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# Bosnia and Herzegovina's Hopes of European Union Accession: A Safeguard against the Country's Implosion?

*The prospect of Bosnia and Herzegovina's accession to the European Union encapsulates a pivotal chapter in the nation's trajectory. As the country navigates the intricate path toward EU membership, it faces a myriad of challenges and opportunities that extend beyond mere geopolitical realignment. This journey involves addressing complex issues such as political stability, governance reforms, rule of law and economic development. The significance of this process lies not only in its potential to reshape Bosnia and Herzegovina's political and economic landscape but also in the broader implications for regional stability and the consolidation of European values in the Western Balkans. In this context, the journey towards EU accession for Bosnia and Herzegovina is a multifaceted endeavour, reflecting both the aspirations and complexities inherent in the pursuit of a European future.*

**Keywords:** enlargement process, Bosnia and Herzegovina, political stability, electoral system, governance reforms, border maintenance

In recent years, a major event for the country has been the decision of the European Council in December 2022 on Bosnia and Herzegovina's status as a candidate for membership of the European Union. "This candidate status should have been granted several years ago. We understand, of course, that this acceleration of the march towards the EU is taking place because of certain geopolitical circumstances"<sup>2</sup> commented Zeljka Cvijanovic, Serb member of Bosnia's tripartite presidency, on December 2022, suggesting that Bosnia and Herzegovina's candidate status involves more than just EU enlargement related issues.

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<sup>2</sup> Agence France Press 2022.

## Relations between Bosnia and Herzegovina and the European Union

Since the end of the breakup of Yugoslavia there was a constant desire to support the country in its economic and political rebuilding.

### *Post-war financial aid and political cooperation*

Following the end of the breakup of Yugoslavia in 1999, the European Union gave the countries of the Western Balkans a European perspective at the Thessaloniki Summit in 2003, declaring, that “the future of the Balkans is within the European Union”.<sup>3</sup>

A Stabilisation and Association Process (SAP) has been put in place, aimed at gradually bringing these countries closer to the European Union (EU). It provides for financial aid while the signing of Stabilisation and Association Agreement (SAA) established political and economic cooperation, as well as free trade areas with the countries concerned.

Twenty years after the Thessaloniki Summit, Croatia remains the only country in the Western Balkans to have joined the Union, leaving the feeling that the European Union and former Yugoslavia’s countries have failed to convert the enlargement ambitions. This came to a halt after the major eastward enlargements of 2004 and 2007, due to the difficulties of integrating the new member countries and the multiple political, economic, migratory and health crises.<sup>4</sup>

This slowdown in the accession of the Balkans countries is also explained by the fact that the region have grappled with obstacles hindering their journey towards European integration. For instance, countries like Serbia and Montenegro have faced criticism for democratic regression, marked by limitations on press freedom<sup>5</sup> and political opposition while unresolved conflicts among ex-Yugoslav states, such as the dispute between Serbia and Kosovo, have strained regional stability and impeded cooperation efforts.

The relationship between Bosnia and Herzegovina and the EU intensified on 21 October 2005, when the European Commission recommended to the Council the opening of negotiations on a Stabilisation and Association Agreement. Negotiations were then officially opened on 25 November 2005. In 2006, the European Commission stated in its Progress Report on Bosnia and Herzegovina, “the conclusion of these negotiations is subject to further progress on a number of priorities, in particular police reform”. In consideration, the Bosnian Government took the necessary steps the following year and the SAA was finally signed on 16 June 2008<sup>6</sup> while it entered into force only on 1 June 2015.

<sup>3</sup> European Commission 2003.

<sup>4</sup> CAMERON s. a.

<sup>5</sup> MFR 2017.

<sup>6</sup> Council of the European Union 2008.



