

Decision Extending The Mandate Of The Defense Reform Commission

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";

Recalling Article V.5(a) of the Constitution of Bosnia and Herzegovina, which provides, inter alia, that "(e)ach member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces" and that "All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina";

Considering Article V.5(b) of the said Constitution, which provides that "(t)he members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina";

Mindful of the undertakings of Bosnia and Herzegovina under the Organization for Security and Co-operation in Europe's Code of Conduct on Political-Military Aspects of Security, including undertakings related to democratic political control of military forces;

Recalling the defense pledges made by the authorities of Bosnia and Herzegovina on 28 January 2003 in the presence of the Political Directors of the Peace Implementation Council Steering Board, in particular the pledges to "implement defence reforms that will hasten BiH's integration into the European family, and make the country and the wider region more stable in the long term" and to "strengthen those State-level institutions which exercise civilian command and control over the Armed Forces in BiH, in accordance with the highest international standards";

Recognizing that the Defence Reform Commission, established by Decision of the High Representative on 9 May 2003, worked with diligence and professionalism to draft a Law on Defense of BiH and amendments to the Entity Constitutions that were thereafter enacted by the Parliamentary Assembly of Bosnia and Herzegovina and by the legislatures of the Federation of Bosnia and Herzegovina, and of the Republika Srpska;

Noting that the Defense Reform Commission produced a set of recommendations to develop a Law on the Army in the Federation of Bosnia and Herzegovina, to introduce parliamentary democratic control over armed forces and to restructure and downsize the same.

Considering that the North Atlantic Treaty Council, at its meeting on 4 December 2003, recognised the progress made by Bosnia and Herzegovina in its efforts to join Partnership for Peace, looked "forward to welcoming them into PfP once they have met the conditions set forth by the Alliance and urged BiH "to envisage the Istanbul Summit as a realistic target by which they could meet the outstanding conditions";

Noting the Communiqué by which the Steering Board of the Peace Implementation Council of 11 December 2003, "warmly welcomed the passage of almost all of the Defence Reform Commission's legislative recommendations, opening up the prospect for BiH to be considered for membership of NATO's Partnership for Peace (hereinafter "PfP")";

Further Noting that the Steering Board “urged the BiH authorities to make rapid progress on all outstanding membership conditions” and “the earliest appointment of the Minister of Defence and the two deputy Ministers of Defence, the Chief of the Joint Staff and the two deputy Chiefs, and the Commander of the Operational Command and two deputy Commanders”;

Recalling that the Steering Board welcomed and expressed its broad support for the proposal put forward by Defense Reform Commission’s Chairman James Locher to expand and refocus the DRC’s mandate to oversee the implementation of the Defense Reform Commission’s recommendations in time for the Istanbul Summit and to further enhance the coordination of the IC’s support for Defence reform;

Recalling further that in a letter of the High Representative of 19 December 2003, the Presidency of BiH and the Council of Ministers were urged to “to demonstrate early and tangible advances” on implementing the Defence Reform Commission’s recommendations with a view to meeting the benchmarks endorsed by the North Atlantic Treaty Council.

Acknowledging that assistance to and coordination between the authorities of Bosnia and Herzegovina and its Entities will be necessary if Bosnia and Herzegovina is to meet the conditions for PfP and that the Defense Reform Commission should continue to coordinate international and local efforts in the field of defense reform;

Acknowledging further that the composition Defense Reform Commission needs to reflect the new institutional structures as provided for by the Law on Defense of Bosnia and Herzegovina and the Constitution of the Entities.

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

DECISION EXTENDING THE MANDATE OF THE DEFENSE REFORM COMMISSION

Article 1

The mandate of the Defense Reform Commission of Bosnia and Herzegovina (hereinafter “the Commission”) is hereby extended to include assistance to Bosnia and Herzegovina with regard to implementation of its recommendations and to oversee the fulfillment of the benchmarks for Partnership for Peace as approved by the North Atlantic Treaty Council.

