

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0030/2007

6.2.2007

REPORT

with a proposal for a European Parliament recommendation to the Council on
Bosnia-Herzegovina
(2006/2290(INI))

Committee on Foreign Affairs

Rapporteur: Doris Pack

CONTENTS

	Page
PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL	3
EXPLANATORY STATEMENT.....	9
PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL (B6-0615/2006).....	10
PROCEDURE	12

PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL

on Bosnia-Herzegovina (2006/2290(INI))

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Doris Pack on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats on Bosnia–Herzegovina (BiH) (B6-0615/2006),
 - having regard to the agreement reached in October 2005 between representatives of the State and constituent Entities of BiH which endorses the basic principles set out by the Commission for the restructuring of police forces,
 - having regard to the Council's subsequent decision of 25 November 2005 to open negotiations with BiH on a Stabilisation and Association Agreement,
 - having regard to the agreement reached on 18 March 2006 between leaders of most of the main political parties in BiH on a number of constitutional amendments,
 - having regard to the Peace Implementation Council (PIC) Steering Board's decision of June 2006, whereby the Office of the High Representative (OHR) should immediately begin preparations with a view to closing down on 30 June 2007,
 - having regard to the fact that the PIC will review and, if appropriate, confirm the OHR closure in early 2007, taking into account the overall situation in the country and in the region,
 - having regard to the recent presidential and parliamentary elections in BiH,
 - having regard to the Commission's 2006 Progress Report on BiH (SEC(2006)1384),
 - having regard to the conclusions on the Western Balkans of the General Affairs Council of 11 December 2006,
 - having regard to Rule 114(3) and Rule 90 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0030/2007),
- A. whereas BiH has made the transition from the implementation of the Dayton Peace Agreement of 1995, an agreement which put an end to Europe's bloodiest war since the end of the Second World War in what was a peaceful and multi-ethnic country, and is now moving towards European integration, thereby necessitating constitutional changes,
- B. whereas the representatives of the State and of the two Entities had agreed that the proposed police force reform would envisage the transfer to state level of all legislative and budgetary competencies, the elimination of all political interference in the operation

of police forces and the delimitation of territorial units along purely technical and functional lines,

- C. whereas on 22 December 2006 the Directorate for Police Restructuring Implementation submitted to the Council of Ministers of BiH a draft plan for the implementation of the police structure reform,
- D. whereas the agreement provided for the setting-up of a directorate for the restructuring of the police, with representatives from all levels of government (State, Entity and cantons), whose task was to submit a proposal for the implementation of the reform, including proposals for the demarcation of the new police territorial units,
- E. whereas these proposals are a necessary prerequisite for the conclusion of a Stabilisation and Association Agreement with the European Union,
- F. whereas during the recent electoral campaign the Republika Srpska leadership repeatedly issued statements which questioned the agreement on the proposed police reform which it had previously endorsed,
- G. whereas during the election campaign and again in recent months representatives of the Republika Srpska called for an independence referendum, should the negotiations on the future status of Kosovo result in a legal and territorial separation from Serbia,
- H. whereas the mandate of those representatives has now been confirmed by popular vote and their parties are strongly represented at both Entity and State level,
- I. whereas the package of constitutional amendments supported by representatives of most of the main parties in BiH contains a number of proposals which strengthen state-level powers and address certain dysfunctions in BiH's legislative and executive branches,
- J. whereas those proposals do not reform the Entity veto mechanism, notwithstanding that this mechanism can seriously obstruct the work of BiH's Parliament,
- K. whereas in the near future deep reflection should be undertaken among the different components of society in BiH on how to transcend the rigid ethnic division of the country so as to reform its structures and make it more flexible and compatible with the European democracies,
- L. whereas the abovementioned package of amendments was endorsed by a majority in the Parliament of BiH but failed, by only two votes, to reach the threshold required for the adoption of the constitutional amendments,
- M. whereas the decision to close down the OHR, with a view to increasing the feeling of ownership of the political process and speeding up the process of reconciliation between the three main peoples inside BiH, could have an impact on the stability of the country and on the pace and outcome of the administrative and constitutional reforms,
- N. whereas the persistence of strong ethnic divisions within BiH shows the need for a more integrated, non-segregationist, modern education system in the country,