The EU's support was a crucial initial step in the complex process of Bosnia and Herzegovina's reconstruction, with the SAA marking a significant milestone. While the SAA has undeniably brought about positive changes, serving as a framework for political, economic and institutional reforms, it is essential to recognise that it represents just the starting point on the path toward EU membership. The agreement lays the groundwork for closer alignment with European standards and values, but the journey is ongoing and multifaceted. The EU's sustained support, both financial and strategic, remains indispensable in navigating the intricate challenges ahead and realising the long-term goal of full EU membership.

Relations further intensified in 2010 after the European Commission adopted a proposal to lift the visa requirement for citizens of Albania and Bosnia and Herzegovina wishing to travel to Schengen countries.<sup>7</sup> At the same time, Bosnia and Herzegovina also benefited from investments through the Western Balkans Investment Framework (WBIF). WBIF provided to Bosnia and Herzegovina since 2009 717 million euros of grants for investment and technical assistance.<sup>8</sup>

However, at the end of the same year, the European Commission noted that Bosnian leaders were continuing to block key reforms. Among other things, it called on the country to bring its Constitution into line with the European Convention on Human Rights and to improve the functioning of its institutions so that they can incorporate European law.<sup>9</sup>

In its progress report on Bosnia and Herzegovina, the European Commission highlighted several areas where the country falls short in meeting the requirements for European integration. One major concern is the slow pace of reforms, particularly in the areas of the rule of law, governance and public administration. The Commission criticises Bosnia and Herzegovina for its failure to effectively combat corruption and ensure the independence and efficiency of the judiciary. Additionally, the report points out deficiencies in addressing human rights issues, including discrimination against minorities and inadequate protection of fundamental freedoms.

Such conclusions follow the case of *Sejdić and Finci vs. Bosnia and Herzegovina* handed down by the European Court of Human Rights (ECHR) on December 2019 that revolves around the issue of discrimination in the country's political system. Dervo Sejdić and Jakob Finci, both members of minority groups, brought the case to the ECHR, arguing that Bosnia and Herzegovina's constitution is discriminatory by preventing them from running for certain political offices solely based on their ethnicity. The Bosnian constitution, as established in the Dayton Peace Agreement, reserves the positions of the Presidency and the House of Peoples for specific ethnic groups that effectively excludes individuals who do not identify with these three groups from holding these high-level political positions, violating principles of non-discrimination and equal political participation.

<sup>7</sup> European Commission 2010a.

<sup>8</sup> European Commission 2023.

<sup>9</sup> European Commission 2010b.



The ECHR ruled in favour of the applicants, declaring that Bosnia and Herzegovina's constitution breached Article 14 of the European Convention on Human Rights taken in conjunction with Article 3 of Protocol No. 1 ECHR as well as Article 1 of Protocol No. 12 ECHR. The court called for amendments to the constitution to ensure equal rights and opportunities for all citizens, regardless of their ethnic background.<sup>10</sup>

The Sejdić–Finci ruling prompted significant debate and pressure for constitutional reform in Bosnia and Herzegovina to address the discriminatory provisions. Despite repeated calls from the European Union at the same time, progress on implementing the necessary reforms has been slow due to political disagreements and resistance from ethno-nationalist parties.

### *Submitting the application for EU membership: A multifaceted ambition*

Bosnia and Herzegovina officially applied to join the European Union on 15 February 2016, which was seen as “the beginning of a long journey”, as noted by Johannes Hahn, European Commissioner for Enlargement at the time.<sup>11</sup>

In May 2019, the Commission issued its opinion on Bosnia and Herzegovina's application for EU membership, setting out 14 key priorities for the opening of EU accession negotiations.<sup>12</sup>

The 14 key priorities for opening accession encompass various essential areas for progress towards EU membership. These include reforms in democracy, rule of law, human rights and the economy. Among these priorities are electoral reform to ensure fairness and transparency in elections, strengthening the independence and efficiency of the judicial system, combating corruption and organised crime, as well as measures to promote media freedom and protect minority rights. These priorities aim to encourage tangible and sustainable progress in modernising and stabilising Bosnia and Herzegovina, with the goal of enhancing its European integration.

