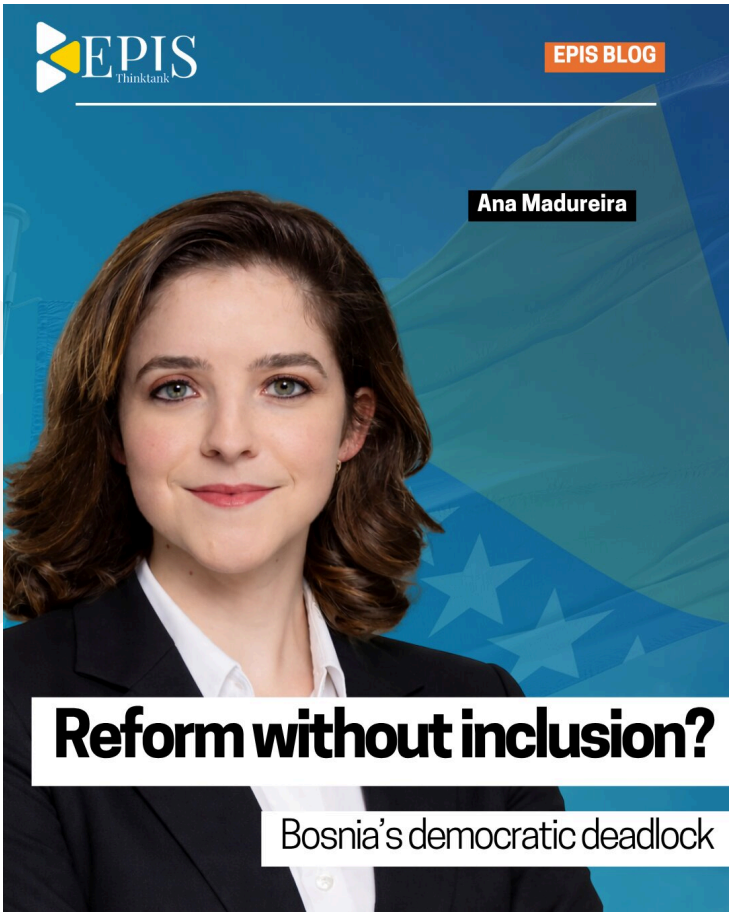
Reform without inclusion?

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In December 2025, the European Commission approved Bosnia and Herzegovina's (BiH) Reform Agenda, paving the way for up to €976.6 million in EU funding under its Reform and Growth Facility. Yet as the country approaches its general elections in October 2026, a more fundamental question looms: can BiH effectively strengthen the rule of law, ensuring fundamental rights and freedoms in line with EU standards, while preserving a political system constitutionally rooted in exclusion?

The answer lies partly in the constitutional architecture established by the Dayton Peace Agreement (DPA): the historic treaty which brought more than three years of genocide, war crimes and crimes against humanity to an end. Negotiated among wartime leaders under enormous international

pressure, the overriding concern was (of course) to cease hostilities and to secure peace as swiftly as possible, rather than achieving a perfectly functioning democracy right away.

Despite the ambitious provisions to set up democratic institutions and a new constitution, thus establishing democratic normality in the country, the resulting consociational settlement formally recognised Bosniacs, Croats and Serbs as BiH's constituent peoples, alongside a category labelled "Others". While this framework – based on ethnic power-sharing and still in force today – definitely succeeded in ending the war and freezing violent conflict, it also embedded ethnicity into the core of political representation and state functioning.

In fact, citizens who do not identify with any of the three constituent groups – the "Others" – continue to face constitutional barriers in standing for high-level state offices, being legally prevented from running both for the Presidency and the House of Peoples. While officially estimated at around 2.7% of the population, some civil society organisations and human rights groups suggest that the number of citizens falling outside the three constituent groups may be significantly higher: meaning that thousands of Bosnian citizens remain structurally excluded from full political participation. Such scenario persists, despite the landmark Sejdić-Finci ruling (2009) and subsequent related jurisprudence of the European Court of Human Rights (ECHR), which called for constitutional amendments concerning such provisions, and declared such restrictions as incompatible with elemental rights and freedoms consecrated in international law: especially in the European Convention on Human Rights, which BiH ratified in 2002.

But given the international pressure on such matter, why does ethnic discrimination persist at this level? The answer may be both straightforward and complex: straightforward, because the political instruments established by DPA justifiably protect such division; and complex, because they create strong incentives against meaningful reform.

Constitutional revision in BiH requires broad consensus across deeply fragmented political actors, many of whom consolidate their legitimacy and political leverage through the preservation, precisely, of ethnonationalist divisions. In fact, mechanisms originally designed to protect collective representation (including extensive veto powers) have gradually evolved into tools of political blockage.

Constitutional reform has thus become one of BiH's most politically sensitive questions, once greater democratic inclusivity often collides with fears of ethnic domination, loss of collective protection and redistribution of political influence. And as a result, constitutional amendment is repeatedly postponed in favour of short-term stability.

It is precisely at this point that BiH's Reform Agenda brings out into open a deeper contradiction within both domestic and European approaches to governance. In fact, on paper, and as initially mentioned, the agenda prioritises institutional efficiency and rule of law strengthening, in closer

alignment with EU standards. However, this predominantly technocratic approach largely avoids confronting the structural foundations of exclusion embedded within the constitutional system itself, therefore 'digging a ditch' between normative commitments and political reality. And the result is, of course, a paradox increasingly visible across BiH's political landscape: the country may, indeed, improve administrative functionality, while leaving its democratic limitations fundamentally intact.

This becomes particularly relevant in the context of the 2026 elections: especially after a series of recent tense events, such as the political and legal crisis surrounding Milorad Dodik after judicial proceedings linked to separatist measures; the protest wave after the Sarajevo tram crash, reflecting broader frustration with BiH's dysfunctional political system; and the recently announced resignation of Christian Schmidt, raising renewed uncertainty over the future role of the Office of the High-Representative (OHR). In fact, elections are commonly treated as indicators of democratic legitimacy; yet, as discussed above, democratic participation in BiH remains mostly conditioned by ethnonational belonging. Under these circumstances, electoral cycles risk simply reproducing the existing constitutional order rather than transforming it.

For the EU, this presents a broader challenge. BiH cannot be treated as a mere Balkan policy issue; rather, it is a test case for the EU's enlargement strategy and its understanding of democratic consolidation. European institutions have understandably prioritised stability, institutional continuity and gradual reform in a politically fragile environment; however, this approach may also contribute to a form of 'managed stagnation', in which procedural compliance replaces deeper democratic transformation.

Thirty years after DPA, BiH's central political challenge is therefore no longer peace alone, but whether it can evolve into a more inclusive democratic order and a functional state. This ultimately requires confronting a difficult reality which may not be postponed for too long: the same institutional mechanisms that once made ethnic coexistence possible may be the very same mechanisms that now constrain the democratic development of the state.

As BiH approaches its general elections, the country definitely stands at a crossroads between constitutional preservation and political transformation. Despite the recognition of urgency in "finding new ways and means of progressing" concerning the compliance with the ECHR judgements, political rhetoric advocating for greater democratic inclusivity still does not appear either relevant or popular in the campaigning.

BiH's democratic transformation will likely depend not on abrupt constitutional rupture, but on the gradual expansion of more inclusive and civic-based forms of political participation within existing institutional structures. And for both BiH and the EU, the question is no longer simply how to preserve stability, but whether stability without inclusion can remain politically sustainable in the long term.