

RESILIO ACCESS Country Report Bosnia and Herzegovina

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1. Introduction

Bosnia and Herzegovina (BiH) is a hard case for any study of rule-of-law resilience. The foundations of its legal order were laid at a peace conference in Dayton in 1995. The constitution is an annex to that agreement; its most far-reaching guarantee is that the rights and freedoms of the European Convention on Human Rights (ECHR) apply directly and take priority over all other law.¹ The system has been built up incrementally, driven mostly by outsiders and sometimes without the buy-in of a domestic political community. Three decades on, the result is at once strikingly liberal on paper and chronically weak in practice; its institutions treated as spoils by the political parties that too often dominate them.

International indices capture that gap. The World Justice Project (WJP) and Varieties of Democracy (V-Dem) place BiH below every tier of EU member states on most components of the rule of law. Similarly, the data assembled for the RESILIO-ACCESS project show its primary-resilience score drifting gradually downward across 2014–2024, from around 0.40 to roughly 0.33, beneath even the weakest-performing EU cohort throughout the period. On V-Dem's measures, the country has hovered for a decade in the lower reaches of the electoral-democracy range, its liberal-democratic institutions constrained less by an absence of rules than by the routine refusal of various actors to be bound by them.² Yet the RESILIO-ACCESS data carry a second message. The decline of the primary-resilience score has been slow rather than catastrophic, and a small number of resources have repeatedly slowed or reversed backsliding: the constitutional entrenchment of civil liberties and an unusually combative civil society.

The dynamics of recent years explain both the erosion and the resistance. The high-water mark of reform came in the first decade after the war, when the prospect of EU accession and the presence of an international administrator with strong executive powers drove the creation of genuine state-level institutions. After 2006 that momentum gave way to a decade of stagnation, and from the mid-2010s there was open contestation of the state itself by the leadership of one of the two sub-state

¹The Constitution of Bosnia and Herzegovina is Annex 4 to the General Framework Agreement for Peace, initialled in Dayton in November 1995 and signed in Paris in December 1995. For the direct applicability and priority of the ECHR, the composition and powers of the Constitutional Court, the binding force of its decisions and the criminal liability for their non-implementation, see European Commission (2019). Analytical Report Accompanying the Communication on the Opinion on Bosnia and Herzegovina's Application for Membership of the European Union, SWD(2019) 222 final, pp. 9-12.

²RESILIO-ACCESS (2026). Data panels, drawing on the World Justice Project Rule of Law Index, the Varieties of Democracy (V-Dem) dataset, the Global Initiative against Transnational Organized Crime and the Council of Europe's CEPEJ. Values cited are indicative readings from the project's Primary Resilience 2014-2024, PC1 Input Variables, RoL Capacity and Stressor Variables panels.

administrative units, the Republika Srpska (RS) entity. This came to a head between 2023 and 2025. After the entity president, Milorad Dodik, was convicted of defying the decisions of the international administrator (the High Representative), the RS entity assembly passed laws purporting to suspend the authority of state-level courts, the Constitutional Court and the High Representative within the entity, as well as a further law branding civil-society groups as 'foreign agents'.³ The Constitutional Court struck those laws down and prohibited their re-enactment; Dodik was convicted on appeal, removed from office and replaced through an early election in November 2025.⁴ The episode was the gravest assault on the constitutional order since Dayton; it was also the clearest recent demonstration that the system can still push back.

The country's formal path towards the Union tracks the same trajectory. A 2019 assessment of BiH's readiness set out the key priorities for opening accession negotiations, with a strong focus on the judiciary and fundamental rights. By 2025 that agenda had stalled, with the symptoms of a captured state more pronounced than before.⁵ With some modest reforms undertaken, BiH became a candidate country in December 2022. In March 2024 the European Council opened accession negotiations. For want of further reform since, the negotiating framework has still not been adopted, and the screening of BiH legislation against the EU acquis has not begun.⁶

This report analyses BiH through the RESILIO-ACCESS model. It argues that the country's rule-of-law resilience rests on two load-bearing pillars: the constitutional guarantee of fundamental rights, when it is enforced by the Constitutional Court, and an assertive civil society. The single most corrosive stressor is the fusion of corruption and clientelism that has hollowed institutions out from

³European Commission (2025). Bosnia and Herzegovina 2025 Report, SWD(2025) 751 final, pp. 3-4, 27; and Constitutional Court of Bosnia and Herzegovina (2025). Decisions suspending and repealing the 2025 Republika Srpska laws on the non-application of decisions of the Constitutional Court and the High Representative, and the law on a special registry and transparency of the work of non-profit organisations.

