

**OFFICE OF THE
HIGH REPRESENTATIVE**

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28 November, 2001

Mr. Enes Baljic
Mayor of Jablanica
Herzegovina-Neretva Canton
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA2001/229

Dear Mr. Baljic,

I refer to your letter of 27 July 2000 requesting a written waiver from the High Representative's Decision of 27 April 2000 that bans the reallocation of state owned property, including former socially-owned property.

In particular, you request this office to allow the Municipality of Jablanica to allocate one plot of land, registered in the land books as cadastral unit number 59/14 covering the area of 371 m² - cadastral municipality of Jablanica, to Mr. Fehim Neziric for establishing a permanent right of use for the purpose of regular use of the individual housing premises.

The land records that you enclose demonstrate that the above mentioned cadastral number refers to socially-owned and undeveloped land and that the right to dispose of and to use the land in question rests with the Municipality of Jablanica, with no other users registered.

Based on the Articles 6 and 25 of the Law on Construction Land, the land allocation in question was confirmed by the Municipal Council of Jablanica, in its decision number 01/3-33-212-VI-34/01 of 22 February 2001. The land allocation in question was also approved by the municipal public attorney, Mr. Zenaid Djelmo, who states in his letter No: M-30/01 of 19 November 2001 that there are no legal and factual obstacles for the issuance of the requested waiver of the High Representative's Decision of 27 April 2000. The beneficiary's request for an urban permit No: 10-364-60/99 was approved on 1 December 1999.

According to the Municipal Council's Decision and based on the Article 8 of the Decision on the conditions for and manners of the land allocation (Official Gazette of the Municipality of Jablanica , no: 3/97,4/99 and 2/00) Mr. Neziric is obliged to pay the compensation for the land allocation, in amount of 4,823.00 KM.

In light of the information that you have provided, this office authorises the Municipality of Jablanica to allocate the aforesaid land for the purpose described above.

To the extent that this waiver is granted on the basis of the validity of the documentation you have provided, this waiver shall itself cease to be valid if a court of competent jurisdiction, under a final and binding decision, brings into question the authenticity or accuracy of this documentation, and/or the information that it contains.

This waiver is also granted on the understanding and condition that the beneficiary named above, inasmuch as he himself or his immediate family members are users of abandoned/claimed property, he and/or his immediate family members will, in a period of not more than 150 days from the date of your receipt of this decision, fully vacate this property. In addition, within the period stated, he must provide to your office correct documentary evidence, approved by the relevant housing body, that he himself and/or immediate family members have fully vacated all such property, and that the property remains in a habitable condition. Inasmuch as these conditions are not met, this waiver ceases to be valid immediately upon the expiry of the period stated.

Sincerely,



Ambassador Peter Bas- Backer
Deputy High Representative for Return and Reconstruction