

Directive Reducing Party Funding for the HDZ

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 the Peace Agreement throughout Bosnia and Herzegovina and its Entities which “may include actions against persons holding public office or officials...who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation”;

Recalling that, at its 12 June 2003 meeting, the Peace Implementation Council Steering Board endorsed pledges made by Bosnia and Herzegovina authorities in moving towards the integration of the school system and stated its unanimous decision that the very existence of two schools under one roof (“2/1”) is contrary to the principles set forth in the Education Reform Strategy (“ERS”);

Noting that “2/1” is also clearly contrary to the Council of Europe post-accession requirements for Bosnia and Herzegovina “to maintain and continued reform in the field of education and to eliminate all aspects of segregation and discrimination based upon ethnic origin”;

Applauding the overriding objective of the ERS to depoliticise education, while creating conditions that will ensure equal access to a high-quality, modern education throughout the country;

Fully Cognisant of the fact that, in order to achieve this objective, all children must have access to quality education in integrated, multi-cultural schools which are free from political, religious, cultural and other bias and discrimination and which respect the rights of all children;

Recalling that the objective of these reforms is to end wasteful bureaucratic duplication and free up resources for children and teachers, and that said reforms have no impact on the language of instruction or the curriculum;

Recalling the Directive Suspending All Disbursements of Budgetary Itemisations for Party Funding to the HDZ of 26 March 2004 that resulted from the failure by competent authorities of the Central Bosnia and Herzegovina-Neretva Cantons to implement instructions on administrative integration in order to continue the Unification;

Deeply regretting the fact that the Central Bosnia Cantons has continued to delay the enactment of decisions on administrative unification of the remaining “two schools under one roof”;

Convinced that the HDZ Party figures have the power to overcome this obstructionism, aimed at maintaining a segregated school system;

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

DIRECTIVE

Reducing Party Funding for the HDZ

Article 1

The budgetary itemisation for the fiscal year 2004 for political party funding that is yet to be disbursed to the HDZ in the Central Bosnia Canton shall be reduced by five (5) percent, effective on 30 April 2004, if the authorities of the Central Bosnia Canton fail to implement the instruction on administrative integration of schools by that date.

Article 2

Should the authorities of the Central Bosnia Canton fail to implement the instruction on administrative integration of schools beyond 30 April 2004, five (5) percent of the political party funding allocated to the HDZ shall be deducted on a weekly basis until said instruction has been fully implemented.

Article 3

The Ministers of Finance of the Central Bosnia Canton respectively, or any other person who may be acting on behalf of the aforesaid persons, are hereby directed:

1. to implement this Directive to the extent it applies to them;
2. to furnish, no later than three (3) working days from the receipt of the notification provided for in Article 5, Paragraph 1 of this Directive, evidence, in the form of a written undertaking, to the Office of the High Representative that Article 2 of this Directive will be executed; and
3. to furnish, no later than three (3) days from the date of the signing of this Directive, evidence, in the form of a written undertaking, to the Office of the High Representative that Article 1 of this Directive has been executed.

The Minister of Finance shall be held accountable for the orderly execution of this Directive.

Article 4

This Directive does not require further procedural steps to be taken and shall supersede any regulation or law which may be in contradiction with it.

Article 5

The High Representative will notify the Central Bosnia Canton of the total percentage that shall be deducted from the political party funding allocated in 2004 to the HDZ in that particular Canton.

If the said sums are higher than the amount of budgetary itemizations allocated to the HDZ for the fiscal year 2004, the portion of the sums that cannot be deducted from the said budgetary itemisation shall be deducted from the budgetary itemisation for political party funding to the HDZ for the fiscal year 2005.

The sums deducted pursuant to Paragraph 1 and 2 of this Article shall be transferred to the budget item pertaining to Education of the relevant canton.

Article 6

For the avoidance of doubt, it is hereby specifically declared and provided that the provisions of the Directive contained herein are, as to each and every one of them, laid down by the High Representative pursuant to his international mandate and are not, therefore, justiciable by the Courts of Bosnia and Herzegovina or its Entities or elsewhere, and no proceedings may be brought in respect of duties carried out thereunder before any court whatsoever at any time hereafter.

Article 7

This Directive shall enter into force forthwith and shall be immediately published on the official website of the Office of the High Representative and shall be published without delay in the Official Gazettes of the Central Bosnia Canton.

Sarajevo, 26 April 2004

*Paddy Ashdown
High Representative*