⁴On the removal from office of Milorad Dodik and the early Republika Srpska presidential election of 23 November 2025, see European Western Balkans (2025). Dodik's party candidate narrowly wins snap presidential election in Republika Srpska, URL: <https://europeanwesternbalkans.com/2025/11/24/dodiks-party-candidate-narrowly-wins-snap-presidential-election-in-republika-srpska/> (last checked: 11.7.2026); and Centre for Eastern Studies (OSW) (2025). Snap presidential election in Republika Srpska: Dodik's candidate wins.

⁵European Commission (2025), esp. pp. 4-7, 27, 44-46 (findings on democracy, the fight against corruption, fundamental rights, civil society, freedom of expression, the judiciary, policing and serious and organised crime).

⁶On candidate status (December 2022), the European Council's March 2024 decision to open accession negotiations, the pending negotiating framework and the outstanding steps, see European Commission (2025), pp. 3-4; and Council of the European Union (2026). Bosnia and Herzegovina, URL: <https://www.consilium.europa.eu/en/policies/bosnia-herzegovina/> (last checked: 11.7.2026).

within. Far more than any formal reform, the interplay between these forces determines whether the rule of law in BiH bends or breaks.

2. Analysis of the country case along the RESILIO-ACCESS model

2.1 The most important primary resilience resource: private civil liberties and the constitutional entrenchment of fundamental rights

In the RESILIO-ACCESS model, primary resilience resources refer to the key components of the rule of law itself, such as constraints on government powers, fundamental rights or equality before the law. BiH's most important primary resilience resource is the constitutional entrenchment of fundamental rights and private civil liberties and the Constitutional Court that guards it. Among the project's primary-resource data, civil liberties and equality before the law are the only variables on which BiH approaches EU levels, far above its scores for constraints on government, absence of corruption, regulatory enforcement or civil and criminal justice.⁷ That pattern is not accidental; it reflects an architecture designed at Dayton to place rights beyond the reach of ordinary majorities.

The mechanism is unusual. Article II of the constitution guarantees the highest internationally recognised human rights and provides that the ECHR and its protocols apply directly and override any conflicting domestic law. BiH is therefore one of the very few states in which the Convention operates as domestic constitutional law of superior rank.⁸ In practice, this gives the Convention a reach it rarely has elsewhere. In most countries that incorporate the Convention, it sits at or below the rank of ordinary statute. A domestic court cannot strike down legislation that breaches it; the usual route runs through the national courts to Strasbourg and back to parliament to amend the law. In BiH, the Convention outranks ordinary law. Any court can apply it directly and set aside conflicting statutes, and the Constitutional Court can quash a law or judgment outright; Strasbourg standards operate as enforceable domestic law, not a benchmark reached only on appeal.

The Constitutional Court has the final word on interpreting the constitution. It rules on disputes between the state and the entities and on the compatibility of entity constitutions and laws with the state constitution. Through its appellate jurisdiction, it rules on whether any judgment or law complies with the constitution and the ECHR. It also rules on 'vital national interest' motions

⁷RESILIO-ACCESS (2026).

⁸On the varying domestic status of the Convention across Council of Europe states, constitutional rank in a few systems but supra-legislative or merely statutory in most, see Helen Keller/Alec Stone Sweet (eds) (2008). *A Europe of Rights: The Impact of the ECHR on National Legal Systems*, Oxford University Press 2008, esp. the editors' concluding chapter.

referred by parliament, placing it at the centre of the country's ethnic bargaining. Its decisions are final and binding on all authorities, and their non-implementation is a criminal offence.⁹ Six of its nine judges are elected by the entity assemblies; three are international judges named by the President of the European Court of Human Rights. That international component, often criticised as tutelage, has sometimes functioned as a resilience device – insulating the Court's swing votes from the capture seen elsewhere.

