

Supervisory Order Appointing Members of the Brcko District Office in the Council of Ministers

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

Recalling that on November 18, 2005, Mr Adnan Terzic, chairman of the Council of Ministers of Bosnia and Herzegovina , and Mr. Mirsad Djapo, Mayor of Brcko District, signed an agreement to establish an office of the coordinator of Brcko District within the Council of Ministers;

Further recalling that in Washington, DC on November 21, 2005, Mr. Terzic and Mr. Djapo agreed to start a process to resolve outstanding issues in the relationship between the State and the District;

Welcoming the subsequent meetings between officials representing the State and officials representing the District, on February 13 and 14, 2006 in Sarajevo, under the auspices of the United States Department of State, aimed at resolving the outstanding issues in the relationship between the District and the State, and the conclusions drawn at that meeting;

Hoping that significant progress will have been made in resolving the outstanding issues by the time of the next meeting between the District and the State under the auspices of the United States Department of State, scheduled for May 2006;

Noting that the Mayor, in consultation with the Supervisor, in late November 2005 identified qualified candidates to be appointed to the office, but concerned by the delay in making the appointments since then;

Believing it to be now essential that the office start its work immediately, in order that the various issues outstanding between the State and Brcko District can be resolved in an orderly and timely manner;

Of the opinion that Article 11(1) of the Law on Conflict of Interests of Brcko District as well as practical considerations preclude Mr. Kistic from being a member of the office at the same time as he remains a councilor in the Brcko District Assembly, and Mr. Kistic having therefore agreed that he will resign from his position in the Assembly without delay once this Order has been issued;

I hereby order that:

1. The following persons are appointed to the Brcko District Office in the Council of Ministers, established pursuant to the agreement signed on November 18, 2005 between Adnan Terzic, chairman of the Council of Ministers of Bosnia and Herzegovina , and Mirsad Djapo, Mayor of Brcko District:

Mr. Sinisa Kistic (Coordinator)

Mr. Goran Duka (Assistant Coordinator)

Mr. Mato Lucic (Assistant Coordinator)

Ms. Suada Fazlovic (Assistant Coordinator)

Ms. Gordana Crnogorac (Secretary)

2. The aforementioned five persons shall be appointed to these positions with effect from the date of this Order. Their appointments shall last until September 31, 2008.

3. Subject to the other terms of this Order, during the

currency of their appointments the aforementioned individuals will be civil servants of the Brcko District government, and their conduct and the conditions under which they will occupy their positions, including the conditions under which they may be transferred or removed from those positions, will be governed by all the laws and regulations of Brcko District from time to time in force that apply to civil servants.

4. Upon termination of any the appointments made by this Order (whether upon expiry of the terms provided for in paragraph 2 of this Order, or by other lawful means), vacancy notices shall be immediately opened for each of the positions in respect of which the appointments have terminated, and the positions shall thereafter be filled in accordance with the ordinary competitive procedures for appointment of civil servants applicable under the relevant laws and regulations of Brcko District then in force.
5. At the expiry of the term of their appointment provided for in paragraph 2 of this order, Mr. Duka, Mr. Lucic and Ms. Fazlovic shall have the option (to be exercised in writing to the Mayor within two weeks of the expiry of the term in question) to be forthwith reinstated to a position within the District government of a rank and salary level not less than those positions which prior to this Order they held and from which they are transferred by virtue of this Order.
6. There is one outstanding position of assistant coordinator within the Brcko District Office in the Council of Ministers, to which this Order does not appoint an individual, and in consequence that position remains vacant. Unless and until the Supervisor issues an Order appointing an individual to this position, the District government is at liberty to fill this position in accordance with the laws and regulations of Brcko District governing appointment of civil servants, should it feel there to be a need to do so.

7. This Supervisory Order has immediate effect and shall be published without delay in the Official Gazette of the Brcko District. The Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its implementation.

Susan R. Johnson
Supervisor of Brcko
Deputy High Representative