



**DSEE\_PV(2021)0527\_0**

# MINUTES

**of the meeting of 27 May 2021, 14.00-16.00**

**Brussels**

The meeting opened at 14.05 on Thursday, 27 May 2021, with Romeo Franz (Chair) presiding.

## 1. Communication by the Chair

D-SEE Delegation Chair Mr Romeo FRANZ announced the election of the first and second Vice-Chairs of the Delegation, which would complete the composition of the D-SEE Bureau. He informed that at the latest delegation meeting, which took place on 12 April, the delegation was able to agree on the English text of the Rules of Procedure governing the EU-BiH SAPC meetings, with a few suggested minor linguistic changes. The RoP should be formally adopted during the second EU-BiH SAPC meeting, which was scheduled for 17 June 2021.

## 2. Adoption of the draft agenda

The agenda was adopted unchanged.

## 3. Election of Vice-Chairs of the Delegation for relations with Bosnia and Herzegovina, and Kosovo

MEP Delara BURKHARDT (S&D, DE) and MEP Željana ZOVKO (EPP, HR) were elected 1st and 2nd Vice-Chairs of the D-SEE delegation by acclamation. No objections were raised.

MEP Thomas WAITZ (Greens/EFA, A) requested the floor to make a statement which he asked to be reflected in the minutes. He underlined that the first priority was to get the delegation going, but also expressed his reservations about ‘going into Bosnian relations and negotiations with a Vice-Chair that is clearly having a focus on identity-driven politics, on ethnically driven politics, which I consider is the poison that has actually destroyed so much in the Balkans’ and voiced his concerns ‘whether these positionings are in line with what we try to deliver as a message to Bosnia Herzegovina, to form a civil state beyond ethnical divisions and beyond ethnical tensions.’

4. Exchange of views on constitutional and electoral issues in Bosnia and Herzegovina - with Prof. Dr. Joseph Marko, University of Graz, and Lejla Gačanica, independent legal counsel and researcher

Prof. Dr. Joseph Marko gave an overview of the constitutional and electoral issues in the country, the nature of the state, reconciliation, electoral engineering, formal party pluralism, and the commitment towards European integration. He underlined that BiH is seen as a model of consociationalism and that three major problems remained unresolved: whether BiH is a democracy or an ethnocracy; conflicting definitions of the nature of the country (confederation, federation, or “complex” state); and whether European integration is a serious commitment or a lip-service. Furthermore, he discussed to what extent ethnic quotas and veto powers for the representation and participation in the legislative and executive process were compatible with the ECHR rulings.

He further argued that entity vetoes were being successfully used as a tool to block EU-related reforms and necessary political and economic progress, that there was no inter-ethnic cooperation on the elite level, and that party pluralism was de facto a cartel of power of ethno-nationalist parties and a predatory political elite which captured state institutions and privileged party members. Furthermore, state reconstruction and reconciliation remained difficult to achieve due to territorial separation, institutional segregation, the use of ethnic quotas, the reinforcement of ethno-national identities through the public education system, and the lack of inter-ethnic cooperation. Mr Marko argued that BiH was trapped in a “vicious circle” which could only become virtuous if the circle of intergenerational vengeance was broken. Additional necessary measures to be taken in parallel should include minimum constitutional reform such as the implementation of ECHR rulings and judicial reform, desegregation of the educational system and the media, the foundation of a structure similar to the European University Institute and support to the efforts of CSOs in the area of transitional justice.

Ms Lejla Gačanica underlined that any discussion on BiH’s constitution and its electoral law needed to include a discussion on the Dayton Peace Agreement. She argued that its power-sharing approach had led to a deadlock, in which each side was advocating conflicting priorities based on ethnic policies over common interests, and that the conditioning and blocking of state institutions was hindering the country’s democratization process and necessary EU-related reforms. Furthermore, she highlighted that the constant disputes over the Electoral Law kept the country cemented and trapped in a dysfunctional system, and that the constant misuse and reinterpretation of the terms “civic”, “federalization” and “discrimination” led to further ethnic divisions. She also criticised the EU Delegation for lending its support to achieve an agreement between two parties in Mostar in a non-

transparent way.

