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## **DRAFT REPORT**

on the 2021 Commission report on Bosnia and Herzegovina  
(2021/2245(INI))

Committee on Foreign Affairs

Rapporteur: Paulo Rangel

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the 2021 Commission report on Bosnia and Herzegovina (2021/2245(INI))

*The European Parliament,*

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina (BiH), of the other part,
- having regard to BiH's application for membership of the European Union of 15 February 2016,
- having regard to the Commission communication of 5 February 2020 entitled 'Enhancing the accession process – A credible EU perspective for the Western Balkans' (COM(2020)0057),
- having regard to its recommendation of 19 June 2020 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the Western Balkans, following the 2020 summit<sup>1</sup>,
- having regard to the Expert Report on rule of law issues in Bosnia and Herzegovina of 5 December 2019,
- having regard to the Commission communication of 29 May 2019 entitled '2019 Communication on EU Enlargement Policy' (COM(2019)0260),
- having regard to the Commission communication entitled 'Commission Opinion on Bosnia and Herzegovina's application for membership of the EU' (COM(2019)0261) and the accompanying analytical report (SWD(2019)0222),
- having regard to the sixtieth and prior reports of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations,
- having regard to Resolution 2604 (2021) of the UN Security Council of 3 November 2021 on the situation in Bosnia and Herzegovina, extending the mandate of the European Union Force Bosnia and Herzegovina (EUFOR Althea) until November 2022,
- having regard to the Council conclusions of 18 October 2021 on BiH and operation EUFOR Althea, following the third strategic review of the operation,
- having regard to Council Decision (EU) 2021/1923 of 4 November 2021 on an Assistance Measure under the European Peace Facility to support capacity building for

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<sup>1</sup> OJ C 362, 8.9.2021, p. 129.

the Armed Forces of Bosnia and Herzegovina<sup>2</sup>,

- having regard to the Commission communication of 19 October 2021 entitled ‘2021 Communication on EU Enlargement Policy’ (COM(2021)0664), accompanied by the Commission staff working document entitled ‘Bosnia and Herzegovina 2021 Report’ (SWD(2021)0291),
- having regard to the Council conclusions of 14 December 2021 on the enlargement and stabilisation and association process,
- having regard to Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III)<sup>3</sup>,
- having regard to the Commission communication of 6 October 2020 entitled ‘An Economic and Investment plan for the Western Balkans’ (COM(2020)0641),
- having regard to the EU-Western Balkans summit, held in Brdo pri Kranju on 6 October 2021, and its declaration,
- having regard to the 8th Berlin Process Summit of 5 July 2021,
- having regard to the final declaration of the 8th Western Balkans Civil Society Forum dated 1 October 2021,
- having regard to the Council of Europe Convention of 16 May 2005 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism,
- having regard to the Commission communication of 24 July 2020 entitled ‘2020-2025 EU action plan on firearms trafficking’ (COM(2020)0608),
- having regard to the Commission communication of 14 April 2021 on the EU strategy to tackle organised crime 2021-2025 (COM(2021)0170),
- having regard to the Commission communication of 14 April 2021 on the EU strategy on combating trafficking in human beings 2021-2025 (COM(2021)0171),
- having regard to its resolution of 15 December 2021 on cooperation on the fight against organised crime in the Western Balkans<sup>4</sup>,
- having regard to its resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation<sup>5</sup>,

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<sup>2</sup> OJ L 391, 5.11.2021, p. 45.

<sup>3</sup> OJ L 330, 20.9.2021, p. 1

<sup>4</sup> Texts adopted, P9\_TA(2021)0506.

<sup>5</sup> Texts adopted, P9\_TA(2022)0064.

