

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

**In accordance with** the powers vested in me in Paragraphs 8, 10, 37 and 38 of the Final Award;

**In furtherance of** the Supervisory Order of March 8, 2000, declaring the Statute of the Brcko District of Bosnia and Herzegovina to be in force;

**Reiterating the** importance of the Statute as the main implementing document of the Final Award and the founding charter of the Brcko District based on the principles of rule of law, civic administration, and democratic governance

**Fostering the** efficiency and existing professional criteria of the Brcko District Police;

**Commending** the Brcko District authorities for their commitment in upholding the Statute and ensuring the legal framework of the Brcko District complies with the Statute;

**Recognizing that** after four years of implementation, some provisions of the Statute need to be updated to reflect developments in Brcko District;

**Following** consultations with councilors in the Interim Assembly, the Mayor and Heads of Departments of the Interim Government, as well as the Brcko District Police;

I hereby order that

*1. The following amendments to the Statute of the Brcko District are hereby enacted with immediate effect and shall*

*be published without delay in the Official Gazette of the Brcko District;*

*2. The amendments shall enter into force on the date of the issuance of this Order and the Interim Government and Assembly of the Brcko District shall undertake all necessary measures to ensure their implementation.*

### **Amendment I.**

Article 22 of the Statute of the Brcko District shall be amended to read as follows:

#### **“Article 22**

#### **Financial Disclosure**

(1) Councilors of the District Assembly (hereinafter the “Councilors”), the Mayor, the Heads of Governmental Departments, the Chief and Deputy Chief of Police, the Head of the District Revenue Agency, the Head of Tax Administration, members of the Judicial Commission as well as public officials appointed by the Mayor with the consent or approval of the Assembly shall submit to the District Assembly an Annual Financial Disclosure Statement on their total income, sources, assets, and liabilities as well as the ones of their close family members to the first degree and the manner in which they acquired possession of them.

(2) Financial disclosure statements are to be considered a public record in accordance with Article 18 and shall be made available to the public by the Assembly. “

### **Amendment II.**

Paragraph 2(f) of Article 23 of the Statute of the Brcko District shall be amended to read as follows:

“(f) Elect and dismiss the President and Vice-President of the

Assembly, the Mayor of the District, or give its consent for the appointment of officials in accordance with this Statute, the Rules of Procedure and the law;"

### **Amendment III.**

Paragraph 2(h) of Article 23 of the Statute of the Brcko District shall be amended to read as follows:

"(h) Evaluate formally the performance of the Mayor, Head of the District Revenue Agency, Head of Tax Administration, Chief of Police and other officials appointed with the consent of the Assembly at least once a year during a regularly scheduled session;"

### **Amendment IV.**

Paragraph 1 of Article 34 of the Statute of the Brcko District shall be amended to read as follows:

"(1) The Assembly shall make decisions by a three-fifths majority of the total number of Councilors when the decision in question concerns:

- a. The Rules of Procedure of the Assembly;
- b. The Brcko District Budget;
- c. The adoption and amendment of Brcko District Laws;
- d. The election and dismissal of all persons elected by the Assembly with the exception of Articles 30 and 55;
- e. The consent given by the Assembly to the appointment or removal of officials in accordance with the Statute and the law;
- f. The Assembly's veto to the appointment of Heads of Departments by the Mayor in accordance with Article 48;"

### **Amendment V.**

The title of Article 43 of the Statute of the Brcko District shall be amended to read as follows: "Annual Budget of the Brcko District"

#### **Amendment VI.**

The last sentence of paragraph 2 of Article 47 of the Statute of the Brcko District and list of Departments shall be deleted and paragraph 2 shall now read as follows:

"(2) The Mayor shall organize the District Government as economically and efficiently as the District revenues permit. The Mayor shall issue an organizational plan dividing the Government in Departments covering all functions and powers of the Brcko District in accordance with Article 9."

#### **Amendment VII.**

In paragraph 3 of Article 50 of the Statute of the Brcko District the phrase " The Mayor appoints, promotes and dismisses all public employees" shall be replaced by the phrase: "the Mayor promulgates the appointments, promotions and dismissals of all public employees".

#### **Amendment VIII.**

Article 52 of the Statute of the Brcko District shall be amended to read as follows:

"Members of the District Government, and the Chief and Deputy Chief of Police, Head of District Revenue Agency, Head of Tax Administration and other officials appointed with the consent of the Assembly shall not hold any other position in the public or private sector for the duration of their election or appointment."

#### **Amendment IX.**

Article 57 of the Statute of the Brcko District shall be amended to read as follows:

“ (1) The Mayor may resign or be removed from Office by the Assembly before the end of his/her term only for cause following a motion of at least five (5) Councilors.

(2) Until a new Mayor is elected, the District Government shall continue to perform its duties under the Vice-Mayor.”

#### **Amendment X.**

Article 60 of the Statute of the Brcko District shall be amended to read as follows:

“The District Police shall have a Chief and one (1) Deputy.

The Chief of Police shall be appointed by the Mayor with the consent of the Assembly based on professional criteria and the binding recommendation of an independent selection panel established by law.

The Chief of Police shall serve for a term and be removed from office only for cause and in accordance with the law.

The Deputy Chief of Police shall be appointed and removed from office in accordance with the Law on Police of the Brcko District. “