

To:
Committee on Foreign Policy, European Affairs, International Cooperation and Tourism of the
Flemish Parliament

**Written statement on Bosnia and Herzegovina in relation to Rproposal for a resolution on the
European Union's accession talks with the countries of the Western Balkans**

Committee meeting held September 27th 2022.

Written statement is provided due to impossibility to join the meeting.

Bosnia and Herzegovina (BiH) is a country with an extremely complex state system, a legacy of a difficult and violent past, and still in the transitional democratic process. The joining of BiH to the European Union (EU) is at the same time the path by which this country ensures stable democratic, economic and participatory standards, but also a process that is complicated by numerous internal and external factors.

I firmly believe that Belgium, and Flemish Parliament can understand the complexity of Bosnian statehood, bearing in mind the complex ethnic, national and jurisdictional divisions - but what BiH is facing today is the lack of an efficient mechanism for overcoming the numerous challenges that these layers of identity, interests and needs require. Therefore, allow me to contribute to the discussion on the proposal of the Resolution by presenting the context in which it is necessary to understand why the EU is a necessary outcome for BiH, and at the same time how to reach that outcome.

In the 1990s, BiH was the scene of a war that left society in a state of ethnic divisions, great human and material losses, and in the process of building a state whose scope was largely limited by the Dayton Peace Agreement. This agreement stopped the armed conflict in the country, and at the same time determined the state organization based on ethnic principles, which largely froze the conflict, and the ideologies that led the war continued to operate undisturbed in the newly formed state organization. This is an important aspect of European integration, because numerous failures in achieving a democratic and egalitarian system are simply limited by ethnic divisions, and they further produce the fragmentation of both state identity and the general progress of society and the state.

Namely, the Constitution of Bosnia and Herzegovina is part of the Dayton Peace Agreement, the reform of which has remained unsuccessful for years due to the ethnic (political parties) blockades. This Constitution, imposed as a part of peace agreement, is intended to be of a temporary nature, that is, to evolve together with state development - and yet, strong resistance to the elimination of ethnic discrimination in the Constitution, the provision of equal rights for all citizens has been constant in the last 20 years. On the other hand, there are separatist tendencies both for the secession of one of the BiH entities (Republika Srpska¹) and for the formation of a new entity (with a Croat majority), which would actually deepen ethnic divisions and create ethnically pure spaces. This puts the multi-ethnicity of this country at risk and turns it into the exclusive space of Serbs, Bosniaks and Croats, completely ignoring all other citizens who call this country their own. I mention these retrograde nationalist policies here because

¹ For example, in 2021-2022 Republika Srpska entity pursued to unilaterally take over state competences (including on taxation, the judiciary, defence and security) and dismantle state institutions, endangering the country's EU accession.

they prevent not only the provision of equal rights within the state, but also prevent the establishment of the rule of law, the implementation of the necessary reforms of the judiciary, the police, education reducing the state's progress to be observed exclusively through nationalist lenses.

It is necessary to mention here the influences and interventions in the sovereignty of BiH that come from the neighbouring states of Serbia and Croatia. Both countries openly support the separatist currents (Serb and Croat) within BiH, whereby the role of Croatia is particularly dangerous considering the strong lobby it exerts as a full member of the EU. Despite the empty declarations of supporting BiH on the European path, Croatia actually strengthens and advocates the creation of a third entity or the dismantling of BiH statehood, which the EU requires and which the citizens of BiH deserve. The incitement of nationalist tensions is accompanied by the glorification of convicted war criminals, blockades of economic progress and sudden stagnation of reforms that should have been implemented a long time ago. It is necessary to understand that the problem is not only the interference of both neighbouring countries in the internal processes of BiH, thus making (and maintaining) not only BiH but also the region of the Western Balkans an unstable political and security area, but also in the absence of an adequate response from BiH itself, i.e. pro-citizen initiatives and progressive policies.