- O. whereas the experience of inter-ethnic educational establishments which successfully apply a non-segregationist model, such as the establishments sponsored by the Catholic Church in BiH, should be considered in this context,
1. Notes with concern that the winners of the parliamentary and presidential elections, who were formerly moderate parties, are increasingly resorting to radical and nationalistic language, once the prerogative of extremist political groupings; urges the parties, especially those that won the elections – irrespective of various recent negative actions and statements – to act quickly to lay the foundations for a strengthened BiH, which is preparing itself to fulfil the criteria necessary for the conclusion and implementation of the Stabilisation and Association Agreement and to apply for EU membership in due course;
 2. Regards the appointment by the House of Representatives of the new President of the Council of Ministers as a welcome first step towards establishing a government at State and Federation level; reminds the parties that this is urgently required in order to allow work to be quickly resumed;
 3. Reminds BiH's political leaders of the urgent and important reforms they need to undertake, notably with regard to the State's Constitution, the judiciary, the public administration, the business environment, the educational sector, the phytosanitary and veterinary areas and the environmental field;
 4. Takes the view that the recently submitted draft plan for the implementation of the BiH police structure reform lays down a clear and balanced allocation of responsibilities between the State and local levels, providing as it does for the State to adopt a single legal framework for police administration, grant budgetary resources and monitor the use thereof, supply support services, coordinate activities between the different bodies and levels and provide strategic steering, without infringing the requisite autonomy of local police units;
 5. Welcomes, furthermore, the mechanisms envisaged in the above plan for ensuring transparency in the selection and appointment of police chiefs and police officers and for monitoring the activities of police forces at State and local level;
 6. Is of the opinion that the legal provisions for achieving a police structure which matches the ethnic composition of the population in BiH should be accompanied by an effective monitoring mechanism;
 7. Notes with satisfaction that the criteria put forward for determining the local police areas are based on the principles of operational efficiency and sustainability and on demographic, social, economic and security factors, rather than merely on administrative boundaries;
 8. Urges the Council to exert pressure on the relevant authorities in BiH, and in particular on the Government of Republika Srpska, to endorse the above plan and to remind all parties that the police reform is a key prerequisite for the conclusion of the Stabilisation and Association Agreement;
 9. Welcomes the fact that the Bosnian governments and police forces have, in general,

cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY), inter alia by affording access to military archives; condemns, however, the failure to arrest all the war criminals still at large on the country's territory and the fact that documents potentially of use to the investigations have in many cases disappeared;

10. Calls on the political leadership of BiH to continue in its efforts to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY) and to dismantle networks supporting indicted war criminals;
11. Welcomes the decision of the authorities of the Republika Srpska to establish a special body with the task of improving its cooperation with the ICTY with a view to implementing the ad hoc action plan; expects, in this connection, concrete results in the near future with regard to the capture of the main fugitives;
12. Urges BiH to continue efforts to improve its economic and fiscal policies, and in particular to strengthen fiscal coordination, thus contributing to fiscal stability;
13. Calls on the leadership of BiH to resolve any remaining border disputes with neighbouring countries, and in particular to respect and ratify an agreement on demarcation of the land and river borders;
14. Calls on the leaders of BiH to continue in their efforts to implement fully the agreed public broadcasting reforms;
15. Calls on the authorities in BiH to implement swiftly the priorities identified in the European partnership; reaffirms that the EU's overall policy towards BiH and the whole region of the Western Balkans is based on a clear prospect of European integration as set out in the Thessaloniki Agenda;
16. Believes that the constitutional debate should be re-launched immediately, building on the achievements made so far, but involving
 - an in-depth review of the Entity veto mechanism, which should apply only to issues falling under the shared responsibility of the State and the Entities,
 - a clear, exhaustive and at the same time narrow interpretation of the concept of 'vital national interests' so as to prevent any ethnically motivated misuse of the related veto instrument for purely obstructionist purposes,
 - a more courageous streamlining of BiH's administrative structures with a view to simplifying and accelerating the decision-making process;
17. Believes that this debate should be conducted in public, with the participation of civil society and national and international experts; considers that public opinion must be involved in this process so that the final outcome is owned and recognised as legitimate by everybody;
18. Invites BiH's Parliament to consider establishing a committee with the specific task of drawing up comprehensive proposals for constitutional reform;
19. Takes the view that the European Union, under the aegis of the EU Special Representative, should play a leading role in re-launching the constitutional debate,

