

GLOBAL AND REGIONAL ORDERS

# THE NEW DYNAMIC OF EUROPE

What can BiH hope for?

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Bosnia and Herzegovina must fundamentally improve its legislative and institutional framework to ensure adherence to 14 priorities in the Commission's Opinion. It should be the only political agenda for all political parties in BiH in the coming decade.



The EU continues to have a strategic interest in the Western Balkans, but it is not a priority; rather, the EU's priority is to work on its own 'fitness', and to give the Western Balkans time to do their homework.



Therefore, this new dynamic will only be seen within the EU. BiH can only hope that its political elites will finally move forward.

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# BACKGROUND AND AIM OF THE ANALYSIS

In the aftermath of the 2019 European Parliament elections, there was a belief that a new political environment could bring a new dynamic to Europe. One may still expect that the prioritising of European values, future policies and expectations will be determined by the distribution of seats held by major political groups (Progressive Alliance of Socialists and Democrats – S&D, European People’s Party – EPP, Renew Europe – Liberals), as well as by the increasing strength of right-wing populists in the European Parliament. The election of a new President, Commission, and High Representative for Foreign and Security Policy (HRFSP) could be an indicator (or an early warning) of which direction EU policy will be going with regard to enlargement.

The aim of this analysis is to provide an overview of the potential changes in the internal and external dynamics of EU politics and policy concerning enlargement towards the Western Balkans, particularly Bosnia and Herzegovina. It will examine the messages sent by the EU, in this context, prior to and following the formation of new EU institutions. Since European integration is a two-way process, this analysis will also try to show the current state of affairs in Bosnia and Herzegovina as it pertains to the requirements and expectations of the EU’s Stabilisation and Association Process.

The analysis also aims to familiarise policy experts – those coming from different institutions, civil society organisations, diplomats, the international development community, the media, as well as political party officials and young political leaders – with what could be possible developments in EU policy formulation following the European elections, and the formation of EU institutions over the next five years. It will also bring to their attention the impacts such developments will have on Bosnia and Herzegovina’s European aspirations.

Given the short period of time that elapsed between the European elections and the formation of the Commission, as well as the election of the EU President and High Representative for Foreign and Security Policy, the guiding questions are limited. They are also dependent upon political developments that relate to internal EU issues and could determine the final outcome. First and foremost, it is a difficult task to analyse what BiH can actually hope for as a result of the new European dynamic when, in essence,

it comes down to what achievements are first expected of BiH in order for it to be seriously recognised as a candidate for EU membership. Therefore, the guiding questions have been limited to the following:

To start with, a brief analysis of the results of the European Parliament election and the formation of the new Commission, the election of the EU President and the High Representative for Foreign and Security Policy will be provided. This is followed by an analysis of the potential significance it has for enlargement. Other questions include: Which political groups won, who formed a majority, and what is the political background of the new EU leadership? The title of this analysis is: “Can the results of the European elections bring about a new dynamic?”.

“Is there hope for Pandora? – Don’t shoot the messenger!” is a section that attempts to identify the main messages that have been sent to the region and Bosnia and Herzegovina since the European elections. It analyses the messages newcomers have sent to the public regarding stabilisation and the accession process for the Western Balkans, which may serve as a sign of future policies towards BiH and the region. This includes issues surrounding negotiations between Serbia and Kosovo, political stabilisation in Albania and the advancement of Montenegro, as well as due support for North Macedonia. The reactions to these messages coming from the Western Balkans will also be considered.

What is the state of affairs in Bosnia and Herzegovina regarding the European integration process? Have governments been formed at different levels to take the lead and devote energy and political capacity to this process, or not? What does Brussels expect from them? How do they view Brussels’ requirements, and is there a willingness to shift the political narrative towards more pragmatic issues? These questions will be addressed in the “Great expectations vs high hopes” section.

Lastly, the “Final recommendations” section looks at how to proceed, how to keep the attention of the EU, and how to work on the country’s candidate status.

## 1

## INTRODUCTION

Even at the beginning of 2018, a strategic European institutional dynamic is already evident with the presentation of the document, *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*.<sup>1</sup> The document starts with the 2017 State of the Union address by President of the European Commission Jean-Claude Juncker, which reaffirms the European future of Western Balkan countries:

‘If we want more stability in our neighbourhood, then we must also maintain a credible enlargement perspective for the Western Balkans. It is clear that there will be no further enlargement during the mandate of this Commission and this Parliament. No candidate is ready. But, thereafter, the European Union will be greater than 27 in number. Accession candidates must give the rule of law, justice and fundamental rights utmost priority in the negotiations’.<sup>2</sup>

The document rightly continues with a statement by EU heads of state or government, which is offered as a conclusion by the President of the European Council in March 2017:

‘The European Council [...] reaffirmed its unequivocal support for the European perspective of the Western Balkans. Welcoming the progress made by the countries of the region, the European Council stresses that the EU remains committed and engaged at all levels to support them in conducting EU-oriented reforms and projects’.<sup>3</sup>

The ‘cold water on Balkan EU membership hopes’<sup>4</sup> came already by the second page:

‘However, our Union must be stronger and more solid before it can be bigger.<sup>5</sup> [...] in line with its *Roadmap for a More United, Stronger and More Democratic Union*.<sup>6</sup>

It could be argued that the ‘cold water’ directed at the Western Balkan political elites was the blunt (or, to be honest, blatant) political statement made by the European Council, or the reconfirmation of the key requirements (marked in bold in the original document) that many of these political elites had forgotten:

‘The Western Balkan countries **will be able to join the European Union** once the criteria of Article 49 of the Treaty on European Union, including the Copenhagen criteria, are met. While **none meets these criteria today**, the region has come a long way since the end of the 1990s. Overall, significant progress has been made both on reforms and on overcoming the devastating legacy of war and conflict. But in order for the countries **to meet all membership conditions and strengthen their democracies, comprehensive and convincing reforms are still required in crucial areas**, notably on the rule of law, competitiveness, and regional cooperation and reconciliation’.<sup>7</sup>

The optimistic politicians and analysts in the region are counting on different EU dynamics that could lead to a short, fast and painless path to EU membership, given the geopolitical tensions and historical ‘necessity’ for the EU to take in the Balkans. On the contrary, the pessimists are

in *Political Trends & Dynamics – The European Project in the Western Balkans: Crisis and Transition* (Volume 2/2019), Friedrich Ebert Stiftung, Sarajevo, 2019.

1 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, COM(2018) 65 final, Strasbourg, 6.2.2018. available at [https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf)

2 Ibid., p. 1.

3 Ibid., p. 1.

4 Elaborated on more fully by Adnan Ćerimagić in his article, ‘The EU and the Western Balkans: The Erosion of Trust and the Way Forward’,

5 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, COM(2018) 65 final, Strasbourg, 6.2.2018, p. 2.

6 Available at [https://ec.europa.eu/commission/sites/beta-political/files/roadmap-factsheet-tallinn\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/roadmap-factsheet-tallinn_en.pdf).

7 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, COM(2018) 65 final, Strasbourg, 6.2.2018, p. 3.

looking at the turbulence within the EU, its need to regain internal strength and order while promoting its values, where the Western Balkans will be collateral damage as the EU spares itself from a political breakdown. Both sides have forgotten to read the bolded sections of the citation above:

**'...will be able to join the European Union..., ...none meets these criteria today..., ...to meet all membership conditions and strengthen their democracies, comprehensive and convincing reforms are still required in crucial areas.'**

It is also important to underline the phrases that have almost been forgotten in the region: the Copenhagen criteria, the rule of law, competitiveness, regional cooperation and reconciliation.

