

## ORIGINAL RESEARCH PAPER

# EUROPEAN UNION ENLARGEMENT POLICY WITH SPECIAL REFERENCE TO BOSNIA AND HERZEGOVINA – PREFERENCES AND DOWNSIDES

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## ABSTRACT

By virtue of several European visionaries, led by Robert Schuman and Jean Monnet, whose noble goal was to end centuries of wars and bloodshed on the European continent, today we have the European Union, the most successful integration project of the 20th century. The European Union has come a long way to achieve the ultimate goal of political stability, based on equality in diversity, rule of law, democracy and respect for human rights, as well as the economic growth and development of all its members. From the original six countries that founded the European Coal and Steel Community in 1951, the European Union, through seven rounds of enlargement, has grown into a community of 27 prosperous countries, which both individually and together within the Union, have become a significant player on the global political and economic scene. The aim of this paper is to research and analyze the complexity of the European Union enlargement policy, its preferences and downsides, with special emphasis on Bosnia and Herzegovina and its integration processes, following its recent candidate status. The main research objective is to identify the factors that may enable or constrain effective EU enlargement policy and its implementation in BiH. The paper argues that the final goal – the EU acquis transposition and enforcement by enlargement countries – may present the biggest hurdle on the EU trajectory. The research methods include qualitative methods – analysis of the relevant literature, publications, official EU data, as well as the EU and BiH policy documents and strategies.

**Keywords:** EU membership, EU enlargement, candidate countries, Bosnia and Herzegovina

**MAP SOCIAL SCIENCES**

Volume 4

ISSN: 2744-2454 | © The Authors.  
Published by MAP - Multidisciplinary  
Academic Publishing.

Article Submitted: 15 January 2024  
Article Accepted: 09 February 2024  
Article Published: 11 February 2024



Publisher's Note: MAP stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.

<https://doi.org/10.53880/2744-2454.2024.4.124>



## HOW TO CITE THIS ARTICLE

Delalić S., Delalić Dž. (2024). **European Union Enlargement Policy With Special Reference to Bosnia And Herzegovina – Preferences And Downsides.**

MAP Social Sciences, 4, 124-136.

doi: <https://doi.org/10.53880/2744-2454.2024.4.124>



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## INTRODUCTION

The European Union (EU) enlargement policy applies to countries striving to join the EU. Currently, the candidate countries are Montenegro, Moldova, Republic of North Macedonia, Albania, Serbia, Türkiye, Ukraine, and Bosnia and Herzegovina (BiH), while Kosovo and Georgia are potential candidates. There have been seven rounds of enlargement, since the six 'founding'<sup>2</sup> countries established the European Coal and Steel Community in 1951.

According to the Treaty on European Union (TEU), "any European State which respects the values of the EU and is committed to promoting them may apply to become a member of the Union" (EUR-Lex, 1992, p. 11). The primary goal of the EU enlargement policy is the unification of European countries within a common political and economic program, gathered around unifying common values. Defined by stringent, yet equal for all conditions, the EU enlargement policy has proven to be one of the most valuable instruments in accommodating and promoting social, political, and economic reforms, as well as in strengthening democratic principles, peace, and stability throughout Europe. The policy also contributes to a greater presence of the EU on the global stage (EUR-Lex, 1992).

Throughout the EU enlargement rounds, the basic parameters remained unchanged, although the criteria for membership have become more demanding. The process of EU enlargement aims at greater economic, political, cultural, geographical, and any other integration of Europe based on the common rules and policies. It requires serious and deep structural reforms from the countries wishing to join the EU, primarily economic, political and reforms in the field of rule of law. The process of enlargement and the eventual EU membership brings positive transformations of countries and societies as whole, including strengthening and promotion of human rights and freedoms, economic growth, and improved quality of life of EU citizens. Despite the positive changes and democratization that the enlargement process brings to the new members, the enlargement process so far, especially after the 2007 enlargement round, has created a certain amount of Euroscepticism in both the 'old' and 'new' EU members (Emmert and Petrović, 2013).

Since one of the key foreign policy priorities of Bosnia and Herzegovina is membership in the European Union, the research aims to delve into objective and subjective challenges that the country has been facing on this, so far, rather thorny trajectory. The research is placed in a broader historical context accentuating preferences and downsides of the very complex and demanding enlargement process, both from the point of view of the candidate countries and the European Union itself. Given the fact that the countries of the Western Balkans represent the only missing part of the European equation, the multidimensional and multilayered approach of the research enables profound insight into the developments that accompany this process with special reference to the European public opinion. The detailed geopolitical, socioeconomic and security context of the EU enlargement policy gives a special dimension and importance to the research.

## Policy Process and Membership Criteria

Policy process is based on the detailed pre-accession and accession steps leading to the European Commission (EC) recommending for the EU accession negotiations to be opened with a candidate country based on the relevant conclusions of the EU Council. Agenda building consists of relevant summits, strategies (such as the Thessaloniki Summit in 2003 and its Western Balkans (WB) Agenda 2014 or the Strategy for the WB in 2018 meant to enhance the EU engagement with the region), and the stabilization and accession agreements and accession treaty (European Parliament, 2018). During the pre-accession and accessions process, the enlargement countries need to endorse and enforce EU rules and laws – the 'EU acquis'. Membership negotiations may start once a unanimous decision has been made by the EU Council. Upon the completion of the negotiations and requested reforms agreed by both sides, if all EU countries agree, the country may join the EU.

