

Dialogue is underway with competent Entity Ministries over Instructions for Privatisation of Apartments

The competent ministries in both Entities of Bosnia and Herzegovina have, in accordance with their obligations, proposed instructions for the implementation of the Entity laws on the purchase of apartments. These instructions are necessary to ensure that correct procedures for purchase are established that uphold the principles at the heart of both laws: in particular that returning occupancy right holders are not in any way disadvantaged, and that purchasers must provide evidence that they have vacated property they have occupied as temporary legal or illegal users.

The OHR welcomes the efforts made by these ministries – the Federation Ministry for Urban Planning and Environment, and the RS Ministry for Displaced Persons and Refugees in cooperation with the RS Ministry for Urbanism – to provide the necessary instructions. However, the OHR notes that additional issues must be addressed before these instructions can be finalised. The OHR, OSCE, UNHCR, CRPC and UNMIBH are therefore still engaged in dialogue with these ministries in order to ensure that the instructions, once complete, will fulfill the laws in every respect.

The instructions for both Entities must incorporate, among other things, the following principles:

1. That the documentation requirement for showing the purchaser is not in violation of the property laws is

satisfied, either through evidence that the purchaser completely vacated any property they occupied as temporary legal or illegal users, or through evidence that the purchaser's current accommodation does not need to be vacated in accordance with the law.

1. That in regard to individuals living abroad, documentary evidence of having resided outside Bosnia and Herzegovina immediately before reinstatement in their apartment is sufficient at the moment of filing the request for purchase to demonstrate that the purchaser does not need to vacate his or her current accommodation.
1. For individuals who have been resident in Croatia, available documentary evidence demonstrating that the purchaser does not occupy abandoned property may be required at the moment of filing the request for purchase.
2. That the organs involved in the privatisation process have no legal authority to undertake any actions that would delay or prevent privatisation, unless the claimant fails, on being officially requested, to provide the documentation required by the Law, and if all steps required under the administrative procedures have been taken.

The OHR calls upon the competent ministries to ensure that final versions of the instructions, which conform with the requirements of the Laws, are created in a timely manner, given that these Instructions are urgently required before the privatisation of apartments can proceed.