

Decision Enacting the Law on Amendments to the Election Law 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 the 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";

Observing that the Steering Board of the Peace Implementation Council at its session held in Brussels on February 28, 2002 underlined the responsibility of the BiH political leaders and institutions to ensure that the Bosnian people are able to exercise their democratic right in the free, fair and democratic elections;

Bearing in mind the fact that the transitional provisions of the Election Law of Bosnia and Herzegovina (Official Gazette of the BiH No. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04) give the High Representative an important role in the appointment of the members of bodies entrusted with the organisation of elections and ensure that international members will sit in the Election Commission of Bosnia and Herzegovina;

Noting that said provisions and in particular Article 20.1 and Article 20.2 of the Election Law of Bosnia and Herzegovina remain in force until the High Representative's mandate terminates or until he/she so decides;

Taking into account the progress achieved in the electoral process in Bosnia and Herzegovina and the successful organization of the General Elections in 2002;

Further taking into account the fact that the Local Elections in 2004 have been independently organized by the Election Commission of Bosnia and Herzegovina and exclusively financed by BiH authorities;

Bearing in mind the totality of the matters aforesaid, I hereby issue the following:

DECISION

Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina,

which is hereby attached as an integral part of this Decision.

The said Law shall enter into force as a law of the Bosnia and Herzegovina as provided for in Article 4 thereof on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

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

Sarajevo, 4 April 2005

Paddy Ashdown

High Representative

LAW ON AMENDMENTS TO THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

The Election Law of Bosnia and Herzegovina (Official Gazette of the Bosnia and Herzegovina No. 23/01), as amended (Official Gazette of the Bosnia and Herzegovina No. 7/02, 9/02, 20/02, 25/02, 4/04, 20/04) is hereby further amended as follows:

Article 1

In the first paragraph of Article 2.5, the words "Except in the case regulated by Article 19.1 of this law" shall be deleted.

Article 2

In the first paragraph of Article 20.1, the words "Until the High Representative's mandate terminates or he or she so decides" shall be replaced by the following: "Until 30 June 2005".

Paragraphs 2 through 6 of Article 20.1 shall be deleted.

A new paragraph 2 shall be added and shall read as follows:

"The relevant authorities shall immediately initiate the procedure of election of new members of the Election Commission pursuant to Article 2.5 of this Law with a view to complete the procedure by the date set forth in the previous paragraph."

Article 3

Article 20.2 shall be deleted.

Article 4

The Law on Amendments to the Election Law of Bosnia and Herzegovina shall be published in the "Official Gazette of Bosnia and Herzegovina" and shall enter into force on the eighth day after its publication.