Decision imposing the publication of the Telecommunications Sector in the Official Gazette of BiH and the Official Gazettes of the Federation and RS

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 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 the Peace Agreement throughout Bosnia and Herzegovina and its Entities;

Considering that Article V.4. (a). of the Constitution of Bosnia and Herzegovina entrusts the Council of Ministers with "the responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III (1), (4) and (5)…" of the said Constitution;

Considering further that Article 37 of the Law on the Council of Ministers of Bosnia and Herzegovina provides that "the decisions of the Council of Ministers and of the Ministries shall be published in the Official Gazette of Bosnia and Herzegovina and the Official Gazettes of the Entities";

Noting that telecommunication policy development and its implementation falls outside the powers of the Presidency of BiH as provided for in the Constitution of Bosnia and Herzegovina;

Bearing in mind that the Council of Ministers at its 14th session on 9 November 2000, adopted the "Telecommunication Sector Policy for BiH";

Conscious of the necessity to start a substantial reform of the telecommunication sector without needless delay;

Taking into account that the BiH Minister of Civil Affairs and Communications, in his letter to the Council of Ministers dated 14 December 2000, requested the publication of the Telecommunications Sector Policy in the Official Gazette of BiH, but due to procedural disputes the publication has been repeatedly delayed;

Recognizing that there is an urgent need to further enhance and consolidate the regulatory capabilities of the Telecommunication Regulatory Agency and to protect its independence for carrying out the regulatory functions granted by the Telecommunications Law of BiH, in particular guaranteeing it freedom from political interference;

Bearing in mind the need to facilitate the administrative

process by publishing the Telecommunication Sector Policy for Bosnia and Herzegovina, as originally submitted to and adopted by the Council of Ministers on 9 November 2000 and without the comments received from the Presidency, entitled "**Conclusion on the adoption of the Framework Telecommunication Sector Policy for Bosnia and Herzegovina" (**adopted at the 87th Presidency session on 3 November 2000).

Having considered and borne in mind all the matters aforesaid, I hereby issue the following:

Decision

The said Policy Document adopted by the Council of Ministers shall be published in the form attached hereto without the outdated Action Plan Summary.

This Decision shall come into force forthwith and shall be published without delay with the said Policy Document in the Official Gazette of Bosnia and Herzegovina. This Decision shall also be published with the said Policy Document in the Official Gazette of the Federation of Bosnia and Herzegovina and in the Official Gazette of the Republika Srpska.

Sarajevo, 14 February 2001

Wolfgang Petritsch

High Representative

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