The resource, the constitutional entrenchment of fundamental rights and private civil liberties, owes its strength less to design than to accumulation. Through its early jurisprudence, notably the 2000 'constituent peoples' decision that wrote the principle of equality across the whole territory into the constitution and forced the amendment of both entity constitutions, the Constitutional Court built a body of case law that later rulings could draw upon.¹⁰ Its case law has kept the catalogue of rights alive. In December 2018 it upheld an appeal by the civil-society organisation Sarajevo Open Centre, finding that the Sarajevo Canton authorities had violated the freedom of assembly of those attending the 2014 Merlinka festival – a queer film festival that had been stormed by a masked mob – by failing to protect them or pursue their attackers.¹¹

An earlier confrontation prefigured that of 2025. After the Court found in 2015 that the Republika Srpska's '9 January' statehood day discriminated against non-Serbs, the entity held a referendum in September 2016 upholding the holiday, in open defiance of the ruling.¹² Its most consequential intervention came in 2025. After the RS assembly enacted laws suspending the application of state-court and High Representative decisions within the entity, alongside a law targeting 'foreign agents', the Court suspended and then repealed them and prohibited any authority from enacting equivalent acts.¹³ In a system where the legislature and executives are slowed or blocked by competing vetoes, the Court is the institution through which the rule of law bounces back.

The resource is real but conditional, its limits written into the constitution itself. The WJP scores BiH poorly on constraints on government precisely because compliance with the Court's rulings is

⁹European Commission (2019), pp. 9-12.

¹⁰On the 'constituent peoples' decision (U-5/98) establishing a countrywide principle of equality of the constituent peoples, see European Commission (2019), p. 10.

¹¹Constitutional Court of Bosnia and Herzegovina (2018). Decision of 19 December 2018 upholding the appeal of the Sarajevo Open Centre concerning the 2014 Merlinka festival; see also CIVICUS Monitor (2026). Public vilification of activism continues, URL: <https://monitor.civicus.org/explore/public-vilification-activism-continues/> (last checked: 11.7.2026).

¹²European Commission (2019), pp. 9-12.

¹³European Commission (2025), pp. 3-4, 27; and Constitutional Court of Bosnia and Herzegovina (2025).

contested. Several decisions have gone unimplemented for years without prosecution, and the RS leadership has openly rejected its authority.¹⁴

Even so, non-compliance is the exception rather than the rule. Of the more than 39,000 cases the Constitutional Court resolved between 2017 and 2025, only 93 stood unexecuted at the end of 2025. During that year it issued seven non-enforcement rulings and referred them to the state prosecutor, since defying a final decision is a criminal offence.¹⁵ Their number matters less than the fact that the constitutional-review cases among them are some of the most politically consequential.

BiH also executes European Court of Human Rights judgments better than most of the continent; as of January 2025, only twelve leading cases remained pending – roughly 36 percent of the previous decade's, against a Europe-wide figure near 50 percent.¹⁶ The great exception cuts to the heart of the Dayton settlement's power-sharing arrangement, where the constitution that guarantees the ECHR also breaches it. Since the *Sejdić and Finci* judgment of 2009, the European Court of Human Rights has repeatedly found that the reservation of the state presidency and the House of Peoples to the three constituent peoples discriminates against Jewish, Roma and other citizens, yet the provisions remain in force.¹⁷ The guarantee of rights on paper is strong and usually honoured; what fails is enforcement of the cases that would redistribute political power, a pattern that connects directly to the country's dominant stressor.

Among the other primary resources, order and security scores relatively well, a legacy of post-war stabilisation. Rational-legal legitimation is moderate. Absence of corruption, open government, regulatory enforcement, civil and criminal justice, judicial expenditure and rule-of-law all score low, reflecting a short and repeatedly interrupted tradition of legality.¹⁸ The lesson of BiH is that a single,

¹⁴European Commission (2019), pp. 9-12.

¹⁵Constitutional Court of Bosnia and Herzegovina (2026). Statistics on its work in 2025 (presented at the press conference of 15 May 2026), URL: <https://www.ustavnisud.ba/bs/godisnjak-ustavnog-suda-bih> (last checked: 11.7.2026). At the end of 2025, 93 decisions remained unexecuted, 19 in constitutional-review ('U') cases and 74 in individual-appeal ('AP') cases, with a further 60 decisions in the 'military apartments' group (131 cases) under special verification; seven non-enforcement rulings were issued during 2025 and referred to the Prosecutor's Office of Bosnia and Herzegovina. The Court resolved 39,021 'AP' and 'U' cases in total over 2017–2025.

