

**PILOT PROJECT**

**„URBAN INTEGRATION OF NON-FORMAL  
SETTLEMENTS IN PRIJEDOR MUNICIPALITY“**

**LEGAL - PROPERTY RESEARCH**

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## **Legal-property research**

Association of Municipalities and Towns of Republic of Srpska, in cooperation with Network of Associations of Local Authorities of South-East Europe (NALAS) and with support of GTZ (German Agency for Economic Development) is responsible for implementation of the pilot project „Urban integration of illegal settlements in Prijedor municipality“.

The aim of this project is to help Prijedor municipality to integrate a number of illegally constructed units into urban structure, improve planning process as well as to do adjustment with strategic planning documents and Town Plan. Part of the process is implementation of research which shall refer to the property-legal relations in illegally constructed settlements.

The „Nova Orlovača“ settlement which includes groups of buildings on „Nova Orlovaca“, „Orlovaca-Celpak“, „Orlovaca-Vrbice“ and „Orlovaca-Topolik“ locations has been chosen as the pilot settlement.

## **GOALS OF RESEARCH**

The main goals of the research regarding legal-property relations in illegally constructed settlements are:

- to explain the legal-property regulation and its changes in last 15 years in the area referring to town construction land and to invoke articles of law and to interpret them
- to explain legal-property status of the subject land in cadastral department and land registry books, procedure of harmonization of cadastre and land registry relying on relevant laws, all data on assignment of cadastral units to refugees,
- to explain current situation with subject land in actual legal proceedings,
- to get the comments of experts on this issue.

## **LEGAL-PROPERTY RELATIONS TOWN CONSTRUCTION LAND STATUTORY PROVISIONS**

In the sphere of legal-property relations, legal - ownership relationship on construction land has an important position, because both, its complexity and contents and importance of these relationships.

For complete and clear understanding of relationships on construction land is necessary to present the origin and development of regulations on these relationships which have significant place in legal system because of their complexity and contents and importance.

Regulation of the legal-property relations on construction land in our legal system dates from adoption of the Law on Nationalization of Rental Buildings and Construction Land („Official Gazette SFRJ“, number: 52/58). Adoption of this law had a good reason in the need to provide rational use of construction land, and within this, planned construction of towns and settlements with urban characteristics, as well as other urban places. The nationalization of privately owned real estates for the benefit of state (socially owned) has been made by the Law.

The most important provisions of this Law are:

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### **Article 1**

Residential buildings and rental commercial buildings shall be nationalized and become socially owned.

In towns and towns' settlements even construction land shall become socially owned.

### **Article 34**

All developed and undeveloped land is considered as construction land and all developed and undeveloped land, in construction areas of towns and settlements, shall be nationalized.

Which places are considered as towns and settlements with town characteristics shall be determined by the Republic Executive Council.

The narrow construction area shall be defined by County People's Council, upon proposal of Municipal People's Council, by special decision adopted on the session of both councils.

Decision on narrow construction area shall be verified by the Republic Executive Council.

The narrow construction area may include only already developed area and area which shall be developed in accordance with planned residential and infrastructure construction in due course.

### **Article 38**

Nationalized construction undeveloped land shall remain in possession of previous owner as long as Municipal People's Council, pursuant to its Decision, escheats the land to municipality or to other person for the purpose of construction of buildings or other structures or for the purpose of execution of other works.

Transfer of the land into possession to municipality or other user can't be realized ahead of time when user is to need it for construction or other works, which shall bring up the land to intended purpose. .

### **Article 41**

Citizen or legal entity who has been given a nationalized construction undeveloped land for the purpose of construction of building by Municipal People's Council, shall pay this use, at least as much as the prior owner had paid for nationalized land.

Municipal Peoples' Council shall decide on the sessions of both councils that the land users shall not give the compensation specified in paragraph above, but in that case, the Municipal Peoples' Council itself, is obliged to pay that compensation from municipal budget.

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The nationalization of construction land in so called construction areas in towns and settlements with urban characteristics took place by this Law . At the same time, the Law enabled further socialization of construction land through both, enlargement of nationalized areas and determining new narrow construction areas.

By completed nationalization of construction land the property right of previous owners terminated, but new rights were established over that land: the previous owner temporary right to use the land until its taking over and the permanent right to use the land under building and the land which serves for regular use of building. Pursuant to stipulated conditions, previous owner of the land can exercise the prior right of use in purpose to construct the building. Even other entities (physical and legal) can acquire the right to use construction land for construction on the basis of distribution of land for use by Municipality Assembly. All specified rights may be acquired on modality and under conditions stipulated by the Law on Nationalization of Rental Buildings and Construction Land.

Since 1968 the socialization of construction land was on the basis of the Law on Defining the Construction Land in Towns and Settlements with Urban Characteristics („Official Gazette“, number 5/68) which, by one its part regulated legal – property

relations on socialized construction land (including the right on fair compensation) , while in the second part predicts further application of ZON's provisions from 1958. In addition, this Law stipulates that further socialization can be done only on basis of republic law, so, in SR BiH, on basis of special laws, the socialization of construction land took place in 12 municipalities but not in Prijedor.

In legal regime of the town construction land, of which regulation, on basis of authorization given by Constitution from 1974, has been transferred to the republic competency, some amendments were made in Bosnia and Herzegovina. This was made by adoption of the Law on socially-owned construction land ("Official Gazette SR BiH", number 13/74). This Law has made significant changes in view of scope, modality and procedure of socialization of construction land and other subjects.

After twelve years of application of the Law on construction land from 1974, upgrading of legal regime on town construction land started in direction of revealing the adequate legal solutions. This was performed by adoption of new Law on construction land which took effect on October 04, 1986 („Official Gazette SR BiH“ number 34/86).

Above mentioned Law on construction land was applied in time of distribution of town construction land for use on territory of Prijedor municipality, on location of „Nova Orlovaca“.

The Law on construction land from 1986 in comparison to previous, differs in concept as well as in new legal solutions. This Law established strict conditions for socialization of construction land in order not to include a land which shall not be developed in due course (however it has to be stated that in practice was proceeded in different way in many municipalities). This Law regulated more completely and precisely the legal-property relations regarding town construction land (rights of prior owners, implementation of public invitation for distribution of construction land, joint (partner) construction, consequences of illegal construction on town construction land). Construction land is divided into three categories by this Law: urban construction land, other construction land and non-urban construction land. Fundamental discrepancy between these categories is that urban construction land was mostly socially-owned while other construction and non-urban construction land could have been privately owned.

Law on construction land from 1986 had a number of amendments. The amendments of this Law have been made in Republic of Srpska as well („Official Gazette of Republic of Srpska“, number 29/94, 23/98, 5/99).

