

SYMPOSIUM
LAND ADMINISTRATION IN POST CONFLICT AREAS
29-30 Prill 2004
GJENEVA

**LAND ADMINISTRATION BEFORE AND AFTER THE
WAR (1999) IN KOSOVO**

Prof. Dr. sc. Murat MEHA
Chief Executive Officer
Kosovo Cadastral Agency
akk_kca@yahoo.com
Archive Building 2nd floor
Tel. +381 38 512 353; Fax 356
Mob: +377 44 120 958
Prishtina, Kosovo
E-mail: mmeha@yahoo.com

Summary

Land Administration in post conflict areas is the main issue for stabilization of human and social relations. Economical development of one country is closely linked with foreign investments, bank loans based on cadastral documentation regarding properties and landowners.

Therefore, in post conflict areas it is required to establish a good legal infrastructure, digital cadastre with new model of existing situation in order to solve inhabitants and environment problems as well as rational land use.

The functioning Land Administration and Cadastre in post conflict areas dependant in which level it was found, should pass through following phases:

- The analyzes of existing cadastre situation,
- Cadastral and geodetic documents,
- Geodetic instruments
- Other equipments for geodesic needs
- Professional qualifications of the local staff,
- Professional experience of local staff and their number.
- Analyzes of the Laws in force
- Re establishment of cadastre
- Providing with equipments, software and computers
- Drafting of the new laws regarding cadastre, measurement and property registration.

In this way, cadastre as a base data institution guaranties and facilitate land use according to the existing documents. Anyhow, based on these analyzes the action strategy and means for effective accomplishment are established.

1. INTRODUCTION

Symposium with theme “Land administration in post conflict areas” is a result of discussions that I had with Mr. Paul van der Molen during the Cadastral Congress in Krakow – Poland 2003. I was pleased with the way how Mr. Molen approached to this theme. After that also we had a long discussions through e-mails. In the end we agreed that the theme is very important and useful for Symposium. We hope that post conflict countries will have benefit from results and conclusions which will be coming from the Symposium.

Reason of proposing the theme “Land administration in post conflict areas” is because we have had and we have a lot of conflicts and wars in the World. There are different reasons for these conflicts or wars. One of the reasons of these conflicts is the violation in ownership. In the countries in which conflicts happens the property relations were aggravate even more.

Aim of this theme is to implement the lessons learned and achieved results from the countries that have passed through the conflicts to the post conflict countries too. Cadastre is a main database for the property relations and land administration. Therefore Cadastre should be a complete documentation of the public and private rights and restrictions for landowners and land users, as a wide land information system.

2. SITUATION ON LAND ADMINISTRATION IN KOSOVO BEFORE THE WAR (1999).

Kosovo was under Ottoman rule for a considerable period prior to 1912. Thus, legal ownership related to real property was based upon Ottoman legislation, in which the Tapi (document called Tapi) system was enshrined. Documents issued by local courts under this system identify the owner, describe the property, its boundaries and neighbours.

Since 1912 Kosovo was under Socialistic Federal Republic of Yugoslavia. Many times it has been damaged in many things especially damages were on land administration.

The regulation of the land cadastre in Yugoslavia was applied at the Federation level after the second World War. Different laws in the field of public surveying and land/real estate cadastre applied before and after 1989. Some laws applied after 1989 had clearly discriminating features, such as restricting transactions between different ethnic groups or the transfer of agricultural land to Serbs and Montenegrins. Local professional staff was

away from cadastre by force from Serbs government. Based on research carried-out by UNCHS (Habitat), UNMIK repealed two discriminating laws in November 1999 (UN Resolution No.1999/10).

Cadastral system functions remained essentially the same following the revoking of autonomy of Kosovo in 1989. However, its administration was moved from Pristina to Belgrade. New laws passed between 1992-1996 (The Law on Public Survey and Registration of Real Estate Rights; Off. Gazette of Rep. of FRY no. 83/92, 53/93, 48/94, 12/96, 15/96) introduced the radical change of transforming the land cadastre into a real estate cadastre. However, there was neither funding nor qualified professionals to implement the proposed changes [1]. These laws were revoked by UNMIK in December 1999 (Regulation No. 1999/24). The regulation indicates that the laws applicable in Kosovo are:

- a) The regulations promulgated by the Special Representative of the Secretary-General and subsidiary instruments issued there under; and
- b) The law in force in Kosovo on 22 March 1989.

