

Decision Enacting the Law on Amendments to the Law on Urban Planning

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 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 Art. 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”;

Considering the fact that the proper protection, conservation, presentation and rehabilitation of the designated National Monuments in Bosnia and Herzegovina needs harmonized legislation in Bosnia and Herzegovina entities.

Bearing in mind that Article V: 5 of Annex 8 of the General Framework Agreement for Peace in Bosnia provides that: “In any case in which the Commission issues a decision designating property as a National Monument, the Entity in whose territory the property is situated (a) shall make every effort to take appropriate legal, scientific technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property”;

Noting that the Law on Urban Planning of the Republika Srpska (Official Gazette of the Republika Srpska No. 19/96, 25/96 and 10/98) requires amendment in order to enable the Republika Srpska to meet its obligations under Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina.

Bearing also in mind, that further delay in implementation of Annex 8 could jeopardize the return of refugees and displaced persons to the Republika Srpska, and undermine efforts to create a positive environment for return throughout Bosnia and Herzegovina.

Considering that provisions of the Republika Srpska Law on Urban Planning may have the effect of delaying the process of implementation of decisions of the Annex 8 Commission to Preserve National Monuments.

Having taken into account and considered the totality of the matters aforesaid, I hereby issue the following

DECISION

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This Decision has immediate effect. The Law that follows which form part of this Decision shall enter into force on the date hereof on an interim basis, until such time as the National Assembly of the Republika Srpska adopts this law in due form, without amendment and with no conditions attached.

Law on Amendments to the Law on Urban Planning

Article 1

In Article 121 add paragraph 7, as follows:

Paragraphs 4, 5 and 6 of this Article are not applicable to the preparation of technical documentation for the rehabilitation of National Monuments as defined by the Law on Implementation of the Decisions of the Commission to Preserve National Monuments Established under Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina.

Article 2

In Article 124 add paragraph 8 as follows:

Paragraphs 4, 5, 6 and 7 of this Article are not applicable to the construction of a building or execution of works on rehabilitation of National Monuments as defined by the Law on Implementation of the Decisions of the Commission to Preserve National Monuments Established under Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina.

Article 3

This Law shall be published without delay in the Official Gazette of the Republika Srpska.

Sarajevo, 14 August 2002

*Paddy Ashdown,
High Representative*