- having regard to its resolution of 9 July 2015 on the Srebrenica Commemoration<sup>6</sup>,
  - having regard to its resolution of 17 December 2015 on the 20th anniversary of the Dayton Peace Agreement<sup>7</sup>,
  - having regard to its previous resolutions on the country,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A9-0000/2022),
- A. whereas BiH citizens aspire towards Euro-Atlantic integration for sustainable peace, democracy and prosperity;
  - B. whereas the EU is the biggest trade and investment partner of BiH and its largest provider of financial assistance;
  - C. whereas BiH's progress on its EU accession path depends on the implementation of the 14 key priorities in the Commission's opinion on BiH's EU membership application, and whereas EU assistance should address the persistent lack of progress in that regard;
  - D. whereas the Office of the High Representative (OHR) and EUFOR Althea are integral in preserving peace;
  - E. whereas all BiH citizens should enjoy equal rights and obligations throughout BiH territory; whereas the country has committed to international obligations to end systematic ethnicity and residence-based discrimination and ensure citizens' equality before the law;
  - F. whereas glorification of convicted war criminals, ethnic segregation and discrimination go against the very essence of the European project; whereas there is an urgent need to effectively outlaw denial of the Holocaust, genocide, war crimes and crimes against humanity;

### ***Functioning of democratic institutions***

1. Underscores that the pace of EU accession is determined by the due functioning of democratic institutions, grounded in the rule of law, good governance and fundamental rights;
2. Urges BiH to advance on the 14 key priorities by restoring the independence of the judiciary, strengthening the rule of law, intensifying the fight against corruption and organised crime, securing media freedom and an enabling environment for civil society, and protecting vulnerable groups;
3. Reiterates its clear support for BiH's democratic transformation through European integration, based on sovereignty and territorial integrity, grounded in the principles of equality and non-discrimination of all citizens and constituent peoples as enshrined in

<sup>6</sup> OJ C 265, 11.8.2017, p. 142.

<sup>7</sup> OJ C 399, 24.11.2017, p. 176.

the constitution;

4. Stresses that enforcement of the Dayton Peace Agreement includes the obligation to implement OHR decisions;
5. Regrets the impasse in negotiations on electoral law reform in BiH and the lack of political will to overcome it; calls on all actors to promptly reach a balanced agreement, to fulfil the constitutional duty of democratic governance and to ensure the transparency and integrity of the electoral process;
6. Strongly denounces the disregard for international and national norms and obligations, all hate rhetoric and disruptive action, including withdrawal from institutions, particularly by the leadership of the Republika Srpska entity, which destabilises the country, undermines its statehood in violation of the Dayton Peace Agreement and systematically hampers decisions on key laws and reforms; rejects all attempts to form parallel parastatal institutions, which undermine state institutions, legal order, judicial independence and sovereignty; calls for a full, non-selective and unconditional return to all state institutions;
7. Calls for the EU and the international community to use all available tools, including targeted sanctions, against destabilising actors in the country;

#### ***Reconciliation***

8. Underlines that the EU future of BiH depends on sustainable peace and genuine reconciliation, warranting its democratic, inclusive and multi-ethnic character; urges BiH to expedite effective and impartial prosecution of war crimes under the revised national war crimes processing strategy; calls on all regional political leaders to set up the relevant commission (RECOM);
9. Encourages authorities to intensify cooperation and data sharing on missing persons and to ensure redress for the families of civilian victims, and the safe return of refugees and internally displaced people, the full respect of their rights and the return of their property;
10. Welcomes the amendments to the BiH Criminal Code outlawing the glorification of war criminals and the denial of genocide, crimes against humanity and war crimes; deplores any attempt not to implement this decision; strongly condemns all forms of historical revisionism, denial, or minimisation or glorification of war crimes including non-compliance with decisions of international and domestic tribunals;

#### ***Reform process***

11. Urges BiH's political actors to make progress on reforms that are needed to bring the country closer to the EU; denounces all attempts to stall these reforms, thus endangering access to EU funding under IPA III, which must be based on strict conditionality and depends on the cooperation of different authorities;
12. Stresses the importance of holding elections this year as planned;



13. Supports transparent and inclusive constitutional and electoral reforms to ensure equality and non-discrimination of all citizens, enhance accountability and transform BiH into a fully functional and inclusive state by immediately implementing rulings, opinions and recommendations of competent courts and international bodies; supports transatlantic facilitation efforts to this end;
14. Calls for the implementation of consistent country-wide merit-based civil service standards, enabling a streamlined, depoliticised and accountable public administration;
15. Underlines the need to enhance internal and regional economic harmonisation and connectivity; calls for country-wide sector strategies, improvements to strategic planning, financial management, monitoring and evaluation, and the creation of control and audit structures;
16. Recalls the need for laws on gas and electricity, renewables, energy efficiency and climate, and to step up environmental and nature protection;