notably by facilitating the dialogue between the parties, supporting initiatives aimed at promoting public debate and providing technical assistance in terms of expertise to the BiH parliamentarians directly involved in the debate;

20. Is concerned by the persisting ethnic barriers in BiH, which hamper the development of a national identity; takes the view that the constitutional arrangements in the Dayton Agreement make it more difficult to remove such barriers; recalls that the EU experience is that a common identity is fully compatible with respect for the cultural and religious traditions of the constituent peoples;
21. Therefore considers that, in the context of EU assistance – which, after the reconstruction phase, has focused on facilitating the adoption of EU standards and laws – increasing attention should be paid to dealing with the burden of the past, including the issue of persons who went missing during the bloody conflict, and promoting an inclusive, non-discriminatory education system in BiH, based on tolerance and respect for diversity;
22. Recalls that in practice this means an end to the segregation of different ethnic groups schooled under the same roof, a debate on the creation of a common curriculum for those in compulsory schooling, paying special attention to the way in which history is taught, and improved continuing training for teachers;
23. Calls on the Commission to devolve sufficient funds, under the new Pre-Accession Instrument, to both of the abovementioned objectives, not least by providing support to the International Commission on Missing Persons, and urges the Council, via its EU Special Representative, to promote initiatives in this area; is of the opinion that the current education system can represent a serious threat to the security of the country;
24. Takes the view that it would be in the interests of the citizens of BiH, and would reflect their desire to avoid conflict in the future, if a national truth and reconciliation commission were established for the country, which should examine and report on the abuses suffered in the past as well as developing recommendations for steps to be taken to deal with this painful legacy and to prevent the recurrence of any such inhumanity;
25. Points out that education is the primary vehicle for reconciliation; considers that the young generation in BiH should come to grips with the past and learn from it, as did young people in Europe after World War II, that the future lies in overcoming divisions, promoting mutual understanding and furthering the values of solidarity, tolerance, democracy, human rights and equality among the citizens of the country;
26. Refers in this context to the development of inter-ethnic peer mediation courses in schools and of integrated classes as a way of overcoming formal and informal segregation in the education system of BiH;
27. Warns, therefore, against any attempt to carve out, inside BiH, mono-ethnic territories; reminds BiH politicians that the international community will not tolerate any measure or policy undermining, directly or indirectly, the multi-ethnic character, the territorial integrity, the stability and the unity of BiH and of its entities; calls on the High Representative for Bosnia-Herzegovina to remain particularly vigilant in this respect and to be more robust in promoting the re-integration of refugees and displaced people

throughout the territory of BiH, and, in particular, in the Republika Srpska, which has a disappointing record as regards returns of refugees and displaced persons;

