

Decision on Civilian Command of the Armed Forces

The High Representative has written to the BiH Presidents, and to the Presidents and Prime Ministers of the two entities, to inform them of his decision regarding the interpretation of Article V(a), Annex 4 of the GPA, in respect of the civilian command over the armed forces.

In sovereign states, civilian command authority over the armed forces is normally exercised by the Head of State. In Bosnia and Herzegovina it is no different: civilian command authority over all armed forces is exercised by the BiH Presidency. The BiH Constitution is unambiguous on this point.

The tri-partite BiH Presidency exercises its authority as an institution, meaning that each Member is competent to take part in the decision-making process regarding the armed forces. It is not the Chair, but the Presidency, who is the civilian Commander-in-Chief. The BiH Presidency is to act and take decisions on this issue collectively.

The Constitution of BiH also requires that the BiH Presidency select a Standing Committee on Military Matters as the appropriate body to coordinate the activities of the armed forces. Participants should ensure it is an active forum in which to discuss military matters.

As the obligation of the Entities to respect the BiH Presidency's civilian command over armed forces derives directly from the Constitution of BiH, the Entities may not and shall not invoke any provisions of the Entity constitutions to oppose or fail to comply completely with this obligation.

The Constitutional Court is currently examining, in a pending case, to what extent the Constitutions of the Entities must be modified in order to make them compatible with the Constitution of BiH on this matter, and will rule accordingly.