On 10 December 2019, the Council adopted conclusions on the Commission's opinion, and it took 5 years for the Commission to recommend to the Member States the opening of accession negotiations with Bosnia and Herzegovina. Nevertheless, this date does not yet mark the end of the long journey promised to Sarajevo. The positive momentum that followed the granting of candidate status resulted in high tension in the country with threats of secession from Republika Srpska and because of the war in Ukraine that had profound geopolitical implications for the EU, the Western Balkans and the enlargement process.<sup>13</sup> It has highlighted the importance of security cooperation, energy diversification, and democratic resilience within the EU, while also raising concerns about regional stability and external interference in neighbouring regions.

<sup>10</sup> European Court of Human Rights 2009.

<sup>11</sup> BACZYNSKA 2016.

<sup>12</sup> European Commission 2019.

<sup>13</sup> SWATON 2023.



December 2022 marked a milestone in Bosnia and Herzegovina's EU accession as the European Council granted the country candidate status on the condition that the country implement the steps specified in the Commission's October 2022 communication on enlargement policy to strengthen the rule of law, the fight against corruption and organised crime, migration management and fundamental rights. This "sends a strong signal to the people, but also a signal that progress is expected in the necessary reforms and that the country's institutions need to be made to function properly" said Charles Michel, President of the European Council.<sup>14</sup>

The latest event occurred in December 2023, the European Commission took a significant step forward by opening accession negotiations with Bosnia and Herzegovina. This decision marked a crucial milestone in the country's path towards EU membership, signalling a commitment to deepen cooperation and foster reforms necessary for alignment with European standards and values. However, this move was also accompanied by conditions, which will be discussed during the European Council meeting in March 2024. These conditions likely focused on the need for Bosnia and Herzegovina to accelerate reforms in key areas such as rule of law, governance and the economy, as well as to address concerns related to corruption, ethnic tensions and socio-economic disparities. The discussion at the European Council meeting will likely emphasise the importance of tangible progress and try to demonstrate political will from Bosnia and Herzegovina to advance on its European integration path. Despite the challenges ahead, the opening of accession negotiations represents a positive development, offering Bosnia and Herzegovina the opportunity to strengthen its ties with the EU and work towards a more stable, prosperous and democratic future.

## **Republika Srpska's secession threat**

The secession threat of Republika Srpska is the result of post-war ethnic tensions that have never been overcome.

To understand what is at stake in Bosnia and Herzegovina's accession to the European Union, it is important to understand the country's history, particularly in the aftermath of gaining its independence from the Socialist Federal Republic of Yugoslavia.

The Bosnian War of Independence took place from 1992 to 1995, following the breakup of Yugoslavia. The conflict primarily involved Bosnia and Herzegovina, where various ethnic groups, including Bosniaks (Bosnian Muslims), Croats and Serbs, sought control and independence.

In 1992, Bosnia and Herzegovina declared independence from Yugoslavia, triggering tensions among the ethnic groups. The Bosnian Serbs, backed by the Yugoslav Army, opposed the move and sought to establish their own entity, the "Republika Srpska". This led to widespread violence, ethnic cleansing and displacement of populations. The capital city, Sarajevo, endured a brutal siege by Bosnian Serb forces, resulting in significant civilian casualties.

<sup>14</sup> MICHEL 2023.



International efforts to intervene, such as the establishment of United Nations Safe Areas and peacekeeping missions, faced numerous challenges. The conflict also witnessed the Srebrenica massacre in 1995, where Bosnian Serb forces executed thousands of Bosniak men and boys.<sup>15</sup>

The Dayton Peace Agreement, signed in December 1995, ended the war and established a “consociational democracy”<sup>16</sup> with Bosnia and Herzegovina as a sovereign state composed of two entities, the Bosniak–Croat Federation and the Republika Srpska.

