

Decision Suspending all Disbursement of Budgetary Itemisations for party funding to the HDZ BiH, the SDA, the HDZ 1990 - HZ and the SBiH...

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation on 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",

Aware that almost eight months have passed since the General Elections were held and almost seven months since the Cantonal assembly was established;

Noting that certain political stakeholders in the Herzegovina-Neretva Canton, by their extremely irresponsible conduct, have preferred their individual and party interests to the interests of citizens and therefore abused the trust of their voters and citizens in general;

Deploing that, as a result of this irresponsible conduct of the political stakeholders, executive authorities in the Herzegovina-Neretva Canton have not yet been established and that a caretaker government has been in place through that period;

Recalling that, at its session held at the level of Political Directors in Sarajevo on 20 October 2006, the Steering Board of the Peace Implementation Council welcomed the conduct of the 1 October election and called for the completion of government formation as soon as possible.

Recalling the letter of the High Representative of 11 May 2007 addressed to the representatives of the respective political parties, in which they were put on notice of the fact that the situation in the Herzegovina-Neretva Canton is untenable and warned that the High Representative may have to take certain measures to remedy such situation;

Convinced that the HDZ BiH, the SDA, the HDZ 1990 - HZ and the SBiH as political stakeholders in Herzegovina-Neretva Canton must assume their part of responsibility for the situation that proved to be highly unsatisfactory in regard of the executive authorities in the canton;

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

DECISION

Suspending all Disbursement of Budgetary Itemisations for party funding to the HDZ BiH, the SDA, the HDZ 1990 - HZ and the SBiH from the budget of the Bosnia and Herzegovina, the budget of the Federation of Bosnia and Herzegovina and the budget of the Herzegovina-Neretva Canton and

Reducing Party Funding to the HDZ BiH, the SDA, the HDZ 1990 - HZ and the SBiH from the Budget of the Herzegovina-Neretva Canton

Article 1

All disbursements of budgetary itemizations for political party funding to the HDZ BiH, the SDA, the HDZ 1990 - HZ and the SBiH from the budget of Bosnia and Herzegovina, the budget of the Federation of Bosnia and Herzegovina and the budget of the Herzegovina-Neretva Canton for 2007 shall be suspended with immediate effect.

The suspension of disbursement of budgetary itemisation for political party funding provided for under Paragraph 1 of this Article will remain in effect until the Cantonal Government of the Herzegovina-Neretva Canton is approved by the Cantonal Legislature pursuant to Article V, 8 of the Constitution of the Federation of Bosnia and Herzegovina.

Article 2

The budgetary itemisation for the fiscal year 2007 for political party funding that is yet to be disbursed from the budget of the Herzegovina-Neretva Canton to the HDZ BiH and the SDA is hereby reduced by forty percent (40%).

The budgetary itemisation for the fiscal year 2007 for political party funding that is yet to be disbursed from the budget of the Herzegovina-Neretva Canton to the HDZ 1990-HZ and the SBiH is hereby reduced by twenty percent (20%).

Article 3

Should the Legislature of the Herzegovina-Neretva Canton fail to approve the Cantonal Government beyond 7 June 2007, an additional twenty percent (20%) of the budgetary itemisation for the fiscal year 2007 for political party funding that is yet to be disbursed to the HDZ BiH, the SDA, the HDZ 1990-HZ and the SBiH in the Herzegovina-Neretva Canton shall be deducted on a weekly basis until such time that the Cantonal Government has been approved.

Article 4

Should the Legislature of the Herzegovina-Neretva Canton fail to approve the Cantonal Government by 28 June 2007, the High Representative reserves the right to issue a further Decision reducing party funding to the political parties provided for in Article 1 through 3 of this Decision from the budget of the Federation of Bosnia and Herzegovina and/or the budget for the institutions of Bosnia and Herzegovina.

Article 5

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

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

The Ministers of Finance or, in the absence of them, any other person who may be acting on behalf of the aforesaid persons, shall be held accountable for the orderly execution of this Decision.

Article 6

This Decision does not require further procedural steps to be taken and shall supersede any regulation or law

which may be in contradiction with it. This Decision in no way releases the political parties of any of its obligations under the Election Law of Bosnia and Herzegovina or the Law on Party Financing of Bosnia and Herzegovina.

Article 7

For the avoidance of doubt, it is hereby specifically declared and provided that the provisions of the Decision 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 an time hereinafter.

Article 8

The amounts deducted pursuant to Article 2 and 3 of this Decision shall be transferred to the budget item pertaining to the funds for social care as follows: 614300/JAN017 (*house care*), 614300/JAN022 (*Los Rossales*) 614300/JAN010 (*Sveta obitelj*) 614200/JAM017 (*assistance to children suffering from coeliac disease*).

The transferred amounts referred to in Paragraph 1 of this Article shall be considered as funds for specific projects, shall not have any impact on the funding already provided by the Budget of the Herzegovina Neretva Canton for 2007, and shall be spent exclusively for the needs of beneficiaries of those institutions.

The recipients referred to in Paragraph 1 of this Article shall submit a report to the Office of the High Representative, through the Ministry of Finance of Herzegovina-Neretva Canton, on the manner of spending the additional funds.

Article 9

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina and the Official Gazette of the Herzegovina - Neretva Canton.

Sarajevo, 29 May 2007

Dr. Christian Schwarz-Schilling
High Representative