

Decision Amending the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska

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 “(f)acilitate, 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, that the Declaration of the Peace Implementation Council Steering Board adopted at the level of Political Directors in Sarajevo on 24 September 2004 called for a “lasting solution” to “the issue of State Property”;

Noting, that pursuant to the aforesaid declaration, a Commission for State Property, for the Identification and Distribution of State Property, the Specification of Rights and Obligations of Bosnia and Herzegovina, the Entities and the Brcko District of Bosnia and Herzegovina in the Management of State Property (hereinafter: Commission), comprised of expert representatives from both Entities of Bosnia and Herzegovina, the Brcko District of Bosnia and Herzegovina, and the Institutions of Bosnia and Herzegovina, was formed in December 2004 by a Decision of the Council of Ministers of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina no. 10/05, 18/05, 69/05, 70/05, hereinafter: “Decision”);

Considering that, in accordance with the aforementioned Decision, the Commission is tasked, among other things, with proposing legislation that regulates the identification of which property is owned by Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska and Brcko District of Bosnia and Herzegovina, and that specifies their respective rights of ownership and management of State Property”;

Recalling, that the Law on the Temporary Prohibition of Disposal of State Property of Republika Srpska, (Official Gazette of Republika Srpska 32/05, 32/06, 100/06) temporarily prohibits disposals of a State Property until the earlier of either the entry into force of the above-mentioned legislation on ownership rights and management of State Property, or on 31 May 2007;

Considering further, that pursuant to Article 4a of the aforesaid Decision, the Commission is additionally tasked with deciding upon requests for “exemption(s) of certain state property from the ban imposed by the laws on temporary prohibition of disposal of State Property at the level of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina and Republika Srpska;”

Regretting, that the temporary prohibition of disposals of State Property will expire on 31 May 2007, in accordance with the Decision of the High Representative Amending the Law on Temporary Prohibition of Disposal of Republika Srpska (Official Gazette of Republika Srpska, 100/06), prior to the enactment of the aforementioned legislation on the ownership rights and management responsibilities of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska and Brcko District of Bosnia and Herzegovina over State Property;

Recognizing, that the protection of the interests of Bosnia and Herzegovina, and its subdivisions, from the potential prejudice posed by further disposals of State Property prior to the enactment of appropriate legislation requires an extension of the laws temporarily prohibiting the disposal of State Property by Bosnia and Herzegovina, the Entities or any of its subdivisions;

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

DECISION

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which is hereby attached as an integral part of this Decision.

The said Law shall enter into force as a law of Republika Srpska on the date provided for by Article 2 therein.

This Decision shall come into force forthwith and shall be published without delay in the "Official Gazette of Republika Srpska".

Sarajevo, 30 May 2007.

Dr. Christian Schwarz-Schilling
High Representative

Law on Amendments to the Law on Temporary Prohibition of Disposal of State Property of Republika Srpska

Article 1

In Article 4 of the Law on the Temporary Prohibition of Disposal of State Property of "31 May 2007" shall be replaced with words: 30 September 2007."

Article 2

This Law shall be published on the official website of the Office of the High Representative forthwith and shall enter into force on 1 June 2007. This Law shall also be published without delay in the "Official Gazette of Republika Srpska".