Property Law Implementation: Open Letter by the High Representative to the People of Bosnia and Herzegovina

By the end of April this year, a total of 211,850 families had claimed their pre-war property in Bosnia-Herzegovina. This figure in itself portrays the enormity and importance of respect for the property laws and the process of return to the people of this country. But until now, just over 10% of these families had managed to come into actual repossession – a poor return on the money, energy and hopes that have been placed in the process.

However, ordinary citizens are with increasing frequency respecting and complying with the law, not waiting for the long but inevitable process to reach its conclusion, but peacefully turning over the keys to the rightful pre-war owners. They realise that by moving out voluntarily and looking for another solution, they will allow somebody else to return and will not face the embarrassment of an eviction. This is a welcome sign, an acknowledgement that the law must be enforced and that the sooner this is done, the sooner Bosnia and Herzegovina will emerge as a country with a respect for the rule of law.

Public officials, law enforcement agencies and individuals holding positions of public trust must lead by example. The authorities in Bosnia-Herzegovina must ensure that all employees paid from public money are not occupying the property of someone who wishes to return or are otherwise misusing housing stock which could be used to temporarily

house those in genuine need of alternative accommodation. The authorities have publicly acknowledged their willingness to implement the law; the true test is now whether they apply it to themselves. The International Agencies involved in accelerating the implementation of property legislation – OHR, OSCE, UNHCR, UMMIBH and CRPC – firmly stand behind this principle and are reviewing cases of abuse. I will give you two examples:

For the municipal elections, 52 candidates were prevented by OSCE from running for elected office or holding a municipal office appointment because they were occupying someone else's property. A further ten have been removed since the elections. In the elections planned for the autumn, the same rule will apply to the highest officials in the country, from Canton governors to the national Parliament.

Another example is UNMIBH's policy regarding local police officers. Police officers who are double or illegal occupants face removal from the police if they do not vacate the property within one month from the issuance of UNMIBH identification cards. Since entry into force of this policy, more than 200 police officers have voluntarily vacated the property they occupied and one police officer has been removed from the police due to his failure to vacate the property he illegally occupied. Moreover, UNMIBH expects that police officers with temporary occupancy rights set an example by vacating within the legal deadline the property they do not own, thereby strengthening public trust in its law enforcement agencies.

Now is the peak of the return season. UNHCR has reported that during the first 5 months of this year, 15,665 returnees registered with the authorities, which is three times as many as last year during the same period. People who occupy somebody else's homes should use this opportunity to vacate

them. I appeal to the citizens of this country to denounce any abuse by their leaders, governments and public bodies and to continue to apply the same standards to themselves by respecting the property rights of others.