

Decision On Amendments To The Instruction On Application Of The Law On The Cessation Of Application Of The Law On Temporary Abandoned Real Property Owned By Citizens (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 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;

Conscious that after months of negotiation the Entity officials responsible for refugee and housing issues have been unable to reach agreement on the specific provisions necessary for harmonisation as aforesaid, and that the deadline of 15 November 2001 as set by the Entities at the Teslic Property Conference for full harmonization has passed;

Noting that the Ministry for Human Rights and Refugees of Bosnia and Herzegovina has requested action by the Office of the High Representative to harmonise Entity legislation governing the repossession of property in order to safeguard basic human rights and expedite refugee return.

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

DECISION

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

Article 1

The following Articles of the Instruction on the Application of the Law on Cessation of Application of the Law on Abandoned Real Property Owned by Citizens (Official Gazette of the Federation of Bosnia and Herzegovina 11/98, 28/98, 27/99) shall be suspended: Articles 1 through 4, 9 through 12 and 18 through 21.

Article 2

This Decision shall be published as soon as possible in the Official Gazette of the Federation of Bosnia and Herzegovina and the amendments contained herein shall enter into force eight days after the date of such publication.

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Sarajevo, 4 December 2001

Wolfgang Petritsch

High Representative

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