

OHR Brcko Arbitration, Order on Multi-Ethnic Administration in the RS Municipality of Brcko

Brcko Arbitral Tribunal for Dispute Over the Inter-Entity Boundary in Brcko Area

Order on Multi-Ethnic Administration in the RS Municipality of Brcko

As the Supervisor for Brcko, I herein issue the following Order in accordance with my authority under the Award on the Interim International Supervision in the Brcko Area of 14 February 1997:

Article VII.I.B(5) of the Award stipulates that the Supervisor should issue such regulations and orders as may be appropriate to enhance democratic government and a multi-ethnic administration in Brcko. The Chairman's Conclusions of the Brcko Implementation Conference of 7 March 1997 and the Sintra Political Declaration of the Steering Board Ministerial Conference of 30 May 1997 specify that the installation in the area of a new multi-ethnic administration shall be based on the municipal elections scheduled for 13 and 14 September 1997, including the composition of the voters registry.

In accordance with these decisions, taking into account the Rules and Regulations of the Provisional Election Commission, in particular Article 235(5), a new multi-ethnic administration shall be established in Brcko by 31 December 1997, based in particular on the following provisions and principles:

1. The Municipal Assembly of Brcko shall have a President, a Vice President and a Secretary. The President, Vice President and the Secretary shall all three be of different nationalities.
2. The Municipal Assembly shall take decisions by simple majority. Decisions on issues of vital national interest shall require a qualified majority, including approval of at least half of the Assembly Members of each national group represented with a minimum of 5 percent of the Assembly seats. Vital national interests as well as voting requirements are defined in the Municipal Statute of Brcko.
3. The President of the Executive Board (the Mayor) of the Municipality of Brcko shall have two deputies (Vice Presidents). The President and the Vice Presidents shall all three be of different nationalities. The President and the two Vice Presidents shall be elected by the Municipal Assembly in its constituent session no later than 30 days after the technical certification of the municipal elections of 13 and 14 September 1997.
4. The President of the Executive Board shall represent the Municipality of Brcko and shall manage and administer its Municipal Administration. He/she will be assisted in his/her duties by the two Vice Presidents, as laid down in the Municipal Statute.
5. The President and the Vice Presidents of the Executive Board shall ensure that the staff composition of the municipal administration of Brcko as well as that of those public services which are financed by the municipality shall reflect the composition of the population of the RS Municipality of Brcko, based on the voters registry and as reflected by the results of the municipal elections of 13 and 14 September 1997. After the technical certification of the municipal elections, the Supervisor shall inform the Parties of the exact proportion which is to form the basis for the composition of the multi-ethnic administration in Brcko. The first phase of the implementation shall apply to the Executive Board and its Departments. For this purpose, the President and the Vice Presidents shall submit to the Supervisor a comprehensive staffing plan within thirty days after their election, such staffing plan to be implemented by 31 December 1997. The Supervisor is, in accordance with provision VII.I.B.(1) of the Arbitration

Award, the final authority for all issues related to the implementation of the multi-ethnic administration.

6. No referendum shall be called for during the period of supervision.

The above provisions and principles for the multi-ethnic administration of Brcko are elaborated in the attached Amendments to the Municipal Statute of Brcko. These Amendments will enter into force with immediate effect. Other existing municipal legislation including rules of procedure shall be adapted to the amended Municipal Statute by 31 December 1997.

Non-compliance with this Order shall constitute a major breach of the Parties' obligations under the Arbitral Award.

Robert W. Farrand
Supervisor for Brcko