The day Bosnia and Herzegovina and the rest of the Western Balkans comply with these requirements, it will feel like they are already in the EU. The EU continues to have a strategic interest in the Western Balkans, but it is not a priority; rather, the EU's priority is to work on its own 'fitness', and to give the countries of the Western Balkans time to do their homework. Therefore, this new dynamic will only be seen within the EU. Since European integration policy remains unchanged, Bosnia and Herzegovina can only hope that its political elites will realize that they finally need to move forward – but only if they are serious about wanting to do so.

## 2

## CAN THE RESULTS OF THE EUROPEAN ELECTIONS BRING ABOUT A NEW DYNAMIC?

Although the European perspective on the Western Balkans has been clearly stated and is also narrowly conditioned, there was a latent fear that populist right-wing parties would win enough seats to stop further enlargement. Therefore, the expectations of the region were influenced by projections of the future composition of the European Parliament, although some mainstream political figures in the EU, such as Macron, were also questioning another enlargement before Europe regains its footing after Brexit.

With a turnout of more than 50%, the results<sup>8</sup> of the European elections showed that the citizens of Europe chose to continue with the European project.<sup>9</sup> Socialists and democrats, as well as the European Peoples Party, remained the strongest political blocks within the EU. However, it was not enough for any of them to lead the way in determining a new institutional composition. The noise made by right-wing populists (Identity and Democracy) outstripped their actual political clout, although it should not be overlooked that part of their electorate remained at home due to anti-EU feelings, which were not translated into votes. The real surprise was the rise in support for the Liberals and Greens. This is probably where the real European response against xenophobic Europe translated into a bigger turnout and a vote for a European Union that is based on values, as set out in EU treaties and the EU Charter of Human Rights. Such a distribution of power among the newly elected members of the European Parliament caused a major political dispute among European leaders in the European Council. The consequence was that the European Council gave up on the *Spitzenkandidat*, or front-runner concept, and opened negotiations to find a new candidate that would be acceptable to all, instead of Frans Timmermans (S&D) and Manfred Weber (EPP). This decision necessarily led to the dissatisfaction of a number of political parties and MEPs across the winning block, due to the lack of transparency and a failed

attempt to improve the democratic capacity of European elections. While the snowball gained momentum, Ursula von der Leyen, one of the most unpopular ministers in Germany, emerged as a serious candidate. Potentially, she could have secured 444 votes from among the EPP, S&D and Liberal MEPs. Unsuccessful, she opened negotiations with the Greens but failed (74 votes), since they decided to vote against her because she was not convincing in her support of the Green Europe Policy and the fight against climate change. In the end, Ms. von der Leyen was elected as President of the European Commission with 383 votes, which was only nine more than the minimum 374 votes needed to secure a victory.<sup>10</sup> In comparison, five years ago, Jean-Claude Juncker was elected with 422 votes. This is an early warning that it will be difficult to even maintain the current European dynamic. Another part of the deal made in the European Council dealt with other key positions.<sup>11</sup> The European Council elected Belgian Prime Minister Charles Michel (Liberal) to replace Donald Tusk as President of the European Council. It also proposed Josep Borrell Fontelles (S&D), Spanish Foreign Minister, for the post of High Representative for Foreign and Security Policy. David Sassoli (S&D) of Italy was elected President of the European Parliament, but he will share his mandate with Manfred Weber (EPP). The French Head of the IMF, Christine Lagarde, was elected as President of the European Central Bank. Some analysts see these individuals as the 'Team of Convinced Europeans',<sup>12</sup> which is, indeed, what their CVs and political backgrounds prove.

However, some analyses show that EPP, S&D and RE Liberals voted predominantly in favour of the nominee proposed by EU heads of state and government. The Greens, also a pro-European group, voted against, but individual MEPs may have also voted for some of the proposed

<sup>8</sup> Out of 751 seats, the final results of the EU Elections were: EPP – 182, S&D – 154, Renew Europe (Liberals) – 108, Greens (G/EFA) – 74, Right-wing nationalists (Identity and Democracy) – 73, Conservatives (ECR) – 62, Non-affiliated MPs – 57, Left (GUE/NGL) – 41. Available at <https://www.bbc.com/news/world-europe-49010801>.

<sup>9</sup> In 2019, turnout was 50.6%, a significant improvement when compared to the last three elections (2004 – 45.47%, 2009 – 42.97%, 2014 – 42.61%). Belgium had the biggest turnout (88.47%) and Slovakia had the lowest (22.74%), according to the European Parliament. Available at <https://election-results.eu/turnout/> (accessed 19 July 2019).

<sup>10</sup> 'Von der Leyen confirmed as new Commission president by paper-thin majority', available at <https://www.euractiv.com/section/future-eu/news/breaking-von-der-leyen-confirmed-as-new-commission-president-by-paper-thin-majority/> (accessed 19 July 2019).

<sup>11</sup> 'European Council appoints new EU leaders', 2 July 2019, available at <https://www.consilium.europa.eu/en/press/press-releases/2019/07/02/european-council-appoints-new-eu-leaders/> (accessed 2 July 2019).

<sup>12</sup> 'The new European Leadership: Jean De Ruyt, Sebastian Vos and Atli Stannard', 17 July 2019, available at <https://www.globalpolicywatch.com/2019/07/the-new-european-leadership/> (accessed on 18 July 2019).

solutions. What is particularly interesting is that von der Leyen got support from the opposite camp – the Eurosceptic ruling party in Poland.<sup>13</sup>

The mainstream Europe block (S&D, EPP, Liberals), along with the Greens, has a solid majority, whereby they may continue to consolidate the European Union and implement its key policies. In this context, the enlargement policy will remain a dominant objective on the foreign policy agenda. There are a few plausible reasons for this fact.

Firstly, the European neighbourhood policy almost broke apart over the past five years, given relations with Russia, the war and turbulence in Ukraine, Georgia's isolation and Turkey's lack of interest in EU integration. Secondly, there is Brexit, which may or may not finally happen in October 2019. Although one of the most important member states is getting out of the EU, in practice, nothing devastating will happen to the EU. Nevertheless, it is not a positive process, since it represents an attack on the paradigm of European integralist liberal democracy as a leading political concept that unites Europe around common values. However, differences among the member states regarding 'common values' have emerged over the past few years as a sign of bigger problems. Therefore, the EU needs new believers in this paradigm. Thirdly, the EU needs to continue with the peace-building process for the Western Balkans so that the region can become 'more Western' than 'Balkan', thus becoming more acceptable to the European electorate in the future. The EU has great expectations that the leaders of the Western Balkans will finally move towards dispute resolution and the necessary reforms, steps taken that could be sold in European capitals and in Brussels as a success story for the Western Balkans, for European values, European history and a European future. For this to happen, it is necessary for the political situation to be stabilised. A good and brave example was the Prespa Agreement between Greece and present-day North Macedonia. A similar stabilisation was also achieved in Montenegro. The same kind of stabilisation is expected from Albania, Serbia (as it continues its dialogue with Kosovo) and, finally, from Bosnia and Herzegovina. Once this has been achieved, only then can the greatest task, described in *A Credible Enlargement Perspective* (2018) and the *Enlargement Package* (2019), get underway. The EU will continue with the Stabilisation and Accession Process if it wants to have any geopolitical success in maintaining the idea of a united Europe. Bringing the Western Balkans into the EU will remain a strategic interest for the EU, but we should not fool ourselves into thinking that it will be a top EU priority, or that the region will be given concessions for implementing the EU's *acquis* and sharing European values. A new dynamic, one that will move the region in a positive direction, is expected from the Western Balkans.

<sup>13</sup> 'Von der Leyen confirmed as new Commission president by paper-thin majority', available at <https://www.euractiv.com/section/future-eu/news/breaking-von-der-leyen-confirmed-as-new-commission-president-by-paper-thin-majority/>.

