

READINESS FOR STABILIZATION AND CAPACITY FOR EU ASSOCIATION

*Institutional and Social Capacity
to Negotiate the SAA*

Recommendations

The articles, essays and analysis that appear in these pages do not represent any consensus of beliefs. We do not expect that readers will sympathize with all the sentiments they find here, for some of our authors will disagree with each other, but we do expect understanding for promotion of divergent ideas. We do not accept responsibility for the views expressed in any article, signed or unsigned, that appears in these pages. What we do accept is the responsibility for giving them a chance to appear.

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Dear readers,

The topic of our third FPI analysis is the readiness of BH society and the capacity of BiH institutions to proceed with the association process, generally known as 'European integration'. We chose this subject because of its topicality and importance for our readers and society as a whole. Though we had decided to undertake such an analysis as early as in June 2005, we decided to wait for a while. The actual official opening of the SAA negotiations on 25th November 2005 inspired us to look into the weaknesses with which we are embarking upon this process, the strengths of our preparations as well as the challenges that are forcing us to take the ownership of the process.

With this analysis we would like to draw a line under the results achieved so far in the integration process, identify negative elements, try to make a projection of future developments and to give proposals and recommendations that will, hopefully, be taken into consideration by those who will lead the process in the coming period. In doing so, we are to pay due attention to the analysis of the public support to the European integration process, to the real and declaratory commitment to the European path of BiH expressed by political parties, being the strongest real aggregators of their constituencies will, to the capacity of BH institutions and, in particular, to the relations and coordination among the Directorate for European Integration (DEI), Ministry for Foreign Affairs and Negotiating Team, in their dealings with the BiH Delegation for negotiations with the European Union.

We take this opportunity to thank all those who assisted our team in collecting reliable information and knowledge on the vision of negotiations held by the most responsible people in charge of the process. In the first place, our thanks go to Mr. Martin Raguz, the Chair of Foreign Affairs Committee of the BiH Parliamentary Assembly, who made it possible for our researchers to attend the Committee session on the "Information on Forming the Team for Negotiations in the BiH Stabilization and Association Process with the EU, future activities and obligations of the BiH PA (info provided by DEI)". The responsiveness of Mr. Osman Topcagic, Director of the Directorate for European Integration, was of great help, as well as a frank presentation of views on teams composition and the opening of a dialogue with civil society and experts as advisers to the negotiating teams, offered by Mr. Igor Davidovic, the BiH Chief Negotiator, and Mrs. Ana Trisic-Babic, Assistant to the Minister of Foreign Affairs in charge of bilateral relations and team leader for the II SAA Title on "Political Dialogue". And last but not least, our gratitude goes to Mr. Julijan Komsic, director of the BiH PULS Agency, for sharing with us the results of their five surveys conducted in 2005 and allowing us to use them and quote from them in this analysis.

We hope that in our analysis, criticism and recommendations, you will recognize our desire to contribute to an effective continuation of negotiations and preparation for further decisive steps to be taken by Bosnia and Herzegovina on its journey to the European Union.

Editorial board
Sarajevo, March 2006

A short overview

The issue of BiH performance in the SAA negotiations is not an issue of its preparedness on the organizational, expert or normative level, neither is it an issue of good negotiating techniques or skills, but first and foremost an internal, political issue. The success depends on whether BH authorities and State institutions will manage to keep pace with the negotiating process and to fulfil their commitments and conditions that they accept during negotiations. What also counts is whether the public at large understands correctly and supports the efforts of the State institutions. Public opinion polls, presented in this analysis, impose cautious approach. What causes concerns and fears about our readiness for stabilization and capacity for association are clear data showing that most of the respondents from any political spectrum are in favour of the EU membership, while at the same time the politicians they voted for are not working in favour of a functional State that would be able to accede the EU.

Without any pretension to offer essential conclusions, which are more sociological than political in their nature, it seems to us that either the respondents know nothing about the EU and its standards, or the politicians are playing games with their wishes. Whichever was true, harmonization of these interests is an important prerequisite for successful stabilization and association with the EU.

Equally interesting are the survey results showing the trend of growing voters' distrust in the political parties they brought to power, which in a way confirms the presence of a dangerous tendency of 'alienation' of political parties from their constituencies. In this way, the communication that lies behind any democracy is interrupted, without which it becomes difficult to build the crucial synergy between the will of the people and the actions taken by politicians on the implementation of the SAA priorities.

However, on the bright side of the coin we can see that BiH has experts and civil servants who know how to set the organizational structure and define its objectives. The experts gathered around the negotiating team should be given more manoeuvring space and independence in their work, and should be protected against any political pressures. They need to be protected in particular against such populist pressures that send wrong messages to the public, slowing down the process of painful alignment with the desired European standards.

There is a need for a continuous social dialogue, similar to the one maintained by Croatia through its National Forum on Accession to the European Union. Such an approach is applicable in BiH as well, but the mechanisms should be put in place to channel society interests to the negotiating process, directing it towards a positive outcome. At the operational level it would imply the introduction and institutionalization of the non-governmental sector positions into the negotiating structures. The concept of *non-*

governmental sector should be understood here in the broadest sense, as encompassing not only the so-called civil society but also the academia representatives, youth associations, pensioners, local communities, trade unions, etc. Considering that the Stabilization and Association Agreement in its nature is a trade agreement, it is very important to include in due time representatives of business communities in negotiations on its details. Such an institutional mechanism could consist of eight working groups as integral part of the BH negotiating structure, which should include, depending on the subject area of each of the groups, relevant representatives of non-governmental sector.

In politically sterile conditions for negotiations, the role of our country's chief negotiator would be to lead the negotiations, for which he undoubtedly possesses all necessary qualities. The function and essential role of BH institutions should be to work, or to prepare themselves to work for Brussels, which would melt nationalistic tensions since there is, allegedly, a general consensus on our European path. Still, given the poisoning of the apparent political consensus by 'petty-politicking' attempts to maintain the status of a "general framework product", the mission of the chief negotiator will unfortunately be reduced to the bargaining with domestic authorities at all institutional and party levels. For that he needs an additional quality, which is not expected from other negotiators in other countries – a political leverage by means of which he should be able to trigger tectonic movements in their fixed positions reached through political arrangements to which he has no access or influence.

Unfortunately, there are too many examples to corroborate this argument. In the beginning of 2005, the European Commission proposed a new "European Partnership" for BiH to the EU Council, setting short-term and medium-term priorities in terms of the country's preparations for further integration in the European Union. BiH was expected to respond to the "European Partnership" by developing a plan with a time schedule and specific measures to address the priorities from the "European Partnership". In May 2005 DEI drafted an action plan responding to the priorities from the "European Partnership", but its formal adoption was delayed due to the opposition of the BH Entity Republika Srpska². A decision passed by the RS Government followed the same line, binding members of the Council of Ministers from that Entity to consult their Entity Government when approving similar documents.

² European Commission, "Bosnia and Herzegovina: Progress Report", Brussels. 9 November 2005.

Introduction

The Feasibility Study published in November 2003 indicated that Bosnia and Herzegovina had to make progress in sixteen priority areas before it would be ready for the SAA negotiations and signing. The recommendation made by the European Commission to the Council of European Union on October 21, 2005 to open negotiations on the SAA represents the recognition of the progress made by Bosnia and Herzegovina in the implementation of reforms from the Feasibility Study. The EU Council of Ministers approved the beginning of negotiations on the Stabilization and Association Agreement with Bosnia and Herzegovina on November 21, 2005.³

This is a framework chronology of the formal BiH journey through earlier stages in its getting closer to a contractual regulation of relations with the EU. In this way, it crossed the way from voluntary to obligatory harmonization of domestic legislation with the European legislation. EU officials, as well as BiH itself, expect that our country will conclude negotiations by the end of this year. However, the pace and final outcome of the negotiations will depend exclusively on the pace at which reforms are implemented, as it was the case with other neighbouring countries. For instance, Croatia completed negotiations in six month, while Albania negotiated for more than three years.

Negotiations with the EU are not literally that, and BiH, regardless of its specific situation, cannot expect any concessions. It does not have a large manoeuvring space; the EU dictates to a large extent the conditions, contents and dynamics of negotiations. The journey of Bosnia and Herzegovina to Europe is a journey in a carriage on the railroad that cannot be turned right or left – there is no steering wheel, no turns, so that the role of BH politicians comes down to their conscience and resolve to make the process faster or slower.

