

Article by Alexandra Stiglsmayer in Ljiljan: “Return”

Out of 256 000 submitted claims for the return of apartments and houses country-wide, only 77 000 households had actually repossessed their properties.

I remember how shocked Wolfgang Petritsch was, the High Representative and my boss, when he had just taken up his job in Bosnia and Herzegovina two years ago and started receiving letters from desperate refugees and displaced persons who asked for help to return to their homes. OHR's return expert told him that he was not the only one receiving such letters. Every day, dozens of such heart-rending letters, in which refugees describe their problems and difficulties, arrived and still arrive at the OHR.

Two months later, in October 1999, the High Representative imposed a set of laws and amendments to the property and housing laws, which have since governed the process of return of apartments and houses and thereby created the basic precondition for the return of refugees and displaced persons themselves. This became the starting point for one of the greatest efforts of the international community in BiH, which is known under the English acronym PLIP: Property Law Implementation Plan.

A network of almost 100 international staff from the OHR, OSCE and UNHCR monitor and guide the work of the housing offices in each single municipality in BiH. A so-called PLIP Cell in Sarajevo, comprising representatives from the OHR, OSCE, UNHCR, UNMIBH and CRPC, sets the strategic goals, directs the work in the field and interacts with government officials.

Rarely noticed by the public, the PLIP Cell regularly comes up with new initiatives to accelerate the process of property repossession. Last month, after extensive consultations with the relevant ministries, the PLIP Cell initiated a system for the exchange of information between municipalities. Whenever somebody succeeds in repossessing his apartment or house, he becomes a double occupant if he has temporary accommodation provided by the authorities elsewhere – and should immediately lose it. Unfortunately, apart from a few notable exceptions such as Sarajevo and Brcko, BiH's municipal housing offices have not been informing each other about whom they have given back his property. The new information exchange system relies on standardized forms that need to be filled out and mailed to the relevant municipalities on a weekly basis, and each housing official will receive training in the use of the system. Once this system is in place, the vast number of repossessed, but empty apartments and houses, which have always hurt those who had to vacate them, will hopefully disappear. People should simply no longer be able to repossess their house or apartment and continue to keep their temporary accommodation in other places.

In August, the PLIP Cell also demanded from the authorities to take steps against judges and prosecutors who occupy somebody else's property as they often deal with housing and property cases and may act in a biased way if they themselves are violating the property laws. Over the coming time, the authorities will be notified of such judges and prosecutors and are now obliged to order them to bring their housing situation in harmony with the law, or to take disciplinary measures against them.

Currently the PLIP Cell is also working with the relevant ministries on a set of amendments to the property laws that will restrict the right to alternative accommodation. Only those people who have to vacate other people's property, but really have no other place to go to, will be entitled to it.

The amendments will, for example, deny the right to those who have received land plots for free and not used them within a certain time period, as well as to those whose income is over a certain limit. This measure, too, should accelerate the property repossession process.

As of the end of July, out of 256,000 submitted claims for the return of apartments and houses country-wide, only 77,000 households had actually repossessed their properties. This represents 30 percent. 78,000 families are still waiting to return their homes in the Federation, and 95,000 are waiting to repossess their homes in Republika Srpska. So far, the repossession rate has increased by only one to two percentage points per month. If the process continues at this pace, it will take another four years, which is far too long.

Everybody should be aware that any prolongation of the agony of more than 170,000 families, those families who are still waiting patiently, is a shame and a disgrace. So many of them lost their homes nine full years ago and have since lived the lives of refugees, that means mostly lives in uncertainty and misery. The repossession of their homes is the first step if they wish to return.

We in the international community know that many have lost the desire or have started new lives elsewhere. We also know that the repossession of the home is only a first precondition for return. Much more needs to be done to give refugees and displaced people a free choice to decide whether they want to stay where they are now, or to return: in their places of origin, they must have access to jobs, to social services, to the education they wish to provide their children with, and they must feel welcome and appreciated. There is still a lot of work to do. But the sooner the property repossession process is completed, the sooner can the domestic authorities and international community focus their energies on these tasks.

The international community will certainly not give up on PLIP. There still is a lot of obstruction – much less than two years ago, but still too much if one bears in mind that everybody in Dayton agreed to work on the accomplishment of the right to return of every refugee and displaced person. This is not only a very basic human right, but also the precondition for a multi-ethnic and stable and genuinely democratic Bosnia and Herzegovina.