

Supervisory Order requiring referenda on the territory of Brcko District to be subject to the prior written consent of the Brcko Supervisor and to be undertaken only on such terms as the Brcko Supervisor may approve

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

Recalling statements recently made, suggesting the possibility of an Entity holding a referendum;

Noting that the only current law governing referenda in the District, following my predecessor Susan Johnson's Supervisory Order of August 4, 2006 *inter alia* abolishing the legal effect of Entity legislation within the District, is the 1977 Law on Referenda of the Socialist Republic of Bosnia and Herzegovina (published in the Official Gazette of the Socialist Republic of Bosnia and Herzegovina No. 29/77), and this law is now out of date as a legal framework to regulate the operation of referenda in the District;

Further noting that referenda consistent with the General Framework Agreement for Peace in Bosnia and Herzegovina ("the GFAP") may be lawful in some circumstances, but equally could be subject to unlawful manipulation and abuse, in particular

due to the obsolescence of the legislation governing referenda currently prevailing in the District;

Concerned that District citizens should be fully accorded a right to vote in any referendum, provided that any such referendum is consistent with both domestic and international laws, and in particular the terms of the GFAP;

Further noting that the District is a multi-ethnic territory, and therefore any referendum in the territory of the District ought to be undertaken with great care, to minimize the risk of political instability, and to prevent interference with the proper business of District residents; and to achieve these ends it may be necessary to ensure any referendum carried out within the territory of the District is undertaken only in accordance with certain terms and conditions regulating the way it is conducted;

Not being opposed to the lawful and orderly conduct of any referendum in the District, but believing nonetheless that for the safe and efficient conduct of any such referendum, it is important that the Supervisor regulate its terms and conditions;

I therefore order that:

1. While Supervision remains in force, any referendum held on the territory of the District shall require the prior consent in writing of the Supervisor; and where that consent is given, a referendum shall be held only subject to such terms and conditions as the Supervisor may approve.

2. For the purposes of this Supervisory Order, a "referendum" includes any vote of any kind, other than suffrage to elect representatives to elected bodies of <?xml:namespace prefix = st1 />Brcko District, Bosnia and Herzegovina, or either Entity, pursuant to legislation valid in the District

governing the conduct of elections. It makes no difference whether the institution organizing the referendum is public or private. In the event of any dispute or ambiguity about whether a vote is a “referendum” for the purposes of this Supervisory Order, any interpretation provided in writing by the Supervisor prevails.

3. Nothing in this Supervisory Order prohibits the conduct of any referendum outside the territory of the District.

4. This Supervisory Order has immediate effect, and shall be published without delay in the Official Gazette of the Brcko District. All public officials in the District shall undertake all necessary measures to ensure its implementation.

5. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of inconsistency, the English language version is authoritative for all purposes.

Dr. Raffi Gregorian
Supervisor of Brcko
Principal Deputy High Representative