

Decision on the implementation of the Law on Radio-Television of the Federation

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 theater regarding interpretation of his mandate; and considering in particular Art. II.1. (d) of the same Agreement, in 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 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 the obligations imposed on the High Representative by Articles 66 and 68 of the Law on Radio-Television of the Federation of Bosnia and Herzegovina (hereafter: the Law), provisionally enacted by the High Representative’s Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina of 30 July 1999 (hereafter: the Decision). Also considering the obligations imposed on the electric companies in the FBiH by Article 61 of the Law, and Article 2.A.1 of the Decision. Finally considering the obligation of the Parliament of the Federation of Bosnia and Herzegovina in terms of Article 65 of the Law, to appoint seven members of the Council of the FBiH Radio-Television, within 30 days of its coming into force;

Bearing in mind the exhortations made by the Peace implementation Conference in Chapter V, Paragraphs 21 and 24 of the Madrid Declaration of 16 December 1998, calling for the rapid establishment of an integrated Federation broadcasting network fully enfranchising all communities and supported by transparent funding;

Noting that the deadline provided by the Law for the appointment of seven members of the RTV FBiH has expired on 8 October, and that the members of both Houses of the Federation Parliament have meanwhile failed to take conclusive action in this respect. Also noting that such a failure severely jeopardises the right of citizens to have access to public programming broadcast legally and reflecting their diverse cultural and linguistic identities;

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

DECISION

On Implementing the Law on RTV FBiH

Article 1

1. In compliance with Article 66 of the Law on the Radio-Television of the Federation of Bosnia and Herzegovina (hereafter: the Law), taking into account the pluralism criteria established by Article 45 of the Law, and after consultations with the FBiH Government, the following representatives of cultural, educational, scientific, economic, artistic and sports institutions and associations are appointed as members of the RTV FBiH Council:

Name	Canton No	Occupation
Azrija Piralic	1	Professor of history and oriental studies
Nedžad Fejzić	4	Writer
Dubravko Lovrenović	4	Professor of history at the Faculty of Philosophy

Mustafa Hubjar	6	Physician
Branka Praljak	6	Lawyer
Miro Sirovina	2	Writer
Faruk Cupina	7	Lawyer
Mirjana Deftedarevic	7	Lawyer
Slavo Kukic	8	Psychology professor
Fatmir Alispahic	3	Writer
Kemal Hrustanovic	9	Set designer
Dunja Blazevic	9	Art historian
Zlatko Dizdarevic	9	Journalist
Marko Orsolich	9	Professor of religious studies

2. In order to remedy to the failure of the Parliament of the FBiH to fulfill its obligations under Article 44 of the Law, and taking into account the criteria established by its Article 45, the following persons are also appointed as members of the RTV FBiH Council:

Name	Canton No	Occupation
Zlata Pojskic	4	Free lance journalist
Slavko Klisura	5	Journalist
Bozo Misura	7	Lawyer
Jago Musa	7	Professor of Croatian language
Boris Tihi	9	Economist, Dean of Business School
Enes Durakovic	9	Professor of Literature
Josip Trboglav	10	Economist

3. According to Article 44, paragraphs 4 and 5 of the Law, the above Council members shall serve a four-year term of office. During their term, they may be dismissed only by a decision of the Council itself made with two-thirds majority of votes.

Article 2

In compliance with Article 68 of the Law, Mr. Tadej Labernik, a Slovene national, presently Chairman of the Founding Board of the Public Broadcasting Service of BiH, is appointed as the Supervisor in charge of overseeing the work of RTV FBiH and ensuring that the law is upheld. The FBiH RTV Supervisor shall serve in such a capacity and report to the High Representative until replaced by the latter.

Article 3

Public electric companies in the Federation BiH are requested to comply with their obligations under Article 2.A.1 of the Decision by 29 January 2000, at the latest. On such a date, the arrangements with RTV FBiH, required by Article 61 of the Law for the raising of subscription fees and their transfer to bank accounts under international supervision, shall be concluded and become fully operational. In case of non-compliance, the High Representative reserves the right to take appropriate action.

Article 4

This Decision, which supersedes all inconsistent legislative and other provisions in force at the time of its enactment, shall enter into force on the seventh day of December 1999, and will be appropriately disseminated beforehand. It shall thereafter be published in the Official Gazette of the Federation of Bosnia and Herzegovina, within eight days after having entered into force.

Sarajevo, 6 December 1999

Wolfgang Petritsch

High Representative

Office of the High Representative