

Property Law Implementation in the RS Unsatisfactory

Yesterday, 13 March 2000, the Deputy High Representative for Return and Reconstruction, Ambassador Andy Bearpark, sent a letter to RS Minister for Displaced Persons and Refugees, Mr. Miladin Dragicevic, expressing his concern and disappointment about the slow rate of implementation of property laws in Republika Srpska under the auspices of this Ministry.

According to the statistics of the RS Ministry for DP/Res, at the current rates of implementation it will take 15 years to implement the property laws in Republika Srpska, and some 28 years in the Entity capital, Banja Luka.

More than one year after the adoption of the property laws in Republika Srpska on 19 December 1998, again according to the Ministry's own statistics, less than 6% of private properties and only 1% of socially-owned apartments claimed have been returned to their owners and rightful occupants in Republika Srpska. In the Entity capital, Banja Luka, only 3% of claimed private properties and 0.2% of claimed socially owned apartments have been returned.

The Deputy High Representative noted that:

- There are continued efforts by members of the Ministry to distort the legal process by claiming that everybody will be thrown into the streets. This is not correct. The laws are designed to ensure that property rights are respected with a minimum negative impact on legal temporary occupants, who have a right to an alternative accommodation if their housing needs are not met otherwise.
- Despite OHR efforts to secure a substantial increase in the 2000 budget relative to 1999, there is no

discernible increase in the ability of the RS Ministry for DP/Res to implement the laws and only insignificant progress in the rate of implementation;

- During the winter months, the RS Ministry for DP/Res has failed to address effectively the question of double/illegal occupancies. The elimination of double and illegal occupancies would create buffer space that could be used as alternative accommodation for genuine displaced persons and refugees in need of housing.
- The RS Ministry for DP/Res has received from OHR lists of persons who have sold their property or had homes reconstructed in the Federation. Under the law, these persons lose their right to temporary accommodation in the RS, which would again create additional housing space to be used as alternative accommodation. However, the Ministry has failed to act and is thereby responsible for the lack of alternative housing space in Republika Srpska.

Deputy High Representative Andy Bearpark reminded Minister Dragicevic that the implementation of property laws is critical for the establishment of the Rule of Law as the basis for Bosnia and Herzegovina's integration into Europe and its future economic development. More than four years after Dayton, any further excuses that delay people's rights to repossess their property, are no longer acceptable.

Ambassador Bearpark stated that continued lack of progress will be considered as an excuse designed to disguise the lack of political will of the Ministry for Displaced Persons and Refugees of Republika Srpska to implement Annex 7 of the Dayton Peace Agreement.