The Agreement also outlined a complex framework for peace and governance in Bosnia and Herzegovina following the devastating conflict in the region. One crucial aspect of the agreement was the establishment of the Office of the High Representative, tasked with overseeing the civilian implementation of the peace agreement. The High Representative holds significant powers, including the authority to impose legislation that he/she considers necessary if Bosnia and Herzegovina’s legislative bodies fail to do so and remove public officials deemed obstructive to peace efforts.

The war left a lasting impact on the region, with ethnic divisions and the process of post-war reconstruction presenting ongoing challenges for Bosnia and Herzegovina, particularly with a view to joining the European Union.

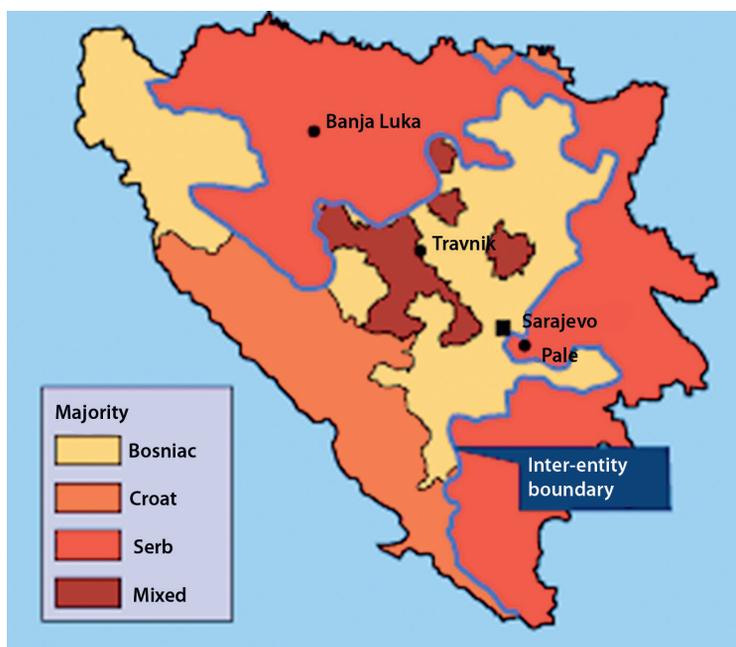


Figure 1: Ethnic repartition in 1995 after the Dayton Agreement

Source: *The Economist* 1998

<sup>15</sup> ROGEL 1998.

<sup>16</sup> TZIFAKIS 2007: 85–101.



The coexistence of distinct ethnic identities within Bosnia and Herzegovina has at times fuelled nationalist sentiments. Political rhetoric, especially during election periods, can become ethnically charged, heightening tensions and exacerbating historical grievances.

Republika Srpska called on constitutional judges to resign and adopted a law providing that decisions of the Constitutional Court would not be implemented, which calls into question the authority, integrity and unfettered functioning of the Constitutional Court and violates the country's constitutional and legal order.<sup>17</sup> At the same time, the Bosnian Serbs have reintroduced criminal sanctions for defamation, which restrict freedom of expression and media freedom, representing a significant step backwards in the protection of fundamental rights granted by the European Union.

Ethnic tensions between the three groups persist to the extent that Republika Srpska has issued threats of secession in 2016<sup>18</sup> led by President Milorad Dodik who declared in 2022: "I want to see the independence of Republika Srpska in my lifetime. Processes are speeding up, and what is happening in Sarajevo shows that Muslim political demands are impossible. We need to achieve a new structure for the country."<sup>19</sup> Such tensions run counter to the positive momentum towards EU membership that has been built up in recent years.

The potential secession of Republika Srpska has probably intensified the urgency surrounding Bosnia and Herzegovina's accession process to the European Union, underscoring the intricate geopolitical challenges at play. The EU has recognised that moving the EU integration of Bosnia and Herzegovina forward is crucial not only for fostering internal stability but also for mitigating the influence of external actors, particularly Russia.

