

# Bosnia's EU 'Advance' Remains Stuck in Slow Lane

Another failure to end the logjam over the Sejdic-Finci rights ruling has led some in Bosnia to call for stronger pressure from Brussels. Whether it will come or not remains another matter.

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Almost four years after the European Court of Human Rights ruled in the landmark Sejdic-Finci case, resolution of the logjam remains a key test of whether Bosnia can move the European integration process forward.

However, the omens are not good, as Bosnia's ruling parties have again failed to agree on important constitutional changes that flow from the ruling, to let minorities run for top governing posts.

Meanwhile, the European Commission has been criticized for not investing enough effort to prod Bosnia in the right direction.



*Photo by Elvira M. Jukic / Balkan Insight*

Another high-level dialogue on Bosnia's accession process, on finding common ground to implement the ruling, ended last week with only "closer standpoints" reported - dashing expectations of a breakthrough.

After this setback, the European Commission started a procedure of redirecting some 50 million euro in pre-accession assistance funding, which was earmarked Bosnia, though it was stressed that this was not designed to be seen as a penalty.

Andy McGuffie, of the EU delegation to Bosnia, told Balkan Insight that EU members are unlikely to impose sanctions on the country and its decision-makers, as had been mentioned earlier.

that Bosnia had missed a key chance to wrap up what had been on its way to becoming a credible membership application.

"You don't really sanction a country because it's not moving closer to [EU] membership," McGuffie said, adding, however,

Some Bosnian analysts are disappointed. "What is the difference between June's 'last chance' and October's 'last chance' for Bosnia to solve this?," wondered Tija Memisevic, of the Sarajevo-based European Research Center, referring to the latest EU imposed "deadlines" to solve the issue.

Taking into consideration the current positions of the main parties, there is no chance of progress being made if it depends only on the will of local politicians, she said.

"Brussels has to stop being quiet," she added. "The basic pre-condition [of a deal on the rights ruling] is that political representatives from Bosnia and Herzegovina have an interest in reaching agreement - but there is no such thing."

Some analysts believe a solution to the logjam requires firmer political pressure and a system of conditionality from Brussels combined with more pressure coming directly from Bosnian citizens.

But, domestic pressure is unlikely to materialize in a country where few see the importance of implementing the ruling, or see no connection between the matter and their everyday problems.

## **The Croat question:**

EU Enlargement Commissioner Stefan Fule hosted the third high-level dialogue on Bosnia's accession process on October 1 and 10, when seven of Bosnia's main parties discussed various models of implementing the Sejdic-Finci ruling.

The 2009 ruling told Bosnia to change its constitution and electoral law to allow minorities to run for top governing posts currently reserved for candidates of the three largest ethnic groups, Bosniaks, Serbs and Croats.



*In Brussels / from left to right: Vjekoslav Bevanda, President of Council of Ministers BiH, Dragan Covic, President of Croatian Democratic Union, HDZ, and Zlatko Lagumdžija, President of Social Democratic Party, SDP / Photo source: EbS*

Democratic Party.

Thus, the HDZ case is that while the Serbs have one representative on the presidency, the Bosniaks effectively have two, and the Croats, none.

The first part of the latest high-level dialogue ended with conclusions that the parties had agreed that one member of the Presidency would be elected directly from the Republika Srpska, but without any national definition.

This solution was entirely acceptable to the Serbs because although it honours the principle of the Strasbourg ruling, in that the member for the Republika Srpska need not be a Serb, in practice the demographic strength of the Serbs in that entity ensures that he or she will be.

The parties also agreed that two members of the Presidency would be elected from the Federation, also without national definition – in accordance with the rights ruling which demands an end of such limitations.

Where the parties got stuck was on how to organize the system of voting in the Federation.

The Croat parties say that if two members of Presidency were chosen simply on basis of popularity, they could both be Bosniak, or one might be Bosniak and the other undeclared, ensuring no Croat held the post.

This is more than possible, as Bosniaks greatly outnumber Croats in the Federation entity.

One of the earlier proposals, submitted by the Bosniak Party of Democratic Action, SDA, was to form two electoral units in the Federation.

The Federation's mainly Croat cantons would then elect one while the Bosniak cantons elect the other. However, this was dismissed as divisive.