In addition, Ms Gačanica stressed that not all reforms were good reforms, and expressed her concern that both the constitutional and electoral law reforms risked becoming closed processes led exclusively by the leading nationalistic parties, and that such ethnocentric reforms would not reflect a general consensus but only serve as quick fixes, destabilising the state and further promoting ethnic divisions. She went on to say that the electoral law and the constitution needed to be discussed within parliamentary procedures and in consultation with CSOs and academia, and that reforms should reflect a balance between the ethnic and civic models, where civic claims were not marginalised or rejected and where gender equality was guaranteed within all 14 constitutions of BiH. She concluded that due to the imprecise and insufficient regulations regarding women's rights gender equality remained constitutionally absent, with gender inequality affecting women regardless of their constituency.

First Vice-Chair Delara BURKHARDT (S&D, DE) commented that the latest local elections in the country had resulted in some interesting developments with new alliances being built, which she viewed as a potential opportunity and as a sign that structural changes could be made to the party system. She asked whether Mr. Marko shared this analysis and whether different CSOs would be able to take on a more active role in the political sphere.

Chair Romeo FRANZ (Greens/EFA, DE) commented on the rise of ethno-nationalism in the country. He asked Mr. Marko what the EU could and should do, how the EU institutions and the EP should strengthen the democratic forces in the country, and whether changes to the constitutional law would still be feasible given the approaching elections and the tight time frame.

Second Vice-Chair Željana ZOVKO (EPP, HR) asked for Mr. Marko's opinion on constitutional changes in BiH, and enquired about potential solutions to tackle BiH's current setup and the amendments to the electoral law, which she argued had caused instability in the country.

MEP Thomas WAITZ (Greens/EFA, A) wondered whether there was a tendency that different ethno-nationalist parties representing different ethnic groups were joining forces in order to collectively block the influence and growth of multinational parties, and thus maintain separation and uphold their state capture.

5. Exchange of views with representatives of civil society from Bosnia and Herzegovina on topical issues - with Ena Bavčić, Programme Officer at Civil Rights Defenders BiH, and Samir Beharić, young activist and Research Officer at The Balkan Forum

Ms Ena Bavčić structured her presentation around the lack of public trust in institutions, the country's COVID-19 response, and the right to freedom of peaceful assembly. She stressed that according to a recent IPSOS survey, public perception of the respect for fundamental rights in BiH was the lowest in the entire region., 60% of the respondents believed that fundamental rights were not being respected in the country and 90% were of the opinion that there was impunity for certain people. The results were similar in both entities. She argued that lack of trust in institutions could only be strengthened by further involvement of citizens in the reform processes and that electoral, constitutional and administrative changes could not

be brought about solely through negotiations between different ethnic political parties. Calls for further divisions in the country needed to be strongly condemned. Regarding the COVID-19 response, Ms Bavčić highlighted the corruption scandals and power games between different political parties and hospitals. Furthermore, there was a lack of functioning equipment including ventilators, oxygen, tests and vaccines. BiH had the second highest COVID-19-related death rate in Europe, the lowest vaccination rate, and a complex vaccination system which differed in each city.

Furthermore, Ms Bavčić noted that the space for CSOs in the country was shrinking as a result of discriminatory treatment, lack of rights to freedom of peaceful assembly, the introduction of surveillance systems in Banja Luka and possibly Sarajevo, and the detention and threats towards female human rights defenders. Pressure against human right defenders needed to be addressed, perpetrators needed to be adequately sanctioned, and freedom of peaceful assembly and association should be applied without discrimination. In conclusion, she touched on the rejection of the law prohibiting genocide denial, the high degree of polarisation of and political party control over the media, the need to start working on the draft law on same sex partnership, the widespread and hardly punished hate speech and the need to guarantee freedom of information and transparency of public documents.

