Resolution on the 2011 progress report on Bosnia and Herzegovina

2011/2888(RSP) - 14/03/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 557 votes to 40 with 37 abstentions a resolution tabled by the Committee on Foreign Affairs on the 2011 progress report on Bosnia and Herzegovina.

General remarks: Parliament is concerned about the limited progress achieved by BiH as a potential candidate country for EU membership on its path towards stabilisation and socio-economic development. It takes the view, however, that progress is possible towards EU integration provided that determination, political responsibility, a culture of compromise and a shared vision of the country's future constitute the guiding principles for further actions. Members encourage the BiH authorities to take further concrete steps to put the country firmly back on track towards the EU.

They welcome the **formation of the new State government**, following an agreement of political party leaders on a range of important issues. Parliament calls for that agreement to be fully implemented by addressing outstanding issues including the adoption of the 2012 State budget and it also calls on the political elite to build on this positive development, which can give further impetus to the EU integration process, and re-engage in a constructive dialogue on other important reforms as well. All political actors in Bosnia and Herzegovina are reminded that reforms on the path towards EU integration are to benefit the people of BiH and that it is their responsibility vis-à-vis the citizens to reach compromises, to coordinate effectively, and to agree and implement reforms. The country's authorities must also establish the **necessary structure for the decentralised management** (DIS) of the Instrument for Pre-accession Assistance (IPA).

Members underline the need to **strengthen administrative capacities** at all levels of governance dealing with EU-related matters as well as coordination between the respective authorities in the programming of EU financial assistance and in all sectors relevant for the transposition of EU legislation.

They condemn the use of inflammatory language and actions, which undermine the process of inter-ethnic reconciliation and the functioning of the State structures.

Enhanced EU presence: the resolution welcomes the EU's overall strategy towards BiH including the strengthening of the EU's presence in BiH by the creation of a reinforced EU representative acting under a double-hatted mandate as EUSR and HoD. It notes that the EU must **allocate sufficient means, including staffing** to allow it to have a presence in the entire country, so that the EUSR/HoD can achieve the required objectives.

Parliament invites the international community to **consider the necessity of, and find solutions for, the implementation of the 5+2 Agenda of the Peace Implementation Council Steering Board** to pave the way for the dissolution of the Office of the High Representative (OHR) in order to allow for more local ownership and responsibility for BiH's own affairs, bearing in mind that any such step should not impact negatively on the stability of the country or the pace and outcome of much-needed reforms. It recalls that the BiH authorities must in this context resolve the outstanding issues of state property and defence property;

Political criteria: the resolution welcomes the initiative on the Parliamentary Coordination Forum dealing with legislative matters of EU integration on different levels of governance, noting that even though it has not yet been possible to reach an agreement on concrete constitutional amendments, the work of the

Interim Joint Committee is a significant step forward. For the first time BiH politicians have established an institutionalised way of discussing constitutional amendments without the presence of the international community, with the involvement of civil society and in an open and publicly transparent manner. Members note that **constitutional reform remains the key reform** to transform BiH into an effective and fully functional state, and they call on the parliamentary committee to come up with concrete proposals in this regard.

They make a series of recommendations on political and institutional reform and call on the BiH authorities to:

- ensure the establishment of an independent, impartial and effective judicial system in line with EU and international standards;
- consider the possible establishment of a Supreme Court, and other strategic and structural issues related to the harmonisation of the four different legal systems of BiH;
- carry out the necessary technical preparations to implement the Census Law as a matter of urgency;
- effectively investigate corruption cases as well as increase the number of convicted perpetrators;
- actively promote the rights of all groups and individuals, since the implementation of the anti-discrimination law remains weak and legal provisions fall short of what is needed;
- strengthen independent media free of political interference and allow the media to report freely from all parts of the country.

Parliament states that it is concerned by the **small amount of progress in the area of money-laundering,** and urges the adoption of necessary legislative amendments that will, inter alia, improve the reporting of suspicious bank transactions, increase the seizure rates of criminally gained assets, and enhance the efficiency of relevant authorities.

