

Decision On Amending the Decision on the Public Radio Television of Bosnia and Herzegovina

Nr. 21/00

In the exercise of the powers vested in me by Article V of Annex 10 to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of his mandate; and considering in particular Art. II.1(d) of the same Agreement, in terms of which the High Representative shall have the power to “*facilitate, as the High Representative 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 Council which met in Bonn on 9 and 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. III.1.(h) of Annex 4, and Art. 3 of Annex 9 to the General Framework Agreement for Peace in Bosnia and Herzegovina clearly establish the possibility for the institutions of both Bosnia and Herzegovina and the Entities to establish and

operate, individually or jointly, communication facilities in the form of public radio/television companies;

Bearing in mind the exhortation of the Peace Implementation Council (hereafter: PIC) in Paragraph 63 of the Luxemburg Declaration of 9 June 1998, drawing the parties' attention to the importance of a Public Broadcasting System in Bosnia and Herzegovina and urging them, in order to achieve such an objective, to cooperate with the High Representative in the restructuring of the RTV BiH and the integration of the transmission system; also recalling the further PIC's exhortations in Chapter V, Paragraphs 21 and 24 of the Madrid Declaration of 16 December 1998 restating both objectives with particular focus on the establishment of an integrated Federation television network fully enfranchising all communities and supported by transparent funding, and the establishment of a public corporation for broadcasting and transmission;

Noting that in line with the above exhortations, on 11 June 1998 the Presidency of BiH, adopted a memorandum expressing a commitment to the establishment of a public radio and television service for the whole of BiH; and finally noting that, due to the political and financial difficulties which arose in the implementation of the High Representative's Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina of 30 July 1999, the deadlines for the full establishment of the Public Radio Television of Bosnia and Herzegovina could not be met;

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

DECISION

On Amending the Decision on

the Public Radio Television of Bosnia and Herzegovina

Article 13 of the High Representative's Decision on the Public Radio Television of Bosnia and Herzegovina of 30 July 1999, also styled as Annex I to the Decision on Restructuring Public Broadcasting System of Bosnia and Herzegovina, as published in O.G. 14/99 of Bosnia and Herzegovina, and in O.G.37/99 of the Federation of Bosnia and Herzegovina, is hereby amended in its entirety and is replaced by the following:

"Article 13

All members of the transitional organs of the Public Broadcasting System of Bosnia and Herzegovina (hereafter: PBS BiH or JRT BiH) shall continue in office until the following has been achieved:

1. the Founding Board shall have determined a budget, and appointed management and other staff to fulfill the stated mission of PBS BiH. Until such appointments shall have been made, the Founding Board has the power to appoint or dismiss RTV BiH staff as necessary, in the discretion of the Founding Board;
2. the Founding Board shall have adopted an interim Charter upholding the principles of editorial independence , financial transparency and ethnic and religious tolerance, in accord with the highest international standards;
3. the Executive Committee of the Founding Board shall have submitted to the Council of Minister of Bosnia and Herzegovina a draft Law on the Public Radio-Television Service of Bosnia and Herzegovina, approved by the Founding Board and prepared in consultation with international experts. The draft Law shall respect the principles set down in the first Part of this Decision;
4. the High Representative shall have determined that the above requirements have been and that it is appropriate to terminate the mandates of the members of the said

transitional organs of PBS BiH.”

Article 2

This Decision supersedes all inconsistent legislative and other provisions in force at the time of its enactment. It shall enter into force on the seventeenth day of March 2000, and will appropriately disseminated. It shall be published as soon as practicable in the Official Gazette of Bosnia and Herzegovina, as well as in the Official Gazette of the Federation of Bosnia and Herzegovina and in the Official Gazette of the Republika Srpska.

Done at Sarajevo on the 16th day of March, 2000

Wolfgang Petritsch

High Representative