

Property Law Implementation Rate doubled in 2001

The agencies engaged in the Property Law Implementation Plan (PLIP) welcome the sustained progress in property law implementation during 2001. As of the end of last year, 102 609 property claims in Bosnia and Herzegovina have resulted in repossession (41% of the total). This amounts to 64,257 repossessions in the Federation (49% of claims resolved in that Entity); 35,649 repossessions in the RS (31% of claims resolved) and 2,703 repossessions in Brcko (39% of claims resolved in the District).

The implementation rate climbed by almost two percentage points each month in 2001, but even at this rate the process will take several years to complete; and the rate is still not nearly satisfactory in the RS. For these reasons the High Representative, Wolfgang Petritsch, imposed amendments to the RS and Federation property legislation in December, after lengthy consultations with State and Entity officials. The PLIP agencies expect the amendments to be implemented in full, resulting in a rise in the implementation rate to more satisfactory levels.

During 2001, implementation rates varied in different parts of the country even more than was the case in 2000: from under 10% to almost 100% in central Bosnian municipalities, even though these municipalities started out with considerable numbers of claims. Larger urban centres in the RS still lag, along with the eastern RS municipalities, well behind the RS average of 31%, although the implementation rate is starting to speed up.

The 2001 implementation rate in the Federation was 20 percentage points higher than the 29% figure recorded in 2000; the RS rate was 16 percentage points higher than the 13% figure recorded in 2000; and the Brcko rate was 25 percentage points higher than the 14% figure recorded in 2000. The PLIP agencies expect the rate at the end of 2002 to have doubled again. This is a realistic possibility if the domestic authorities invest greater effort in implementing the property laws.

There are several factors pointing to continuing success in the implementation of the property laws in 2002. In this regard, the PLIP agencies warmly welcome the co-ordinating role of the State Ministry for Human Rights and Refugees (MHRR), which has, through the State Commission for Refugees, undertaken to facilitate inter-Entity communication and co-operation. Entity, cantonal and municipal authorities at all levels have worked together with the MHRR and the international community to launch a country-wide information-exchange initiative which is now operational. This initiative is expected to accelerate PLIP implementation by providing the relevant municipalities with the names of those who have repossessed their property, so that the municipalities can cancel temporary occupancy rights. There is an increasing awareness among people occupying other people's homes that this does not represent a long-term solution to their own housing problems.

However, the obligation to ensure that unclaimed apartments are used as alternative accommodation has not been met sufficiently. In thousands of cases, such apartments may have been illegally revalidated and often continue to be used by well-connected people who have no right to alternative accommodation. Both Entities now stand under an obligation to define the public defender role in a process of reviewing all revalidations of wartime contracts on use of unclaimed apartments. This process should return these apartments to use as alternative accommodation for the truly vulnerable.

However, housing authorities still need to take full ownership of the claim-resolution process, and governments at all levels have to respond adequately to the continued need for alternative accommodation. Only when that happens will Bosnia and Herzegovina be a country where rights are recognised and realised in accordance with the law.