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38. Calls on non-EU arms-exporting countries, too, to give their support to the principle and criteria of the Code of Conduct, so that through the Code a genuine contribution can be made to world arms export control, conflict prevention and the promotion of peace in the world;

39. Considers that the effective global control of arms exports can only be achieved by an international arms trade control regime and calls, therefore, upon Member States to promote stringent international rules on arms exports in view of the 2006 UN Review Conference on Small Arms and to work towards a legally binding, international Arms Trade Treaty, including measures for the conversion and restructuring of enterprises producing military goods;

40. Calls on the Council and the Member States to strictly monitor compliance with end user certificates, and in particular with notifications concerning the country of final destination, the ban on re-export and the declaration that the goods will not be used for purposes other than the stated use;

41. Calls on the governments of Member States to conduct a thorough review of the Code of Conduct, taking into account the demands and recommendations mentioned above and consulting relevant parties such as parliaments and non-governmental organisations;

42. Instructs its President to forward this resolution to the Council and the Commission, and to the parliaments and governments of the Member States and of third countries which have agreed to observe the principles of the Code of Conduct.

P6_TA(2004)0059

Althea mission in Bosnia and Herzegovina

European Parliament resolution on the European Union military operation 'Althea' in Bosnia and Herzegovina

The European Parliament,

- having regard to Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾ ('BiH'),
- having regard to Article 21 of the Treaty on European Union,
- having regard to its resolution of 10 April 2002 on the European Security and Defence Policy (ESDP) and EU-NATO relations ⁽²⁾,
- having regard to its resolutions on the Common Foreign and Security Policy (main aspects and basic choices), in particular those of 26 September 2002 ⁽³⁾ and 23 October 2003 ⁽⁴⁾,
- having regard to its resolution of 13 March 2003 on the ESDP operation in the Former Yugoslav Republic of Macedonia ⁽⁵⁾,
- having regard to its resolution of 10 April 2003 on the new European security and defence architecture — priorities and deficiencies ⁽⁶⁾,
- having regard to Rule 103(2) of its Rules of Procedure,

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

⁽²⁾ OJ C 127 E, 29.5.2003, p. 579.

⁽³⁾ OJ C 273 E, 14.11.2003, p. 295.

⁽⁴⁾ OJ C 82 E, 1.4.2004, p. 599.

⁽⁵⁾ OJ C 61 E, 10.3.2004, p. 379.

⁽⁶⁾ OJ C 64 E, 12.3.2004, p. 599.

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- A. noting the Council Joint Action of 12 July 2004 and the announcement by the European Council of an ESDP mission, code-named 'Althea', to BiH, which will be the first European Union military mission on a relatively large scale with approximately 7 000 military personnel in comparison to the smaller earlier missions 'Concordia' (approx. 350 military personnel) in the Former Yugoslav Republic of Macedonia and 'Artemis' (approximately 1 400 military personnel) in the Democratic Republic of Congo,
- B. believing that any EU operation that can resort to the use of force beyond the functions of the existing EU Police Mission to BiH should strive to achieve broad public support and meet the highest standards of democratic legitimacy,
- C. recalling United Nations Security Council Resolution 1551 (adopted on 9 July 2004), which reminds the parties that they have committed themselves to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia in order to surrender for trial all persons indicted by the Tribunal,
- D. noting the support of the United Nations Security Council for this mission⁽¹⁾, which will take over by the end of 2004 the majority of tasks hitherto carried out by the Stabilisation Force (SFOR) operation of the North Atlantic Treaty Organisation (NATO),
- E. noting that the common costs of the operation are estimated to be EUR 71,7 million and that these are to be charged to Member States directly in accordance with Article 28(3) of the Treaty on European Union and administered by 'Athena', the mechanism established by Council Decision 2004/197/CFSP of 23 February 2004⁽²⁾,
- F. noting that the security situation in BiH has improved significantly since the end of the war in 1995, but that there are still a number of threats to security in the country which require attention, in particular those emanating from organised crime and corruption, international terrorism, civil unrest and ethnic tension,
- G. whereas the present fragile institutional framework, which emerged from the Dayton Accords of 1995, does not enable the state of BiH to cope effectively and successfully with the above-mentioned threats,
- H. whereas furthermore hundreds of thousands of refugees have not yet been able to return and whereas one of the reasons is that large parts of the territory are contaminated with landmines, both anti-personnel and anti-vehicle, and are therefore extremely unsafe; whereas mine-clearing is a critical precondition for economic development and stability, especially with regard to tourism and agriculture,
- I. strongly recommending the adoption of a peace agreement between BiH and its neighbouring countries which revises the Dayton Accords and creates mutual trust, alongside formal bilateral cooperation treaties, before starting negotiations on EU membership; noting that peace agreements can be prepared by an international conference that brings together all the countries in the region, EU Member States, the UN and the United States,
- J. acknowledging that the NATO-led Stabilisation Force (SFOR) played a vital role in maintaining peace and security in BiH, helping to ensure continuing stability and deterring a renewed outbreak of violence,
- K. noting that NATO will maintain a headquarters in Sarajevo with some 250 military and civilian staff whose primary role will be to continue NATO's dialogue with BiH on defence reform, sharing responsibilities with the EU for counter-terrorism activities and all matters regarding the search for indicted war criminals; underlining that the capture and bringing to justice of indicted war criminals is a test of the credibility of the international community, of NATO, and ultimately, of the European Union, and a prerequisite for further reconciliation,

