

Decision On Suspension Of Application Of The High Representative Decision No. 128 From 4 December 2001 (Official Gazette Of Fbih 56/01)

In the exercise of the powers vested in me 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 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”;

Recalling further Article I:1 of the said Annex 10, referring explicitly to the promotion of respect for human rights and the return of displaced persons and refugees;

Considering the emphasis placed by the Peace Implementation Council on accelerating refugee return and on ensuring full and non-discriminatory implementation of the property laws of Bosnia and Herzegovina;

Considering further the need to ensure scarce housing resources are allocated by the competent housing authorities pursuant to the relevant property legislation, thus allowing timely implementation of the property laws while providing housing care to those individuals whose housing needs are not otherwise met;

Noting that the Ministry for Physical Planning and Environment of the Federation of BiH has issued the *Instruction on the Procedure of Determination of the Temporary User's Right to Revalidate a Contract on the Use of the Apartment and On the Procedure of Control of the Revalidated Contracts On Use of Apartments* (FBiH OG 15/02), which establishes the procedures for future revalidations and control of contracts on use of apartments;

Noting further that, by separate Decision No. 156/02 imposed by the High Representative on 22 May 2002, the *Instruction on Procedure of Review of Concluded and/or Revalidated Contracts on Use of Apartments*, which will establish the procedures for reviewing revalidations of contracts on use of apartments which have already taken place, will be put into force;

Taking into account my Decision No. 128 from 4 December 2001 (Official Gazette of FBiH 56/01);

Having considered and borne in mind all the matters aforesaid, I hereby issue the following:

DECISION

ON SUSPENSION OF APPLICATION OF THE HIGH REPRESENTATIVE DECISION No. 128 FROM 4 DECEMBER 2001 (Official Gazette of FBiH 56/01)

Article 1

By this Decision, the temporary suspension of the procedure for approvals of the contracts on purchase of apartments and process of registering of contracts on purchase of apartments based on contracts on use concluded and/or revalidated after 1 April 1992 regulated by the HR Decision No. 128 from 4 December 2001 (Official Gazette of the FBiH 56/01) is hereby lifted.

Article 2

All competent authorities on the territory of the Federation of BiH are obliged to implement the *Instruction on the Procedure of Determination of the Temporary User's Right to Revalidate a Contract on the Use of the Apartment and On the Procedure of Control of the Revalidated Contracts On Use of Apartments* (Official Gazette of the Federation of BiH, No. 15/02) and the *Instruction on Procedure of Review of Concluded and/or Revalidated Contracts on Use of Apartments* proclaimed by Decision of the High Representative imposed on 22 May 2002.

Article 3

This Decision shall be published without delay in the Official Gazette of the FBiH and shall enter into force on the date of such publication.

Sarajevo, 22 May 2002

Wolfgang Petritsch

High Representative