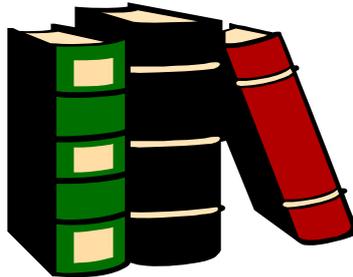




Emerika Bluma 1, 71000 Sarajevo  
Tel. 28 35 00 Fax. 28 35 01

## **Department for Legal Affairs**



# **LAW ON DEFENCE OF BOSNIA AND HERZEGOVINA**

**“Official Gazette of Bosnia and Herzegovina”, 88/05**

Based on Article III.5.a) and Article IV.4. a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Peoples held on 28 September 2005 and at the session of the House of Representatives held on 5 October 2005, adopted the

# **LAW ON DEFENCE OF BOSNIA AND HERZEGOVINA**

## **CHAPTER I. GENERAL PROVISIONS**

### **Article 1 (Subject of the Law)**

This Law shall regulate the common defence system of Bosnia and Herzegovina, establish and define the chain of command and role of all the elements in order for Bosnia and Herzegovina to have full capacity in civilian oversight and protection of the sovereignty and territorial integrity of Bosnia and Herzegovina. The Law shall establish the rights, responsibilities and activities of the institutions of Bosnia and Herzegovina, the Armed Forces of Bosnia and Herzegovina (hereinafter: the Armed Forces) and entity bodies for defence of the sovereignty and territorial integrity, political independence and international personality of Bosnia and Herzegovina and provision of assistance to civil authorities.

### **Article 2 (Armed Forces)**

- (1) The Armed Forces of Bosnia and Herzegovina are a professional single military force organised and controlled by Bosnia and Herzegovina. The Armed Forces have an active and reserve component. As an institution of Bosnia and Herzegovina, the Armed Forces are composed of the three Constituent Peoples and Others in accordance with the Constitution and laws of Bosnia and Herzegovina.
- (2) The Armed Forces consist of branches organized on the basis of a regimental system. There are three infantry regiments, which are the organizations responsible for the military heritage and identity of the units and peoples from which they are descended. They have no operational or administrative authority.
- (3) The principal formation of the Armed Forces is brigade. Brigade headquarters consist of personnel from multiple regiments. Brigades shall consist of battalions from more than one infantry regiment.

### **Article 3 (Military Forces)**

- (1) For the purpose of this law, military forces means all formations and units, both combat and support, of the land, air and air defence forces organised by the institutions of Bosnia and Herzegovina. No military forces shall be organised, trained, equipped, or mobilised upon the territory of Bosnia and Herzegovina except pursuant to this Law and the Law on Service in the Armed Forces of Bosnia and Herzegovina. (hereinafter: Law on Service in the AFBosnia and Herzegovina).

- (2) Any keeping of military records or records for the purpose of organising or training military and paramilitary forces by individuals and bodies not provided for by this Law and the Law on Service in the Armed Forces of Bosnia and Herzegovina shall constitute a criminal offence and shall be punishable in accordance with the provisions of the Criminal Code.

**Article 4**  
**(Missions of the Armed Forces)**

The missions of the Armed Forces shall be as follows:

- a) Participation in collective security operations, peace support and self defence operations, including combating terrorism.
- b) Providing military defence of Bosnia and Herzegovina and its citizens in the event of an attack,
- c) Assisting civil authorities in responding to natural and other disasters and accidents,
- d) Countermining action in Bosnia and Herzegovina,
- e) Fulfilling the international obligations of Bosnia and Herzegovina.

**Article 5**  
**(Prohibition of Political Engagement)**

The Armed Forces cannot be used for political purposes or political partisan activities.

**CHAPTER II – RIGHTS AND DUTIES OF THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA**

**SECTION A – Competencies of Bosnia and Herzegovina**

**Article 6**  
**(Objectives)**

Bosnia and Herzegovina shall organise, develop and maintain the military capability and preparedness of the Armed Forces in order to:

- a) Ensure the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina,
- b) Promote foreign policy objectives of Bosnia and Herzegovina,
- c) Fulfil international obligations of Bosnia and Herzegovina,
- d) Protect citizens of Bosnia and Herzegovina.

**Article 7**  
**(Civilian Control)**

Bosnia and Herzegovina shall ensure transparent, democratic, civilian control over the Armed Forces.

**Article 8**  
**(Command and Control)**

(1) Bosnia and Herzegovina shall exercise command and control over the Armed Forces.

(2) The chain of command and control over the Armed Forces starts with the Presidency of Bosnia and Herzegovina (hereinafter: the Presidency), goes to the Minister of Defence of Bosnia and Herzegovina, and continues through the Chief of the Joint Staff of the Armed Forces and the Commanders of the Operational Command of the Armed Forces and Support Command of the Armed Forces, to the commanders of subordinate unit commands and units.

**Article 9**  
**(Military Intelligence Activities)**

(1) Planning, oversight and execution of all military intelligence activities shall be the competencies of Bosnia and Herzegovina. Military Intelligence is a branch of the Armed Forces, which gathers, processes and distributes information related to the Armed Forces with the aim to support military missions of the Armed Forces.

(2) Apart from duties prescribed in paragraph (1) of this Article, the Military Intelligence branch of the Armed Forces shall assist the Intelligence and Security Agency of Bosnia and Herzegovina in collecting strategic military intelligence and conducting counter-intelligence activities.

(3) Collecting strategic military intelligence and the counter-intelligence activities from paragraph (2) of this article which require special investigative activities and use of means of technical surveillance shall be exclusively conducted by the Intelligence and Security Agency of Bosnia and Herzegovina in accordance with the Law on the Intelligence and Security Agency of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, issues 12/04 and 20/04).

(4) Coordination between the Military Intelligence branch of the Armed Forces and the Intelligence and Security Agency of Bosnia and Herzegovina shall be regulated in greater detail in an agreement that will be signed by the Minister of Defence of Bosnia and Herzegovina and General Director of the Intelligence and Security Agency of Bosnia and Herzegovina, no later than 30 days after this law's entry into force.

**SECTION B – Parliamentary Assembly of Bosnia and Herzegovina**

**Article 10**  
**(Competencies of the Parliamentary Assembly)**

The Parliamentary Assembly of Bosnia and Herzegovina (hereinafter: the Parliamentary Assembly) shall have the following competencies:

a) Power to declare a state of war upon the request of the Presidency in the event of a direct attack on Bosnia and Herzegovina or any part of Bosnia and Herzegovina,

- b) Power to declare a state of emergency upon the request of the Presidency when there is a threat to the existence of Bosnia and Herzegovina, a threat of an attack on Bosnia and Herzegovina or any part of Bosnia and Herzegovina, or an immediate danger of war,
- c) Exercising democratic parliamentary control over the Armed Forces and all defence institutions at the level of Bosnia and Herzegovina,
- d) Legislating all matters related to the organisation, funding, manning, training, equipping, deployment and employment of the Armed Forces,
- e) Confirming appointments of the Chief and Deputy Chiefs of the Joint Staff of the Armed Forces, the Commander and Deputy Commanders of the Operational Command of the Armed Forces, Commander and Deputy Commanders of the Support Command of the Armed Forces and all general officers in the Armed Forces,
- f) Authority to oversee and investigate all matters related to the organisation, funding, manning, training, equipping, deployment and employment of the Armed Forces.
- g) Adoption of rules regulating the safeguarding of secret information during investigations and deliberations.

