

Decision Enacting the Law on Amendments to the Law on Displaced–Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Considering that changes to the existing legislation on refugees and displaced persons in the Federation of Bosnia and Herzegovina are necessary to ensure proper monitoring of beneficiary selection, control over the execution of contracts for assistance to refugees and displaced persons, and proper accounting and bookkeeping for assistance projects, which do not exist in the Law on Displaced–Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina (published in the Official Gazette of the FBH No. 19/00 and 56/01);

Noting that the Peace Implementation Council at its meetings held in Bonn on 10 September 1997, in Madrid on 16 December 1998 and in Brussels on 23/24 May 2000, expressed its deep concerns regarding ingrained corruption in BiH which can lead to the undermining of democratic governance and the wasting of public resources and can hinder the development of the market economy;

Bearing in mind that the Law on Amendments to the Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina attached hereto will introduce transparency and accountability in the work of the Ministry for Refugees and Displaced Persons of the Federation of Bosnia and Herzegovina;

Taking into account the report of the Special Auditor on the Ministry of Social Affairs, Labor, Refugees and Displaced Persons of the Federation of Bosnia and Herzegovina released on 20 March 2003 and the recommendations contained in it.

Having considered and borne in mind all the matters aforesaid, the High Representative hereby issues the following

DECISION

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Enacting the Law on Amendments to the Law on Displaced–Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina, which is hereby attached as an integral part of this Decision. The said Law shall enter into force as a law of the Federation of Bosnia and Herzegovina, with effect from the date provided for in Article 4 thereof, on an interim basis until such time as the Parliament of the Federation of Bosnia and Herzegovina adopts this Law in due form, without amendments and with no conditions attached.

This Decision shall come into force forthwith and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 21 March 2003

*Paddy Ashdown
High Representative*