The prospect of a fragmented Bosnia and Herzegovina aligning with divergent geopolitical interests raises red flags within the EU, necessitating a proactive approach to bolster the country's pro-European orientation. In this context, the accelerated accession process serves as a strategic imperative, reflecting the EU's commitment to counterbalance external influences and solidify its role as a stabilising force in the western Balkans.

Even if the President of the European Commission Ursula Von der Leyen recently stated that "Bosnia and Herzegovina must join the EU with the common objective of being a unified, united, and sovereign country",<sup>20</sup> it does not sound like an easy task, as part of the population is distrustful and has lost hope in joining the European Union due to the accession process taking too long. It is important to note that tensions arise when it comes to discussing potential EU membership. In a poll carried out in August 2022, over 90% of the inhabitants of the Croat-Muslim entity said they supported the country's accession to the EU, compared with 54.5% in the Serbian entity.<sup>21</sup>

On the other hand, the decision to grant candidate status to Bosnia and Herzegovina in December 2023 was not only a significant step forward for the country's European integration process but also served broader strategic objectives for the European Union.

<sup>17</sup> European Commission 2023.

<sup>18</sup> HAJDARI 2022.

<sup>19</sup> TOPIĆ 2022.

<sup>20</sup> Agence Europe 2024.

<sup>21</sup> Agence France Press 2022.



In the context of recent developments, such as the European Council's decision to grant candidate status to Ukraine and Moldova in June 2022, the decision on Bosnia was also seen as crucial for maintaining the credibility of the EU's enlargement process.<sup>22</sup>

Granting candidate status to Bosnia sent a clear message to the countries of the Western Balkans, reaffirming the EU's commitment to the region's European perspective despite ongoing challenges and setbacks. By extending a tangible pathway towards EU membership, the EU sought to incentivise reforms, promote stability, and foster closer cooperation with countries in the Western Balkans.

## **The challenges facing Bosnia and Herzegovina on the fringe of EU accession**

### *The flawed Bosnian electoral system that must get closer to European values*

Accession to the European Union is governed by Article 49 of the Treaty on European Union (TEU). To be eligible for EU membership, a country must be a European state in geographical terms, even if to date, there is no officially recognised definition of the geographical limits of Europe; respect and promote the values enshrined in Article 2 of the TEU. These values include respect for human dignity, freedom, democracy, equality, pluralism, non-discrimination, tolerance, justice, solidarity, the rule of law and human rights (including the rights of persons belonging to minorities) forming part of the very foundations of the European Union legal order.<sup>23</sup>

The accession criteria, or Copenhagen criteria (so named in reference to the European Council meeting held in Copenhagen in 1993 at which they were defined), are the essential conditions that each candidate country must meet to become an EU member state.

These criteria are political, economic and administrative, while necessitating the necessary institutional capacity to effectively implement the EU set of common rights, and ability to assume the obligations of EU membership.

Annually, based on the Progress Reports of the European Commission, the Council issues conclusions on the enlargement process and the stabilisation and association process, assessing the progress made by EU candidates and partners on their journey toward European integration.

In the most recent conclusions adopted in December 2023,<sup>24</sup> the Council acknowledged the reform initiatives undertaken by Bosnia and Herzegovina since obtaining candidate status in December 2022. However, it pointed out that overall progress

<sup>22</sup> JONES 2023.

<sup>23</sup> Court of Justice of the European Union 2018.

<sup>24</sup> Council of the European Union 2023.



remained limited, emphasising the need for increased efforts to meet the 14 key priorities set out in 2019.

Considering these priorities, Bosnia and Herzegovina is required – inter alia – to pursue additional constitutional and electoral reforms to ensure equal treatment and non-discrimination of all citizens. As a reminder, the country has a tripartite presidency at the national level, with a Bosniak, Croat and Serb member while the parliamentary structure is designed to ensure representation for all three main ethnic groups.