The main political and economic criteria are known as 'Copenhagen criteria', demanding the countries to meet all the requirements surrounding the EU membership, including commitment to the goal of political, monetary, and economic union (European Commission, 2023). These criteria were subsequently broadened by the European Council

1 United Kingdom, Ireland, and Denmark joined the EU in 1973; Greece did so in 1981; five years later (1986) Spain and Portugal joined the Union; Sweden, Finland, and Austria became members in 1995; 2004 saw the largest EU enlargement ever with the Czech Republic, the Baltic countries (Estonia, Lithuania, and Latvia), Poland, Hungary, Slovakia, Malta, Cyprus, and Slovenia joining; three years later (2007) the EU family was complemented by Bulgaria and Romania, with Croatia becoming the last EU member in 2013 (Labastie, 2023).

2 France, Germany, the Benelux countries (Belgium, the Netherlands, and Luxembourg), and Italy (Labastie, 2023).

in Madrid in 1995, adding the administrative criteria to strengthen the national public administration and judicial capacities to implement the EU *acquis*, as well as geographic criteria (Nakic, 2013).

The Copenhagen criteria are the essential accession conditions that all candidate countries must fulfil to become members of the EU. These are:

- **political criteria:** institutions stable enough to be able to guarantee democracy and the rule of law, protection of minorities, and the human rights respect;
- **economic criteria:** market economy fully functional, capacitated, and capable of coping with the market forces and the competition;
- **institutional and administrative capacity** capable of effectively implementing the EU *acquis* (body of common rights) and the competence to take on the requirements of EU membership (European Commission, 2023).

However, additional requirements, some would say tougher and more demanding, were introduced for the countries in the WB through the Stabilization and Association Process (SAP), focusing mainly on regional cooperation including good neighborly relations.<sup>3</sup> The tougher requirements are linked to the lessons learned when Romania and Bulgaria joined the EU, where the EC still provides support to strengthen their fight against organized crime and corruption as well as the rule of law through the Cooperation and Verification Mechanism (CVM). Another big shift in the enlargement policy occurred in 2005 when the negotiations with Croatia and Turkey were opened. Croatia joined in 2013 and is a success story, while Turkey saw significant withdrawal of EU financial assistance due to its poor human rights record. Following the negotiations with Croatia, the new enlargement approach had been founded on the clear focus and strict demands in judiciary, fundamental rights, EU citizens, and the fight against terrorism, organized crime, and corruption. This tougher approach was implemented in 2012 when the negotiations with Montenegro were opened. Apart from the rule of law, the economy and public administration sector reforms have been the focal elements of the EU enlargement policy in the last decade (Vučetić, 2014).

Economic criteria had no vital role in determining the enlargement process until 1993, while political criteria have in practice become the determining factor after Copenhagen. Enormous “technical” criteria seem to define the duration and manner of membership negotiation process and opening and closing of the 35 different policy chapters (Laermans and Rosens, 2009). Each Chapter is negotiated separately.

The EU’s capacity to accept new member states, upholding, at the same time, the European integration drive, is additional significant consideration. In December 2006, in light of this consideration, the European Council agreed on a ‘new consensus on enlargement’ based on “consolidation, conditionality and communication” (European Parliament, 2024, par. 1) and the EU’s ability to incorporate new members. Institutional consultations have been conducted for some time at the level of the European Union itself with the aim of strengthening the integration capacities and institutional packages of the Union in the context of the admission of new members.

A significant portion of the institutional dialogue was devoted to the successive expansions, which led to the signing of the Treaty of Lisbon. The European Union needed to conform its decision-making processes and institutional capacities with the entry of new member states and make sure that enlargement did not come as a liability on the effective and responsible policymaking. The Treaty greatly changed the composition and work of the EU’s main institutions. Some of these changes were born out of the need to make a set of rules that would not need to be changed with each subsequent expansion (Bargués and Morillas, 2021).

When it comes to the process itself, the procedure is established so that a country wishing to join the EU submits a request to the Council, which subsequently asks for the opinion of the Commission. The European Parliament is informed about the request as well. If the Commission renders positive opinion, the European Council can make a unanimous decision to allocate that country a candidate status. After the Commission makes a recommendation, the Council again unanimously decides whether negotiations should begin. The entire EU legislation – *acquis communautaire* – is composed of more than 30 chapters, arranged according to different policies. Before commencement of the ne-

<sup>3</sup> The aim was to enhance regional integration, stability, and security by developing infrastructures, networks, and free trade areas between neighbouring countries. Adoption of the Declarations on the Green Agenda and the Common Regional Market at the Sofia Summit in 2020, by the Western Balkan countries came as a logical result.

negotiations, the Commission submits a report on the analytical review for each chapter. Based on the recommendation of the Commission, the Council makes unanimous decision whether to move on to the next chapter. If the progress achieved is assessed as being satisfactory, the Commission may recommend “temporary closure” of the chapter. The council makes a unanimous decision on this. Upon completion of negotiations on all chapters, conditions, as well as possible protective clauses and transitional provisions, are included in the accession agreement between the EU member states and the acceding state (European Commission, 2023). The accession treaty can only be signed after obtaining the compliance of the Parliament and the unanimous approval of the Council. The treaty is then sent for ratification to all signatory states in accordance with their constitutional rules (i.e., for ratification by parliament or ratification by referendum).

