Decision amending the BiH Election Law by reducing the election announcement period from 170 to 169 days

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";

Recallingparagraph 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;

Observing that the Steering Board of the Peace Implementation Council at its session held in Brussels on February 28, 2002, underlined the responsibility of the Bosnian political leaders and institutions to ensure that the Bosnian people are able to

exercise their democratic rights in the free, fair and democratic upcoming October 2002 elections;

Recognising the provisions adopted by the Parliamentary Assembly of Bosnia and Herzegovina in the Election Law as published in the BiH Official Gazette 23/01 of 19 September 2001, and amended as published in the BiH Official Gazette 7/02 of 10 April 2002;

Considering that in Article 1.14 of the Election Law of Bosnia and Herzegovina it is stated inter alia that the elections at all levels of authority in Bosnia and Herzegovina shall be held on the first Saturday in October and that the Election Commission of Bosnia and Herzegovina shall, at least one hundred and seventy (170) days prior to the holding of an election, notify all competent authorities at all levels when an election shall be conducted;

Observing that the Peace Implementation Council Steering Board met on 27 March 2002 and concluded, *inter alia*, that the amendments to the Entity constitutions must be fully in line with the agreement reached by the political parties on 27 March 2002 and requested the Entity parliaments to adopt the amendments by the first week of April 2002, in order that sufficient time is available to bring the Election Law of Bosnia and Herzgovina in line with them;

Regretting that the Entity Parliaments failed to comply with the deadline determined by the Peace Implementation Council on 27 March 2002 to adopt the amendments to the Entity constitutions in accordance with the Constituent Peoples' Decision and the Agreement of 27 March 2002 by the first week of April 2002;

With the objective of guaranteeing that the Election Commission of Bosnia and Herzegovina is able to announce the 5 October elections consistently with the amended Entity constitutions;

For the reasons hereinbefore set out I hereby issue the following:

DECISION AMENDING THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

The Election Law of Bosnia and Herzegovina, published in the Official Gazette of Bosnia and Herzegovina no. 23/01 of 19 September 2001, and amended as published in the Official Gazette of Bosnia and Herzegovina no. 7/02 of 10 April 2002, is hereby further amended as follows:

Article 1.

In Article 1.14, after paragraph 2 a new paragraph 3 shall be inserted to read as follows:

“Notwithstanding the deadline of at least one hundred and seventy (170) days established in the previous paragraph of this Article for notification to be given by the Election Commission of Bosnia and Herzegovina to all competent authorities at all levels when an election shall be conducted, for the first elections to be conducted under the provisions of this Election Law, this deadline shall be at least one hundred and sixty nine (169) days prior to the holding of an election.”

The current paragraph 3 shall become paragraph 4.

This Decision shall come into effect forthwith and shall be published without delay in the Official Gazettes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and of Brcko District.

Sarajevo, 18 April 2002

Wolfgang Petritsch

High Representative