

Introduction

Executive Summary

The Inter-Agency PLIP Framework document summarises the principles of the Property Law Implementation Plan, which has developed from collaborative relationships within the RRTF structure, between the OHR, UNHCR, OSCE, UNMIBH, and CRPC.

Background to the PLIP

After four and a half years of joint international effort, returns and property repossession are taking place throughout Bosnia and Herzegovina. As of 30 June 2000, 225 000 claims were made for the repossession of private and socially owned property; of these, some 35% had received confirmation of their property rights, and 13% were able to repossess their property. However, there is considerable regional variation. In some parts of the country, more than 50% of claimants have recovered their property: in other places the process has just begun. The international institutions engaged in ensuring the implementation of Annex 7 conceived the PLIP as a means to ensure that their resources are focussed with maximum efficiency on eliminating remaining obstacles to implementation of the laws.

Objectives of the PLIP

- To ensure that repossession of property is treated as a question of the rule of law
- To promote respect for civil rights over political interests
- To build domestic legal processes which apply the laws neutrally
- To ensure that claims for the repossession of property are processed as efficiently as possible.

Methodology

The PLIP addresses the three main obstacles to full implementation of the property laws, political obstruction, institutional incapacity, and housing shortage and abuse, through de-politicising the property issue, and institutionalising the property returns process. The mechanisms deployed in order to accomplish this are enhanced by close inter-agency cooperation: they include

- Political intervention strategies
- Close monitoring and statistical reportage of the implementation of the property laws
- Encouraging enforcement of the law by the police
- Demanding that public officials show respect for property
- Non-compliance reporting and dismissals, combined with prosecution strategies
- Focused visits by the principals of the agencies
- Joint letters

Programmes for building the capacity of local institutions: personnel training, budgetary support, legislative reform, State and Entity supervision mechanisms, judicial reform, are part of the process.

The problem of housing abuse is directly addressed through many of these mechanisms, and in particular through local systems established by the agencies and run jointly with the local authorities. Regarding housing shortages,

the PLIP encourages closer relations between donors and responsible governmental bodies, which help to develop transparent and responsible procedures for reconstruction, and maximise local partnership potential.

PLIP Structure and Resources

The PLIP cell is the plan's managerial body, comprised of experienced personnel from the OHR, OSCE, OSCE, UNHCR, UNMIBH and CRPC. The PLIP is a collaborative and co-ordinative effort which should ensure the most efficient and effective use of resources available. Collective resources are pooled, and applied as necessary to resolve problems as they arise. These in particular include the Focal Points, the field level infrastructure of the PLIP organisation, covering every municipality in the country.

Outlook

The property market lacks safeguards to protect consumers, such as a clear legal framework, and market information mechanisms. The PLIP looks to a future in which those who choose not to return have an opportunity to sell or rent under fair circumstances set out by law.