## **SECTION C – Presidency of Bosnia and Herzegovina**

### **Article 11 (Command and control)**

The Presidency shall exercise supreme command and control of the Armed Forces acting in consensus.

### **Article 12 (Competencies of the Presidency)**

The Presidency shall make decisions by consensus and shall have the competencies to:

- a) Request a declaration of war from the Parliamentary Assembly,
- b) Request a declaration of a state of emergency from the Parliamentary Assembly,
- c) Deploy the Armed Forces to operations during time of war, state of emergency or to peace support operations abroad pursuant to the law,
- d) Authorise the Minister of Defence to order employment and deployment of the Armed Forces,
- e) Engage military forces to assist civil authorities in responding to natural and other disasters or accidents,
- f) Determine and alter the size and structure of the Armed Forces in accordance with the law,
- g) Determine the appropriate ethnic representation within the Armed Forces, taking into consideration the last census, operational readiness, manning requirements, morale and cohesion of the Armed Forces. The Presidency shall take special care to ensure appropriate ethnic representation within units from branches other than the infantry

- by precise definition of the minimum representation of personnel in those units.
- h) Approve the organisation of military forces for tasks and missions,
  - i) Appoint the Chief and Deputy Chiefs of the Joint Staff of the Armed Forces, the Commander and Deputy Commanders of the Operational Command of Armed Forces, and the Commander and Deputy Commanders of the Support Command of the Armed Forces,
  - j) Promote professional military personnel into general officer ranks in the Armed Forces,
  - k) Appoint and remove General Officers in the Armed Forces,
  - l) Remove the Chief or Deputy Chiefs of the Joint Staff of the Armed Forces, the Commander or Deputy Commanders of the Operational Command of the Armed Forces and the Commander or Deputy Commanders of the Support Command of the Armed Forces, upon the proposal of the Minister of Defence of Bosnia and Herzegovina,
  - m) Appoint and remove military-diplomatic representatives and military representatives in diplomatic/consular missions of Bosnia and Herzegovina and international organisations, as well as military representatives of Bosnia and Herzegovina in foreign, multinational or international military commands and other foreign multinational or international institutions,
  - n) Inform the Parliamentary Assembly on strategic security and defence matters,
  - o) Adopt the Security Policy and Defence Policy of Bosnia and Herzegovina to provide strategic guidance in foreign affairs and defence matters.

## **SECTION D – Ministry of Defence of Bosnia and Herzegovina**

### **Article 13 (Competencies of Ministry of Defence)**

(1) The Ministry of Defence of Bosnia and Herzegovina (hereinafter: the Ministry of Defence) shall have the following competencies:

- a) Creation and maintenance of defence capabilities in order to ensure the protection of the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina,
- b) Proposing the defence budget of Bosnia and Herzegovina and approving expenditures from the defence budget of Bosnia and Herzegovina,
- c) Organization, equipping and supplying of the Armed Forces,
- d) Regulating the organization and conduct of regiments, their headquarters, and personnel.
- e) Implementation of defined policies and guidelines and ensuring the implementation of laws, other regulations and general documents in the area of defence,

- f) Fulfilling obligations with regard to the construction and maintenance of military and other facilities, as well as facilities of special importance for the defence of Bosnia and Herzegovina,
- g) Administration and use of funds allocated for the needs of the Armed Forces,
- h) Acquisition, safekeeping and replenishment of the reserves of special purpose products for the needs of the Armed Forces,
- i) Development of the criteria for the conditions and methods of warehousing, safekeeping and maintenance of weapons and military equipment, and ensuring that material resources and facilities of the Armed Forces are protected,
- j) Testing, quality control and verification of weapons and military equipment for the needs of the Armed Forces,
- k) Planning and execution of geodetic, photogrammetrical and reproductive/cartographic tasks in the interest of the defence; supervision of the execution of those tasks and attending to the safekeeping, storing and distribution of geodetic, photogrammetrical and cartographic materials and documents important for the defence,
- l) Organization of communications, counter-electronic security and crypto-protection of the Armed Forces,
- m) Organization and performance of inspections of the Armed Forces,
- n) Organization and implementation of security and protection measures for the defence system and confidential defence information,
- o) Issuing policies and basic rules for the Armed Forces,
- p) Rendering regulations on schooling, training and education in the Armed Forces,
- q) Rendering regulations on the military discipline and other regulations set forth in this Law,
- r) Representation of Bosnia and Herzegovina in international relations related to defence matters,
- s) Supervision of all subjects of the Armed Forces,
- t) Sending proposals to the Council of Ministers of Bosnia and Herzegovina with initiatives for the participation in peace support operations, and other competencies prescribed by the Law on Participation of Members of the Armed Forces of Bosnia and Herzegovina, Police Officers, Civil Servants, and other Personnel in Peace Support Operations and Other Activities Abroad (The Official Gazette of Bosnia and Herzegovina no. 14/05)
- u) Development, review and update of the Defence Policy of Bosnia and Herzegovina for approval by the Presidency,
- v) Development and approval of policies and regulations governing the organization, administration, personnel, training, equipping, and employment of the Armed Forces,

- w) Ensuring that Bosnia and Herzegovina fulfils its international obligations related to defence matters,
- x) Development of procedures for approving military assistance to civil authorities in the event of natural and other disasters and accidents, on the basis of the authority granted by the Presidency,
- y) Ensuring transparency of the functions of the Ministry of Defence,
- z) Determining the housing policy for personnel of the Ministry of Defence and Armed Forces,
- aa) Planning and organizing scientific work and research of importance for defence,
- bb) Providing expert opinion on curricula exclusively related to the military aspects of civil defence upon the request of competent institutions,
- aa) Other competencies defined in the Law.

(2) The Minister of Defence of Bosnia and Herzegovina shall render regulations for the performance of duties listed in paragraph (1) of this Article.

#### **Article 14 (Manning of the Ministry of Defence)**

The Ministry of Defence shall be manned with civil servants, employees and professional military personnel assigned to the Ministry of Defence in accordance with current laws and the Book of Rules on Internal Organisation of the Ministry of Defence.