¹⁶European Implementation Network (2025). Bosnia and Herzegovina, URL: <https://www.einnetwork.org/bosnia-and-herzegovina-echr> (last checked: 11.7.2026); figures from its country overview, drawing on the Council of Europe's annual reports on the supervision of the execution of judgments and the HUDOC-EXEC database (statistics as of January 2025).

¹⁷European Court of Human Rights (2009). *Sejdić and Finci v. Bosnia and Herzegovina*, nos. 27996/06 and 34836/06, 22 December 2009; and subsequently *Zornić, Pilav and Šlaku v. Bosnia and Herzegovina*.

¹⁸RESILIO-ACCESS (2026).

well-entrenched primary resource can carry disproportionate weight. The ECHR's direct applicability and an apex court partly shielded from national appointment politics have done more to prevent collapse than the system's aggregate strength would predict. It is that combination, holding under sustained pressure, that deserves attention as transferable good practice – ECHR rights as superior domestic law, plus an insulated apex court.

2.2 The most important subsidiary resilience resource: civil society

Subsidiary resilience resources in the RESILIO-ACCESS model concern the social environment the rule of law is embedded in. The most important subsidiary resilience resource in BiH is its civil society. The project's data identify this as the country's clear societal strength; on the V-Dem core civil-society index, BiH sits close to the EU middle and top tiers, in sharp contrast to its very low score for citizen participation through popular initiative.¹⁹ While formal politics is frozen by ethnic quotas and vetoes, organised citizens have supplied much of the accountability the institutions withhold.

The sector's origins are mixed, and the tension is itself analytically important. Much of the professional non-governmental landscape grew from the post-war influx of international donors. This built capacity, but also produced dependency on external funding and agendas – a fragility exposed whenever donors withdraw. Alongside it, however, an authentic civic tradition has survived and periodically erupted into mass mobilisation that owes nothing to donors. In 2013 the so-called *bebolucija* (baby revolution) brought thousands onto the streets after parliament's failure to legislate for personal identification numbers left new-born children without documents. In February 2014, protests that began in Tuzla over failed privatisations and unpaid wages spread across the country; citizens formed open assemblies known as *plenumi* (plenums) to debate demands and draft proposals, framing their grievances around social justice and accountability rather than ethnicity.²⁰ The movement lost momentum and produced few institutional changes, but it demonstrated that a civic, cross-ethnic political language still exists.

The most striking case bridged both entities. From March 2018 the *Pravda za Davida* (Justice for David) movement in Banja Luka was launched by the father of David Dragičević after police attributed his son's death to self-harm. It sustained daily rallies for months and drew tens of

¹⁹RESILIO-ACCESS (2026).

²⁰On the February 2014 Tuzla plenums and the February 2026 Sarajevo protests, see Balkan Insight (2026). Sarajevo Tram Protests Reflect Deeper Frustration With a Dysfunctional Bosnia, URL: <https://balkaninsight.com/2026/02/27/sarajevo-tram-protests-reflect-deeper-frustration-with-a-dysfunctional-bosnia/> (last checked: 11.7.2026).

thousands to mass gatherings; a parallel *Pravda za Dženana* (Justice for Dženan) movement emerged in the Federation. In late December 2018 RS police violently dispersed the protests, dismantled the memorial in Banja Luka's main square and briefly detained the movement's leaders, prompting the EU Delegation to warn that the events sent an “alarming signal about the state of rule of law”.²¹ The episode captured the dual nature of the resource; civil society was strong enough to organise across the ethnic divide, and exposed enough to be repressed. The tradition continues – the 2026 protests in Sarajevo after the death of a student in a tram accident echoed the same civic register of safety, justice and institutional responsibility.²²

Civil society also works in quieter, more durable registers that feed directly into the primary resource. A dense ecosystem of investigative outlets and watchdog organisations (including Transparency International in BiH, the Center for Investigative Reporting and fact-checking platforms) has built much of the country's public record on corruption and disinformation. Civil-society organisations have used strategic litigation to activate the Constitutional Court and the European Court of Human Rights, from the Sarajevo Open Centre's assembly case to the landmark Sejdić-Finci discrimination judgment, turning individual grievances into constitutional precedent.²³ Associations of returnees, families of the missing and survivors of wartime atrocities have sustained a civic infrastructure of memory and accountability across decades. Women's associations play a central role in reaching women subjected to domestic and gender-based violence where the state does not. Domestic election-observation coalitions have monitored successive general and local elections, documenting irregularities that feed public debate and litigation before the courts and the Central Election Commission.²⁴

