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## *The process of accession of Bosnia and Herzegovina to the European Union: between Daytonization and Europeanization*

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## **Abstract**

*In 2022, Bosnia-Herzegovina obtained the status of candidate for entry into the European Union, and in 2024 accession negotiations formally began. This accession process, which takes years, marks a key stage on the road to the EU, but as stated by the former President of the European Council Charles Michel, “the hard work must continue and has only just begun”. Among the five Balkan countries whose negotiations for EU membership are open (Serbia, Bosnia-Herzegovina, Montenegro, Albania and Northern Macedonia), Bosnia-Herzegovina will be particularly complex. Unlike the other candidate countries, Bosnia-Herzegovina is still subject to the effects of the Dayton Accords, signed in 1995 to put an end to the inter-community conflict. The country is still under international supervision, through the International High Representative in Bosnia-Herzegovina, which contravenes EU rules on political stability. Political stability is the country's weakest link, due to its extremely decentralized system (known as consociational) and the geographical and ethnic division between the Bosnian Croat federation and the Serb-majority Republic of Srpska. The country is subject to a failing constitutional system. What was supposed to be a peace agreement leading to a sustainable post-conflict transition is still today a source of community tensions and a daily reminder of the consequences of the conflict for the country's constitutional viability, not to say its long-term existence. The tripartite presidential system, resulting from the Dayton Accords, has over time made the country difficult to govern, effectively depriving the central state of much of its sovereign prerogatives.*

*It is in this conflictual situation that the role of the European Union comes into play. The European Union, as a transnational entity, has acquired over the years a legislative status recognized in international law. This international recognition has helped to underpin the process of integration of the European Community model. As the integration and globalization of trade, flows and people progress, the member states of the European Union are gradually ceding national prerogatives to the transnational European fold. If in normal times entry into the European Union requires years of effort, legislative transformations to comply with European rules, internal and external geopolitics make the integration of Bosnia-Herzegovina eminently more complex, even problematic. This analysis suggests major transformations soon in the ethnic, political and institutional system of Bosnia and Herzegovina, revealing generational, societal and ethnic fractures, making entry into the European Union the keystone, for better or for worse of the completion of the Dayton agreements and the existence of Bosnia and Herzegovina.*

## **Introduction**

Since its application for EU membership in February 2016, Bosnia and Herzegovina has been on the long road to integration into the European family. To achieve this, the country must meet 14 key priorities (from the rule of law to justice, to free movement)<sup>1</sup>. In 2022, the country was granted candidate status for entry into the European Union, and in 2024, accession negotiations began. The accession process marks a key milestone on the road to the EU, but as the former President of the European Council Charles Michel has stated, the hard work must continue and

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<sup>1</sup> [https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2023_en)

is only just beginning<sup>2</sup>. Among the five Balkan countries whose EU accession negotiations are open (Serbia, Bosnia and Herzegovina, Montenegro, Albania and North Macedonia), those of Bosnia and Herzegovina promise to be particularly complex. The still deep ethnic divisions, the multiple delays in constitutional, judicial and electoral reforms, as well as the recent legislative proposals of the Republic of Srpska of President Milorad Dodik, contrary to European values, have prevented the country from catching up with its neighbors on the path to the EU<sup>3</sup>.

Why this recent rush to bring Bosnia and Herzegovina into the European family despite the many points of tension and fault lines? The war in Ukraine and Russia's expansionist intentions have led the European Union to ally itself with the loyalty of its neighbors, in the East and in the Balkans. Russia seems to have more and more influence there, particularly in Serbia, while Türkiye, China and the Arab countries of the Gulf are also struggling to extend their influence in the region. But this sudden and accelerated integration raises questions about the future of the very existence of the country, as the complexity of the political and institutional model and ethnic relations since the end of the war in 1995, call into question the long-term viability of the country.

### *A problematic political system inherited from the Dayton Accords*

The Dayton Accords resulted in a complex political system, composed of thirteen governments and parliaments, three presidents who share the role every 8 months and approximately 150 ministers. On one side, there's the Croat-Muslim Federation – resulting from a marriage of interests between the Bosnian authorities in Sarajevo and the Croats of Herzeg Bosna – and on the other a Serbian entity, the Republika Srpska, which maintains special relations with neighboring Serbia<sup>4</sup>. Since its independence, Bosnia and Herzegovina has constituted a *de facto* trusteeship state or protectorate of the European Union, the United States, and international organizations under the authority of the High Representative and special representative of the European Union, supported by the European Union Multinational Stabilization Force (EUFOR). The Dayton Accords resulted in an institutional precariousness, which is still evident today. In return, the strong deconcentration of state powers towards the local level allows cities like Sarajevo to assume prerogatives and skills, which can encourage the emergence of projects in the economy sectors<sup>5</sup>.

