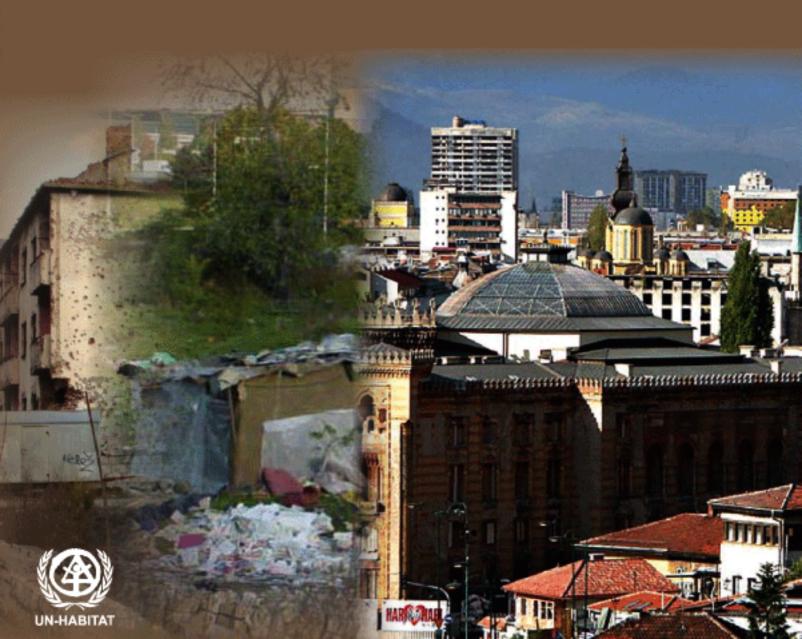
BOSNIA AND HERZEGOVINA, CROATIA
AND SERBIA AND MONTENEGRO



# IN BOSNIA AND HERZEGOVINA, CROATIA AND SERBIA AND MONTENEGRO



## Security of Tenure in Post-Conflict Societies

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#### **Foreword**



The hardships that have confronted the people of former Yugoslavia throughout the past decade have been unprecedented in post-World War II Europe. The political and ethnic conflicts of the 1990s have affected all areas of social, economic and political life, and have had a particularly pronounced impact on the housing and property sectors. Indeed, the region faces an array of severe difficulties related to housing and property issues. These include more than a million refugees and displaced persons who are still unable or unwilling to return to their homes. They also include a dysfunctional housing market in most countries, systematic discrimination against various ethnic groups, in particular the Roma, and an expanding informal housing sector. Many of these problems are associated with the sudden shift to a market-based economy. The privatisation of public housing and the loss of tenure and tenancy rights have rendered many people and families with limited and low-incomes more vulnerable to sub-standard living conditions, evictions and homelessness.

Despite the fact that all Stability Pact countries have committed themselves to the protection and promotion of internationally recognised human rights, far too little attention has been paid to the human rights dimensions of housing and property. The purpose of this publication is to provide an overview and analysis of a wide range of housing and property legislation and policies in post-conflict Bosnia and Herzegovina, Croatia, and Serbia and Montenegro. The laws described in this report range from the accommodation of refugees and displaced persons during the war and post-war period, privatisation and denationalisation, social housing, inheritance and marital property rights. Specific attention is paid to policies and practices related to the housing rights of the Roma and to the added problems many widows, women with missing husbands, traumatised women and other vulnerable persons are facing in exercising their housing and property rights.

It is my sincere hope that the findings and recommendations contained in this report will contribute towards improving the security of tenure for all people and communities in former Yugoslavia and that useful lessons can be learned to help other post-conflict societies

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And Cycle Tibe: Julea

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Assisted by Florian Bruyas

Peta Nelson edited the final draft.

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## List of Acronyms

APN Agency for Mediation and Transactions of Specific Real Estate Property of the Government of

Croatia

B-H Bosnia and Herzegovina

CLNM Constitutional Law on the Rights of National Minorities

CRPC Commission for Real Property Claims

DPA Dayton Peace Agreement

ECHR European Court of Human Rights, or European Convention for the Protection of Human Rights

and Fundamental Freedoms

ERRC European Roma Rights Centre

FB-H Federation of Bosnia and Herzegovina

FPRY Federal People's Republic of Yugoslavia

FRY Federal Republic of Yugoslavia National Institute of Indigenous Affairs

GDP Gross Domestic Product

IPTF International Police Task Force

ISSP Institute for Strategic Studies and Prognosis

LLF Law on Lease of Flats in Liberated Territories

LTTP Law on Temporary Take-over of Specified Property

MPWRC Ministry for Public Works, Reconstruction and Construction

NATO Northern Alliance Treaty Organisation

NGO Non-Governmental Organisation

ODPR Department for Returnees and Refugees

OHR Office of the High Representative in Bosnia and Herzegovina

OSCE Organization for Security and Cooperation in Europe

PHE Public Housing Enterprise

PLIP Property Legislation Implementation Plan

POS Public Funded Housing Construction

RB-H Republic of Bosnia and Herzegovina

RS Republika Srpska

SAPK Socialist Autonomous Province of Kosovo

SAPV Socialist Autonomous Province of Vojvodina

SFRY Socialist Federal Republic of Yugoslavia

SOE Socially-owned Enterprise

SRB-H Socialist Republic of Bosnia and Herzegovina

SRC Socialist Republic of Croatia

SRS Socialist Republic of Serbia

SRS Socialist Republic of Slovenia

SRCG Socialist Republic of Montenegro (Crna Gora)

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