

# **PLIP – Non Negotiable Principles In The Context Of The Property Law Implementation**

## A. Rationale

- Time for implementation of the property laws has nearly passed. The time started ticking the moment the laws came into force. Unless great achievements are made from April to October 2000 we will all have to reconsider our presence in this country.
- 2. As pointed out previously, at current rate the process will take another 22 years in the Federation and another 40 years in the RS.
- 3. Every temporary user needs to vacate the property s/he is currently occupying whether there is alternative accommodation or not if the authorities can not prove that there is no alternative accommodation. Only under this premise will the local authorities realise that they have to take the appropriate steps and identify durable solutions for those people who have no place to go. This category includes those current occupants who never had property / an occupancy right; whose property is destroyed; who were pre-war tenants and can not afford to rent currently or any other social welfare cases. To sum up, unless people are leaving (voluntarily or forcibly) the property they are currently occupying, the real humanitarian issue is masked and can not be addressed! Durable solutions need to be found by the

authorities for these people – such solutions will not be found as long as they are occupying others' properties. We are ultimately not assisting these vulnerable groups by protecting them as current occupants.

4. It is extremely difficult in the field to face evictees and claimants on a daily basis demanding exactly contradictory things. Your strength is to form a united front with the other international agencies in addressing and digesting this daily hardship.

#### B. Non negotiable positions/ Potential strategies

1. All decisions, in general, need to be issued in chronological order. NOW. We encourage Officers in the field to send a letter to the Housing Officials by the end of April demanding that the housing bodies/ OMIs issue decisions on (? number of) claims by end of May. Under PLIP assumptions a team of 3 persons can issue 70 decisions per month. This can serve as a basis for your calculation.
2. With regard to enforcement:
  - a. Push for resolution of double occupancy cases – they are the only cases prioritised by law: 'Exceptionally, the competent administrative body shall, ex officio, or upon the request of a person who has a legal interest in the procedure, pass a decision to vacate the apartment immediately in cases where the current user is a multiple occupant. The affected person has the right to file an appeal (zalba) against the decision, but the appeal does not suspend the eviction.' (e.g. Article 11, Law on the Cessation of the

Application of the Law on Abandoned Apartments, Federation).

- b. The issuance of decisions on destroyed properties and weekend houses, for example, – may inflate statistics, but does not lead to any real progress with regard to the implementation of the property laws and the return process. If those decisions are the only ones taken in a Municipality, this is a clear violation of the procedures in place.
- c. Even if alternative accommodation has not been provided DPs and Refugees can be evicted! E.g. Article 3, 3 of the Law on the Cessation of the Application of the Law on Abandoned Apartments and Instructions/ Federation: 'In no event shall the failure of the responsible bodies to meet their obligations under this Article operate to delay the ability of an occupancy right holder to enter into possession of the apartment.'
- d. Legally scheduled evictions being carried out by authorities competent to do so are not to be postponed by the IC (as you do not have the authority to do so) or the authorities. If the history of the case and the relevant facts are not known to you, do not attend an eviction to avoid being faced with arguments you cannot counter, unless you are a member of UNMiBH/IPTF who must attend and push for the execution of all evictions. Do not postpone evictions because you will set a precedent that you can expect to be perpetuated by the authorities for each scheduled case that follows. This is exactly the situation the authorities want and we don't.
- e. At the same time, strong initiatives are

undertaken by PLIP and all relevant actors in the field to identify interim accommodation, which will allow a swift implementation of the property legislation.