

# POST-CONFLICT PROPERTY RESTITUTION IN BOSNIA AND HERZEGOVINA: THE ROLE OF INTERNATIONAL COMMUNITY

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# Background of my research

- JICA Research Institute's project: ***Land and Property Problems in Post-conflict State-building and Economic Development***
  - 8 case studies in Asia, Africa, Latin America and Europe – land/property management in conflict-affected setting
- What are the measures for the positive peace?

# Socialist Federal Republic of Yugoslavia

<http://lib.utexas.edu/maps/europe/yugoslav.jpg>



<http://kasamaproject.org/2010/08/01/mike-ely-1999-u-s-predators-stalk-the-balkans/>

# Consequences of armed conflict

- 3.5 years of war → approx. 1.2 million refugees & one million IDPs
- Ethnic cleansing, war crimes, crimes against humanity and genocide
- Flows of displaced persons in various directions over variable distances & multiple relocations
- Ethnically divided areas

# Bosnia and Herzegovina after the Peace Agreement

Three constituent people: Bosniacs, Croats and Serbs

**Green:** Federation of Bosnia and Herzegovina (mainly inhabited by Bosniacs and Croats)

**Yellow:** Republika Srpska (mostly Serb entity)



<http://edition.cnn.com/WORLD/Bosnia/updates/nov95/11-21/agreement/index.html>

# Points of today's presentation

- In Bosnia and Herzegovina, the international community was heavily involved in restituting property to people who were forcibly displaced during the armed conflict in the 1990s.
- Is this generally applicable intervention? – No.
- An important lesson: the international community may play a valuable role in adjudicating property rights in a divided post-conflict society.
- Was there anything else that the international community could do, regarding land use? – Yes.

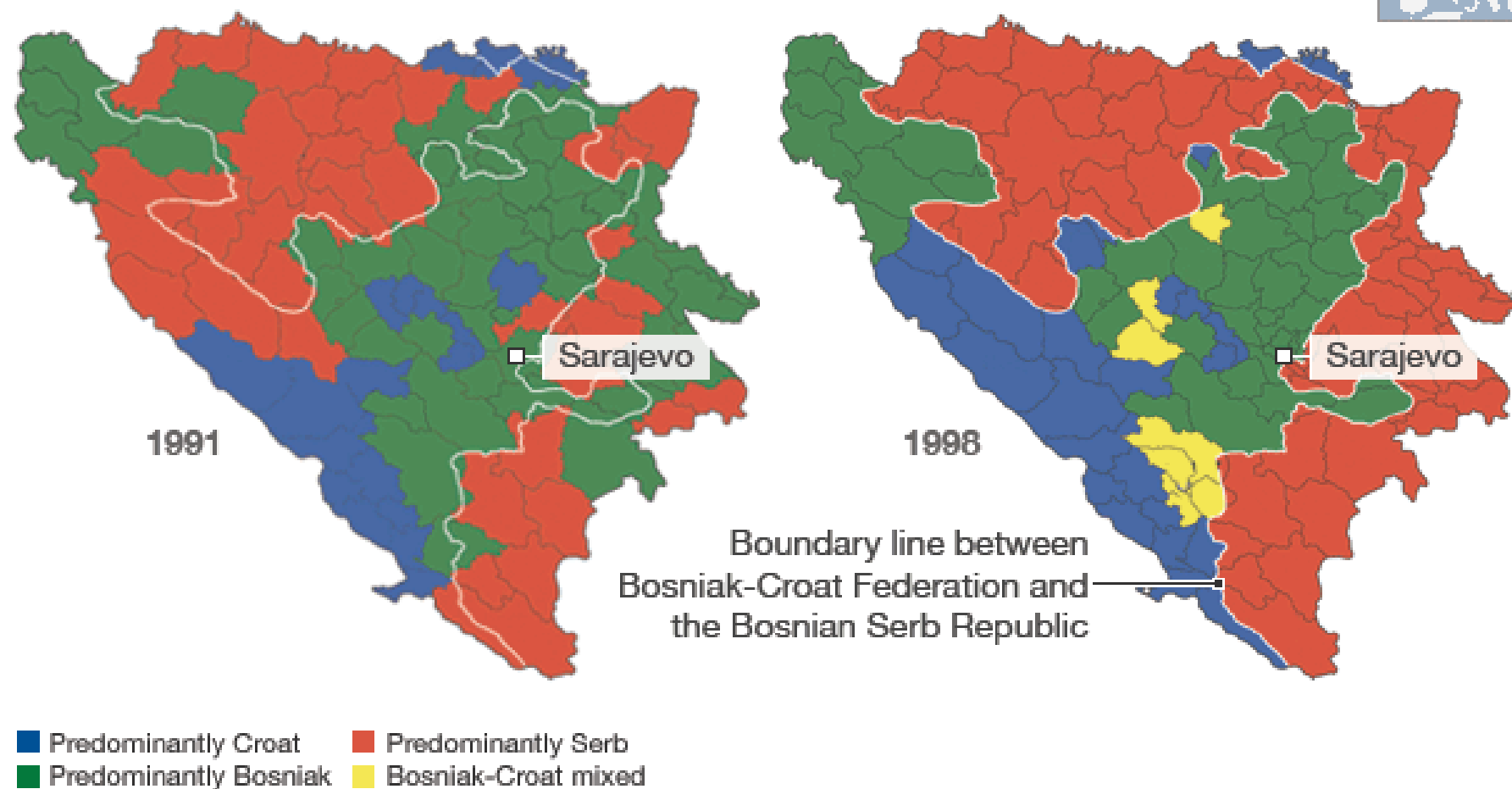
# Displacement during the armed conflict

