

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. RES. 400

Expressing the sense of the Senate on the constitutional reform process  
in Bosnia and Herzegovina.

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IN THE SENATE OF THE UNITED STATES

MARCH 13, 2006

Mr. BIDEN (for himself, Mr. SMITH, Mr. LUGAR, and Mr. DURBIN) submitted  
the following resolution; which was considered and agreed to

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## RESOLUTION

Expressing the sense of the Senate on the constitutional  
reform process in Bosnia and Herzegovina.

Whereas the General Framework Agreement for Peace in  
Bosnia and Herzegovina (commonly referred to as the  
“Dayton Peace Accords”) was agreed to at Wright Pat-  
terson Air Force Base in Dayton, Ohio, on November 21,  
1995;

Whereas the signing of the Dayton Peace Accords was a his-  
toric accomplishment that was made possible through the  
strong leadership of the United States;

Whereas the signing of the Dayton Peace Accords ended a  
brutal 3<sup>1</sup>/<sub>2</sub>-year conflict marked by aggression and geno-  
cide in which many tens of thousands lost their lives;

Whereas the Dayton Peace Accords created a framework for a common state in Bosnia and Herzegovina, but was crafted amidst the exigencies of war and included many compromises imposed by the need for quick action to preserve human life;

Whereas in the 10 years since the signing of the Dayton Peace Accords, there has been considerable progress in building a peaceful society in Bosnia and Herzegovina;

Whereas this progress in building a peaceful society has been facilitated by both the citizens of the country and the international community;

Whereas, during the 9 years that the peacekeepers of the North Atlantic Treaty Organization worked to keep order in Bosnia and Herzegovina, their forces suffered no intentional casualties and never fired a single shot in combat;

Whereas Bosnia and Herzegovina has demonstrated a willingness to contribute to the work of the international community and sent 36 troops to assist in efforts to stabilize the country of Iraq;

Whereas the full incorporation of Bosnia and Herzegovina into the Euro-Atlantic community is in the national interest of the United States;

Whereas, past accomplishments notwithstanding, the citizens of Bosnia and Herzegovina continue to face significant challenges on their road toward further Euro-Atlantic integration;

Whereas the Council of Europe's Venice Commission has concluded that the current constitutional arrangements of Bosnia and Herzegovina are neither efficient nor rational, and that the state-level institutions need to become

more effective and democratic if Bosnia and Herzegovina is to move toward membership in the European Union;

Whereas Secretary of State Condoleezza Rice has said that the people of Bosnia and Herzegovina need “a stronger, energetic state capable of advancing the public good” and pledged that the United States will remain a dedicated partner to Bosnia and Herzegovina as it moves toward further Euro-Atlantic integration;

Whereas leaders of Bosnia and Herzegovina have already agreed to significant reforms of the budget process, intelligence services, criminal prosecution offices, justice ministry, border and customs services, and defense sector;

Whereas, on November 22, 2005, political leaders of Bosnia and Herzegovina met in Washington and signed a Commitment to Pursue Constitutional Reform in which members pledged to continue working toward the creation of stronger and more efficient democratic institutions; and

Whereas it is imperative that changes to the constitution of Bosnia and Herzegovina be agreed to by April 2006 to take effect prior to national elections in October 2006: Now, therefore, be it

1       *Resolved*, That it is the sense of the Senate that—

2               (1) it is time for Bosnia and Herzegovina to  
3       work toward the creation of a state with more func-  
4       tional, self-sustaining institutions;

5               (2) any agreement on constitutional reform in  
6       Bosnia and Herzegovina should advance the prin-  
7       ciples of democracy and tolerance;

1           (3) the constitutional reforms of Bosnia and  
2 Herzegovina should be consistent with, and bring  
3 the country closer to, the goal of membership in the  
4 European Union;

5           (4) the United States supports the development  
6 of Bosnia and Herzegovina as a unified, fully demo-  
7 cratic, and stable state on the path toward Euro-At-  
8 lantic integration;

9           (5) all parties to negotiations on the reforms of  
10 the Constitution of Bosnia and Herzegovina should  
11 work together and seek compromises so that a first  
12 set of revisions to the Constitution can take effect  
13 before national elections in October 2006;

14           (6) all groups responsible for past violence and  
15 atrocities in Bosnia and Herzegovina must accept  
16 responsibility for their actions and promote reconcili-  
17 ation among the different ethnic groups of Bosnia  
18 and Herzegovina; and

19           (7) all levels of government in Bosnia and  
20 Herzegovina must comply with the directives of the  
21 International Criminal Tribunal for the Former  
22 Yugoslavia (ICTY), arrest persons indicted for war  
23 crimes, and turn over fugitives to face justice at the  
24 International Criminal Tribunal.

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