

**OFFICE OF THE
HIGH REPRESENTATIVE**

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23 November, 2001

Ms. Selvedina Uljic
Mayor
Municipality of Zavidovici
Zenica-Doboj Canton
Federation of Bosnia and Herzegovina
Bosnia and Herzegovina

OHR-RRTF/LA/2001/223

Dear Ms. Uljic,

I refer to your letter of 5 September 2001 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 Zavidovici to allocate 80 plots of land, registered as cadastral units number 6/17, covering the area of 691 m², 6/18, covering the area of 860 m², 6/19, covering the area of 648 m², 6/20, covering the area of 720 m², 6/21, covering the area of 624 m², 6/22, covering the area of 619 m², 6/23, covering the area of 624 m², 6/24, covering the area of 680 m², 6/25, covering the area of 598 m², 6/26, covering the area of 679 m², 6/27, covering the area of 666 m², 6/28, covering the area of 750 m², 6/29, covering the area of 679 m², 6/30, covering the area of 791 m², 6/31, covering the area of 770 m², 6/32, covering the area of 816, 6/33, covering the area of 546 m², 6/34, covering the area of 773 m², 6/35, covering the area of 525 m², 6/36, covering the area of 479 m², 6/37, covering the area of 648 m², 6/38, covering the area of 629 m², 6/39, covering the area of 648 m², 6/40, covering the area of 651 m², 6/41 covering the are of 657 m², 6/42, covering the area of 655 m², 6/43, covering the area of 556 m², 6/44, covering the area of 357 m², 6/45, covering the area of 341 m², 6/46, covering the area of 460 m², 6/47, covering the area of 430 m², 6/48, covering the area of 306 m², 6/49, covering the area of 469 m², 6/50, covering the area of 554 m², 6/51 covering the are of 624 m², 6/52, covering the area of 628 m², 6/53, covering the area of 684 m², 6/54, covering the area of 703 m², 6/55, covering the area of 559 m², 6/56, covering the area of 888 m², 6/57, covering the area of 788 m², 6/58, covering the area of 790 m², 6/59, covering the area of 774 m², 6/60, covering the area of 712 m², 6/61 covering the are of 577 m², 6/62, covering the area of 667 m², 6/63, covering the area of 578 m², 6/64, covering the area of 584 m², 6/65, covering the area of 639 m², 6/66, covering the area of 576 m², 6/67, covering the area of 548 m², 6/68, covering the area of 425 m², 6/69, covering the area of 639 m², 6/70, covering the area of 649 m², 6/71

covering the area of 467 m², 6/72, covering the area of 782 m², 6/73, covering the area of 755 m², 6/74, covering the area of 559 m², 6/75, covering the area of 459 m², 6/76, covering the area of 501 m², 6/77 covering the area of 456 m², 6/78, covering the area of 602 m², 6/79, covering the area of 653 m², 6/80, covering the area of 525 m², 6/81, covering the area of 711 m², 6/82, covering the area of 811 m², 6/83 covering the area of 670 m², 6/84, covering the area of 380 m², 6/85, covering the area of 410 m², 6/86, covering the area of 617 m², 6/87 covering the area of 806 m², 6/88, covering the area of 480 m², 6/89, covering the area of 659 m², 6/90, covering the area of 705 m², 6/91, covering the area of 685 m², 6/92, covering the area of 776 m², 6/93 covering the area of 662 m², 6/94, covering the area of 657 m², 6/95, covering the area of 749 m², 6/96, covering the area of 558 m²,— all cadastral municipality of Vucjak, only to the individual persons as signed in the list of beneficiaries which will be identified by an annex attached to this waiver, for the purpose of building individual housing units. In addition, you also state in your Request letter that there were no claims before the competent court referring to the land in question.

The land records that you enclose demonstrate that the above mentioned cadastral numbers refer to socially-owned and undeveloped construction land and that the right of the land disposal and possession rests with the Municipality of Zavidovici. The land records show no other user registered.

