



Organization for Security and Co-operation in Europe

Mission to Croatia

Background Report

‘Croatian Government holds information session on housing solutions for former occupancy tenancy rights holders’

Introduction

During informal working level consultations between State officials in charge of refugee return held in Sarajevo on 22 November 2006, the Serbian Refugee Commissioner requested his Croatian counterpart to organize an information session - aimed primarily at refugee associations registered in Serbia – regarding the Croatian Government’s proffered housing solutions for former Occupancy Tenancy Rights (OTR) holders. This is regarded by the Serbian Government as a pre-condition for hosting the next Ministerial meeting of the Sarajevo Declaration process.

The information session was held on 15 December 2006 in Slavonski Brod, Western Slavonia. Refugee Commissioners and Assistant Ministers in charge of refugee return from Bosnia and Herzegovina, Serbia and Montenegro, 13 Croatian Serb refugee associations and representatives of the OSCE, UNHCR and the European Commission Delegations to the region were present. The presentation was followed by a press-conference where State officials provided statements.

Presentation by the Croatian Government

After a short introductory statement from the State Secretary of the Ministry of Maritime Affairs Tourism Transport and Development (MMATTD), the Assistant Minister in charge of refugees, returnees and displaced persons presented the housing care programmes for former OTR holders adopted by the Government in 2000 and 2003 including their implementation to date. The presentation concentrated on the housing care programme which applies outside the Areas of Special State Concern (ASSC) for which 4,425 applications were filed prior to expiry of the 30 September 2005 deadline. It was explained that the State has already purchased 50 apartments which have been allocated to eligible applicants with an additional 64 apartments in the process of being purchased by the end of the year. In 2007 an additional 210 apartments will also be purchased. The physical construction of the remaining 3,600 apartments is supposed to start in the autumn of 2007 and last until 2010.

In relation to the housing care programme inside the ASSC - of which 3,239 cases have been resolved both administratively and physically - there remain approximately 3,000 applications for which the State still needs to allocate a housing model - apartment, family house or building material. Furthermore, the Assistant Minister announced that the Government expects part of the programme to be finalized by 2009 and stressed that while the application deadline for the housing care programme outside the ASSC had already expired, refugees could still file applications for the programme inside the ASSC, for which there is no deadline. Croatian officials repeatedly appealed to the refugee representatives to encourage all eligible refugees to apply for this housing care option.

Debate

Reactions to this detailed and technical presentation were mixed. Bosnian and Serbian State officials commended the presentation as a useful clarification of the Croatian Government’s offer while representatives from refugee associations voiced their dissatisfaction with the humanitarian nature of the two housing care programmes which were not a substitute for the legal redress of acquired rights which had been lost. Refugee associations continue to reject the Croatian Government’s housing care proposal and in some cases also claim that the majority of applicants from abroad applied for the programmes in the belief that they would receive their former apartments back and be able to privatize them at a symbolic price as was the case for most Croatian citizens in the 1990’s. Some refugee representatives

argued that accepting the Croatian housing care programmes would amount to recognizing the asymmetric manner in which OTR rights were being resolved in the region.

Differences also emerged between State officials from different governments in regard to the actual number of former OTR holders that remain displaced, particularly in Serbia. It was agreed that in order to avoid possible politicization of the issue State parties to the Sarajevo Process should exchange relevant data on refugees and the assistance provided to them.

Croatian Government representatives replied to technical questions and complaints which were raised by the audience, reiterating several times that the Croatian Government regarded former OTRs as a non-existent legal institute whose legal contours need to be defined in an international court. It was also stressed that the presentation was exclusively aimed at informing those refugees who wish to return to Croatia, while the issue of compensating former OTR holders unwilling to return should be settled multilaterally between the relevant States.

Statements by Government Officials

In the press conference that followed, the Serbian Refugee Commissioner assessed the information session as useful, underscoring that the Croatian Government's housing care programmes constitute only one of several solutions for lost OTRs in Croatia. The Bosnian Assistant Minister for Refugees considered the inter-State agreement on the exchange of data on refugees to be the most positive outcome of the meeting.

Conclusion

While the presentation was generally assessed as useful by participants, it was clear that many refugee organizations do not consider the housing care programmes as the ultimate solution to the problem of former OTR holders from Croatia. The inter-State agreement on the exchange of data on refugees could prove useful in clarifying the number of refugees that still require a durable solution and thus an estimate of how many refugees would benefit from a multilateral effort in line with the Sarajevo Declaration.

It remains unclear, in concrete terms, what exactly the Serbian Government is asking Croatia to redress in relation to former OTR holders who are unwilling to return. Several refugee associations have stated that only full restitution will satisfy them with no mention of a possible compromise, despite the fact that total restitution would mean the expropriation of apartments from thousands of *bona fide* owners. The Mission was unable to assess the real representational impact of the refugee associations present at the event.