Above mentioned Law on construction land from 1986 (Art. 47 – 58) determined that Municipal Assembly shall distribute town construction land to legal entities and physical persons for construction of buildings for their needs and to citizens for construction of residential or other building on which they can, on legal basis, acquire the property right. On this way has been succeeded that management and use of town

construction land provides planned and organized development of towns and town's settlements, other urban areas and in that purpose, to provide the most rational use of land in construction of buildings, both for social needs and buildings needed by citizens and civil entities.

Municipal Assembly had an exclusive right on distribution of town construction land to legal entities due to construction of structures for their needs and citizens due to residential or other buildings on which they can have a property right on the basis of law.

Person to whom town construction land has been distributed for use due to construction, has been obliged to pay compensation for assigned land as well as the land regulation costs.

Above mentioned has been regulated by following provisions:

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#### **Article 47**

Municipal Assembly shall assign urban construction land to legal entities for the purpose of construction of structures for their needs and to citizens for construction of residential or other buildings on which they can acquire property right in accordance with law.

Decision on assignment of urban construction land for use due to construction shall pass Municipal Assembly.

#### **Article 52**

The person to whom urban construction land has been assigned for use due to construction is obliged to pay the compensation for the land assigned as well as to compensate costs for regulation of such land.

The amount of the fee mentioned in previous paragraph, besides the fee for taken over land, shall be paid by previous owner who acquired priority right for use of land due to construction on urban construction land.

The amount of the fee for assigned urban construction land shall be defined by the Decision on assignment of such land and fee for regulation of urban construction land is to be defined by decision on land use permit.

Approval for construction shall not be issued to the person to whom the town construction land is assigned neither the right on use of land for construction can be registered in cadastre of immovables, that is in land registry books, until submission of proof that the land fee and costs of regulation of land are paid.

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Precisely above provisions of the Law on Construction land, which regulate assignment of town construction land for utilization, have been amendment in several occasions.

The first amendment of the Law on construction land has been made by the Law on amendment of the Law on Construction land („Official Gazette of Republic of Srpska“, number:29/94). Mentioned Law regulates:

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### **Article 1**

In the Law on Construction Land („Official Gazette SR BiH“, number:34/86), after the Article 52 is added a new Article 52a:

„Exclusively from provision of above Article (Article 52), town construction land can be, with prior consent of the Republic of Srpska Government, assigned for utilization for construction without fee, to:

- hospitals, resorts and other health – care facilities,
- facilities of social and children welfare;
- facilities intended for education and cultural purposes;
- facilities for needs of Serbian Orthodox Church;
- facilities for humanitarian purposes;
- sport facilities.“

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Provision of Article 47 and 52 of the Law on Construction Land from 1986 has been changed by this Article 52a.

Namely, pursuant to basic Law on Construction Land from 1986, the Municipal Assembly assigns city construction land for construction of residential or other building on which can be acquired the property right and the person assigned with city construction land shall pay the fee for assigned land as well as costs of regulation of that land.

Provisions of the new Article 52a stipulate that town construction land can be, with prior approval of the Republic of Srpska Government, assigned for utilization without fee for construction of buildings as it is mentioned above.

Next amendment of the Law on construction land, was done by adoption of the Law on amendments of the Law on construction land („Official Gazette of Republic of Srpska“, number: 23/98) and the same regulates:

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In Article 52a words: “with prior approval of the Republic of Srpska Government shall be erased and at the end of text, after the last row the new one is to be added saying:  
„-buildings for accommodation of refugees and displaced persons“  
New paragraph is to be added, that is:

„Minister for urbanism, residential-utility activities, civil engineering and ecology shall, within 7 days from the day this Law enters into force, issue the instruction on application of paragraph 1 of this Article“

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New change of the Law on construction land followed in 1999, when the Law on Amendments to the Law on construction land was passed and published in Official Gazette of Republic of Srpska number: 5/99.

After incorporated amendments, the text of certain changed articles of the Law on construction land which refers to assignment of urban construction land for use due to construction is:

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## **Article 9**

Municipal Assembly may entrust performance of works regarding the regulation, implementation of published call for applications for assignment of urban construction land for use as well as the use of urban construction land, to the organization of associated labor and other self-governing organization and association.

Municipal Assembly may its authorization for takeover in possession of undeveloped urban construction land and for assignment of state-owned construction land for use or for rent, transfer to collective executive or other collective body formed by Assembly. “

### **Article 47a**

Construction land, developed or undeveloped, owned, possessed or used by religious community, shall not be assigned for temporary use or rent to legal and physical entities, with or without fee, without prior consent of competent body of religious community.

### **Article 52a** **Paragraph 2**

Government shall, within 15 days from the day when the new law entered into force, adopt a new ordinance on conditions and modality of assignment of construction land without fee.

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Pursuant to paragraph 2 of above Article 52, Government of Republic of Srpska has adopt the Ordinance on conditions and modality of assignment of construction land without fee and it has been published in Official Gazette of Republic of Srpska, number: 11/99.

All assignments of urban construction land due to construction, in area of Prijedor municipality, even Nova Orlovaca settlement, have been performed on basis of mentioned ordinance. It stipulates conditions, priorities and modality of assignment of construction land for use and it has been adopted as the text bellow:

## **REGULATION**

### **On conditions and modality of the construction land distribution for use without fee**

#### **Article 1**

This Regulation stipulates in detail the conditions and modalities for construction land distribution for use to displaced population and returnees for the purpose of construction of individual buildings without fee .

#### **Article 2**

Executive board of towns or municipalities may, in order to solve the problem of permanent accommodation of displaced population and returnees, distribute without fee, the undeveloped regulated or unregulated construction land which has not been previously used for the residential, religious or cultural purposes, in accordance with spatial planning documentation.

In exceptional cases when exists reasonable interest and in cases without spatial planning documentation, the minister competent for planning, can pass a decision on preparation and drafting of spatial planning documentation in summary proceeding, which shall be done by Government of Republic of Srpska.

In cases specified in above paragraph, as well as in other reasonable cases, Government of Republic of Srpska on the proposal of Ministry for refugees and displaced persons shall pass a decision on distribution of construction parcels to displaced population and returnees without fee.

Government of Republic of Srpska may, in exceptional cases of reasonable interest, upon the proposal of Minister for refugees and displaced persons, approve legal entities to do transaction-gift of land to displaced person and returnees for the purpose of construction, without fee.

#### **Article 3**

Displaced persons and returnees to whom construction land has been distributed without fee, or if construction land has been acquired by transaction, shall not pay costs of regulation of construction land and rent.

#### **Article 4**

Towns or municipalities are obliged to provide the persons having distributed land with access road, technical documentation and expert supervision over construction of buildings without fee.

