

Decision lifting the 4 December 2001 freeze of apartment privatisations in the RS

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 need to implement in the most efficient and equitable manner legislation concerning repossession of property throughout Bosnia and Herzegovina, and to ensure that the same is undertaken in a harmonised manner in each Entity;

Noting that the *Instruction on Review of Legality of Contracts on the Use of Apartments Concluded and Revalidated After 1 April 1992 and On Procedure On Determining the Rights on Revalidation of Contracts On the Use of Apartments*, which establishes further procedures for the revalidation, was passed by the Ministry for Urbanism, Housing-Utility Affairs, Construction and Ecology and the Ministry for Displaced Persons and Refugees and gazetted in the Republika Srpska Official Gazette, No. 11/02;

Having considered and borne in mind all the matters aforesaid, I hereby issue the following:

DECISION ON LIFTING OF A TEMPORARY FREEZE OF APARTMENT PRIVATISATIONS

Article 1

The temporary freeze on privatisation of apartments based on new contracts on use concluded or revalidated after 1 April 1992 provided by the *Decision on a Temporary Freeze of Apartment Privatisations* (RS Official Gazette 65/01) is hereby lifted.

Article 2

All competent authorities on the territory of the Republika Srpska shall immediately begin implementation of the *Instruction on Review of Legality of Contracts on the Use of Apartments Concluded and Revalidated After 1 April 1992 and On Procedure On Determining the Rights on Revalidation of Contracts On the Use of Apartments*.

Article 3

This Decision shall be published without delay in the Official Gazette of the Republika Srpska and shall enter into force on the date of such publication.

Sarajevo, 17 April 2002

Wolfgang Petritsch

High Representative