By Philippe Rekacewicz, UNEP/GRID-Arendal





## Ethnic make-up of Bosnia-Herzegovina, before and after the war



Source: Office of the High Representative



# General Framework Agreement for Peace (Dayton Peace Agreement)

- ‘All refugees and displaced persons have the *right freely to return to their homes of origin*’.  
(Art. II(5) of Annex 4 and Art. I(1) of Annex 7)
- ‘Right to have restored to them property of which they were deprived in the course of hostilities since 1991’
- ‘The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina’.

# What were the obstacles to return regarding housing?

## Destroyed property

- Need reconstruction.

## Occupied property

- The local authorities allocated vacant houses/apartments to incoming IDPs.
- Need to vacate the house, either through voluntary departure or eviction of the occupants.

# Intervention by International Community 1

- ◆ Established the **Commission for Real Property Claims of Refugees and Displaced Persons (CRPC)**
- ◆ **Bonn Power of the High Representative**
  - amend or repeal legislation, or impose a new law
  - dismiss elected or public officials
  - Introduced a unified rule: primacy of pre-war owners or occupancy right holders

# Intervention by International Community 2

- **Property Law Implementation Plan (PLIP)** by OHR, UNHCR, OSCE, UN International Police Task Force and CRPC
- **Double occupancy commissions** consisting of international monitors and local housing authorities
- Eviction monitoring by International Police Task Force (IPTF)
- PLIP statistics
- Public information campaign

# Results of interventions

- ◆ Over 90% of property restituted.
- ◆ Refugees and IDPs have not necessarily returned.  
(Sustainable return requires more than housing, including security, and economic and social conditions.)
- ◆ Trust in rule of law (in the area of property) has been restored.

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Meanwhile ...

local authorities allocated land to IDPs – efforts to consolidate the post-conflict ethnic structure at the local level

# Property and post-conflict development



# Agriculture

- Features of the socialist system
  - ✓ Limited size of private farm
  - ✓ Basic agricultural products from State farm
  - ✓ Few professional farmers due to the industrialisation policy



- ✓ Lack of experiences and skills in farming
- ✓ Lack of public support system for private farming
- + fragmented land plots – no mechanisation