The reviews published earlier by the “Foreign Policy Initiative” have shown that foreign policy in general, and in case of BiH in particular, is a product of internal policy, of political (un)awareness and of the situation in a country. If we consider the fact that the contents as well as the course of negotiations are predetermined by the conditions that the EU puts to BiH, there is a risk that the final outcome of the negotiations might be jeopardized by poor internal policy and lack of political consensus. Only an

³ The symbolic ceremony of the opening of negotiations on the BiH Stabilization and Association Agreement with the EU held sixty two years after the II Session of ZAVNOBIH, on November 25, is more than a remembrance of the date when the BiH statehood had been renewed in 1943. It was a reminder of the indispensable element of a country's sovereignty in the process of European integration. International officials are particularly sensitive to symbolic dates, even more than the citizens of BiH. So we had talks on BiH constitutional reform in the USA on the 10th anniversary of the initialling of the General Framework Agreement in Dayton. Following the same logic, some speak of the year 2014 or 2018 as the year of accession of BiH and other Western Balkan countries (except Croatia) to the EU, symbolizing the hundredth anniversary of the beginning or the end of the World War I, respectively. We will continue with our analysis without romantic anticipation of the date when BiH might become a member of the EU, but rather based on factual projections. In any case, by making its society and institutions more serious and by further alignment of its legislation during the association process, BiH will become a State we wish to have, while the accession date is but a formality.

internationally recognized and legally sovereign State that meets all required conditions and demonstrates that it can function effectively and implement efficiently all EU regulations, directives and decisions, can take part in the SAA negotiations and accession negotiations on a later stage, sign the agreements and become a member of the EU eventually. Here we see in practice the revival and stretching to the extreme limits of a definition, obsolete by some, of the basic function of the State as a social institution, which is – to resolve irreconcilable conflicts of interests in a society.

For a State to be capable of resolving such irreconcilable conflicts, it has to possess mechanisms that make it possible. It has to have people and institutions capable of using such mechanisms, as well as additional political will that lies behind the actions of the people. Naturally, the State cannot achieve its objectives in this way unless there is a consensus in the society on common goals, regardless of reasons for the support offered to such goals by different groups in the society. Furthermore, the question is to which extent a State like Bosnia and Herzegovina can be sovereign in today's globalized world, let alone in the process of association with the EU. In case of Bosnia and Herzegovina there is a number of international legal subjects which act as guarantors of the Peace Agreement that includes the BiH Constitution and the institution of the High Representative for BiH, which should evolve into the institution of the EU High Representative. Why is this so important? Firstly, the BiH Constitution is an act that defines mechanisms that the State has in order to perform its main functions, but they are insufficient and complex as a consequence of a compromise among several different "political wills" that prevailed at the time.

Secondly, The High Representative with his powers, as a safeguard in crisis situations, ceases to be desirable. Not only due to the irresponsibility of local politicians that he brought about, but also because of the concepts implied by the negotiations and membership, i.e. the sovereign political will and an effective system that can realize that will through its institutionalized mechanisms. Thirdly and most importantly, the State of BiH will delegate most of its competences that it has and that it will take over from the Entities and Cantons in the coming period to the EU at the moment of its eventual accession, giving up to a significant portion of its sovereignty. All institutions that we are building now will only serve for the transfer of that portion of sovereignty to the EU, which will eventually be returned through the decentralized application of the Union's legislation. In all the areas defined by the Treaties (on the EC and EU) or maybe by the future EU Constitution, BiH will not have the sovereignty to enact legislation. BiH institutions will only implement them, in two ways – either through the uniform application prescribed by the EU, or in their own way that the Member State considers to be the most appropriate for an effective application of the EU legislation, in such cases where it has the discretion to decide. From this perspective, all debates on the

composition of BiH institutions, hard positions on constitutional reform and claiming of vital national interests by individual peoples in BiH become pointless.

The process of negotiations on the Stabilization and Association Agreement

The question arises whether Bosnia and Herzegovina is ready to implement at least six key priorities listed by the European Commission: full cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) in apprehending all indicted individuals; full implementation of the Agreement on the Police Restructuring; adoption of legislation on public broadcasting system and its application; ensuring that all State-level ministries and institutions are adequately financed, operational and properly equipped, in terms of premises and staff in particular; adoption and beginning of implementation of a comprehensive Action Plan for the public administration reform; and creation of a real internal market. The deadline for meeting these conditions is February 2006.

If we can afford the “luxury” to compare ourselves with the Republic of Croatia, we could even argue that BiH is better prepared organizationally than Croatia was at this stage of negotiations in the early 2000. For the time being, the process of negotiations has been well staged in terms of logistics and expertise, thanks primarily to the engagement and role of the Directorate for European Integration. A team of civil servants and external experts, headed by Mr. Osman Topčagić, developed the “Strategy for BiH Integration in the EU”, even before the announcement of the opening of the SAA negotiations, much earlier than it was done by any of the neighbouring countries. In terms of the contents, BiH Strategy is much more detailed and goes deeper into the problems of individual areas of negotiations, than the document entitled “Guidelines for the SAA Negotiations” that guided the Republic of Croatia in this process. The Directorate provided expert and logistic support to the chief negotiator and to the negotiating team. The chief negotiator’s office is located in the Directorate and all human and material resources of the Directorate are put at his disposal, enabling adequate coordination between DEI and the chief negotiator. Consequently, it could be said that the Directorate, in spite of institutional weaknesses of the BiH State structures, has positioned itself very correctly, without leaving any room for political, party, Entity or individual vanities.

So the Directorate for European Integration is a bridge, in technical and professional sense, that should guarantee safe crossing from the Balkan to the European bank, while the negotiating team consisting of civil servants in the rank of the assistant ministers should ensure the continuity at quasi political level after the elections. However, the Directorate’s role should be neither diminished nor exaggerated. Its influence is significantly reduced compared to the substantial and political role played by similar government bodies in other transitional countries. The EU monitoring is overwhelming, almost voyeuristic, so that all domestic techniques, knowledge, know-how and skills

often get lost due to its hypnotic effect. Furthermore, with the High Representative, Peace Implementation Council, ambassadors of the member States of the Council who have a specific role and a non-specific raw power to influence and “flow into” internal processes thus being a *sui generis* component part of the executive branch in BiH, different commissions chaired by internationals, etc., Bosnia and Herzegovina actually represents a “G State”, *general product*, general framework product exposed to the relentless influence of all the involved.

It becomes obvious that, in spite of good organizational preparedness of the Directorate, it will not be DEI that will play decisive role in the course of negotiations considering its primarily technical scope, but the EU itself, the international community in BiH and, above all, BH authorities that have set the negotiating structure putting the entire process of negotiations in the framework of domestic disputes. By having promised in advance the position of the chief negotiator to the Republika Srpska, as a political concession for their accepting of the police reform, the Chair of the Council of Ministers, Mr. Terzić, ‘sponsored’ in a way the politicizing of the negotiation process. Trying to make the process more “professional”, Terzić decided to introduce the position of the head of the negotiating team, offering it, according to his own words, to Osman Topčagić⁴. However, it became clear that such a move would only lead to general confusion and would not guarantee a better coordination between the chief negotiator and the Directorate, so that this suggestion was given up. Still, the politicizing of negotiating structures was not given up at the same time, and the process of negotiations that was well set in terms of organization kept its predominant political dimension. The negotiating structure is composed of: Ambassador Igor Davidović, chief negotiator (with expert and logistic support of the Directorate for European Integration), negotiating team (consisting of civil servants, mainly in the rank of assistant ministers, and DEI representatives), eight working groups (external experts, civil servants, DEI representatives) and national delegation for negotiations.

The national delegation for negotiations, being the leading team in the structure, should define negotiating positions; it is lead by the Chair of the Council of Ministers and includes the Ministers of Foreign Affairs, Foreign Trade, Justice and Civil Affairs; BiH Ambassador to the EU, DEI Director and chief negotiator. The structures that held negotiations with the EU on behalf of Croatia⁵ and Macedonia were composed along similar lines, but with one difference: the composition of the Croatian negotiating team included experts from individual ministries depending on their field of expertise, while the composition of the national delegation reflected the professional approach of

⁴ Nezavisne Novine, *Four Candidates for the Position of the Chief Negotiator*, 1.11.2005

⁵ The negotiating team of the Republic of Croatia included the chief negotiator with his assistants, Head of the Croatian Mission to the EU, one assigned representative of each – Ministry of Foreign Affairs, of European Integration, Economy, Agriculture and Forestry, Finance, Justice, Administration and Local Administration, Home Affairs, Sea, Transport and Communications, and the chief negotiator’s secretary.