This unique organisation pushed the Council to urge all political entities to avoid and disavow divisive rhetoric and actions. It emphasised the importance of respecting the country's sovereignty, territorial integrity, constitutional order and international standing, warning that any action contrary to these principles would result in severe consequences.

The legislative elections of 2022 highlighted the shortcomings of the electoral system and the budget that goes with it.

These shortcomings were brought to the European Court of Human Rights by Slaven Kovačević, a political scientist and advisor to a member of the Bosnia and Herzegovina Presidency. He argued that he had not been properly represented and the court ruled in his favour, describing the country of 3.2 million inhabitants as an “ethnocracy”. As a reminder, the country's territorial composition also determines voters' rights. Only residents of the Federation of Bosnia and Herzegovina can elect Bosnian and Croat members of the House of Peoples and the Presidency. Serbian members are elected by residents of Republika Srpska, where Serbs are in the majority.

In the decision *Kovačević vs. Bosnia Herzegovina*, handed down on 29 August 2023, the ECHR recognised that ethnic representation “takes precedence over political, economic, social and philosophical considerations” in the country's political system. It was noticed that the constitution of Bosnia and Herzegovina grants political privileges only to Bosniaks, Croats and Serbs – the “constituent peoples”, while people who do not belong to these three ethnic groups cannot be elected to these two institutions.

In so doing, the Court took direct aim at the Bosnian electoral system by recognising “that there had accordingly been a breach of Article 1 of Protocol No. 12 of the Convention in relation to the applicant's complaint concerning the composition of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina”.<sup>25</sup>

In these circumstances, the High Representative, Christian Schmidt, took multiple actions in relation to electoral affairs with the declared aim of improving the integrity and transparency of the electoral process even though numerous irregularities had been noted and numerous appeals had been lodged.

Nevertheless, the situation in Bosnia does not seem to be changing, to the extent that the results of 2022 elections were not published until a month after the elections. The European Commission's 2023 Progress Report on the issue notes that neither before nor after the elections did the Parliament amend the election law to address outstanding recommendations by the Organization for Security and Co-operation in Europe (OSCE)

<sup>25</sup> European Court of Human Rights 2023.



and the Office for Democratic Institutions and Human Rights (ODIHR) on electoral standards, including transparency of political party financing.<sup>26</sup>

The electoral framework underwent various modifications by the High Representative, including adjustments made on election night, raising concerns about legal certainty according to the OSCE/ODIHR. Despite being generally pluralistic and efficiently organised, the elections were characterised by a lack of trust in state institutions and the use of divisive ethnic rhetoric. In preparation for the upcoming 2024 local elections, Parliament is urged to address the recommendations from both the OSCE/ODIHR to enhance the integrity of the electoral process and bolster public confidence.<sup>27</sup>

Furthermore, the Council stressed the imperative to strengthen the rule of law, emphasising that Bosnia and Herzegovina should enhance its endeavours to combat corruption and organised crime. The establishment of a credible record of investigations and convictions, especially at higher levels, is deemed essential.<sup>28</sup> In Bosnia and Herzegovina, the insidious influence of corruption on the electoral process poses a significant challenge, casting a shadow over the nation's path toward European Union accession. The infiltration of corruption into elections undermines the integrity of the democratic system and raises serious concerns about the country's commitment to the values and standards upheld by the EU. Corruption has seeped into various aspects of the electoral framework, hindering fair competition, and eroding public trust in the democratic process. Instances of bribery, fraud and manipulation compromise the legitimacy of election outcomes, creating an environment where the will of the people may be distorted, as showed the corruption scandal that shook "Snaga Naroda", one of the largest political parties of Bosnia.<sup>29</sup>

This pervasive corruption not only jeopardises the democratic principles that the EU seeks in its member states but also obstructs Bosnia and Herzegovina's progress toward EU accession.