#### ***Rule of law***

17. Calls for urgent action to tackle widespread selective justice, state capture, nepotism, cronyism, high-level corruption and criminal infiltration; reiterates the urgent need for judicial reform across BiH to improve the professionalism and integrity of the judiciary;
18. Recalls the need to update laws and align with the EU on anti-money laundering and countering the financing of terrorism, and to establish an asset recovery office;
19. Urges BiH to strengthen and adequately fund anti-corruption structures, covering conflicts of interests and lobbying;
20. Underlines the poor cooperation of BiH's law enforcement agencies and their failure to effectively collaborate with Europol, Eurojust and the European Public Prosecutor's Office; welcomes bilateral efforts supported by Europol and Eurojust aimed at dismantling people smuggling networks;

#### ***Fundamental rights***

21. Deplores the continuing failure to safeguard media freedom and pluralism; insists on eliminating political interference and protecting journalists from intimidation with systematic judicial follow-up;
22. Deplores threats from the authorities against civil society; condemns growing restrictions on freedom of expression in the Republika Srpska entity;
23. Calls on the Commission to refocus IPA III support to in-country democratic forces, institutions and procedures;
24. Stresses the need to safeguard the rights of minorities and inclusion of vulnerable populations; calls for stronger country-wide human rights and anti-discrimination strategies; urges the prevention and proactive prosecution of hate crimes, hate speech and disinformation as well as gender-based and sexual violence;

25. Reiterates its call to urgently end segregation and discrimination in education, including by implementing court rulings to end the discriminatory illegal practice of ‘two schools under one roof’;
26. Deplores the failure of authorities to address the severe migration-related humanitarian crisis; recalls the need for solidarity-based solutions on migration and asylum, ensuring adequate humanitarian assistance and appropriate reception capacities across the country; welcomes the opening of the EU-funded centre in Lipa;

#### ***Foreign policy and security***

27. Urges BiH to reverse the trend of regression on alignment with the EU's common foreign and security policy, particularly with regard to implementing sanctions against Russia and Belarus following the invasion of Ukraine; calls on BiH to strengthen good neighbourly relations;
  28. Calls for the EU to take concrete steps to integrate the Western Balkans and BiH within a broader strategic and security context, also in view of the Russian aggression against Ukraine, disinformation and malign interference destabilising the country and region;
  29. Welcomes EU-funded efforts to boost demining and the disposal of weapons, ammunition and explosives;
  30. Welcomes the recent reinforcement of EUFOR Althea and the support under the European Peace Facility to strengthen the armed forces of BiH;
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31. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Presidency of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the governments and parliaments of the Federation of Bosnia and Herzegovina, the Republika Srpska and Brčko District, and the governments of the ten cantons.



## EXPLANATORY STATEMENT

Bosnia and Herzegovina embodies the diversity of the European Union, which was built on reconciliation, coexistence and cooperation. The European Parliament continues to stand by the aspirations for democratic transformation and the European choice of Bosnia and Herzegovina and its citizens.

The Rapporteur identifies two principal obstacles to BiH's progress on the fulfilment of the 14 key priorities and its chosen path towards EU integration: the boycott of and withdrawal from state institutions and decision-making bodies by the Republika Srpska's leadership and representatives, namely Milorad Dodik; and the impasse in negotiations on electoral law reform in the Federation of Bosnia and Herzegovina. All political actors across BiH must commit themselves towards cooperating and building a sustainable, prosperous and peaceful future for the country. Failure to achieve a non-selective and unconditional return to all state institutions as well as a balanced agreement on electoral law reform will keep hindering BiH's social, economic, and Euro-Atlantic progress, harm reconciliation efforts and undoubtedly contribute to a heightening of tensions in the country and the region, particularly in view of the Russian aggression against Ukraine and the related malign interference in the Western Balkans. The broader strategic and security context of Europe requires a stable BiH, oriented towards European integration, and peremptorily aligned with the EU's CFSP, including on sanctions against Russia and Belarus.