## Article 5

Executive board of the town or municipality shall, with approval of Ministry for refugee and displaced persons, publish in media the call for applications for distribution of construction parcels .

In cases from Article 2, paragraph 3 and 4 of this Regulation the call for application shall be published in media by the Ministry for refugee and displaced persons.

## Article 6

In cases from Article 5, paragraph 1 of this Regulation, executive board of the town or municipality shall officially obtain information on applicants from relevant department of Ministry for refugee and displaced persons on which basis shall define the priority list for distribution of construction land parcels without fee.

In cases from Article 5, paragraph 2 of this Regulation the priority list shall be determined by the Ministry for refugees and displaced persons.

## Article 7

The list of priorities from Article 6 of this Regulation shall be defined on basis of following criteria:

1. household accommodated in collective center.....20 points
2. Number of household members (per member) .....2 points
3. household of dead participant in homeland-war.....10 points
4. war invalids( members of household)
  - I group.....10 points
  - II group.....9 points
  - III group..... 8 points
  - IV group.....7 points
  - V group.....6 points
  - VI group.....5 points
  - VII group.....4 points
  - VIII group.....3 points
  - IX group.....2 points
  - X group.....1 point
5. Household jeopardized by return of owner or statutory tenant to building.....20 points
6. displaced household which use the building as a sub-tenant..... 5 points.

## **Article 8**

On the basis of defined priority list, the town or municipal executive board with approval of Ministry for refugees and displaced persons shall adopt individual decisions on distribution of land specified in Article 6, paragraph 1 of this Regulation.

On basis of defined priority list from Article 6, paragraph 2 of this Regulation, Government of Republic of Srpska shall issue Decisions on distribution of construction land without fee, upon proposal of the Ministry for refugees and displaced persons.

## **Article 9**

Developed construction land distributed without fee can't be alienated within five years from the day when use permit was obtained.

Exceptionally from paragraph 1 of this Article developed construction land can be alienated with prior approval of executive board for the reason predicted by Law.

In case of alienation of developed construction land from paragraph 2 of this Article before expiration of five years deadline, buyer who has no status of displaced person or returnee is obliged to pay compensation for distributed land, costs for regulation of land and land fee in accordance to law.

If the person to whom has been distributed the construction parcel and other material for construction of building alienates, exchanges or realizes compensation on other way for the buildings owned out of Republic of Srpska territory, that person has to, without postponement, compensate costs to authorities or organizations which implemented distribution of construction land and other material for the price valid in time of payment.

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## **ASSIGNMENT OF TOWN CONSTRUCTION LAND FOR UTILIZATION**

Bearing in mind that the Ordinance has regulated requirements and modality of assigning town construction land for utilization without paying a fee, Prijedor Municipal Assembly, at its session held on December 23, 1999, passed a Decision No. 01-022-12/99, adopting a draft Project „Prijedor 2000 - Home for All People“.

„Prijedor 2000 - Home for All People“ is a project of resolving the issue of displaced persons, refugees and returnees' housing problems in the municipality of Prijedor, aiming to allow peaceful and safe implementation of Annex 7 of the Dayton Peace Agreement, that is part of the Agreement related to resolution of displaced persons, refugees and returnees' housing and property rights.

In accordance with provisions of Article 5 of the Ordinance on Requirements and Modality of Assigning Construction Land Without Fee, Municipality of Prijedor's Executive Board published an Invitation for Tenders for town construction land use without fee.

According to the results of public invitation, based on priority list (mentioned in Article 7 of the Ordinance on Requirements and Modality of Assigning Construction Land Without Fee), made by Information Center for Refugees and Displaced Persons and municipal War Veterans Association, the mayor of Prijedor has issued decisions on implementation of right to be assigned construction land without fee for construction of an individual housing unit.

The right to use assigned construction land has been acquired on the basis of the Contract on Regulating Mutual Rights and Obligations with municipality of Prijedor.

Decisions on implementation of right to be assigned construction land without fee for construction of an individual housing unit were issued by the mayor of Prijedor at proposal, that is on the basis of priority list made by Prijedor Information Center for Refugees and Displaced Persons, Prijedor War Veterans Association and Municipal Organization of Families of Detained and Killed Soldiers and Missing Civilians.

Based on the list of priorities made by Prijedor Information Center for Refugees and Displaced Persons, total of 547 assignments of land for construction of an individual housing unit have been made as follows:

- for the area of settlement „Nova Orlovača“ - 390 decisions
- for the area of settlement “Orlovača Celpak“ - 26 decisions
- for the area of settlement „Orlovača Vrbice“ - 47 decisions
- for the area of settlement „Orlovača Topolik“ - 84 decisions

On the basis of priority list made by Prijedor War Veterans Association, total of 133 assignments of land for construction of an individual housing unit have been made as follows:

- for the area of settlement „Nova Orlovača“ - 101 decisions
- for the area of settlement “Orlovača Celpak“ - 17 decisions

- for the area of settlement „Orlovača Vrbice“ - 8 decisions
- for the area of settlement „Orlovača Topolik“ - 7 decisions

On the basis of priority list made by Prijedor Organization of Families of Detained and Killed Soldiers and Missing Civilians, total of 31 assignments of land for construction of an individual housing unit have been made as follows:

- for the area of settlement „Nova Orlovača“ - 21 decisions
- for the area of settlement „Orlovača Celpak“ - 4 decisions
- for the area of settlement „Orlovača Vrbice“ - 6 decisions

Decisions on Implementation of Right to be Assigned Construction Land without Fee for Construction of an Individual Housing Unit and Contracts on Requirements and Modality of Assigning Construction Land Without Fee were issued or concluded such as follows:

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On the basis of Article 8. Paragraph 2. of the Ordinance on Requirements and Modality of Assigning Construction Land Without Fee (“Republic of Srpska Official Gazette“, no. 11/99), Article 1. of the Decision of MA Prijedor, no. 01-022-12/99 from December 23, 1999 on Adoption of Draft Project “Prijedor 2000 – home for all people“, mayor’s Conclusion, referred to Article 1. Paragraph 2. of the Law on Amendments to the Law on Construction Land (“Republic of Srpska Official Gazette“, no. 29/94. 23/98 and 5/99) in the case of assigning construction land without fee to displaced persons and returnees for construction of individual housing units, Mayor of the Municipality, with consent of the Ministry for Refugees and Displaced Persons, issues:

## **DECISION**

on implementation of right to be assigned construction land without fee  
for construction of an individual housing unit

1.NN, a displaced person from NN has been assigned construction land use without fee for construction of an individual housing unit at the location of “Nova Orlovača“, indicated by k.č. (“cadastral plot”, interpreter’s remark), no.----, entered into p.l. no. ----, K.O.(“cadastral municipality”, interpreter’s remark) Prijedor I, area of---- m<sup>2</sup>.

