

Decision Suspending Any Further Procedure For Approvals of the Contracts on Purchase of Apartments which have been entered into pursuant to Article 29 of the Law on Sale of Apartments with Occupancy Right

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 many illegal privatisations of apartments have taken place, or may soon occur, thus resulting in the loss of the largest source of alternative accommodation, which is needed to ensure full implementation of the property laws;

Noting 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;

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

DECISION

Article 1

All competent Public Defenders on the territory of the Federation of Bosnia and Herzegovina shall immediately suspend any further procedure for approvals of the contracts on purchase of apartments which have been entered into pursuant to Article 29 of the Law on Sale of Apartments with Occupancy Right ("Official Gazette of the

Federation of Bosnia and Herzegovina, Nos. 27/97, 11/98, 22/99, 27/99, 7/00), that are concluded on the basis of contracts on use or revalidation procedure after 1 April 1992 until such further Decision as I may issue in relation thereto.

Furthermore, in the process of registering contracts on purchase of apartments in accordance with the Law on Sale of Apartments with Occupancy Right in the Land Registry Book, all Courts on the territory of the Federation of Bosnia and Herzegovina shall return to the competent Public Defenders any contract on purchase of apartment concluded on the basis of contracts on use or revalidation procedure after 1 April 1992 and not yet registered in the Land Registry Book. Such returned contracts on purchase must be reviewed for legality by the competent authorities in accordance with the Instruction which shall be issued by the Federation Ministry for Urban Planning and Environment.

Article 2

This Decision shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina and shall enter into force eight days after the date of such publication.

Sarajevo, 4 December 2001

Wolfgang Petritsch

High Representative

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