government, including the major assault on the cocaine barons, while being too early in the process to be judged as an overall endeavour, is a novel moment in the post-communist policies by Balkan governments *vis-à-vis* organized crime. Another equally important issue is the question-begging way in which the Balkan policies of law and order tend to be devised to address issues of structural corruption and criminalization in line with the overarching policy of 'harmonization with EU standards'. This harmonization reflects an orientation towards normative, largely vacuous actions, without any attention being devoted to the real, ethical and value aspects of the standards (Fatić 1996).

The dominant way to achieve 'harmonization' with EU practices is heavily based on a proliferation of new legislation that, on a strictly normative level, seems similar to that in the EU countries. Its implementation in practice, however, is very different and reflects a reality that does not change at all. For example, the Balkan countries have a tradition whereby newly appointed ministers tend to measure the activities of their ministries at threshold points during their term in office by the number of laws within their jurisdiction that have been enacted during their term. Legislative activity is seductive to them, because the enactment of new laws is easily measurable and can be presented to the various external evaluation bodies, including the European Commission, as a concrete result. However, the extreme proliferation of laws is now typically accompanied by the training of public servants who are to implement the laws, thus leading to even graver problems in the everyday implementation than the original problems supposedly addressed by the new legislation. Finally, after several years of prolific legislative activity, the same governments approach the EU funding bodies with requests for support to scale down legislation and excess rules, because they stifle normal life in specific fields. In 2009, the Serbian government, one of the more prolific ones in the region, began to implement a Swedish-supported programme (alternately nicknamed 'the harvest' and 'the Guillotine') to simply abolish thousands of laws and rules suffocating building and development projects, local administration and licensing, and the regulation of small businesses. All of these rules had been developed in the previous

years, also with European money, as ‘unique and decisive answers’ to the then relevant problems in the respective fields. In fact, the new laws and rules, while doing nothing to address the problems, caused further difficulties and additionally aggravated the situation with regard to their administration. The circle of legislation and then abolition of the same legislation is a never-ending process of accumulation of political points by manipulative political élites, with severely detrimental effects on the quality of public administration and the efficiency of economic life and institutional transactions.

One of the fundamental issues of the fatigued transitions in the Balkans is highlighted in this way, namely the unwillingness to face the fact that political honesty cannot be substituted by superficial procedural regulation, that a competent administration cannot be simulated by new laws, and that corruption cannot be extinguished without the development of a proper ethical awareness and a sense of moral community among the public servants.

Another issue dogging the public security agenda is that of the police forces of the region, which increasingly tend to be part of the problem of law and order, rather than being part of the solution. The inability of the law enforcement profession to provide an adequate response to the structural criminalization and corruption goes hand-in-hand with the attempts by the police to put up repressive show campaigns in public, with massive armed presence in the streets, indiscriminate stop-and-search operations and other methods that intimidate the public while contributing nothing to the control of crime and corruption. The increasingly frequent incidents across the region with police killings, poor protocols for the use of weapons and the crisis in staffing of the police force, which leads to recruitment from the ranks of those who cannot find work anywhere else, have shaped the police forces of the region into more of a threat to security than an element of security itself. The governments of the Balkan countries have proven unable to deal with this issue, and the current policy agenda appears focused on ways to use manipulative public relations campaigns to muster votes just before elections, and strategies to co-opt wealth by using state funds to support investments by the richest businesspeople of the region, often bypassing the laws and established practices in tendering and contract-making. The real policy shifts in the areas of law and order appear to be long abandoned and

the situation with regard to the security threats is developing virtually without any effective social controls in place.

It is against this backdrop of a true law and order crisis in the Balkan countries that further EU integration arrives, including the visa abolition for Serbia, Montenegro and Macedonia in December 2009, and the envisaged activation of the Interim Trade Agreement and the unfreezing of the Stabilisation and Association Agreement for Serbia in early 2010. While all of these steps are positive and constructive, they clearly do not result from any particular ‘achievements’ of the Balkan countries in establishing the rule of law; rather they result from a recognition of the mistakes committed in the past by introducing these restrictive, yet totally ineffective measures which, by their indiscriminate nature, have in fact stifled progressive social forces, and have not been able to seriously hamper the destructive ones. Thus the history of mistakes and ineffective strategies to tackle the law and order crisis in the Balkans has proven itself to be two-sided: the inability of the Balkan governments to deal with structural criminalization and corruption is well documented. However, the other side involves EU failures to address all the serious problems in the Balkans by policies such as visas or freezing of association agreements. These steps were not necessary. The entire mechanism for the control of the Balkan fatigued transitions and the possible threats they pose to the communal European spirit in case of full accession is already present in the mechanism of EU conditionality. As Othon Anastasakis and Dimitar Bechev point out,

the EU needs to reaffirm its commitment to the Western Balkan region, devising a new visionary strategy that will bring the region steadily onto the enlargement track. It is, therefore, essential to establish clear links between the reform process and its outcome, between conditionality and the objectives it is geared towards, including EU accession.