2.The person from Item 1 of this Decision shall acquire the right to use construction land upon conclusion of the Contract on Regulation of Mutual rights and Obligations with the Municipality of Prijedor.

## **Explanation**

A displaced person from ---- has submitted an application for assignment of construction land for construction of a housing unit, and for the purpose of permanent settling its household on the territory of municipality of Prijedor.

Based on the priority list made by Prijedor Information Center for Refugees and Displaced Persons and Prijedor War Veterans Association, the following has been established:

- that the above mentioned person is a displaced person from-----, who expressed a wish to settle permanently in the Municipality of Prijedor;
- that the person falls under the category of:
  - a) urban,
  - b) suburban,
  - c) rural population.

Evaluating the above mentioned facts, and in accordance with provisions of Article 8. of the Ordinance on Requirements and Modality of Assigning Construction Land Without Fee, Article 1. Paragraph 2. of the Law on Amendments to the Law on Construction Land, as well as provisions of the Prijedor Municipal Assembly's Decision on Adoption of the Draft Project "Prijedor 2000 - home for all people" and Conclusion of the Prijedor MA Executive Board, it has been concluded as in the disposition of this decision.



## **CONTRACT** **on requirements and modality of assigning** **construction land without fee**

Concluded between  
Municipality of Prijedor and NN as parties

### **Article 1.**

The Supplier shall be obligated to assign construction land without fee for construction of an individual housing unit at the location of Nova Orlovaca to the User, indicated upon the new survey with k.č.(cadastral plot) no. -- parcel no. -- area of -- m<sup>2</sup>, entered into p.l. no. ---, K.O. (cadastral municipality) Prijedor I.

## **Article 2.**

This Contract and the Decision on Implementation of the Right to be Assigned Construction Land without Fee for Construction of an Individual Housing Unit shall together represent a legal ground for registration of right of use for User's construction of a family housing unit (in a land registry book of the Prijedor Basic Court).

## **Article 3.**

The Supplier shall be obligated to provide without fee an access road, technical documentation and expert supervision over development on assigned construction land.

## **Article 4.**

The User shall be obligated to commence construction of a building within a year from the date the decision on assigning land use for development enters into force. If the User fails to commence the works within this deadline, or fails to complete major part of the works within 3 years (put a building under roof), or fails to complete development of entire building and apply for a use permit within 6 years, he shall lose the right to use land for development.

## **Article 5.**

The User shall be aware that he may not transfer developed construction land assigned to him without fee within 5 years from the date of receiving the use permit. As an exception from Paragraph 1. of this Article, developed construction land may be transferred with prior consent of the Supplier, for the reasons defined by law.

## **Article 6.**

The Supplier may extend the deadlines from the previous article up to the same period specified in case the User has been prevented to meet the requirements from the previous provision for just cause (death, serious disease, difficult financial situation, etc.).

## **Article 7.**

If the User, to whom a construction parcel and other material for development have been assigned, transfers, exchanges or in some other way acquires compensation for buildings he owns outside the territory of Republic of Srpska, he shall be obliged, without any delay, to reimburse expenses of the bodies or organizations that have been assigning construction parcels and other materials, at prices valid at the time of payment.

#### **Article 8.**

The User shall be obliged to register assigned parcel in the Cadastral Records of the RS Administration of Geodetic and Property-Legal Affairs - Prijedor .

After obtaining a use permit for developed building, the User shall be obliged to register a permanent right of use (ownership) in land registry books of the Prijedor Basic Court.

#### **Article 9.**

The contracting parties agree on all possible disputes to be resolved by mutual agreement. In case of failure to reach an agreement, competent court shall be the Basic Court in Prijedor.

#### **Article 10.**

This contract is made in 4 (four) identical copies out of which the parties shall keep 2 (two) copies each.

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Following all the amendments and addenda to the Law on construction Land, in the year of 2003 the High Representative for Bosnia and Herzegovina, in the exercise of his powers, passed of the Law on Construction Land with the identical text for Republic of Srpska („RS Official Gazette“, no:41/03) and BiH Federation („Federation of Bosnia and Herzegovina Official Gazette“, no:25/03).

The Republic of Srpska Assembly adopted the RS Law on Construction Land („Official Gazette of Republic of Srpska“, number:86/03) in the identical text.

Until adoption of the RS Law on Construction Land from 2003, that entered into force on May 16, 2003, there was a single legal regime on town construction land in Republic of Srpska and Bosnia and Herzegovina since all the land was socially or state-owned on the basis of the Law on Nationalization of Rental Buildings and Construction Land („SRBiH Official Gazette“, no. 24/68) and municipal decisions.

Article 96. of the Law passed in 2003 by the High Representative for both entities, in the identical text, provides annulment of state ownership over the town construction land which is not used in accordance with regulation plan and which had become socially

or state-owned on the basis of municipal decisions, meaning that earlier property-legal status is being re-established.

Termination of state ownership on developed town construction land that become property of an owner of developed building was also provided (Article 39.).

That way, by entering into force of the Law on Construction Land in 2003, a dual legal regime on town construction land has been established, since apart from nationalized undeveloped town construction land under state ownership there was also privately owned town construction land, returned to previous owners under Article 96. of this Law.

Moreover, land that will in the future be defined by municipal decision as town construction land may also be privately owned.

Provisions of the above mentioned Law from 2003 have not entirely resolved the issue of restitution of town construction land since nationalized undeveloped town construction land remain under state ownership, regardless of its use that does not comply with regulation plan.

Dual property-legal regime on town construction land causes problems in the sphere of property-legal issues as well as in the field of development on the same land.

The issue of dual legal regime on town construction land reflects the situation where citizens are brought into unequal position. Citizens, whose town construction land had been turned into state-owned property on the basis of municipal decisions were able to re-establish ownership on that land but undeveloped town construction land still remain under state ownership, causing violation of constitutional right to equality.

Dual legal regime creates problems in development on that land that is regulation of a right to build as well.

Explicitly, an owner of town construction land who intends to build on privately owned town construction land, in the building permitting procedure, proves his right by excerpt from land registry books, while land owner who intends to build on state-owned land proves its right by decision on assignment of that land for development issued by competent municipal body.

Bearing in mind that construction land has a value, price and income, expressed in a market by supply and demand principle, it was necessary to approach more radical solutions in the Law on Construction Land and regulate property rights in a similar way as in the countries of a modern market economy.

That is why the Republic of Srpska National Assembly adopted the Law on Construction Land, published in the RS Official Gazette, no: 112/06, and still in force.

