

Houdini in Bosnia

How to unlock the EU accession process

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The costs of non-Europe

Macedonia submitted an application for EU membership in March 2004.¹ Almost a decade later it has still not opened EU accession talks. Albania submitted its application in April 2009.² More than four years later it is not even an official candidate.

Then there is Bosnia and Herzegovina (hereafter: Bosnia).³ Bosnia has already broken every record when it comes to its Stabilisation and Association Agreement (SAA) with the EU.⁴ It started negotiations in November 2005. Eight years later, the agreement has not yet entered into force. No other Balkan country has taken so long. Bosnia has also not yet submitted an application for EU accession.⁵ If the experience of Albania and Macedonia is anything to go by, it might not start accession talks for another decade.

Table: Snails pace: SAA from opening negotiations to entry into force⁶

Macedonia	2000-2004	4 years
Croatia	2000-2005	5 years
Montenegro	2005-2010	5 years
Albania	2003-2009	6 years
Serbia	2005-2013	8 years
Bosnia	2005	?

The main reason for Bosnia's SAA limbo and its hesitation to submit an EU accession application is the same: its leaders' failure to implement the judgement by the European Court of Human Rights (ECtHR) in *Sejdic-Finci vs. Bosnia and Herzegovina*.

On 21 March 2011 the Council of the European Union stated that the SAA could only enter into force after Bosnian politicians made a credible effort to bring the country's constitution in line with the European Convention of Human Rights (ECHR).⁷ On 16 October 2013 the European Commission published its annual report on Bosnia and concluded:

“Despite intensive facilitation efforts by the EU, the country's political representatives could not agree on a solution to implement the European Court of Human Rights judgement in the *Sejdic-Finci* case regarding discrimination against citizens on grounds of ethnicity. Addressing this judgement remains key for the entry into force of the Stabilisation and Association Agreement and for a credible application for EU membership.”⁸

¹ European Commission, [“Country profile – FYR of Macedonia”](#).

² European Commission, [“Country profile – Albania”](#).

³ European Commission, [“Country profile – Bosnia and Herzegovina”](#).

⁴ The SAAs are offered to all Western Balkans countries and are considered to be a first step in the EU accession process. European Commission, [“SAA with Bosnia and Herzegovina – Treaty information”](#).

⁵ All other Western Balkan states have done so. The EU does not consider Kosovo a “state”, since only 23 of 28 EU members have recognised its independence (for the other 5 it is still an autonomous province within Serbia). It is thus not possible for Kosovo to submit an application.

⁶ Council of the European Union, [“SAA Agreement details \(FYR of Macedonia\)”](#), [“SAA Agreement details \(Croatia\)”](#), [“SAA Agreement details \(Montenegro\)”](#), [“SAA Agreement details \(Albania\)”](#), [“SAA Agreement details \(Serbia\)”](#), [“SAA Agreement details \(Bosnia and Herzegovina\)”](#), accessed 15 October 2013.

⁷ Council of the EU, “Council conclusions on Bosnia and Herzegovina”, 21 March 2011.

⁸ European Commission, [“Key findings of the 2013 Progress Report on Bosnia and Herzegovina”](#), 16 October 2013.

So far, however, these warnings have not been enough to reach an agreement. A recent ESI report, “Lost in Bosnian labyrinth. Why the Sejdic-Finci case should not block an EU application” cites two reasons for this.⁹ The first is that what is being asked of Bosnian leaders has not been asked of other EU candidates. The second is that what is being asked of them is much easier said than done.

In recent days, the pressure to find a solution has increased further. On 1 October, and then again on 10 October, Bosnian leaders travelled to Brussels. Their last meetings with EU officials concluded just as all the previous ones had, i.e. without an agreement. In fact, the leader of the biggest party in the Bosnian state parliament, Zlatko Lagumdžija (SDP), called on the EU to take the initiative and suggest a solution: “These seven people cannot solve this on their own. That is perfectly clear ... and that is why it is of utmost importance that the European Union and the European Commission are fully involved.”¹⁰

The leader of the biggest Bosnian Croat party in the Bosnian state parliament, Dragan Covic, had a different take on the same gathering:¹¹

“We agreed to be in contact over the coming hours or days to go through the proposal [summarised by commissioner Fule], and then to meet again and possibly sign it, if this will be possible ... to be honest, half of us did not understand the idea behind the proposal.”¹²

Finally, the leader of the biggest Bosnian Serb party in the parliament, Milorad Dodik, noted that the EU offer was not all that attractive to begin with:

