

# Supervisory Order Enacting as a Law of Brcko District The Law on Civil Service in Administrative Bodies of Brcko District of BiH

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

*Having in mind* paragraphs 13 and 67 of the Final Award, which provide that the jurisdiction of the Arbitral Tribunal (and, by implication, Supervision) cannot terminate until the Supervisor is satisfied that the District's public institutions are operating effectively, and apparently permanently;

*Having further in mind* the public administration reform strategy being pursued throughout Bosnia and Herzegovina, to create a politically neutral, cost-conscious, professional and independent civil service, this strategy being one of the most important challenges facing Brcko District and Bosnia and Herzegovina today;

*Recalling* ongoing concern during my tenure as Supervisor about the quality of public administration in Brcko District, in particular the terms, conditions, policies and regulations governing the employment of District civil servants, which led me, on March 22, 2006, March 23, 2006 and May 5, 2006 to issue Supervisory Orders aimed at correcting a variety of irregularities in procedures for civil servants' employment and remuneration;

**Believing** that in order to improve the quality of public administration, a new law regulating the conduct of civil servants is required, and recalling that therefore, in my Supervisory Order of March 22, 2006, I ordered, *inter alia*, that “a new draft law, regulating the conduct of civil servants and replacing the Law on Civil Servants of Brcko District in its entirety, together with drafts of all accompanying rule-books, shall be presented to the District Assembly no later than May 31, 2006. All government departments shall cooperate fully upon request with the working group tasked with preparation of this draft law”;

**Commending** the work of the working group formed to prepare a new draft law, which showed dedication and professionalism in preparing a draft law within the time scale that my Supervisory Order of March 22, 2006 prescribed;

**Disappointed** that notwithstanding the efforts of the working group, the Mayor of Brcko District did not forward to the District Assembly the draft law that the working group prepared, either within the time scale mandated by the Supervisory Order of March 22, 2006, or at all, and therefore the Mayor and the Government have for some months been in default of that Supervisory Order;

**Having subsequently consulted** with Assembly members from political parties representing all three national groups, and having received broad support for the making of this Order;

**Having reviewed** the draft law prepared by the working group, and believing that, with certain amendments aimed at procuring effective enforcement of the law, it is a commendable piece of legislation, and meets Euro-Atlantic standards of a professional and depoliticized civil service;

**Believing** that enactment and implementation of this law is essential for the conditions specified in paragraphs 13 and 67 of the Final Award to be met, and that there is no reason for

enactment and implementation of this law to be delayed any further;

I therefore hereby order that:

1. The Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina, hereinafter set out as the Annex to this Supervisory Order, is hereby enacted as a law of Brcko District as of the date of this Order. It may subsequently be amended by the Assembly of Brcko District in accordance with the procedure provided in the Statute of Brcko District and the Rules of Procedure of the District Assembly.

2. The working group established by a decision of the Mayor dated April 5, 2006 to draft the aforementioned law shall continue in existence and shall be charged with preparation of all by-laws and rulebooks referred to in the law. The working group shall finalize all such by-laws and rulebooks within the time limits for their enactment stated in the law, and the Mayor, with the prior approval of the Supervisor, shall enact each such by-law and rulebook within the same timescale. The working group shall be disbanded only once all such rulebooks and by-laws have been enacted.

3. This Supervisory Order shall be published without delay in the Official Gazette of the Brcko District of Bosnia and Herzegovina. The Mayor and the Government of Brcko District shall take all necessary measures to ensure complete and satisfactory implementation of this Supervisory Order and of the Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina. Every public official of Brcko District shall be personally responsible for any act or failure to act by him or her that prevents or hinders complete implementation of this Supervisory Order or of the Law on Civil Service in Administrative Bodies of Brcko District of Bosnia and Herzegovina. The Supervisor may temporarily or

permanently bar from public office any public official so responsible, and/or may impose such other penalties as the Supervisor considers appropriate.

*Susan R. Johnson*  
*Supervisor of Brcko*  
*Deputy High Representative*