Throughout the process, enlargement countries are supported financially through the Instrument for Pre-accession Assistance (IPA). In the period 2014–2020, the EU allocated EUR 11.7 billion within this instrument (Eurostat, 2023). IPA funds are conditioned with obligatory country-wide strategies for each sector and the funds might be withdrawn due to a lack of progress in reforms. In other words, IPA funds were reduced for BiH due to the lack of country-wide strategy in agriculture in 2014, and later on in the employment sector. In practice, budgeting is conditioned with progress or lack thereof and the countries’ ability to absorb and manage the funds. IPA funds and projects are managed by the relevant national governments, except in BiH, where the EU Delegation staff manages the project’s funds. That is why the EU Delegation to BiH is one of the largest EU Delegations in the world.

Given the slow progress and lack of reforms in the enlargement countries, one can conclude that the EU financial assistance has not been as effective as envisaged.

## Arguments For and Against EU Enlargement

Starting from a common identity, shared values, and the proclaimed principle of mutual aid, support and cooperation, the main arguments for joining the EU could be summarized in three points:

- 1) greater prosperity for all,
- 2) greater stability in Europe, and
- 3) greater role of the EU in issues at the global level.

One of the significant effects of the enlargement is better and closer regional cooperation, especially economic, which thanks to numerous signed agreements between countries in the region, with the help of the EU, enable easier and simpler customs procedures and greater trade cooperation. As part of the enlargement process, greater economic modernization and stronger regional economic integration make the region more competitive and attractive for investment. Bearing in mind the fact that the final goal of the enlargement process is entry into the EU, and thus access to the EU single market, the effect of the enlargement process is also visible in the activities and efforts of the countries of the region to improve their products and normative legal frameworks and procedures in order to meet the requirements and standards leading to the single economic market (Laermans and Rosens, 2019). The economies of the region would greatly benefit from the EU single market. The effects would be faster and cost reduced trade of goods and services across the region, which improves competitiveness and creates opportunities for investment. This would also help solving other issues, such as the supply chain, the return of production to Europe and the departure of young people from the region. For example, the establishment of “green corridors” that ensured the rapid flow of essential products across the land borders throughout the Western Balkans in the midst of the COVID-19 pandemic, starting with 2,000 trucks in April 2020, culminating to 13,000 trucks crossing borders daily, is a proof that regional cooperation and solidarity is the way to progress. Given that the EU is explicit that unresolved territorial issues cannot be brought into the EU, one of the effects of enlargement is increased awareness and efforts made to resolving bilateral issues and border disputes in the region before joining the EU (Judah, 2015).

EU membership brings greater legal certainty, more foreign direct investment, greater freedom of movement, work, and education. Furthermore, every country that joins the EU gains access to the largest single economic market in the world with slightly less than 400 million people, following BREXIT. The advantages of enlargement and then joining the EU are also reflected in the fact that there is much greater investment in the infrastructure, such as telecommunications, transport, energy, water supply or environment, which ultimately results in the economic growth and the employment increase. Additional advantage can be found in the increase in trade and capital flows, as well as access to cheap resources and their better distribution, and ultimately, easier access to cheap and



relatively qualified labor, which significantly contributes to the global positioning and global competitiveness of the EU. This way, EU companies can more easily position themselves on the global market, expanding their business activities beyond the EU borders. The enlargement of the EU brings modernization and reforms to the enlargement countries necessary for approximation, and the subsequent adoption of the EU *acquis*, strengthening the principle of democracy in each one (Džihić et al., 2016). Finally, pollution and environmental problems, undoubtedly one of the biggest challenges facing the entire planet, can only be solved by the cooperation of all countries with the application of unique environmental standards.

In addition, there is an increase in the GDP of the EU. From the perspective of the EU, enlargement brings a three-fold increase in trade between old and new members and a five-fold increase in trade cooperation between new member states, greater stability and prosperity in Europe, and a greater role and influence of the EU on the global stage. The space that enjoys rule of law, liberty, and security will significantly expand by the EU enlargement, facilitating the fight against all forms of organized crime, since the accession states are obliged to adopt European principles and standards in the field of justice and law enforcement. Enlargement brings to the EU itself all the potential that candidate countries and potential candidates bring with them, greater opportunities to build and strengthen common foreign and security policy, as well as access to human, economic, natural and all other resources in the enlargement countries (Bargués and Morillas, 2021).

