

## **Supervisory Order on “Ilicka” Settlement**

***In the exercise of*** powers vested in the Brcko Supervisor by paragraphs 8, 10, 11, 13, 36 and 37 of the Final Award, dated March 5, 1999, of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brcko Area (“the Brcko Tribunal”) and by powers vested in the Brcko Supervisor by the previous rulings of the Brcko Tribunal, the terms of which were incorporated in the Final Award;

***Noting in particular*** the powers of the Supervisor over public property provided for in Paragraph 12 of the Annex to the Final Award dated August 18, 1999 of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brcko Area providing that no public property in the District may be disposed of except in accordance with the Law and with the approval of the Supervisor;

***Recalling*** paragraph XI.2 of the Conclusions of the Bonn Peace Implementation Conference held on December 9 and 10, 1997, providing that the High Representative (and therefore, pursuant to paragraph 24 of the Supplemental Award, the Supervisor) may issue “binding decisions, as he judges necessary”;

***Taking into account*** that Supervisor Robert W. Farrand initiated the allocation of land plots to Displaced Persons, Refugees and Returnees of all ethnic groups in his letter to then Mayor Sinisa Kistic dated May 2, 2000; the Decision on adoption of the Plan on Allocation of Land Plots of the Assembly of Brcko District dated May 16, 2000; the Mayor’s Decision on Criteria and Standards for allocation of land plots to refugees and displaced persons and returnees dated September 12, 2000; the Public Vacancy for allocation of 300 construction land plots in the location of Ilicka and work of the Commission for Vacancy Implementation appointed on October 20, 2000; and 1,257 contracts concluded in the course of 2001, 2002 and 2003;

***Regretting*** that the said contracts have been drafted in a way that leaves too much ambiguity and legal uncertainty and that in particular the provision that the users of these land plots cannot dispose of them within a period of 10 years after concluding the contract has created an impediment to the enjoyment of their property and to economic development;

***Recognizing*** that this has caused many beneficiaries to alienate the land plots allocated to them contrary to the provisions of the contracts concluded and thus created legal uncertainty over the real property relations;

***Also recognizing*** that this legal uncertainty has prevented the users of real property in Ilicka to develop or complete their dwellings and, contrary to the original intent of the Supervisor, created impediments to Ilicka residents to improve their own property and thereby to develop the local community;

***Further recognizing*** the need to resolve the property-legal relations at the location of Ilicka before the onset of an acute legal problem a few years hence;

***Intending*** to foster legal certainty and thereby promote economic prosperity within the Brcko District of BiH;

***Recalling*** that the allocation of land plots was initiated by the Supervisor and that therefore the most appropriate way of resolving this problem would also require action by the Supervisor;

***Encouraged*** by the consent provided by the Assembly Speaker, Deputy Speaker, Mayor and Deputy Mayor to resolving this important issue in this manner;

***Having informed*** Heads of Caucuses of the Brcko District Assembly about the purpose and the contents of this Supervisory Order;

I hereby:

**ORDER**

1. The prohibition of the transfer of land plots allocated for construction of a residential building in the settlement of Ilicka, Brcko, established pursuant to the Decision of the Assembly of Brcko District number 0-02-022-6/00 of May 16, 2001, number 0-02-022-279/01 of June 9 and June 14, 2001, and pursuant to contracts concluded with beneficiaries on the basis of the abovementioned decisions, shall be abolished as of January 1, 2008;
2. All beneficiaries who were awarded land plots in the Ilicka settlement pursuant to the aforementioned Assembly decisions and who subsequently concluded contracts (hereinafter: beneficiaries) shall be granted ownership rights over the land plot thus acquired.
3. All transfers of land plots and/or buildings that took place contrary to the provisions of the contracts that the Government concluded with beneficiaries shall be convalidated, and all those who acquired real property in such way shall be entitled to be registered as owners according to law.
4. The District Government shall immediately initiate procedures so that beneficiaries can be lawfully registered as owners and/or co-owners.
5. In cases of illegal construction, the procedures stipulated by the Brcko District Law on Legalizing Illegal Structures shall apply.
6. All public officials, civil servants and employees in the Brcko District shall take all necessary measures to ensure that this Order be executed in full and no later than December 31, 2008.
7. This Order has immediate effect without further procedural steps.
8. 8. For the avoidance of doubt, the provisions of this Order override all inconsistent legislation and legal acts to the extent necessary to give this Order full effect.
9. This Supervisory Order shall be published without delay in the Official Gazette of Brcko District of Bosnia and Herzegovina.
10. This Supervisory Order shall be published in both English and the official languages of Bosnia and Herzegovina. In the event of inconsistency, the English language version is authoritative for all purposes.

Dr. Raffi Gregorian

Supervisor of Brcko District

Principal Deputy High Representative