

HOUSING AND PROPERTY RIGHTS

**BOSNIA AND HERZEGOVINA, CROATIA
AND SERBIA AND MONTENEGRO**



UN-HABITAT

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IN
BOSNIA AND HERZEGOVINA,
CROATIA AND
SERBIA AND MONTENEGRO



2005

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

A handwritten signature in black ink, which reads "Anna Kajumulo Tibaijuka".

Mrs. Anna Kajumulo Tibaijuka
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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

HOUSING AND PROPERTY RIGHTS

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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