Conditionality can function successfully only as one element in a well-defined relationship with the Balkan states.

(Anastasakis and Bechev 2009: 5)

The Charm and Treachery of EU Conditionality

In their paper, Anastasakis and Bechev rightly point out major problems in the implementation of EU conditionality in the eastern and western Balkans

in the following way (thanks are due to the authors for permission to quote at some length):

In both the Western and Eastern Balkans, one observes a growing gap between élites and public. While the effects of this phenomenon are mitigated when there is a pro-EU consensus at the élite level, it is a different story when the choice is between reformists on the one hand and nationalists keen to ride the wave of popular discontent on the other. The public may not share the reformist agenda of the élites and hence illiberal and/or anti-Western ideas can gain influence. One must also take into account that many people in the Balkans perceive the West in a rather ambivalent way. While they see their countries' future only within the EU, at the same time they feel betrayed and blame the West for their ills. While they realise their dependency on the West is inescapable and necessary, it hurts their national pride and creates aversion towards their western patrons. Such contradictory attitudes erode the efficiency of EU conditionality.

(Anastasakis and Bechev, *ibid*: 12)

The growing gap between the élites and the public is in fact the result of a lack of community in the region, and is exacerbated by the structural corruption and criminalization. For EU conditionality to work, it is essential for the EU to properly understand this gap; it is not a gap between the rich and the poor, or between the powerful and the disempowered (though both fault lines are very much felt), but rather a gap between those who use the pro-European agenda to gain personal advantage and those who are used by the élites to promote the strategies of personal and group gain. EU accession is not a societal project in the Balkans: it is a project of the élites. Consequently the political and economic reforms required within the EU conditionality process are not conducted in-depth throughout society, but tend to be superficially demonstrated so that the élites can gain passage through administrative obstacles and political support by the EU.

In the described process, the second statement by Anastasakis and Bechev is crucial, namely that EU conditionality highlights the difference between 'reformists' and conservatives. One of the main problems that accounts for the lack of efficiency of EU conditionality in the Balkans arises from the strong favour that the self-proclaimed 'reformists' have consistently received

from the EU. This has been perceived as external meddling into internal political affairs, especially at election times, and has not helped the EU cause in the Balkans. The reason is simple: the élites considered to be reformist are well recognized to be the most controversial in the Balkans. They are the most heavily involved in organized crime and corruption, their wealth has increased incrementally over the past several years beyond any possibility of legitimate earnings, and they are the subject of most investigations, corruption allegations, problematic privatizations, secret political dealings and all manner of grand corruption. The political campaigns in the Balkans are often led as duels between reformists and conservatives over the issues of crime and law and order, with the reformists regularly playing the public role of ‘the bad guys’, yet receiving what is seen as highly personalized and partisan support by EU figures. This sets the scene for the widespread public perceptions that EU conditionality is not what it really ought to be, namely structural conditionality mechanisms intended to bring about major system change and improvement. Instead, it is seen as a smokescreen designed to promote Jack rather than Mathew, Boris rather than Vojislav, Democrat rather than Radical. The realist perception of the use of conditionality by the Brussels bureaucrats over the past decade-and-a-half has largely contributed to the mistaken perception of EU conditionality in the Balkans as a way to promote political favourites, regardless of just how corrupt and criminalized they might be. The law and order agenda of the Balkans, which remains highly relevant to the EU, makes it clear that EU conditionality has gone awry in the process of its implementation in the Balkans so far, but it remains a potentially highly effective mechanism that needs to be applied properly with the aim of stopping the rampant crisis of law and order in the region.

The colloquial understanding of ‘conditionality’ in everyday EU policy is largely to blame for the failure to bring order to Balkan public policy. EU conditionality is an institutional mechanism; it is not merely any ‘conditionality’ that the EU can come up with, at any stage of a country’s accession process, that may seem opportune to the European policy-makers at the time. EU conditionality requires that certain structural changes are made in the public administration and in political governance, as well as in the economic, fiscal, health, justice and security policy, so that a country may be linked up to the rest of the EU through recognizable standards. It is similar to the calibration of weapons in the process of military integration, such as

the enlargement of NATO: ammunition must be able to be used across the NATO armies and the structure of military units, action protocols and ways of communication must be at least compatible, so that cooperation in combat is possible. EU conditionality is structural; it is not a set of *ad hoc* measures that depend heavily on the discretion of individual EU officials.

