

Decision Enacting the Law on Amendments to the Law on Defence of the Federation of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on Civilian Implementation of the Peace Settlement; and considering in particular Article II.1(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Further recalling Article III.2(d) of the Constitution of Bosnia and Herzegovina, according to which each Entity may enter into agreements with states and international organizations with the consent of the Parliamentary Assembly;

Noting Article IV.A.7.20.h of the Constitution of the Federation of Bosnia and Herzegovina, as amended, which provides that the Legislature of the Federation of Bosnia and Herzegovina shall have responsibility for “approving agreements with states and international organizations, by a majority vote, with the previous consent of the Parliamentary Assembly of Bosnia and Herzegovina, except to the extent that the Parliamentary Assembly of Bosnia and Herzegovina provides by law that certain types of agreements do not require such approval.”;

Noting the Communiqué by the Steering Board of the Peace Implementation Council of 28 March 2003, in which the Steering Board stressed the need for defence reform, “in order to resolve issues at variance with the BiH Constitution and to prepare BiH for integration into Euro-Atlantic structures”.

Having considered, noted and borne in mind all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Enacting the Law on Amendments to the Law on Defence of the Federation of Bosnia and Herzegovina (Official Gazette of the FBH, 15/96, 23/02)

The said Law shall enter into force as a law of the Federation of Bosnia and Herzegovina, with effect from the date provided for in Article 2 thereof, on an interim basis, until such time as the Parliament of the Federation of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall come into force forthwith and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Article 1

In Article 21 of the Law on Defense of the Federation of Bosnia and Herzegovina, the item which reads “approves or denies international contracts and other agreements” shall be replaced with the following words: “approves agreements with States and international organizations in accordance with the provisions of the Constitutions of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina.”

Article 2

This Law shall enter into force forthwith and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 2 April 2003

*Paddy Ashdown
High Representative*