Most significant provisions of the Law related to legalization of illegally built structures are those of Article 47.

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## Article 47.

- (1) If before this Law entered into force a building had been developed on state-owned construction land without a right to use the land for development that is without a building permit but for which the Planning Law allows eventual subsequent issuing of building permit, local assembly shall establish the right of ownership in favor of developer, that is his legal successor, with an obligation of paying a fee for land sold at market price of construction land, costs of land regulation, and fee for natural advantages of that land (rent).
- (2) Prior to establishment of the right in accordance with this Article, a competent body shall consider property-legal relations.

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Provision of Article 61. of the previous Law on Construction Land had been incorporated into this Article, providing that Municipal Assembly or City Assembly establishes the right of ownership on construction land where a building has been developed without a right of use for development, and for which a building permit may be issued subsequently, with an obligation of paying fees for natural advantages (rent) and costs of construction land regulation.

So, the purpose of such provision is legal consolidation that is legalization of illegally constructed structures until this Law enters into force, if they can fit into planning regulations.

Municipal Assembly may not at its discretionary consideration decide in application of Article 47. of the Law, unlike application of Article 66. of the Law on Construction Land from 1986 according to which it was authorized but did not have to legally consolidate illegal construction. According to the provision of this Article, municipal assembly is obliged to establish the right of ownership over formerly state-owned construction land (on land underneath a building and for regular use of the building) on which a building has been developed without a right of use for development, and for which a building permit may be obtained subsequently. A decision establishing the right of ownership on construction land on which a building has been developed at the same time establishes developer's obligation to pay fees for construction land (rent) and costs of land regulation.

Paragraph 2. of Article 47. of the Law provides an obligation of a competent governmental body to consider property-legal issues prior to establishing the right. Accordingly, the body should obtain (based on requirement to apply Article 47.) a report from department in charge of urban planning on possibility of issuing subsequent building permit on that land. Same department shall, in consideration of property-legal issues, establish a ground for developer's possession of land, and (if he was not a

previous owner) whether he has reimbursed the earlier owner of the land on which the building has been developed.

After completion of the procedure from Article 47. Paragraph 2, a competent body/department shall deliver party's application and its proposal related to applying Article 47. Paragraph 1, of the Law to the municipal assembly.

When municipal assembly passes a decision under article 47. Paragraph 1. of the Law on Construction Land, developer that is a new land owner underneath a building, and which serves for regular use of the building, may, after paid fee, completed technical inspection and subsequently obtained building permit, submit to a court his proposal for registration of right of ownership on developed building and the land into the land books.

## **PROPERTY-LEGAL STATUS OF LAND**

The land in question is included in Land Parcelation Plan adopted for town settlements of „Nova Orlovača“, „Vrbice“, „Topolik“ and „Celpak“. The decision on adoption of the Land Parcelation Plan no: 01-022-57/05 was published in the "Prijedor Municipality Official Gazette", no. 6/2005.

Excerpts from the Land Parcelation Plan for above mentioned town areas are shown in the attachment to this study.

In the Municipality of Prijedor, as well as in the entire Republic of Srpska or Bosnia and Herzegovina, there are two separate real estate records. Those are: cadastral records, that is cadastral records on immovables, and land registry or real estate records in the land books of the Prijedor Basic Court.

## **CADASTRAL RECORDS**

Cadastral records includes data on areas, cultures, classes, cadastral revenue and land users for each parcel. Cadastral records may also contain other information related to parcels and users entered into cadastral records.

Cadastral records are made for each cadastral municipality on the basis of survey data and cadastral classification of land.

Cadastre contains data gathered by direct survey and research of land and consists of cadastral plans (position and shape of land and structures on the land) and cadastral records (information on parcel areas, culture, fertility and land classification, as well as data on users and cadastral revenue).

Basic unit in cadastre is cadastral parcel, representing portion of land used in the same way (same culture) and belonging to the same owner.

The land embracing settlements of „Nova Orlovača“, „Vrbice“, „Topolik“ and „Celpak“, according to data from cadastral records, is positioned in cadastral municipalities Prijedor I and Prijedor II. Land cadastre established in 1978, is still valid and is being applied on cadastral municipalities Prijedor I and Prijedor II, after public presentation of survey data and cadastral classification of land.

Land cadastre is regulated by the Law on Land Surveying and Cadastre of Land („RS Official Gazette“, no:19/96)

Establishment of land cadastre is regulated by the Law on Land Survey and Cadastre („SR BiH Official Gazette“, no:4/69,11/71,16/73 and 14/78).

Land cadastre contains data on cadastral parcels and structures on the land in sense of their position, shape, area, way of use - culture, class and cadastral revenue, as well as information on parcel users.

All data, except those on position and shape of the parcels and structures on the land, are registered in cadastral records.

Position and shape of cadastral parcels and structures on the parcels are shown in the plans.

Survey of details, made by photogrammetric modality, has been completed for the purpose of designing original plans and basic state map. Photogrammetric modality is a land survey made from the ground or from the air by specifically designed photographic device , as well as designing plans or maps based on such records made by special instruments.

Recording details comprises of gathering proper measuring and descriptive information for horizontal and vertical presentation of land: on position, shape, cultures and parcel users, natural and artificial structures, utility structures, land configuration, geographic and other names.

Land survey and cadastral land classification data on areas, cultures, classes and land users have been publicly presented.

Land cadastre has been established after the public presentation, and it is still being applied on cadastral municipalities Prijedor I and Prijedor II. Cadastral municipality includes, as a rule, the area of one settlement. Municipal assembly may, in case of just cause, define that one cadastral municipality covers two or more settlements or to divide one settlement into several cadastral municipalities. Municipal assembly is in charge of passing a decision on areas and names of cadastral municipalities.

Records on immovables - cadastral records is kept by Republic Administration for Geodetic and Property-Legal Affairs Banja Luka, Field Office Prijedor.

According to cadastral records, the land of developed settlements „Nova Orlovača“, „Vrbice“ and „Topolik“ belong to cadastral municipality Prijedor I, and the land of developed settlement „Topolik“ belongs to cadastral municipality Prijedor II.

The settlement of „Nova Orlovača“ includes cadastral parcels indicated as: cadastral plot no. (hereinafter: k.č.br.) k.č.br.2829, k.č.br.2830/1, k.č.br.2830/2, k.č.br.2830/3, k.č.br.2830/4, k.č.br.3800, k.č.br.3801, k.č.br.3802, k.č.br.3804,

k.č.br.3829, k.č.br.3830, k.č.br.3832, k.č.br.3833/1, k.č.br.3834, k.č.br.3854, k.č.br.3858/1, k.č.br.3858/3, k.č.br.3859, k.č.br.3860/1, k.č.br.3860/2, k.č.br.3871, k.č.br.3872, k.č.br.3873, k.č.br.3874, k.č.br.3875, k.č.br.3876, k.č.br.3877, k.č.br.3878. According to the Land Parcelation Plan, it covers the area of 46 hectares.