## 3

## IS THERE HOPE FOR PANDORA? – DON'T SHOOT THE MESSENGER!

According to Greek mythology, when beautiful Pandora opened her gift, terrible evils vented out into the world. The last to come out of the box was 'hope'. Since then, people all over the world have been hoping for a better future, and for there to be less evil around them. Since ancient times, it still is not clear whether 'hope' was an evil that was just fooling people into being irrational, or whether it is a necessary balance that gives meaning to life and strength to fight evil. After this brief introduction to Greek mythology, which is so deeply embedded in the European identity, it is necessary to return to the present-day meaning of 'hope', as used in the context of this analysis. In doing so, a two-fold approach will be adopted. One side of the coin is: What messages have been sent to the Western Balkans since the European elections? And the other is: How have the Western Balkans interpreted these messages, and what has been the response? Although the patterns are similar, a brief state-by-state analysis will be provided. For this purpose, an assessment has been made of a few media platforms that reported regularly on these issues and made information available to the general public in Bosnia and Herzegovina.

### BOSNIA AND HERZEGOVINA

'The EU has great expectations from the leaders of the region'<sup>14</sup> was one of the first titles to analyse the potential impact of the outcomes of the European elections on the region, and that of the Opinion<sup>15</sup> on Bosnia and Herzegovina. Throughout 2018 and at the beginning of 2019, the media in Bosnia and Herzegovina mostly focused on the cases dealing with EU integration and how BiH broke the deadline for when answers had to be sent in reply to the European Commission's questionnaire, the functioning of the coordination mechanism, and certain political issues that came up during this process. The deadline for BiH to send the Commission its answers to additional questions was 20 September 2018.<sup>16</sup> However, the Council of

Ministers of BiH put the responses into the official languages at the end of February 2019. They were then later translated and sent to the Commission.<sup>17</sup>

While awaiting the Commission's Opinion, the Directorate for European Integration of BiH ordered that a public opinion poll showing the level of support among BiH citizens for the EU integration process be conducted in April. The Council of Ministers of BiH received *Information on the Results of the Public Opinion Poll of BiH Citizens on EU Membership and the Process of Integration in the EU* on 2 July. The findings showed a 20% increase in support for EU accession, as compared to the previous year.<sup>18</sup> As for the referendums on EU membership, 76.6% voted in favour (Federation BiH: 86.5%, RS: 58.9%, Brčko District: 69%). Citizens cited the guarantee of peace and stability (32.6%), freedom of movement (28.3%) and rule of law (18.8%) as reasons to vote in favour of EU membership. When asked which reforms should be implemented to improve everyday life, citizens identified the fight against corruption (46%), judiciary reform (20.2%) and reform of the social security system (11.9%) as priorities.

What followed (not necessarily because of BiH's late response) was a lack of readiness on the part of certain member states to discuss the Commission's Opinion on enlargement towards the Western Balkans, including candidacy status for BiH and the decision to open accession negotiations with Albania and North Macedonia. This was probably due to the upcoming EU Parliamentary elections, and a fear of the consequences that such decisions might have on the electorate. This situation nearly caused a delay in the release of the Commission's Enlargement Package.<sup>19</sup>

dilberovic-ocekivali-smo-da-politicka-zrelost-prati-pripremu-odgovora-na-dodatna-pitanja/180925047.

<sup>14</sup> 'EU ima velika očekivanja od lidera regiona', *Oslobođenje*, 28 May 2019, pp. 2-3.

<sup>15</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union. Brussels, 29.5.2019. COM(2019) 261 final.

<sup>16</sup> Interview with Edin Dilberović, Director of DEI, 26 September 2018, available at <https://www.klix.ba/vijesti/eu-integracije/>

<sup>17</sup> 'Vijeće ministara BiH usvojilo odgovore na dodatna pitanja Evropske komisije', 24 February 2019, available at <https://www.klix.ba/vijesti/eu-integracije/vijece-ministara-bih-usvojilo-odgovore-na-dodatna-pitanja-evropske-komisije/190224091>.

<sup>18</sup> 'Podrška građana BiH ulasku u Evropsku uniju porasla za 20 posto', 4 July 2019, available at <https://www.klix.ba/vijesti/bih/podrška-građana-bih-ulasku-u-evropsku-uniju-porasla-za-20-posto/190704099>.

<sup>19</sup> 'BiH i region na čekanju: Brisel razmišlja da odloži objavljivanje paketa o proširenju EU', 24 May 2019, available at <https://www.klix.ba/vijesti/eu-integracije/bih-i-region-na-čekanju-brisel-razmišlja-da-odlozi-objavljivanje-paketa-o-proširenju-eu/190524093>.

Nevertheless, the Package was presented on 29 May and included the Opinion on Bosnia and Herzegovina<sup>20</sup> and the Analytical Report.<sup>21</sup> In his brief presentation, Hahn<sup>22</sup> stated that instability cannot be imported to the EU, and that the region has to work on regional cooperation and reconciliation, thereby improving the standard of living in the Western Balkans. He gave clear recommendations for the opening of negotiations with Albania and North Macedonia. As for dialogue between Belgrade and Pristina, it was recommended that provocations be avoided, and that taxes on BiH and Serbia be abolished. Concerning Bosnia and Herzegovina, Han said, 'The Opinion shows that the EU is dedicated to its support plan, but BiH has to take further steps. Meaning, reforms have to be implemented at all levels, without any delay'. European Parliament Rapporteur for BiH Cristian Dan Preda added that 'the ball is now with the representatives of the BiH Government'. However, he mistakenly stated that BiH had received positive marks on its candidacy status, which was interpreted by the BiH media as a final decision, and used as spin by the ruling political elites. The wake-up call came only after the Opinion was read in BiH, and the 14 priorities were brought to the attention of local political leaders. Even bigger shocks for the government were the precise and detailed findings from the Analytical Report.

A month after the Opinion was presented, the EU Delegation held a discussion with representatives of civil society, academia and the business community to address the findings of the Analytical Report and the 14 priorities from the Opinion. The conclusion<sup>23</sup> was that Bosnia and Herzegovina is not yet ready for EU membership, while a number of reforms still lie ahead in almost all areas covered by the accession process. The Opinion clearly stated that BiH has not reached what could be considered good preparedness or a high level of preparedness in almost all areas of the EU acquis. Also, it was highlighted that this is the first such comprehensive report on BiH made by the Commission, but it is simply stating the facts that have already been known for a long time, and provides an approximation of where the EU acquis must be applied. In brief, the same problems that have been known for years were identified again, and, unfortunately, after 19 years

of negotiations with the EU, the approximation process is still in its early stages.

Edin Dilberović, Director of DEI, said that 'certain priorities from the Analytical Report show that the EU integration process is a "moving target"'.<sup>24</sup> He also stated that the Opinion and the Analytical Report should be guidelines, or a road map, for BiH politics and institutions, since the Commission's progress report and the Council's decision will focus on the priorities stated in the Opinion. Therefore, DEI will initiate the drafting of an Action Plan in order to define measures that address the 115 requirements in the Analytical Report.

