

Supervisory Order Amending the Statute of the Brcko District of Bosnia and Herzegovina

In accordance with the powers vested in me by Paragraphs 8, 10, 11, 13, 36 and 37 of the Final Award, dated March 5, 1999, of the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area (“the Brcko Tribunal”);

In accordance also with Paragraph 67 of the Final Award of March 5, 1999 providing in relevant parts that the Brcko Tribunal “will retain jurisdiction over (...) dispute until such time as the Supervisor, with the approval of the High Representative, has notified the Tribunal (...) that such institutions are functioning effectively and apparently permanently”;

Noting in particular Paragraph 1 of the Annex to Final Award of August 18, 1999 in its relevant parts, providing that, “Every present or future resident of the District who was a citizen of an entity prior to the establishment of the District shall remain a citizen of that entity. As to all other District residents, including persons born after the establishment of the District, the Supervisor may provide in the Statute for the District Government, after taking into account applicable laws of Bosnia and Herzegovina, that each such person shall have the right at an appropriate time to choose his or her entity citizenship. The Supervisor may also include in the District Statute, after taking into account applicable laws of Bosnia and Herzegovina, a mechanism for allowing any resident of the District to change his or her entity citizenship, regardless of his or her location within the District (...).”

Recalling that the Statute of the Brcko District of Bosnia and Herzegovina ("the Statute") was enacted by Supervisory Order dated March 8, 2000, establishing the initial organization of Brcko District institutions;

Recalling further that since then, the Statute has been amended by Supervisory Orders dated August 23, 2000; March 26, 2004; July 15, 2005; September 12, 2005; February 2, 2007 and May 6, 2008 and by Brcko District Assembly decision dated July 7, 2005;

Reminding that when I enacted amendments to the Statute on May 6, 2008, which introduced measures in order to improve the effectiveness and functionality of the Brcko District Assembly and to harmonize Brcko District legislation with State legislation, I reserved the right to make further changes to the Statute, should that prove necessary or conducive to the efficiency of Brcko District institutions;

Acknowledging that on September 18, 2009, the High Representative issued three Decisions amending the Entity and State legislation on Entity and Bosnia and Herzegovina citizenship establishing a mechanism allowing any resident of the District to change his or her entity citizenship and therefore indirectly enabling them to exercise his or her voting option and vote in one or the other Entity;

Recalling that those amendments to Entity and State legislation solely aim at the implementation of the Final Award and at the completion of Supervision;

Recalling further that the Brcko District Assembly adopted unanimously the Law of Brcko District of Bosnia and Herzegovina on Selection and Change of Entity Citizenship at its 15th regular session on October 28, 2009, fully harmonized with Entity and State Laws;

In furtherance of the enactment of the above-mentioned

amendments to Brcko District, Entity and State legislation, and with the aim of accordingly reflecting those legal changes in the Brcko District Statute;

Having therefore decided to make the necessary amendments to the Statute and the August 4, 2006 Supervisory Order by way of Supervisory Order, and believing this course to be the most appropriate and needed to create the conditions required for the orderly termination of Supervision and for the effective functioning of Brcko District institutions after Supervision has terminated;

Again reserving the right to make further changes to the Statute should that prove necessary or conducive to the effective functioning of Brcko District institutions;

I therefore hereby order that:

1. The Amendment to the Statute of the Brcko District of Bosnia and Herzegovina hereinafter set out in Annex I to this Supervisory Order is hereby enacted. This Amendment to the Statute takes effect on the date of this Supervisory Order.
2. Every institution and every public official of Brcko District shall observe the amended Statute with effect from the date of this Supervisory Order.
3. The Amendment to the Statute of Brcko District of Bosnia and Herzegovina enacted by virtue of Paragraph 1 of this Supervisory Order may subsequently be amended by the Brcko District Assembly in accordance with the Statute and the Rules of Procedure of the Assembly of Brcko District of Bosnia and Herzegovina.
4. This Supervisory Order has immediate effect without further procedural steps. It shall be published without delay in the Official Gazette of the Brcko District of Bosnia and Herzegovina. All public officials in the Brcko District shall take all necessary measures to ensure that it is executed in full and on time.

5. This Supervisory Order is published in English and in the official languages of Bosnia and Herzegovina. In the event of any inconsistency, the English language version is authoritative for all purposes.
6. For the avoidance of doubt, the provisions of this Order override all inconsistent legislation and legal acts to the extent necessary to give this Order full effect.
7. The Amendment to the Statute hereby enacted and attached to this Supervisory Order as its Annex I is published in English and in the official languages of Bosnia and Herzegovina. In the event of any inconsistency:
 - (a) the English language version is authoritative for all purposes while Supervision continues in Brcko District;
 - (b) the version in the official languages of Bosnia and Herzegovina is authoritative for all purposes after Supervision has terminated.

Dr. Raffi Gregorian

Supervisor of Brcko District

Principal Deputy High Representative

Annex I to the Supervisory Order

Amending the Statute of Brcko District,

dated December 21, 2009

Amendment

to the Statute of Brcko District of Bosnia and Herzegovina

In the Statute of the Brcko District of Bosnia and Herzegovina ("Official Gazette of Brcko District of BiH", No. 17/08), Article 12 shall be amended to read as follows:

Article 12

Entity Citizenship

- (1) District residents may be citizens of an Entity and of Bosnia and Herzegovina.
- (2) District residents have the right to choose or change their Entity citizenship.
- (3) District residents' rights provided in Paragraphs (1) and (2) of this Article shall be regulated by laws of Bosnia and Herzegovina, Entities and District."