

Amending the Decision of the Government of the RS on Determination of Enterprises of Strategic Importance in which the State Capital is to be Privatized under Separate Privatization Programmes and Decision on return of the vouchers and coupons and/or refu

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;

Bearing in mind the exhortations of the Peace Implementation Council (PIC) contained in Paragraph 63 of the Luxembourg Declaration of 9 June 1998, which drew the parties' attention to the importance of a Public Broadcasting System in Bosnia and Herzegovina, noted with dismay the stalling tactics employed by the authorities, and requested the High Representative to follow through with his plans to establish a countrywide public broadcasting system with the co-operation of Serb Radio Television (SRT), now Radio Television of Republika Srpska (RTRS);

Taking note of the PIC's expectation that the responsible authorities should co-operate fully with the Office of the High Representative in the process of establishing a public broadcasting system and in the implementation of the High Representative's overall media strategy;

Noting that the Government of the Republika Srpska signed on 13 February 1998 an agreement which established a set of interim arrangements for the restructuring of Serb Radio Television in accordance with European standards of Public Service Broadcasting, and that on 31 July 1999, in his Decision on the Restructuring of the Public Broadcasting System in BiH, the High Representative stated that SRT was to be legally succeeded by RTRS as the one public broadcaster for Republika Srpska;

Recalling that on 23 October 2000, the High Representative, in his Second Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina, confirmed that RTRS is fundamental to the creation of a public broadcasting system in Bosnia and Herzegovina;

Noting further that on 10 August 2000, the Office of the High Representative, through its Principal Deputy High Representative, Ambassador Ralph R. Johnson, sent a written request that the Directorate for Privatization remove RTRS from the list of enterprises to be privatized by reason of its ongoing restructure into the public broadcasting system, and that in addition, Ambassador Johnson participated in meetings with both the outgoing Government of Republika Srpska in December 2000 and the incoming Government of Republika Srpska in January 2001 during which he reiterated the High Representative's position that RTRS was not to be privatized and requested its removal from the privatization list;

Considering that both the aforesaid meetings resulted in assurances from the governments concerned that compliance with OHR's request was guaranteed, whilst for his part Ambassador Johnson announced in public on 22 December 2000, that RTRS was not an enterprise eligible for privatization and that interested parties should not invest their vouchers in RTRS;

Taking account of the fact that despite the matters aforesaid the authorities of Republika Srpska have failed to remove RTRS from the list of enterprises to be privatized, and that the privatization of RTRS has continued to proceed to its purported completion date of 31 January 2001, vouchers having been invested by interested parties;

Concluding that the aforesaid failure on the part of the authorities of Republika Srpska severely jeopardizes the right of the citizens of Bosnia and Herzegovina to have access to public programming which reflects their diverse cultural and linguistic identities;

Having considered and borne in mind the totality of the matters aforesaid I hereby issue the following

DECISION

1) Amending the Decision of the Government of the Republika Srpska on Determination of Enterprises of Strategic Importance in which the State Capital is to be Privatized under Separate Privatization Programmes;

2) on return of the vouchers and coupons and/or refund of cash invested in relation to the privatization of RTRS as proposed by the Government of Republika Srpska

Article 1

The Decision on Determination of Enterprises of Strategic Importance in which the state capital is to be privatized under separate privatization programmes, published in the Official Gazette of Republika Srpska (number 39/99 of December 30, 1999) is hereby amended as follows;

1. In Article 1, paragraph 1, point 8 the words "Radio Television of Republika Srpska" shall be deleted.

Article 2

1. The investment of vouchers, coupons and/or cash, in relation to the purported privatization of Radio Television of Republika Srpska as hitherto proposed by the Government of Republika Srpska is null and void.

2. The Government of Republika Srpska is hereby required to return to the investors immediately any vouchers, coupons and/or cash received in relation to the said proposed privatization of Radio Television of Republika Srpska.

3. Radio Television of Republika Srpska may not now, nor at any time hereafter, be privatized, unless or until I may decide otherwise.

Article 3

1. The Decision, which shall enter into force with immediate effect, shall be published without delay in the Official Gazette of the Republika Srpska.

Sarajevo, 31 January 2001

Wolfgang Petritsch
High Representative

Office of the High Representative