The status quo can be characterised as strength under pressure. The space for civil society narrowed sharply in 2024–2025; the RS 'foreign-agents' law (later repealed), the criminalisation of defamation in the entity, disproportionate tax inspections of critical organisations, strategic lawsuits against public participation and the abrupt withdrawal of United States donor funding all weakened the sector. The American freeze was the sharpest blow but not the only one. With the notable exceptions of the European Union (still the sector's largest funder) and a few steady bilateral

²¹Balkan Insight (2018). Bosnian Serb Police Move to End 'Justice for David' Protests, URL: <https://balkaninsight.com/2018/12/25/bosnian-serb-police-move-to-end-justice-for-david-protests-12-25-2018/> (last checked: 11.7.2026).

²²Balkan Insight (2026).

²³European Court of Human Rights (2009), Sejdić and Finci; and Constitutional Court of Bosnia and Herzegovina (2018), the Sarajevo Open Centre (Merlinka) decision.

²⁴European Commission (2025).

donors, other international backers trimmed or redirected their support, deepening the sector's financial fragility.²⁵ There is still no countrywide framework for the transparent public funding of associations, and consultation platforms remain underused at the entity and cantonal levels where most legislation is made. Among the other subsidiary resources, academic freedom is comparatively robust and public deliberation moderate. Unbiased media is weak (a reflection of pervasive media capture) and electoral democracy only middling. The cumulative effect of these pressures (legal harassment, funding withdrawal and a captured media market) is to raise the cost of civic engagement without yet extinguishing it, leaving civil society resilient but increasingly resource-starved.²⁶ Civil society is therefore both BiH's most resilient societal resource and one of its most contested, which is why safeguarding its enabling environment is the most useful thing the country and its partners could do to strengthen resilience.

2.3 The most important stressor: corruption and clientelism

The RESILIO-ACCESS model also includes stressors that challenge individual resilience resources or the rule of law as a system. The most important stressor in BiH is the fusion of corruption and clientelism, now labelled *State capture*. In the project's stressor data, BiH records among the highest values in the region for clientelism and regime corruption, reinforced by a high organised-crime score – only its state-of-emergency and physical-violence indicators are low.²⁷

These are not discrete problems but are widely seen as a single system in which parties seek to convert public institutions into instruments of patronage. This is achieved by clientelist distribution. Public employment, procurement and social transfers are often perceived as being allocated in exchange for political loyalty, binding parts of the electorate to the parties that control resources. The pattern takes different forms across the country (a consolidated, presidentialised patronage machine in the RS and a more fragmented competition among cantonal and party fiefdoms in the Federation), but its logic is the same. The anti-corruption architecture built in the 2000s exists, but has been under pressure. The state-level Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK), operational only from 2014, lacks direct database access and sanctioning powers. Conflict-of-interest bodies are often composed of and controlled by the

²⁵On the European Union's continued primacy as the largest funder of civil society in the region and the parallel retrenchment or reorientation of other donors following the 2025 suspension of United States assistance, see Balkan Civil Society Development Network (BCSDN) (2025). Donor Strategies in a Time of Paradigm Shift: Mapping of the Donors Active in the Western Balkans, URL: <https://balkancsd.net/> (last checked: 11.7.2026).

²⁶BCSDN (2025).

²⁷RESILIO-ACCESS (2026).

politicians they are meant to scrutinise. Whistle-blower protection is uneven across the country.²⁸ State-owned enterprises are run as party fiefdoms, their boards and directors appointed on political criteria and their resources not always channelled into public service. Little has been done to curb corruption at senior levels, reform has at times been actively resisted rather than advanced and convictions of high-ranking figures are rare – public institutions are steadily bent to private and party ends.²⁹

Corruption and clientelism are the most damaging stressors because they attack the two resilience resources identified above. Ethnic and political criteria too often prevail over merit in judicial and prosecutorial appointments, and the self-governing High Judicial and Prosecutorial Council has had to be pressed to restore randomisation in its own selection procedures. That leaves the courts on which the primary resource depends exposed to political influence. Integrity mechanisms remain weak; asset-declaration and conflict-of-interest checks on judges and prosecutors are poorly enforced and disciplinary proceedings seldom reach senior figures, so the incentives that sustain capture are rarely disrupted.³⁰ By squeezing the media market through politically motivated public advertising and opaque ownership, the stressor also starves civil society of the informational base it needs. It thus works less by frontal assault than by quietly turning the institutions that should defend the rule of law into assets of those who undermine it.

