

Supervisory Order On Annulling of Certain Amendments to the Law on Financing of Political Parties from the Budget of Brcko District of BiH

In accordance with the powers vested in me in Paragraphs 8, 11, 13, 36, 37, and 39 of the Final Award of March 5, 1999, passed by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area;

In furtherance of paragraph 2 of the August 18, 1999, Annex to the Final Award providing for the Brcko District Interim Assembly's legislative advisory role to the Supervisor;

With reference to paragraph 8 B of the August 18, 1999, Annex to the Final Award that established the Supervisor's authority over the budget;

With further reference to paragraphs 104. I B and I B 1 of the February 14, 1997 Award that mandates the Supervisor to strengthen local democratic institutions and authorizes the Supervisor to promulgate binding regulations and orders that shall prevail as against any conflicting law;

Recalling that the Supervisor fully retains and exercises authority over the Interim Assembly according to the Award, Final Award and Annex to the Final Award, as evident in the Supervisory Order on the Establishment of the Interim Assembly of Brcko District of Bosnia and Herzegovina, Supervisory Orders on Appointments of Councillors and Revocation of the Appointments from the Interim Assembly of the Brcko District as well as from Supervisory Order Imposing the Law on Primary and Secondary Education of the Brcko District of BiH dated July 5, 2001;

Mindful of all consultations with representatives of political parties, BiH Election Commission, Brcko District Election Commission, and the rebalance of Brcko District Budget as voted and adopted by the Interim Assembly of Brcko District prior to voting for Amendments to the draft Law on Financing of Political Parties from the Budget of Brcko District of Bosnia and Herzegovina on July 28, 2004;

Noting with concern that certain amendments to the law contain financial implications that are not foreseen in the rebalance of Brcko District budget adopted in the same Assembly session, rendering implementation not possible without amendment of the budget;

Further concerned that these amendments, *inter alia*, provide for monies to be made available in advance to political parties, and do not provide for sound practice in controlling and monitoring political party expenditures arising from the provisions of the law;

Recognizing that the Brcko District Interim Assembly failed to adopt a financially sustainable and transparent Law on Financing of Political Parties from the Budget of Brcko District of Bosnia and Herzegovina at the session of July 28, 2004, and that the Interim Assembly has no procedure at hand to correct the law;

Determined to establish a financially sustainable and transparent legal basis that enables political parties to finance their legitimate expenditures in accordance with respective BiH Laws;

I hereby order that:

1. Amendments to Article 5 and 6 of the draft Law are null and void, shall not be published in Official Gazette of Brcko District of Bosnia and Herzegovina and shall not be implemented.
2. The Law on Financing of Political Parties from the Budget of Brcko District of Bosnia and Herzegovina, excepting the annulled amendments from Paragraph 1 of this Supervisory Order, shall be published in the Official Gazette of Brcko District of Bosnia and Herzegovina and shall be implemented.
3. This Supervisory Order has immediate effect, shall be published without delay in the Official Gazette of the Brcko District of Bosnia and Herzegovina, and the Interim Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its implementation.

Susan R. Johnson

Deputy High Representative

Supervisor of Brcko