Resolution on the EC/Bosnia and Herzegovina Stabilisation and Association Agreement

2008/2654(RSP) - 23/10/2008 - Text adopted by Parliament, single reading

Following the debate which took place at the sitting of 22 October 2008, the European Parliament adopted a resolution tabled by the Committee on Foreign Affairs on the conclusion of the Stabilisation and Association Agreement (SAA) between the EU and Bosnia and Herzegovina. The SAA was approved in parallel on the same day (see AVC/2008/0073).

Parliament welcomes the agreement which has the potential to boost BiH's economy but reminds political leaders that this can be achieved only if they pursue with determination reforms at all levels - state, entity and local. This should be done with a view to modernising the country and making it more efficient and compatible with EU standards. BiH should abolish all unnecessary legal and administrative barriers and streamline its administrative structures, according to MEPs.

It recalls in this respect the obligation of BiH, in line with the SAA and the Interim Agreement, inter alia to:

- abolish gradually all quantitative restrictions on EU products,
- dismantle customs duties in accordance with the schedules negotiated,
- simplify the flow of goods by any means of transport throughout the territory of BiH ,
- draw up an exhaustive inventory of all aid schemes in the whole country, align all aid schemes to EU legislation and set up an independent authority for State aid.

In order to deal with these challenges, Parliament states that BiH's administrative capacity must be strengthened at all levels.

Main objectives of the SAA: Parliament considers that the SAA has the potential to boost BiH's economy since it contains provisions which commit the country to liberalising its market, thus increasing the competitiveness of its businesses and attracting investment, and to modernising its legal framework by making it more efficient and transparent. It encourages the BiH authorities to take the necessary steps to increase the level of foreign direct investment in the country. Other main objectives include cooperation in areas such as visas, border management, migration and fighting organised crime and terrorism. The Agreement also upholds the principle of non-discriminatory access to BiH's education and vocational training systems irrespective of gender, ethnic origin or religion. Parliament believes that serious efforts are needed in order to overcome the segregationist structures currently operating in the country.

Parliament urges the educational authorities in BiH finally to put in place the national agency required in order to allow participation by BiH citizens in the Community mobility programmes. Moreover, measures are needed to: support to the modernisation of the country's social security systems (through for example the Pre-Accession Instrument); strengthen labour legislation, trade unions, transport infrastructure, environmental policies (to reduce pollution, to optimise energy consumption and to improve waste management).

Accession:Parliament states that membership of the European Union is a prospect for Bosnia and Herzegovina only as a single state, and not for its entities, which do not enjoy autonomous sovereignty. It is, therefore, in the interests of the entities to ensure that Bosnia and Herzegovina is a fully functional state, capable of fulfilling all the membership criteria and obligations. Parliament calls on the Commission to develop tailor-made measures reflecting the special conditions prevailing in BiH, in order to assist and facilitate the process of accession to the EU.

Return of refugees: Parliament is concerned about the lack of progress in the return of refugees and IDPs, for example in Posavina in the Republika Srpska. Parliament is convinced that increased efforts to facilitate returns are of particular importance in view of the need to carry out by 2011 a new population census, based on disaggregated data, in order to provide an updated overview of the population structure in BiH. Parliament recalls that there are still 125 072 people officially registered as internally displaced persons (IDPs), of whom, according to the BiH Government, 8 000 are still living in collective centres, notably because of a lack of adequate housing, infrastructure and employment in their areas of origin. The BiH authorities are called on to consider appropriate, dignified and durable solutions for those persons.

Defending minority rights: Parliament considers that greater efforts should be deployed for the rights of minorities in BiH. It welcomes in this respect the electoral law amendment of April 2008 enabling members of national minorities to stand for local election. Parliament deplores the persisting discrimination against 'others' in the Constitution and electoral laws of BiH and expresses its concern about the climate of intolerance against lesbian, gay, bisexual and transgender (LGBT) people.

Disarmament and the fight against anti-personnel mines: Parliament calls for more funding to be provided for the attainment of the National Mine Action Strategy's goal of ridding BiH of mines by 2009. It calls on the Commission to guarantee EU funding for the UN programme on disarmament so that the destruction of the surplus weapons, military equipment and ammunition of the BiH armed forces can continue under UN supervision and to take measures to ensure that those weapons are not sold to unsavoury brokers, countries or regimes.

Pursuit of war criminals: Parliament takes the view that increased attention needs to be paid to war crimes trials at district and cantonal level in order to clarify whether, and in what way, cases should be distributed between the State and lower-level judiciaries, and to ensure that courts and prosecutors are properly resourced, that witnesses have access to adequate protection, that cross-border police and judicial cooperation is strengthened, and that the legal framework applicable at State, cantonal and local level is harmonised. It supports in this context the current drafting of the BiH War Crimes Prosecution Strategy, which, by clarifying the number of potential war crimes cases, should help to identify the policy, financial and legislative decisions and resources necessary to address these cases. Parliament is concerned about the climate of intimidation of the media, human rights activists and civil society in general which prevails in the Republika Srspka. In favour of an oral amendment approved in plenary by Doris PACK (EPP-ED, DE), Parliament is convinced that greater efforts should be devoted to addressing the question of missing persons and reparations to their families. Parliament calls for appropriate action to be taken in response to the signing by BiH, in connection with the International Criminal Court, of a bilateral immunity agreement with the United States that is out of step with the EU's common position and guidelines in this area.

Fight against corruption: Parliament regrets the lack of progress in the field of controlling corruption, organised crime, human trafficking, money laundering and drug trafficking. It urges the BiH authorities rapidly to take further action to tackle these problems. Parliament reminds the authorities of BiH of their obligation to cooperate fully with the International Criminal Tribunal for the former Yugoslavia, particularly with regard to facilitating the arrest of the remaining fugitives and providing the Tribunal with the documents and other evidence required for trials and investigations.

Institutional reform of the BiH: Parliament calls for a public debate conducted in a transparent and open manner, with full involvement of civil society. Parliament calls on local politicians to recognise the need for a structural reform of the BiH State and recalls that this reform can only succeed if it is based on realistic premises. Parliament recalls that strengthening the central State does not mean weakening the entities but creating the conditions for an efficient administration which works for the common good of all BiH citizens in many areas. MEPs are of the view that the debate on the future constitutional set-up of BiH must be led by the Bosnian Parliament. Any constitutional settlement must be the product of voluntary agreement between the different political parties in BiH. The international community and the EU Special Representative must play a facilitator's role.

Lastly, MEPs are in favour of strengthening the EU Special Representative's role when the Office of the High Representative is closed down, but remind that this can only happen when all the conditions set by the International Community are fulfilled.