An unexpected development was the Polish initiative with a non-paper that reconfirmed EU enlargement in the Western Balkans as a credible option, and received support from 13 member states from Central and Eastern Europe. This non-paper was to be adopted at a ministerial meeting as a Joint Declaration of EU Foreign Ministers on 18 June 2019.<sup>25</sup> Nevertheless, the EU General Affairs Council discussed the Enlargement Package and issued a press release stating:

'The Council will continue to assess the European Commission's Opinion on the BiH application and will come back to it later this year. The Council encourages BiH to continue with the formation of a government without further delay for the purpose of the continuation of necessary reforms. Party politics and an unwillingness to compromise shouldn't block the legitimate EU aspirations of BiH citizens.'<sup>26</sup>

During his visit to Sarajevo, Miroslav Lajčák, Slovak Minister of Foreign Affairs and Chairman of the OSCE, highlighted that 'Bosnia and Herzegovina has to do its job. No one will do your job for you. The international community is not here today to force you into something that your elected MPs and ministers should do... , but it has a strong presence here to assist'. He also stated that:

'Bosnia and Herzegovina was not a major part of the discussion at the recent European Council meeting in Luxembourg because all the attention was focused on North Macedonia and Albania... This is not good, for sure, because it means that there has been no progress, and that the EU is waiting for BiH to do its part. There are 14 precise points in the Commission's Opinion, and it would be very good to start with the implementation of those requirements'.<sup>27</sup>

<sup>20</sup> 'Danas izvještaj o napretku BiH na putu ka Evropskoj uniji', 29 May 2019, available at <https://www.klix.ba/vijesti/eu-integracije/danas-izvjestaj-o-napretku-bih-na-putu-ka-evropskoj-uniji/190529011>.

<sup>21</sup> Commission's Staff Working Document. Analytical Report accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union. COM(2019) 261 final. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-opinion.pdf>

<sup>22</sup> 'Johannes Hahn: Bosna i Hercegovina mora bez odgađanja sprovesti reforme', 29 May 2019, available at <https://www.klix.ba/vijesti/bih/johannes-hahn-bosna-i-hercegovina-mora-bez-odgadjanja-sprovesti-reforme/190529059>.

<sup>23</sup> 'BiH ni po čemu nije spremna da postane članica Evropske unije', 25 June 2019, available at <https://www.klix.ba/vijesti/eu-integracije/bih-ni-po-cemu-nije-spremna-da-postane-clanica-evropske-unije/190625086>.

<sup>24</sup> Interview with Mr. Edin Dilberović, Director of DEI. 'U pristupu integracijama ima neodgovornih', *Oslobođenje*, 5 June 2019, p. 7.

<sup>25</sup> 'Bosna i Hercegovina mora uraditi domaći zadatak', *Oslobođenje*, 8 June 2019, pp. 2-3.

<sup>26</sup> 'O BiH krajem godine', *Oslobođenje*, 19 June 2019, p. 3.

<sup>27</sup> Interview with Mr. Miroslav Lajčák, 'Imamo formulu za deblokadu vlasti', *Oslobođenje*, 21 June 2019, p. 2.

There has been overwhelming pessimism and scepticism among local professional commentators. Immediately following the European elections, an experienced former diplomat, Hajrudin Somun, wrote that it is too early to celebrate in Europe.<sup>28</sup> Professor Slavo Kukić believes that BiH politicians will not fulfil any of the 14 conditions 'because the real changes in BiH society that could create a European society from BiH do not fit their interests'. Also, analyst Žarko Papić warns that, in the future, when BiH forms a government it should be careful to avoid a situation where 'the internal political conflict and clash within RS from 2014 becomes a conflict between RS institutions and BiH institutions'.<sup>29</sup> After the names for the highest positions in the EU were put forth, some former diplomats and analysts expressed hope that it is a good sign that this is the end of bureaucratic management from Brussels.<sup>30</sup> Former director of the Directorate for European Integration of BiH, diplomat and current President of the Pan-European Union for BiH, Osman Topčagić, said that disagreements within the EU should not be used by BiH to avoid doing its homework. He also stated that:

'It will be very important to see what is going to happen with the proposal that negotiations be opened with North Macedonia and Albania, and we'll know that in October. But if the EU neglects this region, then it will lose its own credibility and position, not only here, but in the whole world. If the Union is not able to achieve development in its own backyard, then what can the EU expect to do on the world stage'.<sup>31</sup>

Divergent views are coming from the BiH Government. Member of the BiH Presidency Željko Komšić said that 'by publishing the European Commission's Opinion, the politics in BiH faced total defeat',<sup>32</sup> while Prime Minister Zvezdić welcomed the Commission's Opinion, saying that 'it is a clear sign of the European perspective on BiH'.<sup>33</sup> Foreign Trade Minister Mirko Šarović admits that 'there are questions that we successfully elaborated upon and answered in this reform process, and also those where we have experienced a serious setback'.<sup>34</sup> Foreign Minister

Crnadak stated that 'such an opinion of and recommendations for BiH were to be expected'.<sup>35</sup> Aside from using the Opinion as spin to show the success of the government, or using parts of it to attack political counterparts for daily political purposes, there were no significant or in-depth comments made by political parties in BiH.

The Commission's Opinion on BiH comes with many requirements, but many informed analysts and politicians who have been active over the past 20 years see nothing new or unexpected. Rather, it states all the inefficiencies, irrational political and institutional solutions, and systemic problems that exist in a number of areas, which any serious and normal state striving for EU membership would have resolved ten years ago. It is a realistic report that presents the situation as it is. For the first time, it has all been put on paper. Everything that hundreds of analyses, strategies, monitoring reports and position papers on BiH have been pointing to for two decades, urging local political elites to wake up. However, the 'political spin' seen in the BiH media portrayed the country as having received a positive report, one that was well deserved, and that BiH is practically a candidate for EU membership.<sup>36</sup> It took a few days for political analysts to demystify the document and messages, and to present the real picture.<sup>37</sup> Afterwards, the media wrote that the Opinion is a reminder of our dismal reality, the EU dismissed BiH with ten failing grades, BiH is far from Brussels' doors, the Opinion comes with conditions, and there is no recommendation for candidacy status.<sup>38</sup>

Former German Ambassador to BiH Christiane Hohmann sent a clear message: "Pure promises are not enough for EU membership. Elected officials have to form a government,

<sup>28</sup> Hajrudin Somun, 'Prerano radovanje Evrope', *Oslobođenje*, 31 May 2019.

<sup>29</sup> 'Mogu li bh. vlasti uraditi zadaću?', *Oslobođenje*, 31 May 2019.

<sup>30</sup> 'EU će odluke provoditi bez straha', *Oslobođenje*, 4 July 2019. p. 2.

<sup>31</sup> 'Podjele u EU ne smiju biti izgovor da ne radimo zadaću', 7 July 2019, available at <https://avaz.ba/bih/eu-bih/500315/podjele-u-eu-ne-smiju-biti-izgovor-da-ne-radimo-zadacu>.

<sup>32</sup> 'Komšić: Objavlivanjem mišljenja Evropske komisije politika doživela kompletan poraz', 30 May 2019, available at <https://www.blic.rs/vesti/republika-srpska/komsic-objavlivanjem-misljenja-evropsk-komisije-politika-dozivela-kompletan-poraz/hf0rddk>.

<sup>33</sup> 'Zvezdić pozdravio Mišljene o BiH', 29 May 2019, available at <https://www.dnevni-list.ba/zvezdic-pozdravio-misljene-o-bih/>.

<sup>34</sup> 'Šarović: Postoje pitanja na koja smo uspješno odgovorili, ali i ona gdje smo u ozbiljnom zaostatku', 29 May 2019, available at <https://avaz.ba/bih/eu-bih/489819/sarovic-postoje-pitanja-na-koja-smo-uspjesno-odgovorili-ali-i-ona-gdje-smo-u-ozbiljnom-zaostatku>.

<sup>35</sup> 'Crnadak: Mišljenje i preporuke Evropske komisije za BiH su očekivani', 31 May 2019, available at <https://www.blic.rs/vesti/republika-srpska/crnadak-misljenje-i-preporuke-evropske-komisije-za-bih-su-ocekivani/7x1f955>.