### **SECTION E – Minister of Defence of Bosnia and Herzegovina**

#### **Article 15 (Organizational and Administrative Competencies)**

The Minister of Defence of Bosnia and Herzegovina (hereinafter: the Minister of Defence) shall have the following organisational and administrative competencies, which shall be subject to the supreme command and control of the Presidency:

- a) Proposing and rendering regulations, issuing directives and orders governing the organisation, administration, personnel, training, equipping, deployment and employment of the Armed Forces to ensure maximum interoperability within the Armed Forces and with NATO forces,
- b) Acting as the international representative of Bosnia and Herzegovina in defence matters at the ministerial level,
- c) Making recommendations to the Presidency regarding the size and structure of the Armed Forces,
- d) Establishes the organization and formation of commands and units of the Armed Forces at the proposal of the Chief of the Joint Staff of the Armed Forces..
- e) Making recommendations to the Presidency regarding the organisation of military forces for tasks and missions,

- f) Establishing strategic planning for armed conflicts, peace support operations, and response to natural and other disasters and accidents,
- g) Proposing the appointment, promotion and removal of general officers pursuant to the provisions of this Law,
- h) Planning and overseeing the implementation of all military intelligence activities for the Armed Forces,
- i) Making recommendations to the Presidency regarding the appointment of military-diplomatic representatives and military representatives,
- j) Employment of professional military personnel to fill approved vacancies in the Armed Forces,
- k) Promotion, appointment and dismissal of military personnel other than general officers,
- l) Regulating the procurement of goods and services for the Armed Forces that are exempted pursuant to the Bosnia and Herzegovina Law on Public Procurement (The official Gazette of Bosnia and Herzegovina no. 49/04 and 19/05),
- m) Managing and rendering regulations on the use of movable and immovable property.

**Article 16**  
**(Command Competencies)**

The Minister of Defence shall have the following command competencies subject to the supreme command and control authority of the Presidency:

- a) Issuing orders to the Chief of the Joint Staff of the Armed Forces to deploy or employ any unit of the Armed Forces, at home or abroad, to give effect to decisions of the Presidency,
- b) Issuing orders to the Chief of the Joint Staff of the Armed Forces to activate reserve units and categories of reservists in accordance with this Law,
- c) Issuing orders for the deployment or employment of any portion of the Armed Forces for the purpose of assisting civil authorities in responding to natural and other disasters or accidents pursuant to Article 44 of this Law,
- d) Exercising command and control over all military intelligence activities conducted by the Armed Forces.

**Article 17**  
**(Control and Inspections)**

(1) The Minister of Defence shall have the authority to oversee, monitor and inspect the Armed Forces in order to ensure compliance with this Law, and with his orders, instructions and directives. The Minister of Defence shall nominate persons who will conduct inspections to verify such compliance and ensure transparency.

(2) The Minister of Defence shall be accountable to the Parliamentary Assembly and its defence commission, and, upon its request, appear before it and report on matters that fall under the competencies of the Ministry of Defence. The Minister of Defence shall appoint members of the Ministry of Defence personnel to ensure such participation and assistance as

may be requested to support parliamentary processes.

**Article 18**  
**(Restrictions on Appointment)**

A person may not be appointed Minister of Defence or Deputy Minister of Defence within three years after the termination of that person's professional military service in the Armed Forces.

**Article 19**  
**(Responsibilities of Deputy Minister)**

(1) The Minister of Defence shall have two deputies: the Deputy Minister of Defence for Policy and Plans, and the Deputy Minister of Defence for Resource Management.

(2) The Deputy Minister of Defence for Policy and Plans shall be responsible for:

- a) Policy and planning,
- b) International cooperation,
- c) Military intelligence activities and security, and
- d) Command, control, and communications.

(3) The Deputy Minister of Defence for Resource Management shall be responsible for:

- a) Personnel management,
- b) Finance and budget, and
- c) Procurement and logistics.

(4) The Minister of Defence and his two deputies shall not be from among the same constituent people.

**SECTION F – Joint Staff of the Armed Forces**

**Article 20**  
**(Competencies)**

(1) The Joint Staff of the Armed Forces (hereinafter: the Joint Staff) is an expert staff body subordinate to the Minister of Defence.

(2) The Joint Staff shall be responsible for the planning, organisation and implementation of directives and orders of the Minister of Defence, including:

- a) Preparation and oversight of the execution of military orders as instructed by the Minister of Defence,
- b) Development of military strategies to implement the Security Policy and Defence Policy of Bosnia and Herzegovina, as instructed by the Minister of Defence,
- c) Planning and implementation of the engagement of military forces pursuant to the law,

- d) Development of policies in support of directives and orders issued by the Minister of Defence,
- e) Providing support to military staff of the Ministry of Defence.

(3) The Joint Staff consists of the Chief of the Joint Staff, Deputy Chief of the Joint Staff for Operations, Deputy Chief of the Joint Staff for Resources and military staff from the Armed Forces.

#### **Article 21 (Manning of the Joint Staff)**

(1) The Chief of the Joint Staff shall propose to the Minister of Defence the manning of the Joint Staff in accordance with the organizational/formational structure and the procedures established by the Presidency.

(2) No more than two most senior military staff members who are directly subordinated to the Chief and Deputy Chiefs of the Joint Staff shall be from among the same constituent people. Other personnel shall be selected based on the principles of professional qualifications and appropriate representation of the constituent peoples and others in accordance with the last census in Bosnia and Herzegovina from 1991.

#### **Article 22 (Competencies of the Chief of the Joint Staff)**

(1) The Chief of the Joint Staff shall have the following competencies within the chain of command and under the supreme command and control of the Presidency:

- a) To act as a military advisor to the Presidency and the Minister of Defence,
- b) To ensure the operational readiness of the Armed Forces,
- c) To issue orders in accordance with the competencies of the Joint Staff,
- d) To oversee and ensure the execution of directives and orders issued by the Minister of Defence,
- e) To give recommendations and opinions to the Minister of Defence with regard to the promotion and appointment of personnel with the ranks of Colonel, Brigadier and General.
- f) To represent Bosnia and Herzegovina in all international organisations and all countries in defence matters at the level of chiefs of joint staffs /chiefs of defence,
- g) To direct, oversee, and be responsible for activities of the Joint Staff personnel.

(2) The Chief of the Joint Staff, while serving in that capacity, shall hold the rank of Lieutenant General and shall be the highest-ranking officer in the Armed Forces.

#### **Article 23 (Responsibilities of Deputy Chiefs of the Joint Staff)**

(1) In the Joint Staff, the Deputy Chief of the Joint Staff for Operations shall be responsible for:

- a) Military intelligence activities, counter intelligence activities, and security operations,
  - b) Development of capabilities for the implementation of operational commands and plans, force development, and modernization,
  - c) Maintaining relations between the Armed Forces and civil authorities.
- (2) Within the Joint Staff, the Deputy Chief of the Joint Staff for Resources shall be responsible for:
- a) Human resources,
  - b) Supply, maintenance, transport and staff services,
  - c) Technology-based information systems and communications.

**Article 24  
(Appointment)**

- (1) The Chief and Deputy Chiefs of the Joint Staff shall be proposed by the Minister of Defence, and appointed by the Presidency in consultation with the Standing Committee on Military Matters. The Parliamentary Assembly shall confirm the appointment within 45 days of the day the Presidency submits its decision on appointment.
- (2) The Presidency may remove the Chief or Deputy Chiefs of Staff from their positions upon the proposal of the Minister of Defence.
- (3) The Chief of the Joint Staff and his two deputies cannot be from among the same constituent people nor shall the Chief of the Joint Staff be from among the same constituent people as the Commander of the Operational Command of the Armed Forces and the Commander of the Support Command of the Armed Forces.