Croatian authorities to the entire process⁶, instead of ethnic representation. The Republic of Croatia had a compact, effective and professional team, with the national delegation led by a minister who speaks currently three European languages and has passive knowledge of two more, and who acquired her working experience in diplomacy, mainly through the activities related to the European integration. In the negotiating structure of BiH there are two party presidents and at least two high-ranking officials from different political parties who are very likely to start paying more attention to their election campaigns with the election drawing closer, than to the European integration. In this way, the delegation of BiH assumed “mammoth” proportions and highly politicized nature, which will have strong impact upon the course and outcome of the negotiations.

Negotiations leaders

In order for the entire process to be finalized as painlessly as possible, with many bitter pills that the entire society will have to swallow, the negotiation leaders have to accept the entire process as their own project. To that aim, it will be necessary to launch extensive education and information campaigns for the public at large, as well as the official promotion of the State of BiH as a prepared and responsible future EU member for other member States individually. We believe that the five major leaders in internal negotiations will be political parties that will have to pool their true political will to continue the process and present it to their constituencies, asking for their support; NGO sector that will have to address more seriously the articulation and accumulation of social requirements, as well as the education of its target groups on what is possible and what is not in the process of negotiations; universities and academia, which must open up and innovate their curricula in order to prepare current and future generations for survival in the EU knowledge and labour market; administration that will have to undergo a selection and professional development, but that will first have to change its way of thinking and operating; and business community that, under the pressures of new market circumstances, restrictions and provisions from the legislation on competition and State aid and, in particular, economic concessions that BiH will have to make in the SAA negotiations, will have to change its approach to the business activities and move towards entrepreneurship and changing the mindset based on “agreed economy” that still persists.

In earlier reviews made by the FPI, we pointed at political parties as creators of the political will that leads towards either stagnation or development.⁷ Besides, their declaratory commitment to the fulfilment of all requirements, i.e. to the incorporation of

⁶ The national delegation of the Republic of Croatia was headed by the Minister of Foreign Affairs, and it included the Minister for European Integration (later the Minister of FA and for EI, Kolinda Grabar-Kitarovic), assistants to the Ministers of Justice, Foreign Affairs and European Integration, Agriculture and Forestry.

⁷ Working group – political analysis: *Arithmetic of political irresponsibility*, Friedrich Ebert Stiftung, Sarajevo, June 2005, available at: www.vpi.ba.

the EU standards into domestic legal system is evident. However, the moment their declaratory commitments are to be translated into reality, the political will starts to stagger and pretexts are sought to slow down the reform process, in order for mainly rightist parties to find an excuse to offer to their constituencies. On the other hand, opposition and pro-reform parties, having no strategy of their own, found their campaigns on criticism against the authorities – how will they respond to the challenges that will confront them if they win the election, since either they have no relevant knowledge or it comes down to what they want, and what they think needs to be done and when, but not how.

The NGO sector, fragmented, anemic and unimaginative, ten years after the war, has not managed to profile itself as a relevant force in BiH that would be consulted by others. The problem of the NGO sector, exceptionally well elaborated in the latest issue of *Novi pogledi*⁸, is that their work is also based on criticism of the situation and wishes expressed by citizens, inviting political parties to analyze them and offer their solutions at the elections. Their perception of political parties as the enemies of the society prevents directly the profiling and creating of positive social forces. That animosity is reciprocated by political parties, but it is reflected in their dismissing of the non-governmental sector as eternal critics, which is a result of their way of acting.

The universities in BiH are bastions of knowledge or, better put, bastions of elites that sell obsolete knowledge and prevent all those who are familiar with modern scientific trends to prove themselves and take their place on the untouchable throne. Theory without practice, curricula from the 80's, few books written by professors without any reference to a book or a magazine published since 1980 or in English, German or French, are the reality of most of the university departments. There are some exemptions to the rule, a number of courageous and conscientious enthusiasts who are trying to broaden students' horizons beyond the bleak everyday reality. Several relevant post-graduate studies and only one interdisciplinary post-graduate course in Sarajevo represent a rare light in the darkness of total absence of any vision or strategy for creation of future human resources who should be able to match in competence their European colleagues of the same age.

The administration, as the inherited theory and practice applied in state affairs and care for citizens since the Communist time, is the cancer in the system. Suitable political figures, assembled in the past 16 years, without enough knowledge or will to work with the people and for the people, let alone to cope with the current developments through reform processes and European integration, have been cemented in their positions by the Law on Civil Service and will remain there until they are replaced by the younger and better educated through natural selection that will take another twenty years. On the

⁸ *Civil society: Victories and defeats*, Novi pogledi, issue no. VI, ACIPS, 2005.

other hand, young experts and self-styled young intellectual elites are more interested in working for international organizations' projects and earning money on side jobs, taking the liberty to criticize processes they do not want to be a part of and abstaining from any activities that imply the burden of responsibility. They are not interested in low salaries in the administration, as they really deserve more, while the administration is overpaid for the level of service that it provides.

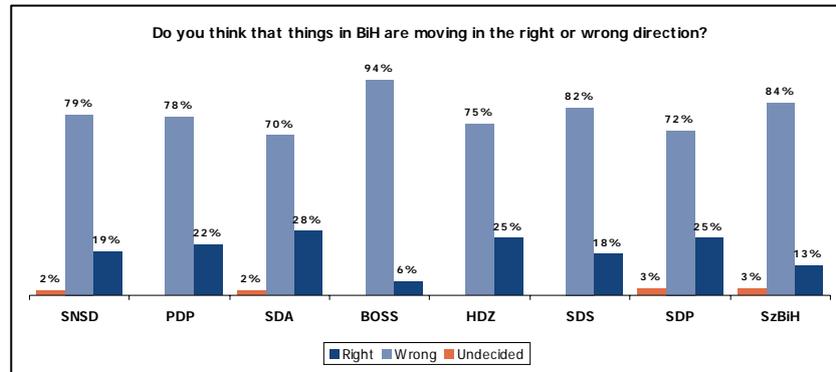
The business community is still unaware of what is facing it in the coming period. Unfinished privatization, administrative obstacles and slow court proceedings will be of little help to it. Still, the major challenge will be to change the mindsets and turn the "waiting" mentality into the "entrepreneurial". The fact that the economic space in BiH is still divided provides no benefits to anyone, while the creating of a single BiH market would open the possibility for every business in the two Entities and three realities to double their markets and profits. However, political games and obstacles that are still put in one Entity to the companies from the other Entity are a consequence of lack of understanding of one's own position in the world; this practice needs to be changed, otherwise none of them will be able to survive in the EU market. Trade unions and various populist associations of producers, often adding political note to their statements, and being on the opposite pole in the group, believe that the SAA negotiations should lead to the protection of their interests and the increase of state subsidies, as a result of protectionism, and not to a better quality of their offer.

Such situation in the key segments of the society does not give us a hope that further process of European integration will go smoothly. This is a warning to all those mentioned above to get back to their senses quickly since they all bear responsibility. 1995 or 1991 must stop being our point of reference when looking into the present or the future.

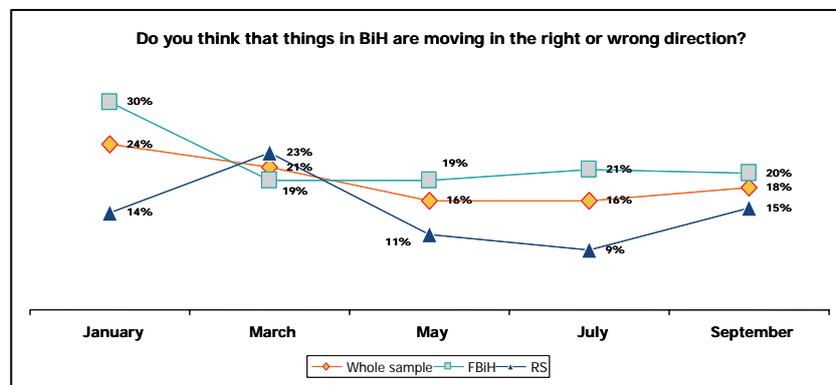
Public opinion surveys

Having expressed our strong criticism about the five social forces that should be leading the citizens towards the European integration and joining the rest of Europe, we should now present some of the relevant public opinion surveys. How much do the citizens of BiH believe in the EU, how do they reflect upon it, what are the views of voters and supporters of some political parties and what is the real extent of disagreements among them? It is important to know all that in order to try to envisage developments in the foreseeable future, especially now that the negotiations on the Stabilization and Association Agreement have been opened.