The Rapporteur condemns all destabilizing actions aimed at undermining the sovereignty and territorial integrity of Bosnia and Herzegovina and the functioning of its institutions, including in judicial, legal, tax, security and property matters. Genocide denial, discriminatory and escalatory secessionist rhetoric and actions are extremely concerning and threaten the constitutional order of the country. The Rapporteur therefore denounces all attempts to violate this order, namely through the withdrawal from state institutions and the boycott and blockage of decision-making bodies, which stall reforms and hamper BiH's compliance with the EU accession criteria and the fulfilment of the 14 key priorities. Should these disruptive actions persist, the EU should implement restrictive measures against the destabilizing actors, following the example set by the United States. There can be no support for the territorial reorganization of BiH.

Until the situation in the country becomes ripe for international supervision to cease, once the '5+2 conditions' have been fulfilled, it is essential to safeguard unhindered functioning of the two internationally authorised peace enforcement instruments: the military Operation EUFOR ALTHEA and the civilian executive - the Office of the High Representative. The Rapporteur acknowledges and welcomes EUFOR ALTHEA's role and stresses the importance of the renewal of its mandate in November 2022.

BiH has undertaken international obligations to ensure political equality of all citizens by ending systematic discrimination based on ethnicity or place of residence, which denies basic civil rights to some 400,000 Bosnian citizens. The Rapporteur calls for balanced electoral and constitutional reforms, in line with both EU principles and international and constitutional court decisions, which includes the equality of its three constituent peoples and all citizens, and enabling a smooth 'transition from Dayton to Brussels'. The Rapporteur laments the lack of

political will of actors from all sides to guarantee a successful end to negotiations over the urgent electoral law reform, despite coordinated facilitation efforts by the EU and the United States. It is vital that electoral and constitutional reforms guarantee respect for the pluralistic nature of the country whilst ensuring a functional and viable democracy where all citizens are equal.

The two reforms should eliminate all forms of inequality and discrimination in the electoral process, safeguarding integrity, accountability, transparency and efficiency of the electoral process and put in place conditions for competitive elections by harmonising rules on party registration, ensuring transparency of political party financing and independence and capacities of the election commissions, in line with international electoral standards. They must eradicate the systemic abuse of administrative resources, vulnerability of electoral bodies and vote manipulation and buying.

Electoral and constitutional changes are not an alternative to other reforms, and must go hand in hand with the rule of law, justice and economic transformation, thus rebuilding citizens' trust in the country's institutions. Authorities should prioritise democratic and institutional functionality, based on fundamental rights, access to justice and reconciliation in the context of the 14 priorities of the Commission 2019 Opinion and the Expert Report on Rule of Law issues (Priebe recommendations).

The EU continues its technical and financial support to facilitate the internal dialogue and much-needed EU-related reforms for the benefit of all BiH citizens. The Rapporteur acknowledges the substantial difference that the EU support to the country makes and encourages the Commission to better target and redirect funding in order to address major rule of law and socio-economic challenges. This support, under the Pre-Accession Instrument (IPA III) and the Economic and Investment plan for the Western Balkans, is strictly conditional on the cooperation of all authorities, as well as the utmost respect for the Dayton Agreement and the constitutional order of BiH, and will be modulated in case of a persistent lack of progress by BiH in fundamental reform areas.

The Rapporteur reiterates the importance of educational reform as a basis for creating a prosperous and inclusive pluralistic society, free from all forms of segregation and marginalisation and enjoying its political freedoms. This society must safeguard the social inclusion and rights of ethnic and religious minorities, such as the Roma and Jews, as well as the LGBTIQ+ community and vulnerable populations, including persons with disabilities.

The Rapporteur extends his gratitude to all representatives, office holders, local and international stakeholders and civil society organisations for an ongoing constructive cooperation and insights, contributing to a deeper understanding of Bosnia and Herzegovina.