

Supervisory Order Amending the Law on Councilors of the Assembly of 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 further with paragraphs 13 and 67 of the Final Award, which provide that the jurisdiction of the Arbitral Tribunal will remain in existence until such time as the Supervisor, with the approval of the High Representative, has notified the Tribunal (...) that such (Brcko District) institutions are functioning effectively, and apparently permanently;

Concerned that the current version in force of the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina contains a technical omission in its article 15 (2) in not entitling the Speaker and the Deputy Speaker of the Assembly to "an additional remuneration of 5% a month along with the monthly remuneration", as it does for the Committee Chairs of the Assembly in its article 13 (5);

Concluding that the technical omission noted in the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina creates an unintentional legal inconsistency that is detrimental to the Councilors' rights and to the principle of equality and rule of law for the institutions of the Brcko District of Bosnia and Herzegovina;

Noting that the constitutive session of the newly elected Assembly is still ongoing, and that political agreement over the nomination of the new Speaker, Deputy Speaker and Mayor has not been reached yet;

Believing that there is no reason for enactment and implementation of a legislative amendment of a technical nature to be delayed as the above mentioned amendment is necessary to ensure legal certainty for all elected officials of Brcko District of Bosnia and Herzegovina;

Having consulted with certain representatives of the Brcko District Assembly on the need to amend the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina, published in the Official Gazette of Brcko District of Bosnia and Herzegovina, Nos 29/04, 19/07, 2/08 and 17/08;

I therefore hereby order that:

1. The Law on Amendment to the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina hereinafter set out in the Annex to this Supervisory Order is hereby enacted as a Law of Brcko District.
2. The Law on Amendment to the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina enacted by virtue of paragraph 1 of this Supervisory Order shall enter into force on the date of issuance of this Supervisory Order and shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina.
3. The provisions of the Law on Amendment to the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina enacted by this Order shall exceptionally apply to all affected out-going Councilors of the former Assembly of Brcko District of Bosnia and Herzegovina taking effect solely as of the date of issuance of this Order.
4. This Supervisory Order has immediate effect without further procedural steps. All employees of the Expert Service of the Assembly of Brcko District of Bosnia and Herzegovina shall take all necessary measures to ensure that this Order be executed immediately and in full.
5. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of any inconsistency, the English language version is authoritative for all purposes.
6. The Law on Amendment to the Law hereby set out in the Annex to this Supervisory Order is published in the official languages of Bosnia and Herzegovina, which are authoritative for all purposes.

Dr. Raffi Gregorian

Supervisor of Brcko District
Principal Deputy High Representative

ANNEX

LAW ON AMENDMENTS TO LAW ON COUNCILORS OF THE ASSEMBLY OF BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA

Article 1.

In the Law on Councilors of the Assembly of Brcko District of Bosnia and Herzegovina (Official Gazette of Brcko District of Bosnia and Herzegovina, No. 29/04, 19/07, 2/08 and 17/08), in Article 15, Paragraph 2 shall be amended to read as follows:

«(2) The transitional remuneration shall be equivalent to the remuneration referred to in Article 13, Paragraphs 2, 3 and 4 of this Law.»