

Remarks by the Brcko Supervisor Henry L. Clarke at the Opening of the New Brcko Court Complex

26 June 2002

Welcome, and thank you for coming to what may be Brcko's most important event this year. I would particularly like to recognize:

Distinguished Ambassadors and representatives of diplomatic missions and international organizations, especially Ambassador Matthias Sonn, who is representing not only himself, but also the High Representative,

Honorable Roberts Owen and Professor Vitomir Popovic, members of the Brcko Arbitral Tribunal, and many other judges and prosecutors from all over Bosnia and Herzegovina – including the Brcko Judiciary,

Father Maksimovic, Imam Gobeljic, and other religious representatives,

Major General Meier, Brigadier General Gardner, and other members of SFOR,

Mayor Kisic, Brcko Assembly President Djapo, representatives of the Council of Ministers, of the Republika Srpska and of the Federation of BiH, and members of the Government of Brcko District,

It is a great honor for us that you are all here.

It is also my honor to thank those who have contributed to

this magnificent project, starting with former U.S. Secretary of State Albright and the U.S. Government, which committed most of the funds, and the European Union for contributions of equipment. The UNA Construction Company – represented today by General Director Cibic – has done a superb job of executing this contract. Michael Stewart and USAID provided construction supervision, along with Zora Kovacevic and her OHR/Brcko team, Ambassador Ruecker and OHR/Sarajevo provided administrative support. The Brcko District Department of Public Works gave us prompt assistance. My predecessors, Bill Farrand and Gary Matthews, were strong supporters of this project. You will soon see just how well this team did its work. It speaks for itself.

This morning the building is empty, but in the coming days it will be filled with the most modern, the most independent, and I would say the most effective local judiciary and prosecutors in this region – not just Bosnia and Herzegovina. That is the judgment of many of the judges, prosecutors and other legal experts who have come to Brcko to work with our judiciary. I want to acknowledge those who made it happen, starting with the Brcko Arbitral Tribunal and the principal author of its awards, Roberts Owen, and my predecessors as Supervisors. The Awards mandated a Brcko Law Revision Commission, which did a tremendous job of thoroughgoing legal reform, and worked hard to establish, support and mentor this unique institution, led by Chairman Michael Karnavas. The International Judicial Commission, led in Brcko by Joanne Richardson, and the IJC Director, Rakel Surlien, carried that mission forward. I must again thank the U.S. Government for providing funds for these advisors, USAID for training and support by the American Bar Association, the German Government for judicial honoraria, and the Greek Government for funding additional support by the European Public Law Center. Yet nothing – nothing – would have happened here without the dedication and commitment of the Brcko judges, prosecutors and legal aid attorneys, who are the ones who today, and tomorrow,

will be really showing what the rule of law can become in Bosnia and Herzegovina.

I would like to make a few comments to those of you, especially Ambassadors, who are here for the first time, and who may leave soon after the ceremony. I want to try to address some myths that I hear outside Brcko and that I am sure you also have heard.

Myth one: Brcko is an experiment. That implies that perhaps it will not work, and can be tried here again in different ways. That is not the way I see it. Brcko is reforming all aspects of its public institutions, from the bottom up. We are doing it only once. We are trying to be just as careful and as diligent as the people who worked on this building. The new institutions are working. They are giving Brcko a foundation for a prosperous economy and good government, which I am confident that the people of Brcko will not give up lightly.

Myth two through four: Brcko is "out of control," ignores the needs of Europe, or opposes the "single economic space." Everything my office does here is mandated by the Awards of the Tribunal, although of course the Brcko District institutions do a great deal more than that. In making one multicultural District out of parts of two hostile Entities, we – the international community and the Brcko leadership – had to completely reorganize the government and the judiciary. This job could not, and still can not, wait for reform to come to all parts of BiH at once. We were, and still are, obliged to overcome not only the disaster of the last war, but at the same time engage fully in the historic transition from a socialist system to democratic procedures and to a market economy. To do our job we took the best ideas from wherever we could get them – including new laws from other countries in transition, such as Slovenia.

The truth is that I do not know anyone in Brcko who opposes

the single economic space – Brcko would only gain from being part of a real single economic space. We in Brcko see no alternative integration into Europe. Brcko has gone from being a town in the middle of Yugoslavia to a border town for Bosnia and Herzegovina. Croatia is right across the bridge, and Serbia only a few kilometers away. The Sava River – a great waterway to the Danube and to the rest of Europe – must be made navigable, not just for Brcko, but to ship Bosnia's exports. We have a big agenda, but we also have probably the closest working relationship between the international community and BiH institutions that you can find anywhere.

The foundation for everything we are doing in Brcko, throughout the society, remains the rule of law. The Courthouse before you is our symbol of that. Hopefully it will be a lasting symbol of how a building that served so many armies over more than a century can now serve a democratic peace.