OHR Reconstruction and Return

Code of Practice for Reconstruction and Repair

September 1998

The Code of Practice sets out basic principles and procedures to be followed by reconstruction agencies to ensure that reconstruction projects, and the return of refugees and displaced persons to repaired housing units, take place on a sound legal basis. The principles and procedures will ensure that internationally funded reconstruction activities are conducted in accordance with Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), and domestic law where this law also complies with the terms of the GFAP. Donors are encouraged to apply this Code of Practice as a package of conditions on all funding allocated to housing reconstruction works in Bosnia and Herzegovina.

1. Reconstruction agencies should obtain from the Municipal authorities a list of the pre-war residents of each of the individual properties or housing units on which work needs to be carried out; or should obtain from municipal authorities the pre-war addresses of the beneficiaries identified for assistance.
2. Reconstruction agencies should corroborate the legal rights to the properties or housing units of the pre-war right holders by means independent of the municipal authorities. The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) can perform this service.
3. For each housing unit to be repaired or reconstructed, reconstruction agencies should enter into an agreement with the competent municipal authority which obliges the

municipal authority to permit and facilitate the return of the pre-war legal right holder (and his/her heirs or family household members) to the repaired or reconstructed property or housing unit.

4. This can be done by means of a tripartite agreement between the reconstruction agency and:
    a. the competent municipal authority to permit and facilitate the return of the confirmed pre-war legal right holder (and his/her heirs or family household members) to the repaired or reconstructed housing unit; and
    b. the pre-war legal right holder, confirming his/her intention to return on completion of the work; and confirming his/her agreement that if s/he fails to return within a fixed reasonable time, the housing unit may be allocated to another displaced person on a temporary basis, for a specific but renewable period.
5. Any temporary occupant should be required by the competent municipal authority to sign a document acknowledging that the pre-war legal right holder retains full legal rights to the property. This right is not affected by any reconstruction work done to the property before or during the period of the pre-war right holder[1]s absence.

Office of the High Representative Reconstruction and Return Task Force