With talks between the parties in the Federation still ongoing, the head of the Bosniak Alliance for a Better Future, Fahrudin Radoncic, said a model of indirect elections in the Federation should not be excluded even though it was dismissed in the October 1 conclusions in Brussels.

Radoncic said that the indirect election of two members of the Presidency would allow minorities to stand as candidates, while the political representatives of the ethnic groups, the ruling parties, would decide the two members.

Radoncic also mentioned a model that would determine one member of the Presidency being elected on the basis of winning the most votes, while the other would be chosen on winning most support in those cantons where the first one did not win.

But the fresh talks became stuck on the so-called “Croatian question”. This concerns Croat demands that any new electoral system should guarantee that one of the three members of the Bosnian Presidency is elected by Croats in the country.

The current electoral system is based on direct elections for the Serbian member, who must come from Bosnia's mainly Serbian entity, Republika Srpska.

The two others, the Bosniak and Croat members, are chosen from candidates in their respective categories in Bosnia's other entity, the Federation of Bosnia and Herzegovina.

This leaves no place for candidates from other ethnic groups or who do not declare their nationality.

The so-called Croatian question was flagged up by the Croatian Democratic Union, HDZ, the largest Croatian party, which has no confidence in the current Croatian Presidency member, Zeljko Komsic.

The HDZ says he was voted in by Bosniaks, not Croats, as he was a member of a mainly Bosniak party, the Social

While Bosnian politicians discuss the shifting options, they have missed many set deadlines and failed to make use of many meetings held so far.

Implementation of the Sejdic-Finci ruling, and establishment of a functional EU coordination mechanism, which is to define obligations and the authorities of the country's various institutions and levels of government in the EU process, are both tasks that the EU has set as conditions for the country to submit a credible membership application.

While Bosnian decision-makers are declaratively committed to joining the EU, and the EU is committed in assisting the country achieve this goal, a determined effort to move beyond party and ethnic interests, and take this leap forward, remains lacking.

According to Tija Memisevic, "There has also to be strong political backing for this goal - but no EU member state wants to give that, after so many failures."

### **Wrong signals from Brussels:**

Memisevic, of the European Research Center, says the European Commission's high-level meetings have not included application of real pressure on the Bosnian politicians, which she considers a wrong basis for work.

"There is no motivation for the parties to reach an agreement," she said. "The parties are just fine with this situation because, with all of this, they can distract the public from real problems, such as debts and lack of money in budgets."

If Brussels institutions really wanted to engage in helping Bosnia to make progress, it should play a stronger hand by using decisive conditioning mechanisms, she added.

"Those messages about a 'last chance for Bosnia to make progress' no longer have any weight," Memisevic said.

"Clear messages from Brussels are needed about what the consequences will be and why is all this important for citizens."

Alida Vracic, director of the think tank Populari, also told Balkan Insight that high-level dialogues should not be held until something significant has happened within Bosnia, adding that the EU should scrap the practice of staging meetings that are loaded with high expectations.

"Many mistakes are being made in this EU process because, until progress is made within Bosnia's own institutions, by citizens, I don't see any reason for a discussion on a high level," she said. "Politics is becoming pointless."

"There is this myth that Bosnia is extremely complicated," Memisevic argues. "But it's not, it's just that political parties see no interest in making progress, Brussels and EU member states do not dare to politically involve themselves, and citizens don't see the importance of this."

One of the possible pressures that could be put on the decision-makers would be a strong influence from below, from citizens themselves, but, as analysts warn, most seem not to understand the importance of the rights ruling.

"It's not about the rights ruling itself, it's about reforms that would come to table afterward," Memisevic noted. "Even when a part of the non-governmental sector starts something, they often do not see any support coming from EU states, which is very important."

Vracic added that the citizens often do not realize what the implementation of the Sejdic and Finci ruling could mean for other problems, such as agriculture or health care.

"Citizens do not affiliate themselves with the rights ruling, it is very abstract and not a vital issue for their everyday lives," she said, adding that, at the same time, it is standing in the way of progress in the EU association process.

McGuffie, of the EU delegation, said that the lack of progress on the EU front should be left to citizens to weigh up at the next elections.

"The EU does not vote in Bosnia and Herzegovina," he said. "We will have to see what the reaction of the electorate is."