**SECTION G – Operational Command of the Armed Forces**

**Article 25  
(Commander of the Operational Command)**

- (1) The Commander of the Operational Command of the Armed Forces shall be:
- a) The operational commander for all tactical units in the Armed Forces,
  - b) The operational commander for any mission that requires the deployment or employment of any operational element of the Armed Forces,
  - c) The commander for training and multinational exercises that require the deployment or employment of any element of the Armed Forces.
- (2) The Commander of the Operational Command of the Armed Forces shall be subordinate to the Chief of the Joint Staff.
- (3) The Commander of the Operational Command of the Armed Forces shall have two deputies who shall be subordinate to him within the Operational Command of the Armed Forces.

**Article 26**  
**(Competencies)**

(1) Subject to the supreme command and control of the Presidency, the Commander of the Operational Command of the Armed Forces shall have the following competencies within the chain of command:

- a) To issue orders to subordinate commands and forces necessary to carry out missions assigned to the Command,
- b) To implement policies of the Joint Staff,
- c) To prepare operational plans based upon orders of the Chief of the Joint Staff,
- d) To determine tactical command and control arrangements for commands and forces within the Operational Command of the Armed Forces,
- e) To organise commands and forces within the Command within his authority to carry out missions assigned to the Command,
- f) To employ forces within the Command within his authority to carry out missions assigned to the Command,
- g) To appoint commanders of temporary units for mission accomplishment,
- h) To coordinate and approve those aspects of administration and support, including control of resources and equipment, internal organisation and training, and discipline necessary to carry out missions assigned to the Command,
- i) To report to the Chief of the Joint Staff on operational requirements,
- j) To recommend initiatives for improving interoperability of the Armed Forces with the armed forces of NATO member states.

(2) The Commander of the Operational Command of the Armed Forces, while serving in that capacity, shall hold the rank of Major General.

**Article 27**  
**(Appointment)**

(1) The Commander of the Operational Command of the Armed Forces and his two deputies shall be proposed by the Minister of Defence, and appointed by the Presidency in consultation with the Standing Committee on Military Matters. The Parliamentary Assembly shall confirm the appointment within 45 days of the day the Presidency submits its decision on appointment.

(2) The Commander of the Operational Command of the Armed Forces and his two deputies shall not be from among the same constituent people nor shall the Commander be from among the same constituent people as the Chief of the Joint Staff or the Commander of the Support Command of the Armed Forces.

(3) The Commander of the Operational Command of the Armed Forces and his two deputies may be removed from their positions by the Presidency, upon the recommendation of the Minister of Defence.

## **SECTION H – Support Command of the Armed Forces**

### **Article 28**

#### **(Commander of the Support Command of the Armed Forces)**

- (1) The Commander of the Support Command of the Armed Forces is the commander for:
  - a) Personnel,
  - b) Logistics,
  - c) Training and doctrine.
- (2) The Commander of the Support Command of the Armed Forces shall be subordinate to the Chief of the Joint Staff.
- (3) The Commander of the Support Command of the Armed Forces shall have two deputy commanders who shall be subordinate to him within the Support Command of the Armed Forces.

### **Article 29**

#### **(Competencies of the Commander of the Support Command of the Armed Forces)**

- (1) Subject to the supreme command, direction and control of the Presidency, the Commander of the Support Command of the Armed Forces shall have the following competencies within the chain of command:
  - a) To issue orders and instructions to subordinate departments and forces necessary to carry out missions assigned to the Command, including orders and instructions with regard to all the aspects of individual military training and logistics,
  - b) To implement the Ministry of Defence and Joint Staff policies, regulations and orders concerning personnel, logistics and training,
  - c) To prepare support plans for operations on the basis of orders from the Chief of the Joint Staff,
  - d) To support the Operational Command of the Armed Forces on the basis of orders from the Chief of the Joint Staff,
  - e) To organise departments and forces within the Command as he considers necessary to carry out missions assigned to the Command,
  - f) To support the deployment and redeployment of the Armed Forces,
  - g) To coordinate and approve aspects of administration and support, including control of resources and equipment, internal organisation and training, and discipline necessary to carry out missions assigned to the Command,
  - h) To recommend to the Chief of the Joint Staff logistical requirements and standards for personnel training, equipping, and supplying of the Armed Forces,
  - i) To identify training requirements of the Armed Forces, develop a draft Training Doctrine, and organise the implementation of individual training,

- j) To maintain the immovable property of the Armed Forces,
- k) To develop and implement plans for the management of ammunition storage sites and weapons storage sites in accordance with the international obligations, relevant laws and regulations rendered by the Ministry of Defence and Joint Staff,
- l) To advise on the procurement of goods and services for the Armed Forces in accordance with valid legislation,
- m) To recommend initiatives for the improvement of interoperability of the Armed Forces with the armed forces of NATO member states,
- n) Shall be responsible for personnel records management in accordance with a regulation to be rendered by the Minister of Defence.
- o)
  - (2) The Commander of the Support Command of the Armed Forces, while performing that duty, shall have the rank of Major General.

**Article 30**  
**(Appointment and Removal)**

(1) The Commander of the Support Command of the Armed Forces and his two deputies shall be proposed by the Minister of Defence and appointed by the Presidency in consultation with the Standing Committee on Military Matters. The Parliamentary Assembly shall confirm the appointment within 45 days of the day the Presidency submits its decision on appointment.

(2) The Commander of the Support Command of the Armed Forces and his two deputies shall not be from among the same constituent people, nor shall the Commander be from among the same constituent people as the Chief of the Joint Staff or the Commander of the Operational Command of the Armed Forces.

(3) The Commander of the Support Command of the Armed Forces and his two deputies may be removed from their positions by the Presidency, upon the recommendation of the Minister of Defence.

**Article 31**  
**(Duration of Duty)**

The Chief of the Joint Staff and his deputies, Commander of the Operational Command of the Armed Forces and the Commander of the Support Command of the Armed Forces and their deputies, shall be appointed for a period of up to four years.

**SECTION I – Standing Committee on Military Matters**

**Article 32**  
**(Responsibilities)**

The Standing Committee on Military Matters shall perform the following duties unless otherwise decided by the Presidency:

- a) Review and advise on the Security Policy and Defence Policy of Bosnia and Herzegovina, which shall be prepared under the direction of the Minister of Defence,

- b) Advise the Presidency on the appointment of the Chief and Deputy Chiefs of the Joint Staff, the Commanders and Deputy Commanders of the Operational Command of the Armed Forces and Support Command of the Armed Forces,
- c) As any voting member of the Standing Committee on Military Matters can appeal if the Presidency disapproves the appointment or removal of a general officer, such appeals shall be considered by the entire Standing Committee on Military Matters, and may be overturned in accordance with the Terms of Reference of the Standing Committee on Military Matters.

