

Decision Imposing the Law on Internal Affairs of the Federation of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) 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 the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Art. 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”;

Considering Parliamentary Assembly Opinion No. 234 (2002) of the Council of Europe on “Bosnia and Herzegovina’s Application for Membership of the Council of Europe”, which lists adoption and implementation of revised Entity Laws on Internal Affairs as a post-accession condition of Council of Europe accession;

Bearing in mind Article 1(1) of Annex 11 of the General Agreement for Peace in Bosnia and Herzegovina, which stipulates that the Parties “shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms...”;

Considering that, in accordance with Article 1(1) of Annex 11, there is a need for a depoliticized police force in the Federation that operates in accordance with the highest European standards;

Taking into account the need for a non-political police manager who will be responsible for operational aspects of policing in the Federation Ministry of Interior;

Bearing in mind the considerable progress that this Law has made through the parliamentary process;

Having taken into account and considered the totality of the matters aforesaid, the High Representative hereby issues the following

DECISION

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as hereinafter set out.

The Law which follows, and to which this Decision relates, shall enter into force forthwith but on an interim basis until such time as the Parliament of the Federation of Bosnia and Herzegovina adopts the same in due form, without amendment and with no conditions attached. This Decision shall likewise come into effect forthwith and both the Decision and Law shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 21 August 2002

*Paddy Ashdown
High Representative*