Its reach into the coercive apparatus is equally corrosive. Policing is fragmented across sixteen agencies and politicised. The Federation entity's police administration had no appointed director for seven years from 2019 to 2026, the state Minister of Security was arrested for corruption in December 2024 and the post left vacant, and in 2025 staff of the State Investigation and Protection Agency (SIPA) were pressured to defect to the RS interior ministry, which only a few did. The clearest illustration of capture defeating the rule of law came in 2025. The Court of BiH is the state-level court with jurisdiction over serious crime such as organised crime, corruption and war crimes, and is separate from the Constitutional Court. After it issued arrest warrants against the RS president, prime minister and assembly speaker, RS police actively obstructed their enforcement for four months. Organised crime compounds the problem. With a high organised-crime index and

²⁸European Commission (2019), pp. 38-40 (institutional framework for the prevention of corruption).

²⁹European Commission (2025).

³⁰European Commission (2025).

insufficient financial investigations and asset confiscations, criminal networks infiltrate the political, legal and economic systems.³¹

Among the other stressors, government censorship of the media and civil-society repression are significant and acute in the RS, and mobilisation for autocracy is visible in pro-secession and pro-Russian rallies in the entity. Censorship operates less through outright bans than through the political capture of public broadcasters, opaque media ownership and the discretionary allocation of public advertising; the criminalisation of defamation and lawsuits against journalists in the RS raise the cost of scrutiny.³² State of emergency and physical violence, by contrast, remain low, distinguishing BiH from more overtly repressive environments. The defining feature of the country's stress profile is thus not violence but capture – a slow, structural corrosion that makes every other resilience resource harder to sustain, turning each cycle of reform into an opportunity for re-capture.

3. The effect of the EU accession process

The EU integration process is BiH's most important external resilience resource, and its record is instructive precisely because it is mixed. Its clearest positive effect belongs to the past. The state-level rule-of-law institutions that still anchor occasional resilience were created under the combined pressure of the international community and the accession prospect: the Court of BiH and the state Prosecutor's Office (2000–04), the High Judicial and Prosecutorial Council (2004) and APIK (2009). The Stabilisation and Association Agreement and 2010 visa liberalisation showed that EU conditionality could deliver tangible reform.³³ The 2019 Opinion's key priorities, spanning democracy, the functioning of institutions, the rule of law, fundamental rights and public administration reform, remain the most detailed and legitimate reform roadmap the country possesses.

One of the judicial priorities illustrates the wider problem. The constitution provides for no supreme court, so interpretation of the law diverges across the country's four separate court systems (belonging to the two entities, the Brčko District and the state), with consistency resting only on voluntary harmonisation panels that the highest courts convene among themselves. The Opinion therefore calls on BiH to establish a judicial body to secure the consistent interpretation of the law and to harmonise case law across the four jurisdictions, in effect supplying the apex court with the

³¹European Commission (2025).

³²European Commission (2025).

³³European Commission (2019), pp. 9-12.

power the constitution lacks. Implementation, however, has been partial at best. Some steps have been taken, such as border management and data protection, but there has been no progress on the judiciary or the harmonisation body, and little across the fundamental-rights priorities. The core demands – from constitutional and electoral reform to compliance with the European Court of Human Rights – remain unmet. However, the adoption in 2016 of a countrywide coordination mechanism on EU affairs (long blocked by entity disputes) showed that accession conditionality could still force cooperation across BiH's fragmented structures when domestic incentives alone could not.³⁴

The limits are equally clear. Candidate status in December 2022 and the decision to open negotiations in March 2024 were granted mostly for geopolitical reasons after Russia's invasion of Ukraine (ahead of substantive progress); the negotiating framework has not been adopted, screening has not started and the two judicial laws the process requires (on the Court of BiH and the High Judicial and Prosecutorial Council) remain unadopted, as does the appointment of an operational chief negotiator. The momentum of reform has stalled; the European Commission reduced the country's indicative Growth Plan allocation by ten percent in July 2025 and BiH adopted its Reform Agenda only in September 2025, which the Commission agreed in December.³⁵ The direction of causation runs both ways. When offer and conditionality are credible, they strengthen the primary resource, as when the EU's firm backing of the Constitutional Court during the 2025 crisis reinforced the institution at the moment it was most under attack.³⁶ When conditionality is diluted into a reward for declared intentions, the gains prove reversible. The Croatian precedent, where rule-of-law institutions built for accession weakened once membership removed the leverage, is a warning for BiH as it has not even reached that threshold. EU integration works as a resilience multiplier in BiH only when it is enforced, not merely promised.

