

Decision abolishing the illegal “Municipality of Skelani” and restoring the pre-war boundaries of the Municipality of Srebrenica

In the exercise of the powers vested in me by Article V of Annex 10 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 this Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article I.1 of the said Annex, referring explicitly to the promotion of human rights and the return of displaced persons and refugees;

Recalling Article II.1 (d) of the Agreement on the Civilian Implementation of the Peace Settlement, 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 further 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 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”;

Noting and reiterating the matters set out in Legal Opinion 1999/04 of the Office of the High Representative, which was communicated to the Government of the Republika Srpska in December 1999, and which declared that *the Law on Establishing the Serb Municipality of Skelani* (Republika Srpska Official Gazette 17/92) was null and void;

Deploing the fact that the aforesaid Legal Opinion has been ignored by those elected persons and appointed officials who were or remain responsible for implementing the same;

Recalling that the tragic events at Srebrenica in the summer of 1995 now compel and necessitate the taking of measures to ensure that the return of those who fled is facilitated and that the continued isolation of certain of the citizens of the Republika Srpska in that part of Srebrenica which was once referred to as a “safe haven” must be ended so that in the future Srebrenica, within its pre-war boundaries of which Skelani was then a minor settlement, may be seen as a place of reconciliation;

Conscious by reason of the matters aforesaid of the unique and unparalleled significance of the restoration of the Srebrenica municipality within its said pre-war boundaries as a means of accelerating the Civilian Implementation of the Peace Settlement;

Determined that Article II.5 of the Constitution of Bosnia and Herzegovina, pursuant to which all refugees and displaced persons have the right freely to return to their homes of origin, shall be respected;

Further determined that Article II.1 of Annex 7 to the General Framework Agreement for Peace in Bosnia and Herzegovina, namely the Agreement on Refugees and Displaced Persons, pursuant to which the Parties to the said Agreement undertake to “create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons” shall likewise be respected;

Concluding that to ensure respect for the Constitution of Bosnia and Herzegovina, and for the said Agreement on Refugees and Displaced Persons, by and on behalf of the Government of the Republika Srpska and all those who act in its name or on its behalf, I am compelled to make a Decision which accords with the aforesaid legal opinion and restores the Skelani settlement to its pre-war status as part of Srebrenica.

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

DECISION ON THE MUNICIPALITY OF SREBRENICA

1. The *Law on Establishing the Serb Municipality of Skelani* (Official Gazette of Republika Srpska, no 17/92) is hereby annulled.
2. Reference to the so-called Municipality of Skelani in article 11 of the *Law on Territorial Organization and Local Self-Government* (Official Gazette of Republika Srpska, no 11/94) is hereby annulled and deleted.
3. The statute of the municipality of Srebrenica (Official Gazette of the Municipality of Srebrenica, no 3/95) is hereby annulled as are any further provisions made prior to the date hereof and purporting to regulate the municipality of Srebrenica after the coming in to force of the *Law on Establishing the Serb Municipality of Skelani* hereinbefore referred to.
4. Any other provision concerning the so-called municipality of Skelani contained in any other law, bye-law, regulation or otherwise of the Republika Srpska, is hereby declared to be null and void.
5. The municipality of Srebrenica is hereby re-established within the boundaries as they existed prior to the coming in to force of the *Law on Establishing the Serb Municipality of Skelani* hereinbefore referred to.
6. The Statute of the Municipality of Srebrenica shall be the Statute contained in the Annex hereto and shall apply throughout the territory of the pre-war Municipality of Srebrenica.
7. The municipal administrative facilities and structures and accompanying premises and equipment within the boundaries of the so called Municipality of Skelani, which said Municipality, as hereinbefore appears, owes its purported existence solely to the said *Law on Establishing the Serb Municipality of Skelani*, shall be transferred to the re-established municipality of Srebrenica.
8. In the interest of the citizens of Srebrenica, administrative acts issued by the purported Skelani municipality administrative authorities, are hereby deemed to be and to remain valid and in force until such time as they may be superceded by acts of the re-established Municipality of Srebrenica.
9. This Decision shall be published without delay in the Official Gazette of the Republika Srpska and it shall come into force on the date of such publication. This Decision shall also be published in the Official Gazette of the Municipality of Srebrenica.

Sarajevo, 5 December 2000

Wolfgang Petritsch
High Representative

Office of the High Representative