

Extension of the Deadline for Reclaiming Socially-Owned Apartments

Extension of the Deadline for Reclaiming Socially-Owned Apartments High Representative Carlos Westendorp is seriously concerned by the letter he received from Federation Prime Minister Edhem Bicakcic with regards to his decision to extend the October 4 deadline for filing requests for the restoration of occupancy rights on socially-owned apartments in the Federation. The deadline is set in the Law on the Cessation of the Application of the Law on Abandoned Apartments, which became effective on April 4 this year.

As the High Representative explained in his letter to Prime Minister Bicakcic dated September 10, a six-month extension is necessary to ensure that individuals are not deprived of the possibility to regain their apartments, which would allow many of them, who are now refugees or displaced persons, to return home.

A monitoring program conducted by a number of international organisations has revealed major problems with the implementation of the Law. In many municipalities, illegal and unfair practices have been used to prevent refugees and displaced persons from submitting their claims. These illegal practices have included charging of fees, requiring claimants to provide documents which they cannot obtain, refusing to accept claims from people without Federation identity cards, refusing to accept claims lodged by personal representatives or through the mail, and harassment and intimidation of claimants. Even in municipalities where the claims process is now functioning appropriately, long delays in beginning the process have meant that claimants have not had the full six months specified under the Law to make their claim.

The High Representative has kept Prime Minister Bicakcic and Minister for Urban Planning and Environment Ibrahim Morankic informed of these problems, urging them to help remove them. But despite their efforts, municipal authorities have reacted slowly or not at all. The High Representative therefore had no alternative but to take action to protect the rights of individuals under the Dayton Agreement.

The need for an extension to the deadline if the Law was not properly implemented was foreshadowed by the Steering Board of the Peace Implementation Council at the Luxembourg meeting in June. Despite full knowledge of the problems in implementation, the Federation authorities took no action to extend the deadline beyond October 4. Once the Parliament was dissolved at the beginning of the election period, it no longer had any opportunity to amend the law before the expiration of the deadline. At the Steering Board meeting in Sarajevo on September 8, the Steering Board was united over the need to extend the deadline and fully supported the High Representative in taking such a decision as the only way to protect the rights of refugees and displaced persons.

High Representative Carlos Westendorp is extremely disappointed and troubled that the Republika Srpska has failed to adopt similar property and housing legislation and will use all his authority to ensure the passage of these laws in the RS after the elections. In the meantime, he hopes that the Federation authorities will support him in creating the conditions for returning refugees and displaced persons to the Federation, which is of particular importance in Bosnia and Herzegovina's capital Sarajevo. The High Representative reminds the Sarajevo authorities that the main donors are still considering whether to keep the freeze on reconstruction projects in the city in place or lift it.