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20th anniversary of the Dayton Peace Agreement

Greens/EFA motion for resolution

Tabled by ***Igor Šoltes, Terry Reintke, Davor Škrlec, Ulrike Lunacek, Monika Vana, Ernest Urtasun, Bodil Valero, Reinhard Bütikofer***
on behalf of the Greens/EFA Group The European Parliament, – having regard to the Dayton Peace Agreement, its general framework and the twelve annexes thereto, – having regard to UN Security Council Resolution 2247 (2015)(1) which renews the authorisation for a European Union-led stabilisation force in Bosnia and Herzegovina, – having regard to its resolutions of 7 July 2005(2), of 15 January 2009(3) and of 9 July 2015(4) concerning Srebrenica, – having regard to its numerous resolutions on the Progress Reports on Bosnia and Herzegovina, – having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina (BiH), of the other part, which was signed in Luxembourg on 16 June 2008 and entered into force on 1 June 2015, – having regard to the Venice Commission Opinion(5) of 11 March 2005 on the constitutional situation in Bosnia and Herzegovina and the powers of the High Representative, – having regard to Rule 123(2) of its Rules of Procedure, A. whereas on 21 November 1995 the text of the Dayton Peace Agreement was initialled in Dayton, Ohio; whereas the Dayton Peace Agreement was signed on 14 December 1995 in Paris and put an end to Europe's bloodiest war since the end of the Second World War; B. whereas the UN estimates that approximately one hundred thousand people were killed in the war in BiH, and many thousands severely wounded, including tens of thousands of victims of sexual violence; whereas the war in BiH led to more than two million displaced persons; C. whereas the Dayton Peace Agreement was necessary to stop the bloodshed, but has not unfortunately created a self-sustainable and functional state of BiH, contrary to the expectations and hopes of the many parties involved in the peace-making process; D. whereas the European Commission for Democracy Through Law (Venice Commission) has made detailed, moderate and practical proposals on how to reform BiH's constitution in a holistic manner; E. whereas in 2009 the European Court of Human Rights ruled in the Sejdić and Finci case that parts of the current BiH constitution violate the European Convention on Human Rights; whereas in 2014 the court delivered a similar ruling in the Zornic case; F. whereas the so-called 2006 'April Package' of constitutional amendments, which was supported by representatives of most of the main parties in BiH and contained a number of proposals which should have strengthened state-level powers and addressed certain dysfunctions in BiH's legislative and executive branches, failed by only two votes to reach the threshold required for adoption; G. whereas Annex VII of the Dayton Peace Agreement has still not been fully implemented; whereas the need remains for fair, comprehensive and durable solutions to be found for internally displaced people, refugees and other people affected by conflict, and for progress to be made in improving the socio-economic integration of those who have returned; H. whereas, according to the International Committee of the Red Cross, there are still about 11 000 missing people whose fate