Challenges in the context of enlargement may be linked to the feeling of some member states that the functioning of the Union would be more demanding and difficult with additional new members. Another most complex and long-lasting challenge are the repercussions of the economic and financial crisis which came as a result of the war in Ukraine. A third challenge may be the political consequences for some members of the Union regarding the effects of the 2015–2016 migration crisis and its impact on the mood towards the European project, especially the wave of migration from the so-called Eastern Mediterranean and Western Balkan routes. Some of the arguments against enlargement can be found in the analysis of the effects of EU membership on the countries of Central and Eastern Europe by Marian L. Tupy (2003) entitled: “EU Enlargement Costs, Benefits and Strate-

gies for Central and Eastern European Countries”. Tupy claims that “the EU is neither a necessary nor a sufficient condition for economic growth, pointing out that the combined effects of market access and economic liberalization, rather than EU membership, optimize economic growth” (p. 56). He highlights that compliance and implementation of EU rules and regulations in the field of labor, agriculture and the environment impose huge costs on new members, with labor legislation of Western countries – ‘old’ members – makes the workforce from new and less productive members less competitive. There is criticism that subsidies in agriculture favor current EU members over new ones, while environmental regulations and obligations impose costs in the billions of euros for new members. Tupy draws the following conclusions:

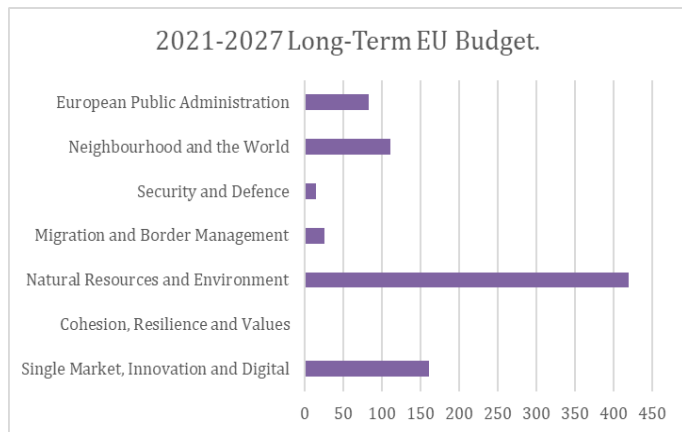
- 1) full membership in the EU creates enormous costs for optimal economic growth;
- 2) the EU has advanced into immense trade block powerful enough to specify trade conditions with individual non-EU member countries;
- 3) the indelible economic well-being of European nations is inconsistent with the centralization of both political and economic decision-making processes managed by the Brussels bureaucracy;
- 4) the EU insists on standards that are not applicable in the current stage of economic development of the given countries;
- 5) the EU member states with the most rigid labor markets determine the social agenda (Tupy, 2003).

In addition, Puchala (1999) emphasizes negative impact of new members on EU GDP per capita, the serious economic challenges that these countries face, the solution of which requires significant structural funds. He further points to the weak government institutions and the lack of political culture in the accession states, which has a potentially negative effect on efficiency of the EU political institutions. Furthermore, EU members face a collectivist versus individualist dilemma, considering that long-term enlargement can benefit them as a ‘collective’, while individually they can suffer damage both economically and institutionally. Member states also consider enlargement to be contributing to and increases the heterogeneity

of the European Union, which, in addition to bringing numerous benefits, still causes entanglement of the process of negotiations and decision-making at the EU level and imposes the necessity of establishing a huge and at the same time very expensive administrative apparatus, which requires additional financial resources. This situation can threaten some vital common policies, such as agricultural, and slow down the integration process.

**Figure 1:**

*Spending categories of the EU Budget 2021-2027 (in € billion). (Source: Authors' calculations based on the European Commission data, 2023).*



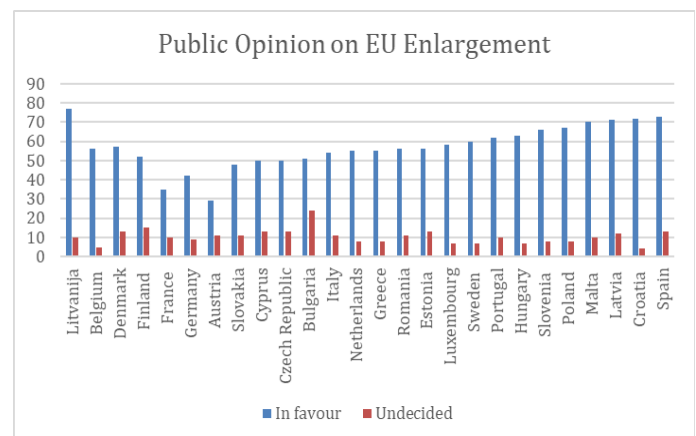
Making centralized decisions in Brussels and losing national sovereignty are considered by some to be negative effects of EU membership. As an argument against joining the EU, some believe that joining the EU will bring inhumane neoliberal practices, using cheap domestic labor and natural resources. The process of enlargement is usually opposed by forces that are not ready for a change, rather want to maintain the status quo (Boin et al., 2014).

