

Need For Emergency Accommodation To Implement The Property Legislation

1. Background

To ensure a swift implementation of the property legislation, it is necessary to create sufficient Emergency Accommodation during 2000. It has become apparent that the resolution of double occupancy cases will not be sufficient to ensure a swift implementation of the property legislation and of the return process. The absence of alternative accommodation in many municipalities is operating as the main barrier to the full implementation of the property laws. Many claims and decisions have been stalled for the simple reason that no alternative accommodation is available for the current user entitled to it. The claimant or decision holder is effectively prevented from returning, or is facing tremendous delays, in these circumstances.

While a minority of vulnerable cases defined by law have the right to be allocated “appropriate” accommodation, the majority of temporary occupants entitled to alternative accommodation would qualify for “emergency” accommodation (nuzni smjestaj), i.e. basic shelter with a minimum of 5-8 sqm per person.

2. Who has the obligation to provide emergency accommodation?

It is clear that the authorities have a legal obligation to ensure the availability of emergency accommodation. However, obstructive authorities routinely use the lack of alternative accommodation as an excuse not to implement the property legislation. As pointed out in the PLIP Paper on Non-Negotiable Principles, every temporary user needs to vacate the property s/he is currently occupying whether there is alternative accommodation or not if the authorities cannot prove that alternative accommodation cannot be made available.

It is essential that the International Community reiterates wherever possible that the local authorities have to take a pro-active role in creating emergency accommodation. While such interventions must be done at the Entity level (RS/Federation) and Cantonal level (Federation), the municipal offices (housing bodies in the Federation/OMIs in the RS) have a specific responsibility to take maximum and rational use of available housing stock and, where resources are available, also to create the needed emergency accommodation.

3. Resources for emergency accommodation

At the moment, throughout Bosnia and Herzegovina, a very limited emergency accommodation capacity is made available for evictees (e.g. in the Buffer Accommodation/Transit Centres in Sarajevo Canton). Which buildings could be used in the future for emergency accommodation? They could range from municipal buildings to former military barracks, from containers (which could be moved to the place of origin) to unclaimed apartments used for more than one family.

Although the responsibility to identify emergency accommodation lies with the authorities, it is essential that the PLIP Focal Points are aware of which buildings in the municipality covered could be used for this purpose. Some of these buildings might need to be upgraded/repared in order for them to be used as emergency accommodation, and donor's support can be mobilised. The management and maintenance of emergency accommodation will be the responsibility of the local authorities, which could ask the residents to contribute, even symbolically, to the cost.

It is believed that many temporary occupants once faced with the perspective of emergency accommodation will find their own temporary solutions in terms of accommodation. For those who will have no other option than residing in emergency accommodation, their reconstruction needs and their property claims should be prioritised, in order to ensure an appropriate turn-over. However, it will be inevitable that for certain groups (such as families with no pre-war property rights and no resources), the emergency accommodation provided by the authorities will become a longer term solution.

4. Conclusion

In order to achieve a full implementation of the property legislation, the local authorities have to comply with their obligation to provide emergency accommodation. A request in this sense will be sent by the IC to the Entity authorities. When the local authorities are able to prove that in order to create emergency accommodation reconstruction assistance is needed, the Agencies involved in the PLIP/RRTF shall lobby with donors to ensure that they provide the necessary financial means.

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1. It is recognised that in some municipalities the authorities have sufficient space for alternative accommodation and it is only poor management of existing housing stock or political unwillingness to undertake any efforts to identify housing stock available in the municipality