

OHR's Statement at the International Agencies' Joint Press Conference

Supervisory Order In Line With Brcko Final Award

The OHR is surprised by some of the comments made following the most recent Supervisory Order issued by the Brcko District Supervisor, Susan Johnson on 4 August 2006. The order is fully in accordance with her mandate under the 1999 Final Award of the Brcko Arbitral Tribunal.

The Supervisory Order simplifies the application of legislation in the District and eliminates legal uncertainties. Most importantly it is a recognition of the progress that has been made in implementing the Brcko District Final Award, establishing the District as a permanent unit of multiethnic local self-government. The repeal of entity legislation is a milestone on the road to changing the International Community engagement in BiH, returning full sovereignty to the domestic institutions, and advancing the relationship between Bosnia and Herzegovina and the European Union.

The Final Award, rendered in March 1999, established the pre-war Brcko Municipality as a new institution under the exclusive sovereignty of Bosnia and Herzegovina and made it clear that neither entity had any legal authority within Brckos boundaries.

The Final Award recognised that during a transitional period Entity legislation would remain in place as the competent authorities in the Brcko District introduced a raft of new District legislation. The Final Award stated that Entity laws would continue to apply in Brcko until such time as they have been reviewed, harmonised and approved by the Supervisor or, with her approval, by the District Assembly. The supervisor is thus required by the Final Award to certify to the Arbitral Tribunal that the former IEBL in the Brcko District no longer has any legal significance.

This is what the Supervisor has done, in line with her mandate under the 1999 Final Award, emphasizing the District's status as a unit of local self-governance under the sovereignty of the State of BiH.

Last weeks Supervisory Order is a positive development and State and Entity Institutions are required to cooperate with the District constructively on the basis of the Constitution, the Dayton Peace Accords and the Final Arbitral Award.