For this analysis we shall use the results of six surveys conducted by the Puls Agency in the period from January to September 2005. The comparison of the surveys was



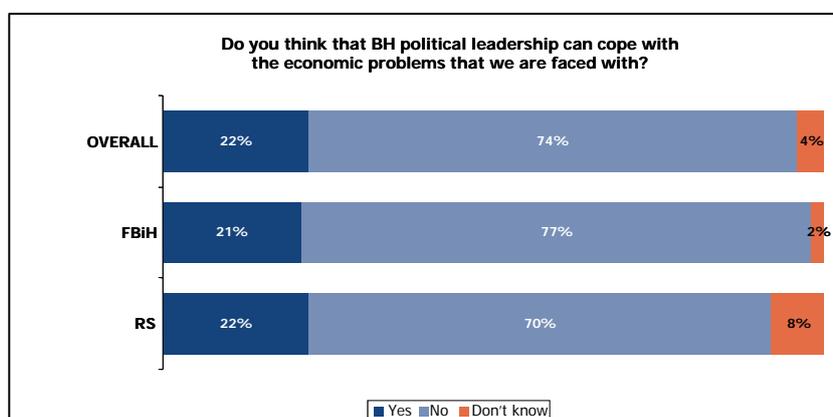
completed on October 1, 2005, while all surveys were done on a sample of 1.000 respondents. This BiH barometer offers an insight into the positions held by BiH citizens on the issues relating the BiH perspective, BiH accession to the EU and NATO, High Representative’s decisions and voters’ choices. The sample was taken from both BH Entities by method of random sampling among respondents aged over 15, who answered questionnaires in their homes.⁹



One of the standard questions that gives a general idea of the opinions on the situation in the country was: “Do you think that things in BiH are moving in the right or wrong direction?” Out of the total sample of respondents, 80% believe that things are going in the wrong direction. A slightly higher percentage of them were from the RS – 83% than from the Federation of BiH – 78%. Naturally, we can suppose that the percentages are not matching when it comes to the reasons that lie behind such opinions. Unfortunately,

⁹ We have to mention that in the answers to a question, on 1.000 respondents, when this number is broken down to voters and non-voters e.g. in a proportion of 50:50, and if within that number there are 10% of those who voted for a political party and 30% of those who are for or against something, it implies 15 to 17 respondents in terms of real numbers.

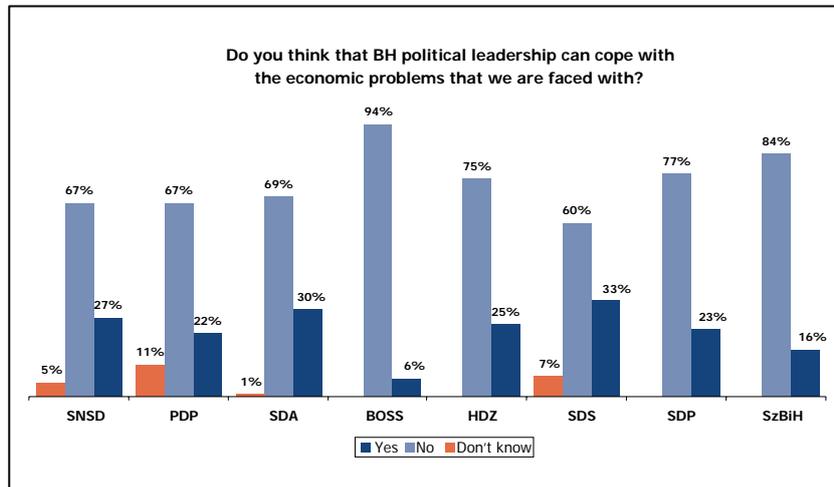
this survey did not go so much into depth as to offer the answer to that question. One can assume that the citizens in the Federation of BiH think that things are moving in wrong direction because of political disputes, poor economic situation, persisting division of BiH into Entities, visible obstructions by the RS leadership. In addition, for Bosniaks it is due to their feeling of injustice caused by the maintaining of a *status quo* in the structure of the country for 10 years that they perceive as an obstacle to the creation of a normal and functioning BiH, and for Croats to their feeling of inequality caused by the fact that they do not have their Entity and that they feel like imprisoned in the BH political reality where they are a minority, while other Croats in the Republic of Croatia are making big steps towards Europe. The reasons shared by the Serb people in BiH are most likely of a different sort. Constant blaming of the RS for all obstructions to the BiH integration in the EU, ongoing polemics and requests to cancel the RS as the Entity in which the Serbs of BiH find a sanctuary where they are not outvoted and where they can



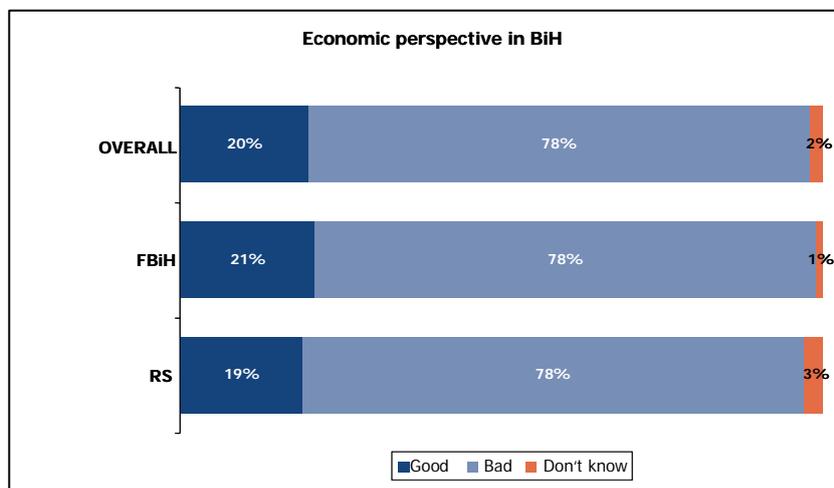
regulate relations as they like, the RS structures' incompetence to protect the acquired positions of the Entity, High Representative's decisions directed mainly against RS politicians, and difficult economic situation. This analysis of causes can be confirmed by the results arising from the answers given by declared voters of some political parties. The highest level of dissatisfaction in the Federation of BiH was recorded among supporters of the Party for BiH – 84%, SDP of BiH – 72%, HDZ of BiH – 75%, and SDA – 70%. In the RS, the highest level of dissatisfaction was expressed by the voters of SDS – 82%, SNSD – 79% and PDP – 78%.

In terms of trends, it is evident that in all the five surveys the number of those who believe that BiH is moving in the right direction is decreasing. This declining trend is steady at the level of the whole sample for BiH and the Federation of BiH, while in the RS there are visible oscillations in citizens' views. This is most likely a consequence of the above-mentioned moves of the international community and the reaction of the ruling structures in the RS-u, of the reconstruction of the RS Government and numerous

privatisation scandals. The only thing that is common to all is their concern about difficult economic situation and the absence of hope that the state of economy will improve in a foreseeable future.

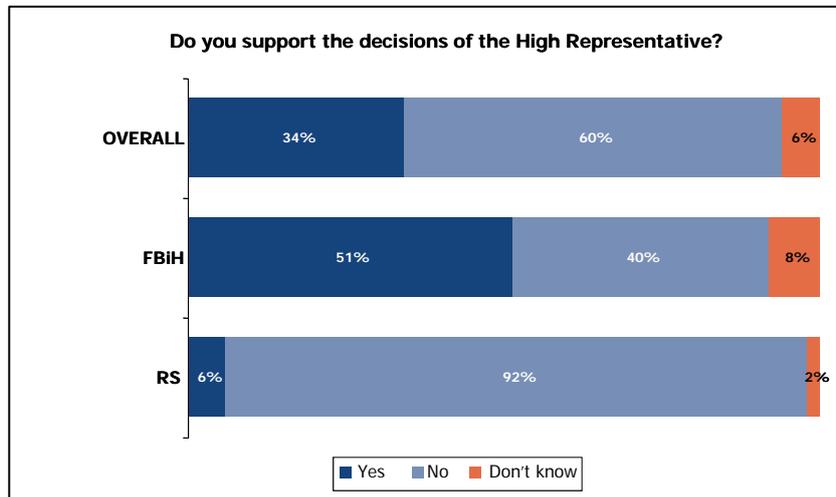


At the same time, the opinion prevails that the actual leadership in the State, at all levels, is not able to cope with the economic problems. This results in the lack of perception of

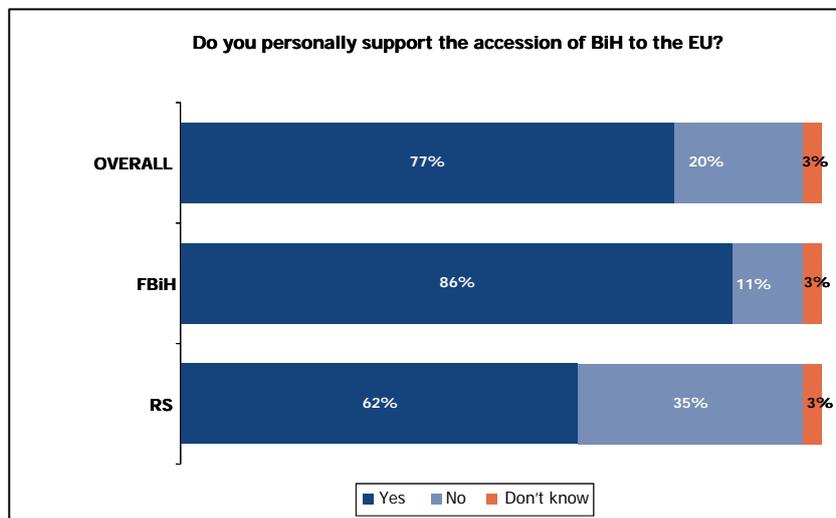


the credibility of those in power and of the political parties they come from, as well as in distrust in politicians and their promises, and ultimately in apathy and abstention. According to the voters, it looks like this:

Only one third of BiH citizens support the activities of the OHR, more in the Federation of BiH than in the RS. It is important to note that the trend of (not) giving support to the OHR is constant in all the five surveys.