## **CHAPTER III – COMPOSITION OF THE ARMED FORCES OF BOSNIA AND HERZEGOVINA**

### **SECTION A – General Provisions**

#### **Article 33 (Composition of the Armed Forces)**

The Armed Forces shall be composed of professional military personnel, members of the reserve force engaged in military service, civilian personnel and cadets.

#### **Article 34 (The Anniversary of the Armed Forces)**

- (1) The anniversary of the Armed Forces is 1<sup>st</sup> December as the date of the issuing of the Decision on the Creation of the Armed Forces of Bosnia and Herzegovina in 2003.
- (2) The Minister of Defence shall establish the date of the anniversary of regiments within the Armed Forces by a regulation.

### **SECTION B – Reserve Force**

#### **Article 35 (Mission)**

The Armed Forces shall include reserve force personnel with a mission to support active peacetime forces, maintain operational readiness, complement operational capabilities, and improve the sustainability of the regular forces.

#### **Article 36 (Manning)**

- (1) Reserve force personnel shall be soldiers, NCO's and officers whose professional contractual military service has expired. The service in the reserve force shall be defined in the Law on Service in the AF Bosnia and Herzegovina .
- (2) The Minister of Defence may recruit additional reserve force personnel, who may have no prior military experience, in order to fill positions that require special expertise or experience. The obligation of such experts to serve in the reserve force shall be defined by a contract.

#### **Article 37 (Size and Structure)**

In accordance with Article 12 of this Law, the Presidency shall determine the size and structure of the reserve force of the Armed Forces, which shall be 50% of the approved strength of the professional military personnel. The Minister of Defence shall be responsible for organizing, equipping and training the reserve force.

**Article 38**  
**(Training )**

Reserve force personnel without prior military experience shall be required to undergo a military training in accordance with the assigned military occupational specialty and/or position. All reserve force personnel shall be required to attend regular training in fulfilment of their legal obligation.

**Article 39**  
**(Rights and Responsibilities)**

The rights and responsibilities of reserve force personnel shall be regulated in accordance with the provisions of the Law on Service in the AFBosnia and Herzegovina and other regulations.

**CHAPTER IV – DECLARATION OF STATE OF WAR OR STATE OF EMERGENCY**

**Article 40**  
**(Request for Declaration of State of War)**

(1) The Presidency shall request the declaration of a state of war from the Parliamentary Assembly in the event of a direct attack on Bosnia and Herzegovina. A military attack on any part of Bosnia and Herzegovina by any military means and in any form shall be considered to be an attack on the entire Bosnia and Herzegovina.

(2) In case of a direct attack on Bosnia and Herzegovina, the Parliamentary Assembly shall convene an emergency session as soon as possible in order to consider the request for the declaration of a state of war.

**Article 41**  
**(Request for Declaration of State of Emergency)**

The Presidency shall request the declaration of a state of emergency from the Parliamentary Assembly in the event of a threat to the existence of Bosnia and Herzegovina, a threat to the normal functioning of constitutional institutions, or an immediate war threat.

**Article 42**  
**(Declaration of State of War or State of Emergency)**

(1) Upon the request of the Presidency, the Parliamentary Assembly shall consider the declaration of a state of war or state of emergency if it is in session at the time of the request.

(2) If the Parliamentary Assembly is not in session at the time of the request for the declaration of a state of war or state of emergency, the Presidency may order the engagement of units of the Armed Forces or their employment.

**Article 43**  
**(Timelines for Deliberation)**

(1) If there are justified reasons to declare a state of emergency, or in cases when the Presidency, due to urgency, has ordered the engagement of units of the Armed Forces in order to eliminate the cause for the declaration of a state of emergency, the Parliamentary Assembly shall convene an emergency session within 48 hours to consider the request for the declaration of a state of emergency or the order to employ the Armed Forces.

(2) If the Parliamentary Assembly does not declare a state of emergency within 72 hours from the request by the Presidency or an order for the engagement and employment of the Armed Forces, the request shall be considered rejected and the order shall be rendered void.

## **CHAPTER V – NATURAL AND OTHER DISASTERS AND ACCIDENTS**

### **Article 44 (Engagement)**

(1) The Minister of Defence, upon the authorization by the Presidency, may employ the Armed Forces in response to natural and other disasters and accidents at the request of the appropriate civil authorities of Bosnia and Herzegovina or its entities, on which he shall inform the Parliamentary Assembly.

(2) Units of the Armed Forces may be deployed to assist civil authorities in response to natural and other disasters or accidents in accordance with instructions issued by the Minister of Defence.

### **Article 45 (Mission Content)**

An order to deploy units of the Armed Forces to assist civil authorities shall state the following:

- a) The specific nature of the mission,
- b) The units and number of personnel deployed,
- c) To whom the units report,
- d) The duration of the mission.
- e) The task

## **CHAPTER VI – CONFLICT OF INTEREST AND PROFESSIONALISM**

### **Article 46 (Person in Service)**

A person in service in the Armed Forces shall protect and preserve government property and shall only use it for authorised purposes. A person in service shall have the duty to disclose fraud and corruption involving persons in the chain of command.

**Article 47**  
**(Conflict of Interests)**

Professional military personnel in service in the Armed Forces shall not:

- a) Hold a financial interest that conflicts with the conscientious performance of their duties,
- b) Have an outside employment or engage in any other activities that conflict with official duties and responsibilities.

**Article 48**  
**(Political and Public Activity)**

(1) Members of the Armed Forces, including general officers, shall remain neutral in political matters, shall not engage in partisan political activities of any kind and shall not hold elected or appointed public office.

(2) This Article shall not prevent members of the Armed Forces from registering to vote, voting, or standing for election pursuant to the provisions of the Election Law of Bosnia and Herzegovina (Bosnia and Herzegovina Official Gazette issues 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, and 20/04).

(3) A member of the reserve force who has been elected or appointed to a public office shall not be required to resign from his office when engaged in regular training but may not act from the position of his political affiliations during his stay in the Armed Forces.

**Article 49**  
**(Supporting General Framework Agreement for Peace in Bosnia and Herzegovina)**

Military personnel shall be expected to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina. Activities contrary to the General Framework Agreement for Peace in Bosnia and Herzegovina and obstructionism shall constitute grounds for removal.

**Article 50**  
**(Service Ban)**

(1) Officers of any rank shall not be permitted to serve in the Armed Forces or be employed in the Ministry of Defence after serving in another country's armed forces.

(2) Members of the Armed Forces shall not be members of other countries' armed forces, nor any other military or paramilitary forces, and they shall not be recruited by other countries.

(3) Provisions from paragraph (1) of this Article shall not apply to officers of any rank who were admitted into professional military service in entity armies prior to this Law's entry into force.

**Article 51**  
**(Service Ban for Citizens of Bosnia and Herzegovina)**

A citizen of Bosnia and Herzegovina whose place of residence is on the territory of Bosnia and Herzegovina, including those with dual citizenship, may not serve the military service or be trained as conscripts in the armed forces of other countries.

**Article 52**  
**(Code of Conduct)**

The Minister of Defence may prescribe a code of conduct for members of the Armed Forces.

