

Decision Enacting The Law On Amendments To The Law On Amendments To The Law On Displaced-Expelled Persons And Repatriates In The Federation Of Bosnia And Herzegovina

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 respective Refugee and Displaced Persons Laws should be harmonised with the Laws on Abandoned Property, to ensure that alternative accommodation should be reserved for only the most vulnerable individuals:

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

DECISION

enacting the law on amendments to the Law on Amendments to the Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina.

The Law which follows shall enter into force as provided for in article 3 thereof on an interim basis, until such time as the Federation Parliament adopts this Law in due form, without amendment and with no conditions attached.

The Law On Amendments to the Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina

Article 1

In Article 12 of the Law on Displaced-Expelled Persons and Repatriates in the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH, No. 19/00) after Paragraph 3, a new Paragraph 4 shall be inserted:

” Such accommodation shall however not be accorded if the persons have disposable income, including assets, which are sufficient to cover their accommodation needs. The competent authority shall specify a minimum threshold of disposable income equivalent to the income threshold determined under the Law on the Cessation of the Application of the Law on Abandoned Apartments and the Law on Cessation of the Law on Abandoned Real Property Owned by Citizens.”

The current Paragraph 4 shall become Paragraph 5.

Article 2

In Article 19, Paragraph 1, after the words “The extent of rights prescribed in 11” the words “points 2 through 6” shall be inserted.

Article 3

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

Sarajevo, 4 December 2001

Wolfgang Petritsch

High Representative

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