“Macedonia has candidate status since 2005. Macedonia still does not have a date for the opening of negotiations, which is the next stage, and neither does Serbia. So if we implement Sejdic-Finci, we would have candidate status. So let us not repeat this abstract story of Europe moving and us lagging behind. Where is Europe moving? Where did Serbia go?”¹³

However, whether one looks at economic growth per capita, export growth or employment, those Western Balkan countries that have made headway towards EU accession in the decade since 2003 have *all* outperformed those that have not (see tables in Annex A). The three countries that have performed worst, i.e. Kosovo, Albania and Bosnia, are also the three furthest away from accession talks. Being a laggard comes at a price, and it is a price paid in prosperity and employment.

All this makes overcoming the current stalemate all the more urgent. It also makes it crucial for the EU to define what a “credible Bosnian effort” in “addressing this judgement” (as the 2013 EU progress report demanded) would look like. In the past 46 months there has certainly been no shortage of attempts to negotiate a solution. More than 50 proposals have

⁹ ESI report, [“Lost in Bosnian labyrinth. Why the Sejdic-Finci case should not block an EU application”](#), 7 October 2013.

¹⁰ Zlatko Lagumdžija (SDP BH), Klix.ba, [“Lagumdžija: Nas sedmorica lidera se ne mozemo dogovoriti”](#), 13 October 2013.

¹¹ European Commission, [“EU-BiH: After the 3rd round of High Level Dialogue on Accession Process”](#), 10 October 2013.

¹² Dragan Covic (HDZ BH), Klix.ba, [“Dobili smo prijedlog, ali ga nismo razumjeli, svadjali smo se, a Lagumdžija je vristao”](#), 10 October 2013.

¹³ Milorad Dodik (SNSD), president of Republika Srpska for Radio Television of Republika Srpska, [“Pecat”](#), 10 October 2013.

been elaborated (see Annex B). These have been discussed in some 130 meetings. It has not been for lack of trying that Bosnian leaders have so far failed.

Could Bosnia and Herzegovina *denounce* Protocol 12 in case an agreement proves elusive? This is what Trinidad and Tobago did in 1998 regarding another international treaty on human rights.¹⁴ The UK government in 2003 seriously explored an option to denounce the whole ECHR over the case of Chahal.¹⁵ Chahal was a Sikh separatist whose deportation to India the ECtHR banned because of the risk that he would suffer torture or punishment in India.¹⁶ By spring 2013 the UK was still pondering this idea.¹⁷ So far, fortunately, it has refrained from doing so.

If Bosnia would denounce Protocol 12 it would pre-empt other, similar court cases in the future, which are in the pipeline given that other institutions in Bosnia also operate based on ethnic quotas. However, the withdrawal from Protocol 12 would *not* lift Bosnia's obligation to implement Sejdic-Finic:

“... denunciation cannot allow a state to violate an existing obligation. For example, a state which has already received a final judgment from the European Court of Human Rights will still be obliged to comply with that judgment under Article 46 of the Convention.”¹⁸

In short, Bosnia has assumed obligations when it ratified the ECHR and its protocols. These obligations are there to stay. If it does not want to violate the rights of its citizens and its international obligations, it has to implement the ECtHR decision in full.

There are now three possibilities left. The first is that Bosnia's leaders agree to a solution within days. The second is that they continue to fail to reach a compromise and block their country's road towards the EU. The third is that they agree a partial solution that demonstrates that their efforts can yield results. This paper argues that if they manage to do so, the EU should respond by opening the door for accession talks.

Counting votes for a breakthrough

The Bosnian constitution, like the US one, is designed to be very hard to change. Any amendment has to clear several different hurdles:¹⁹

- A two-thirds majority in the lower house of the state parliament (the House of Representatives), which must also include at least one-third of the votes of the deputies from each entity (Republika Srpska and the Federation)

¹⁴ On 26 May 1998, the Government of Trinidad and Tobago denounced the first Optional Protocol to the International Covenant on Civil and Political Rights. See Optional Protocol to the International Covenant on Civil and Political Rights, [“Status of ratification”](#).

¹⁵ Liberty, [“Denunciation of ECHR – Legal Opinion on the Lawfulness of Government Proposal to Withdraw From the ECHR and Re-Ratify With Reservations as Part of its Asylum Seeker Strategy”](#), January 2003.

¹⁶ ECtHR, [“Case of Chahal v. the United Kingdom”](#), application No. 22414/93, 15 November 1996.

