

Directive Reducing the Wages of the Ministers and Deputy Ministers of Herzegovina-Neretva Canton

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 with displeasure that political obstructionism in Herzegovina-Neretva Canton, in the form of failure by the political parties to agree on a slate of Ministerial candidates which would meet with the approval of the Assembly, has paralysed the governmental structure in said Canton;

Convinced that there is a need for urgent implementation of the provisions of the Federation Constitution necessary for the formation of new Governments following the 5 October 2002 elections in accordance with the four partial Decisions of the Constitutional Court of Bosnia and Herzegovina in case no. 5/98;

Mindful of the immediate need to remedy this situation in the interest of the citizens of Herzegovina-Neretva Canton;

Determined to acquaint the political establishment with the fact that abuse of the democratic process will draw serious consequences for the principal actors; and

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

DIRECTIVE

Reducing the Wages of the Ministers and Deputy Ministers of Herzegovina-Neretva Canton

Article 1

To reduce the monthly wage of each of the serving government Ministers and Deputy Ministers in the caretaker government of Herzegovina-Neretva Canton to a level corresponding to the last-announced net average monthly wage figure in the Federation of Bosnia and Herzegovina, as provided by the Statistical Institute of the Federation of Bosnia and Herzegovina.

Article 2

The Minister of Finance and his Deputy and the Director and Deputy-Director of Herzegovina-Neretva Canton Treasury, or any other person who may be acting on behalf of the aforesaid persons are hereby directed:

- 1) to implement this Directive; and
- 2) to furnish no later than seven (7) days from the payment of salaries falling within the scope of this Directive evidence to the Office of the High Representative that the provisions of this Directive have been executed.

The Minister and his Deputy shall be held accountable for the orderly execution of this Directive.

Article 3

The reduced salaries shall serve as exclusive basis in determining the amount of severance compensation, if any.

Article 4

The order of priority in the governmental disbursement system will be altered in such a manner as to ensure that all other salaries paid out of the Canton budget take precedence over disbursement of salaries to public officials affected by this Directive.

Article 5

This Directive shall have immediate effect with respect to salaries to be earned from the date of this Directive entering into force. This Directive does not require further procedural steps to be taken. The salaries referred to above shall forthwith be reduced in compliance with this Directive and maintained at that level until such time as a new Government is elected by the Cantonal Assembly in accordance with Article V.3.8, paragraph 2 of the Constitution of the Federation of Bosnia and Herzegovina or until such time as the High Representative may decide otherwise.

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 be published without delay in the Official Gazette of the Herzegovina-Neretva Canton.

Sarajevo, 12 June 2003

*Paddy Ashdown
High Representative*