PLIP Completion Guidelines Letter

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Mr. Siniša Kisić
Mayor
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Dear Sirs,

We are writing to present the international community's criteria for a joint approach to case-by-case certification of substantial completion of property law implementation by municipalities in BiH. As you are aware, an increasing number of municipalities in BiH have resolved all claims pending before them and we expect all municipalities to have done so by the end of this year. Given the importance of ensuring that our assessments of municipal completion are as accurate as possible, we have drawn up the enclosed "PLIP Municipal Guidelines for Substantial Completion of Property Law Implementation". We propose that they be put before the State Commission on Refugees for discussion and endorsement, and welcome your comments or proposals on how the current guidelines might be improved.

The enclosed guidelines reflect the current expectations of the international community in terms of the minimum criteria for completion. They are based on ongoing consultative field application in some municipalities. Substantial completion of property law implementation is achieved when the competent authorities have resolved all pending property cases in their jurisdiction and have planned for all ongoing and future obligations, such as the processing of future claims and the provision of alternative accommodation to those who remain entitled.

While the guidelines focus on tasks within the competence of the administrative bodies directly responsible for property law implementation, there are a number of other issues that affect the ability of refugees and displaced persons to repossess and dispose over their property. These issues need to be fully addressed and include:

1. Implementation of legal provisions on decision and review procedures regarding concluded and/or revalidated contracts on use;

2. Compliance with legal regulations ensuring non-discriminatory purchase of socially-owned apartments by refugees and displaced persons;

3. Assessment of the housing stock in the municipality administered in accordance with the laws and measures for (1) emergency accommodation to remain available for those entitled to it, subject to systematic checks of ongoing

eligibility, and (2) surplus facilities, wherever appropriate, to be made available for use as alternative accommodation in the same municipality or as either form of temporary accommodation for nearby municipalities;

4. Assessment of number of persons in the municipality likely to remain unable to provide for their own housing needs over the long-term and analysis of possible long-term housing solutions for social cases in accordance with the relevant laws;

5. Assessment of number and status of court cases for the repossession of property in the municipality in question filed prior to the entry into force of the administrative property repossession laws in 1998; support for rapid resolution of this caseload.

Finally, related to point 5 of the guidelines, we would like to remind you of the suggestion made in the 20 March 2003 letter on social welfare policy sent by OHR, OSCE and UNHCR regarding unclaimed apartments. The letter suggested that there were reasons to reconsider the automatic return of these apartments to allocation right holders in every case. The recommendation was made to the competent Ministries in both Entities to issue interim instructions setting out procedures by which such apartments would remain available for use as alternative accommodation.

We also wish to reiterate our expectation that maximum use be made of unclaimed apartments in support of property law implementation. The same principle clearly applies to all other forms of surplus alternative accommodation in municipalities completing property law implementation. Although the end of the process is near, an urgent and continuing need remains in both Entities for accommodation for persons who are evicted and are unable to house themselves. In some areas of BiH, the competent municipal authorities have already made arrangements for “sharing” alternative accommodation at a local level.

We look forward to your comments on these guidelines, with a view to rapid completion of property law implementation throughout Bosnia and Herzegovina.

Sincerely,

Peter Bas-Backer
Deputy High Representative
For Reconstruction and Return
On behalf of PLIP agencies