⁽¹⁾ UNSCR 1551 (2004) adopted on 9 July 2004.

⁽²⁾ OJ L 63, 28.2.2004, p. 68.

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- L. stressing that the stabilisation of BiH is of enormous importance for the stability of the whole region and that the strengthening of its institutions could contribute decisively to the resolution of the pending institutional and statehood issues in the bordering countries,
1. Welcomes the new coordinated and coherent approach of the EU to Bosnia and Herzegovina which includes a comprehensive Strategy for BiH⁽¹⁾, a new mandate for the EU Special Representative⁽²⁾, the civilian aspects such as the Stabilisation and Association Process (SAP) and Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programmes, the European Union Police Mission⁽³⁾ and the future military stabilisation force 'Althea';
 2. Calls on the Government of BiH to invite the EU mission Althea to highlight the current progress made by the BiH authorities;
 3. Deplores once again the non-involvement of the European Parliament, the Treaty limits on the right of Parliament to be consulted and the limited provision of information; deplores also the decision to finance this mission by contributions outside the normal budget of the European Union;
 4. Proposes that the European Union contribute to the operational cost of Althea in the form of flat monthly reimbursements along the lines adopted by the UN and the OSCE with a view in particular to covering part of the per diems of personnel from the budget of the European Union;
 5. Believes that the 'Althea' operation should reinforce the EU's comprehensive approach towards BiH and should support that country's progress towards eventual EU membership; welcomes also the statements to the effect that this action is intended to strengthen local policing capacity and the fight against organised crime, with a gradual handing over of responsibility for security to the local authorities;
 6. Supports the 'Stabilisation and Association Process' in BiH, which constitutes an essential framework for that country's journey towards EU membership; welcomes the new mandate of the EU Special Representative, Lord Ashdown, to implement the comprehensive support package for Bosnia and Herzegovina, but recalls once again that BiH must rely principally on its own efforts in relation to European integration;
 7. Welcomes the decision of the EU to have recourse to NATO assets and capabilities for the 'Althea' mission, thereby confirming the collaboration between the two organisations and implementing the agreement of December 2002 on EU access to NATO planning and command facilities ('Berlin Plus');
 8. Advocates the closest cooperation between the EU Stabilisation Force in BiH and the residual NATO presence in that country to ensure a clear delineation of roles and responsibilities between the two organisations;
 9. Welcomes the maintenance of a NATO presence in BiH and of a separate NATO HQ in Sarajevo in the context of NATO's Partnership for Peace Programme but insists that, in addition to the handover of the peacekeeping mission, responsibility for counterterrorism operations and the apprehension of war criminals should also be handed over to the European Union;
 10. Recommends that the EU Special Representative (EUSR) not only closely coordinate with the EU Force Commander but also invite NATO representation on the EUSR coordination group in order to ensure coordination and coherence across the range of EU activities in BiH;
 11. Welcomes the intention of third states to participate in the EU military operation;
 12. Considers that this operation should establish further the collective capacity for planning and management of European military operations at EU level with a view to developing the EU Civil-Military Planning Cell; welcomes the intention to link military action with other aspects of the EU's role in BiH, including policing, development and training;

