

Participation of Political Actors of Bosnia and Herzegovina in the Process of EU Integration

On June 28, 2024, the Council for Inclusive Governance (CIG) convened a group of senior officials from the main political parties in Bosnia and Herzegovina (BiH) in Trebinje, Bosnia and Herzegovina to discuss the involvement of political actors in the country's EU integration process. The meeting addressed both external and internal political dimensions of this issue. Several conclusions were reached, which are detailed in this report.

At the previous meeting held on March 8, 2024, in Buna near Mostar, participants unequivocally advocated for BiH's membership in the EU. They emphasized that this goal should remain clear regardless of political, ethnic, and religious differences within the country.

In the meantime, EU has adopted the decision on the start of pre-accession negotiations with BiH. This development is primarily a political decision, reflecting the current state of affairs in Europe and the region. However, this political decision does not guarantee EU membership. Active, consistent, and substantial engagement is required both externally and internally to achieve this goal.

The report's elements and conclusions do not necessarily reflect a consensus but represent the most critical aspects of the discussion. The meeting was conducted under the Chatham House Rule, ensuring that none of the statements or conclusions can be directly attributed to any individual participant. The report was prepared by Igor Novaković, Senior Associate of CIG, and CIG bears sole responsibility for its content.

The Internal Political Dimension

The meeting began with a discussion on a key issue in the political discourse related to EU accession: who will lead the negotiations with the EU on behalf of BiH? For the first intergovernmental conference, it is essential to appoint the head of the BiH negotiating team and to make progress on 8 of the 14 recommendations¹ that the EU established as conditions for acquiring the candidate status. Currently, the most critical areas for progress among these eight recommendations are related to the Court of BiH and the Law on Data Protection.

One participant emphasized the importance of maintaining continuity and institutional memory when forming the negotiation team and selecting its head. Rather than merely applying constitutional categories, the model for the BiH negotiating team should be designed to create a

¹ https://neighbourhood-enlargement.ec.europa.eu/document/download/6cbf9fa7-a288-4497-9e4a-17527bcbafe5_en?filename=20190529-bosnia-and-herzegovina-opinion.pdf

functional and professional body capable of advancing the process on a technical level. Additionally, it is crucial to involve all levels of government directly and uphold the principle of subsidiarity across all levels of government in BiH.

Another participant, who is not from BiH and has practical experience in conducting negotiations with the EU in several countries in the region, emphasized the importance of selecting a head of the negotiation team who possesses both authority and knowledge, particularly regarding the EU's legal *acquis* and its implementation. The participant suggested that this individual should ideally be politically neutral, enjoying the trust of all parties and capable of continuing to lead negotiations even if there is a change in the BiH Council of Ministers. In other words, maintaining the institutional memory is crucial. „There needs to be one point of negotiation, i.e., a centralized inclusive approach,“ the participant remarked. Some participants from RS expressed that the head of the negotiating team should ideally come from this BiH entity. However, they also indicated that it would be acceptable for this person to be neutral and non-partisan.

However, internal coordination presents a challenge, as constitutionally defined levels of government may have varying levels of interest and capacity regarding the negotiation process. The Directorate for EU Integration² serves only as technical support, but a greater political engagement is necessary. The goal of the negotiations is the full implementation of the EU *acquis* in BiH, with no concessions from the EU side. A participant from Sarajevo expressed his belief that the approach will be challenging once the negotiations begin, estimating that the process will take about a year.

Another participant from Sarajevo pointed out that the answer to the questions „how the reforms themselves will be implemented“ and what the coordination process should look like must be given by BiH itself, not by the European Commission or other institutions. „The European Commission is not asking for a change in the constitutional framework in the context of changes related to the entities, as well as cantons in the Federation of Bosnia and Herzegovina (FBiH), but only for the institutions to be functional and to implement what was agreed upon.“ „Certainly, there is no condition that a change is needed of the internal structure of BiH, provided by the Constitution.“

