

Decision imposing the Law on the Assets of the Employment Bureau of Bosnia and Herzegovina

In the exercise of the powers vested in me 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";

Considering Article I. 4 of the Constitution of Bosnia and Herzegovina, which provides for the freedom of movement of persons throughout Bosnia and Herzegovina and of necessity encompasses also the freedom to gain a livelihood throughout Bosnia and Herzegovina;

Considering also Article III.5 of the Constitution of Bosnia and Herzegovina, which provides that additional institutions may be established by Bosnia and Herzegovina to carry out responsibilities flowing from its international personality;

Further considering that both the promotion of freedom of movement and the fulfillment of the international obligations of Bosnia and Herzegovina requires the maintenance of a central institution competent in the field of employment at the level of Bosnia and Herzegovina;

Regretting the fact that the authorities of Bosnia and Herzegovina have not yet enacted a law providing for a redefined mandate of the Employment Bureau of Bosnia and Herzegovina in accordance with the Constitution of Bosnia and Herzegovina;

Bearing in mind that the Peace Implementation Council urged in Brussels on 23-24 May 2000 the authorities to proceed with broad-based reform of the labour legislation and the social security system and also urged the High Representative to use his authority in accordance with his mandate to remove obstacles that stand in the way of economic reform and to create the conditions for self-sustaining market-driven economic growth to avoid an economic crisis as Bosnia and Herzegovina makes the transition from a donor dependent economy;

Noting the terms of the Law on Job-Placement and Social Security of the Unemployed of the Federation of Bosnia and Herzegovina;

Noting also that it is critical to provide the Employment Bureau of the Federation of Bosnia and Herzegovina and the Employment Services in the Cantons, established by the aforementioned Law, with the necessary assets for the exercise of their respective competence;

Recalling that the Employment Bureau of Bosnia and Herzegovina owns assets, which are no longer necessary for the exercise of its competence;

Bearing finally in mind that it is essential to preserve the assets necessary for the continuity of the Employment Bureau of Bosnia and Herzegovina as a State Institution;

All this considered, born in mind and noted, I hereby issue the following Decision on the Law on the Assets of the Employment Bureau of Bosnia and Herzegovina. The Law which is hereinafter set out shall enter into force on an interim basis, until such time as the Parliament of Bosnia and Herzegovina adopt this Law in due form, without amendments and with no conditions attached;

Pursuant to, and as an integral part of this my Decision herein, I require the appropriate authorities of Bosnia and Herzegovina to take all necessary steps to ensure that the laws and regulations of Bosnia and Herzegovina are and remain fully harmonized with the Law on the Assets of the Employment Bureau of Bosnia and Herzegovina. In the event that changes are required to be made to the laws and/or regulations of Bosnia and Herzegovina in consequence thereof, such changes are to be effected no later than six months after the entry into force of the said Law on the Assets of the Employment Bureau of Bosnia and Herzegovina;

This Decision, which has immediate effect, shall be published without delay in the Official Gazette of Bosnia and Herzegovina;

DECISION

On the Law on the Assets of the Employment Bureau of Bosnia and Herzegovina

I. GENERAL PROVISIONS

Article 1

The Employment Bureau of Bosnia and Herzegovina (hereinafter: the BiH Bureau) shall transfer to the Federal Employment Bureau (hereinafter: the Federal Bureau), established under the Law on Job-Placement and Social Security of the Unemployed of the Federation of Bosnia and Herzegovina, its employees, equipment, inventory and other objects, archives, files, cases, other documentation, instruments of labor (capital investments), business premises and other property, which are necessary for the exercise of its competence as defined under the Law on Job-Placement and Social Security of the Unemployed of the Federation of Bosnia and Herzegovina.

Article 2

1. The BiH Bureau shall transfer to the Employment Services of the Cantons, established under the Law on Job-Placement and Social Security of the Unemployed, the employees, equipment, inventory and other objects, archives, files, cases and other documentation, instruments of labor (capital investments), business premises and other property, which are necessary for the exercise of their competence as defined under the Law on Job-Placement and Social Security of the Unemployed of the Federation of Bosnia and Herzegovina.

Article 3

1. In order to implement the provisions under Articles 1 and 2 of this Law, the Council of Ministers of Bosnia and Herzegovina (hereinafter: Council of Ministers) shall establish a Commission for the transfer of assets of the BiH Bureau (hereinafter: Commission).

2. The Council of Ministers shall invite two representatives of the Government of the Federation of Bosnia and Herzegovina to participate in the work of the Commission.

3. The Commission shall be competent to decide on taking over of employees, allocation of resources, other objects and cases as referred to under Articles 1 and 2 of this Law.

4. The decisions of the Commission shall be taken by consensus of its members. In the event that a period of six months has elapsed since the entry into force of this Law without the Commission being established or with the Commission failing to fulfill its mandate, the Chair of the Council of Ministers shall request the President of the Court of Bosnia and Herzegovina to nominate an Arbitrator to fulfill the tasks under Paragraphs 1 and 3 hereof.

5. The decisions of the Commission or the Arbitrator shall be binding upon the BiH Bureau and the Institutions of Bosnia and Herzegovina.

Article 4

1. This Law shall be published without delay in the "Official Gazette of the Bosnia and Herzegovina" and enter into force on the day following such publication.

2. This Law shall be further published in the Official Gazettes of the Federation of Bosnia and Herzegovina and the Republika Srpska.

Sarajevo, 20 December 2000

Wolfgang Petritsch
High Representative

Office of the High Representative