28. Welcomes the opening of the first round of negotiations between the EU and BiH on visa facilitation and looks forward to their conclusion by June 2007, so that the agreement may enter into force in 2008; emphasises that the ultimate objective must be to facilitate travel to the EU for all citizens of the Western Balkan countries and calls on the Commission to support this process, notably through measures aimed at strengthening cooperation in the field of police and border control;
29. Welcomes the role played by the European Union Force in Bosnia and Herzegovina (EUFOR) in providing a safe and secure environment in BiH; considers that a reduction in the number of troops might be envisaged, in agreement with the BiH authorities, once all the necessary guarantees are in place;
30. Commends the work done by the EU Police Mission in supporting the development of a modern and efficient police force in BiH; takes the view that the future of that mission should also be considered in the light of the progress made in the police reform;
31. Welcomes the fact that BiH has signed many international conventions and passed several laws aimed at guaranteeing and promoting women's rights; urges the government of BiH to pursue its efforts towards implementing in practice the principles laid down in those international and national instruments;
32. Finally, in the light of the uncertainties which still surround BiH's future, regards the closing-down of the OHR as premature; therefore urges the PIC to reconsider its decision of June 2006 and, whilst downsizing it, to maintain the OHR with its full prerogatives; invites the Council of the European Union to adopt a joint action for the EU Special Representative in Bosnia-Herzegovina for a full year and to adjust the terms of that mandate in the light of the forthcoming PIC decision;
33. Emphasises the need for the international community to speak with one voice in BiH; is therefore opposed to any plan to uncouple the mandates of the High Representative and the EU Special Representative in BiH; regrets that continued uncertainty concerning his future role led the current EU High Representative/Special Representative to announce his intention to step down in June this year; urges the Council to agree as a matter of urgency a common position on the nature, scope and duration of the international presence in BiH;
34. Is also of the opinion that, when the OHR eventually closes down, the EU must provide strong and coordinated support to help BiH to achieve its long-term aim of European integration as quickly and thoroughly as possible;
35. Instructs its President to forward this recommendation to the General Affairs Council and, for information, to the Commission, the EU Special Representative/High Representative for Bosnia and Herzegovina and the governments and parliaments of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina.

EXPLANATORY STATEMENT

The explanatory statement will be presented orally in plenary.

14.11.2006

PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL (B6-0615/2006)

pursuant to Rule 114(1) of the Rules of Procedure

by Doris Pack

on behalf of the PPE-DE Group

on Bosnia and Herzegovina

The European Parliament,

- having regard to the agreement reached between the constituent entities of Bosnia and Herzegovina in October last year, to adopt the basic principles set out by the European Commission for the restructuring of police forces,
 - having regard to the Council's subsequent decision of 25 November 2005 to open negotiations with Bosnia and Herzegovina on a Stabilisation and Association Agreement,
 - having regard to the agreement reached on 18 March 2006 between leaders of the main political parties in Bosnia and Herzegovina on a number of constitutional amendments,
 - having regard to the Peace Implementation Council Steering Board's decision of last June inviting the Office of the High Representative (OHR) immediately to begin preparations to close on 30 June 2007 and to review and confirm in early 2007 the OHR closure, taking into account the overall situation in the country and in the region,
 - having regard to the recent presidential and parliamentary elections in Bosnia and Herzegovina,
 - having regard to the conclusions on the Western Balkans of the General Affairs Council of 16 and 17 October 2006,
 - having regard to Rule 114(1) of its Rules of Procedure,
- A. whereas the representatives of the two entities had agreed that the proposed police force reform would envisage the transfer to state level of all budgetary competencies, the elimination of all political interference in the operation of such forces and the delimitation of territorial units along purely functional lines,
- B. whereas the agreement foresaw the setting up of a directorate for the implementation of police force restructuring, with representatives from all levels of authority (state, entity and cantons), whose task would be to submit a proposal for the implementation of the reform, including the demarcation of the new territorial units,
- C. whereas the directorate should have submitted its proposals by 30 September 2006, a

deadline which it failed to respect, given that the representatives of the Republika Srpska refused to cooperate further on this issue,