The settlement of „Vrbice“ includes cadastral parcels indicated as: k.č. br.3880/1, k.č. br.3880/3, k.č. br.3885/2. According to the Land Parcelation Plan, it covers the area of 3.7 hectares.

The settlement of „Celpak“ includes cadastral parcel indicated as k.č. br.4079, which, according to the Land Parcelation Plan, covers the area of 3.9 hectares.

The settlement of „Topolik“ includes cadastral parcel indicated as k.č. br.5638, which, according to the Land Parcelation Plan, covers the area of 6.3 hectares.

Above indicated land, for all four settlements, is registered as property of the company „Poljoproizvod“ A.D.Prijedor, with the share of 1/1.

According to the Land Parcelation Plan, 731 parcels are established on the above mentioned locations - four town settlements.

## **LAND REGISTRY BOOK**

Land registry book is a public book and public register of rights in rem and other rights legally provided for registration, as well as other legally defined facts of interest for legal transactions.

Material jurisdiction of courts for land book keeping is defined by law, and territorial jurisdiction establishes competence of the court on whose territory the immovable is located. Within competent courts, land books are kept by special offices/departments.

Immovables, in sense of the Law on Land Registry Books, include lands, buildings, apartments and business premises as special parts of the building and other structures.

Land books were introduced in Bosnia and Herzegovina in a period between 1886 and 1908, on the basis of the Law on Land Registry Books from September 13, 1884. Introduction of land books took around ten years and was based on a survey and cartography made by Austro-Hungarian cadastre. Jurisdiction over real estate records was established in that period. So, right of ownership and other rights in them on certain parcels were established by a court in charge of such records.

The Law on Land Registry Books from 1884 was in force until adoption of the Law on Land Registry Books on May 18, 1930 by which former Kingdom of Yugoslavia replaced old Austro-Hungarian regulations. The Law from 1930 kept the same solutions established by Austro-Hungarian authorities, meaning it kept the land books in the existing form. Jurisdiction over the land book keeping remained with the courts.

Adopted SR BiH Law on Land Survey and Real Estate Cadastre from 1984 reformed a land book right by defining public administration body in charge of land book

keeping instead of courts. Goal of the reform was to create integrated records of real estate and related rights that would fall under the competence of administrative authorities.

However, during all this period, real estate cadastre was established for around 10% of the territory, while data on other immovables were kept in land cadastre and land books. The established real estate cadastre was handed over to the courts where it was kept in accordance with provisions of the Law on Land Registry Books.

Keeping, maintenance and establishment of land books, as well as registration of immovables and related rights into land books of Republic of Srpska is defined by the RS Law on Land Registry Books („RS Official Gazette“, no:67/03 and 46/04).

Land book for the territory of Prijedor Municipality is kept by land registry office of the Prijedor Basic Court.

Entries into the land book are made in a land registry folder, entering one land book unit that consists of one or more cadastral parcels located in the same cadastral municipality and on which the same legal relations exist.

Cadastral parcel's name, culture and size (area), integration or division of land book unit as well as rights in rem established for a land book unit are entered into the first section (A) Inventory List of the land registry folder.

Legal ground for entry, land book unit owner's name, information on co-owners and limitations of right of disposal on the side of land book unit owner, as well as remarks related to ownership are entered into the second section (B), Property List.

According to data from the land registry book, town settlements cover the following parcel in cadastral municipality Prijedor:

-The settlement of „Nova Orlovača“ includes immovables indicated as: k.č. br.891/1, k.č. br.892, k.č. br.904, k.č. br.901/1, k.č. br.901/2, k.č. br.895/1, k.č. br.894/1, k.č. br.894/2, k.č. br. 894/3, k.č. br.894/4, k.č. br.894/5, k.č. br.893/1, k.č. br.893/7, k.č. br.893/9, k.č. br.893/8, k.č. br.893/18, k.č. br.893/10, k.č. br.893/20, k.č. br.893/24, k.č. br.893/26, k.č. br.893/17, k.č. br.893/19, k.č. br.893/22, k.č. br.893/21, k.č. br.893/29, k.č. br.893/28, k.č. br.893/30, k.č. br.893/31, k.č. br.893/32, k.č. br.893/34, k.č. br.893/35, k.č. br.893/36, k.č. br.893/56, k.č. br.895/11, k.č. br.893/43, k.č. br.893/44, k.č. br.893/38, k.č. br.893/25, all the parcels - cadastral municipality (abr. k.o.) Prijedor.

-The settlement of „Celpak“ includes parcels indicated as: k.č. br.1027/13, k.č. br.1027/15, k.č. br.1027/33, all - k.o. Prijedor.

-The settlement of „Topolik“ includes immovables indicated as k.č. br.882 and k.č. br.883, k.o.Prijedor.

-The settlement of „Vrbice“ includes immovables indicated as k.č. br.863/1 and k.č.br.863/4, k.o.Prijedor.

Entries, in some land registry folders, in relation to cadastral records data are very different - considering that, according to cadastral records, all those immovables are entered as property of the company „Poljoproizvod“ A.D. Prijedor.

Most of the land covered by these four settlements have been entered as state-owned property with right of use assigned to different natural or legal persons.

The land was entered as state-owned property on the basis of the Law on Nationalization from 1958 which, in favor of the state - socially owned property, had expropriated private immovables such as land in developing regions, in towns and urban settlements. Special legal regime was established on that land by establishment of new rights for the benefit of previous land owners: temporary right to use earlier owner's land until taking over, permanent right to use land underneath a building and land that serves regular use of the building, primary right of use for development, right of use on assigned land for the purpose of development. Land, as subject of this legal research, is entered into the land books as state-owned property, and previous owners are registered as persons with right of use until taking over the land.

Second part of land is entered as all people's property.

Such entry into the land books was made on the basis of valid decisions of County Agricultural Commission, passed in accordance with the Law on Agricultural Reform and Colonization in Bosnia and Herzegovina, published in the "NR BiH Official Gazette", no: 2/46 from January 9, 1946.