Since 1995, the country is subject to a failing constitutional system. What was supposed to be a peace agreement leading to a sustainable post-conflict transition is still today a source of community tensions and a daily reminder of the consequences of the conflict for the country's constitutional viability, not to say its long-term existence. At present days, the central state is still stripped of a large part of its sovereign prerogatives, rendered ungovernable by the three-party presidential system. The almost systemic refusal to reach agreement within the three-headed state, which was foreseen by the international community in its desire to put an end to

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<sup>2</sup><https://www.touteleurope.eu/l-ue-dans-le-monde/elargissement-les-vingt-sept-donnent-leur-feu-vert-a-l-ouverture-des-negociations-d-adhesion-a-l-ue-avec-la-bosnie-herzegovine/>

<sup>3</sup><https://fr.euronews.com/my-europe/2024/03/12/la-commission-recommande-louverture-de-negociations-dadhesion-avec-la-bosnie-herzegovine>

<sup>4</sup> <https://www.monde-diplomatique.fr/cartes/bosniemdv1999>

<sup>5</sup> Tardy, T. (2006). "L'ONU et la gestion des conflits yougoslaves (1991-1995): faillite d'une institution, faillite des États?". *Relations internationales*, 128(4), 37-53.

the war, along with the rise of nationalist demands, diluted any concentration of power towards an extreme federal model.

The consequence of this ethnofederal model is the absence of a stable and coordinated political and institutional model. The laws and regulations are an inextricable mixture of old and new laws that overlap, complicating the forms of cross-border coordination by systemic bureaucracy. The presence of the High Representative for Bosnia-Herzegovina holds a political power that places him above all other existing powers. This position of international guardianship only reinforces the dysfunction of the political system in the face of its contradictions and personal interests.

Today, in Bosnia and Herzegovina we can witness the predominance of two ideological currents at the political level (pro-nationalists versus pro-Europeans), two processes (daytonization versus Europeanization) confronting and coexisting with each other:

- A process of Europeanization underway since 2003 and the Thessaloniki summit, very anchored in urban spaces and local and cantonal levels, particularly in the Bosnian Croatian federation
- A process of Daytonization in place since the end of 1995, very significant within national institutions and the Republic of Srpska.

### ***Cooperation between the local level and the EU to bypass the federal and national levels***

Despite a dysfunctional political model, the local authorities have managed to create a way of cooperation involving several areas. At the level of the Sarajevo Canton, local authorities are bypassing national authorities in terms of cooperation and coordination in the cultural, tourism, and sports fields, to collaborate with international and transnational organizations. This type of cooperative model, despite its extremism and complexity in Bosnia and Herzegovina, is based on the concept of "territorial governance". It is rooted in the scientific fields of territorial geography. The question of territorial governance refers to local development and is situated in the historical context of the growing involvement of local actors—private, public, and associative—in development dynamics, in their capacity to mobilize and take charge<sup>6</sup>. The territory appears as an active entity which draws its development potential from its local resources, understood in the broad sense, that is to say with its activities, its actors, its networks... The coordination of actors at the territorial level brings about a change: the decision becomes partly autonomous in relation to the central public power; it is possible to notice a certain poly-centrality of the forms of regulation, which are broadening to the social, cultural and economic spheres. The emergence of this form of governance represents a radical change for public action, which seems to move from public policies to local public action<sup>7</sup>.

The multiscale, evolutionary governance of the political system highlights the systemic dysfunction of vertical collaboration, amplified by shaky horizontal collaboration. These failings of the governance model and the political system only serve to highlight a "conflict of resistances" between, on the one hand, national and federal players who act as ideological

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<sup>6</sup> Leloup, F., Moyart, L. et Pecqueur, B. (2005). La gouvernance territoriale comme nouveau mode de coordination territoriale ? *Géographie, économie, société*, 7(4), 321-332. <https://doi.org/10.3166/ges.7.321-331>.

<sup>7</sup> Faure, A., 2001. « Dynamiques intercommunales, leadership et territoire : le pouvoir local change-t-il les politiques publiques ? », *Sciences de la Société*, n° 53, mai, pp. 11-24.

brakes on any transformation of the political system, and, on the other hand, local and international players who are resisting these obstacles by developing new projects as best as they can.

It is in this conflictual situation that the role of the European Union comes into play: according to a hybrid role of the European transnational apparatus: dominator–adapter–transformer<sup>8</sup>, the political, institutional and supranational legitimacy of the EU, through its member states, in the context of an accession process within the European community, become mediators through the European Commission. This legitimacy provides full scope for intervention and mediation within Bosnian society and its political settlements, in order to meet the conditions for entry into the EU. The European Union, as a transnational entity, has acquired over the years, since its creation in 1951 (formerly the ECSC or Economic Coal and Steel Community), a legislative status recognized in international law. This international recognition has helped to underpin the process of integration of the European Community model. As the integration and globalization of trade, flows and people progress, the Member States of the European Community are gradually ceding national prerogatives (economy, justice) to the transnational European fold. This evolutionary process from the national to the transnational is leading the European transnational institution to play a hybrid role in the development of a process of institutional change, transferring powers, resources and policies from the national to the local level, using a hybrid model (dominating, adapting, transforming)<sup>9 10</sup>.

