

Supervisory Order Delegating Authority for Disposal of Public Property to the Institutions of Brcko District of Bosnia and Herzegovina

In accordance with the powers vested in me by Paragraphs 8, 10, 13, 34, 37, and 43 of the Final Award dated March 5, 1999, of the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area ("the Brcko Tribunal");

Noting in particular the powers of the Supervisor provided for in Paragraph 12 of the Annex to the Final Award of the Brcko Tribunal dated August 18, 1999, reading that "All public property within the District shall be administered by the District Government which shall have the authority, with the approval of the Supervisor, to privatize public property in accordance with applicable BiH law. No public property in the District may be disposed of except in accordance with BiH law and with the approval of the Supervisor";

Emphasizing the importance of a transparent and lawful disposal of public property in the interest of the District and the above mentioned provision of the Annex to the Final Award, vesting responsibility in the Supervisor to ensure efficient and transparent administration of public property in the District;

With respect to the Supervisory Order dated February 22, 2005, on "Reiterating the Requirement for Supervisor's Approval for the Disposal of Public Property", in which the Supervisor's authority for approval of public property disposals was

reiterated and the manner of granting Supervisory approvals regulated more precisely;

Satisfied that the concept of privatization of socially-owned enterprises and apartments, based upon the requirement of the Supplemental Award dated March 15, 1998, and set out by various Supervisory Orders and Brcko District laws on Privatization, has been implemented correctly by District institutions in close cooperation with the Brcko Final Award Office, and that it serves as a source of confidence in the effectiveness of District institutions in this area;

Recalling further the Supervisory Order of September 15, 2006 "Enacting as Laws of Brcko District the Law on Public Property of Brcko District of BiH and the Law on Public Attorney's Office of Brcko District of Bosnia and Herzegovina", which created the necessary legislative and institutional framework for effective and transparent disposal and management of public property and the protection of property interests of the District;

Recognizing that since its establishment, the Public Property Office has been successfully carrying out its duties such as registration of District property, preparation and execution of the District annual plan of disposal of public property, its response to business initiatives, the efficiency of its procedures, its development of necessary bylaws as well as its organizational structure, staffing and performance of many other duties;

With the aim of empowering Brcko District institutions to exercise fully their authority over public property under the District Statute, laws and regulations and to function effectively and apparently permanently as required by the Final Award of the Brcko Tribunal;

Noting that cooperation among the various bodies of the District public administration has reached a satisfactory

level with regard to the planning, management and disposal of public property and that, since the issuance of the Supervisory Order of February 22, 2005, no serious deficiencies have been noted;

Stating that as a consequence of this significant progress in the administration and disposal of public property, it is clear that Brcko District institutions are capable of handling routine matters of public property disposal on their own within the existing legal framework and without my direct supervision;

Welcoming adoption of Amendment I to the Constitution of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina and the resulting consequence of allowing the Supervisor to undertake measures, including this Supervisory Order, that will help complete implementation of the Final Award;

Reminding nonetheless that the powers of the Supervisor in all other areas in which the Supervisor has not delegated authority shall remain unchanged, and that international Supervision shall continue until terminated by the Steering Board of the Peace Implementation Council as provided for in paragraph 37 of the Final Award of the Brcko Tribunal;

Reminding further that Article 1, Paragraph 4 of the Statute of the Brcko District of Bosnia and Herzegovina, states in part that "The laws and decisions of all District authorities must be in conformity with the relevant laws and decisions of the institutions of Bosnia and Herzegovina," and that any actions regarding disposals of public properties by District authorities must bear this in mind, along with other provisions of the Statute and District Law governing the issue of disposal of public property;

I therefore hereby order that:

1. The powers vested in me by Paragraphs 8, 10, 13, 34, 37, and 43 of the Final Award, and in Paragraph 12 of the Annex to the Final Award in the area of public property are hereby delegated to the competent institutions of the Brcko District.

2. The Supervisor retains the right to intervene in disposals of public property when he deems that a disposal of public property may threaten the multi-ethnic character, democratic governance, public order, or stability of the District.

3. The Supervisory Order "Reiterating the Requirement for the Supervisor's Approval for the Disposal of Public Property", of February 22, 2005 and all specific provisions of District regulations where the Supervisor's approval is required prior to the disposal of public property, are hereby put out of legal force.

4. All public officials of the Brcko District shall undertake all necessary measures to ensure implementation of this Supervisory Order.

5. This Supervisory Order has effect as of May 1, 2009, and shall be published without delay in the Official Gazette of the Brcko District.

6. This Supervisory Order is published in both English and the official languages of Bosnia and Herzegovina. In the event of any inconsistency, the English version is authoritative for all purposes.

Dr. Raffi Gregorian
Supervisor of Brcko District
Principal Deputy High Representative