¹⁷ BBC, [“Theresa May: Tories to consider leaving ECHR”](#), 9 March 2013.

¹⁸ UCL European Institute, [“Dr Basak Cali: The Talk of Temporary Withdrawal from the ECtHR”](#), April 2013.

¹⁹ See: [Constitution of Bosnia and Herzegovina](#); Parliamentary Assembly of Bosnia and Herzegovina, [“House of Representative Rules of Procedure”](#) and [“House of Peoples Rules of Procedure”](#), accessed 16 October 2013.

- A simple majority in the upper house of the state parliament (the House of Peoples), which must also include a majority of the votes within each of the three ethnic caucuses (Bosniak, Croat, Serb).

Assuming all members vote, a two-thirds majority in the lower house requires 28 of 42 votes. This must include at least 5 members from the Republika Srpska and 10 from the Federation. In the upper house, the House of Peoples, constitutional change requires the support of 3 of the 5 Bosniak, 3 of the 5 Croat and 3 of the 5 Serb members.

State Parliament – lower house²⁰

Political party	Entity	Members
SDP BH (Lagumdzija)	Federation of BH	8
SDA (Tihic)	Federation of BH	7
SBB BH (Radoncic)	Federation of BH	4
Party for BiH (Jerlagic)	Federation of BH	2
DNZ BH (Dolic)	Federation of BH	1
HDZ BH (Covic)	Federation of BH	3
HDZ 1990 (Raguz)	Federation of BH	1
HSP BH (Jurisic)	Federation of BH	1
NSRzB (Lijanovic)	Federation of BH	1
SNSD (Dodik)	Republika Srpska	8
SDS (Bosic)	Republika Srpska	4
DNS (Pavic)	Republika Srpska	1
PDP RS (Ivanic)	Republika Srpska	1
TOTAL		42

What complicates this even further is the fact that – partly as a result of international policies implemented more than a decade ago and designed to weaken the three dominant national parties at the time – the Bosnian political landscape is hugely fragmented, with very low thresholds for smaller parties. As a result, 13 different political parties are currently represented in the 42-member lower house, and 10 parties in the 15-member House of Peoples. The largest party (SDP) has only 8 of 42 seats.

This means that any constitutional amendment requires a majority of both the Bosnian Croat and the Bosnian Serb parties in the House of Peoples. It also means that the Bosniak SDA, which is currently in opposition and holds 3 of the 5 seats in the Bosniak caucus, has to be part of any solution.

Since the SDP does *not* hold a veto in either house, the temptation is big for it to remain in opposition to any agreement on how to change the constitution, rather than sign up to concessions to Bosnian Croat parties in the Federation. As Dragan Covic, leader of HDZ BH, noted:

“We have five to six days to agree [on this new proposal]. We still don’t know if we will reach a bilateral agreement with any of the parties, this is still open. If we don’t agree, then this will be it.”²¹

²⁰ Parliamentary Assembly of Bosnia and Herzegovina, [“Members in the House of Representatives”](#), accessed 16 October 2013.

²¹ Dnevni avaz (Bosnian daily), [“Covic: Sigurno se necemo dogovoriti sa SDP-om”](#), 16 October 2013.

Covic added that in any case he would not talk to the SDP. In case the SDP remains in opposition, it all comes down to an agreement between the Bosniak SDA and SBB, the Bosnian Croat HDZ BiH and the Bosnian Serb SNSD, plus other smaller parties.

*State Parliament – upper house*²²

Political party	Caucus	Members
SDA (Tihic)	Bosniak	3
SDP BH (Lagumdzija)	Bosniak	2
HDZ BH (Covic)	Croat	2
HDZ 1990 (Raguz)	Croat	1
HSP BH (Jurisic)	Croat	1
SDP BH (Lagumdzija)	Croat	1
SNSD (Dodik)	Serb	2
SDS (Bosic)	Serb	1
DNS (Pavic)	Serb	1
PDP RS (Ivanic)	Serb	1
TOTAL		15

We have noted in a previous report that in Belgium it took 9 years for Flemish and Walloon political parties to agree to implement a decision by the Belgium constitutional court on reforming a multi-ethnic voting district.²³ It is certainly not surprising that it has taken Bosnian parties this long to solve a problem of even larger significance.

A credible effort?

The ECtHR court decision in the case of *Sejdic-Finci vs. Bosnia and Herzegovina* consists of two parts.²⁴ One concerns the tri-partite Bosnian state presidency. The second concerns the composition of the upper house of the state parliament.