**CHAPTER VII – OFFICE OF THE INSPECTOR GENERAL**

**Article 53**  
**(Office of the Inspector General)**

- (1) The Office of the Inspector General is an organizational unit of the Ministry of Defence.
- (2) The Office of the Inspector General shall be headed by the Inspector General who shall be a professional military person with a general officer rank and shall be appointed to this duty in accordance with this Law.
- (3) The Inspector General may, upon the approval of the Minister of Defence and as required, employ additional inspectors as necessary for the fulfilment of the responsibilities of the Office of the Inspector General.

**Article 54**  
**(Competencies)**

- (1) The Office of the Inspector General shall ensure that military personnel of the Ministry of Defence and Armed Forces is fully aware of and in compliance with Section VI of this Law, as well as with any code of conduct or regulation regarding ethical behaviour and professionalism adopted by the Minister of Defence.
- (2) For that purpose, the Office of the Inspector General shall have the following competencies:
  - a) Training and education of professional military personnel of the Ministry of Defence and Armed Forces in professionalism and ethics,
  - b) Initiating, conducting, supervising, and monitoring inquiries and investigations into alleged misconduct of professional military personnel in the Ministry of Defence and Armed Forces,
  - c) Advising the Minister of Defence regarding the elimination of conditions detrimental to the morale, efficiency and reputation of the Armed Forces,
  - d) Recommending regulations and coordinating the establishment of professional standards and rules of ethical management, in order to improve professionalism, ethical behaviour and personal capabilities of military personnel of the Ministry of Defence and Armed Forces.

**Article 55**  
**(Complaints and Assistance)**

- (1) All professional military personnel of the Armed Forces and other citizens of Bosnia and Herzegovina may file complaints or requests for assistance with the Office of the Inspector General regarding matters within its competencies.

(2) The Inspector General shall propose to the Minister of Defence instructions establishing appropriate procedures for the implementation of this Article. Such instructions shall be designed to promote public confidence in the ethical conduct and professionalism of professional military personnel in the Ministry of Defence and Armed Forces.

## **CHAPTER VIII – OATH**

### **Article 56 (The Oath)**

A person entering the Armed Forces for the first time shall take the following oath:

“I solemnly pledge to defend the sovereignty, territorial integrity, constitutional order, and political independence of Bosnia and Herzegovina and to carry out, responsibly and conscientiously, all duties necessary for its defence.”

## **CHAPTER IX – FLAGS, ANTHEMS AND MILITARY INSIGNIA**

### **Article 57 (Flag, Anthem and Insignia of the Armed Forces)**

- 1) The Armed Forces shall have their flag, anthem and insignia. The flag and anthem shall be the flag and national anthem of Bosnia and Herzegovina and the insignia shall be the flag of Bosnia and Herzegovina.
- 2) The insignia shall be worn by all members of the Armed Forces. Use of the flag and national anthem shall be obligatory for the Armed Forces.

### **Article 58 (Flags and insignia of Regiments, Brigades, Units and Institutions of the Armed Forces)**

- 1) Regiments shall have their own flags and insignia.
- 2) Brigades, units, and institutions of the Armed Forces may have their own flags and insignia.
- 3) General officers shall not wear regimental insignia.
- 4) The Minister of Defence shall issue regulations on the design of flags and insignia from paragraphs (1) and (2) of this article.
- 5) The Presidency shall be responsible for approving the design of flags and insignia from paragraphs (1) and (2) of this article upon the recommendation of the Minister of Defence.

### **Article 59 (Prohibition)**

No person shall be allowed to reproduce or use any insignia of the Armed Forces without the written authorisation of the Minister of Defence.

## **CHAPTER X – TRANSITIONAL AND FINAL PROVISIONS**

## **SECTION A – Transition Implementation Expert Team**

### **Article 60 (Establishment and Tasks of the Expert Team)**

(1) In accordance with this Law, the Minister of Defence shall establish a Transition Implementation Expert Team (hereinafter: the Expert Team) within 15 days from the day of entry into force of this Law.

(2) The Expert Team shall report to the Minister of Defence and shall carry out the following tasks upon his orders and instructions:

- a) Planning, organising, assisting and monitoring the process of the takeover of defence functions from Article 67 of this Law to state level,
- b) Submitting written proposals and recommendations to the Minister of Defence on all issues related to the process of transition, and
- c) Other duties as assigned by the Minister of Defence.

(3) The Minister of Defence shall prescribe duties, tasks, composition and the duration of the mandate of the Expert Team.

(4) The Expert Team shall issue the Terms of Reference.

### **Article 61 (Reporting on Transition Process)**

(1) The Expert Team shall report to the Minister of Defence on the transition process on monthly basis and as required.

(2) Based on the report from paragraph (1) of this Article, the Minister of Defence shall brief the Presidency, Council of Ministers of Bosnia and Herzegovina and the relevant Commission of the Parliamentary Assembly.

(3) All personnel of the Ministry of Defence, Joint Staff, Commands, and members of the Armed Forces shall give full support to the Expert Team in accordance with directives and instructions issued by the Minister of Defence.

## **SECTION B – Status of Civil Servants and Employees**

### **Article 62 (Regulation of Status of Civil Servants and Employees)**

(1) Notwithstanding provisions of Article 19, paragraph (4), and Article 32a of the Law on Civil Service in the Institutions of Bosnia and Herzegovina (Bosnia and Herzegovina Official Gazette 19/02, 35/03, 14/04, 17/04, 26/04, 37/04, and 48/05), on 1 January 2006, all civil servants from the former entity ministries of defence whose civil servant status was confirmed by the relevant entity agencies shall become civil servants in the Ministry of Defence to whom the Law on Civil Service in the Institutions of Bosnia and Herzegovina shall apply, with the following exemptions:

- a) Article 15, paragraph (1), items a) and d) shall not apply,
- b) Chapter IV- except Articles 22, 30. and 31, shall not apply, and
- c) Chapter V – except Articles 38, 39. and 41, shall not apply,
- d) Article 51, paragraphs (1) and (2), shall not apply.

(2) Exemptions listed in paragraph (1) of this Article shall continue to apply until a final decision on the status of civil servants in the Ministry of Defence is rendered by the Minister of Defence, following the selection process prescribed by Article 64 of this Law.

(3) On 1 January 2006, all employees/employed personnel of the former entity Ministries of Defence shall become employees of the Ministry of Defence and therefore subject to the Law on Labour Relations in the Institutions of Bosnia and Herzegovina (Bosnia and Herzegovina Official Gazette 26/04, and 7/05)

(4) On the date referred to in paragraphs (1) and (3) of this Article, the Books of Rules on the Internal Organization and Job Classification of the entity Ministries of Defence shall become part of the Book of Rules on the Internal Organization and Job Classification of the Ministry of Defence. The civil servants and employees from paragraphs (1) and (3) of this Article shall continue to perform their previous duties and tasks insofar as that is not contrary to this Law, until the Minister of Defence of Bosnia and Herzegovina renders a final decision on their status in the Ministry of Defence following the selection process from Article 64 of this Law.