² Established in 2003, the Directorate for European Integration is a permanent body of the Council of Ministers, responsible for coordinating activities and supervising the implementation of decisions related to EU integration. The Directorate's activities include coordinating EU-related issues, harmonizing regulations with the EU *acquis*, assessing compliance with the *acquis*, and coordinating EU assistance. In 2016, the Coordination Mechanism was established to ensure a consistent position for BiH on all EU-related matters, including participation in bodies established under the Stabilization and Association Agreement. The Coordination Mechanism involves over 1,400 civil servants from 14 governments at all levels. The Directorate for European Integration serves as its secretariat. From the website <http://bih-parliamentary-twinning.eu/hr/mehanizam-saradnje>. One of the participants explained the coordination process: “The coordination of the European integration process in Bosnia and Herzegovina is based on the principles of respecting the existing internal legal and political structure in Bosnia and Herzegovina and protecting the constitutionally defined competences of all levels of government and their institutions in certain areas covered by the EU integration process. This involves ensuring the visibility and responsibility of all levels of government for the timely and effective fulfillment of obligations stemming from the process of EU integration within their jurisdiction. The coordination system also regulates the manner of communication between the institutions in Bosnia and Herzegovina with the aim of ensuring and presenting an agreed position on behalf of Bosnia and Herzegovina in communication with the institutions of the European Union.”

One of the participants who has extensive experience in negotiations with the EU pointed out that in the internal context, the most difficult „negotiations“ will be those with interested parties, such as trade unions and professional associations. „Everyone must be involved and aware of what inclusion in the EU means for their lives.“ A group of others emphasized that „campaigns aimed at citizens and which would bring the importance to the EU for them are needed in a practical sense.

A participant from Sarajevo emphasized that communication between institutions is crucial and must be in both directions, as different levels of government can impede EU integration processes. “We need informal processes like this meeting to align interests and ensure that no one is adversely affects the process unnecessarily.” A participant from Herzegovina suggested, “Perhaps it is necessary to revisit the twinning project and enhance collaboration under the existing Cooperation Mechanism.”

Some participants from Republika Srpska (RS) suggested that it might be beneficial to establish a coordination mechanism at the FBiH level to regularly consider interests of the cantons. This mechanism would facilitate communication between both entities and the central level responsible for EU integration issues. It was noted that while FBiH already has a coordination system for law adoption, a clearer politically-focused system is needed. Others proposed expanding the Collegium of representatives from all political groups in the BiH Parliamentary Assembly as a political coordination mechanism. A participant from outside of BiH recommended that, concerning the Parliamentary Assembly of BiH, the Committee for European Integration is the most suitable mechanism, as it should inherently involve all political parties.

During the meeting, it was agreed that establishing trust and building consensus is crucial to ensure that the EU-related issues are not exploited for daily political gains. Participants emphasized that making EU integration a genuine priority could automatically resolve 85% of internal issues and disagreements. However, achieving this requires a political will, as certain reforms, such as those concerning the public procurement, directly impact the interests of specific groups. Therefore, EU integration is not merely a technical endeavor but also a fundamentally political process.

A participant from RS emphasized a significant mistrust in Banja Luka regarding whether representatives from the Ministry of Foreign Affairs in Sarajevo adequately represent the interests of their entity. „Building trust on this matter is crucial and requires internal processes.“ Others concurred that trust is a pivotal issue. „There is a pervasive lack of mutual trust in BiH; no one trusts each other. Trust must be earned, and once established, it is challenging to maintain.“ Therefore, several participants reiterated the necessity for informal processes where all key issues could be openly discussed without fear of negative repercussions for the participants. They emphasized that building internal trust within BiH is critical, as is earning and maintaining the trust of the EU and its member states. All political actors in the country should prioritize working towards these goals.

Several participants proposed that both chambers of the FBiH Assembly, as well as the RS Assembly, adopt a Declaration on Accession Negotiations with the EU. This declaration would affirm the political will of all entities within the country regarding their commitment to EU membership and outline an approach to address priorities.

The discussion then turned to the 14 EU priorities, which were previously conditions for acquiring the candidate status but remain unfulfilled to date. Participants debated which priorities should be addressed first, reflecting the ongoing political discourse in BiH.