So, instead of working on building the state and harmonizing it with *acquis*, here internally and externally we are actually facing with dismantling the BiH statehood. Of course, such policies leave long-lasting consequences on the processes of EU integration, making them marginal in relation to the presentation of dominantly ethnic and security issues in every segment of state development. I would venture to say that the goal of such policies is to maintain the status quo, that is, to prevent progress. The resolution of the numerous challenges that the European Commission is calling for is precisely in the hands (or to be precise - blockades) of BiH ethno-nationalist parties, which, with the support of Serbia and Croatia, keep this country imprisoned in retrograde ethnic principles. We are witnessing here in a last couple of years a rise in political infighting and ethnic tensions that threatens BiHs delicate power-sharing system.

Another factor that must be mentioned when talking about the context of BiH is the role of the international community. The Office of the High Representative in Bosnia and Herzegovina played an exceptional role in the first years of peace and strongly contributed to the construction of this country. However, although the responsibilities and jurisdiction did not change, the role of the High Representative weakened more and more over the years, allowing nationalist ideologies to return to the scene, strengthen and work against statehood and state progress. The current High Representative (Christian Schmidt) is implementing a policy that necessarily requires a review, especially in the segment that will leave consequences for the extremely important electoral process, leading it into ever deeper possibilities of blockades and capturing the state.

Our transitions, referring here to all WB countries, were social, identity, and state. Our political systems are still fragile in their democratic achievements and our development strategy is insufficiently developed. The European Commission's progress reports repeatedly warn about corruption, the state of human rights, limitations of transitional justice, and the rule of law.

Therefore, I believe that the proposal of the Resolution that we have in front of us properly identifies the difficulties that BiH must solve beforehand, but it is necessary to identify ways that can constructively stimulate changes and pave the way for BiH to the EU. Namely, leaving the countries of the Western Balkans outside the EU for a long period creates two dangerous

options: the ghettoization of this area in terms of progress and reaching standards, and finally becoming part of the EU in whose backyard they are located; and no less important, leaving the region as a security threat in the geopolitical sense (as could be seen from the recent example of the Russia-Ukraine conflict)². Furthermore, the stagnation of the region, including Bosnia and Herzegovina, has a long-term effect on the outflow of labour force, illegal migration, the promotion of poverty, and the derogation of human rights. I believe that the solution for the region is joining the EU, as well as overcoming the existing obstacles that are located both inside and outside our countries. Community and standards that the EU provides but also demands are the goal that the WB strives for, but it is necessary to realistically see how to set the right path in which there will be enough understanding and support for all the complexities that these countries carry.

To conclude, in June 2022 the European Council affirms its readiness to grant the status of candidate country to Bosnia and Herzegovina and invites the European Commission to report on implementation of the 14 key priorities set out in its Opinion with special attention to those, which constitute a substantial set of reforms. In October 2022 the Commission recommended that BiH should be granted candidate status by the Council, emphasising positive steps taken towards strengthening the democratic process. However, the key points are not very different from the last years, stating that very limited or no progress has been achieved in most of the screened areas. The report acknowledges the "political turmoil" and "legislative standstill" inside the country and shows a lack of progress in most of the main fields, as well as a failure to comply with rulings issued by the European Court of Human Rights regarding discrimination in electoral rights. The decision to recommend BiH for candidate status may therefore be seen a political rather than merit based one, and in that constellation this may be a positive development for BiH, one that has the potential for steering the actions around concrete actions that must be taken to fulfil the EU accession criteria. Reminding on what was highlighted through this statement – there is a need for constructive an incentive for a country entangled in a tangle of ethnic politics, geopolitical calculations and international interests. Of course, it is necessary to monitor the development in this framework and provide adequate support for overcoming the status quo, which is the worst possible option for BiH on the way to the EU. With these recommendations, I sincerely hope that this Resolution, as well as the Committee, will find the best way to address the issues of the countries of the Western Balkans, which are at the gate of the EU not only territorially, but also in terms of values.

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² For example, Republika Srpska entity authorities and parties advocated for a neutral stance on Russia's aggression against Ukraine, contesting the country's alignment with EU statements and obstructing the full implementation of restrictive measures against Russia. Also, BiH was frequently mentioned as a potential next conflict spot, considering Russia influence within BiH (Republika Srpska).