

Maja Korolija

Forced Evictions and Resistance from Below

The phenomenon of forced evictions and the organized resistance of citizens from below can be found throughout the world.¹ In this piece we intend to briefly present this phenomenon in Serbia, and in the Eastern European context, which shares certain characteristics with Serbia due to some common elements of socialist heritage in these countries. The phenomenon of forced evictions appeared in this region with the so-called process of democratic transition, and is intensified by the strengthening of the global economic crisis. At the legal level, it is the result of the process of ownership transformation, the emergence of the heirs to the ruling class from the period prior to real-socialism, and the general impoverishment of the population, which is unable to sustain the imposed neoliberal pace of life on the periphery of the capitalist system. The state in these countries first stopped taking care of the housing issue for the population, and then began battling those who tried to solve it themselves. But both in the countries of the former eastern bloc and in the countries of the former Yugoslavia, the way in which this happens varies.

For example, in Hungary the restitution of housing units had a form of voucher privatization, and already in 1991 a significant part of the property was privately owned. By contrast, there is still no law on restitution in Poland, but the right to return nationalized property to pre-war owners under certain conditions, in accordance with the 1946 decree, is permitted.² This form of transformation of ownership of housing units has *de facto* become dominant in Poland. Despite the various kinds of processes that lead to evictions, what is in all situations constant is that those who are the weakest - tenants - usually fare the worst, while the state apparatus is oriented to helping the interests of the richest

1 One finds this problem from Great Britain (<http://www.brightonsolfed.org.uk/brighton/brighton-solidarity-federation-opens-a-dispute-with-g4lets>) to the Russian Federation (<https://www.nytimes.com/2017/05/14/world/europe/protesters-hit-moscows-streets-to-fight-mass-renovation-plan.html>)

2 <http://www.criticatac.ro/lefteast/the-real-life-of-law-polish-lessons-on-housing-activism-in-the-postcommunist-context/>

strata of society and criminalized businessmen involved in various ways in the eviction processes.

In the former Yugoslavia, occupancy right holders for socially-owned and state-owned apartments received in 1990 and 1992 the possibility to buy apartments in which they live under special conditions, more favorable than the market ones – and, in today’s Serbia, most of the inhabited housing units (about 2.4 million) are owned by families living in them. This process was followed by the phenomenon of the transfer from the status of the occupancy right holder to the status of tenants, which is especially visible in Belgrade and Vojvodina, especially in the lower strata of workers of formerly powerful companies which, due to “circumstances” were not able during the 1990s to buy apartments under favorable conditions.¹ The “circumstances” in question are, in fact, the result of systemic discrimination of unskilled and semi-skilled workers in the previous system (Archer, 2016).

Resistance to forced evictions in the region first attracted public attention with the fight against “persecution” in neighboring Croatia, where such actions gave rise to a political party of a confused antisystemic rhetoric – the “Living Wall”. In Serbia, the phenomenon appears after the changes in the relevant legislation, and especially since the introduction of private enforcement officers at the end of May 2012. Since then, as a reaction to increasingly frequent cases of forced evictions, several different initiatives have been launched to help those facing them. In addition to the network “Joint Action *Roof over One’s Head*”, a group established in May 2017 under the name “Collective Defense of Tenants” was particularly active.

The proclaimed goal of this organization is mutual help and defense of the tenants in Serbia “from the violence of the enforcement officers, capitalists and politicians.” The organization was created “due to an increasing number of attacks on the right to housing of workers, the unemployed and students.” According to the documents, the organization is in charge of:

1. Dissemination of information on reported evictions and forced collection of debts, as well as attacks on public property such as hospitals,

1 <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:450630-Prazno-800000-stanova-i-kuca>

educational institutions, etc. by the enforcement officers.

2. Organization of propaganda and educational activities aimed at raising awareness about the importance of the right to housing and the fight for its defense.

3. Organizing of concrete, direct actions of physical protection of tenants against criminal attempts to evict and forced collection of debts (Internet, Collective Defense of Tenants 2017).