(5) The civil servants and employees from paragraphs (1) and (3) of this Article shall retain their posts, salaries and allowances until the Minister of Defence issues a final decision on their status in the Ministry of Defence, following the selection process referred to in Article 64 of this Law.

(6) Civil servants and employees of the Ministry of Defence who have been released from duty as redundant in accordance with the decision of the Minister of Defence from Article 65 of this Law, rendered after the completion of the selection process from Article 64 of this Law, shall be entitled to a severance pay in the amount of six monthly salaries, or 12 monthly salaries for civil servants with at least 15 years of professional experience.

#### **Article 62 (Employment Ban)**

Entity Ministries of Defence and the Ministry of Defence shall not be able to employ new civil servants and employees/employed personnel as of the day of entry into force of this Law until the day of transfer of civil servants and employees as set forth in Article 62, paragraphs (1) and (3) of this Law.

#### **Article 64 (Selection Process)**

(1) Upon the proposal of the Expert Team, the Minister of Defence shall appoint one or more selection commissions. In the appointment phase, the Minister shall be obliged to consider the ethnic background, gender, level of education, and professional skills of the persons to be appointed to the selection commission. Each commission shall consist of three members. The Minister of Defence shall issue a Decision on the Work of Selection Commissions regulating the composition of selection commissions, their method of work, selection criteria and procedure, to be identified in the Terms of Reference.

(2) Prior to the establishment of a selection commission pursuant to paragraph (1) of this Article, the Minister of Defence shall review all commission members to ascertain that they meet the criteria set forth in paragraph (3) of this Article.

(3) A Selection Commission shall be responsible to determine if civil servants and employees of the Ministry of Defence meet the requirements for the continuation of their employment with the Ministry of Defence set forth in relevant regulations, as well as other criteria determined by the Minister of Defence and approved by the Council of Ministers of Bosnia and Herzegovina.

(4) The Minister of Defence may appoint international experts as co-opted members of a Selection Commission. The international experts shall only have an advisory role in the work of the Commission and shall have no voting rights in the decision-making process.

(5) A Selection Commission shall submit proposals for all civil servants and employees of the Ministry of Defence, taken over from the former entity ministries of defence, together with a report, to the Minister of Defence for consideration before he makes a decision from Articles 65 and 66 of this Law.

**Article 65**  
**(Decision on Status of Civil Servants and Employees)**

After the completion of the selection process from Article 64 of this Law, the Minister of Defence shall make a decision on the status of all civil servants and employees of the Ministry of Defence in accordance with the report from Article 64, paragraph (5) of this Law.

**Article 66**  
**(Rendering of Book of Rules on Internal Organization)**

(1) The Minister of Defence shall prepare a new Book of Rules on Internal Organization and submit it to the Council of Ministers of Bosnia and Herzegovina for approval within 30 days from this Law's entry into force.

(2) After the adoption of the Book of Rules from paragraph (1) of this Article, the Minister of Defence shall appoint selected civil servants and employees to the envisaged posts.

**SECTION C – Transfer of Functions**

**Article 67**  
**(Plan for Transfer of Functions)**

(1) By 1 January 2006, on the basis of the proposal by the Expert Team, the Minister of Defence shall issue a Plan for the Transfer of Functions.

(2) After the transfer of functions, the Minister of Defence, with the assistance of the Expert Team, shall insure full implementation of the Plan from paragraph (1) of this Article.

**Article 68**  
**(Chain of Command during Transition)**

(1) As of 1 January 2006, the Commander of the Joint Command of the Bosnia and Herzegovina Federation Army and the Chief of the General Staff of the Army of the Republika Srpska shall be directly accountable to the Chief of the Joint Staff of the Armed Forces of Bosnia and Herzegovina until the Joint Command of the Bosnia and Herzegovina Federation Army and the General Staff of the Army of the Republika Srpska are abolished.

(2) The Commander of the Joint Command of the Federation Army and the Chief of the General Staff of the Army of the Republika Srpska shall have no operational command authority.

**Article 69**  
**(Temporary Management of Former Entity Ministries of Defence)**

The Minister of Defence shall, no later than 1 January 2006, select one person for each of the former entity ministries of defence, to perform tasks and duties necessary to ensure efficient management of the former entity ministries until the end of the transition process.

**SECTION D – Transfer of Property, Assets and Archives**

**Article 70**  
**(Transfer of Movable Property, Archives, Files and Other Documents)**

(1) On the day of entry into force of this Law, the Ministry of Defence and entity Ministries of Defence, shall begin compiling all movable property data into a comprehensive inventory list of movable property in their possession used for defence purposes, including, *inter alia*, archives, files and other documents, (hereinafter: Movable Property). The comprehensive inventory lists shall be delivered to the Ministry of Defence within thirty (30) days.

(2) Within thirty (30) days after the delivery of the comprehensive inventory lists, the Expert Team shall propose to the Ministry of Defence a plan for further status of all Movable Property that will continue to serve defence purposes, to include a proposed manner, method and timelines for the final allocation of all rights and responsibilities related to Movable Property.

(3) On 1 January 2006, the Ministry of Defence shall assume the right of possession over all Movable Property from paragraph (2) of this Article, including archives, files and other documents that continue to serve defence purposes.

**Article 71**  
**(Transfer of Immovable Property)**

(1) On the day of the entry into force of this Law, the Ministry of Defence and the entity ministries of defence shall begin compiling all data on immovable property into an inventory list of immovable property used for defence purposes, for which the rights of management, disposal, use, or ownership are held by the Bosnia and Herzegovina Federation, the Government of the Republika Srpska, the Government of the Bosnia and Herzegovina Federation, defence ministries, the Army of the Republika Srpska, the Army of the Bosnia and Herzegovina Federation or another body of Bosnia and Herzegovina, or any administrative subdivision thereof (hereinafter referred to as: Immovable Property). The competent institutions shall deliver the comprehensive inventory lists of Immovable Property to the Ministry of Defence within sixty (60) days of the entry into force of this Law, but no later than 31 December 2005.

(2) Within thirty (30) days from the delivery of the comprehensive inventory list of Immovable Property, the Expert Team shall propose to the Minister of Defence a plan for the final status of all Immovable Property that will continue to serve defence purposes in accordance with valid regulations.

(3) On 1 January 2006, the Ministry of Defence shall begin to use and enter in possession of all Immovable Property from paragraph (2) of this Article.

**Article 72**  
**(Transfer of Other Rights and Obligations)**

(1) Within 30 days of this Law's entry into force, the Ministry of Defence and the entity ministries of defence shall make a comprehensive inventory list of other rights and obligations of the former entity ministries of defence, as of 1 January 2006, and propose a plan for the transfer of other rights and obligations to the Ministry of Defence.

(2) Unless otherwise determined by the plan for the transfer of other rights and obligations from paragraph (1) of this Article, approved pursuant to Article 73 of this Law, the entity governments shall remain accountable for all debts, encumbrances and other liabilities of entity ministries of defence incurred by 1 January 2006.

