State Property Commission to Facilitate the Construction of BiH Detention Facility

The State Property Commission will meet on Monday. This Commission is responsible for developing principles and drafting legislation that will govern the distribution and management of State Property in BiH.

At Monday's session, the second since the Commission was formed, The Commission will consider the BiH Ministry of Justice's request for an exemption of property in East Illidza from the High Representative's Temporary Prohibition of the Disposal of BiH State Property. OHR expects the Commission to grant this exemption so that work can begin on building a detention facility for the Court of BiH.

Besides this specific request, the Commission is this week expected to develop general criteria for the identification and distribution of state property among BiH, the Entities, and Brcko. BiH, as an internationally recognized state, succeeded an interest to property that belonged to the former SRBIH and the former SFRY. However, these assets are divided among the State, the Entities and the Brcko District on the basis of BiH's internal constitutional order. This division of assets must now be defined clearly within domestic legislation.

This State Property Commission will, during the coming weeks, draft legislation that will reflect the foundation for an inter-governmental agreement on the division of this property, and provide a mechanism for resolving transfers that are judged to undermine the interests of the State.

The Succession Agreement alone does not define the

distribution of these assets within BiH. This can only be defined by the laws and Constitution of BiH.

An inter-governmental agreement will ensure that these assets are divided according to Constitutional competencies.

The development of domestic state property legislation is crucial for BiH’s European future. The status of property is particularly important for new State institutions, required by the EU, which routinely suffer from a severe lack of office space and high rental costs ultimately paid by BiH taxpayers.

OHR calls upon all commission members to ensure that through constructive engagement the swiftest possible solution to these issues will be found.