Further amending the Law on the Privatization of State Owned Apartments

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 Representativeąs 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 Agreeme 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 property privatisation throughout Bosnia and Herzegovina, and to ensure that the same is undertaken in a harmonised manner in each Entity, subject only to such variations as may be necessitated by the differing models of privatisation in each;

Conscious of the vital need to ensure that such harmonisation is undertaken so as not to disadvantage returning Refugees and Displaced Persons, and so as to be in keeping with the spirit of Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina, and with the conclusions of the Bosnia and Herzegovina Commission on Refugees and Displaced Persons;

Further conscious that the Entity officials responsible for refugee and housing issues have been unable to reach agreement on the specific provisions necessary fecessary for harmonisation as aforesaid, notwithstanding the request of the Bosnia and Herzegovina Commission on Refugees and Displaced Persons;

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 on privatisation 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

Further amending the Law on the Privatization of State Owned Apartments (Official Gazette of the Republika Srpska, No. 11/00, 18/01)

Article 1

A new Article 28(a) shall be added:

Article 28(a).

“If the Purchaser or his/her family household member is an occupancy right holder who left the apartment in the period from 30 April 1991 to 19 December 1998 and subsequently repossessed his/her apartment through court proceedings, administrative proceedings before the competent administrative body under the Law on Cessation of Application of the Law on the Use of Abandoned Property in Republika Srpska (Republika Srpska Official Gazette, Nos. 38/98, 12/99, 31/99 and 38/99), or through the enforcement of a decision of the Commission for Real Property Claimsfor Real Property Claims, he/she shall be entitled to a 75% reduction in the purchase price of the apartment.

An occupancy right holder referred to in paragraph 1 of this article is only entitled to submit a written request for the purchase of his/her apartment in accordance with Article 17 of this Law once he/she provides proof that he/she and all members of his/her family household, as defined in the Law on Housing Relations has/have vacated any accommodation where he/she/they were residing as legal or illegal users.

In order to meet this requirement, the occupancy right holder shall furnish signed minutes from the competent administrative body evidencing his/her/their departure, hand-over of keys, and sealing of the premises or reinstatement of the pre-war occupancy right holder to the vacated premises, or evidence that the current accommodation does not need to be vacated in accordance with the Law. Where applicable, the competent administrative body shall be obliged to provide the occupancy right holder with this evidence.

The competent authority shall, within one month of entry into force of this law, define by instruction legally valid

evidence for the purposes of this article where the minutes are not available, or where the current accommodation does not need to be vacated in accordance with the Law.

This evidence must be contained in the contrae contract for the purchase of an apartment. The evidence is an integral part of the purchase contract and the contract cannot be concluded in its absence."

Article 2

Article 37, paragraph 1, shall be amended and read as follows:

"If a contract for the purchase of an apartment is not concluded within one year from the date of entry into force of this Law, or within one year of the finalizing of any dispute referred to in Article 9, paragraph 2, whichever date is later, the legal entity from Article 13, paragraph 1, of this Law (hereinafter: the Lessor) and the occupancy right holder (hereinafter: the Lessee) shall be obliged to conclude, within the next 60 days, a lease contract for the apartment for an unspecified period of time pursuant to the provisions of this Law."

Article 3

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

Sarajevo, 17 July 2001	Wolfgang Petritsch
	High Representative

Office of the High Representative