From conversations with members of this group, we gained insight into how the phenomenon of eviction appears in practice. What distinguishes itself as one of the common traits is that the victims are mostly the poorest inhabitants, who need help from society rather than the attack by the authorities. These are refugees from the wars of the nineties, the disabled, single mothers with sick or small children, pensioners, the aged and the sick, the unemployed, etc. Recently, an attempt was made to evict a pensioner in Belgrade, which was prevented thanks to a protest rally, i.e. postponed until further notice. But this case graphically describes the situation of tenants who are the subjects of such evictions. “Slavka Horvatović is a 76 year old granny. For 25 years she has been working as a cleaner and cook in the construction company Trudbenik, and has been living in a room of 9 square meters in a barrack with a shared bathroom, which is part of the workers’ settlement of Trudbenik in Konjarnik, for more than 30 years. After the company Monterra privatized Trudbenik in 2008, the new management has mortgaged Trudbenik’s property to repay Monterra’s old debts, although this was “prohibited” by the privatization contract. The bank has thus also established mortgages for the adapted accommodation facilities of Trudbenik workers. The former construction giant was gradually destroyed and in 2011 it was brought to bankruptcy, according to a similar model that was applied in a large number of robbery-privatizations in Serbia. In parallel with the destruction of the company and the sale of everything that could be sold, the new owner started to violently expell workers from the accommodation facilities belonging to Trudbenik.

The mafia judiciary ruled that Slavka Horvatović must move out of the barracks she lives in, and pay the court fees of 103,000 dinars, although Slavka’s only income is the pension of 11,000 dinars, with which she can barely buy the medications that she needs.” (Internet, KOS 2017). A particularly morbid case was the eviction process of the Havatmi

family in Dorćol, Belgrade. The family was evicted during the second eviction attempt, despite the involvement of several organizations and a growing number of activists trying to prevent eviction. The eviction case involves a single mother in her seventies who lives with a son who is a severely disabled person. Although she was willing to pay the debt that she had created as a victim of a “pyramidal savings” robbery, the enforcement officer, who was at the time under criminal investigation, did not give her the opportunity to do so. Documentation on the license for eviction, on the sale of the apartment, as well as on the calculation of the total debt with interest and all expenses, has never been delivered to the family (Internet, N1 2017). The most recent attempts at eviction in Belgrade, at the end of November 2017, are directed against refugees who lived in Croatia and Bosnia and Herzegovina before the wars of the nineties. These are people who, due to illness, old age and poor material conditions, have been settled in the studios owned by the Commissariat for Refugees and Migration. However, despite their good will and innumerable attempts to reach an agreement on the use of the studios with the Commissariat, the state agency whose proclaimed aim is care for refugees, is trying in every way to throw these people out into the street.

“In the meantime, they applied for the competitions of the Commissariat for the allocation of apartments, which, due to irregularities, have been nullified several times. At the last competition, the apartments were assigned to other people, and the families living in them were ordered to move out”(Internet, KOS 2017). Among the first refugees who were targeted by the Commissariat for Refugees is Gordana Radović, an unemployed and sick woman who fled the war in 1992. The attempt to evict her has so far been successfully prevented by activists’ protests. However, already in the following, cold and rainy days, the Commissariat for Refugees tried to evict Sergej Milićević, who lost his leg in the war, as well as several other people. These evictions are, at least for the time being, postponed through the action of tenants and activists (interview with KOS). Although many international charters and legal regulations oblige the state that no one can be left without a roof over their heads, the impression one gets from interviews with KOS members is that the governing structures do not care about these obligations. Housing rights are included in the Universal Declaration of Human Rights of 1948 and recognized by the United Nations, the

Council of Europe and the EU Member States. The International Treaty on Economic, Social and Cultural Rights from 1966 prohibits forced eviction and obliges the state to provide alternative housing to those who can not afford it. The provisions on social housing are recognized in the EU as a service of general economic interest (Kenna 2008). However, in post-socialist countries of transition, the situation is different. “The evictions, or forced removals from home, have become such an everyday occurrence, that today the fear of losing the roof over one’s head has become one of the biggest fears of the robbed and impoverished workers of Serbia.” (Internet, KOS 2017).