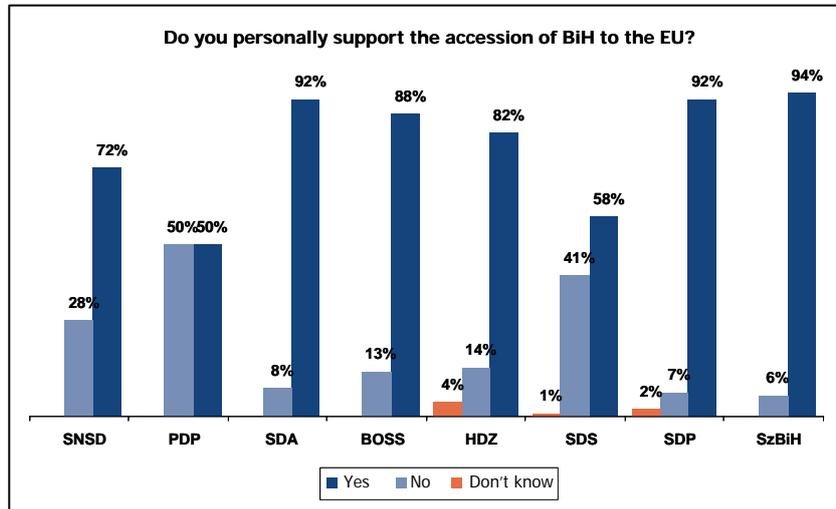


The fact that most of the citizens of BiH support the accession of BiH to the EU is very important and positive. That support is slightly more pronounced in the Federation of BiH than in the RS, but it is a consequence of other factors that we are going to elaborate

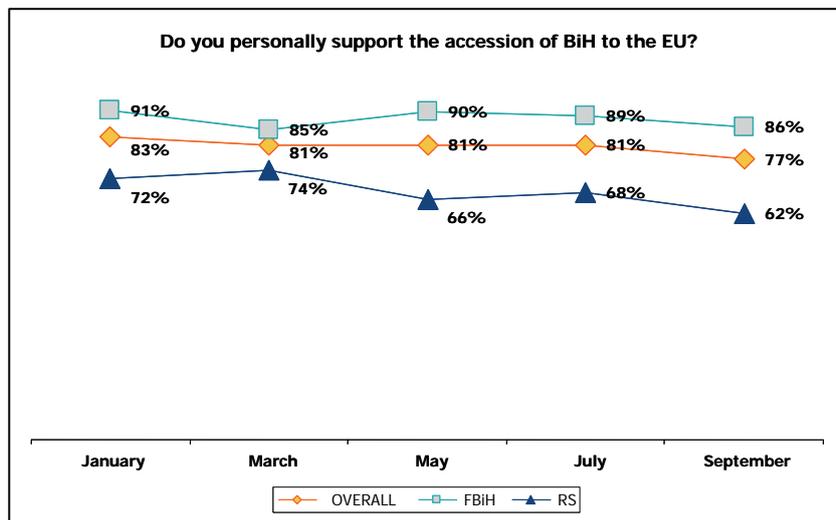


later on. An interesting trend shows that voters do not trust anymore the political parties they brought to power, which in a way indicates that there is a dangerous tendency of „alienation” of political parties from their constituencies. In this way, the communication

that lies behind any democracy is interrupted, without which it becomes difficult to articulate and implement priorities like the SAA.

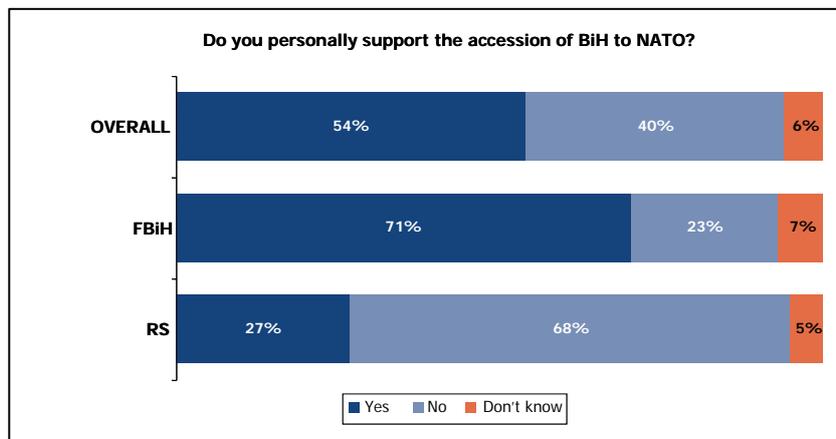


When it comes to the positions held by individuals who voted for different political parties, there are differences in the degree of support, but it is evident that most of them are in favour of the European integration. With regards to the future, it is important to



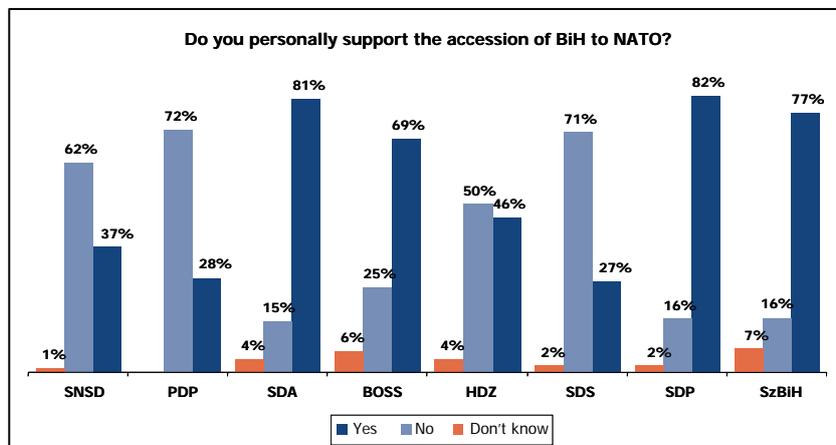
note that 72% of those who voted for SNSD support BiH accession to the EU, as well as 58% of SDS voters and 50% of PDP voters. It is also important that this support was steady during 2005, with a slight decline in the RS from 72% in January to 62% in

September. It remains to be seen if the appointment of the chief negotiator from the RS will strengthen this support. But what raises concerns and creates fears about our readiness for stabilization and capacity for accession to the EU are the data that show clearly that most of the respondents from any political spectrum are in favour of the EU membership, while at the same time the politicians they voted for are not working in favour of a functional State that would be able to accede the EU. Without any pretension to offer essential conclusions, which are more sociological than political in their nature, it seems to us that either the respondents know nothing about the EU and its standards, or



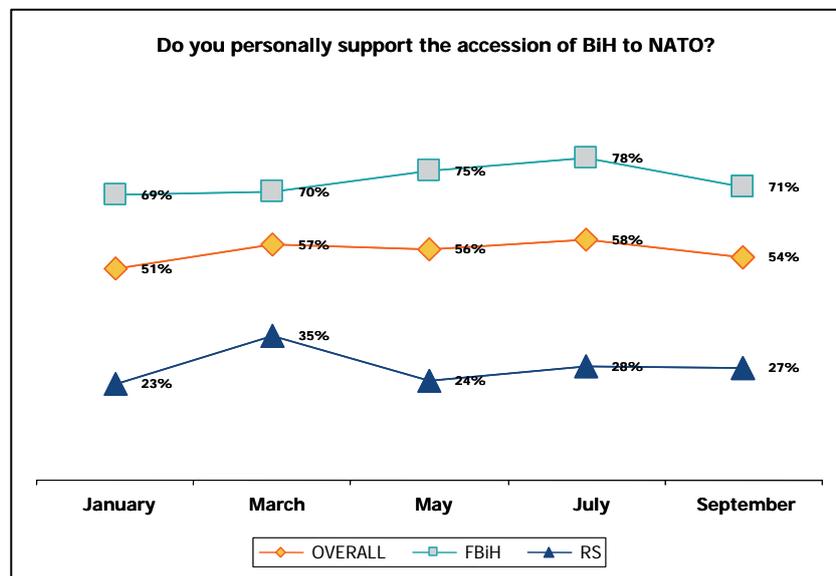
the politicians are playing games with their wishes. Whichever was true, harmonization of these interests is an important prerequisite for successful stabilization and accession to the EU.