Although decisions on the accession of individual countries to the European Union are made at the political level, the increasing politicization of the issue of EU enlargement and the obligation to ratify agreements in national parliaments imposes the need to pay close attention to public opinion in this process, which is already the case in all EU member states. When it comes to the EU public stance towards enlargement, there is a completely heterogeneous picture. According to the official public opinion polls, on average more than half (53%) of the European Union citizens support its further expansion, while 10% do not have a clear position on this issue, which implies that 37% of Europeans are

against it (Eurobarometer, 2023). However, it is important to emphasize that the level of support differs from country to country with the geopolitical reasons standing at the top of the pyramid for or against enlargement. In the last fifteen years, there has been a trend of declining support for enlargement in all EU member states, which coincides with the economic crisis of 2008. In addition to economic, cultural and religious reasons are cited as a major obstacle to further expansion, especially when it comes to countries with different cultural and religious backgrounds from that of European Union, namely, the non-Christian Kosovo, Albania and Turkey. Young and educated EU citizens are more in favor of enlargement than older people. Figure 2 shows that in Germany, France and Austria, the countries that represent the strongest political and economic power, public opinion support for further expansion is the lowest (Mathieu, 2016).

**Figure 2:**

*Public opinion on future enlargement of the European Union, 2023 (in %). (Source: Authors' calculations based on the Statista data, 2023).*



The EU enlargement process is a very expensive process, and the costs themselves are unequally distributed. In other words, some countries will profit more than others, while some countries will pay a higher price than others. In addition, the enlargement process requires a unanimous decision at the level of the European Council, which implies a long, slow, and exhausting negotiation and decision-making process. There are numerous factors that influence the path each acceding country will take, at the center of which is the relationship between costs and benefits, which is very risky, uncertain, and difficult to calculate, because it is based on facts as much as on assumptions that can be challenged by numerous unforeseen

developments. Enlargement is a process difficult to rationalize in terms of black and white and cost benefit. Finally, geopolitical, geoeconomic, and security interests play a key role, which was especially the case with the countries of Central and Eastern Europe. On the other hand, Piedrafita and Torrealanca (2005) observe the EU enlargement process as a “power game” in which both sides, the EU and the candidate country, from their own perspective, strive to extract maximum benefits. Thus, the European Union endeavors to make the most of the political, economic and security benefits, with minimal costs of accepting a new member, while the potential member country strives to maximize benefits with minimal contributions, i.e., costs within this collective body. Since each new potential member is a unique case, the European Union has over time developed a special doctrine of enlargement, trying to consider all the specificities of each new member country, while preserving the basic principles and the conditions of membership embodied in the *acquis communautaire* (Moravcsik and Vachudova, 2003).

### Who sets the enlargement agenda in EU institutions?

Enlargement policy represents a strong platform for the EU to grow further and strengthen its role and position on the global level. Although it has often been described as “the most successful EU foreign policy” (Balfour, 2023, p. 2), the strict and complex enlargement conditionality with the low preparedness of the enlargement countries to absorb the membership obligations, and Member States (MS), often controlling the enlargement process with their national agendas, have shown a number of shortcomings over the years that have weakened the credibility, effectiveness, and legitimacy of the policy (Hillion, 2010). Examples date from the EEC enlargement and France vetoing twice the UK membership aspiration or more recently Greece interventions over the name of the Republic of North Macedonia. Still, it seems that the European Commission (EC) has steadily taken the leading role among the EU institutions in setting the enlargement policy (Emmert and Petrovic, 2013).

The EU readiness to integrate and receive new members, particularly after the so-called ‘Big Bang’ and the two enlargement waves in 2004 and 2007, seems to have decreased with the growing ‘enlargement fatigue’ and Euroscepticism, both within the MS and enlargement countries. The EU seems to be signaling that it does not want to import territorial disputes, underdeveloped econo-

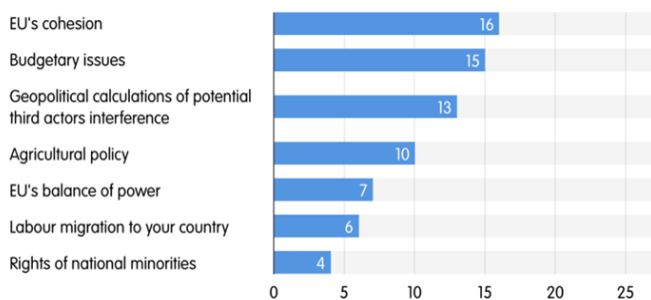
mies, weak rule of law systems or migration inflows. Two elements that seem to have continuously influenced the enlargement policy are different national interests of the MS and a lack of political will to make genuine sectoral reforms in the enlargement countries. Paradoxically, the final goal – the *acquis* transposition and its enforcement by enlargement countries – may present the biggest hurdle to overcome on their path towards the EU (Buras and Morina, 2023).

Following the two big enlargements, European Union seems to have become fatigued of accepting new members. Thus, a serious debate about this process has long been put aside. However, the Russian invasion of Ukraine brought this issue back to the negotiating table of the EU member states, which resulted in the granting of candidate status to Ukraine and Moldova in June 2022, putting the Western Balkan countries back in the focus. Aware of the increasingly strong influence of Russia in the Western Balkans, European officials realized the strategic priority of this part of Europe at the crucial moment of binding the countries of the Western Balkans to the European values. After more than a decade of hesitancy caused by enlargement fatigue, European countries, even those that most strongly opposed enlargement, such as France, but also Belgium, the Netherlands, Denmark, and Sweden, have realized that enlargement is the best and most adequate response to the new geopolitical realities in Europe (Azrout et al., 2012).