In his presentation, Mr Samir Beharić addressed topical issues such as grassroots activism in BiH, increasing ethno-nationalism among the youth, brain drain and youth emigration, and visa regimes. He argued that ethnic school segregation served the purpose of brainwashing and preparing nationalistic voters, and that his organisation was part of the successful student uprising initiative in the town of Jajce, opposing such segregation. However, this success was the only one in a country with an increasing ethno-nationalistic divide among its youth. Recent “non-papers” had contributed to this drift and had fuelled the nationalistic powers in the country. The EU should condemn such “non-papers”.

Mr Beharić also underlined that environmental issues united people from different ethnic backgrounds and informed that the recently published Securimeter by the RCC showed that citizens in the Western Balkans were less afraid of war or political instability than of natural and man-made disasters, climate change and pollution. This was confirmed by the recent successful initiative to halt a project to build two small hydro power plants in Jajce, which managed to receive more signatures than the number of votes the mayor had received. Finally, Mr Beharić expressed concern over the current visa regimes in the region, which divided young people in the Western Balkans and hindered young Bosnians from travelling through the region and meeting with their peers in Kosovo. The EU should help mitigate these problems and do more to assist young people in the region.

Chair Romeo FRANZ (Greens/EFA, DE) affirmed that it was necessary to rely on the young generation and underlined the importance of strengthening efforts to reverse the alarming and ongoing brain drain in the region. He also agreed with Mr Beharić that the “non-papers” should be condemned.

Second Vice-Chair Željana ZOVKO (EPP, HR) prompted Mr Beharić on educational segregation. She wondered about the nature of the discrimination that Mr Beharić had mentioned, and asked whether it had to do with ethnic separation as such or rather with having to attend classes in a language other than one’s mother tongue. She also enquired about the request of the Bosniak community in Republika Srpska to be educated in Bosnian

6. Any other business

MEP Rainer Wieland (EPP, DE) asked when the Delegation would deal with Kosovo, as there had been elections, there was a new government and a new President and there were a lot of problems with a lot of shortcomings in the EU<sup>1</sup>.

7. Date and place of the next meeting

A preparatory meeting with the Ambassador of Bosnia and Herzegovina to the EU and representatives from the Commission and the European External Action Service will take place on 3 June (11.00 - 12.30).

The meeting closed at 15.55.

---

<sup>1</sup> On 27 April a date for a D-SEE meeting dedicated to Kosovo had already been identified, i.e. 28 June 2021.

**ПРИСЪСТВЕН ЛИСТ/LISTA DE ASISTENCIA/PREZENČNÍ LISTINA/DELTAGERLISTE/  
ANWESENHEITSLISTE/KOHALOLIJATE NIMEKIRI/KATAΣΤΑΣΗ ΠΑΡΟΝΤΩΝ/RECORD OF ATTENDANCE/  
LISTE DE PRÉSENCE/POPIS NAZOČNIH/ELENCO DI PRESENZA/APMEKLĒJUMU REĢISTRŠ/DALYVIŲ SĄRAŠAS/  
JELENLÉTI ÍV/REGISTRU TA' ATTENDENZA/PRESENTIELIJST/LISTA OBEENOŠCI/LISTA DE PRESENÇAS/  
LISTĂ DE PREZENȚĂ/PREZENČNÁ LISTINA/SEZNAM NAVZOČIH/LÄSNÄOLOLISTA/NÄRVAROLISTA**

