

Supervisory Order On Harmonization and Replacement of New Entity Legislation in the Brcko District of BiH

In accordance with the powers vested in me in paragraph 37 of the Final Award;

Following paragraphs 11 and 36 of the Final Award and implementing Articles 1 and 9 of the Statute of the Brcko District creating the Brcko District as a self-governing unit to which the Entities have delegated their powers of governance;

Pursuant to paragraph 39 of the Final Award requiring the harmonization and replacement of Entity legislation within the territory of Brcko District, with the goal that a single body of laws will apply throughout the territory of the District,

Appreciating that since the establishment of the Brcko District in March 2000, a substantial body of legislation has been enacted by the District Assembly, but that this body of laws is still far from complete;

Cognizant of the fact that paragraphs 8, 11 and 39 of the Final Award as well as Article 71 of the Statute of the Brcko District, provide that Entity laws shall continue to apply within the District as appropriate, to the extent consistent with the Statute, and until harmonized by the Brcko District Assembly or otherwise determined by the Supervisor;

Recognizing that the Supervisor must declare, prior to relinquishing his mandate in accordance with paragraphs 11 and

39 of the Final Award, that the former Inter-Entity Boundary Line within the District has no further legal effect, and that this is not yet possible due to the large number of Entity laws which still apply on different sides of the former Inter-Entity Boundary Line within the Brcko District;

Aiming at enhancing the process of harmonization and replacement of Entity laws in the Brcko District and supporting the Brcko District institutions in their efforts to this effect;

I hereby Order that:

1. No new Entity law, including amendments to existing Entity legislation, shall henceforth apply in the Brcko District, unless adopted by the Brcko District Assembly as Brcko District law in accordance with the Final Award and the Statute.

2. Entity laws and amendments to Entity laws related to pensions, war invalids and war veterans are exempted from paragraph 1 of this Order.

3. The Brcko District Government and other governmental Agencies and Bodies are hereby authorized to issue by-laws and regulations within their respective fields of work as necessary for the implementation of Entity laws still applicable in the Brcko District.

4. Each Department, Office and Service of the Brcko District Government, as well as all other governmental Bodies and Agencies of the Brcko District, shall develop and submit to the legal service of the government an inventory of all Entity laws still applicable within the Brcko District in their respective fields of work no later than September 5, 2003. The inventory shall include as a minimum:

- a. Exact identification of the applied Entity law and its relative importance to the work of the

respective Department, Agency, Office, Service or Body as well as the Brcko District Government.

- b. A substantiated recommendation whether the Brcko District should in each particular case adopt either the law of the Federation of BiH or Republika Srpska as Brcko District law and apply it throughout the District, or enact a new law to replace both.

5. The Mayor shall submit an integrated copy of this inventory to my office and the Brcko District Assembly no later than October 30, 2003.

6. This Order shall have immediate effect and shall be published in the Official Gazette of the Brcko District.

Henry L. Clarke
Deputy High Representative
Supervisor of Brcko