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Bosnia

The Sejdic-Finci question

Oct 9th 2013, 12:11 by T.J.

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“STABLE but stagnant”, is how a diplomatic source sums up political life in Bosnia. This may be about to change. A press conference has been called for midday on October 10th in Brussels. It will reveal whether Bosnia’s leaders have finally, after almost four years of deadlock, made a crucial breakthrough that will enable their country to resume its stalled bid to join the European Union.

The press conference will follow a meeting that is a follow-up to one on October 1st when the leaders of Bosnia’s main political parties signed a document through which they committed themselves to tackling the Sejdic-Finci problem by October 10th. If the contentious question is not solved Bosnia will be subjected to penalties such as the loss of EU cash.

The Sejdic-Finci question relates to a 2009 ruling of the European Court of Human Rights. The case was brought by Dervo Sejdic, a Roma activist, and Jakob Finci, who is Jewish. They argued that the Bosnian constitution, which was negotiated as part of the Dayton peace accords that ended the Bosnian war in 1995, was discriminatory because certain electoral posts, for example on the tripartite presidency, can only be held by Serbs, Croats or Bosniak Muslims.

The court agreed with the arguments of the plaintiffs. Bosnia’s leaders agreed to fix the problem of how to accommodate “others.” But they have been unable to find a formula to do so since. The agreement on October 1st makes some progress in settling the problem but it does not provide an answer to its nub: Bosnian Croat politicians want to try and avoid a repetition of the current situation whereby the current Bosnian Croat member of the presidency was elected mostly thanks to Bosniak Muslim votes.

Bosnia’s bid to join the EU is stalling. Croatia joined in July, Montenegro is negotiating membership and Serbia and Kosovo, thanks to the mediation of Catherine Ashton, the EU foreign affairs chief, have made huge progress in putting the wounds of the past, behind them.

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Diplomatic sources are cautiously optimistic that the October 10th meeting could end with a breakthrough. If not, Bosnia will lose EU funding to the tune of £47m (\$76m) for the rest of this year and a lot more for next year. The Council of Europe has also said it will not recognise the next Bosnian elections as legitimate if the old rules apply. EU officials have echoed this threat.

Štefan Füle (pictured), the EU's enlargement commissioner, will assess whether Bosnian leaders are making what is referred to as a "credible" effort to resolve the issue. This will be noted in Bosnia's annual EU "progress report" on October 16th. If the effort is deemed credible Bosnia will be allowed to apply for EU membership.

Bosnians stand to lose an opportunity. Next year elections for the European parliament will be held, which will lead to a new European Commission. In 2015 Bosnia will have elections. By then there will be little political will on either side to deal with this problem.

Preventing Bosnia from making an application for EU membership because of the Sejdic-Finci problem would be utterly wrong argues a new report from the European Stability Initiative (ESI), a think tank with a long and influential history in the Balkans. In the past (and even today) similar legislation existed in Belgium, in Italy in the South Tyrol region, and in Cyprus. It asks: why should Bosnia be penalised by hypocrites in the EU?

"The summit on 10 October in Brussels should be the last of its kind. The best case outcome would be that Bosnia's leaders agree to a solution. However, if they do not, the EU should rethink its current policy and demand that Bosnia and Herzegovina implements this decision as part of wider constitutional reforms that it will undertake during the accession process itself. It should not be a precondition. Making it one was a mistake."

Alida Vracic, head of a Sarajevo think-tank called Populari has written a response to Gerald Knaus, the head of ESI, called the "metastasis of nihilism". Bosnians she says, think they are special, somehow complicated and exclusive. They are not interested in the outside world and new ideas but think that the solutions to their problems must come from inside. Their politicians agree with this but "the difference between them and us citizens" she says is that "they get paid for it".

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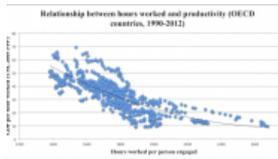
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YCc5XbBV2g 21 mins ago

Thank you very much for raising this issue and for referring to our report. However, we want to point out that the problem here is not EU hypocrisy, but good intentions leading to a wrong policy. The EU applied double standards, because it failed to accept that a number of EU member states, from Belgium and Italy to Cyprus, use some of the same mechanisms that the EU insists Bosnia must change.

Kristof Bender, European Stability Initiative (ESI)

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