Бюро/Mesa/Předsednictvo/Formandskabet/Vorstand/Juhatus/Προεδρείο/Bureau/Predsjedništvo/Ufficio di presidenza/Prezidijs/ Biuras/Elnökség/Prezidium/Birou/Předsednictvo/Predsedstvo/Puheenjohtajisto/Presidiet (*)
Romeo Franz (Chair)
Членове/Diputados/Poslanci/Medlemmer/Mitglieder/Parlamendiliikmed/Βουλευτές/Members/Députés/Zastupnici/Deputati/Deputāti/ Nariai/Képviselek/Membri/Leden/Posłowie/Deputados/Deputați/Jäsenet/Ledamöter
Delara Burkhardt, Sunčana Glavak, Lukas Mandl, Andreas Schieder, Bogdan Rzońca, Ruža Tomašić, Dragoș Tudorache, Željana Zovko
Заместници/Suplentes/Náhradníci/Stedfortrædere/Stellvertreter/Asendusliikmed/Αναπληρωτές/Substitutes/Suppléants/Zamjenici/ Supplenti/Aizstājēji/Pavaduojantysnariai/Póttagok/Sostituti/Plaatsvervangers/Zastępcy/Membros suplentes/Supleanți/Náhradníci/ Namestniki/Varajäsenet/Suppleanter
Petar Vitanov, Thomas Waitz, Rainer Wieland

209 (7)
216 (3)
56 (8) (Точка от дневния ред/Punto del orden del día/Bod pořadu jednání (OJ)/Punkt på dagsordenen/Tagesordnungspunkt/ Päevakorra punkt/Σημείο της ημερήσιας διάταξης/Agenda item/Point OJ/Το έκα dnevnog reda/Punto all'ordine del giorno/Darba kārtības punkts/Darbotvarkės punktas/Napirendi pont/Punt Agenda/Agendapunt/Punkt porządku dziennego/Ponto OD/Punct de pe ordinea de zi/Bod programu schôdze/Το έκα UL/Esityslistan kohta/Punkt på föredragningslistan)
Prof. Dr. Joseph Marko, University of Graz, Lejla Gačanica, independent legal counsel and researcher
Ena Bavčić, Programme Officer at Civil Rights Defenders BiH, Samir Beharić, young activist and Research Officer at The Balkan Forum
4
5

Наблюдатели/Observadores/Pozorovatel/É/Observer/Beobachter/Vaatlejad/Παρατηρητές/Observers/Observateurs/Promatrači/Osservatori/Novērotāji/Stebėtojai/Megfigyelők/Osservatori/Waamemers/Obserwatorzy/Observadores/Observatori/Pozorovatelia/Opazovalci/Tarkkailijat/Obserwatörer

По покана на председателя/Por invitación del presidente/Na pozvání předsedy/Effer indbydelse fra formanden/Auf Einladung des Vorsitzenden/Esimehe kutsel/Με πρόσκληση του Προέδρου/At the invitation of the Chair/Sur l'invitation du président/ Na poziv predsjednika/Su invito del presidente/Pēc priekšsēdētāja uzaicinājuma/Pimmininkui pakvietus/Az elnök meghívására/ Fuq stedina tač-Chairman'/Op uitnodiging van de voorzitter/Na zaproszenie Przewodniczącego/A convite do Presidente/La invitația președintelui/ Na pozvanie predsedu/Na povabilo predsednika/Puheenjohtajan kutsusta/På ordförandens inbjudan

Съвет/Consejo/Rada/Rådet/Rat/Nöukogu/Συμβούλιο/Council/Conseil/Vijeće/Consiglio/Padome/Taryba/Tanács/Kunsill/Raad/Conselho/Consiliu/Svet/Neuvosto/Rådet (*)
Комисия/Comisión/Komise/Kommissionen/Kommission/Komisjon/Επιτροπή/Commission/Komisija/Commissione/Bizottság/Kummissjoni/Commissie/Komisja/Comissão/Comisie/Komisja/Komissio/Kommissionen (*)
Vincenzo Greco
Европейска служба за външна дейност/Servicio Europeo de Acción Exterior/Evropská služba pro vnější činnost/EU-Udenrigstjenesten/Europäischer Auswärtiger Dienst/Euroopa välisteenistus/Ευρωπαϊκή Υπηρεσία Εξωτερικής Δράσης/European External Action service/Service européen pour l'action extérieure/Europska služba za vanjsko djelovanje/Servizio europeo per l'azione esterna/Eiropas Ārējās darbības dienests/Europos išorės veiksmų tarnyba/Európai Külügyi Szolgálat/Servizz Ewropew għall-Azzjoni Esterna/Europese dienst voor extern optreden/Europejska Służba Działañ Zewnętrnych/Servico Europeu para a Acção Externa/Serviciul european pentru acțiune externă/Europska služba pre vonkajšiu činnost/Evropska služba za zunanje delovanje/Euroopan ulkosuhdehallinto/Europeiska avdelningen för yttre åtgärd (*)
Други институции и органи/Otras instituciones y organismos/Ostatní orgány a instituce/Andre institutioner og organer/Andere Organe und Einrichtungen/Muud institutsioonid ja organid/Λοιπά θεσμικά όργανα και οργανισμοί/Other institutions and bodies/Autres institutions et organes/Druge institucije i tijela/Altre istituzioni e altri organi/Citas iestādes un struktūras/Kitos institucijos ir įstaigos/Más intézmények és szervek/Istituzzjonijiet u korpi ohra/Andere instellingen en organen/Inne instytucje i organy/Outras instituições e outros órgãos/Alte instituții și organe/Iné inštitúcie a orgány/Muut toimielimet ja elimet/Andra institutioner och organ