Therefore, enlargement today is seen more as a geopolitical instrument, rather than an instrument for the spread of European values, norms, and standards. Although the values themselves are not negligible, the dominant geopolitical and geostrategic idea of enlargement enables the imposition of the European Union as a strategic factor in the Western Balkans, undermining the rather realistic scenario of this part of Europe falling under Russian or Chinese influence. The consensus on this issue has been, more or less, reached at the level of the Union, however, the uncertainty remains as to how to achieve this goal. The main stumbling block, in this context, is the issue of security, that is, whose task would be to provide for it, the EU’s or NATO’s. In other words, should the same recipe be applied to the countries of the Western Balkans that was applied in case of the Eastern and Central European countries; Poland, Hungary, and the Czech Republic, which first became members of NATO in 1999, and only five years later were admitted to the membership of the European Union.

There are still numerous political, institutional, and economic factors that significantly affect the capacity of the European Union to absorb additional members. Based on the research conducted by the European Council on Foreign Relations in 2023, in addition to disputes between some candidate countries and EU members, and between some candidates themselves, the future of the cohesion of the European Union and its budget are at the top of the list of key enlargement concerns by the EU countries, especially in light of the huge expenditures for Ukraine, and the funds needed to adequately respond to the migration issue (Buras and Morina, 2023).

**Figure 3:**  
The key enlargement concerns in EU member states (in number of states).



(Source: European Council on Foreign Relations, 2023).

Despite all the challenges, the European Union has certainly and most decisively in the last fifteen years, once again set out on the path of enlargement, even though discussions on how to do it have not yet been initiated. The geopolitical challenges facing today's EU are so serious that they have overshadowed all the other concerns.

## EU Enlargement and Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) was granted the candidate status for EU membership on December 15, 2022. In the words of HR/VP Josep Borrell it was "a message to the people and a tasking for

politicians" (EU Delegation to BiH, 2022, par. 1). Furthermore, Borrell referred to Russia's illegal and unprovoked aggression against Ukraine, highlighting that BiH condemned the aggression and aligned to the EU's unprecedented sanctions against the Russian leadership, demonstrating that our common future is based on shared values and shared principles. The granting of candidate status occurred on the recommendation of the European Commission a few months earlier, stemming from efforts that have been made on bolstering democracy and the rule of law, state institutions functionality, the fight against organised crime and corruption, media freedom warranty, and the country's migration management. The Commission pointed out that it "would continue supporting reform efforts and accelerate the integration of the Western Balkans as a whole" (European Commission, 2022, par. 3).

In June the same year, the European Council voiced its readiness to grant candidate status to Bosnia and Herzegovina, and instructed the Commission to conduct an analysis and make a report on how far the country has gone in terms of fulfilling the 14 previously set key priorities, with special emphasis on key reform processes. Regardless of the general elections and the political turbulence, the leaders of the political parties currently in power at the state level have committed (it seems only verbally) to implementing measures that will ensure functional state of Bosnia and Herzegovina that as such would be able to achieve significant progress on the path leading to the European Union. Fulfilling the 14 key priorities specified in the Commission's Opinion on the Bosnia and Herzegovina's EU membership application will result in recommending for the accession negotiations to be unlocked.<sup>4</sup>

At the Thessaloniki European Council Summit, held in June 2003, BiH was formally given the opportunity to join the EU, when it was recognized as a potential candidate. Since 2003 numerous agreements have been signed between BiH and the EU. For BiH citizens and their freedom to travel, the two most significant agreements are the Visa Facilitation and Readmission Agreements, which entered into force in 2008. Since December 2010,

<sup>4</sup> On November 8, 2023, the European Commission published a report on the fulfillment of Bosnia and Herzegovina's obligations as a precondition for opening negotiations on EU membership. The report states that negotiations will not be opened until the country meets the necessary EU criteria. Nevertheless, the European Commission presented a recommendation on the conditional opening of negotiations in March 2024 if BiH shows the necessary progress in the implementation of reforms. The countries that most seriously oppose BiH opening negotiations with the EU are the Netherlands, Germany, and France. It is worth noting that the RS President, Milorad Dodik, blocked all reform processes in the country, conditioning them on the adoption of a new law on the Constitutional Court of BiH, which would imply the removal of foreign judges from this institution. However, the other political parties have not shown commitment on the realization of 14 priorities, which were identified by the European Commission, and which the state had to fulfill as a condition for opening negotiations, since only one condition has been fulfilled.



the BiH citizens with a biometric passport can travel to the Schengen area without visa. This Agreement has helped over 12,000 citizens from BiH who participated in different youth, student, and academic exchanges under ERASMUS+ from 2014–2020 (European Commission, 2023).

In July 2008, the country signed the Stabilization and Association Agreement (SAA), which came into force in June 2015.<sup>5</sup> Approximately at the same time, the Interim Agreement on Trade with the EU came into force. Although still not member of the European union, the EU is the country's most significant trade partner with €9.6 billion made in trade in goods in 2020, while in the same year the EU's Foreign Direct Investment (FDI) in BiH was €228 million (European Commission, 2023).

