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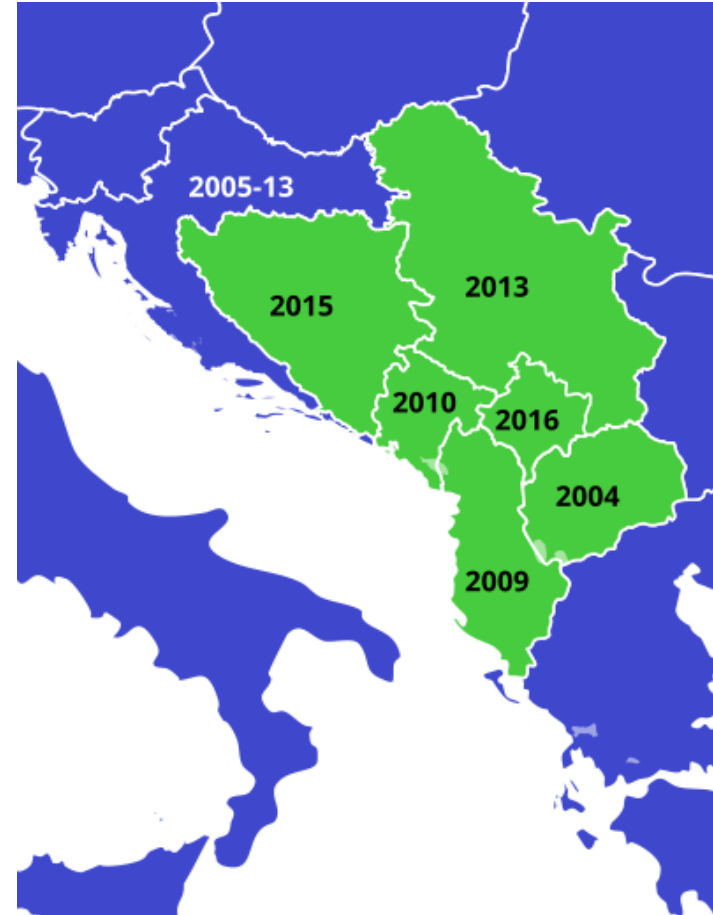
The Importance of Effective Institutional Frameworks in the EU Integration Process

Lessons from Bosnia and Herzegovina

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Stabilization and association process

- The European integration of Western Balkans facilitated through Stabilization and association process (SAP).
- SAP includes countries of former Yugoslavia, excluding Slovenia and including Albania.
- The main legal document in SAP is the Stabilization and association agreement (SAA) signed with every country. Represents a legal basis of EU integrations process



Stabilization and association process

Characteristics of Stabilization and association
process:

- Combination of individual and regional approach,
- Primary goal of normalization of political, economic and societal relations between the countries and their preparation for the accession to European union,
- Based on principles of gradual progression and conditionality.

Stabilization and association process

- Accession conditions, in addition to „Copenhagen criteria“, include additional requirements related to specific circumstances of every candidate country,
- Changes in the approach to EU enlargement due to previous experiences (focus on rule of law),
- Assistance and progression offered, subject to fulfilling conditions,
- SAA with Bosnia and Herzegovina effective from 2015, Candidate status granted in 2022, opening of negotiations pending.

Constitutional structure of Bosnia and Herzegovina

- Constitutional structure of Bosnia and Herzegovina is a result of the series of peace negotiations and treaties aimed to end the devastating 1992-1995 war.
- Washington agreement 1994 created Bosnak-Croat entity of Federation of Bosnia and Herzegovina, which consist of 10 cantons.
- Dayton peace agreement 1995, proclaimed a new Constitution (Annex 4 of DPA), that preserved territorial integrity, but rearranged internal structure of the country, creating entities (Federation of BiH and Republic of Srpska).
- Subsequent arbitration award created a Brčko

Constitutional structure of Bosnia and Herzegovina

- Certain competencies at state level e.g. foreign policy.
- Entities equipped with wide autonomy and competencies.
- Within entity of Federation of Bosnia and Herzegovina, competencies divided between the entity and canton level.
- Certain competencies (e.g. armed forces subsequently transferred at state level).
- Dayton peace agreement



Constitutional structure of Bosnia and Herzegovina

- Decision making process on state level subject to measures protecting the positions of entities and „constituent peoples“.
- Constituent peoples (Bosniaks, Serbs, Croats) have special rights and authorizations in legislative and executive bodies, including quotas, special majority requirements and veto powers (e.g. „vital interest of constituent people“).
- Three-person collective presidency consisting of representatives of the constituent peoples. Parliamentary assembly consisting of two houses. Majority from each entity and from each constituent peoples required to adopt legislation.
- Many of these solutions found to be contrary to human rights and anti-discrimination standards (as

Coordination mechanism

- Activities related to European integrations in Bosnia and Herzegovina organized through the „Coordination mechanism“.
- Coordination mechanism consists of different bodies, committees and working groups that include representatives from all levels of government (entities, canton and District).
- Representatives of different government levels at ministerial or administrative level, decide on issues from their competencies.
- Decisions must be adopted unanimously.
- No central oversight of implementation.

Coordination mechanism

- European Commission issued Opinion on the application of Bosnia and Herzegovina for membership in the EU. In the Opinion several key priorities identified.
- Coordination mechanism heavily criticized as inefficient.
- EU recommended the removal of the unanimous decision making.
- Coordination mechanism showing inefficiencies in (non)adoption of National program of adoption of EU *acquis*, as the essential first

The importance of effective institutional frameworks in the EU integration process

- Unfavorable legal solutions create ineffective institutional frameworks which are prone to political influences and blockades that hinder EU integrations.
- EU accession of crucial importance for Bosnia and Herzegovina, not just for reforms, but for peace and stability of the country and the whole Western Balkans region.

A wide-angle photograph of a vast, flat field of bright yellow flowers, likely rapeseed, stretching to the horizon. The sky above is a clear, vibrant blue, filled with numerous soft, white, puffy clouds. The text "Thank you for your attention!" is centered horizontally across the middle of the image, overlaid on the sky and the top of the field.

Thank you for your attention!