

Supervisory Order Reiterating the Requirement for Supervisor's Approval for the Disposal of Public Property in Brcko District of BiH

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

Pursuant to Paragraph 12 of the Annex to the Final Award of August 18, 1999, providing that no public property in the District may be disposed of except in accordance with the Law and with the approval of the Supervisor;

Emphasizing the importance of the transparent disposal of public property in the interest of the Brcko District;

In furtherance of the Supervisor's letter dated September 26, 2003, setting guidelines for approving the disposal of public property;

Recalling that pursuant to the aforementioned Supervisor's letter the term "public property" shall be interpreted to cover all forms of non-private property, whether under formerly social, public, or "state" ownership and shall include the ownership right and any other property right for Brcko District to any movable assets and/or real estates recorded or not yet recorded in land books of the Court that were recorded as being under public ownership, social ownership, State ownership, ownership of the Fund for Agrarian Reform and Guided Migration of Population, ownership of socio-political organizations, local communities and other legal

persons in social or State ownership or any other type of ownership but private;

Recalling further that the Supervisor has included in the scope of the approval such rights as Construction Right over Public Land (of any kind, with or without buildings), long term leases of public land and buildings and generally all agreements, acts or decisions which have a commercial value similar to a sale;

Recognizing that it is necessary to clarify the scope of approval for disposing of public property as set out in the Supervisor's letter dated September 26, 2003, in the light of experience with its implementation;

Stressing that the Supervisor retains the right to intervene, even for disposals of public property which have been approved, or disposals of public property so far excluded from the scope of the approval, if it appears that a public property has been disposed of in breach of the law, without the Supervisor's approval or in violation of the general principles of multi-ethnicity and democratic governance upon which the Brcko District is based;

Determined to fight corruption and to ensure that dispositions of public properties are made transparently and in accordance with the Law and the Final Award and in the interests of the District;

I hereby order that:

1. All disposals of public property including such rights as Construction Right over Public Land (of any kind, with or without buildings), long term leases of public land and buildings and generally all agreements, acts or decisions which have a commercial value similar to a sale must be made in accordance with the law and with prior written approval of the Supervisor. Excluded from the scope of the mechanism of approval as set out in

Paragraph 12 of the Annex to the Final Award are:

- a. Minor land or building transfers made for the purpose of adjusting spatial plans.
 - b. Disposals of Public Properties covered by, and made in accordance with the Law on Purchase of Apartments on Which an Occupancy Right Exists in Brcko District of BiH along with the Amendments and Addenda to this Law.
 - c. Leases of public property for less than 3 years.
 - d. Disposals of District moveable property under prevailing regulations, such as the sale of used vehicles and office equipment. Disposals subject to the mechanism of approval that have not been approved by the Supervisor, shall be null and void, except otherwise decided by me, without prejudice of other action.
2. This Supervisory Order has immediate effect and shall be published without delay in the Official Gazette of the Brcko District. The Government and Assembly of the Brcko District shall undertake all necessary measures to ensure its implementation.

Susan R. Johnson
Supervisor of Brcko
Deputy High Representative