In a country as divided as Bosnia and Herzegovina, accession to the European Union seems to be an argument for confrontation and secession by the nationalist President of the RS, Milorad Dodik, Strongman of the Republika Srpska for 20 years. In recent years, RS leaders have multiplied initiatives aimed at weakening central institutions and demanding more autonomy, thus undermining the delicate balance established by Dayton. For example, in April 2024, the RS adopted a law creating an electoral authority specific to this region, undermining the constitution and unity of Bosnia and Herzegovina. At the beginning of 2025, the regional parliament of the RS ordered its Serbian representatives to block the decisions of national institutions, thus paralyzing reforms crucial for European integration. This institutional obstruction, described as a “threat to the constitutional order” by Western powers, underlines the extent to which Bosnia remains a fragile state. On February 26, 2025, RS President Milorad Dodik was sentenced to one year in prison and banned from holding office for six years for refusing to heed the decisions of the high international representative overseeing the peace agreement in the Balkan country. This sentence sparked rising tensions in the divided Balkan country. The President of Republika Srpska (RS) immediately called on Serbs employed in the central government's police and justice systems to leave these institutions. However, after several Bosnian leaders denounced a coup d'état, the country's Constitutional Court suspended the contested laws on Friday evening. It imposed an interim measure suspending the laws until a final decision is announced. On March 7, EUFOR announced a temporary increase in its troops on the ground. NATO Secretary General Mark Rutte declared on Monday, March 10, 2025, in Bosnia, in the presence of the country's three presidents, that the international

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<sup>8</sup> Cyril MARTIN-COLONNA et Boualem KADRI, « Le rôle des organismes transnationaux dans la transformation de la ville. », *Téoros* [En ligne], 41-2 | 2022

<sup>9</sup> Di Maggio Paul et Walter W. Powell, 1983, « The Iron-cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Field », *American Sociological Review*, vol. 48, n° 2, p. 147-160.

<sup>10</sup> Di Maggio, Paul et Walter W. Powell, 1997, « Le néo-institutionnalisme dans l'analyse des organisations », *Politix*, vol. 40, no 4, p. 113-154.

community would not allow a security vacuum to develop in the country and a repeat of the 1992-1995 conflict.

"The international community is present and determined to continue its strong support (...) I know that EUFOR (the European Union Force) is fully prepared to maintain a safe and secure environment in Bosnia and Herzegovina," (Mark Rutte, NATO Secretary General)<sup>11</sup>.

## **Conclusion**

While EU membership is often presented by European authorities as a solution to the chronic crises in Bosnia and Herzegovina, some experts warn against this optimism. The Carnegie Foundation and GRECO (Group of States against Corruption) stressed in 2024 that progress on the EU path is not a cure for the structural crisis affecting Bosnian politics<sup>12</sup>. Given that the accession to the European Union is based on the original foundations of the Dayton Accords, the federal and national political powers, under the leadership of the European Union and the international community, must complete the post-1995 political and institutional transition before addressing this topic. Without cooperation and transformation of the Bosnian political system, not only could accession to the European Union be a long chimera, but it could lead to the spatial partition of the two federations. The nationalist inclinations of the Republic of Srpska, mixed with foreign anti-Europeanist influences, will require structural transformations to hope to enter the European family according to the European Commission's 2030 agenda, which seems hardly feasible or even realistic now.

Therefore, to achieve a complete post-Dayton transition, it seems necessary, under the leadership of the European Union, the United States and the international community, to carry out constitutional reforms bringing together the political and civil society actors of the Bosnian Croat Federation and the Republic of Srpska, at the local, cantonal and federal levels. These constitutional reforms must begin at the same time as the opening of negotiations for the entry of Bosnia and Herzegovina into the EU, thus allowing for multi-level legislative, judicial and institutional harmonization. It is preferable in terms of viability and territorial integrity to open a constitutional and societal process over several years, even one or two decades, through several rounds of negotiation, then to maintain the current system, which is inoperative, obsolete and incompatible with any lasting transformations towards the European Union.

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<sup>11</sup> <https://www.france24.com/fr/info-en-continu/20250310-le-chef-de-l-otan-en-bosnie-promet-de-ne-pas-laisser-de-vide-s%C3%A9curitaire-s-installer>

<sup>12</sup> <https://www.coe.int/fr/web/portal/-/bosnia-and-herzegovina-further-progress-needed-in-implementing-anti-corruption-recommendations>