

Supervisory Order Delegating Authority on Reconstruction and Returns to the Brcko District Government and Assembly

In accordance with the powers vested in me in Paragraphs 8, 10, 13, 34, 37, and 43 of the Final Award of March 5, 1999, passed by the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko area;

Recalling paragraphs 16 and 57 of the Final Award in which the return of refugees and displaced persons to their homes of origin is judged the most important of all of Dayton's objectives and in which the international community is called upon to maximize the freedom of refugees and displaced persons to return to their original homes in BiH;

Noting the Law on Return of Abandoned Property in the Brcko District was adopted unanimously on April 30, 2001 (Official Gazette of Brcko District 5/01);

Following the adoption of the Law on Refugees from BiH and Displaced Persons in BiH (Official Gazette BiH 23/99), the Law on Amendments and Addenda to the Law on Refugees from BiH and Displaced Persons in BiH (Official Gazette BiH 21/03 and 33/03), integration of the Brcko District into the State Commission for Refugees and Displaced Persons under the responsibility of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, as well as the departure of the OHR Returns and Reconstruction Task Force (RRTF);

Recognizing the determined and successful implementation by

the Interim Assembly and Government of the Brcko District of the aforementioned laws;

Commending the Interim Assembly and Government of the Brcko District for the significant progress achieved in the areas of reconstruction and returns since the establishment of the Brcko District on March 8, 2000, as shown by the resolution of all 10,889 requests for return of property;

Urging the Interim Assembly and Government of Brcko District to find durable solutions for those Displaced Persons still occupying alternative accommodation, and to apply fair, just, unbiased and transparent rules and criteria for the selection of beneficiaries of reconstruction assistance as provided by the above mentioned laws, and developed under the guidance and supervision of the OHR Returns and Reconstruction Task Force (RRTF);

Stating that as a consequence of significant progress in areas of reconstruction and returns, I have strong and grounded reasons to believe that the interim Assembly and the Government of the Brcko District are capable of continuing to deal with reconstruction and returns without my direct supervision;

With the aim of empowering the future Assembly and Government of the Brcko District that will derive from the Assembly elections scheduled for October 2004 to exercise fully their authority and take ownership of the Statute, laws and regulations;

Emphasizing that I retain the right to intervene in the areas of reconstruction and returns in case the District authorities violate the general principles of multi-ethnicity and democratic governance upon which the Brcko District is based, that the powers of the Supervisor in all other areas in which the Supervisor has not delegated authority shall remain unchanged, and that international supervision shall continue

until terminated by the Steering Board of the Peace Implementation

Council as provided in paragraph 37 of the Final Award;

I hereby Order that:

1. The powers vested in me in Paragraphs 8, 10, 13, 34, 37, and 43 of the Final Award in areas of reconstruction and returns are hereby delegated to the interim Assembly and the Government of the Brcko District, with the obligation of the Assembly and the Government to submit to the Supervisor a comprehensive report on the current situation, developments and their plans at least twice a year.

2. This Supervisory Order has immediate effect, shall be published without delay in the Official Gazette of the Brcko District, and the Interim Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its implementation.

Susan R. Johnson
Deputy High Representative
Supervisor of Brcko