

Results of Property Law Implementation in 2000 and the way forward for 2001

Sarajevo, 19 February 2001 OHR, UNHCR, OSCE, UNMIBH and CRPC have consolidated the results of the efforts to monitor property law implementation throughout BiH during the year 2000, the first full year of property law implementation. As of 31 December, the rate of implementation (the total number of repossessions versus the number of claims for residential non-destroyed properties) for BiH stands at 21% – with an implementation in the Federation of 29% and in the RS 13%. Of a total of roughly 249,000 claims, 111,500 have received decisions (45%) and 51,500 have been implemented.

From May through December of 2000, the rate of implementation in BiH grew approximately 1% per month. At this continued rate of implementation, it would take roughly six more years to fully implement the property laws. This is not acceptable, especially as some municipalities have shown that it is possible to reach better implementation rates by consistently increasing it by over 3% per month. Given the resources directed at increasing the rate of implementation, we expect a considerable improvement in the monthly implementation rates during 2001.

We remain concerned that the rate of implementation varies widely throughout BiH. As both Entities have the full legal framework to ensure repossession, there is no reason for implementation rates to vary between below 5% and over 50%. In Cantons 4 (Zenica Doboje) and 6 (Central Bosnia) several municipalities are nearing completion of the implementation process if it can be achieved there, it can be achieved elsewhere.

These results are in direct contrast to areas where progress remains slow. We have not seen adequate progress in the Croat-majority areas in Cantons 7 (Herzegovina Neretva) and 10, nor in areas of the Eastern RS including Bratunac, Foca/Srbinje, Srpsko Gorazde and Visegrad. In the five municipalities that account for 40% of the claims for repossession in the RS – Banja Luka, Prijedor, Doboj, Bijeljina and Zvornik – the average rate of implementation stands at merely 10%. We expect better progress in each of these areas.

We are also concerned the RS implementation rate continues to lag behind that of the Federation of BiH. Although property law implementation began in the RS after it did in the Federation, the RS has received considerable assistance from the International Community, most notably the over USD 1 million in budget assistance to the Ministry for Refugees and Displaced Persons to hire additional staff and upgrade housing offices. There is no reason for this gap to remain, and we expect the RS to make quick progress towards full implementation.

While progress slowly increased throughout 2000, several obstacles stemming from the failure of local authorities to take full ownership of the implementation process prevented a country-wide breakthrough in repossessions. In many cases, local authorities have still not provided adequate resources for the full functioning of housing offices. We also expect that they will take special measures to employ returnees/minorities in the housing offices. Although the State-level Ministry for Human Rights and Refugees was created, a stronger role in the co-ordination of property issues between the Entities is necessary.

There continue to be many illegal acts encountered in implementation of the property laws, including illegal allocations of private property, looting, violence against housing office employees and illegal revalidations/privatisations, which have not been adequately

addressed by local officials. There also remains a considerable problem with public officials occupying claimed space. These shortfalls must be corrected in 2001.

Another important obstacle to increased implementation is the failure of local officials to secure alternative accommodation. Local officials are responsible for ensuring that everyone with the right to alternative accommodation receives it. Inexcusably, these legal obligations remain mostly unmet. Only few municipalities have produced lists of unclaimed socially owned property, and many state owned companies have not provided records on property where occupancy rights changed during the war. Little effort has been made to use other structures as possible alternative accommodation, such as hotels, schools, army barracks and any other adequate structures as permissible under entity property legislation. On this issue, we expect immediate progress. The International Community will not recommend assistance to municipalities unless all steps to secure space have been taken.

In 2001, local authorities will continue to be held accountable for each step in the implementation procedure. "Accelerating return of displaced persons and refugees with a particular emphasis on enabling citizens their property rights" is one of the three top priorities set by the Peace Implementation Council at its meeting in Brussels in May 2000. OHR, UNHCR, OSCE, UNMIBH and CRPC will continue to place great emphasis on this issue, assisting the implementation of the property laws in all appropriate ways.

However, for the process to truly work, ownership of the process, with all of its legal and political obligations, must be established throughout BiH, and we fully expect the new governments to meet all of their obligations in that regard.