

OHR RRTF Report December 1997 - Annex 4

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Annex 4

DRAFT MECHANISM FOR ALLOCATION OF SOCIALLY-OWNED APARTMENTS TO PRE-WAR OCCUPANTS

December 1997

1. **Selection of apartments** – Reconstruction agencies, in liaison with the appropriate cantonal / regional and municipal authorities, should select living units for reconstruction which are currently unoccupied and whose owners/allocation right holders have expressed, in writing, their agreement to respect the principle that pre-war occupants will be given the first right to return to their pre-war living units.
2. **Written confirmation of pre-war occupancy right - Pre-war occupancy right** holders and/or members of their households who wish to return to the vacant living units must be given the opportunity to return to the vacant living unit on completion of the rehabilitation works. In order to ensure this right, a written confirmation is provided by the relevant cantonal or regional body, the relevant municipal body, the owner and/or allocation right holder of the living unit, stating that the pre-war occupancy rights have been re-allocated to or retained by the returnees. (Special procedure for Sarajevo: refer case to the Sarajevo Housing Committee for decision; replaces steps 2 and 3 of this mechanism)
3. **Verification** – The Commission for Real Property Claims (CPRC) is available to conduct an independent check on the holder of the occupancy right, where required or in cases of dispute, based on available evidence and records.
4. **Advertisement of repair** – to promote the return of displaced persons and refugees to their pre-war socially owned living units included in rehabilitation projects, competent Cantonal or regional authorities such as the RRU – Repatriation/Return Unit, established by the Cantonal Government in Sarajevo to deal with returning displaced persons and refugees – will extensively advertise nationally and internationally the scope and nature of the rehabilitation works and the mechanism for registering an intention to return which may be done through BH Embassies, Consular Offices, UNHCR and IOM in host countries. The CPRC claims data base may be consulted as well for information about pre-war occupants who wish to reclaim their homes.
5. **Accepted documentation** – The following documents are considered sufficient to claim the repossession of the apartment: copy of identity document, proof of occupancy right and copy of the household list.
6. **Timing and hand-over of apartment/keys** – The pre-war occupant must be given one month from the date of completion of the rehabilitation works to collect the keys to the living unit and move into the unit.. It is not necessary for all the pre-war household members to move in to the living unit within the grace period nor is the return to the living unit solely limited to these persons. At all times, during and after the reconstruction, apartments will be protected by the relevant cantonal or regional authorities in accordance with the law.
7. **Allocation to other persons than pre-war occupants** – If the pre-war occupant does not collect the keys to the living unit in accordance with the above described procedure, the living unit may be temporarily allocated by the relevant authorities to another family in need of shelter, provided the agreement of the owner/allocation right holder has been sought

accordingly. The remaining rehabilitated vacant living units should be allocated to relocating persons or displaced families, where their temporary relocation will result in a vacant living unit in the city becoming available for the return of its pre-war occupant.

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Office of the High Representative Reconstruction and Return Task Force