It is important to note that the court's reasoning with regard to the two institutions differs significantly.

The ECHR alone does not guarantee the right to be elected either to the executive or to parliament. It is in combination with additional protocols that these rights have been established.²⁵ However, these rights are not universal. Respect for these rights is required only from those member states that have ratified the relevant protocols.

The ECtHR decision on the upper house is based on the fact that Bosnia has ratified Protocol 1, which has been ratified by all EU members.²⁶

²² Parliamentary Assembly of Bosnia and Herzegovina, "[Delegates in the House of Peoples](#)".

²³ ESI report, "[Lost in Bosnian labyrinth. Why the Sejdic-Finci case should not block an EU application](#)", 7 October 2013.

²⁴ ECtHR, "[Case of Sejdić and Finci v. Bosnia and Herzegovina](#)", Application nos. 27996/06 and 34836/06.

²⁵ There is a total of 14 protocols to the ECHR that are in force and an additional 2 that are opened for signature; Council of Europe, "[List of Protocols to ECHR](#)".

²⁶ Council of Europe, "[Status of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms](#)", Status as of 16 October 2013.

The ECtHR decision on the presidency is based on the fact that Bosnia has ratified Protocol 12 to the ECHR. This is an optional protocol that only 8 of 28 EU members have ratified.²⁷ If Bosnia had not ratified Protocol 12, then the structure of its presidency would not be in violation of the ECHR.

From a legal point of view, the fact that only few countries have ratified Protocol 12 does not make any difference: Bosnia has ratified it, the court has based its decision on it, and Bosnia must implement all aspects of the court decision equally.

From a political point of view, however, the difference is big. It would make sense for the EU to focus on Bosnia changing its constitution in line with Protocol 1. It is much harder politically to justify blocking Bosnia over an obligation that most EU members themselves have not accepted.

This suggests one way out of the current stalemate. Bosnian political parties should confirm their willingness to implement the ECtHR judgement in full. They should acknowledge that they will need more time to reach an agreement on the presidency, but agree a solution for the upper house immediately.

The EU should take note of Bosnia's commitment to fully implement the ECtHR decision and insist that it does so before Bosnia becomes a full EU member. It should also accept that changing the composition of the upper house constitutes a sufficiently "credible effort" for launching the EU accession process.

How to reform the upper house

The upper house of the Bosnian parliament approves all legislation and takes part in the legislative procedure on an equal basis with the lower house.²⁸

Its 15 delegates are appointed, not directly elected. The 5 Bosniak and 5 Croat delegates are chosen by the Bosniak and Croat caucuses, respectively, in the upper house of the Federation parliament.²⁹ The 5 Serb delegates are chosen by the Republika Srpska parliament.³⁰

To be nominated, delegates must state whether they consider themselves Bosniaks, Croats or Serbs.³¹ The ECtHR found that it was this arrangement that contravened the ECHR and its Protocol 1³²:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”³³ (Protocol 1)

²⁷ Council of Europe, [“Status of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms”](#), Status as of 16 October 2013.

²⁸ [Constitution of Bosnia and Herzegovina, article IV \(3\)](#).

²⁹ [Constitution of Bosnia and Herzegovina, article IV \(1\)](#).

³⁰ *Ibid.*

³¹ *Ibid.*

³² Protocol 1 is in force in all 28 EU members. Only Monaco and Switzerland did not ratify the protocol, see Council of Europe, [“Protocol to the ECHR – Status of signatories”](#).

³³ ECHR, [“Article 3 of protocol 1 to ECHR”](#).

Note that restrictions in the process of election are acceptable for upper chambers without wide legislative power, such as the UK's House of Lords or the German Bundesrat.³⁴ The ECtHR found, however, that the Bosnian upper chamber “enjoys wide powers to control the passage of legislation.”³⁵

This means that there are two ways for this issue to be resolved. One is to change the competencies of the upper house. The other is to change its composition.

The first option would entail limiting the legislative power of the upper house to only those laws that deal with issues of national interest or those that concern one of the three constituent peoples upon their specific demand.³⁶

The second option would entail simply adding three seats for members belonging to the category of “others”, two from the Federation and one from the Republika Srpska, chosen by their respective parliaments.³⁷

The EU and pre-conditions

Would the EU, by accepting partial implementation of the judgement, damage its credibility and its leverage in the future? We do not believe that it would.