The land allocation in question was advertised in “Nezavisne novine”, Banja Luka; on “Radio Doboje”, Doboje; on 19 March 2001 and in “Dnevni Avaz”, Sarajevo; on 17 March 2001 and, according to the public invitation for bids that you enclose, the bidding process was open to all people on the Area of Federation as well as on the area of RS, respecting even-handedness and multi-ethnicity. The selection of beneficiaries has been carried out by the Municipal Commission, based on the established criteria referring to the social and housing status of the candidates and in accordance with the relevant laws and regulations.

According to the Mayor’s letter of 5 September 2001, and enclosed documents the Municipal Assembly of Zavidovici has established the public interest for the construction of the premises in question, based on the Decision on adopting the Regulation Plan “Vucjak” and Decision on enforcing the Regulation Plan of individual housing units of 14 April 1989.

Based on the Articles 6, 17, 47 and 48 of the Law on Construction Land the land allocation in question was confirmed by the Municipal Council of Zavidovici, in its 80 decisions. On 12 November, 2001 in its Decision: number 01-31-2506 and on 24 July 2001 in its 79 decisions, as follows: number: 01-31-2604, number 01-31-2463, number 01-31-2465, number 01-31-2467, number 01-31-2468, number 01-31-2459, number 01-31-2460, number 01-31-2490, number 01-31-2462, number 01-31-2472, number 01-31-2493, number 01-31-2453, number 01-31-2454, number 01-31-2455, number 01-31-2457, number 01-31-2458, number 01-31-2461, number 01-31-2488, number 01-31-2486, number 01-31-2485, number 01-31-2483, number 01-31-2481, number 01-31-2505, number 01-31-2452, number 01-31-2510, number 01-31-2492, number 01-31-2436, number 01-31-2504, number 01-31-2503, number 01-31-2779, number 01-31-2444, number 01-31-2438, number 01-31-2445, number 01-31-2456, number 01-31-2447, number 01-31-2446, number 01-31-2449, number 01-31-2450, number 01-31-2451,

number 01-31-2497, number 01-31-2437, number 01-31-2434, number 01-31-2434, number 01-31-2432, number 01-31-2474, number 01-31-2464, number 01-31-2502, number 01-31-2471, number 01-31-2470, number 01-31-2469, number 01-31-2433, number 01-31-2501, number 01-31-2500, number 01-31-2484, number 01-31-2442, number 01-31-2496, number 01-31-2443, number 01-31-2473, number 01-31-2475, number 01-31-2476, number 01-31-2477, number 01-31-2760, number 01-31-2613, number 01-31-2762, number 01-31-2478, number 01-31-2466, number 01-31-2480, number 01-31-2507, number 01-31-2509, number 01-31-2482, number 01-31-2487, number 01-31-2441, number 01-31-2440, number 01-31-2495, number 01-31-2439, number 01-31-2494, number 01-31-2491, number 01-31-2499, number 01-31-2498, and approved by the Municipal Public Attorney, Ms. Bahrija Muminovic who states in her opinion number R-21/01 of 31 august 2001 that the land allocation complies with the relevant laws and legislation.

According to the above mentioned Municipal Decisions of 24 July and 12 November 2001 and based on the Article 25a of the Decision on Construction Land the beneficiaries named in the decisions are not obliged to pay the land allocation compensation.

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

This waiver is granted under the following understandings and conditions:

- 1) The documentation you have provided is authentic and accurate. Such will not be the case 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.
- 2) The procedure and conditions for the mentioned land allocation is demonstrably transparent and non-discriminatory and carried out exactly as described in the enclosed documents.
- 3) The beneficiaries named in the enclosed annex, inasmuch as they themselves or their immediate family members are users of abandoned/claimed property, they and/or their immediate family members will, in a period of not more than 150 days from the date of your receipt of this waiver, fully vacate the abandoned/claimed property. In addition, within the period stated, they must provide to your office correct documentary evidence, approved by the relevant housing body, that they themselves 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 for all the beneficiaries and their immediate family members, this waiver ceases to be valid.
- 4) Inasmuch as the Municipality fails to punctually provide full evidence that all the above conditions have been met, this waiver ceases to be valid.

If any of the above stated understandings and conditions fail to be fulfilled, the waiver will cease to be valid with immediate effect, and the appropriate steps will be taken to treat this action as an illegal allocation of socially-owned land.

Sincerely,



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