OHR RRTF Report April 1997 – Annex 2

RRTF: Report April 1997

Annex 2

"Code of Practice"

April 1997

The Code of Practice is based upon the following principles:

1. So far as possible, reconstruction agencies should select housing units for reconstruction which are not currently occupied.
2. For each housing unit which is reconstructed, the reconstruction agency should conduct a proper investigation of the ownership status(*) of the unit, independently of the municipal authorities.
3. Where the owner of the reconstructed house or apartment is able and willing to do so, that person will be returned to the housing unit.
4. In other cases where the owner is not returning, another returnee may be given a limited temporary occupancy right to the housing unit, with the approval of the Municipal Authority.
5. The terms governing temporary occupancy rights (as issued under point 4) will be imposed by the Commission for Real Property Claims of Refugees and Displaced Persons, exercising its authority under Annex 7 of the General Framework Agreement on Peace. These conditions will be consistent with the draft laws on abandoned property and apartments prepared by the Office of the High Representative.

6. The Municipal Authority will issue a Certificate of Temporary Occupancy to the returnee for a specific but renewable period. The Certificate will re-iterate the conditions imposed by the Commission for Real Property Claims of Refugees and Displaced Persons. The limited nature of the temporary occupancy right must be explained clearly to the returnee.
7. The original owner of the property retains full legal rights over the entire property, irrespective of any reconstruction works performed on the property, or the length of occupation of the temporary occupant. The temporary occupant has no right to compensation in respect of money spent on repairing the property.

*In this document, “ownership status” and “owner” include all relevant property rights, including ownership, lawful possession and the occupancy right of socially owned apartments. Source: Commission for Real Property Claims of Refugees and Displaced Persons

Back to Index

Office of the High Representative Reconstruction and Return Task Force