

Decision inserting an annex to the Federation Law on Procedure of Entry of Legal Entities into the Court Register

Decision inserting an annex to the Federation Law on Procedure of Entry of Legal Entities into the Court Register, barring parties whose statutory party officials have not been properly elected under the party statute as well as parties whose statutory officials have been dismissed by the HR from registering in court

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 implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities which "may include actions against persons holding public office or officials...who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation";

Noting that in paragraph X.5. of the Annex to the Declaration of the Peace Implementation Council made at Madrid on 16 December 1998 it was stated that the Council acknowledged that leaders whom the High Representative bars from official office "may also be barred from running in elections and from any other elective or appointive public office and from office within political parties until further notice."

Taking into account the mandate previously entrusted with the Provisional Election Commission under Article III of Annex 3 to the General Framework Agreement for Peace in Bosnia and Herzegovina and the Rules and Regulations subsequently adopted thereafter which provided that persons who were removed from office under the General Framework Agreement for Peace in Bosnia and Herzegovina were not permitted to be a candidate in the elections or hold any public elective or appointed office";

Recalling Article 7 of the Election Commission Rules of Procedure on Certification of political parties, independent candidates, coalitions and lists of independent candidates by which, political parties when submitting application for certification to the Election Commission, have to provide, among other things, evidence of court registration not older than six months;

Considering the importance and necessity to advance the above mentioned provisions, in order to prevent further obstruction to the implementation of the General Framework Agreement for Peace,

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

DECISION

INSERTING AN ANNEX TO THE LAW ON PROCEDURE OF ENTRY OF LEGAL ENTITIES INTO THE COURT REGISTER

The Law on Procedure of Entry of Legal Entities into the Court Register, published in the Official Gazette of the Federation of Bosnia and Herzegovina (no. 4/00) and amended as published in the Official Gazette of the Federation of Bosnia and Herzegovina no. 19/00; 49/00 and 32/01, is hereby amended by the addition of the following

“Annex on Application for Registration of Political Parties

When hearing applications for registration of political parties, judges responsible must satisfy themselves that:

Members of Political Parties’ Central Statutory Bodies, such as the Presidency, the Main or Central Board, Advisory Boards or Councils, Courts of Honour, and any other persons or bodies empowered under the party statute, or mandated by party statutory bodies to act on behalf of the party, are properly elected under the statute by the authorized party assembly or body; and

Any members of such bodies or persons thus empowered are not barred from holding party office under the law, including Decisions of the High Representative”.

This Decision comes into effect forthwith and shall be published without delay in the “Official Gazette of the Federation of Bosnia and Herzegovina”

Sarajevo, 26 March 2002

Wolfgang Petritsch

High Representative