Since one of the theories about the EU integration of transitional countries considers that the most certain and the shortest way goes through the NATO membership, we have



decided to present here the views of BiH citizens on that issue. The theory is not based on mere speculations, but it represents a realistic assumption that is derived from the experiences of other countries in transition from the Eastern and South-East Europe¹⁰.

We can notice that trends are more or less stable: in the whole sample a little bit more than a half of respondents are in favour of NATO membership, but only due to the answers from the Federation of BiH expressing support of over 70%, i.e. in more that two thirds of answers, unlike the RS where the support ranges around 30%. The same pattern can be seen in the breakdown by political party affiliations, which reflects quite accurately the ethnic affiliation of respondents. Consequently, we see that the security related effects offered by NATO are most important for Bosniaks, while the strongest



support is expressed by SDP (which is a multi-ethnic political party to a certain extent, including members of different ethnic groups who share the same views), then the SDA, and the Party for BiH. SDS and PDP offer the strongest resistance to BiH accession to NATO, for quite obvious reasons; still, it is very important to note that more than one third of SNSD voters support BiH membership in NATO. The reasons of opposition among political parties representing Serb population are of historical-emotional nature, arising from still fresh memories of the military campaign and air strikes against Bosnian Serb positions in 1995, and the NATO force intervention on Kosovo and bombardment of towns in Serbia in 1999. Partial deviation by SNSD from this pattern is a consequence of a very pronounced pragmatism of its members and leadership. A surprising result of the

¹⁰ A.Kapetanovic, H.Hromic, M.Kusljagic, *Bosnia and Herzegovina in the context of the changes in American Foreign Policy and the weaknesses of the EU Foreign Policy*. Foreign Policy Review – Foreign Policy Initiative, March 2006, available at: www.vpi.ba.

poll is the opposition to NATO membership expressed by the majority of respondents who voted for HDZ as an exclusive representative of the Croat people; this could not be explained at the present moment without a detailed analysis.

In a survey ordered by the EC Delegation to BiH by the end of 2004, 88% of BiH citizens were in favour of BiH accession to the EU, or 93% in the Federation of BiH and 80% in the RS. Emir Hadžikadunić, in his book "From Dayton to Brussels" draws a conclusion that the European integration is "the only political vision on which there is an agreement between the Entities, at least on a declaratory level."¹¹ Further on, he writes, "the accession to the EU means the passage through the transition process". It is important to note an important point here. In BiH, like in other transitional countries, the farther the moment of accession is, the greater is the public support to it. The moment we start with the legislative harmonization, structural reforms in the economy, opening of the market, getting used to the market principles, competition, compliance with regulations, commitments and deadlines, all that the SAA negotiation will bring about, the support to the integration will begin to decrease. However, in BiH it could cause even greater problems, since this is a political vision shared by different ethnic groups and political options. That is why the pace of this process, the involvement of different segments of the society, their education, public opinion and effective media campaign are of exceptional importance for further journey of BiH towards the EU, as well as for its internal stability without which there can not be future progress for BiH or the region of the Western Balkans.

Necessary elements for the introduction of changes and institutional capacity

The process whereby the institutions are taking the responsibility is inseparable from the continuation of the process of European integration. The "responsibility", as the cross-section of "partnership" and "taking the ownership of the process"¹², should be defined as a priority. In this entire process so far, including distribution of the EU assistance, the State of Bosnia and Herzegovina was "just an observer, it did not participate in coordination of its spending, it did not set priorities, it did not write project files nor published tenders... while BiH institutions did not recognize nor understand the process and their role in it".¹³ The question arises – are our institutions now ready and capable for "symbolic trade-offs"¹⁴, concessions and negotiations on deadlines? Furthermore, is there a political will of political actors that will make the institutions work in the interest of Bosnia and Herzegovina, and not in the interest of individual ethno-territorial entities or

¹¹ Emir Hadžikadunić, *From Dayton to Brussels*, ACIPS/CIPS, Sarajevo, 2005, p.181.

¹²The popular concepts of "partnership" and "ownership" that we mentioned in our first review.

¹³ Emir Kadunic, *ibid*, p.71.

¹⁴ *Ibid*, p. 140.

in particular interest of different groups? Even if we manage to negotiate acceptable deadlines, like 6 years in case of Croatia or 10 years in case of Macedonia, shall we then be truly ready for the major step forward or shall we continue to delude ourselves? Fortunately, the EU will not accept us unless we are ready. We hope so, since a premature and inadequate accession could jeopardize European standards and their implementation, and encourage our well-known superficiality, which would in turn take its toll in our struggle to survive in the EU market. So, it is an interesting point to note, that the main issue in the coming period will be the implementation of “mid-term priorities” defined in the “European partnership” in March 2004, i.e. “the implementation of the existing legislation and strengthening of the horizontal and vertical coordination among the institutions in the entire State”.¹⁵ The discussions on constitutional changes aimed at better functioning of the highest State institutions like the Presidency, Parliamentary Assembly and the Council of Ministers in the decision making process go in that direction. The projects of the EC Delegation to BiH are also aimed at providing support to the current institutions and to the drafting or upgrading of their laws and bylaws, i.e. at better functioning of the entire institutional system. So far, the Bonn powers of the OHR were a guarantee for certain degree of implementation of adopted legislation, while different forms of the project-based assistance were used as bait. However, in the continuation of the process of European integration, the OHR stands as a third party that undermines the indispensable internal sovereignty of a State that is striving towards the EU. The process has been initiated to transform the OHR into the EU High Representative, yet a necessary element in this process will be a better cooperation among political actors and demonstration of responsibility, on the one hand, and the public support, on the other. The BiH sovereignty will become even more important after the SAA conclusion, as BiH will then take the obligation of further and full harmonization of its national legislation with the *acquis communautaire*. Only a sovereign State can delegate by its own will a portion of its sovereignty to a supra-national organization like the EU.

It is possible to generally identify three basic elements on which the pace of negotiations will depend: the quality of the organization of State institutions, the pace of adopting and implementing European legislation, and political circumstances within the EU Member States.¹⁶

Talking about relations between the Republic of Slovenia and the EU during the SAA negotiations, Janez Potočnik, the actual commissioner for science and research in the European Commission, underlined that the major problem in the process was the insufficient administrative capacity of the State administration for the implementation of European legislation.¹⁷ Though BiH, in terms of organization, is better prepared for the

¹⁵ Ibid, p. 141.

¹⁶ Ibid, p.173.

¹⁷ Bulletin, the Republic of Croatia, Ministry for European Integration, No. 13, November-December 2000.

SAA negotiations than it was the case with some neighbouring countries, the capacity of BiH institutions to pursue the process of harmonization with the EU norms is on an unacceptably low level. The reason for that is primarily the absence of clear political stands on the internal organization of the State, or of a consensus on the degree of compactness that the State needs to reach before it is ready for further integration in supra-structures.¹⁸

The functioning of a country, once it has acceded the EU, will depend on the quality of its civil service. All the problems we have identified are not only characteristic for BiH. Other transitional countries, actual EU Member States, our western neighbours, even Spain and Greece, faced same problems at the time of their accession. For instance, the Second Annual Report of the EC on Croatia's SAA from 2003, indicates that "Croatia should pay special attention to the strengthening of public administration, in order for the relevant ministries and other public bodies to come to the position to properly implement numerous reforms to which Croatia committed itself"¹⁹, and that the authorities are not capable to undertake those reforms because they are preoccupied by internal conflicts. This reminds so much of us! However, in our case the situation is even more complex due to the existing State structure of BiH and mutual relations among the three constituent peoples. That same year, the EC Report on the SAA for BiH (2003) contains the following sentence:

"Though BiH has already expressed its readiness to approximate, implement and enforce the EU legislation, its ability to do so is complicated by the division of competences among the State, the Entities and the cantons. In order for the Stabilization and Association Agreement to be properly implemented, BiH will have to ensure an adequate mechanism for cooperation and coordination among the Entities in the areas under their competence that are not shared by the State. In any case, there will have to be a single position to the EU. In the sense of implementation and enforcement it should be both effective and consistent in all parts of BiH."²⁰

Many of the ten new EU Member States happen to have "too few, yet too many" civil servants. There are too many of those who represent the burden of the old bureaucratic machinery, and few of those who possess new knowledge and use modern technologies

¹⁸ Definition of a good or quality authority offered by the World Bank reads as follows: "The way the authority is exercised to the aim of managing the economic and social resources towards development. It can be characterized as "the ability of formal and informal institutional environment (in which individuals, social groups, civil associations, governmental officials and employees act in interaction) to pursue and implement government policies and to improve coordination in the private sector." Besides, the question arises – what are the pillars on which such an approach is based. According to a UNDP definition from 1997, the authority is based on three pillars: economic, political and administrative one. The economic pillar implies the process of making decisions that influence economic activities, the political one is about formulating policies resulting from decisions made, unfortunately seldom prior to the decisions, while the administrative one is related to the implementation of both – decisions and policies. According to the *Croatian Accession to the European Union*, pp. 133-136.