This Law created a land stock of agricultural reform and colonization consists of, among others, lands expropriated from previous owners under Article 7. of the Law. Article 7. provides:

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The following will be expropriated from current owners and handed over to the state:

- a) large properties, that is such farming and forest properties of total area that exceeds 450 acres or 250 acres of cultivated land, if these lands are rented or cultivated by wage laborers;
- b) properties owned by banks, companies, stock companies and other private-legal entities defined by law, except the parts of such properties that will be left to owners for industrial, construction, scientific, cultural and other socially beneficial purposes;
- c) properties of all kinds of foundations, civil and religious, as well as some temples, monasteries and other religious institutions;
- d) surplus of cultivated land that exceeds maximum values specified by article 11. of the Law;
- e) surplus of more than 30 acres of cultivated land whose owners are not farmers by occupation nor they cultivate it with their families but rent the land or wage laborers .

That was the way of creating a land stock, and those properties were registered as all people's property.

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## **ADJUSTMENT OF REAL ESTATE DATA**

First land survey in Bosnia and Herzegovina was conducted between 1880 and 1884, and it was the basis for creation of cadastral plans and cadastral records.

Completion of survey and establishment of land cadastre were followed by creation of a land book in Bosnia and Herzegovina in 1886. In many regions, land cadastre was destroyed during the WW II. In Prijedor, the land book had been destroyed in some cadastral municipalities but it was saved for cadastral municipalities Prijedor I and Prijedor.

In entire Bosnia and Herzegovina, destroyed land books were not re-established nor the saved ones were maintained properly.

That was the reason for a new, systematic land survey in entire Bosnia and Herzegovina in 1951, which also represented a technical base for records of real estate and related rights.

Data of the new survey, established by modern modalities (aerophotogrammetry), were used for creation of the new land cadastre (containing topographic data on land, area of each parcel, its culture and class, cadastral revenue, and data on land owner), then for development of other plans (spatial plans, town plans, regulation plans), for different studies and designing in agriculture, forestry, mining, transportation, for cadastre of forests, roads, waters, buildings, utilities, installations, etc.

During establishment of cadastral records (in cadastral municipalities Prijedor I and Prijedor II - in 1978), recording of details by photogrammetric modality was also made for the purpose of developing original plans and basic state map. Recording of details includes gathering of appropriate measuring and descriptive data for horizontal and vertical presentation of land: position, shape, cultures and parcel users, natural and artificial structures and utility facilities, land configuration, geographic and other names.

Original plans and maps were created on the basis of detail recordings. The plans show position and shape of cadastral parcels and structures on them.

In the regions where the new survey was made and land books were saved, there was a total discrepancy between the land book and cadastre because when the new cadastre becomes effective the old one, on which the land book is based, is no longer valid and responsibility to maintain it and adjust real situation with data from the land book does not exist any more.

Adjustment of data obtained by new survey with land book data was conducted only in case of explicit request made by competent bodies or interested parties.

Non-updated condition of land books is also caused by non-existence of owner's obligation to report facts that change existing data in the land book. Entry in the land book was requested only if a party was particularly interested in making the entry. Most property owners in Bosnia and Herzegovina did not have a sense of responsibility to report real estate transactions, divisions, gifts, exchange, etc, even more because of obligation of paying sales tax, transfer fees and other duties in case of updating the land book data. That is why so many sales, divisions, gifts, exchange of properties, inheritance decisions, etc, have never been registered in land books.

Adoption of the Law on Land Survey and Real Estate Cadastre ("SFRJ Official Gazette", no. 22/84) had a goal to establish the integral system of real estate records, that should provide continuity in registration of immovables and rights in them.

This Law had integrated provision of the previous Law on Land Survey and Land Cadastre and new solutions related to real estate records and legal rules of land book legislation.

Since adoption of the Law in 1984, real estate cadastre has been established in six cadastral municipalities in Prijedor. Land cadastre, established and regulated in compliance with the Law on Survey Land Cadastre ("RS Official Gazette", no. 19/96), is still in force.

## **CURRENT STATUS OF UNDERGOING LAND TRIAL**

The land, subject of this study, of developed settlement „Nova Orlovača“, including groups of structures at locations called „Nova Orlovača“, „Orlovača-Celpak“, „Orlovača-Vrbice“ i „Orlovača-Topolik“, is entered into land cadastre records as property of the company „Poljoproizvod“ A.D.Prijedor.

On January 23, 2004 this company took a legal action for damages before the Prijedor Basic Court. The complaint was later on passed to a competent court in Banja Luka (Basic Court). Legal action was taken against Municipality of Prijedor for damages caused by assignment of land for development of individual housing units (at Orlovača and Topolik locations, among others), and, according to cadastral records, the land is registered as property of the company „Poljoproizvod“ A.D. Prijedor. The trial has been conducted under number PS.612/04.

In its response to the complaint and at preliminary hearing, the Municipality of Prijedor suggested suspension of the proceedings until the issue of ownership over the land is resolved, and such proposal was supported by another party on the side of municipality - Agricultural Cooperative "Prijedor". Following the proposal, an insight into a court file no: PS.592/04 was made and concluded that Agricultural Cooperative

“Prijedor” had initiated a law suit against AD “Poljoproizvod” (plaintiff in this legal matter) for return of Cooperative’s property.

The court considered this as a preliminary issue, unresolved, and in a law suit initiated by plaintiff, AD “Poljoproizvod” Prijedor, against Municipality of Prijedor rendered a decision no:PS.612/04 from January 21, 2005, accepting the proposal made by Municipality and another interested party and suspending proceedings in a law suit no: PS.612/04, until preliminary resolution of the issue in a law suit no:PS.592/04.

„Poljoproizvod“ A.D. Prijedor, took another legal action before a competent Basic Court in Banja Luka on March 9, 2005.

The complaint was filed against Municipality of Prijedor for compensation for damage caused by assignment of construction land for development of individual housing units (among others, on locations Orlovača-Vrbice, Orlovača-Topolik and Nova Orlovača), and, according to cadastral records, the land is registered as property of the company „Poljoproizvod“ A.D. Prijedor.

The trial has not been completed yet. No decision has been rendered so far.

## **EXPERT’S COMMENTS**

As long time employee of the Republic administration for geodetic and legal-property issues as an official for legal-property issues and as the present employee with Ministry for Traffic and Communications, on position dealing with legal-property issued, I can say that the work of Dijana Stojic on theme of “Urban integration of illegal settlement in municipality of Prijedor” completely and precisely elaborated the modality of assignment of land for construction of housing units as well as information on immovables on the basis of both the land registry books and cadastral operate of land.

After the 2<sup>nd</sup> World War, the land in former Yugoslavia was socialized through the Law on Nationalization of Rental Buildings and Construction Land from 1958 and the Law on Agricultural Reform and Colonization in People’s Republic of Bosnia and Herzegovina. Large complex of agriculture and other land has been assigned to economic entities for managing. But, there are cases when such transfer of ownership is not entered into land book registry.