The EU has already revised its approach in the past in light of evidence that some of its demands were not well founded.³⁸ It has also dropped – without offering any explanation – a much more compelling and serious condition for Bosnia's EU membership application. In 2009 the Council of the EU clearly stated that for the bloc to consider Bosnia's application, the country's Office of the High Representative (OHR), which has the power to impose legislation and dismiss Bosnian officials, would have to close.

“The Council stresses that it will not be in a position to consider an application for membership by Bosnia and Herzegovina until the transition of the OHR to a reinforced EU presence has been decided.”³⁹

This was based on a clear opinion of both the Council of Europe and the Venice Commission, its advisory body for constitutional matters. The Council of Europe considered OHR closure a

³⁴ See page 48, ECtHR, “[Case of Sejdić and Finci v. Bosnia and Herzegovina](#)”, Application nos. 27996/06 and 34836/06; and A. Reidy, M. Russel, “[Second Chambers as Constitutional Guardians and Protectors of Human Rights](#)”, June 1999, p. 12.

³⁵ See page 32, § 41, ECtHR, “[Case of Sejdić and Finci v. Bosnia and Herzegovina](#)”, Application nos. 27996/06 and 34836/06.

³⁶ Similar proposals have appeared in debate over implementation of Sejdic-Finci ruling: See [April Amendments](#), April 2006; European Commission for Democracy through Law (Venice Commission), “[Opinion on April Amendments to the Constitution of Bosnia and Herzegovina](#)”, § 26, 27 and 98, April 2006; SBB (Radoncic) proposal raised in the Bosnian Parliamentary Assembly [Joint Committee on implementation of Sejdic and Finci ruling](#), December 2011.

³⁷ This is in line with what emerged as a proposal during facilitation effort by EU Delegation to Bosnia in February and March 2013, it was reported by media that the House of Peoples would have three members coming from the “Others”, 1 from RS and 2 from FBiH, without a right to form their own caucus or to have a veto power, see Klix.ba, “[Sta donosi elektorski sistem u kontekstu rjesenja slucaja Sejdic i Finci](#)”, 20 February 2013.

³⁸ ESI paper, “[The worst in class. How the international protectorate hurts the European future of Bosnia and Herzegovina](#)”, 8 November 2007.

³⁹ Council of the EU, “[Council conclusions on enlargement/stabilisation and association countries](#)”, 8 December 2009.

matter of vital importance for the rule of law and democratic values in Bosnia. In 2004 its parliamentary assembly had made this clear:

“... the Assembly considers it *irreconcilable with democratic principles* that the High Representative should be able to take enforceable decisions without being accountable for them or obliged to justify their validity and without there being a legal recourse.”⁴⁰

The Venice Commission had pointed out in 2005:

“... it is however certainly not a normal situation that an unelected foreigner exercises such powers in a Council of Europe member state and the justification for these powers for the future merits not only political but also legal consideration ... such an arrangement is *fundamentally incompatible with the democratic character of the state* and the sovereignty of BiH.”⁴¹

The closure of the OHR was not something that Bosnian leaders could do much about, however. It had to be decided by the Steering Board, a group of countries and organisations that finance the OHR and provide the High Representative with political guidance.⁴² The main share of the OHR’s budget – 53 per cent – comes from the EU.⁴³

In the end, the EU acknowledged that any agreement to shut down the OHR, or even to stop funding it, remained elusive. The UK in particular opposed closing the OHR, as did the US and Turkey. The EU silently dropped its demand, signalling that this fundamental issue of “incompatibility with democratic principles” could be addressed later.

Ideally, Bosnia’s main political parties will agree on the full implementation of the Sejdic-Finci decision as soon as possible. Ideally, they will do so with a broad consensus, with all the larger parties in both entities (including SDP) on board.

However, if they do not succeed now, they should agree on one of the options outlined above for reforming the upper house of the state parliament. In addition, they should urgently agree on the establishment of a coordination mechanism to drive forward the EU accession process. This is another of the EU’s conditions.

Noting that these two achievements constitute a credible effort to meet the EU demands, the Bosnian Presidency should send a letter to the Council of the EU and file an application for EU membership. This would be a win-win situation for Bosnia and Herzegovina and for the EU ... and allow one of the poorest countries in the Balkans to shed the shackles that have held it back for far too long.

⁴⁰ Parliamentary Assembly of the Council of Europe, [“Resolution on strengthening of democratic institutions in Bosnia and Herzegovina”](#), 23 June 2004.

⁴¹ European Commission for Democracy through Law (Venice Commission), [“Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative”](#), 11 March 2005.

