

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

In the exercise of the powers vested in me 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 the Civilian Implementation of the Peace Settlement; and considering in particular Art. 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”;

Considering the four partial Decisions of the Constitutional Court of Bosnia and Herzegovina in case no. 5/98 being Constitutional Court Decision of 28, 29 and 30 January 2000 (Official Gazette of Bosnia and Herzegovina, no 11/00 of 17

April 2000), of 18 and 19 February 2000 (Official Gazette of Bosnia and Herzegovina, no. 17/00 of 30 June 2000), of 30 June and 1 July 2000 (Official Gazette of Bosnia and Herzegovina no. 23/00 of 14 September 2000) and of 18 and 19 August 2000 (Official Gazette of Bosnia and Herzegovina, no. 36/00 of 31 December 2000);

Considering further that these four partial Decisions relate to certain provisions of the Constitutions of the Entities of Bosnia and Herzegovina which have been found to be in contravention of the Constitution of Bosnia and Herzegovina as contained in Annex 4 to the General Framework Agreement for Peace in Bosnia and Herzegovina of 14 December 1995 (the Constitution of Bosnia and Herzegovina);

Noting further that the Constitutional Court ruled in its third partial Decision in case no. 5/98 of 30 June and 1 July 2000 (Official Gazette of Bosnia and Herzegovina no. 23/00 of 14 September 2000) that exclusion of one or other constituent people from the enjoyment not only of citizens' but also of peoples' rights throughout Bosnia and Herzegovina was in clear contradiction with the non-discrimination rules contained in the said Annex 4, which rules are designed to re-establish a multi-ethnic society based on equal rights of Bosniacs, Croats and Serbs as constituent peoples and of all citizens;

Recalling that the High Representative adopted a Decision on 19 April 2002 (Decision no. 149/02 Official Gazette of the Federation of Bosnia and Herzegovina no. 16/02 of 28 April 2002) amending the Constitution of the Federation of Bosnia and Herzegovina and a further Decision on 6 October 2002 also amending the Constitution of the Federation of Bosnia and Herzegovina to give further effect to the Constitutional Court ruling;

Bearing in mind the amendments to the Constitution of the Federation of Bosnia and Herzegovina aforesaid, it is now appropriate to make the certain consequential amendments to

the Law on the Government of the Federation of Bosnia and Herzegovina.

Having taken into account and considered the totality of the matters aforesaid, the High Representative hereby issues the following

DECISION

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The Law which follows, and which forms an integral part of this Decision, shall enter into force as provided for in Article 11 thereof but on an interim basis until such time as the Parliament of the Federation of Bosnia and Herzegovina adopts the same in due form, without amendment and with no conditions attached. This Decision shall come into effect forthwith and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 21 October 2002

*Paddy Ashdown
High Representative*

LAW

ON AMENDMENTS TO THE LAW ON THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

Article 1

In Article 1 of the Law on the Government of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH, Nos. 1/94 and 8/95) the word "Vice-President" shall be

amended as follows: “one of the Vice-Presidents”

Article 2

Article 2 shall be re-amended as follows:

“The Prime Minister/President of the Government of the Federation and his/her deputies, ministers, and the Government of the Federation as a whole shall be responsible to the Parliament of the Federation, President and Vice Presidents of the Federation. Ministers shall also be responsible to the Prime Minister/President of the Government of the Federation pursuant to the Constitution of the Federation. ”

Article 3

Paragraph 2 of Article 5 shall be re-amended as follows:

“The Prime Minister/President of the Government of the Federation and Deputy Prime Ministers/Presidents of the Government of the Federation shall have one joint regional office in Mostar”.

Article 4

Article 6 shall be re-amended as follows:

“The Government shall be composed of the following members: Prime Minister/ President of the Government of the Federation who shall have two Deputies from amongst different constituent peoples to be elected from among the ministers, and Ministers.

The Government of the Federation shall be composed of eight Bosniak ministers, five Croat ministers and three Serb ministers. One minister from among the group of Others may be appointed by the Prime Minister/President of the Government from the quota of the most numerous constituent people

Upon full implementation of Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina at least 15 % of

the members of the Government of the Federation must be from amongst one of the constituent peoples. At least 35 % of the members of the Government must be from amongst two of the constituent peoples. One member of the Government must be from amongst the group of Others.”

Article 5

After Article 6 a new Article 6a shall be added to read as follows:

“Article 6a

The President of the Federation, with the consent of both Vice Presidents of the Federation, shall appoint the Government of the Federation after consultation with the Prime Minister/President of the Government of the Federation or with the candidate for that office. The Government of the Federation shall be elected once the House of Representatives of the Parliament of the Federation has confirmed its appointment by a simple majority. Every vacancy shall be filled according to the same procedure.

If the House of Representatives does not confirm the appointment of the Government of the Federation, the President of the Federation, with the consent of the Vice Presidents of the Federation and in consultation with the Prime Minister or candidate for that office shall proceed again pursuant to paragraph 1of this Article.”

Article 6

Article 7 shall be amended as follows:

“After confirmation in the House of Representatives of the Parliament of the Federation, the Prime Minister/President of the Government of the Federation and his/her deputies as well as ministers shall make a solemn declaration before the Speaker of the House of Representatives of the Parliament of

the Federation.”

Article 7

Article 8 paragraph 2 shall be amended as follows:

“The Secretary of the Government of the Federation shall be responsible to the Government of the Federation, to the Prime Minister/ President of the Government of the Federation and to the Deputy Prime Ministers/Presidents of the Government of the Federation.”

Article 8

Article 10 shall be amended as follows:

“Deputy Prime Ministers/Presidents of the Government of the Federation shall assist the Prime Minister/President of the Government of the Federation in the performance of his/her tasks.

In case of absence of the Prime Minister/ President of the Government of the Federation or other cases when the Prime Minister/ President of the Government of the Federation is not able to perform his/her duty he/she shall be replaced by one of the Deputy Prime Ministers/Presidents of the Government of the Federation designated by him/her.

If the Prime Minister/ President of the Government of the Federation is not able to designate who, among the Deputy Prime Ministers/Presidents of the Government of the Federation, will replace him/her, or the case is one where the position of the Prime Minister/ President of the Government of the Federation is vacant, then until the new Prime Minister/ President of the Government of the Federation does enter office, the President of the Federation with the consent of both Vice Presidents of the Federation, shall designate one of the two Deputy Prime Ministers/Presidents of the Government of the Federation to perform the duty of the

Prime Minister.

The Prime Minister/ President of the Government of the Federation, may within the scope of his/her authority, delegate certain of his/her power to the Deputy Prime Ministers/ Presidents of the Government of the Federation.”

Article 9

Article 13 shall be deleted.

Article 10

Article 16 shall be re-amended as follows:

“The Government of the Federation shall adopt Rules of Procedure within 30 days of its formation and in addition to other issues so regulated it shall regulate the following: procedure and manner of scheduling sessions of the Government of the Federation; decisions as to the place of holding sessions; procedure and form of preliminary consideration of materials; definition of proposals and conclusions; manner of equal use of languages and scripts of the constituent peoples in preparation and elaboration of written materials; manner of execution of conclusions; delegation of powers and duties; other issues to be regulated by the Rules of Procedure.

Issues referred to in paragraph 1 of this Article, if not regulated by the Rules of Procedure of the Government of the Federation, shall be regulated by a conclusion of the Government of the Federation.”

Article 11

This Law shall enter into force on the eighth day after its publication in the Official Gazette of the Federation of Bosnia and Herzegovina.