<sup>36</sup> 'Mišljenje EK pozitivno uz uslove; BiH je dobila pozitivan stav iz Bruxellesa; Potvrđena je evropska perspektiva BiH; Čeka nas trnovit put provođenja reformi', *Oslobođenje*, 30 May 2019, pp. 1-3; also 'Rukovodstvu NS RS uručeno pozitivno mišljenje EK', available at <https://www.nezavisne.com/novosti/bih/Rukovodstvu-Narodne-skupstine-RS-uruceno-pozitivno-misljenje-Evropske-komisije/540934>, or 'Rukovodstvu Parlamenta uručeno pozitivno mišljenje Evropske komisije', 29 May 2019, available at <https://www.glassrpske.com/lat/drustvo/vijesti/Rukovodstvu-Parlamenta-uruceno-pozitivno-misljenje-Evropske-komisije/285275>.

<sup>37</sup> Analiziraj.Ba. Media Watchdog. BHT1 i FTV: 'Pozitivno mišljenje Evropske komisije i druge bajke', 4 June 2019, available at <https://analiziraj.ba/2019/06/04/bht1-i-ftv-pozitivno-misljenje-evropske-komisije-i-druge-bajke/>.

<sup>38</sup> 'EU/Mišljenje Evropske komisije o BiH podsjetnik je na našu sumornu stvarnost', 30 May 2019, available at <https://www.radiosarajevo.ba/vijesti/euphoria/misljenje-evropske-komisije-o-bih-kao-podsjetnik-na-sumornu-stvarnost/338780>; 'EU oborila BiH sa deset jedinica', 22 June 2019, available at [https://www.glassrpske.com/lat/novosti/vijesti\\_dana/EU-oborila-BiH-sa-deset-jedinica/286849](https://www.glassrpske.com/lat/novosti/vijesti_dana/EU-oborila-BiH-sa-deset-jedinica/286849); 'BiH još daleko od briselskih vrata', available at [https://www.glassrpske.com/lat/novosti/vijesti\\_dana/bih-jos-daleko-od-briselskih-vrata/285312](https://www.glassrpske.com/lat/novosti/vijesti_dana/bih-jos-daleko-od-briselskih-vrata/285312); 'Pozitivno mišljenje EK nije dovoljno: Ovo su uvjeti koje BiH mora ispuniti', available at <https://avaz.ba/bih/eu-bih/489731/pozitivno-misljenje-ek-nije-dovoljno-ovo-su-uvjeti-koje-bih-mora-ispuniti>; 'Komisija objavila mišljenje o BiH bez preporuke za kandidatski status', available at <https://www.vecernji.hr/.../komisija-objavila-misljenje-o-bih-bez-pr...>

and the judiciary has to resolve corruption and financial crime cases'.<sup>39</sup>

At the summit organised in Poznan as part of the Berlin Process, Bosnia and Herzegovina got approval for a 96.8 million euro grant from the Western Balkan Investment Framework (WBI) for transportation infrastructure projects, which will cost a total of 433.39 million euros. German Chancellor Angela Merkel gave a promising statement, 'We shall not give up on EU enlargement'.<sup>40</sup> She elaborated that French President Emmanuel Macron is right in saying that managing the bloc (EU) should be simplified. However, Merkel's opinion is that the enlargement process for Balkan countries that want to become members has been going on long enough, and that those two goals should not necessarily contradict one another. 'I share the view of President Macron that working mechanisms in the EU should be improved. I don't see that as giving up on accession negotiations for future membership', Merkel said. Also, EU HRVP Federica Mogherini highlighted the following:

'Our cooperation with the Western Balkans is a priority. Today, all six partners from the Western Balkans are closer to the European Union than when we started our mandate almost five years ago. The European perspective remains a driving force for changes in the region. Regional cooperation, good neighbourly relations and reconciliation are key factors in the EU's support for the integration of the Western Balkans into the EU'.<sup>41</sup>

Johannes Hahn, European Commissioner for Neighbourhood Policy and Enlargement said that 'EU programmes will bring tangible benefits to the people of the Western Balkans, and represent another cornerstone in our even closer relations with that region'.<sup>42</sup> UK Foreign Minister Alan Duncan said, 'I believe in the future of this summit, but I believe even more in the future of the Balkans'.<sup>43</sup>

Hungarian Prime Minister Victor Orban offered his support for BiH's European integration process when Chairman of the BiH Presidency Mr. Milorad Dodik visited him in Budapest, as did Czech Foreign Minister Tomáš Petříček during his visit to Sarajevo.

Bosnia and Herzegovina received some important news in mid-July. It was again proposed that Commissioner Johannes Hahn continue with the EU enlargement project. Austrian President Alexander Van der Bellen said he hopes that Hahn can work with von der Leyen 'on the

improvement of our European project'.<sup>44</sup> At the same time, von der Leyen was addressing exclusively internal European issues. She said, 'In Central and Eastern European states, many have the feeling that they are not fully accepted'.<sup>45</sup> Ms. von der Leyen also stressed that different levels of integration with Europe would only bring new divisions within the EU.<sup>46</sup>

An assessment of the messages from the EU after the European elections indicates that BiH can neither expect nor hope for any significant change. The BiH government has the homework it has received via the Opinion and the Analytical Report. It has been clearly stated that the ball is in BiH's court. The door is open, but with certain conditions that must be fulfilled. Until then, the EU will continue to deal with its own internal problems and try to consolidate, because a 'Team of Convinced Europeans' has been elected to do just that, plus Hahn's mandate has been extended so that he may continue with the current enlargement policy, but perhaps with even less political involvement in BiH's internal disputes. Unfortunately, the assessment of BiH's understanding of the process also reflects the status quo.

## MONTENEGRO

President of Montenegro Milo Đukanović expressed his hope that 'the EU, while constituting new European institutions, will continue to give the necessary attention and continue the enlargement process to integrate countries of the Western Balkans into the EU'.<sup>47</sup>

Also, at the 2BS Forum in Budva, Đukanović clearly shared his reasoning: 'The states in the region have to come back to their European house by adopting a European system of values. If the EU does not recognise the Balkan issue, then the room for strategic political manipulations will be recognised by others'.<sup>48</sup>

The conference, The Western Balkans and the EU: Democratic Consolidation Through the Fulfilment of Political Criteria, which was held at the Parliament of Montenegro, gathered MPs from the region. The conclusion of the conference was that 'the stability of the Western Balkans depends on external factors, predominantly the EU. If the Union were to accept all of the states in the region as members, many problems would be resolved'.<sup>49</sup>

<sup>39</sup> Interview with H.E. Christiane Hohmann, German Ambassador to BiH, 'Puka obećanja nisu dovoljna za ulazak u EU', *Oslobođenje*, 8 July 2019, pp. 2-3

<sup>40</sup> 'Nećemo odustati od proširenja EU', *Oslobođenje*, 6 July 2019.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> 'Hahn ponovo nominiran za evropskog komesara za proširenje', *Oslobođenje*, 20 July 2019.

<sup>45</sup> Ibid.

<sup>46</sup> 'Različiti stepeni integracije nose podjele EU', *Oslobođenje*, 21 July 2019.

<sup>47</sup> 'Nastaviti širenje EU', *Oslobođenje*, 5 July 2019, p. 15.

<sup>48</sup> 'EU nije potpuna bez Zapadnog Balkana', *Oslobođenje*, 2 June 2019, p. 9.

<sup>49</sup> 'Prijem u EU rješava mnoge probleme', *Oslobođenje*, 31 May 2019, p. 15.