These initial considerations demonstrate the considerable distance Bosnia still has to cover if it is to achieve membership. What seems surprising is that the country has obtained official candidate status despite these shortcomings, which are also to be found in the country's economic development and other matters. Is this simply a case of encouragement to continue reforming, or other interests that motivate the European Union to push for Bosnia's accession?

The question is worth asking, but one thing is certain: the European Union seems to be keeping a very close eye on the political instability in Bosnia and Herzegovina, which is largely the result of a flawed electoral system. In this context, the President of the Commission, Ursula von der Leyen urged the Bosnian authorities to go "as far as possible" in implementing the reforms required as "the more you [Bosnia and Herzegovina] deliver, the more convincing you are to prepare the next European Council" she stated.<sup>30</sup>

The root of the issue concerning the lack of progress in the electoral system in Bosnia lies in the Dayton Peace Agreement, characterised by a decentralised power structure

<sup>26</sup> European Commission 2023.

<sup>27</sup> OSCE 2023.

<sup>28</sup> Council of the European Union 2023.

<sup>29</sup> KOVACEVIC 2020.

<sup>30</sup> Agence Europe 2024.



and ethnic-based political representation.<sup>31</sup> Especially, it created a highly decentralised political structure, with significant powers devolved to the entities of Republika Srpska and the Federation of Bosnia and Herzegovina. This decentralisation has led to duplication of institutions and functions between the entities and the central government, resulting in bureaucratic inefficiency and hindering efforts to streamline the electoral process.

While the situation appears to be paralysed, it also suggests that neither the developments of the distant past relating to the Dayton Peace Agreement, nor more recent developments are conducive to an evolution towards a positive legitimacy independent of the High Representative. The case of Bosnia and Herzegovina also shows that democracy is difficult, if not impossible, to establish when populations are internally divided while national and international actors exploit these divisions on the international stage.<sup>32</sup>

### *Migration related issues and the border control capacity in the spotlight*

Among the many challenges facing Bosnia and Herzegovina, the control and maintenance of its borders is a palpable point of tension for a region often described as a gateway to Europe. From the onset of 2018, over 110,000 refugees and migrants have entered Bosnia and Herzegovina through the Western Balkans route, as reported by the International Organization for Migration (IOM).<sup>33</sup> Most of them have since departed the country in particular because of the unattractive conditions in the country.

Here again, the European Union has taken the lead to ensure better handling of the migration issue, as well as adequate control of its borders. Since the onset of the refugee and migrant influx in Bosnia and Herzegovina, the EU has collaborated closely with UN agencies, various humanitarian organisations, and the Bosnian authorities to address the humanitarian needs of refugees and migrants.

In 2018, the EU has allocated over 21 million euros in humanitarian aid, which is implemented by international humanitarian organisations to address the most pressing needs of refugees, asylum seekers and migrants.

EU humanitarian funding extends to cover shelter, food, water and sanitation, health services, and aids the country in enhancing its capacities for managing migration. Mental health and psychosocial support are also part of the assistance, reaching those who are not in reception centres and are sleeping outdoors. Overall, the EU has contributed nearly €145 million in assistance directly to Bosnia and Herzegovina and through implementing partners.

Bosnia and Herzegovina also participated in the EU Civil Protection Mechanism, which underscores the nation's commitment to a progressive path toward EU accession. Becoming a participating state in this mechanism demonstrates Bosnia and Herzegovina's

<sup>31</sup> AOLAIN 1998: 957–1004.

<sup>32</sup> DIJKSTRA–RAADSCHELDERS 2022: 285–311.

<sup>33</sup> European Civil Protection and Humanitarian Aid 2022.



active engagement in strengthening cooperation with EU Member States in civil protection matters. This participation showed a tangible step in aligning the country's practices with EU standards and further integrating into the broader European framework. By joining the EU Civil Protection Mechanism, Bosnia and Herzegovina signals its dedication to enhancing collaborative efforts in disaster prevention, preparedness and response, aligning itself with the values and principles central to the EU's vision.

