

Decision amending the Law on Radio-Television of the RS

In the exercise of the powers vested in me by Article 5 of Annex 10 to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theater regarding interpretation of his mandate; and considering in particular Art. II.1.(d) of the same Agreement, entrusting on the High Representative the power to facilitate, as he judges necessary, the resolution of any difficulties arising in connection with civilian implementation; recalling the interpretation of such a power given in paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn the 10 December 1997, particularly sub-paragraph (b) thereof, in terms of which the High Representative is entitled to make binding decisions, as he judges necessary, on the adoption of measures aiming at ensuring implementation of the Peace Agreement throughout Bosnia and Herzegovina, including "interim measures to take effect when parties are unable to reach agreement";

Considering that, subject to the responsibility of the institutions of Bosnia and Herzegovina for the allocation of frequencies for broadcasting purposes as specified by the Telecommunications Law of Bosnia and Herzegovina, Art. 3 of Annex 9 to the General Framework Agreement for Peace in Bosnia and Herzegovina clearly recognizes the possibility for the Entities to establish and operate, individually or jointly, communication facilities in the form of public radio/television companies; considering however that, in order to provide equal access to information to all members of the public, the establishment and operation of such companies must be in line with public service broadcasting standards set by international law and practice;

Bearing in mind the exhortations of the Peace Implementation Council, particularly Paragraph 63 of the Luxembourg Declaration of 9 June 1998, drawing the Parties' attention to the importance of a Public Broadcasting System in Bosnia and Herzegovina including a public broadcaster for Republika Srpska; as well as Chapter V, Paragraph 21 of the Madrid Declaration of 16 December 1998, pointing to the need for legislation on public media which enshrines the principles of editorial independence, religious tolerance and financial transparency, prevents any political party from exerting significant control over public broadcasting, and ensures that public broadcasters attempt to address the interests of all the constituent peoples in current affairs programming;

Noting that, in line with the above exhortations, the Government of the Republika Srpska signed on 13 February 1998 an agreement establishing interim arrangements for the restructuring of Srpska Radio Televizija in accordance with European standards of public service broadcasting, supplemented by a further Memorandum of Understanding of 17 August 1998 through which the Government committed itself to a mechanism for transparent and reliable funding of the same broadcaster; noting also that the Government engaged to embody such commitments into a new law which the High Representative instructed to have adopted by 31 December 1998; noting also that, as this was not done, the High Representative's Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina of 30 July 1999 further required in its Article 1, paragraph (C) that the Government of Republika Srpska forward, and the National Assembly of Republika Srpska pass the necessary legislation by 15 August 1999 at the latest; noting finally that, this further deadline having expired, the Government and the National Assembly of Republika Srpska have failed to take any action to ensure compliance;

All this considered, born in mind and noted, I hereby issue the following

DECISION

on Amending the Law on Radio-Television of Republika Srpska

The Law on Radio-Television of Republika Srpska, amended by Decision of the High Representative (n. 01/99) on August 31, 1999 and published in the Official Gazette of the Republika Srpska (n. 23/1999) on 15 September 1999, is hereby amended by substitution of the following text of Article 18 of the said Law:

“The Board of Governors of the Srpska Radio-Television serving at the time of the coming into force of this Decision will continue unchanged to serve as the interim Board of Governors of the Radio-Television of Republika Srpska until such time as the High Representative shall determine. Upon that date, the mandate of its members shall expire and a new Board of Governors shall be appointed according to Article 15 of this Decision, except for the member representing the employees of the Radio Television of Republika Srpska who shall be appointed by the High Representative of the International Community in Bosnia and Herzegovina until such time when his office will cease to exist.”

In all other aspects, the Law is unchanged.

Sarajevo, 01 March 2000

Wolfgang Petritsch
High Representative

Office of the High Representative