Други учасници/Otros participantes/Ostatní účastníci/Endvidere deltog/Andere Teilnehmer/Muud osalejad/Επίσης παρόντες/Other participants/Autres participants/Drugi sudionici/Altri partecipanti/Citi klātesošie/Kiti dalyviai/Más résztvevők/Partecipanti ohra/Andere aanwezigen/Inni uczestnicy/Outros participantes/Alți participanți/Ini účastníci/Drugi udeleženci/Muut osallistujat/Övriga deltagare

Секретариат на политическите групи/Secretaría de los Grupos políticos/Sekretariát politických skupin/Gruppernes sekretariat/Sekretariat der Fraktionen/Fraktsioonide sekretariaat/Γραμματεία των Πολιτικών Ομάδων/Secretariats of political groups/Secrétariat des groupes politiques/Tajništva klubova zastupnika/Segreteria gruppi politici/Politisko grupu sekretariāts/Frakciju sekretoriai/Képviselőcsoportok titkársága/Sekretariat gruppi politici/Fractiesecretariaten/Sekretariat Grup Politycznych/Secretariado dos grupos políticos/Secretariate grupuri politice/Sekretariát politických skupin/Sekretariat političnih skupin/Poliittisten ryhmien sihteeristöt/De politiska gruppernas sekretariat

PPE	Jan Willem Vlasman, Collin Ermans
S&D	Jorgen Siil, Anne Morin
Renew	Katlin Joala
ID	
Verts/ALE	Gesa Storz, Tobias Heider
ECR	Anita Gulam Lalic, Martin Filipov
The Left	
NI	

Кабинет на председателя/Gabinete del Presidente/Kancelář předsedy/Formandens Kabinet/Kabinett des Präsidenten/Presidendi kantslei/Γραφείο του Προέδρου/President's Office/Cabinet du Président/Ured predsednika/Gabinetto del Presidente/Priekšsēdētāja kabinets/Pirmininko kabinetas/Elnöki hivatal/Kabinett tal-President/Kabinet van de Voorzitter/Gabinet Przewodniczącego/Gabinete do Presidente/Cabinet Președinte/Kancelária predsedu/Urad predsednika/Puhemiehen kabinetti/Talmanens kansli

Cristina Stanculescu

Кабинет на генералния секретар/Gabinete del Secretario General/Kancelář generálního tajemníka/Generalsekretærens Kabinet/Kabinett des Generalsekretärs/Peasekretäri büroo/Γραφείο του Γενικού Γραμματέα/Secretary-General's Office/Cabinet du Secrétaire général/Ured glavnog tajnika/Gabinetto del Segretario generale/Generalsekretära kabinets/Generalinio sekretoriaus kabinetas/Főtitkári hivatal/Kabinett tas-Segretarju Ġenerali/Kabinet van de secretaris-generaal/Gabinet Sekretarza Generalnego/Gabinete do Secretário-Geral/Cabinet Secretar General/Kancelária generálneho tajomníka/Urad generalnega sekretarja/Pääsihteerin kabinetti/Generalsekreterarens kansli



