

Property Law Implementation Statistics

Given the importance of the implementation of the property laws, the International Community has decided to publish on a monthly basis statistics on progress in property law implementation in each municipality in Bosnia and Herzegovina. Attached you will find the first statistics package including figures as of end of May.

These figures serve as an objective measure of the performance of each municipality and will be one of the factors considered in decisions on foreign assistance to the municipalities, investment and necessary interventions by the responsible authorities and the International Community aimed at improving the administrative process. Other factors playing a role in such decisions include, among others, the absolute number of claims, the level of destruction in the area, the number of displaced persons living there, foreign assistance received so far, and the support of the municipal authorities to the process.

The figures are compiled by the PLIP (Property Law Implementation Plan) field network, which is made up of OHR, OSCE and UNHCR staff, and are based on figures provided by the municipal housing offices.

Comparing the May implementation figures with those from April, there has been some progress in both Entities. In the Federation, the number of decisions issued increased from 36% to 44%, while the number of claimed properties vacated to be returned to the rightful owners and occupants increased from 13% to 17%. In Republika Srpska, the percentage of issued decisions went up from 18% to 20% as the number of vacated properties increased from 5% to 7%.

But this progress is still unsatisfactory. Both the numbers of issued decisions and of enforcements are too low. The implementation of the property laws is an administrative-technical process and a finite task, which can be completed in the next two years. It is time that the authorities realize that they have been denying the most basic human rights to their citizens, and that they must take all necessary measures to rectify this. The International Community stands ready to advise and assist, but expects to see more commitment from the local authorities who are responsible for the establishment of the Rule of Law in Bosnia and Herzegovina.

While it is encouraging that property law implementation has at last begun in almost all municipalities across Bosnia and Herzegovina, including former hard line places, there are still a number of municipalities where progress is almost non-existent – notably in Croat-majority municipalities in Cantons 7, 8 and 10, and a few municipalities of Eastern RS. As long as the property laws are not implemented there, the OHR will advise donors not to assist these municipalities; nor will foreign investors be inclined to invest in areas where the law is disregarded.

The International Community is aware of the current shortage of alternative accommodation. However, a letter sent to the responsible authorities by the High Representative, Wolfgang Petritsch, OSCE Head of Mission, Robert Barry, and UNHCR Chief of Mission, Werner Blatter, at the end of May, requesting the authorities to present concrete plans for the creation of alternative accommodation, has remained largely unanswered. Most municipalities are still not adequately tackling the problem of misuse of housing space and double occupancy. The majority has also not yet provided lists of unclaimed socially owned property. In that context, the failure of the RS Ministry of Refugees and Displaced Persons to efficiently manage the property returns process in the RS is particularly notable.

The Governments of Bosnia and Herzegovina and Croatia must also invest more efforts into harmonizing their legislation to further the cross-border return process, which will assist the internal return process within Bosnia and Herzegovina.

Now is the peak of the return season. The weather is warm and the school term has finished. This is the time for the authorities to significantly speed up the property law implementation process by enforcing positive decisions. The International Community is closely monitoring the performance of each municipality and will not hesitate to take the measures necessary to accelerate the process and help the citizens of Bosnia and Herzegovina enforce their rights.