Decision Enacting the Law on Amendments to the Law on Army of Republika Srpska

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";

NotingArticle I.1 of the Constitution of Bosnia and Herzegovina, which provides that: "The Republic of Bosnia and Herzegovina, the official name of which shall henceforth be "Bosnia and Herzegovina" shall continue its legal existence under international law as a state…";

Mindful *of* Article I.3 of the Constitution of Bosnia and Herzegovina, which provides that "Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter "the Entities");

Noting Article III.3(b) of the Constitution of Bosnia and Herzegovina, which provides that: "The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities..;";

Further Noting the Communiqué by the Steering Board of the Peace Implementation Council of 28 March 2003, which, in reference to the sale of weapons to Iraq by the company VZ Orao, "underlined that appropriate measures, taking into consideration the issues of systemic reform and political responsibility, were essential to prevent such a situation occurring again" and "expected full cooperation from all relevant authorities in BiH in this matter, in keeping with their obligations under the Dayton-Paris Peace Accords and as a member of the United Nations". The Steering Board also stressed the need for defence reform in its own right, 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 Army of Republika Srpska (Official Gazette of Republika Srpska, 31/96, 46/01)

This said Law shall enter into force as a law of Republika Srpska, with effect from the date provided for in Article 3

thereof, on an interim basis, until such time as the National Assembly of Republika Srpska adopts the 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 Republika Srpska.

Article 1

In Articles 3, 100, 111, 156, 157, 203, 237, 246, 248, 250, 251 and 280 of the Law on Army of Republika Srpska, the word “state” shall be replaced with the words “Republika Srpska”.

Article 2

In Article 154 of the Law on Army of Republika Srpska, the first reference to “state” shall be deleted, and the second reference to “state” shall be replaced with the words “Republika Srpska”.

Article 3

This Law shall enter into force forthwith and shall be published without delay in the Official Gazette of the Republika Srpska.

Sarajevo, 2 April 2003

Paddy Ashdown
High Representative