

Nezavisne novine: Interview with Presiding Arbiter of the Brcko Tribunal, H.E. Clint Williamson

Nezavisne novine: You have been appointed as new Chief Arbiter in Brcko. Can you tell us what is precisely your mandate? Has it been changed compared to the time when the Final Award was reached?

Clint Williamson: My mandate as Presiding Arbiter is identical to that of my predecessor, the late Roberts Owen.

Nezavisne novine: What is the procedure if someone wanted to apply for procedure before the Tribunal and who is authorized to submit cases before the Tribunal?

Clint Williamson: Proceedings before the Tribunal are still possible since the issuing of the Final Award, in line with the previous procedures. From the outset, I should highlight the fact that the Arbitral Tribunal issued its Final Award on 5 March 1999, which is final and binding under Annex 2 to the GFAP. Under the Final Award the Tribunal retained jurisdiction until such time as the Supervisor notifies the Tribunal that the conditions for its closure have been met. The tribunal among other authorities, retained the authority to modify the Final Award as necessary in the event of serious non-compliance by one or the other of the entities. After the Final Award was issued, the tribunal conducted proceedings leading to the Addendum to the Final Award of 25 June 2007. This was just an illustration that proceedings before the Tribunal are still possible.

Nezavisne novine: Does your mandate include the authority to decide about possible changes of the status of the Brcko District?

Clint Williamson: The Dayton Agreement requires that the entities "implement without delay" the Tribunal Award which is "final and binding". Therefore, serious non-compliance can be subject to penalties whereby the Tribunal retains the authority to modify the Final Award as necessary in the event of serious non-compliance by one of the entities. In other words, yes modification of the Final Award by the Tribunal may include provisions for transferring the District entirely out of the territory of the non-complying entity and placing it within the exclusive control of the other.

Nezavisne novine: Do you plan to visit Brcko soon?

Clint Williamson: At this point, my plans for a visit to Brcko District are still being worked out, but I do hope to visit within the next month to six weeks. I have been in Brcko on a number of occasions in the past, but now that I have been appointed to this post, I would very much like to return there and to meet with District officials as well as the two domestic members of the arbitral tribunal.

Nezavisne novine: Are you satisfied with the implementation of the Final Award? Have all sides been abiding to the ruling?

Clint Williamson: I think it is premature at this point for me to discuss the status of implementation. I need to continue to gather the most recent information, to talk with relevant people and to assess where things stand. It is important also to note that the assessment of implementation compliance is an ongoing process and will continue as long as the tribunal is in existence.

Nezavisne novine: When will we have reached the point where the Arbitral Tribunal is no longer needed? What are the remaining conditions for this decision to be taken?

Clint Williamson: Under the Final Award, the Brcko Tribunal will continue to exist until the Supervisor, with the approval of the High Representative, notifies the Tribunal a) that the two entities have fully complied with their obligations to facilitate the establishment of the new institutions herein described, and

(b) that such institutions are functioning, effectively and apparently permanently, within the Brcko Municipality. Until such notification, the Tribunal will retain the authority to modify this Final Award as necessary in the event of serious non-compliance by either of the entities. As recently as 2013, the Supervisor determined that neither condition had yet been met.