

Decision Enacting the Law on Amendments to the Law on the Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens of the FBiH

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 necessity that certain errors and omissions made in 4 December 2001 Decision on amendments to the *Law on the Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens* (Official Gazette of the Federation of Bosnia and Herzegovina, Nos. 11/98, 29/98, 27/99, 43/99, 37/01 and 56/01) should be corrected;

Noting that the proposed amendments of the aforesaid mentioned Law will ensure greater harmonization of the property laws of Bosnia and Herzegovina;

Having taken into account all the matters aforesaid, the High Representative hereby issues the following

DECISION

Enacting the Law on Amendments to the Law on the Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens of the Federation of Bosnia and Herzegovina

The Law which follows and which forms an integral part of this Decision, shall enter into force as provided for in Article 7 thereof on an interim basis, until such time as the Parliament of the Federation of Bosnia and Herzegovina adopts this Law in a due form, without amendment and with no conditions attached.

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

Sarajevo, 15 May 2003

*Paddy Ashdown
High Representative*

**LAW ON AMENDMENTS TO THE LAW ON THE CESSATION OF THE APPLICATION OF THE LAW ON
TEMPORARY ABANDONED REAL PROPERTY OWNED BY CITIZENS**

Article 1

In Article 16 paragraph 4 of the Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens (Official Gazette of the Federation of Bosnia and Herzegovina, Nos. 11/98, 29/98, 27/99, 43/99, 37/01 and 56/01) item 5 shall be amended as follows:

“has a member of his/her family household who has accommodation anywhere on the territory of the Federation of Bosnia and Herzegovina or in the same city or municipality as the 1991 home anywhere else in the territory of Bosnia and Herzegovina, insofar as the accommodation accords with the minimum standard specified in Article 8 of this Law; or.”

Article 2

Article 16 paragraph 5 shall be deleted.

Article 3

Article 16a paragraph 3 shall be amended as follows:

“For the purposes of this Article, the term ‘temporary user’ shall include all members of the family household as defined in Article 16 paragraph 6 of this Law.”

Article 4

In Article 17b, paragraph 3 shall be added to read as follows:

“Exceptionally, in case of a dispute as to the validity of the transferred real property right in which the competent authority issued a decision on repossession prior to December 29, 2001 that has not yet been enforced, the competent authority shall *ex officio* suspend enforcement proceedings pending a final judicial decision on the matter, under the condition that an interested party provides evidence that they have initiated proceedings before the competent court.”

Article 5

In Article 17c paragraph 3 points 1 and 2 the words “for forcible eviction” shall be amended by words “to vacate the real property”.

Article 6

Article 17d paragraph 3 shall be amended to read as follows:

“The competent authority shall be liable for all damage to the property from the time it was abandoned by the owner either until the time it is returned to the owner or a member of his/her 1991 household pursuant to this Law, or until the time that the property is vacated and sealed and notification has been delivered to the owner in accordance with the provisions of this Law and the Law on Administrative Procedure”.

Article 7

This Law shall enter into force on the eighth day after its publication in the Official Gazette of the Federation of Bosnia and Herzegovina.