⁴² The Steering Board is made up of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference (OIC), which is represented by Turkey. OHR website, [The Steering Board](#).

⁴³ OHR website, [Status, Staff and Funding of the OHR](#).

ANNEX A: Cost of non-Europe for Bosnia and Herzegovina

Today Western Balkan states remain poor compared to the rest of Europe. However, within the Western Balkans there is significant diversity: some countries – Kosovo, Albania and Bosnia – are significantly poorer than others.

Table 1: GDP per capita in 2011 in comparison⁴⁴

Country	EU27 average is 100
Kosovo	18
Albania	30
Bosnia	30
Serbia	35
Macedonia (candidate)	35
Montenegro (candidate)	42
Bulgaria (EU)	46
Romania (EU)	49
Croatia (negotiating in 2011)	61
Greece (EU)	79

One correlation is striking: the poorer a country in terms of per capita GDP, the less advanced it is in its EU accession process. If one looks at development and growth in the past decade (since 2003) there is also a correlation between increases in gross national income per capita and EU accession. Romania, then Bulgaria, then Croatia did best in the years since 2003. Bosnia, Albania and Kosovo did worst.⁴⁵

Table 2: Gross National Income (GNI) per capita 2003-2011 (PPP-adjusted, in international USD)⁴⁶

	2003	2011	Change
Romania	7,600	15,800	+8,200
Montenegro	7,500	13,700	+6,200
Bulgaria	8,400	14,400	+6,000
Croatia	13,00	18,800	+5,800
Macedonia	6,400	11,400	+5,000
Serbia	6,900	11,600	+4,700
Bosnia	5,700	9,200	+3,500
Albania	5,400	8,800	+3,400
Kosovo	(5,800) ⁴⁷	7,500	+1,700
EU27	24,400	32,600	+8,200

⁴⁴ Eurostat, [“Substantial cross-European differences in GDP per capita”](#), Statistics in Focus 47/2012, 13 December 2012.

⁴⁵ Here Montenegro is an outlier; this may be due to its small and peculiar economy with a population of only 600,000.

⁴⁶ World Bank, [World Bank Data](#).

⁴⁷ See Economic Statistics, [World Economic Outlook](#), accessed 16 October 2013.

There is yet another striking correlation between per capita GDP and exports per capita. Compare Bosnia on the one hand and Bulgaria on the other. Bulgaria already had higher exports in 2003, exporting goods per capita worth 500 USD more than Bosnia did. In 2011, however, Bulgarian exports per capita were worth 2,800 USD more than those exported from Bosnia. The absolute gap has increased more than five times: it is growing, not closing.

Table 3: Annual export of goods and services per capita (current USD)⁴⁸

Country	2003	2011	Increase
Slovenia	7,858	17,447	9,589
Hungary	5,064	12,957	7,893
Bulgaria	1,282	4,844	3,562
Croatia	3,273	5,930	2,657
Romania	950	3,403	2,453
Montenegro	833	2,857	2,024
Macedonia, FYR	893	2,759	1,866
Serbia	583	2,277	1,694
Bosnia	670	2,038	1,368
Albania	375	1,362	987
Kosovo	-	718	-

Table 4 shows the social cost of not catching up (table 4). Employment rates (all people of working age actually working) are significantly lower in Kosovo, Bosnia and Herzegovina and Albania than in Croatia, Greece, Bulgaria or Romania.. Only 39 percent of the working age population in Bosnia actually works.

Table 4: Employment rate (percent) in 2011

Country	percentage of people age 15-64 working
Kosovo	37
Bosnia and Herzegovina	39
Albania	42
Macedonia	44
Montenegro	46
Serbia	47
Croatia	52
Greece (EU)	56
Bulgaria (EU)	58
Romania (EU)	59
EU (27 countries)	64

Note: Employment rate for Kosovo 2012, for Albania 2010

⁴⁸ World Bank, [World Bank Data](http://data.worldbank.org/).