(3) The governments of the entities shall not be entitled to compensation, contribution or indemnification from Bosnia and Herzegovina in relation to the transfer of other rights and obligations, except as authorized by the Council of Ministers of Bosnia and Herzegovina or Parliamentary Assembly.

**Article 73**  
**(Agreement on Transfer of Property Rights)**

(1) The Ministry of Defence shall present the plan for the final takeover of the property from Article 70, paragraph (3); Article 71, paragraph (3); and Article 72 to the Council of Ministers of Bosnia and Herzegovina for approval.

(2) Upon the approval by the Council of Ministers of Bosnia and Herzegovina and within a period of sixty (60) days, but no later than 31 December 2005, the Ministry of Defence shall submit agreements, decisions, resolutions or other relevant instruments required for the final takeover of all rights and liabilities related to the movable and immovable property to the Council of Ministers of Bosnia and Herzegovina, and Republika Srpska and Bosnia and Herzegovina Federation governments for signature.

**Article 74**  
**(Ban on Free Use of Property)**

(1) Any free use of the property from Articles 70, paragraph (3), 71, paragraph (3) and 72 of this Law, shall be prohibited from the day of this Law's entry into force until the effective day of an agreement, decision, resolution or another relevant instrument from Article 73 of this Law, finalizing the transfer of property rights from the former entity defence ministries to the Ministry of Defence.

**SECTION E – Budgetary and Financial Issues**

**Article 75**  
**(2006 Defence Budget)**

1) Starting with the fiscal year 2006, all budget preparation, enactment, execution, accounting, reporting and supervision activities for the Ministry of Defence and Armed Forces shall be done in accordance with the Law on Financing of the Institutions of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 61/04).

2) For the purpose of Article 11 of the Law on Financing of the Institutions of Bosnia and Herzegovina, temporary financing for fiscal year 2006 shall be calculated based on the 2005 “overall defence budget for Bosnia and Herzegovina” as defined in Article 46 of the Law on Defence of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 43/03).

**Article 76**  
**(2005 Entity Defence Budgets)**

1) Liabilities incurred by the entities and budgeted by 31 January 2006 as envisaged expenditures from 2005 entity defence budgets shall remain a liability of the respective entity and shall not be assumed by Bosnia and Herzegovina unless so expressly agreed between the Council of Ministers of Bosnia and Herzegovina and the government of the relevant entity.

2) Liabilities incurred by the entities in 2005 and not budgeted in the 2005 budget shall be covered by the entity governments – entity ministries of finance. Based on documentation reviewed by the persons from Article 69 of this Law, these liabilities shall be submitted to be entered in books and settled by the entity ministries of finance.

3) The Minister of Defence shall offer assistance to the entity authorities responsible for closing the entity defence budgets for the fiscal year 2005 after 1 January 2006.

**Article 77**  
**(Prohibition of Assumption of Commitments)**

1) From the day of the adoption of this Law until 1 January 2006, the entity ministries of defence shall be prohibited from making contracts and accepting commitments that cannot be fully paid from the 2005 defence budget.

2) As an exception to the provision from paragraph (1) of this Article, the Minister of Defence can, in exceptional cases and when so required to ensure continuous functioning and work of the Armed Forces, allow for such contracts to be made.

**Article 78**  
**(Other Financial Commitments)**

By 1 April 2006, the Transition Implementation Expert Team shall prepare an analysis of all financial issues not covered by the provisions of the law and submit to the Minister of Defence a report and recommendations for addressing these issues.

**SECTION F – Military Obligation**

**Article 79**  
**(Abolition of Mandatory Military Service)**

The mandatory military service regulated by entity laws shall be abolished on the entire territory of Bosnia and Herzegovina on 1 January 2006.

**Article 80**  
**(Records Related to Mandatory Military Service)**

1) Records of persons who have completed their mandatory military service in either of the entities shall be transferred to appropriate bodies of administration in the entities, cantons or municipalities.

2) Record of professional military personnel whose service in the Army of the Republika Srpska or the Army of the Federation of Bosnia and Herzegovina expired after 1 January 2002 shall be transferred to the Ministry of Defence.

## **SECTION G – FORCE STRUCTURE AND STATIONS**

### **Article 81 (Force Structure & Stations)**

- 1) The size, structure, and stations of the new Armed Forces shall be proposed by the Minister of Defence and adopted by the Presidency no later than 1 July 2006.
- 2) Brigade headquarters and the battalions assigned to them shall be formed and stationed no later than 1 July 2007.
- 3) Infantry regiments and their headquarters shall be formed and stationed no later than 1 July 2007.
- 4) All other regiments and services shall be formed and stationed no later than 31 December 2007.

## **SECTION H – Legal Regulations**

### **Article 82 (Cessation of Legal Regulations)**

(1) Entity parliaments shall pass laws by which the RS Law on Defence (RS Official Gazette 21/96, 46/01 and 33/04), RS Law on Army (RS Official Gazette 31/96, 46/01 and 33/04), Law on Defence of the Bosnia and Herzegovina Federation (FBosnia and Herzegovina Official Gazette 34/04) and the Law on Service in the FBosnia and Herzegovina Army (Bosnia and Herzegovina Federation Official Gazette 34/04) shall cease to apply on 1 January 2006

(2) Other state and entity laws and bylaws that regulate issues related to defence, shall be harmonized with the provisions of this Law. In case that an entity law or bylaw is in contradiction with the provisions of this Law, the provisions of this Law shall prevail, and inconsistent provisions of the entity law or bylaw shall be rendered null and void.

(3) Entity laws and bylaws shall be harmonized with the provisions of this Law within six months from the entry into force of this Law.

### **Article 83 (Harmonization of International Agreements)**

The Council of Ministers of Bosnia and Herzegovina and the governments of the two entities shall continue activities with the aim of bringing the Agreement on Sub-Regional Arms Control, as well as all other international agreements, in line with the principles of state command and control authority over the Armed Forces of Bosnia and Herzegovina.

### **Article 84 (Activities for Accession to NATO)**

The Parliamentary Assembly, Council of Ministers of Bosnia and Herzegovina, the Presidency, and all defence authorities within their respective constitutional and legal

competencies, shall conduct required activities for the accession of Bosnia and Herzegovina to NATO.

**Article 85**  
**(Entry into Force and Applicability)**

(1) The beginning of the application of this Law shall put out of force the Law on Defence of Bosnia and Herzegovina (The official Gazette of Bosnia and Herzegovina no. 43/03).

(2) This Law shall enter into force on the eighth day after its publication in the “Official Gazette of Bosnia and Herzegovina”, and it shall begin to apply on 1 January 2006, unless otherwise prescribed by this Law.

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PSBosnia and Herzegovina number 226/05  
5 October 2005  
Sarajevo

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Speaker  
Of the House of Representatives  
Of the Bosnia and Herzegovina Parliamentary Assembly  
**Dr. Nikola Spiric**

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Speaker  
Of the House of Peoples  
Of the Bosnia and Herzegovina Parliamentary Assembly  
**Mustafa Pamuk**