While these advances are significant, the fact remains that Bosnia and Herzegovina faced a serious humanitarian crises in the past years, which has been accentuated by the fact that “no solution has been made available to the migrants by the state authorities because of the dysfunctionality of decision-making in the country” Josep Borrell said.<sup>34</sup>

In addition, these advances cannot mask the shortcomings within the country and a situation that is difficult to control at the borders. The entry of Croatia into the Schengen Area on January 2023 raises concerns about potential risks, particularly regarding human trafficking and the safety of migrants at the borders.<sup>35</sup>

Joining the Schengen Area entails the elimination of internal borders, and while this facilitates the free movement of people, goods and services, it heightens the risk of criminal activities, including human trafficking.

The border regions, especially those shared with non-Schengen countries, may become vulnerable points where illicit networks exploit the gaps in border controls, putting migrants at greater risk. Migrants attempting to cross borders may face increased dangers, including violence and exploitation, as they navigate their way between countries with varying levels of border security.<sup>36</sup>

There is a growing concern “in some circles”<sup>37</sup> that the European Union may leverage the accession process of Bosnia and Herzegovina to assume direct control over its borders in its interest.<sup>38</sup> This is also underscored by that fact, that the Commission adopted recommendation to the Council to authorise negotiations on an agreement between the Border and Coast Guard Agency (Frontex) and Bosnia and Herzegovina to strengthen the capacity of the country on its ability to manage migration.

The aim of the negotiations is to “increase EU funding by 60% in total between 2021 and 2024 in all areas of developing effective migration systems, including border security and returns” Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, said.<sup>39</sup>

At this date, no agreement has been signed, but the country is seeking to join the collective European security as some of the EU Member States judged Bosnia and Herzegovina as a “reliable partner in the fight against the international smuggling mafia” Austrian Interior Minister Gerhard Karner stated.<sup>40</sup>

While the EU integration process is typically seen to enhance democratic governance, economic development and regional stability, the fear exists that border control

<sup>34</sup> BORRELL 2021.

<sup>35</sup> Euronews 2023.

<sup>36</sup> RADOSAVLJEVIC 2022.

<sup>37</sup> KOKOTT 2020.

<sup>38</sup> GUIRAUDON 2023.

<sup>39</sup> European Commission 2022.

<sup>40</sup> SWATON 2023.



measures and geopolitical issues might take precedence. The EU's emphasis on secure external borders, particularly in the context of the migrant and refugee crisis, raises questions about the potential prioritisation of border control over other aspects of the accession process.

The European Commission recognised that it was a priority for Bosnia to “ensure effective coordination, at all levels, of border management and migration management capacity, as well as ensuring the functioning of the asylum system”.<sup>41</sup> It was also stated that Bosnia and Herzegovina has made strides in preparing to implement the EU *acquis* in various areas.

Additionally, advancements have been made in the management of migration and asylum matters, with the adoption of a new strategy and action plan for the years 2021–2025 in order to fill the key priority 8, which provides to ensure effective coordination, at all levels, of border management and migration.

## Conclusion

In conclusion, Bosnia and Herzegovina's journey towards EU accession appears to be underway with significant strides made in aligning with EU standards, particularly in areas such as organised electoral and migration management. The persistent political instability within the country, coupled with the complexities surrounding ethno-political dynamics, poses formidable obstacles to the accession process.

While the aspiration for EU membership remains a beacon of hope, the likelihood of realising this goal remains uncertain given the multifaceted issues at play. Achieving a harmonious convergence with EU norms and addressing internal challenges will be essential for Bosnia and Herzegovina to transform the current aspirations into tangible progress towards EU accession.

Nevertheless, it seems certain that the relationship between the EU and Bosnia and Herzegovina remains balanced insofar as Brussels keeps a very close eye on the country's political situation in the throes of Republika Srpska's secession and on the various geopolitical issues surrounding the Western Balkan region.

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<sup>41</sup> European Commission 2023.



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