ANNEX B

Credible effort: Bosnian proposals for implementing Sejdic and Finci

Political parties:

1. **November 2008**, Prud agreement (Sulejman Tihic (SDA), Milorad Dodik (SNSD) and Dragan Covic (HDZ BiH)).⁴⁹
2. **January 2010**, Constitutional proposals by SNSD (Milorad Dodik).⁵⁰
3. **January 2010**, Constitutional proposals by SDS (Mladen Bosic).⁵¹
4. **January 2010**, Constitutional proposals by SDA (Sulejman Tihic).⁵²
5. **January 2010**, Constitutional proposals by New economic movement.⁵³
6. **January 2010**, Constitutional proposals by GDS BiH party.⁵⁴
7. **January 2010**, Constitutional proposals by SRS RS.⁵⁵
8. **January 2010**, Constitutional proposals by Party for BiH.⁵⁶
9. **March 2010**, proposal by Bosnian Croat parties (HDZ BiH, HDZ 1990, HSP BiH, HKDU, HSS-NHI, NS Radom za boljitak)⁵⁷
10. **April 2010**, proposal by Party for Bosnia⁵⁸.
11. **June 2010**, Constitutional proposals by SBB BiH (Fahrufin Radoncic).⁵⁹
12. **July 2010**, proposal by HDZ 1990 party (Bozo Ljubic).⁶⁰
13. **August 2010**, SDU BiH party proposal.⁶¹
14. **October 2011**, proposal by HDZ BiH party (Dragan Covic).⁶²
15. **October – December 2011**, proposal by SDP BiH (Zlatko Lagumdžija).⁶³
16. **October – December 2011**, proposal by SDA (Sulejman Tihic).⁶⁴

⁴⁹ [“Prudski sporazum”](#), November 2008.

⁵⁰ Ustavna reforma, [“Proposals by political parties”](#), January 2010.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Deutsche Welle, [“Stranke potpisnice kresevske deklaracije za promjene Ustava Bosne”](#), March 2009.

⁵⁸ Klix.ba, [“Nisu podržani principi prijedloga za promjene Ustava”](#), April 2010.

⁵⁹ Ustavna reforma, [“Proposals by political parties”](#), January 2010.

⁶⁰ HDZ 1990, [“Novi Ustav”](#), July 2010.

⁶¹ Ustavna reforma, [“SDU BiH – Constitutional Reform proposal”](#), August 2010.

⁶² HDZ BiH, [“Amandmani na Ustav”](#), October 2011.

⁶³ Parliamentary Assembly of Bosnia, [“Report – Joint Committee of the Parliamentary Assembly of Bosnia on implementation of Sejdic and Finci”](#), December 2011.

17. **October – December 2011**, proposal by SDS (Mladen Bosic).⁶⁵
18. **October – December 2011**, proposal by HDZ BiH (Dragan Covic).⁶⁶
19. **October – December 2011**, proposal by Party for BiH (Haris Silajdzic).⁶⁷
20. **October – December 2011**, proposal by HSP BiH (Zvonko Jurisic).⁶⁸
21. **October – December 2011**, proposal by SNSD (Milorad Dodik).⁶⁹
22. **October – December 2011**, proposal by DNS (Pavic).⁷⁰
23. **October – December 2011**, proposal by PDP (Mladen Ivanic).⁷¹
24. **October – December 2011**, proposal by SBB (Fahrudin Radoncic).⁷²
25. **October – December 2011**, proposal by NSRzB (Mladen Ivankovic Lijanovic).⁷³
26. **December 2011**, proposal by SDP BiH, SDA, HSP BiH and NSRzB.⁷⁴
27. **January 2012**, DNZ BiH party proposal.⁷⁵
28. **February 2012**, National Assembly of Republika Srpska conclusions.⁷⁶
29. **March 2012**, the Croatian National Assembly proposals.
30. **June 2012**, proposal for new constitution by Nasa stranka party.⁷⁷
31. **July 2012**, Agreement/Working document on implementation of Sejdic and Finci (SDP BiH and HDZ BiH).⁷⁸
32. **August 2012**, amendments in parliamentary procedure (HDZ BiH (Dragan Covic) and HDZ 1990 (Bozo Ljubic)).⁷⁹
33. **August 2012**, amendments in parliamentary procedure (SNSD (Milorad Dodik) and SDS (Mladen Bosic)).⁸⁰

⁶⁴ Parliamentary Assembly of Bosnia, [“Report – Joint Committee of the Parliamentary Assembly of Bosnia on implementation of Sejdic and Finci”](#), December 2011.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ustavna reforma, [“Platforma 2011.-2014.”](#), December 2011.

⁷⁵ Ustavna reforma, [“Amandmani na ustav”](#), January 2012.

⁷⁶ Parliamentary Assembly of Republika Srpska, [“Conclusions”](#), February 2012.

⁷⁷ Radio Sarajevo, [“Nasa stranka usvojila prijedlog ustavnih promjena”](#), June 2012.