At the same time, a public opinion poll conducted by the Centre for Democratic Transition (CEDEM) has shown that the trust citizens of Montenegro have in the EU has decreased by more than 5%, compared to the previous year.<sup>50</sup> Nevertheless, Montenegro had hoped that with its policy of being a good pupil and its 650,000 citizens, the EU would find it easy to swallow, therefore, it was expecting to take the next step forward. Now this is questionable, given the wider regional issues and internal EU priorities.

## NORTH MACEDONIA

Before the Ministerial Council convened in Luxembourg on 18 June, North Macedonia had been hoping for a green light to commence membership negotiations and to be confirmed by the European Council a few days after that. However, neither the Polish initiative with the 13 other member states, nor the public support shown by Donald Tusk, President of the European Council, could do anything to help. France, Germany and the Netherlands opposed an express decision. This happened regardless of the historical agreement with Greece over the name issue.<sup>51</sup>

Prime Minister of North Macedonia Zoran Zaev expressed his expectation that the EU would keep its promise and give clear support for membership negotiations to begin with North Macedonia. In his opinion, the EU reforms can coincide with the accession process for the Western Balkan states. He elaborated with the following:

‘Such a decision will confirm EU credibility in the region and that will be a message for candidate states to continue with the reforms that meet EU standards, as well as encouragement for politics that will bring prosperity, democracy and stability to the region’.

He concluded by saying that dedication to enlargement will confirm that the region is of strategic interest to the EU.<sup>52</sup> Zaev, his SDSM Party, as well as the governing coalition put their credibility on the line and played their cards right. They won the election on a non-nationalist platform, stabilised the political situation in the country, made a political deal with the Albanian minority, introduced the Albanian language as a second official language, changed the name of the country, changed the constitution, changed the names of public places so that they were named after ancient heroes, held a presidential election and won. These were all heroic moves, whereby the leadership of North Macedonia proved itself ready to sacrifice its own political future while doing all that was required by the EU. And yet, it was left standing at the door because of very incorrect reasoning on the part of the European Council. If there was one country from the Western Balkans that

deserved, at least, to begin open negotiations with the EU, it was North Macedonia. The consequences of such an EU decision have yet to be seen, not only in North Macedonia, but in the entire region.

## ALBANIA

Albania had also hoped for a green light. However, due to high tensions, a number of member states raised objections over corruption, money laundering and the overall democratic environment. Transparency International indexed Albania as one of the most corrupt states in Europe, despite being a NATO member.<sup>53</sup>

The initiative to create a joint foreign policy and coordinate external actions between Albania and Kosovo was not welcomed by the EU, as it was trying to find a solution to encourage dialogue between Serbia and Kosovo. The situation during the local elections that were held on 30 June did not help the Albanian case, either. A number of opposition protests, the main opposition party's decision to boycott the elections, and a decree signed by Albanian President Ilir Meta three weeks before the elections, which called for the annulment of the June elections and for them to be postponed until October, all resulted in only a 21.6% turnout, since the presidential decree was not implemented by Prime Minister Edi Rama, but was overruled in Parliament, where Rama holds a critical majority.<sup>54</sup>

Such developments created a negative perception of Albania within the EU at a critical moment. Undermining the democratic capacity of Albanian institutions for the sake of local political disputes cost Albania a lot this time.

## SERBIA

So far, Serbia has opened 16 of its 35 chapters. However, the Kosovo issue remains a key obstacle in further development of relations with the EU. Therefore, a number of analysts are asking whether dialogue between the EU and Serbia constitutes negotiations or bargaining.<sup>55</sup> At the beginning of July, Serbia opened a new chapter, number 9, and received a pre-accession grant of 179 million euros (62 million for environment protection, 40 million for entrepreneurship and innovation, and 20 million for social housing).<sup>56</sup>

Another form of political support to Serbia came with the official visit of French President Macron to Belgrade, where he had to account for his position that there should be no further enlargement until the EU reforms itself, while also announcing the return of the French investment agency to

<sup>50</sup> ‘Sve manje vjeruju EU’, *Oslobođenje*, 19 July 2019.

<sup>51</sup> ‘Sjeverna Makedonija na dobrom putu’, *Oslobođenje*, 16 June 2019, p. 9.

<sup>52</sup> ‘Očekuju da EU održi obećanje za pregovore’, *Oslobođenje*, 7 July 2019, p. 8.

<sup>53</sup> ‘Sjeverna Makedonija na dobrom putu’, *Oslobođenje*, 16 June 2019, p. 9.

<sup>54</sup> ‘Rama: Niko ne može da se poigrava sa narodom’, *Oslobođenje*, 1 July 2019, p. 9.

<sup>55</sup> ‘EU i Srbija: Pregovori ili cjenkanje’, *Oslobođenje*, 11 June 2019.

<sup>56</sup> ‘Srbija otvara jedno ali zlata vrijedno poglavlje’, *Oslobođenje*, 30 June 2019, p. 9.

Serbia.<sup>57</sup> During his visit, Macron said that ‘there is no date for Serbia, but, just as Serbia has to implement its own reforms, the EU has to reform itself to be ready to accept Serbia’. His view on dialogue with Kosovo is that the EU’s ‘responsibility is to give you support to find a solution and maintain stability in the region’.<sup>58</sup> Some analysts from Serbia summarised Macron’s message as: forget about 2025 as a date for EU accession, find a compromise with Pristina, don’t neglect reforms, forget about conflicts with neighbours, and count on French support. He elaborated by saying that ‘whoever believes in Europe cannot accept the fatality of conflicts that will last indefinitely in Europe, and the idea that some forces outside of Europe could direct those conflicts. As a matter of fact, our engagement is a sign of European sovereignty’.<sup>59</sup>

The EU’s image following elections, and the nomination of new names for the highest EU positions was rather promising. It is seen as the end of a bureaucratised EU government in Brussels<sup>60</sup> along with the anticipation of promising new leaders for a new Europe.

Serbian President Vučić summarised Serbia’s mid-term chances, saying that, ‘it’s a difficult climate for enlargement, progress does not depend only on us’. But he also acknowledged that it looks like the EU ‘did not follow the economic progress of Serbia well, and they did not notice the amount of progress that has been achieved’.<sup>61</sup>

## KOSOVO

While commenting on the Commission’s Progress Report for Kosovo, Minister of European Integration Dhurata Hoxha said, ‘the Report confirms that the Government of Kosovo has shown dedication to the implementation of some key priorities in European reforms, especially legislative reforms in the areas of rule of law and public service’.<sup>62</sup>

Also, at the 2BS Forum in Budva, Hashim Thaçi expressed his view that ‘we have never had a better opportunity to “close” all open questions than now. Therefore, the EU should be more prepared to accept us faster. The EU will never be complete without the Western Balkan countries’.<sup>63</sup> Later on, he expressed his disappointment with

the Council’s conclusions: ‘We are not to blame for the internal problems of the EU, nor do we represent a risk for the EU. Accordingly, we cannot be held responsible for the EU’s diminished role in the region, and for its continued lack of success in Kosovo’.<sup>64</sup>

A strategic geopolitical struggle ensued over the proposal, as supported by Thaçi and opposed by Prime Minister Haradinaj, of having Serbia and Kosovo exchange territory. At the conference held in Belgrade, Global Actors in the Western Balkans, it was concluded that neither the movement of borders nor a frozen conflict can be a solution. In the end, it seems no one actually can see a solution that would not undermine peace and stability in the region.<sup>65</sup>

Kosovo had hoped for an easing in the restriction of the free movement of people, which, to be honest, is their biggest problem. Kosovo has an especially irrational and difficult visa regime with BiH. Nevertheless, it was difficult for Kosovo to expect anything from the EU while it undermines CEFTA (by introducing taxes on goods), and hinders European attempts to facilitate further dialogue with Serbia (by moving to create a common foreign policy with Albania); not to mention, creating a diplomatic scandal for President Macron, one of the most influential members of the European Council, who is very sceptical about enlargement, anyway.