- D. whereas during the campaign the Republika Srpska leadership repeatedly issued statements which questioned the proposed police reform and the agreement reached by the parties in October last year,
 - E. whereas the Parliament of Bosnia and Herzegovina failed by only two votes to reach the qualified majority required for the adoption of the constitutional amendments agreed by the main political parties,
 - F. whereas the main opponent of the 'no' vote was elected President of Bosnia and Herzegovina,
 - G. whereas during the election campaign representatives of the Republika Srpska called for an independence referendum, should the negotiations on the future status of Kosovo result in a legal and territorial separation from Serbia,
 - H. whereas the decision to close down the Office of the High Representative could have an impact on the pace of the administrative and constitutional reforms, which are an essential prerequisite for the country's European integration process,
 - I. whereas the election campaign confirmed the persistence of strong ethnic divisions within Bosnia and Herzegovina and the need for a more integrated, non-segregationist, modern education system in the country,
1. Addresses the following recommendations to the Council:
 - (a) welcomes the Council's call for the new governments to be formed quickly, so as to allow the rapid resumption of legislative activity;
 - (b) invites the Council, through the good offices of the EU Special Representative, to relaunch the talks on much-needed constitutional reform in Bosnia and Herzegovina;
 - (c) urges the Council to exert pressure on the Government of the Republika Srpska to recommit to the work of the directorate for police reform implementation and to remind all parties that police force restructuring is a key prerequisite for the conclusion of the Stabilisation and Association Agreement;
 2. Instructs its President to forward this recommendation to the General Affairs Council and, for information, to the Commission, the EU Special Representative/High Representative for Bosnia and Herzegovina and the governments of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina.

PROCEDURE

Title	Proposal for a European Parliament recommendation to the Council on Bosnia–Herzegovina	
Procedure number	2006/2290(INI)	
Proposal(s) for recommendation(s) considered	B6-0615/2006	
Committee responsible Date announced in plenary	AFET 12.2.2007	
Date of decision to draw up report	28.11.2006	
Committee(s) asked for opinion(s) Date announced in plenary		
Not delivering opinion(s) Date of decision		
Rapporteur(s) Date appointed	Doris Pack 28.11.2006	
Previous rapporteur(s)		
Discussed in committee	19.12.2006	30.1.2007
Date adopted	30.1.2007	
Result of final vote	+	62
	-	5
	0	1
Members present for the final vote	<p>Roberta Alma Anastase, Panagiotis Beglitis, Bastiaan Belder, Marco Cappato, Philip Claeys, Véronique De Keyser, Bronisław Geremek, Maciej Marian Giertych, Ana Maria Gomes, Klaus Hänsch, Jana Hybášková, Anna Ibrisagic, Ioannis Kasoulides, Bogdan Klich, Helmut Kuhne, Joost Lagendijk, Vytautas Landsbergis, Eugen Mihaescu, Emilio Menéndez del Valle, Willy Meyer Pleite, Francisco José Millán Mon, Pasqualina Napoletano, Annemie Neyts-Uytendaele, Baroness Nicholson of Winterbourne, Raimon Obiols i Germà, Vural Öger, Justas Vincas Paleckis, Ioan Mircea Pascu, Tobias Pflüger, João de Deus Pinheiro, Mirosław Mariusz Piotrowski, Bernd Posselt, Michel Rocard, Raúl Romeva i Rueda, Libor Rouček, Katrin Saks, José Ignacio Salafranca Sánchez-Neyra, Jacek Saryusz-Wolski, György Schöpflin, Gitte Seeberg, Marek Siwiec, Hannes Swoboda, Konrad Szymański, Antonio Tajani, Charles Tannock, Paavo Väyrynen, Inese Vaidere, Geoffrey Van Orden, Luis Yañez-Barnuevo García, Josef Zieleniec</p>	
Substitute(s) present for the final vote	<p>Laima Liucija Andrikienė, Robert Atkins, Alexandra Dobolyi, Árpád Duka-Zólyomi, Jaromír Kohlíček, Janusz Onyszkiewicz, Doris Pack, Rihards Pīks, Józef Pinior, Lapo Pistelli, Miguel Portas, Aloyzas Sakalas, Pierre Schapira, Csaba Sándor Tabajdi</p>	
Substitute(s) under Rule 178(2) present for the final vote	<p>Hanna Foltyn-Kubicka, Gisela Kallenbach, Leopold Józef Rutowicz, Czesław Adam Siekierski</p>	
Date tabled	6.2.2007	
Comments (available in one language only)		