

Decision Amending the High Representative Decision Extending The Mandate Of The Defense Reform Commission As Published In The Official Gazette Of Bosnia And Herzegovina No. 4/04

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 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”);

Recalling the HR Decision of 04 February 2004 issued on 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 Defense reform;

Recalling further that BiH has made substantial progress in reforming the defence establishment, meeting nearly all of NATO’s expectations and that the BiH authorities have significantly increased its responsibilities in defense reform..

Acknowledging that the BiH Ministry of Defense led by Minister Nikola Radovanovic has been an important driving force in reaching quick and significant results in setting up the new BiH defense establishment.

Considering the proposal put forward by the Defense Reform Commission’s Chairman James Locher to appoint Minister Nikola Radovanovic as a Co-Chairman of the Defense Reform Commission, further demonstrating the extent to which BiH has transformed its defence establishment and taken on increased responsibilities.

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

DECISION

AMENDING THE HIGH REPRESENTATIVE DECISION EXTENDING THE MANDATE OF THE DEFENSE REFORM COMMISSION AS PUBLISHED IN THE OFFICIAL GAZETTE OF BOSNIA AND HERZEGOVINA NO. 4/04

Article 1

In the Decision Extending the Mandate of the Defense Reform Commission (Official Gazette of Bosnia and Herzegovina, No. 4/04) in Article 3, paragraph 1 shall be amended and read as follows:

“The Commission shall be composed of two Co-Chairmen, the Vice Chairman and the following members:

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

In paragraph 3, the word “Chairman” shall be replaced by the word “Co-Chairmen”.

Article 2

In Article 4, paragraph 2 and in Article 5, paragraph 3, the word “Chairman” shall be replaced by the word “Co-Chairmen” and the words “s/he deems” shall be replaced by the words “they deem”.

Article 3

Article 6 shall be amended and read as follows:

“The High Representative shall appoint international Co-Chairman of the Commission. The Minister of Defense of Bosnia and Herzegovina will serve as the other Co-Chairman of the Commission. 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 4

Article 7 shall be amended and read as follows:

“The Co-Chairmen shall be responsible for directing the work of the Commission. They shall prepare the schedule of work and the working procedures, as well as call the meetings of the Commission, which may be held as required at various 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 absence of Co-Chairmen.”.

Article 5

In Article 8, paragraph 3 and in Article 9, the word “Chairman” shall be replaced by the word “Co-Chairmen”. In article 9 the words “s/he deems” shall be replaced with the words “they deem”.

Article 6

Article 12 of the Decision Extending the Mandate of the Defense Reform Commission shall be deleted.

Article 7

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

Sarajevo, 11 May 2004

*Paddy Ashdown
High Representative*