

Directive Suspending All Disbursements of Budgetary Itemisations for Party Funding to 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;

Deeply regretting the fact that the Central Bosnia and Herzegovina-Neretva Cantons have failed to implement instructions on administrative integration in order to continue the unification;

Welcoming the public statement made by the HDZ on 24 March 2004 which indicates that, with respect to the issue of administrative unification of schools, the relevant ministers have already undertaken all required activities falling within their competencies and forwarded these issues to the founders of schools for further procedure;

Noting, however, that such statement will need to be followed by concrete decisions of the appropriate authorities in the above-mentioned Cantons;

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

DIRECTIVE

Suspending All Disbursements of Budgetary Itemisations for Party Funding to the HDZ

Article 1

All disbursements of budgetary itemisation for political party funding to the HDZ in the Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation of Bosnia and Herzegovina and Cantonal Assemblies of the Central Bosnia Canton, Western Herzegovina Canton, Canton 10, Posavina Canton and Herzegovina-Neretva Canton shall be suspended with immediate effect.

The suspension of disbursement of budgetary itemisations for political party funding provided for under the previous paragraph will remain in effect until 23 April 2004, unless otherwise provided by the High Representative.

Article 2

At the State level, the Minister of Finance and Treasury and her Deputy, or any other person who may be acting on behalf of the aforesaid persons, are hereby directed:

1. to implement this Directive;
2. 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 this Directive has been executed.

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

Article 3

At the level of the Federation of Bosnia and Herzegovina, the Minister of Finance, 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) 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 this Directive has been executed.

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

Article 4

At the Cantonal level, the Minister of Finance, 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) 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 this Directive has been executed.

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

Article 5

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 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 published without delay in the Official Gazette of Bosnia and Herzegovina, the Official Gazette of the Federation of Bosnia and Herzegovina as well as the Official Gazettes of all Cantons referred to under Paragraph 1 of Article 1.

Sarajevo, 26 March 2004

*Paddy Ashdown
High Representative*