remains unknown(6); 1. Commemorates the historic event of the initialling and signing of the Dayton Peace Agreement, which took place on 21 November 1995 in Dayton and 14 December in Paris and which brought to an end a terrible armed conflict at the heart of Europe, which was characterised by massive-scale ethnic cleansing campaigns, genocide and numerous war crimes; 2. Welcomes the fact that since November 1995 no serious security or military incidents have occurred which could have jeopardised the Dayton Peace Agreement, and that security in BiH has improved steadily over the last 20 years to now stand at a good level; 3. Recalls that the Dayton Peace Agreement has 12 annexes, which address various issues such as the military aspects (Annex 1A), regional stabilisation (Annex 1B), the constitution (Annex 4), human rights (Annex 6) and refugees and displaced persons (Annex 7); stresses the need to take the 20th anniversary as an opportunity to evaluate the level of implementation of all the individual annexes; 4. Is deeply convinced that the current constitution of BiH, as laid down in Annex 4, is in urgent need of reform in order to allow the state to function to the benefit of all its citizens and to permit EU membership; stresses also the fact that economic prosperity is only possible if it is based on a democratic and inclusive society and state; 5. Reiterates the EU's commitment to the European perspective and the further accession process of BiH and of all Western Balkan countries; believes that regional cooperation and the European integration process are the best way to promote reconciliation and to overcome hatred and divisions; 6. Recalls its earlier statements on how to reform the Dayton constitution and its insistence on the following elements: • the State should have sufficient legislative, budgetary, executive and judicial powers to function as a member of the EU, to establish and maintain a functional single market, and to promote economic and social cohesion, • the number of administrative levels involved in managing the country should be proportional to BiH's financial resources and should be based on an efficient, coherent and effective allocation of responsibilities, • the safeguarding of vital national interests within BiH must be compatible with the country's capacity to act; a clear, exhaustive and at the same time narrow interpretation of the concept of 'vital national interests' is required so as to prevent any ethnically motivated misuse of the related veto instrument for purely obstructionist purposes, • the need for 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, • all national minority communities must enjoy the same rights as constituent peoples, and this includes abolishing ethnicity-based limitations on the right to be elected, in keeping with the provisions of the European Convention on Human Rights and the relevant opinions of the European Commission for Democracy through Law (Venice Commission) of the Council of Europe; 7. Invites all political parties to take part in this process in a constructive and open manner and to make use of the advice and guidance which the Venice Commission can provide during this process; welcomes and supports the efforts of civil society organisations to influence the constitutional reform process; welcomes the Council of Ministers decisions of September 2015 on an Action Plan on the implementation of the Sejdić-Finci and Zornic ECtHR rulings and on the establishment of a commission which will draft constitutional amendments; 8. Reiterates the obligation to implement Annex 7 to the Dayton Peace Agreement in order to ensure a sustainable return and also fair, comprehensive and durable solutions for internally displaced people, refugees and other conflict-affected people; notes with concern that there are still 84 500 internally displaced persons (IDPs) in BiH; calls for the effective implementation of the Revised Strategy regarding Annex VII to the Dayton Peace Agreement; 9. Calls for a halt to divisive nationalistic and secessionist rhetoric that polarises society and undermines the basic core of the Dayton Peace Agreement; expresses its deep concern regarding the declaration adopted on 25 April 2015 by the congress of the Alliance of Independent Social Democrats (SNSD) in eastern Sarajevo calling *inter alia* for a referendum on the independence of the Republika Srpska in 2018; is also concerned about the preparations on holding an entity-level referendum on the state-level judiciary in the Republika Srpska; underlines the fact that under the Dayton Agreement the Republika Srpska has no right to secession; recalls that, with the adoption of the Written Commitment, all political forces, including the SNSD, have committed to respect the 'sovereignty, territorial integrity and political independence of Bosnia and Herzegovina'; 10. Instructs its President to forward this resolution to the Council and the Commission, the governments of the Member States, the governments and parliaments of Bosnia and Herzegovina and its entities, and the governments and parliaments of the countries of the Western Balkans. (1) http://www.un.o

rg/en/ga/search/view_doc.asp?symbol=S/RES/2247(2015)

(2) OJ C 157 E, 6.7.2006, p. 468.

(3) OJ C 46 E, 24.2.2010, p. 111.

(4) Texts adopted, P8_TA(2015)0276.

(5) http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2005)004-e

(6) https://www.icrc.org/en/document/srebrenica-twenty-years-let-us-not-forget

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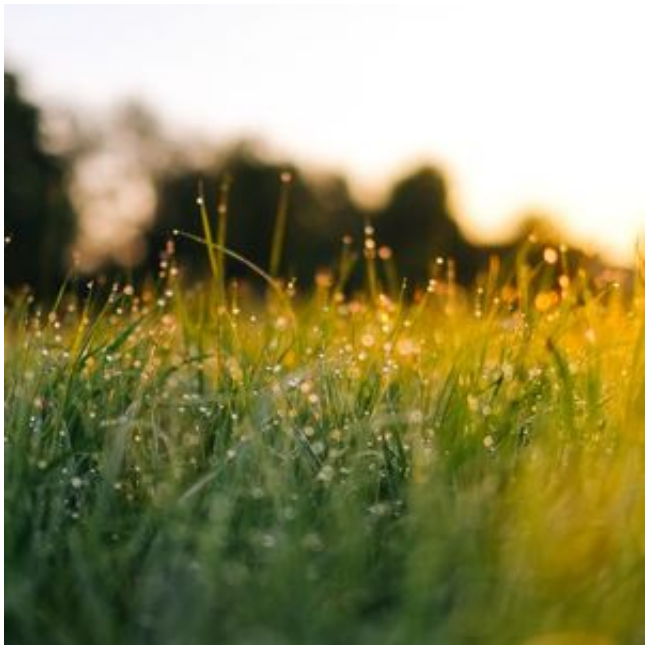
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