Генерална дирекция/Dirección General/Generální ředitelství/Generaldirektorat/Generaldirektion/Peadirektoaraat/Γενική Διεύθυνση/ Directorate-General/Direction générale/Glavna uprava/Direzione generale/Generāldirektorāts/Generalinis direktoratas/Főigazgatóság/ Direttorat Generali/Direktoraten-generaal/Dyrekcja Generalna/Direcção-Geral/Direcții Generale/Generálne riaditeľ'stvo/Generalni direktorat/Pääosasto/Generaldirektorat	
DG PRES DG IPOL DG EXPO DG EPRS DG COMM DG PERS DG INLO DG TRAD DG LINC DG FINS DG ITEC DG SAFE	Francesco Ronchi
Правна служба/Servicio Jurídico/Právní služba/Juridisk Tjeneste/Juristischer Dienst/Öigusteenistus/Νομική Υπηρεσία/Legal Service/ Service juridique/Pravna služba/Servizio giuridico/Juridiskais dienests/Teisės tarnyba/Jogi szolgálat/Servizz legali/Juridische Dienst/ Wydział prawny/Serviço Jurídico/Serviciu Juridic/Právny servis/Oikeudellinen yksikkö/Rättstjänsten	
Dominique Moore	
Секретариат на комисията/Secretaría de la comisión/Sekretariat výboru/Udvalgssekretariatet/Ausschussesekretariat/Komisjoni sekretariaat/Γραμματεία της επιτροπής/Committee secretariat/Secrétariat de la commission/Tajništvo odbora/Segreteria della commissione/ Komitejas sekretariāts/Komiteto sekretoriatas/A bizottság titkársága/Sekretariat tal-kumitat/Commissiesecretariaat/ Sekretariat komisji/Sekretariado da comissão/Sekretariat comisie/Sekretariat odbora/Valiokunnan sihteeristö/Utskottssekretariatet	
André de Munter, Tatiana Mrazikova, Peter Lang, Anna Parfjonova, Alisa Donlagic	
Сътрудник/Asistente/Asistent/Assistent/Assistenz/Βοηθός/Assistant/Assistente/Pālīgs/Padējējas/Asszisztens/Asystent/Pomočnik/ Avustaja/Assistenten	
Cristina Chiorean	

- \* (P) = Председател/Presidente/Předseda/Formand/Vorsitzender/Esimees/Πρόεδρος/Chairman/Président/Predsiednik/Priekšsēdētājs/  
Pirmininkas/Elnök/Chairman/Voorzitter/Przewodniczący/Preşedinte/Predseda/Predsednik/Puheenjohtaja/Ord förande
- (VP) = Заместник-председател/Vicepresidente/Místopředseda/Næst formand/Stellvertreter Vorsitzender/Aseesimees/Αντιπρόεδρος/  
Vice-Chair/Potpredsjednik/Vice-Président/Potpredsjednik/Priekšsēdētāja vietnieks/Pirmininko pavaduotojas/Alelnök/ Viči  
'Chairman'/Ondervoorzitter/Wiceprzewodniczący/Vice-Presidente/Vicepreşedinte/Podpredseda/Podpredsednik/  
Varapuheenjohtaja/Vice ordförande
- (M) = Член/Miembro/Člen/Medlem/Mitglied/Parlamendiliige/Βουλευτής/Member/Membre/Član/Membro/Deputāts/Narys/Képviselő/  
Membru/Lid/Członek/Membro/Membru/Člen/Poslanec/Jäsen/Ledamot
- (F) = Должностно лице/Funcionario/Úředník/Tjenestemand/Beamter/Ametnik/Υπάλληλος/Official/Fonctionnaire/Dužnosnik/  
Funzionario/Ierēdnis/Pareigūnas/Tisztviselő/Ufficial/Ambtenaar/Urzędnik/Funcionário/Funcionar/Úradník/Uradnik/Virkamies/  
Tjänsteman