

Decision Amending the Constitution 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 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 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";

Considering Article V.5(a) of the Constitution of Bosnia and Herzegovina, which provides that "(e)ach member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces";

Mindful of III.5(a) of the said Constitution, which stipulates that "Bosnia and Herzegovina shall assume responsibility for", inter alia, matters "necessary to preserve the sovereignty, territorial integrity, political independence and international personality of Bosnia and Herzegovina";

Noting the Communiqué by the Steering Board of the Peace Implementation Council of 28 March 2003, in which the Steering Board stressed the need for defence reform, "in order to resolve issues at variance with the BiH Constitution and to prepare BiH for integration into Euro-Atlantic structures".

Having considered, noted and borne in mind all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Amending the Constitution of the Federation of Bosnia and Herzegovina (Official Gazette of FBiH, 1/94, 13/97, 16/02, 22/02, 52/02)

The Amendment set out hereunder forms an integral part of this Decision and shall enter into force with immediate effect.

This Decision shall come into force forthwith and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Amendment LXXXVIII

Article IV.B.3.7 (a)(ii) of the Constitution of the Federation of Bosnia and Herzegovina, shall be amended to read as follows:

"serving as commander-in-chief of the military of the Federation, subject to the provisions on civilian command in Article V.5(a) of the Constitution of Bosnia and Herzegovina."

Sarajevo, 2 April 2003

*Paddy Ashdown
High Representative*