

Supervisory Order Prohibiting Certain Non-Salary Payments to Civil Servants

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

Believing that reform of public administration to create a politically neutral, cost-conscious, professional and independent civil service is one of the most important challenges facing Brcko District and Bosnia and Herzegovina today;

Recalling that the Law on Civil Servants of Brcko District of Bosnia and Herzegovina published in the Official Gazette of the Brcko District of BiH, No 41/04 and 20/05 and as subsequently amended ("the Law") makes provision for certain kinds of payments to be made to civil servants, in excess of their regular salaries, to wit:

(1) Article 25, paragraphs 3 and 4 of the Law provide that civil servants may be paid, at the discretion of the Mayor and by way of a Mayoral decision, for service upon government commissions, steering boards of public enterprises, and for certain other activities; and

(2) Article 73, paragraph 2 of the Law provides that in certain circumstances, the salary of a civil servant shall be increased by 50%, upon his or her temporary transfer to another position;

Disappointed that these provisions have been abused by the District government, to provide significant uplifts to the

salaries of selected civil servants, and that those uplifts are not in general warranted having regard to the additional time and effort spent by those civil servants in executing their employment duties;

Further recalling that civil servants in Brcko District are amongst the best paid in Bosnia and Herzegovina, and that their salaries are on average significantly higher than the average salaries paid for other jobs in the District;

Believing that public sector wage inflation is damaging to the economic welfare of the District, that there are pressing social and economic concerns on which the District ought to be spending its revenues, rather than paying a select group of civil servants top-ups to their already generous salaries, and that excessive payments to civil servants during a period of prolonged economic depression and unemployment is damaging to the District government's public image, and is fundamentally unfair and unwise;

Aware that the District government is currently in the process of drafting a new law regulating the conduct of civil servants, but believing that interim measures are necessary to prevent further abuses of budgetary resources pending adoption of the new law, and of the opinion that the District must adopt a new law on civil service, to give effect to a wide range of necessary public administration reform measures, as soon as possible;

I hereby order that:

1. The Government of Brcko District shall make no further payments pursuant to Article 25 paragraphs 3 or 4 or Article 73 paragraph 2 of the Law on Civil Servants of Brcko District, or pursuant to any decision of the Mayor issued pursuant to either of these provisions. Neither shall the Government make any further payments akin to those provided for in these provisions, whatever the purported legal basis for those

payments.

2. The Mayor shall issue no further decisions pursuant to any of the preceding provisions.

3. As an exception to the instructions contained in paragraphs 1 and 2 above, the Supervisor will consider any requests, made in writing by the Mayor of Brcko District, for approval of other payments to be made pursuant to Article 25 paragraphs 3 or 4 or Article 73 paragraph 2 of the Law on Civil Servants of Brcko District.

4. A new draft law, regulating the conduct of civil servants and replacing the Law on Civil Servants of Brcko District in its entirety, together with drafts of all accompanying rule-books, shall be presented to the District Assembly no later than May 31, 2006. All government departments shall cooperate fully upon request with the working group tasked with preparation of this draft law.

5. This Supervisory Order has immediate effect and shall be published without delay in the Official Gazette of the Brcko District. The Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its implementation.

Susan R. Johnson
Supervisor of Brcko
Deputy High Representative