Supervisory Order Enacting the Law on Conflict of Interest in the Institutions of Brcko District and also the Law on Amendments to the Election Law of Brcko District

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 Article 9 of the August 18, 1999 Annex of the Final Award of March 5, 1999, which states that "In establishing the District electoral system, the Supervisor may select any voting mechanism that, in his judgment, will promote full and fair representation of all elements of the District's multi-ethnic population";

With reference to the Election Law of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, Nos. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07 and 33/08) and the Election Law of Brcko District of Bosnia and Herzegovina (Official Gazette of Brcko District of Bosnia and Herzegovina, No. 17/08) (hereinafter: "Election Law of Brcko District") enacted by Supervisory Order of May 6, 2008;

Acknowledging, after having consulted with the Central Election Commission of Bosnia and Herzegovina, the need to

further amend the Election Law of Brcko District in order to complete the process of harmonization with the Election Law of Bosnia and Herzegovina and to avoid any misinterpretation of competencies between the Central Election Commission and the Brcko District Election Commission;

Noting that on July 23, 2008, the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Amendments to the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina published in the Official Gazette of Bosnia and Herzegovina, No 63/08, on August 5, 2008, and that these amendments have not yet been adopted in Brcko District legislation but have a bearing on the newly elected officials and executive officeholders;

Regretting that the District Assembly has failed to adopt amendments to the District Law on Conflict of Interest in good time during its regular mandate;

Also noting that the Central Election Commission is expected to announce final results of the elections held on October 5, 2008, for the Brcko District Assembly no later than November 5, 2008, thus leaving no time for the Brcko District Assembly to consider and adopt amendments to the Law on Conflict of Interest in the Institutions of Brcko District of Bosnia and Herzegovina;

Having in mind that most of the rules of conflict of interest are linked to the electoral process and that it is essential to have an harmonized and consistent legal framework in place before the final election results are announced, as an instrument for building public sector integrity, for defending and promoting democracy and for preventing and combating corruption;

Of the opinion that such changes are necessary to be made without delay in order to harmonize Brcko District legislation with State legislation and to improve transparency, integrity

and accountability in Brcko District institutions;

Having therefore decided to regulate these issues by way of a Supervisory Order as the most expeditious way for avoiding legal uncertainty for the newly elected officials and executive officeholders;

I therefore hereby order that:

1. The Law on Amendments to the Election Law of Brcko District, hereinafter set out in Annex I to this Supervisory Order, is hereby enacted as a Law of Brcko District.

2. The Law on Conflict of Interest in the Institutions of Brcko District of Bosnia and Herzegovina, hereinafter set out in Annex II to this Supervisory Order, is hereby enacted as a Law of Brcko District.

3. The Laws, hereinafter set out in Annex I and II, take effect on the date of this Supervisor Order.

4. The Laws enacted by virtue of Paragraphs 1 and 2 of this Supervisory Order may subsequently be amended by the Brcko District Assembly in accordance with the Statute of Brcko District of Bosnia and Herzegovina and the Rules of Procedure of the Assembly of Brcko District of Bosnia and Herzegovina.

5. This Supervisory Order has immediate effect without further procedural steps. All public officials, civil servants and employees in the Brcko District shall take all necessary measures to ensure that this Order be executed in full.

6. The Law on Amendments to the Election Law of Brcko District and the Law on Conflict of Interest in the Institutions of Brcko District of Bosnia and Herzegovina, hereby enacted and attached to this Supervisory Order as its Annexes I and II, shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina

in the official languages of Bosnia and Herzegovina, which are authoritative for all purposes.

7. This Supervisory Order shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina.

8. 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.

Dr. Raffi Gregorian

Supervisor of Brcko District

Principal Deputy High Representative

Annex I to the Supervisory Order dated October 24, 2008

Enacting the Law on Conflict of Interest

in the Institutions of Brcko District

and also the Law on Amendments to the Election Law of Brcko District

Law on Amendments to the Election Law of Brcko District

of Bosnia and Herzegovina

Annex II to the Supervisory Order dated October 24, 2008

Enacting the Law on Conflict of Interest

in the Institutions of Brcko District

and also the Law on Amendments to the Election Law of Brcko District

Law on Conflict of Interest in the Institutions of Brcko District

of Bosnia and Herzegovina