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So, don’t kill the messenger! What the EU is saying is that the countries of the Western Balkans need to fulfil the Copenhagen criteria, since none of them meet these criteria today. During negotiations, accession candidates must give the utmost priority to the rule of law, justice and fundamental rights in order to meet all of the conditions for membership, while strengthening Western Balkan democracies. To achieve that it is necessary to make comprehensive and convincing reforms, most notably in areas concerning the rule of law, competitiveness, regional cooperation and reconciliation. It is a key requirement, since instability cannot be imported into the EU. Therefore, it must work on regional cooperation and reconciliation, thereby improving the standard of living in the Western Balkans and avoiding provocations, such as taxing CEFTA signatories. As for the EU, it is dedicated to supporting this plan, but the political elites in the region need to take further steps. Reforms must be implemented at all levels, without further delay. Party politics and an unwillingness to compromise shouldn’t block the legitimate aspirations of the people, since promises alone are not enough for EU membership. The international community will not force you into doing something that your elected MPs and ministers should do. Until such a social and political environment is created within the region, the EU will work on reforming itself to be ready to accept you. The EU shall not give up on EU enlargement, and our cooperation with the

57 ‘Macron u Beograd, Francuska na Balkan’, *Oslobođenje*, 12 July 2019, p. 14.

58 ‘Povratak Francuske na Balkan’, *Oslobođenje*, 16 July 2019, p. 11.

59 ‘Srbija treba zaboraviti na 2025. kao datum za EU’, *Oslobođenje*, 17 July 2019, p. 11.

60 ‘Boško Jakšić, Novi lideri za novu Evropu. Može li to EU?’, *Oslobođenje*, 21 June 2019, p. 12.

61 ‘VUČIĆ O IZVEŠTAJU EK: Klima za proširenje EU je jako teška, napredak ne zavisi samo od nas’, 10 June 2019, available at <https://www.blic.rs/vesti/politika/vucic-o-izvestaju-ek-klima-za-prosirenje-eu-je-jako-teska-napredak-ne-zavisi-samo-od/hc5r1yk>.

62 ‘Rad za dobro građana’, *Oslobođenje*, 31 May 2019, p. 15.

63 ‘EU nije potpuna bez Zapadnog Balkana’, *Oslobođenje*, 2 June 2019, p. 9.

64 ‘Thaci razočaran’, *Oslobođenje*, 20 June 2019.

65 ‘Opasna razmjena teritorija’, *Oslobođenje*, 18 June 2019.

Western Balkans is a priority, because the EU programmes will bring tangible benefits to the people of the Western Balkans.

What the EU can hear from the region is that the integration process is a 'moving target' under bureaucratic management from Brussels, which should be ended. Difficult reforms lie ahead for the region, but the EU should continue to give its attention and continue the enlargement process by integrating the countries of the Western Balkans into the EU. The states in the region have to return to their European house by adopting a European system of values. If the EU does not recognise the Balkan issue, then the room for strategic political manipulations will be recognised by others. The stability of the Western Balkans depends on external actors, predominantly the EU. If the EU were to accept all the states in the region as members, many problems would be resolved. The EU could reassert its credibility in the region, and this would serve as a message for candidate states to continue with the reforms needed in meeting EU standards, as well as encouragement for politics that will bring prosperity, democracy and stability to the region. We have never had a better opportunity to "close" all open questions than now, but there's a difficult climate around enlargement, and the progress that may be made does not depend on us alone. Therefore, the EU should be more prepared to accept the Western Balkans sooner, because it will never be complete without these countries. We are not to blame for the EU's internal problems, nor do we represent a risk for the EU. Serbia is asking whether its dialogue with the EU constitutes negotiations or bargaining. The Government of Kosovo believes that it has been dedicated to the implementation of some key priorities needed for European reforms, but refuses to be held responsible for the EU's diminished role in the region, and for its continued lack of success in Kosovo. Political elites in Bosnia and Herzegovina believe that the European Commission's Opinion about BiH is positive, that it comes with some minor conditions and that Brussels has a favourable opinion about its membership request. Therefore, the European perspective on BiH has been reconfirmed.

In assessing the messages that have been exchanged between the EU and the Western Balkans over the past few months, one could say that there seems to be a huge jam in the communication channels. Unfortunately, some actors have been left with a bitter taste in their mouths, especially because the EU's failure to open negotiations with North Macedonia will likely be an excuse for all the other countries to continue to avoid what must be done with their respective reform processes. If a different decision had been made concerning North Macedonia, perhaps the messages from the EU would have been interpreted differently throughout the region.

## 4

## GREAT EXPECTATIONS VS HIGH HOPES

At the time of writing this analysis, ten months have passed since the elections; the BiH Parliament is formed, but it is still unknown who has a Parliamentary majority at the national level. Members of the new Council of Ministers of BiH have not been selected. The Government of the Federation of BiH has continued with its technical mandate since elections, while the Parliament of the Federation of BiH is not yet fully formed. On 5 August, 2019, political leaders from SNSD, SDA and HDZ signed an agreement (which was set to expire 30 days from that date) on the principles of the formation of a parliamentary majority in BiH. However, the adoption of the Annual National Plan (ANP) for MAP/NATO by the Presidency of BiH resulted in a dispute. Therefore, two sessions of the BiH Presidency were cancelled on 20 August. One was for the adoption of the ANP, and the other was to appoint a Chairman of the Council of Ministers of BiH. The new president and two vice-presidents of the Federation of BiH haven't been elected by this entity's parliament. At least three possible coalitions have been formed or broken, or else remain somewhere up in the air. The National Assembly of RS and the Government of RS are fully constituted and functioning due to the entity's simple centralist constitution and rather clear election results. Some long-term coalition partners remain, but there are also some new ones. Governments have been formed at the cantonal level: Sarajevo, Goražde, Zenica-Doboj, Central Bosnia, Posavina, Western Herzegovina and Una-Sana. The Tuzla Canton has only recently formed a government, while the formation of governments in Herzegovina-Neretva Canton and Canton 10-Livno are still pending.

Unfortunately, there is no sign that these different levels have a synergic capacity to take the lead in the European integration process and devote energy and political capacity to the process. Also, regrettably, the political discourse in Bosnia and Herzegovina shows that there seems to be no willingness to shift the political narrative towards more pragmatic issues.

Only the Directorate for European Integration of BiH (DEI) identified the Commission's Opinion and the Analytical Report as the road map for BiH politics and institutions, since the Council will be focused on the priorities contained within the Opinion, which will be used for assessing further decisions about BiH. Therefore, DEI announced a

drafting of an action plan that defines measures that must be taken to address the 115 requirements of the Analytical Report. This was the only concrete idea regarding EU requirements to be submitted. According to the media, the official Information released by DEI to the Council of Ministers and the Parliamentary Assembly of BiH states that, regarding EU requirements, BiH has been at a total standstill since September 2018.<sup>66</sup>

The easiest question to answer is: What does Brussels expect from BiH? The Commission's Opinion<sup>67</sup> clearly defined 14 priorities that the EU expects BiH to address over the coming period:

'Bosnia and Herzegovina will need to fundamentally improve its legislative and institutional framework to ensure it meets the following key priorities:

### DEMOCRACY/FUNCTIONALITY

1. Ensure that elections are conducted in line with European standards by implementing OSCE/ODIHR and relevant Venice Commission recommendations, ensuring transparency of political party financing, and holding municipal elections in Mostar.
2. Ensure a track record in the functioning at all levels of the coordination mechanism on EU matters including by developing and adopting a national programme for the adoption of the EU acquis.
3. Ensure the proper functioning of the Stabilisation and Association Parliamentary Committee.
4. Fundamentally improve the institutional framework, including at constitutional level, in order to:

<sup>66</sup> 'BiH se od septembra 2018 nalazi u totalnom zastoju u ispunjavanju uvjeta EU', available at <https://www.klix.ba/vijesti/bih/bih-se-od-septembra-2018-nalazi-u-totalnom-zastoju-u-ispunjavanju-uvjeta-za-eu/190822020> (accessed on 23 August 2019).