Dealing with war crimes: Parliament commends BiH authorities, at both State and Entity level, for responding promptly and adequately to requests by the International Criminal Tribunal for the former Yugoslavia (ICTY). It urges all competent authorities to:

- strengthen the capacities of the Prosecutors' Offices and Courts for dealing with war crimes across BiH;
- reduce the large backlog of war crimes cases;
- address the applicability of different criminal codes, which results in uneven convictions;
- accelerate progress in witness protection and improve the coordination between the various judicial organs and to speed up prosecution procedures in cases of sexual war crimes committed during the war; and in the implementation of the National War Crimes Strategy;
- speed up prosecution in cases of sexual crimes committed during the war and to adequately ensure justice and reparation for the victims.

Parliament calls on the Commission and other international donors to support the BiH authorities in this endeavour with financial resources and expertise targeting the victims of **war crimes of sexual violence**. It notes that the Ministry of Human Rights and Refugees of BiH, supported by UNFPA, is entrusted with the task of developing the abovementioned strategy by setting up an expert working group, and that the Republika Srpska (RS) was invited to nominate representatives from its competent ministries to participate, but has not done so to date.

Members go on to call on the BiH authorities to promote the **sustainable return of refugees and internally displaced persons**, strongly encouraging BiH authorities to ensure the infrastructure for successful return and address key challenges on health care, employment and social services.

Education: Parliament urges all governments in BiH to promote an inclusive, non-discriminatory education system, and to eliminate the segregation of different ethnic groups (two schools under one roof) by developing common education programmes and integrated classes across the country. Members call on the Commission to **examine if targeted EU support could assist in ending the segregated education system.** They stress the need to improve the overall quality of education meeting the needs of the labour market, and call on the BiH authorities to address the **deficiencies of vocational training** in order to attract foreign direct investment as well as to ensure, for reasons of economic necessity among others, that the accreditation of education institutions starts and the agencies dealing with the recognition of degrees and diplomas become fully operational.

Economic and social issues: noting the worsening living standards with increasing unemployment, in particular among young people aged, Parliament invites the new Government to accelerate **economic growth which has been hampered by a cumbersome governing structure, excessively large and expensive government bureaucracies, and long-standing problems with organised crime and corruption.**

Members urge the new Government and the Entity governments to address in a coordinated manner the impact of the economic crisis, to sustain sound fiscal policies as well as to adopt the 2012 State budget and the General Fiscal Framework for 2012-2014. They consider it important to accelerate the pace of economic restructuring in particular in the Federation, and call on the government to ensure an appropriate budget for the upcoming 2012 municipal elections.

Parliament stresses the need to work towards **completing the single economic area** across the country by strengthening economic policy coordination between the Entity governments, removing obstacles to an adequate legal framework and generating countrywide competition. It calls upon BiH authorities to remove the obstacles which contribute to the **low labour mobility** in the country by harmonising the provisions of the different labour legislations and pension and social security systems between the Entities and also between Cantons, thereby encouraging wider mobility and transferability of benefits across the country;

Parliament calls on the Commission to propose a **detailed road map to enhance mobility** and access for students, trainees and workers to the labour market and the educational services in the European Economic Area, including programmes for circular migration for work.

Regional cooperation: Parliament commends BiH for its proactive role in the Sarajevo Declaration Process and welcomes the efforts to solve outstanding issues between BiH, Serbia and Croatia. However, it calls on BiH not to postpone the signing of the protocol on the exchange of evidence in war crime cases and to establish closer cooperation with Croatia in this sensitive area. It also calls on the BiH government and neighbouring countries to do everything possible to resolve border disputes with their neighbours.

Lastly, Parliament is concerned that BiH is the only country in the region not allowing the entry of Kosovo citizens into BiH, and it urges the BiH authorities to accept the necessary travel documents of Kosovo citizens to enter the country, as is done by Serbia and also by other countries.