⁽¹⁾ The comprehensive strategy for BiH was outlined at the 14 June 2004 External Relations Council and adopted by the European Council 17 and 18 June 2004. Council of the EU, 10099/04, Brussels 15 June 2004.

⁽²⁾ Council Joint Action 2004/569/CFSP of 12 July 2004. OJ L 252, 28.7.2004, p. 7.

⁽³⁾ Council Joint Action 2002/210/CFSP of 11 March 2002. OJ L 70, 13.3.2002, p. 1.

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13. Calls for the Althea mission to undertake to abide by Community and international human rights legislation;
 14. Considers it important for the EU force to include a robust 'gendarmerie-type' element (the Integrated Police Unit) in order to perform those tasks for which the military have not generally been trained and which normal police forces cannot perform, especially since the EU Police Mission has a non-executive mandate under which it can only give advice and monitor developments; underlines in this context the importance of the stepping-up of efforts to create a local, multi-ethnic police force that enjoys the confidence of all communities in the country;
 15. Urges the EU's military and police forces as well as the civilian authorities in BiH to collaborate closely in searching energetically for war criminals and in fighting against any kind of terrorism;
 16. Recommends that the EU force should continue SFOR's recent practice of deploying a network of small military teams to live among the population in 'host houses' in order to maintain its situation awareness and its deterrent presence despite a reduction in troop levels, from 12 000 to 7 000 in June 2004;
 17. Expects that, if urgent military action becomes necessary, lessons will have been learned from the mistakes made during previous action in the Balkans, particularly in Kosovo in March 2004, and that there will be clear organisation and coordination planning for such action;
 18. Underlines the importance of clear responsibilities over the command chain between the EU force commander in Bosnia and Herzegovina and the EU operational commander, who is Deputy Supreme Allied Commander Europe at SHAPE; welcomes the fact that an EU Command Element will be established at NATO's regional headquarters in Naples, Italy;
 19. Demands in view of the more integrated and coordinated civil-military aspects of operation 'Althea' to be kept up to date by the EUSR and to be informed at regular intervals by the chairman of the Political and Security Committee (PSC) which exercises the political and strategic direction of the EU military operation;
 20. In order to prevent situations such as those that arose in Kosovo in March 2004, calls for its Committee on Foreign Affairs to receive information about the plans for the way in which decision-making will operate between the different EU organs in the event of spontaneous outbreaks of violence; calls on the Council to provide specific information on the 'operational capacity' and the 'rules of engagement' for the Althea mission;
 21. Hopes that the establishment of an EU Civil-Military Planning Cell will be an important step forward in providing analysis and lessons learned from operation 'Althea' with the objective of making the EU a more efficient civil-military crisis manager;
 22. Calls for coordination in the field of intelligence, and recommends that a specific mechanism should be implemented for coordinating information flows between the EU, NATO, the United States and other actors engaged in the region on the probability of ethnic tensions;
 23. Calls on the Council to define and upgrade the role of the EU Monitoring Mission in BiH, in order to make it suitable;
 24. Welcomes the fact that a review of the operation is to be conducted after six months and calls on the EUSR and the chairman of the PSC to provide a statement on that review to Parliament; underlines the need for the European Parliament to receive regular progress reports on the operation;
 25. Calls on its Conference of Presidents to authorise the competent committee to send a fact-finding delegation to BiH in order to evaluate progress;
 26. Instructs its President to forward this resolution to the Council, the Commission and the Parliaments of the Member States and third countries, as well as to the parliaments and governments of Bosnia and Herzegovina.
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