<sup>67</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union. Brussels, 29.5.2019. COM(2019) 261 final, pp. 14-16.

- a) Ensure legal certainty on the distribution of competences across levels of government;
  - b) Introduce a substitution clause to allow the State upon accession to temporarily exercise competences of other levels of government to prevent and remedy breaches of EU law;
  - c) Guarantee the independence of the judiciary, including its self-governance institution (HJPC);
  - d) Reform the Constitutional Court, including addressing the issue of international judges, and ensure enforcement of its decisions;
  - e) Guarantee legal certainty, including by establishing a judicial body entrusted with ensuring the consistent interpretation of the law throughout Bosnia and Herzegovina;
  - f) Ensure equality and non-discrimination of citizens, notably by addressing the Sejdić-Finci ECtHR case law;
  - g) Ensure that all administrative bodies entrusted with implementing the *acquis* are based only upon professionalism and eliminate veto rights in their decision-making, in compliance with the *acquis*.
5. Take concrete steps to promote an environment conducive to reconciliation in order to overcome the legacies of the war.

## RULE OF LAW

6. Improve the functioning of the judiciary by adopting new legislation on the High Judicial and Prosecutorial Council and of the Courts of Bosnia and Herzegovina in line with European standards.
7. Strengthen the prevention and fight against corruption and organised crime, including money laundering and terrorism, notably by:
- a) Adopting and implementing legislation on conflict of interest and whistle-blowers' protection;
  - b) Ensuring the effective functioning and coordination of anti-corruption bodies;
  - c) Aligning legislation and strengthen capacities on public procurement;
  - d) Ensuring effective cooperation among law enforcement bodies and with prosecutors' offices;
  - e) Demonstrating progress that has been made towards establishing a track record of proactive investigations, confirmed indictments, prosecutions

and final convictions against organised crime and corruption, including at high-level;

- f) Depoliticising and restructuring public enterprises and ensuring transparency of privatisation processes.
8. Ensuring effective coordination, at all levels, of border management and migration management capacity, as well as ensuring the functioning of the asylum system.

## FUNDAMENTAL RIGHTS

9. Strengthen the protection of the rights of all citizens, notably by ensuring the implementation of the legislation on non-discrimination and on gender equality.
10. Ensure the right to life and prohibition of torture, notably by (a) abolishing the reference to death penalty in the Constitution of the Republika Srpska entity and (b) designate a national preventive mechanism against torture and ill-treatment.
11. Ensure an enabling environment for civil society, notably by upholding European standards on freedom of association and freedom of assembly.
12. Guarantee freedom of expression and of the media and the protection of journalists, notably by (a) ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and (b) ensuring the financial sustainability of the public broadcasting system.
13. Improve the protection and inclusion of vulnerable groups, in particular persons with disabilities, children, LGBTI persons, members of the Roma community, detainees, migrants and asylum seekers, as well as displaced persons and refugees in line with the objective of closure of Annex VII of the Dayton Peace Agreement.

## PUBLIC ADMINISTRATION REFORM

14. Complete essential steps in public administration reform towards improving the overall functioning of the public administration by ensuring a professional and depoliticised civil service and a coordinated country-wide approach to policy making'.

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Until the above have been addressed and resolved, the EU funds<sup>68</sup> that provide support for infrastructure projects,

<sup>68</sup> In total, more than 180 million euros for 2019 and 2020; 96.8 million euros for the 5C Corridor highway; 14.8 million euros in support to refugees and migrants; 3.5 million euros for three projects designed to fight organised crime and corruption; 900,000 euros for strengthening democracy and human rights, and other technical assistance projects funded by the EU, as forecasted for 2019, available at [https://europa.ba/?page\\_id=1090](https://europa.ba/?page_id=1090), (accessed 1 August 2019).

housing for displaced persons, the justice sector, business start-ups and civil society will be a consolation prize without resulting in candidacy status. Since the Opinion was published, no significant analysis of the required priorities has been conducted, nor has there been a willingness to address the 14 priorities. Željko Komšić did offer an analysis of requirements 1 and 4 (f), and gave a public statement.<sup>69</sup> Other political leaders either offered rather general statements or were silent on concrete priorities and the need to fulfil them. Dragan Čović, leader of HDZ BiH, said that he was more than satisfied with the Commission's Opinion.<sup>70</sup> SDA President Bakir Izetbegović said that the recommendations contained within the Commission's Opinion should be implemented gradually.<sup>71</sup> Member of the BiH Presidency Milorad Dodik said that the standstill is unnecessary, despite the consensus on BiH's EU integration.<sup>72</sup> So, reactions to the Opinion, were expected as well as its contents. For the key political leaders in BiH, the EU and Brussels are far away. At the moment, they welcome EU *funds*, but, as for EU *standards*, well, maybe one day!

<sup>69</sup> 'Komšić komentarisao preporuke Evropske komisije: Zaštita individualnih prava', 29 May 2019, available at <http://ba.n1info.com/Vijesti/a347323/Komsic-komentarisaopreporukeEvropskekomisijeZastita-individualnih-prava.html>.

<sup>70</sup> 'Dr. Čović: Zadovoljan sam mišljenjem Evropske komisije o kandidatskom statusu u Bosne i Hercegovine', 30 May 2019, available at <https://www.politika24.net/2019/05/30/dr-covic-zadovoljan-sam-misljenjem-evropske-komisije-o-kandidatskom-statusu-bosne-i-hercegovine/>.

<sup>71</sup> 'Izetbegović: Implementirati postepeno preporuke iz mišljenja Evropske komisije', 8 July 2019, available at <https://avaz.ba/Vijesti/bih/500554/izetbegovic-implementirati-postepeno-preporuke-iz-misljenja-evropske-komisije>.

<sup>72</sup> Dodik: 'Želimo put ka EU, ali imamo zastoje', 29 May 2019, available at <http://mondo.ba/a876167/Info/BiH/Dodik-Sanse-za-BiH-propustene.html>.

# 5

## FINAL RECOMMENDATIONS

Bosnia and Herzegovina needs to fundamentally improve its legislative and institutional framework to ensure that it meets the 14 key priorities set out in the Commission's Opinion. It should be the only political agenda for all political parties in BiH over the coming decade.

Political leaders need to carefully read the messages coming from Brussels and compare them with their own. They need to start telling people the truth, and stop with the rhetoric of the '90s.

The EU needs to keep its promises to those who have fulfilled political requirements, despite being under intense public scrutiny. It is also necessary for civil society to take an active role in presenting the truth about perspectives on EU integration. Only informed individuals can make informed choices about their future.



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**Davor Vuletić** has been actively engaged in foreign policy both practically and academically since 2001. He is one of the founders and the first director of a foreign policy think-tank Foreign Policy Initiative BH (FPI BH). He has worked as EC expert on the technical support projects on the transposition of the EU acquis in the field of market competition and state aid. He got an MA in European Studies in 2005 at the Centre for Interdisciplinary Post-graduate Studies with the University of Sarajevo and University of Bologna. He is currently writing his PhD in the field of the EU Law.

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