Some participants argued for prioritizing reforms such as restructuring the Constitutional Court of Bosnia and Herzegovina (including the departure of foreign judges) and closing the Office of the High Representative. In contrast, others opposed this approach, suggesting that issues enjoying an existing consensus should be resolved first. Several participants expressed concerns that recent interventions by the High Representative to impose solutions on election laws undermined democracy in BiH, making it difficult to achieve a meaningful political compromise.

A group of participants proposed a prioritization system where issues would be categorized into three groups. The first group would include elements with existing consensus, the second would cover issues where consensus could be quickly established or already exists at 75-85%, and the third group would encompass contentious elements to be temporarily set aside. This proposal intrigued most meeting participants. However, a participant from RS emphasized that such a process cannot proceed gradually in terms of discussion and solution development: „All issues must be openly addressed and placed on the table because European integration is not a 'buffet,' and the dynamics of resolving them add another layer.“ A participant from Herzegovina echoed this sentiment, citing the example of the protracted negotiations in Mostar on the local government system: „Negotiations were exceedingly challenging and spanned 8 years, but ultimately, a solution was achieved.“

Some participants from RS emphasized the importance of excluding non-European integration-related issues, such as the Day of Republika Srpska, from discussions about accession. „RS has not opposed any laws related to EU integration unless they encroach upon the constitutional competences of our entity,“ they stated. Contrary to the belief that RS opposes the EU integration for BiH, they argued that this process can actually contribute to preserving RS.

Others advocated for a more comprehensive approach to the 14 priorities, urging for the depoliticization of public services and the prosecution of corruption cases. One participant highlighted that the issue also lies in the political culture of BiH. „People are not interested in laws and democracy; they prefer a state where they can act freely, with individuals taking full responsibility for both positive and negative actions.“ Corruption is pervasive, raising questions about the intentions of the political elites and whether EU membership truly aligns with their own personal interests.

Foreign Policy Dimension

Following the European Parliament elections, it appears likely that the new European Commission will continue with a similar agenda. The position of the President of the Commission is expected to remain with the European People's Party. The new High Representative for Foreign Affairs and Security Policy will be the Prime Minister of Estonia, a liberal, who is likely to prioritize addressing challenges in Eastern Europe arising from the war in Ukraine. This appointment, as noted by one participant, is an unwelcome news for the populists in the Western Balkans. However,

because it is a „continuity commission,“ there will be continued focus on EU enlargement. Timing is crucial, especially considering that on June 27, 2024, the EU adopted its agenda for 2024-2029, which explicitly includes preparations for EU enlargement.

Certainly, the absorption capacity of the EU to integrate BiH and other candidate countries for membership is a significant consideration. This necessitates both political will and reforms within the Union to streamline the decision-making and mitigate potential obstacles posed by both new and existing member states.

One participant, an expert in European integration, highlighted the multi-faceted nature of negotiations with the EU. "Negotiations involve not only the European Commission but also the governments and parliaments of member states," he emphasized. „Negotiating with member states is particularly challenging due to public sentiment, which harbors significant skepticism towards the enlargement process and concerns over issues such as corruption and security within the candidate states.“ This underscores the necessity for an enhanced engagement and clear communication directed towards both the Union and its institutions, as well as individual member states.

One participant emphasized the presence of member states within the „friends of enlargement“ group, noting that these countries are already supportive and do not require persuasion. They are viewed as valuable allies and are essential components of the communication strategy aimed at influencing other member states. Additionally, political parties can leverage their connections within the European party families to strengthen advocacy efforts in support of BiH negotiations with the EU.

The participants proposed holding the third meeting of this format following the local elections in BiH in October. They suggested preparing a final document on EU negotiations with BiH during this meeting, which would articulate the participants' vision. Emphasizing the need for a unified EU approach, they called for a paradigm shift: „The EU accession should not contradict constitutional solutions or entity structures; it should be a paradigm embraced by all.“ They noted that the upcoming European Council meeting in December is dedicated to enlargement, highlighting that the outcomes of their discussions could be presented to EU institutions and the member states such as Slovenia, Austria, and Germany, who support expansion, as well as to the skeptics like the Netherlands.