After dissolution of former Yugoslavia once again ownership transformation of economic entities takes place, so we again have the situation of changes in bearers of right on disposal and managing, in other works, there is no social ownership any more but it is private property and it has been necessary to make re-entry in Land book registry. This process has not been completed in a number of cases so this field is quite unregulated so far.

In meantime, appeared also the problem of displaced population, therefore municipalities were forced to distribute large complex of agriculture land for housing

construction and that is why there is such number of illegal settlement in area of Prijedor municipality.

For final regulation of this issue it is necessary to legalize illegally constructed structure and provide legality on law basis.

Rajka Vukaljević, graduate lawyer  
Ministry for Traffic and Communications

Illegally constructed building may be legalized only if the owner of such building is the owner of parcel on which the building has been constructed. Therefore solution of legal-property relations is of crucial importance for legalization of illegally constructed buildings and in Nova Orlovaca settlement as well.

Specific position of this settlement in relation to other illegally constructed buildings lays in the fact that by the Ordinance of Republic of Srpska Government („Official Gazette of Republic of Srpska“, number: 11/99), at the time when construction parcels were assigned to this settlement, on certain way the use of land was legalized, in other words, owners of buildings in this settlement have not entered into possession of the land illegally. This means that state authorities and local community have moral liability to do the best, i.e. to do all necessary activities in order to enable solution of this problem and to create key precondition for legalization of these illegally constructed buildings.

Snježana Hajnal, Bachelor of Science in  
Civil Engineering  
Employed on position of  
Head municipal urban-construction inspector  
Municipality of Prijedor

In my opinion, I would comment the expression “illegal settlements”. In concrete case can't be talk literally about illegal settlements in that sense.

Namely, the population of “illegal settlements”, have been given the sites for construction of residential buildings by Prijedor municipality on basis of major's decision. In a number of cases citizens had land use permits and even temporal construction licenses. But from the aspect of the Law on landscaping and the Law on construction land these building are considered as illegal and by it settlements itself.

I think, by legalization of illegally constructed building in “illegal settlements” shall be achieved that citizens finally become owners of buildings and land, after that

local roads will be regulated, settlements will be connected with other parts of municipality, water supply and sewage network will be implemented and by this such “illegal settlements” shall get the status and function of urban settlement in which the basic citizens’ needs are to be met.

Mila Kojić, graduated layer  
Ministry of traffic and communications

For preparation of the Report on research of real-property relations within illegally constructed settlement „Nova Orlovaca“, the following laws and regulations have been used:

1. Law on Construction land of Republic of Srpska („Official Gazette of Republic of Srpska“, number:112/06),
2. Law on Construction Land of Republic of Srpska („Official Gazette of Republic of Srpska“, number:86/03),
3. Law on Construction Land („Official Gazette SRBiH“, number:34/86)
4. Law on Amendments to the Law on Construction Land („Official Gazette of Republic of Srpska“, number:29/94),
5. Law on Amendments to the Law on Construction Land („Official Gazette of Republic of Srpska“, number:23/98),
6. Instruction on conditions and modalities of assignment of town construction land without fee („Official Gazette of Republic of Srpska ", number: 33/98)
7. Law on Amendments to the Law on Construction Land („Official Gazette of Republic of Srpska“, number:51/99),
8. Ordinance on conditions and models of assignment of town construction land without fee („Official Gazette of Republic of Srpska“, number:11/99)
9. Law on land survey and cadastre („Official Gazette of SRBiH“, number:14/78)
10. Law on maintenance of land survey and cadastre („Official Gazette of Republic of Srpska, number:19/96)
11. Law on land survey and cadastre of immovables („Official Gazette SRBiH“, number:22/84)
12. Law on Land Books („Official Gazette of Republic of Srpska“, Number:67/03 and 46/04)
13. Law on Agricultural reform and colonization in People’s Republic of Bosnia and Herzegovina („Official Gazette NRBiH“, number:2/46)
14. Law on Nationalization of Rental Buildings and Construction Land („Official Gazette SFRJ“, number:52/58)

**Dijana Stojić daughter of Radovan maiden name Daljevic**

Prijedor, Pecani settlement B3-/41

Born on May 04, 1968 in Prijedor. Elementary and secondary school graduated in Prijedor in 1986. School of law graduated in Banja Luka in 1999 and acquired the title of graduated lawyer.

Professional exam for work in state bodies I passed in 1999 in Banja Luka.

I started to work on January 01, 1994 with Municipal Secretariat for Property-Legal Affairs of Prijedor Municipality, as expert associate for independent management of administrative procedure and settlement of the most complex administrative issues on the basis of various evidential matters in process of expropriation, usurpation, feud settlements, agriculture, PZF, consolidation, confiscation and re-parceling.

After established Republic administration for geodetic and property-legal affairs Srpsko Sarajevo in 1997, I was assigned on position of independent expert associate for property-legal affairs, local unit of Prijedor.

In accordance with provisions of the Law on administrative service in administration of Republic of Srpska, in 2004 I acquired status of state official and I was assigned on operations and tasks of senior assistant for property-legal affairs in local unit of Prijedor.

Currently employed in Municipality of Prijedor as independent expert associate for property legal relations with Administrative and professional service and with Major's cabinet - General administrative services.

**Dijana Stojic  
Pecani B-3  
Prijedor**

**Association of municipalities and  
towns of Republic of Srpska,  
Bijeljina**

**Subject: Report on research, upon the Agreement on Performance of Temporary and Occasional Works, number:01-299-10/08 from October 31, 2008**

Performing the work – Real-property research within the Project „Urban integration of illegal settlements in Prijedor municipality“, in accordance with goals specified in Job description for real-property research which is integral part of the Contract on Performance of Temporary and Occasional Works, it has been done the following:

- in order to fully understand relations on construction land, review of origin and development of the legal provisions regulating real-property relations on town construction land is given hereby. Laws and specific articles of laws are listed and quoted and explained,

- aiming explanation of real-property status of subject land, the reasons for existence of two different and separated records on immovables – cadastre of land and land book (land registry) are specified. In addition are listed legal provisions which regulate establishing, keeping and maintenance of records on immovables, as well as modality of data harmonization in existing records.

- the information on assignment of town construction land by Authorities which have been making the priority lists on which basis assignment was conducted are collected and (as example) is presented the contents of the on implementation of right to be assigned construction land without fee and Contract on conditions and modality of assignment of construction land without fee, for construction of an individual housing unit

- current situation in procedure with Basic Court in Banja Luka is also explained, it is about charge initiated by „Poljoproizvod“a.d.Prijedor versus Municipality of Prijedor.

Collection of comments of experts on issue of urban integration of illegally constructed settlement „Nov Orlovaca“ is in progress.

Report made by  
Dijana Stojić