

Decision ensuring transparency in the use of funds for return of refugees and displaced persons in both Entities

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 the 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 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 the Peace Agreement throughout Bosnia and Herzegovina and its Entities;

Considering High Representative Decision no. 81/01 of 11 January 2001 (Official Gazette of Bosnia and Herzegovina no. 2/01 of 29 January 2001), pursuant to which an application may be made to the High Representative to resolve an issue concerning a vital interest of a constituent people or of Others;

Noting that an issue has been raised as to the draft budget of the Republika Srpska and as to the adequacy of the sum budgeted for the year 2002 in respect of the return of refugees and displaced persons to their pre-war homes;

Noting further that an issue has likewise been raised as to the extent to which sums budgeted for such returns in 2000 and 2001 were duly expended;

Determined to promote the right of refugees and displaced persons freely to return to their homes of origin as set out in Article II.5 of the Constitution of Bosnia and Herzegovina and further enshrined and regulated in detail in Annex 7 to the General Framework Agreement for Peace in Bosnia and Herzegovina ("GFAP");

Convinced of the need to guarantee without discrimination the right to return for all constituent peoples and other citizens of Bosnia and Herzegovina throughout Bosnia and Herzegovina;

Considering that the right to return and the right not to be discriminated against constitute a vital interest for all constituent peoples and other citizens of Bosnia and Herzegovina;

Bearing in mind the responsibility assumed by the Entities and by Bosnia and Herzegovina under Article II of Annex 7 of the GFAP, to create in their territories the political, economic and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group;

Concluding that financial resources must be budgeted for and provided both at the Entity level and at the level of Bosnia and Herzegovina in order to ensure the creation of such conditions.

Noting the terms of the draft budget of Republika Srpska as presented to the Constitutional Commission of Republika Srpska and that it has been announced that further funds for refugees and displaced persons return

shall be included in the draft budget.

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

DECISION

1. The return of refugees and displaced persons to their pre-war homes and the establishment of political, economic and social conditions conducive to such return is an issue of vital interest for all constituent peoples as well as for other citizens of Bosnia and Herzegovina within the provisions of paragraph 7 of the Decision of the High Representative no. 81/01 of 11 January 2001 (Official Gazette of Bosnia and Herzegovina no. 2/01 of 29 January 2001).
2. The Government of Republika Srpska is hereby required to provide all such information as may be necessary for the National Assembly of Republika Srpska to carry out a full and complete examination as to whether the funds allocated to the return of refugees and displaced persons are sufficient to enable the Republika Srpska to fulfil its obligations under Annex 7 to the GFAP. The said examination is to be conducted by the said National Assembly no later than by 31 January 2002.
3. The Minister or Ministers of the Entities of Bosnia and Herzegovina competent as to issues relating to the return of refugees and displaced persons shall on a quarterly basis beginning with the 1st March 2002, notify to the Minister for Human Rights and Refugees of Bosnia and Herzegovina on the use made of budgeted funds for refugee and displaced person returns through the State Commission for Refugees of Bosnia and Herzegovina.
4. Such notification shall include in particular specific information as to the implementation of budgetary lines with regard to facilitating return of members of constituent peoples and of Others, as well as in relation to the establishment of alternative accommodation and the closing of collective centres.
5. This Decision is taken in accordance with paragraph 10 of the Decision of the High Representative no. 81/01 of 11 January 2001 (Official Gazette of Bosnia and Herzegovina no. 2/01 of 29 January 2001).
6. This Decision shall be published without delay in the Official Gazette of Bosnia and Herzegovina and shall come into force upon the date of such publication. This Decision shall be also published in the Official Gazette of the Federation of Bosnia and Herzegovina and in the Official Gazette of Republika Srpska.

Sarajevo, 24 January 2002

The High Representative

Wolfgang Petritsch

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