Referring to the proposal from the earlier moment in the discussion regarding the creation of three priority groups of issues for the negotiations, one participant suggested organizing a "European Conference of BiH." This conference would invite EU partners and promote the proposed approach. They believed that such an initiative would pleasantly surprise the EU, fostering a clearer discourse on BiH and laying the groundwork for enhanced mutual trust. It would also strengthen communication channels towards Brussels and member states.

Conclusions and Recommendations

The meeting resulted in following conclusions and recommendations, that are not necessarily based on consensus:

- It is imperative for all political factions in Bosnia and Herzegovina to reaffirm their shared goal of EU membership to restore credibility and commitment to the EU integration process within the country. A unified agenda for reforms aimed at the EU accession should be established, accompanied by a collective political endorsement of this goal.
- One proposal suggested that all cantonal assemblies, the Brčko District Assembly, both houses of the FBiH Assembly, the Republika Srpska (RS) Assembly, and both houses of the Parliamentary Assembly of Bosnia and Herzegovina (BiH), all adopt similar Declarations outlining their approach to the EU negotiations. These Declarations would confirm the political determination of all entities in Bosnia and Herzegovina towards EU membership and outline a unified approach to addressing priority issues, aiming to consolidate the political will, unify efforts, and enhance the credibility of the EU accession process for Bosnia and Herzegovina.
- Small yet consistent efforts are essential to foster mutual trust. Political actors should strive to keep EU-related matters separate from the daily political agendas, ensuring they are not exploited for short-term political gains. To achieve this, there is a clear need for informal processes where all critical issues can be openly discussed without fear of negative repercussions for the participants. It is crucial to recognize that building trust extends beyond Bosnia and Herzegovina's internal dynamics; it also encompasses fostering trust from the EU and its member states towards Bosnia and Herzegovina. Therefore, all political stakeholders in the country must actively collaborate towards this goal.
- It is essential to remove issues unrelated to the European agenda from the EU public discourse.
- Reforms should be divided into three groups: a) issues with an absolute consensus that require urgent action; b) issues where problematic elements exist but there is a substantial consensus (around 75-85%), with progress possible by the end of 2025; and c) issues without an agreement yet that should be set aside for until mutual trust is strengthened, but they too must be opened at the same time as the others. In other words, the dynamics of solving questions from all three groups may be different, but all of them must be discussed.
- As for the implementation process itself, there is a need to establish a more effective coordination mechanism, which, in accordance with the inclusive approach, would include all levels of government provided for by the Constitution (central, entity, cantonal and Brčko District). The current mechanism is considered dysfunctional and overly technical, requiring significant improvement. Additionally, there is a call for the creation of a political mechanism to bolster implementation efforts.
- If a unified implementation system is established alongside an agenda for prioritizing reforms, organizing a "European Conference of BiH" could be a beneficial approach. This conference would serve as a platform for BiH representatives to present their reform plan to both the public within the country and to the European partners. Such an initiative could pleasantly surprise the EU, demonstrate the commitment of BiH's political actors to the EU accession agenda, and potentially lead to innovative solutions and a more constructive approach moving forward.
- The model for the BiH negotiating team should not merely replicate constitutional categories, but it has to be based on internal consensus. It is crucial that the head of the negotiating team possesses authority and expertise, particularly regarding the EU *acquis* and its implementation.

Ideally, this individual should be politically neutral, enjoying trust across the political spectrum. This approach ensures continuity in the negotiations, even in the event of changes in the BiH Council of Ministers. Maintaining the institutional memory is essential for the effective functioning of the Negotiating Team.

- The next meeting within this informal initiative facilitated by CIG would ideally take place after the local elections in Bosnia and Herzegovina scheduled for October 6, 2024. At this meeting, it would be beneficial to draft a vision document outlining both the internal and external political dimensions of BiH's negotiations with the EU. Presenting this final document to BiH's European partners just before the next European Council in December would be strategically advantageous.

Participants

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