Unlike in Serbia, where the movement to combat evictions is only in its inception phase, the occupancy movement in Poland has a decades-long experience. The first organization fighting for tenants’ rights was created there in 1989, as the “Polish Union of Tenants” (Polskie Zrzeszenie Lokatorów, PZL) in Krakow. Currently, the struggle for tenancy rights is mostly concentrated in Warsaw. Three of the most active organizations for the protection of tenants’ rights are located there: the Warsaw Association of Tenants (Warszawskie Stowarzyszenie Lokatorów, WSL), the Committee for the Protection of Tenants’ Rights (Committee Obrony Praw Lokatorów, KOPL) and the Office for Social Justice (Kancelaria Sprawiedliwości Społecznej, KSS). WSL began its activity in 2006, bringing together tenants of one of the buildings returned to the old owners; KAS started its activity in 2006, while KOPL began with its activities in 2008.

Multi-year activities of these organizations in Poland have led to the mobilization of a large part of the vulnerable population, which had its effect in the field of state policy. The current government in Poland is considering adopting a special law that would prevent further attempts to return of buildings in which tenants are located to previous owners. However, the far greater success of these movements (in the concrete case of KOPL) in the field of legal regulation is that the movement has repeatedly (the last time at the end of 2017) managed to prevent changes to the tenant protection legislation, which were prepared with the intention of further attacks on basic tenants’ rights. Namely, the Polish governments of the previous several mandates had intended to introduce changes to the law that would abolish the control of rent prices and the rights of those who are threatened by evictions. Their intention was,

inter alia, to abolish the right to find alternative accommodation in the event of the eviction of certain categories of tenants - pregnant women, elderly and infirm - which meant throwing these people onto the street. It is important to note that the attempts to implement these changes to the laws took place under various governments in Poland. This clearly indicates that it is a systemic phenomenon, not a policy of this or that party in power. Fortunately, each time the movement of self-organized tenants was able to prevent them (Conversation with KOPL).

Based on the above, it can be concluded that, in the countries of the semi-periphery and periphery of the capitalist system, the basic human rights are directly violated on a daily basis in the process of transition. However, the series of successful preventions of evictions clearly show us that it is possible to stop the brutal repression of the poorest through good organization of fellow citizens and the implementation of direct action. The dissemination of information to the public about these events creates a public odium against such policies of the ruling classes, which can often lead to the postponement of specific cases of eviction, and when the movement gains pace and becomes broader, as in the mentioned case in Poland, the ruling class can even abandon repressive legal solutions.

Soucras:

Archer, Rory, „Paid for by the Workers, Occupied by the Bureaucrats’: Housing Inequalities in 1980s Belgrade“, eds. Archer, Duda and Stubbs, *Social Inequalities and Discontent in Yugoslav Socialism*, 2016.

Conversation with members of KOPL, conducted by the author on 26.11.2017.

Conversation with members of KOS, conducted by the author on 15.11.2017 and 30.11.2017.

Internet, Kolektivnaodbranastranara, available at <<https://www.facebook.com/kolektivnaodbrana/>>, pristupljeno 20.11. 2017.

Internet, N1, available at <<http://rs.n1info.com/a241703/Vesti/Vesti/Izvrstelj-prodao-stan-iako-su-hteli-da-plate-dug.html>>, <<http://rs.n1info.com/a243283/Vesti/Vesti/Izvrstelj-koji-je-prodao-stan-pod-krivicnom-istragom.html>>, <<http://rs.n1info.com/a274134/Vesti/Vesti/Porodica-Havatmi-iseljena-iz-stana-na-Dorcolu.html>>, accessed 21.11.2017.

Internet, Gajewska, Katarzyna, (2013), available at<<http://www.criticatac.ro/lefteast/the-real-life-of-law-polish-lessons-on-housing-activism-in-the-postcommunist-context/>>, accessed 25.11.2017.

Internet, Novosti, available at<<http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:450630-Prazno-800000-stanova-i-kuca>>, accessed 24.11.2017.

Internet, available at<<https://www.nytimes.com/2017/05/14/world/europe/protesters-hit-moscows-streets-to-fight-mass-renovation-plan.html>>, accessed 22.11.2017.

Internet, available at<<http://www.brightonsolfed.org.uk/brighton/brighton-solidarity-federation-opens-a-dispute-with-g4lets>>, accessed 23.11.2017.

Kenna, Padraic 2008, „Globalization and Housing Rights“, *Indiana Journal of Global Legal Studies* 15(2): 397-469.