A particular example of the privatization of EU conditionality was exemplified in the politics of the European 2004–2010 Commissioner for Enlargement Olli Rehn, who over time had appeared in the Balkans as a personal friend of the chosen politicians and had acted as a lobbyist for their personal and political interests in Brussels, by extension also lobbying for the interests of their countries in the context of EU enlargement. Commissioner Olli Rehn thus visits the Balkans, plays football with the politicians whom he has chosen as ‘reformists’, exchanges personal gifts with them, and makes promises that he would ‘advance their country’s cause’ in Brussels. Once he leaves, these politicians become involved in the stifling of the media, arrests of journalists, owners of newspapers and their editors, and similar undemocratic and dictatorial practices. As a result, the electorates of the Balkan countries are naturally adverse to EU conditionality: it is seen as a sham, rather than as a real set of specific structural conditions which it is supposed to be.

EU conditionality, as Anastasakis and Bechev rightly point out, is a powerful mechanism that can bring order to the policies of the Balkans countries, but only if it is applied properly. Where the law and order agenda is concerned, conditionality should target the issue of transparency of public management in this area, and comprehensive responsibility throughout the hierarchy of the institutional system. For example, conditions should not relate to political issues, but to criminal charges being brought forward against every public official who is found to have transgressed the bounds of the criminal law; conditions should be formulated in the form of the state’s obligation to provide annual reports on how justice has been promoted in the organization, recruitment and operation of the police force, in the prosecutorial ranks, in the courts and in the government. These reports should take the same form as the ones required by the Group of States Against Corruption (GRECO), but should be more rigorous and perhaps more frequent.

This author was also the author of the first GRECO report for Serbia, in which it was possible to comment directly and in great detail on the main

shortcomings of the fight against corruption and possible directions of improvement with regard to any aspect of that fight. Subsequently the GRECO reports were monopolized by the government ministries that are the subject of reporting, which is a paradox in itself, and consequently the reporting process failed to produce any policy results. However, EU conditionality is much more powerful than the GRECO process because the carrot of EU membership is so attractive to the Balkan states. Consequently, the introduction of a rigorous process of monitoring of the changes in the integrity of public administration in the Balkan states, which must be monitored by the non-governmental sector (given that the governmental sector is, first, the subject of monitoring, and second, that it is recognized as the hotbed of corruption and structural criminalization), could bring some results in the medium term.

The charm of EU conditionality, from the point of view of the integrity and the effectiveness of European integration, is in its relative simplicity, demonstrability of the fulfilment of the conditions, and the resultant verifiability of legitimacy for the achievement of specific goals within the integration process. This charm, while considerable, has not proven sufficient because of the treachery of EU conditionality, which consists in the fact that it so easily lends itself to daily politics and manipulation with the intention of influencing Balkan political outcomes. European officials have often fallen into the trap of the described conditionality treachery by using conditionality in its unorthodox, non-institutional, colloquial form, to support the so-called reformers who have proven to be part of the problem of law and order in their societies.

At the time of writing, local elections had just been completed in a Belgrade municipality that is considered highly representative of the general electoral mood in Serbia. The results indicated that the political structures labelled as 'reformers', who have established firm control of the media and have applied highly monopolistic practices in attempting to stifle the ability of the opposition to find public expression for their agenda, had lost the election, despite the privileges guaranteed by power on the central government level. The main reasons included alleged involvement in controversial privatizations, rampant corruption and a deep criminalization of the political structure. These same political parties, which lost just days after the decision by the EU to lift the Schengen barrier and indications that further integrations would be initiated early in 2010, have been the

'reformist' favourites of the Enlargement Commissioner for years. It thus seems not only that EU conditionality has not worked as well in the Balkans as one would have wished it to, but that the reason for its failure to work was in the abandonment of the proper form and meaning of EU conditionality by EU officials. At the same time, it would appear that the support for the 'reformers', in many cases, was support for further challenges to law and order. Finally, one reason for hope that things might improve is in the fact that, despite the misguided application of EU conditionality, sentiments in favour of law and order are still sufficiently strong, despite the overwhelming corruption and structural criminalization of the Balkan societies, so that elections can still be lost by the EU's favourites because of their involvement in legally problematic business, thanks to the public's desire for the establishment of a real rule of law. This is the sentiment upon which the use of EU conditionality should be reconsidered and rebuilt in the years to come, so that the Balkans can finally reach the law and order policy reform thresholds as key goals, while simultaneously, and symbolically, joining the EU in due course. Importantly, the goal is not to join the EU, but to establish adequate standards in political life, and the populations of the Balkan countries appear to understand this surprisingly well. EU membership in itself is a vacuous goal if it is not a way of rewarding achievements in real life, where the establishment of law and order is one of the most desired policy results.