Article 2

The Commission shall examine the legal and institutional measures necessary to implement the Commission’s recommendation by, *inter alia*:

1. Monitoring the timely appointment of personnel to new institutions as established under the Law on Defense of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 43/03, 29 December 2003), including, but not limited to, the appointment of a State-level Minister of Defence and two Deputy Ministers of Defence, the Chief of the Joint Staff and two Deputies, and the Commander of the Operational Command and two Deputies.
2. Supporting the establishment of new institutional structures that will create a functioning and modern defence system. This includes the full establishment of the Security Committee of the Parliamentary Assembly, the adoption of Book of Rules for the State Ministry of Defence, the Joint Staff and Operational Command, and restructuring of the Entity Ministries of Defense.
3. Overseeing the drafting, the adoption and the implementation of budgets for the BiH defense establishment that enable the timely implementation of the Commission’s recommendations and the benchmarks for Partnership for Peace at BiH and Entity level.
4. Assisting BiH and Entity authorities in the restructuring of the new BiH force structure, their streamlining to affordable levels compatible with NATO standards and the development of a long-term financial plan that provides for a State and Entity Defence Budget System and a Common Defence Resource Management System.

5. Supporting BiH and Entity authorities the attainment of interoperability and equal service conditions throughout the Armed Forces of BiH, including developing a common system for personnel and human resource management.
6. Assisting in development of compatible operational standards in the execution of military missions and operations, including a common training policy and a program to address collective training needs (including both staff training and unit training and exercises) in accordance with NATO standards.
7. Identifying additional reforms necessary to further stabilizing the overall security situation including the identification of future reform for the transition of military capabilities to the State

Article 3

The Commission shall be composed of the Chairman, the Vice Chairman and the following members:

- i. The State Minister of Defense;
- ii. The Chairman of the Joint Commission on Security and Defense of the BiH Parliamentary Assembly;
- iii. The Republika Srpska and the Federation of Bosnia and Herzegovina Ministers of Defence.

The European Union, North Atlantic Treaty Organization (NATO) and the Stabilization Force (SFOR), shall each be invited to appoint one representative to the Commission.

The Chairman can appoint new members to the Commission after a request made to the High Representative to that effect is granted.

Article 4

The United States, the European Union, Turkey as representative of the Organisation of Islamic Conference and the Russian Federation may each appoint a permanent observer to the Commission.

The Chairman may also call for experts to provide expertise and evidence at meetings of the Commission, as s/he deems necessary for the fulfillment of the mandate of the Commission as provided for in this Decision.

Article 5

The Chief of the BiH Joint Staff and the most senior military officer in each Entity shall be advisors to the Commission.

The George C. Marshall European Center for Security Studies will be invited to appoint a member with observer status to the Commission.

The Chairman may appoint any other advisors/observers as s/he deems necessary for the fulfillment of the mandate of the Commission as provided for in this Decision.

Article 6

There will be a Chairman of the Commission appointed by the High Representative. The Director of the Department for Security Cooperation of the Organization for Security and Cooperation in Europe will serve as Vice Chairman of the Commission.

Article 7

The Chairman shall be responsible for directing the work of the Commission. He shall prepare a schedule of work and working procedures, as well as call meetings of the Commission, which may be held as required at locations throughout Bosnia and Herzegovina. No specific quorum shall be required in order to hold a meeting of the Commission.

The Vice Chairman will act as the Chairman in his/her absence.

Article 8

The Commission shall establish a Deputies' Committee tasked with coordinating the day-to-day support and assistance to the Commission on matters related to the implementation of this Decision.

The Vice Chairman of the Defence Reform Commission shall act as the Chair of the Deputies' Committee. A State-level Deputy Minister of Defence shall act as the Deputy Chair of Deputies Committee.

The membership of the Deputies Committee shall be proposed by the Chairman of the Defence Reform Commission and approved by the Commission.

The Chair of the Deputies Committee shall be responsible for directing the work of the Deputies Committee. No specific quorum shall be required in order to hold a meeting of the Committee.

Article 9

The Chairman of the Defence Reform Commission may call for the formation of sub-working groups as s/he deems necessary for the fulfillment of the mandate of the Commission as provided for in this Decision.

Article 10

The Commission shall have such support staff and technical assistance as may hereinafter be determined.

Article 11

The Commission will continue to operate until the end of 2004 except otherwise provided by the High Representative.

Article 12

Until all the members of the Commission provided for in Article 3, paragraph 1, i) and ii) of this Decision are appointed, the Commission will continue to meet in its previous composition. Upon appointment of first member contemplated in Article 3, paragraph 1, i) and ii) of this Decision, said member may participate in the Commission as a full member.

Article 13

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

Sarajevo, 3 February 2004

*Paddy Ashdown
High Representative*