

Returns Process in Drvar

The International Community in BiH insists on the full implementation of the property laws.

OHR, OSCE, UNHCR and UNMiBH wish to stress that the property laws now in force in BiH fully respect freedom of choice, whether it be for individuals who wish to return to their pre-war homes or to remain in their place of displacement – provided they are not illegally occupying another person's property. Full implementation of the laws is unconditional, and cannot be made dependent on the provision of alternative accommodation by local authorities for the current occupant or any other requirement.

The procedures for evictions and the rights of temporary occupants in Drvar who qualify for AA are the same throughout BiH. It is through thorough implementation of these provisions that BiH citizens from all the constituent peoples are able to repossess property in the Federation and the RS.

The International Community in BiH wishes to clarify a number of points in this regard.

Through full implementation of property laws, the rights of both the property owner and the temporary occupant are protected. The property laws address, as a priority, the situation of individuals who have more than one housing option – multiple occupants. Municipal authorities are required to issue decisions giving multiple occupants with other housing options fifteen days to leave the property they are illegally occupying. If multiple occupants fail to comply with the law, they must be evicted. In Drvar, more than 95% of temporary occupants are either illegal or multiple occupants. It is

likely that those who opt to go to Croatia following their eviction already have received, or been offered, housing options in Bosnia and Herzegovina.

By contrast, Alternative Accommodation (AA) is for persons who have no other housing option. Local housing authorities are required by law to provide AA for those who need it. It should be noted that in Drvar, a programme to provide AA for persons who qualify already exists. We estimate that 100 cases or less, out of the total number of claims for repossession, are entitled to AA in Drvar.

The International Community in BiH has consistently monitored the implementation of Annex 7 of the DPA in Drvar Municipality since the signing of the Dayton Peace Agreement. Significant progress has been made in property law implementation over the last six months. Since 1 January 2002, 147 families have repossessed their property in Drvar in full accordance with the property laws. There remain 1,799 unresolved claims for repossession of property in Drvar, of which an average of 25 cases are resolved per week, through the voluntary return of keys and through legal evictions.

International funds have helped many families presently living in Drvar, and elsewhere in BiH, to reconstruct their own property and return to their homes. The Government of Croatia is among those giving this kind of assistance, funding two 20 million Kuna reconstruction projects in the Posavina area. This type of support has led to a 20% increase in the number of BiH citizens residing in Croatia now applying to return to their homes in BiH. The fundamental right to repossess property, according to the law, will continue to be the basis for property law implementation in Bosnia and Herzegovina.