In February 2016, BiH submitted its application for EU membership. Three years later, in May 2019, the European Commission issued its Opinion in which it identified 14 key priorities that BiH must fulfill in order to continue its path to EU membership. These key priorities cover the areas of the rule of law, fundamental rights, democratization, and the functionality of the country, as well as the public administration reform (EC Opinion, 2023). The EU has been clear that unless BiH meets the key priorities, it cannot start the EU accession negotiations. In the 2021 annual report on BiH progress by the European Commission, it is stated that the country "regarding the political criteria, legislative and executive authorities had a low output due to political polarization and the disruption caused by pandemic" (EC Annual Report, 2021, p. 6). No significant progress was made in 2022 despite "the public commitment of political parties to the strategic goal of European integration confirmed in Brussels in June 2022" (EC Annual Report, 2022, p. 1), as the EC annual report on BiH, highlights that "for most of the reporting period this commitment was not turned into concrete reform actions. Deep political polarization and disagreement among the main parties of the ruling coalition led to a standstill in the work of the democratic institutions and on reforms on the EU path" (EC Annual Report, 2022, p. 2). In the area of public administration reform (PAR) some progress was made, but there is still a plenty of work to be done for BiH to secure depoliticized and professional civil service. With regards to judiciary, no progress was made in the much needed rule of law reforms, while the trust of citizens is still low. When it comes to the fight against corruption and organized crime, BiH made no progress and

urgently needs to adopt the laws on the conflict of interest and public procurement.

These assessments lead to a conclusion that the weak rule of law is one of the biggest challenges BiH will need to overcome in the EU integration process. Given the slow progress in the reforms implementation outlined in the Opinion, it also seems clear that the EU integration process is not a priority for BiH politicians due to the ethno-nationalistic patterns of policy making (Stefano, 2018). EU enlargement policy and process in BiH has not yielded significant results despite its conditionality mechanism but has made the membership goal a 'moving target' (Blagovcanin, 2016).

The key sectors, the EU supported in BiH, with €530 million from 2014–2020 are "democracy and governance; rule of law and fundamental rights; environment, climate action and energy; transport; competitiveness, innovation, agriculture and rural development; education, employment, and social policies" (European Commission, 2023, par. 8). Paradoxically, more than 60% of this financial support has been allocated to the rule of law sector, which still remains very weak, fragmented and jeopardized by political pressures and corruption. In BiH, some 80% (from 67% in 2018) of all respondents surveyed in the June 2020 Balkan Barometer challenge the effectiveness of the legal system (Balkan Barometer, 2020).

The above briefly elaborated key developments are an integral part of the overall evolution of the EU-BiH relationship and enlargement policy, including the following key milestones:

**1997–2007:** The trajectory of Bosnia and Herzegovina leading to the European Union membership began in 1997, when the EU adopted a regional approach, and determined the political and economic criteria that the country must fulfill in order to become a full member of the Union. A year later, the EU-BiH Consultative Task Force was formed, confirming the EU commitment to accept five Western Balkan countries into its membership. Already in the second half of 1999, the European Union proposed a new framework for pre-accession cooperation with the WB countries, including Bosnia and Herzegovina, as potential candidates, known as the Stabilization and Association Process (SAP). The process was officially accepted by the European Union and the Western Balkans countries at the summit held in Zagreb in November 2000, and additionally

5 It took seven years for the country to ratify the Stabilization and Association Agreement.

strengthened three years later at the summit held in Thessaloniki, thus confirming the EU perspective of these countries. Meanwhile, in 2001, the European Union launched the CARDS program, specifically intended for SAP countries. At the end of 2003, the European Commission carried out the first assessment of the institutional capacities of Bosnia and Herzegovina and set 16 key priorities, i.e. preconditions for opening negotiations on the signing of the Stabilization and Association Agreement. The first partnership for Bosnia and Herzegovina was adopted by the European Union in 2005. Around the same time, negotiations on the SAA were initiated on the recommendation of the European Commission. The agreement was signed on June 16, 2008.

**2008–2018:** In early 2008, Bosnia and Herzegovina, within the framework of the new European partnership, signed the Instrument for Pre-accession Framework Agreement (IPA), and in the same year the dialogue with the EU regarding visa liberalization began. Two years later, a visa-free regime was established for all citizens of Bosnia and Herzegovina who travel to Schengen countries, provided they possess a biometric passport. Until the entry into force of the Stabilization and Association Agreement (SAA) on June 1, 2015, there were no significant developments in Bosnia and Herzegovina on its path to the membership in the European Union. Less than a year later, on February 15, 2016, BiH submitted an application for membership in the EU and by the end of the same year received the Questionnaire from the European Commission. Two years later, at the EU-Western Balkans summit held in Sofia, the leaders of the EU member states confirmed the European perspective of the countries of the Western Balkans. Around the same time, Bosnia and Herzegovina submitted answers to the European Commission's Questionnaire.