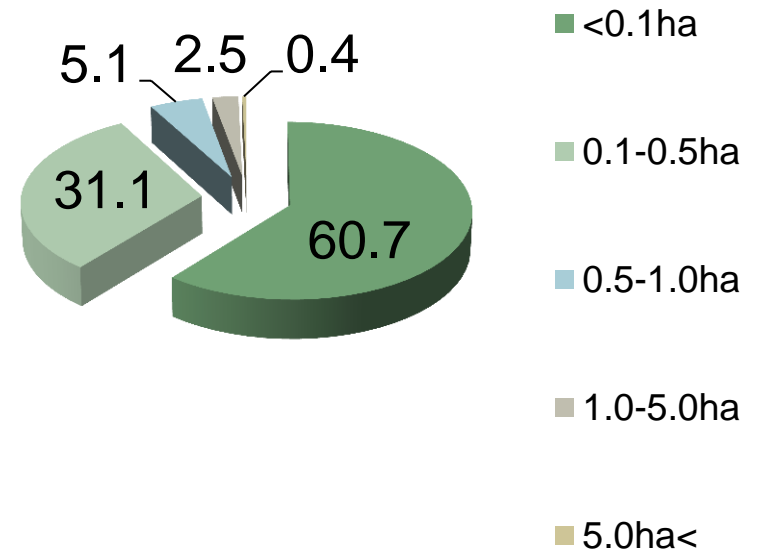


# JICA-RI's original survey in Canton Sarajevo

## Land use

- 64%: public property
- 35%: private property
- 0.1%: religious community's property
- 1.4%: no ownership data

## Plot size



# Possible measures for agricultural development

- Consolidation of land
- Privatisation of State farms
- Development of agricultural processing industry

# World Bank's on-going project on land registration

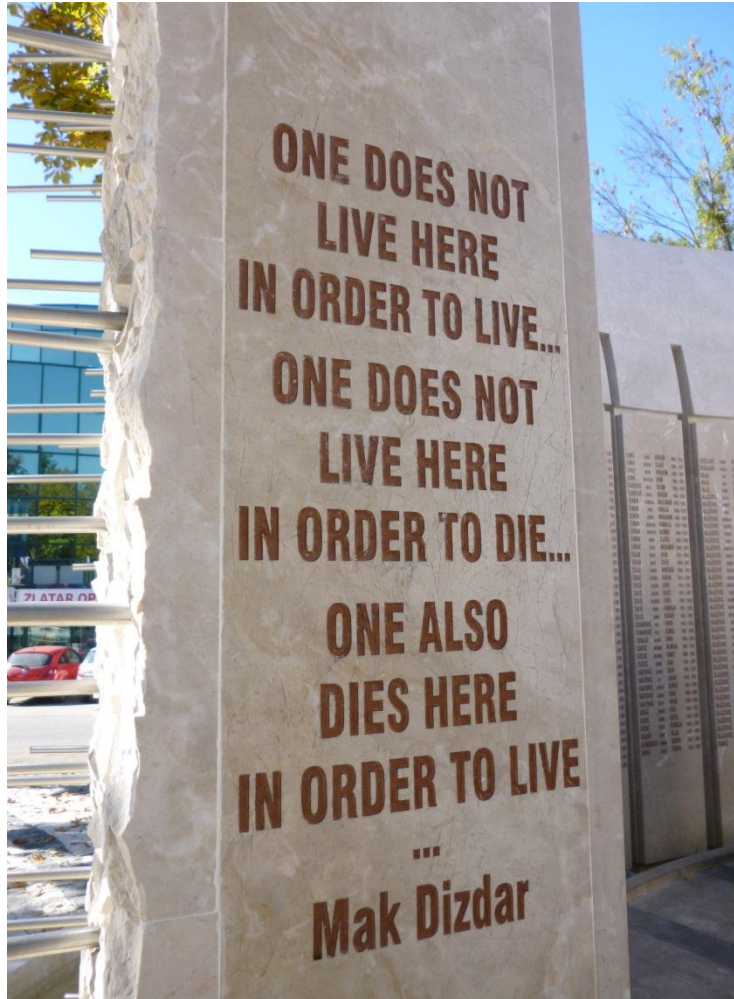
- Digitalisation of land records in selected areas (based on economic importance)
- Speed and transparency in providing registration record
- WB's expectation: the accurate registration will enhance land market activities and investment
- Has dissemination been bearing fruit?

# Conclusion on property restitution

- The international community's intervention in Bosnia and Herzegovina for property restitution - an unprecedented success
- Exceptional conditions:
  - a) a significant amount of human and financial resources; and
  - b) the power of the High Representative
- Impartiality of the international community – an asset in solving property problems, in a post-conflict setting, particularly in a divided society

# Conclusion on land management

- There are measures which may contribute to the positive peace of Bosnia and Herzegovina in the sphere of land management.  
(Dilemma: lack of State initiative)
- Modern land registration may support economic development in the long-term.
- More effective land use, particularly in the agricultural sector, may enhance improvement of people's life in the short term.



*Thank you!*