³⁴European Commission (2025).

³⁵European Commission (2025), Bosnia and Herzegovina 2025 Report, pp. 3-4; Council of the European Union (2026); European Commission (2025), Commission approves Bosnia and Herzegovina's Reform Agenda, 4 December 2025; and European Policy Centre (2026). Unlocking Bosnia and Herzegovina's EU Accession Path, URL: <https://www.epc.eu/publication/unlocking-bosnia-and-herzegovinas-eu-accession-path/> (last checked: 11.7.2026).

³⁶European Commission (2025).

4. Conclusion

Bosnia and Herzegovina's rule of law has not broken, and the reason lies in two resources the RESILIO-ACCESS model helps to isolate. The constitutional entrenchment of fundamental rights, with the ECHR as directly applicable supreme law and the Constitutional Court as its guardian, has repeatedly supplied the constraint that a paralysed legislature and captured executives could not. An assertive civil society, from the 2014 plenums to the *Pravda za Davida* movement and beyond, has supplied the accountability the institutions withhold and has fed the courts the cases through which rights are vindicated. The events of 2025 are the clearest evidence that the system can bounce back when attacked. The Court repealed the RS laws, the judiciary convicted and removed an entity president, and civil society sustained pressure throughout.

Yet both pillars are steadily eroded by the country's dominant stressor – the corruption and clientelism in which the European Commission sees growing signs of State capture. It works by hollowing out the institutions that enforce rights and by denying civil society an enabling environment. Resilience in BiH is therefore reactive and defensive; it resists collapse but does not yet generate self-sustaining reform. The decisive variable is enforcement of court decisions, and it is here that credible, well-enforced EU conditionality matters most. Left to short-term performativity, even these hard-won resources could unravel.

About the author

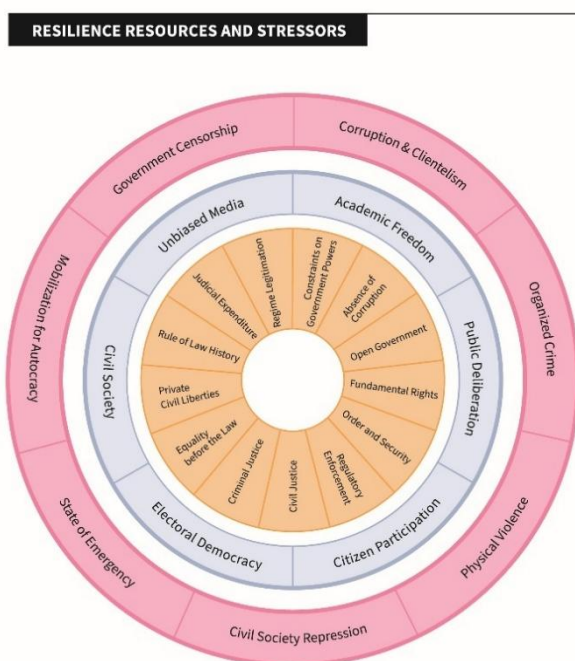
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About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate countries for EU accession. The project explores how to measure resilience and how to assess the potential of the EU's enlargement policy toolbox to foster sustainable resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with, or recover from hazardous events or incremental threats – without losing its core function, structure, and purpose.

About the paper

This paper is part of the **RESILIO-ACCESS Country Reports**, a collection of compact analyses that assess the source of rule of law resilience in EU aspirant countries by using the analytical framework of the RESILIO-ACCESS model.



The RESILIO-ACCESS model is based on *three* dimensions: The system of the rule of law itself provides *primary resilience resources* such as an effective judicial system, the protection of fundamental rights, and democratic elections. These resources are embedded into a social environment with *subsidiary resilience resources* such as civil society, academia, and the media. However, these resources are constantly being challenged by *threats* such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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