

Decision Amending the Constitution of Republika Srpska

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.3(a) of the Constitution of Bosnia and Herzegovina, pursuant to which the Presidency of BiH shall have responsibility for conducting the foreign policy of Bosnia and Herzegovina;

Further considering Article V.3(c) of the said Constitution, which provides that the Presidency of BiH shall have responsibility for representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such organizations and institutions of which Bosnia and Herzegovina is not a member;

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, which, in reference to the sale of weapons to Iraq by the company VZ Orao, “underlined that appropriate measures, taking into consideration the issues of systemic reform and political responsibility, were essential to prevent such a situation occurring again” and “expected full cooperation from all relevant authorities in BiH in this matter, in keeping with their obligations under the Dayton-Paris Peace Accords and as a member of the United Nations. The Steering Board also stressed the need for defence reform in its own right, 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 Republika Srpska (Official Gazette of Republika Srpska, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 31/02, 69/02)

The Amendments set out hereunder form 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 Republika Srpska.

Amendment CIV

In Item 1 of Amendment XL to Article 80 of the Constitution of Republika Srpska, as amended, the provision reading “in accordance with the Constitution and Law” shall be replaced with the words “in accordance with the Constitutions of Bosnia and Herzegovina and Republika Srpska and other relevant law”.

Amendment CV

In Article 106, paragraph 1 of the Constitution of Republika Srpska, the following words shall be inserted after the words "according to the Constitution and law": "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