Property Legislation Implementation

You will be aware that on 27 October 1999, the High Representative issued a number of decisions in respect of both the Federation and Republika Srspka Property Laws, and that these decisions provide the authorities with detailed instructions on how to implement the laws.

The High Representatives Decisions are a key element in his concept of “ownership and responsibility”; the authorities must take on the responsibility to turn Bosnia and Herzegovina into a democratic and lawful country, which protects its citizens and their rights. The authorities are elected to serve the citizens and not the other way around. The citizens must become aware that they have certain rights, and that those rights are individual, universal and unconditional.

The implementation of these property laws are part of the Dayton Agreement, and the International Community expects government at all levels – Entity, Cantonal and Municipal – to ensure these laws are implemented without delay. The Governments in both Entities, and every Cantonal and municipal government, are expected to invest a maximum of energy, effort and financial resources, so that citizens regain what belongs to them. Failure to do so violates the Dayton Agreement, the Constitution of Bosnia and Herzegovina and International Human Rights Conventions. For to long now there has been gross political obstruction to the property and housing laws and many of those in authority have tacitly accepted the illegal occupation of many thousands of homes. Illegal occupation of property will no longer be acceptable.

In the Herzegovina-Neretva Canton, like elsewhere in BiH, both the Cantonal and Municipal authorities are expected to take full responsibility for the implementation of these laws. As

the elected officials they have a legal and moral obligation to implement the laws of the entity and state and thus to protect the rights of the citizens irrespective of ethnicity.

As a first step, we expect the Cantonal, Municipal and City authorities to immediately establish fully functioning and efficient Housing Offices, free from political manipulation and staffed by competent persons, and that these offices begin to implement the laws without delay. In particular, the Mayor of Capljina must establish a housing office and accept competency for the law; the processing of long outstanding claims must begin forthwith. In Stolac, the processing of claims must begin. In West Mostar, in each of the 3 Croat majority municipalities a housing office must be established answerable to the respective Head of Municipality. For the Mostar Central Zone, we are pleased to announce that Mayor Prskalo on the 28 October 1999, gave his assurance to the Senior Deputy High Representative, Ambassador Matei Hoffmann, that a department within the City Administration will be nominated as responsible for the implementation of the property laws in the Central Zone. This is a most welcomed step forward after a long period of inactivity. By Fruday morning at the latest, Municipal authorities will be in receipt of detailed instructions as to what we require of them and deadlines that must be met.

However, the establishment of efficient and effective housing offices and the processing of claims is only the first step. Decisions must be issued and enforced within the confines of the law, and it should be noted that fines can be imposed. The authorities are reminded that the judiciary must accept and process cases brought forward by desperate citizens for compensation if their claims have not been processed within the legal deadlines; the establishment of independent courts is key to this aspect. The authorities are reminded that both Entities have inspectors whose job it is to make sure that the administrations work properly. The authorities are called upon

that when they start drafting their budgets in November, they ensure that financial provision is made for capacity building (housing administration, judiciary), minor reconstruction of housing and infrastructural connections, to name but a few requirements. We also expect that all citizens will be treated equally with regard to the provision of electricity, telephones, public services, and ID cards, and we remind those in authority that it is their responsibility, and theirs alone to create the conditions for return and to reintegrate returnees into their community.

Failure to implement will not be tolerated and those elected officials who are not prepared to act within the law have no place in the development of a democratic multi-ethnic society in Bosnia and Herzegovina. It is now time for all citizens to evaluate how their elected leaders serve them, and to hold them accountable. Finally, the authorities are reminded that Housing Offices as well as their individual employees may be fined substantial sums of money if they act against the property laws, and that abuse of public office is a crime under the Federation Criminal Code.