**2019 – up to date:** In early 2019, the European Commission determined 14 key priorities that BiH must adopt as a condition for opening negotiations on EU membership. A year later, the European Commission adopted an economic and investment plan to aid the countries of the Western Balkans and bring them closer to the EU. The year 2022 was marked by the award of candidate status to Bosnia and Herzegovina (EU Delegation to BiH, 2023).

Bosnia and Herzegovina has noticeably come a long way, from the end of the war until today, to become part of the family of European countries. While the country has been continuously facing serious existential problems for several decades now,

including numerous transition and reform processes, the relationship of the European Union towards the membership of BiH as well as the other countries of the Western Balkans, is characterized by the absence of much-needed consensus. That was the case at the end of the nineties of the last century, and it is still the case today, despite the fact that the membership of Bosnia and Herzegovina and the remaining countries of the Western Balkans would bring much-needed security and political stability to the old continent (Bieber, 2011).

Despite the lack of European consensus, the fact remains that Bosnia and Herzegovina is still far from a functional democracy, the level of corruption at all levels of government is at a worrying level, human rights are violated, and the country is still facing serious divisions and a dysfunctional government and institutions. The process of building the state is far from over, the country is continuously in a state of political and institutional crisis, and the heated ethno-nationalist and secessionist rhetoric threatens the peace and stability of the country, and therefore the whole of Europe (Mišević, 2016). This situation resulted in a complete apathy of the local population, seriously endangering political participation and the political culture of the country, which has the potential to be the driving force of innovation and change in society. In addition, society faces poverty, inequality, and social insecurity, which ultimately cause widespread pessimism. By introducing and, if necessary, imposing European values and standards, the country would finally move on and replace the status quo with dynamic reform processes. In order for this to happen, a stronger engagement of the European Union is needed because the BiH political elite has proven to be insufficiently committed. "Thereby, the meaning of the 'Europe'-paradigm is reduced to a political phrase, an empty promise of a better future" (Džihic and Wieser, 2008, p. 72). Bosnia and Herzegovina, as well as the other Western Balkan countries, need stronger support from the European Union itself, so that the local population does not feel isolated from Europe and to avoid the additional strengthening of ethno-nationalist forces in Bosnia and Herzegovina (Lazinica, 2022).

Although two-thirds of the BiH population (70%) support the country's entry into the European Union, the opinion of the EU public about BiH's entry into the EU is slightly different. According to the Eurobarometer survey (2018), BiH's accession to EU enjoys the support of almost half (48%) of the European population. So far, numerous empirical stud-

ies have been conducted on the factors that shape public opinion in the European Union in relation to further enlargement. In addition to socio-economic factors, an important factor is identity, especially in relation to the countries of Eastern Europe, which during the Cold War were part of a completely different political, economic, social, as well as the value system. Studies have shown that among EU citizens who have a strong sense of national identity, who show religious intolerance, anti-immigration attitudes or fear of losing national identity and cultural unity, they are largely opposed to further enlargement. Research has also shown that these factors differ in relation to potential candidate countries.

## CONCLUSION

The biggest enlargement challenges, the Western Balkan countries including Bosnia and Herzegovina, are facing are of economic nature and the lack of genuine and deep economic reforms, that is, the inability of the countries of the region to meet the obligations of the EU's single economic market. In the political and legal sense, the biggest challenges for all the countries of the Western Balkans are lack of strong rule of law with the widespread corruption and the lack of functionality and the stability of democratic institutions. The entire region should carry out fundamental political and economic reforms, including public administration reform, and ensure respect of human rights.

Despite generous support, governance and institutions of Bosnia and Herzegovina remain weak mainly due to the lack of political will of the established political elites, poor coordination and technocratic approach on one hand, and the lack of readiness by the EU to truly lead the process, while insisting on the local ownership. The focus of the EU work in BiH for the previous decade has been the socio-economic reforms (the so-called Reform Agenda) but no serious economic reforms have taken place and social trust is very low due to the constant divisive and inflammatory rhetoric and deep divisions within the BiH society. The EU or international community cannot impose the reforms and the local authorities would rather keep the status quo than undertake the painful changes. Thus, the top to bottom enlargement policy approach the EU has tried to implement in early pre accession and accession stages does not seem to work but there is no capacity nor momentum to do the bottom to top changes either.

The EU is often perceived as too slow and technocratic both politically and financially, even though the EU is the biggest investor and trading partner in BiH, people do not recognize it as such, and local citizens, particularly the youth, are leaving the country and are increasingly fatigued by the EU integration process. Still, a vast majority of BiH people are in favor of the EU future. This creates the impression that the „EU helps BiH to stay afloat, while adjourning the European perspective of the country„ (Bargués and Morillas, 2021, p. 1331).

It can be concluded that the EU with its enlargement policy is still the single largest actor in BiH despite the current increasing influence of Russia and China in the region. With the current political and constitutional crisis in BiH and the war in Ukraine, it is obvious that the EU enlargement policy should reconsider its approach in BiH as to how to bridge the gap from Dayton to Brussels, since the local political elites are extremely slow with the needed structural reforms and the country seems to be the slowest in the region with snail steps towards the EU.

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