⁷⁸ Al Jazeera Balkans, [“Sporazum SDP i HDZ”](#), July 2012.

⁷⁹ Republika info, [“Prijedlog dva HDZ-a”](#), August 2012.

⁸⁰ Glas Srpske, [“Prijedlog SNSD-a i SDS-a u procedure”](#), August 2012.

34. **February 2013**, amendments in parliamentary procedure (SNSD (Milorad Dodik)).⁸¹
35. **February 2013**, amendments in parliamentary procedure (SDA (Sulejman Tihic)).⁸²
36. **September 2013**, proposal by Sulejman Tihic (SDA)/agreement between Tihic and Dragan Covic (HDZ BiH).⁸³
37. **October 2013**, proposal by HDZ BiH (Dragan Covic) and HDZ 1990 (Martin Raguz).⁸⁴
38. **October 2013**, proposal by SDA (Bakir Izetbegovic).⁸⁵
39. **October 2013**, proposal by SDP BiH (Zlatko Lagumdžija).⁸⁶
40. **October 2013**, proposal by SBB (Fahrudin Radoncic).⁸⁷

NGO/civic sector:

41. **January 2010**, “Konvent o EU u BiH”.⁸⁸
42. **April 2010**, NGO ACIPS.⁸⁹
43. **November 2011**, Models of amendments to the Constitution of Bosnia, Law Institute in Bosnia.⁹⁰
44. **October – December 2011**, proposal by NGO Forum gradjana Tuzla.⁹¹
45. **October – December 2011**, proposal by the Council of national minorities of Bosnia.⁹²
46. **September 2012**, proposal by Council of National Minorities.⁹³
47. **January 2013**, Unicameral Parliamentarian Political System in Bosnia, Coalition Equality.⁹⁴

Non-Bosnian proposals for implementing Sejdic and Finci

48. **March 2005**, European Commission for Democracy through Law (Venice Commission), Opinion on the Constitutional Situation in BiH.⁹⁵

⁸¹ Klix.ba, [“Prijedlozi amandmana na Ustav BiH”](#), February 2013.

⁸² Ibid.

⁸³ Klix.ba, [“Tekst dogovora Thica i Covica”](#), September 2013.

⁸⁴ TV 1, [“Bez dogovora o provedbi Sejdic i Finci”](#), October 2013.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ TV 1, [“Indirektni izbor ponovo na stolu”](#), October 2013.

⁸⁸ Ustavna reforma, [“Konvent o EU u BiH”](#), January 2010.

⁸⁹ NGO ACIPS, [“Amendments to the Constitution”](#), April 2010.

⁹⁰ Ustavna reforma, [“Proposals by civil sector”](#), November 2011.

⁹¹ Parliamentary Assembly of Bosnia, [“Report – Joint Committee of the Parliamentary Assembly of Bosnia on implementation of Sejdic and Finci”](#), December 2011.

⁹² Ibid.

⁹³ Ustavna reforma, [“Proposals by civil sector”](#), September 2012.

⁹⁴ Ustavna reforma, [“Proposals by civil sector”](#), January 2013.

⁹⁵ European Commission for Democracy through Law (Venice Commission), [“Opinion on the Constitutional Situation in Bosnia”](#), March 2005.

49. **March 2006**, European Commission for Democracy through Law (Venice Commission), Opinion on different proposals for election of the Presidency.⁹⁶
50. **April 2006**, April amendments to the Constitution of Bosnia (Parliamentary Assembly of Bosnia).⁹⁷
51. **October – November 2009**, Butmir proposals (facilitated by EU commissioner for enlargement Olli Rehn, Swedish Foreign Minister Carl Bildt and US deputy secretary of state James Steinberg).⁹⁸
52. **February – March 2013**, “Electoral voting system” proposal.⁹⁹
53. **October 2013**, agreement on how to come to solution on pressing issues, European Commission and leaders of seven political parties in Bosnia.¹⁰⁰

⁹⁶ European Commission for Democracy through Law (Venice Commission), [“Opinion on different proposals for election of the Presidency”](#), March 2006.

⁹⁷ Parliamentary Assembly of Bosnia, [“April amendments”](#), April 2006.

⁹⁸ [“Butmir proposals”](#), October 2009.

⁹⁹ Klix.ba, [“Sta donosi elektorski sistem”](#), February 2013; Slobodna Evropa, [“Americki elektorski sistem za BiH”](#), February 2013.

¹⁰⁰ European Commission, [“BiH: Agreement on how to come to solution on pressing issue”](#), 1 October 2013.