¹⁹ Marijana Badjun, "Governance and Public Administration in the Context of Croatian Accession to the European Union" in *Croatian Accession to the European Union – Institutional Challenges*, Second Volume, Friedrich Ebert Stiftung and Institute for Public Finance, Zagreb, 2004, p. 152.

²⁰ Commission of the European Communities, Brussels, 18.11.2003, COM (2003) 629 final, Chapter 3.5. Approximation, Implementation and Enforcement of Legislation, <http://www.deibih.cec.eu.int/en/index.htm>

in the work of public administration. In almost all of the countries that have gone through transition, the following syndromes have been identified: the civil service laws have kept their old bureaucratic structure and defined promotion criteria only on the basis of years of experience, ethics are not paid enough attention, it is unclear who oversees the work of administration, salaries are such that the most competent human resources go to work in private sector for much higher salaries, there is not sufficiently precise recruitment system for State administration, the State does not have a system of education in place that would be applicable for the education of all administration staff, not only of a limited number of personnel engaged in the process of European integration. Major obstacles to the reform implementation included: the impression that it is just yet another reform, resistance by trade unions, the best educated staff leaving to the private or non-governmental sector, lack of NGO requests for changes in the administration, and political instability due to which no government was prepared to truly face these challenge and to fully implement the reform of administration.²¹

There are no specific indicators to measure the level of institutional development of future Member States that was defined in Madrid in 1995. It is based on the assessment of successful fulfilment of Copenhagen criteria from 1993, for which an adequate administrative structure is indispensable, i.e. it is measured indirectly. It is a result of the fact that a large portion of the EU legislation is based on regulations and directives applying the subsidiarity principle. In simple terms, in order for regulations to be enforced as prescribed, there has to be an effective administration. But in case of directives, an inventive and well-coordinated administration is required, since directives are binding in terms of the objectives that need to be achieved, not of the method for their achievement. It is up to the authorities of the Member State to find the best way, method or form, which is in line with the subsidiarity principle, so that the method for the achievement of objectives or addressing the problems is chosen by the relevant level of government or institutions that are in best position to deal with it, as well as on the proportionality principle that implies that the EU action should not go beyond necessary scope to ensure the achievement of objectives from the Agreement. Our administration will have to create such an environment of efficiency and inventiveness, and the evaluation of its work will depend on the results it achieves in it. Considering this, it will be essential to introduce organized education of civil servants, in particular for younger generations in the fields related to the European integration and for various profiles. In BiH there is only one course of interdisciplinary post-graduate studies at Sarajevo university, which produced around two hundreds Masters of Arts in three separate study groups (*European Studies, Human Rights and State Governance*). Some of them are civil servants. Furthermore, there is a positive approach to the forming of negotiating teams, represented by Mr. Topčagić, DEI Director, and Mr. Davidović, chief negotiator. Two advisors to the negotiating teams have the master degree in European studies.

²¹ Marijana Badjun, *ibid*, p.155.

According to our information, at least 10 more masters from the three study groups (civil servants and others) will be included into negotiating teams. This is rather positive approach for the start, but it will not suffice for the continuation of the process, so that it will be necessary to intensify education of other staff in the institutions that will be involved in the implementation of legislation but are not directly linked to the negotiations. For the purpose of such courses it will be necessary to provide financial support from the State level and allocate funds in all future budgets for professional development of selected civil servants. To that purpose, all ministries and State institutions and agencies should identify their candidates for professional development based on precise criteria approved by the BiH Council of Ministers.

It is not surprising that there is an increasing concern that, once the negotiations begin, a major obstacle to the process will be the State administration within the existing State structure and established relations:

“What we are missing and what will be difficult to achieve without serious reform is the institutional capacity sufficient for the fulfilment of pre-accession commitments. In such a constellation, ‘a limited rapprochement to Brussels’ is possible for BiH, but not its membership in the EU before 2012.”²²

On the other hand, the OHR stands on the position that “citizens – and their political leaders – have to understand that halfway reforms can bring more harm than benefits”.²³ The truth is that the OHR itself has not followed this principle, so that most of the reforms it conducted ended up as halfway measures, though the reports mention only successes while the situation on the ground remains bad. It is in this “stalemate position between a declaratory consensus and a real agony” that Mr. Kapetanović sees something that “might lead to a total atrophy of the reflex of the State administration”.

Conclusion

The issue of BiH performance in the SAA negotiations is not an issue of its preparedness on the organizational, expert or normative level, neither is it an issue of good negotiating techniques or skills, but first and foremost an internal, political issue. The success depends on whether BH authorities and State institutions will manage to keep pace with the negotiating process and to fulfil their commitments and conditions that they accept during the negotiations. What also counts is whether the public at large understands correctly and supports the efforts of the State institutions. In politically sterile conditions for negotiations, the role of our country’s chief negotiator would be to lead the negotiations, for which he undoubtedly possesses all necessary qualities. The function

²² Amer Kapetanovic, “Bosnia and Herzegovina – Challenges of the EU Enlargement” in *Bosnia and Herzegovina from Regional Integration to the European Union*, “Friedrich Ebert Stiftung”/Diplomatic Forum, Sarajevo, 2005, pp. 34-35.

²³ *Bosnia and Herzegovina – Economy and European Integration*, OHR Economic Bulletin, No. 4, vol.8, September 2005, p.4.

and essential role of BH institutions should be to work, or to prepare themselves to work for Brussels, which would melt nationalistic tensions since there is, allegedly, a general consensus on our European path. Still, given the poisoning of the apparent political consensus by 'petty-politicking' attempts to maintain the status of a "general framework product", the mission of the chief negotiator will be unfortunately reduced to the bargaining with domestic authorities at all institutional and party levels. For that he needs an additional quality, which is not expected from other negotiators in other countries – a political leverage by means of which he should be able to trigger tectonic movements in their fixed positions reached through political arrangements to which he has no access or influence. In addition, no matter how well the negotiating structure is set, it will not be able to function properly until all personal interests, vanities and vulgar politics are removed from the negotiating process or at least restrained in the interest of BiH citizens.

Unfortunately, there are too many examples to corroborate this argument. In the beginning of 2005, the European Commission proposed a new "European Partnership" for BiH to the EU Council, setting short-term and medium-term priorities in terms of the country's preparations for further integration in the European Union. BiH was expected to respond to the "European Partnership" by developing a plan with a timetable and specific measures to address the priorities from the "European Partnership". In May 2005 DEI drafted an action plan responding to the priorities from the "European Partnership", but its formal adoption was delayed due to the opposition of the BH Entity of Republika Srpska.²⁴ A decision passed by the RS Government followed the same line, binding members of the Council of Ministers from that Entity to consult their Entity Government when approving similar documents.

The report on the progress made by BiH in the European integration mentions a number of other examples that are not just indicators of lack of organization in the State, but also real obstacles that will significantly slow down or even halt further integration. The Report indicates that there were certain political stand-offs between the BiH Council of Ministers and the RS Government, which brought about negative effects on normal functioning of the executive authorities. The structures arising from the Dayton Peace Agreement are seen as too complex and fiscally unviable, while the current constitutional set-up can hardly be considered as the optimum from the perspective of the European integration. The European Commission is of the opinion that such a State and constitutional structure prevent the implementation of reforms, undermining the chances for BiH to make fast progress towards the EU. It is obvious that major reforms, in spite of significant achievements in institutional building, are being delayed due to different positions held by State institutions and Entities. Obstacles include views that the creation of regular State structure undermines Entities and their survival. This suspicion about any transfer of competences from the Entity or cantonal level to the

²⁴ European Commission, "Bosnia and Herzegovina: Progress Report", Brussels, November 9, 2005.

central authorities impedes comprehensive and sustainable reforms of institutions and constitutional set-up.

