

Supervisory Order on Temporary Suspension on Payments of Salaries and all Remunerations to the Members of Brcko District Government and Councilors of the Assembly of Brcko District

In accordance with the powers vested in me by Paragraphs 8, 10, 11, 13, 36 and 37 of the Final Award, dated March 5, 1999, of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brcko Area ("the Brcko Tribunal");

Noting in particular the powers of the Supervisor provided for in paragraph 24 of the Supplemental Award of the Brcko Tribunal dated March 15, 1998, that paragraph reading in relevant part that "The Supervisor ... shall enjoy in the Brcko area powers equivalent to those conferred upon the High Representative by the Bonn Conference of December 1997, including the power to remove from office any public official considered by the Supervisor to be inadequately cooperative with his efforts to achieve compliance with the Dayton Accords, to strengthen democratic institutions in the area, and to revitalize the local economy"; and noting paragraph XI.2 of the Conclusions of the Bonn Peace Implementation Conference held on December 9 and 10, 1997, providing that the High Representative (and therefore, pursuant to paragraph 24 of the Supplemental Award, the Supervisor) may issue "binding decisions, as he judges necessary ... [which] may include actions against persons holding public office";

Emphasizing that timely adoption of the Budget is one of the most important tasks and duties in order to achieve financial stability and maintain economic sustainability as well as to ensure democracy in the economy and finances of the District, as mandated by Paragraph 8 of the August 18, 1999 Annex to the Final Award;

Further emphasizing that adherence to the requirements of the Statute, which include firm deadlines for adoption of the Budget, must be complied with fully if the Supervisor is to have confidence that the Statute will be honored after Supervision is ended;

Disappointed that the Government of Brcko District of BiH has collectively failed to provide an accurate and reliable draft budget for 2008 by proposing substantial amendments to its own budget and that the Councilors of Brcko District Assembly have also collectively failed to adopt the 2008 budget in a timely manner because of their own delays in commencing budget hearings and other necessary measures;

Aware that delay in adoption of budget for 2008 will cause harm to interests of Brcko District citizens and block and/or delay various plans, projects and processes;

Noting further that the Government members and Councilors perform the most responsible and sensitive duties stemming from their respective positions;

Not prepared to allow that citizens and institutions of Brcko District to suffer any damage caused by a collective failure to timely adopt the 2008 Budget;

I therefore order that:

1. Salaries and all remunerations to the Councilors of Brcko District of BiH Assembly, the Speaker and Deputy Speaker and the Committee Chairs of Brcko District of BiH Assembly, paid from the budget of Brcko District be suspended with immediate effect until the adoption of the 2008 Brcko District Budget. This suspension does not apply to regular payment of pension and health insurance contributions, taxes and compensations of material costs incurred as the result of the exercise of their functions and paid from the fund for material costs of the Assembly.
2. Salaries to all members of the Government of Brcko District of BiH paid from the budget of Brcko

District be suspended with immediate effect until the adoption of the 2008 Brcko District Budget. This suspension does not apply to regular payment of pension and health insurance contributions, taxes and compensations of material costs incurred as the result of the exercise of their functions and paid from the fund for material costs.

3. The Finance Directorate – the Treasury suspend, with immediate effect, all payments of salaries and remunerations pursuant to Items 1 and 2 of this Order until the adoption of the 2008 Brcko District Budget. This shall include payments of salaries and remunerations for November 2007.
4. All public officials, civil servants and employees in the District shall take all necessary measures to ensure that this Order be executed in full.
5. This Order has immediate effect without further procedural steps.
6. For the avoidance of doubt, the provisions of this Order override all inconsistent legislation and legal acts to the extent necessary to give this Order full effect.
7. This Supervisory Order shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina.
8. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of inconsistency, the English language version is authoritative for all purposes.

Dr. Raffi Gregorian

Supervisor of Brcko

Principal Deputy High Representative