The above-mentioned Report leads to the conclusion that the European Commission is aware that political parties, although they all generally support the European integration and structural reforms, are not always ready to make necessary concessions in order to make a real progress. Members of the State Parliament still often vote in line with their ethnic or Entity affiliation. Delays in adoption of laws at the State level often reflect a lack of political will and presence of different national interests, but at the same time they are a consequence of structural weaknesses, like undeveloped capacities for legislative drafting or ineffective support structures. Though the State ministries have become operational, and new institutions have been established under the Law on the Council of Ministers, many of them have not been fully staffed yet, which affects their capacity to keep pace with the drafting of legislation that will be binding for them, as well as their ability to implement reforms.

The EC Report on the progress made by Bosnia and Herzegovina in meeting the conditions for the opening of the SAA negotiations does recognize a progress made in further consolidation of stability of the institutions that guarantee democracy, rule of law, human rights and protection of minorities. However, the Report underlines that additional efforts are needed in order to ensure a self-sustainable and stable State that can take *full responsibility* for governance, and emphasizes that sustainable efforts need to be ensured to strengthen the capacity for *the implementation of adopted reforms*.²⁵

Meeting of the European Union conditions is clearly one of the most demanding processes that can be put to a State in today's world. The accession to the EU is a combination of legal conditions, standards, procedures, etc., and it does not end with the formal adoption of legal regulations, but expects that the State fully implement its commitments. Bosnia and Herzegovina and its weak institutions are so confronted with the most complex task that implies disciplines in which our institutions have not achieved much – taking the ownership of the governance and implementation of agreed and adopted reforms.

Though on the political level the positions on the EU integration are only apparent, the results of the analysis made by *Puls*, as we could see, show that positions held by the BiH public are somewhat more harmonized. Therefore, a solution to the absence of a political consensus and the impotence of public institutions could be sought in the institutionalization of unified public positions that are based on sectorial and interest divisions, and not on ethnic or entity divisions. If domestic authorities included general public in a timely and adequate way, through non-governmental structures, the negotiations could represent a precedent in BiH political life in that respect. Still, it would not be a precedent when it comes to the experiences of other countries.

²⁵ Ibid.

In Croatia, the so-called *National Forum on the Accession to the European Union* was established, and its members included ministers from the Government of the Republic of Croatia, Assembly members, representatives of the Croatian Chamber of Commerce, members of the Croatian Chamber of Craftsmen, trade unions, distinguished experts from the academia specialized in specific fields, representatives of students and pupils organizations, of NGOs, of local communities, minorities and religious communities. The main purpose of the Forum is to encourage an ongoing debate on Croatian membership in the EU, to ensure good information of Croatian public on the accession process, and to bring public debate on these issues to the local level, encompassing all segments of Croatian society. In simple terms, the task of the *National Forum* is to describe consequences of the European integration to its citizens and to demonstrate potential impact upon their daily life.

Such an approach is applicable in BiH as well, but the mechanisms should be put in place to channel society interests to the negotiating process, directing it towards a positive outcome. At the operational level it would imply the introduction and institutionalization of the non-governmental sector positions into the negotiating structures. The concept of *non-governmental sector* should be understood here in the broadest sense, as encompassing not only the so-called civil society but also the academia representatives, youth associations, pensioners, local communities, trade unions, etc. Considering that the Stabilization and Association Agreement in its nature is a trade agreement, it is very important to include in due time representatives of business communities in negotiations on its details. That institutional mechanism could consist of eight working groups as integral part of the BH negotiating structure that should include, depending on the subject area of each of the groups, relevant representatives of non-governmental sector.

In terms of the "ownership" or taking the responsibility for the process itself and the outcome of the negotiations, the negotiating structure does not offer an adequate framework, primarily because its two main pillars are made of civil servants and executive branch. In this way, the smallest concentric circle in it, the circle of civil servants, is too rigid due to its bureaucratic nature and lack of understanding of the community needs, while the surrounding circle, made of the government ministers, is politically too flexible and convenient. That is why in addition to a greater role of civil society and non-governmental sector, which would offset the shortcomings of the first circle, a stronger presence of the elected representatives should be ensured. Through an adequately conceived consultative role of the BiH Parliamentary Assembly, and a better coordination with the Entity Parliaments, it would be possible to ensure participation of elected representatives in the defining of guidelines and objectives for the negotiations. In this way the legislators would be prepared to meet the conditions that will be put to our country. The establishment of special working bodies of the BiH Parliamentary Assembly, which would be exclusively in charge of the process of negotiations, and of specialized

sectorial working bodies that would be in charge of issuing guidelines for the defining of positions on individual issues from the Agreement, would result in their better insight into all aspects of negotiations, of the Agreement and all its segments, that will have to be approved by the BiH Parliamentary Assembly eventually. Leaving the entire process of negotiation to the executive branch and to the State delegation might result in insufficient support of the legislature in the stage of adoption of reforms.

The establishment of contractual relations with the European Union through the Stabilization and Association Agreement will determine to a large extent the framework of further BiH integration in the Union, which additionally underlines the need for a timely mobilization of our public and society in this stage of association. Let us remember that the main objective of the SAA is to establish full and lasting stability in the country and the region, and this is a dimension that needs to be made clear to the public in their understanding of the process in BiH – that is the first and most important benefit that BH society will have in this process. Copenhagen criteria, the foundations of the *Stabilization and association process*, require from BiH to achieve the stability of institutions that guarantee democracy, rule of law, respect of human rights and protection of minorities; functional, efficient and competitive market economy that can stand the pressures of the EU single market, and the ability to accept the obligations of the full membership, including the achievement of the goals of the political, economic and monetary union. Bosnia and Herzegovina, its institutions, executive and legislative authorities, society, public at large and media have to reach a consensus on the political, economic and institutional development of the State, oriented towards the values and models that the EU is based on: democracy, respect of human rights and market economy. Otherwise, Bosnia and Herzegovina will not be able to achieve stabilization, and there is no accession without stabilization.

Recommendations

- Constant promotion of the objectives and visions of BiH in the process of the European integration. A campaign for raising awareness among citizens need to be designed on concrete issues relating the future of BiH in the EU. To that aim, regular surveys of public opinion need to be conducted in order for the campaign to be properly directed and upgraded.
- Civil sector has to be included into discussions of the process. After every round of official and technical negotiations, public consultations need to be organized throughout BiH about results, obstacles, expectations and consequences. NGO sector has an important role to play in such public debates.
- In order to achieve inclusion of the civil sector in the broadest sense, mixed expert councils could be established as support to negotiating teams, involving all

competent individuals who cannot be members of negotiating teams because of potential conflict of interest due to their regular jobs. Such expert councils could discuss BiH options in specific areas of the Agreement before every round of negotiations.

- Establish a Parliamentary committee with the sole task to follow the course of negotiations and to work out timetables for adoption of necessary documents and present them to the public together with the Collegium of the BiH Parliamentary Assembly, encouraging public debate on relevant topic.
- Incorporate updated topics on European integration into curricula of BiH universities, in order for new generations to get a general picture of European trends in the fields of their studies and develop a sense on BiH position in that context.
- Improve the legislative framework that regulates civil service in order to achieve better transparency in employment procedures, introduce various modalities of promotion and remuneration that well attract competent human resources.
- Professional education of civil servants in different ministries through adequate and relevant courses, and allocation of necessary funds for that purpose in future State and Entity budgets.
- Develop criteria for the selection of civil servants who will attend courses based on identified needs in State institutions.
- Define the organization and positions in State institutions based on identified objectives and tasks for those institutions, and not the other way around. The document on *European Partnership* can serve as a basis.
- Each measure in the reform process should be assigned as a task to one single institution, instead of several, in order to achieve better coordination.
- Reduce the involvement of the BiH Council of Ministers in reforms that are not set as priorities, in order to achieve effectiveness. The highest authorities should perform tasks that cannot be done by other bodies. Therefore, the principles of subsidiarity and proportionality should be introduced at the level of BiH institutions.
- Based on Slovenian experiences, a State-level institution should be established to coordinate the operations of all State institutions.²⁶

²⁶ Slovenia has a special government service responsible for exchange of information among institutions that keeps track of all proposals and measures taken by all State institutions in relation to specific issues. According to: Amer Kapetanovic, *BiH Foreign Policy – between Challenges and Weaknesses*, Buybook, Sarajevo, 2005, p.117.