Expatriation of the owners from their property in Kosovo during the last century when Kosovo was under Yugoslavia have been done through:

- Confiscation,
- Nationalization
- Expropriation
- Different land reforms

The properties in Kosovo until 1999 have been divided according to the types:

- State property (public property)
- Social owned property and
- Private property,

These abovementioned components make difficulties to realize successfully next issue related on the Land Administration:

- The Land Administration policy,
- Preparation of the new Laws on Cadastre and property,
- Privatization process that is ongoing,
- Increasing the credits based on mortgages
- Increasing the land value in the market with long-term.

The base of the existing land cadastre for the whole of the territory of Kosovo is a survey from the period of 1951-1985, which was conducted using both, methods tachometric-orthogonal method and aerial photography method of survey.

We remain that all records which are removed in Serbia have to bring back immediately. They use it for falsification and other illegal things.

3. RE-ESTABLISHMENT OF THE LAND ADMINISTRATION AND CADASTRE IN KOSOVO AFTER THE WAR (1999)

One of the main priorities for the United Nations Mission in Kosovo (UNMIK) was in re-establishing efficient mechanisms of governance in Kosovo is the re-introduction of a land and property management system [3]. A functional cadastral system is a pre-requisite for implementing reconstruction activities, upholding the rule of law, promoting economic development, and resolving long-standing conflicts and uncertainties.

At the request of UNMIK and as part of the activities of the UNEP/UNCHS (Habitat) Balkans Task Force, UNCHS (Habitat) carried out a rapid assessment of the situation regarding housing and property rights and property registration in Kosovo in 1999. In addition, the application of discriminatory legislation and a variety of barriers to the registration of property transactions had served to further compromise the integrity of this essential governance tool.

The “Blom Report” outlined a three-year action programme to support the re-establishment of the cadastre system in Kosovo. The report made also proposals on funding arrangements and indicated the need for the mobilization of contributions from several donor sources. SIDA organized a Logical Framework Analysis (LFA) Seminar in Sweden in February 2000 with the participation of a Kosovar professionals, international experts, representatives of UNMIK and the Governments of Sweden, Switzerland and Norway, Blom International and UNCHS (Habitat). The LFA reviewed the Blom report and made recommendations for improvement.

The rapid assessment highlighted the following major areas of concern:

- ◆ Property possession list and registries were partially destroyed from Serbs government forces, fig.1.
- ◆ Property boundary markers, survey control points and associated documentation were also destroyed or removed to Serbia;
- ◆ Geodetic surveying equipment and computers had been destroyed or removed to Serbia;
- ◆ Discriminatory legislation applied over more than a decade and lack of effective control over property registration and taxation had deterred people from recording property transfers;
- ◆ Restrictions in the recruitment of personnel for public sector positions and the displacement of people after the conflict left many municipal cadastral offices without qualified staff.



Fig. 1. Different kind of Cadastral records and maps destroyed or removed in Serbia

Initial proposals for rebuilding the cadastral system defined the following areas of action:

- Inventory and secure existing cadastral information;
- Rebuild and integral geographical information base;
- Restore the geodetic network;
- Design the framework for a modern cadastre and land registration system;
- Attend immediate demands of the municipal cadastral offices and
- Establishment of a central coordinating facility to guide this task.

4. RESULTS ACHIEVED DURING FOR YEARS PERIOD

We live in an age of information, with the information being essential in solving the issues of today's society. In the past we have used the maps to show where people and objects were located. Today this has changed into a complex digital environment with sophisticated creation using GIS equipment and software [5]. Therefore in Kosovo was working very hard to create digital cadastre also on establishment document of LA.

Now Land Digital Cadastre data cover complete territory of Kosovo.

- Geodetic base network, realized as KOSOVAREF01, 1st and 2nd order with GPS measurements linked on EUREF.

- ü Creation model of digital cadastre in Kosovo,
 - Logical connection to the Land Information
- ü Law of IPRR,
- ü Law of Cadastre
- ü Transfer of possession rights into ownership, and registration in the Immoveable Property Rights Register.
- ü Development of the Land Administration Policy. Creation of data and GIS databases for immoveable properties. This dynamic process enables the access to those data, provided by the Law.
- ü Realization of the cadastre in the municipal cadastre zones, where the land consolidation took place in the 1980-s.
- ü Aerial photogrammetry is ongoing for all Kosovo territory.

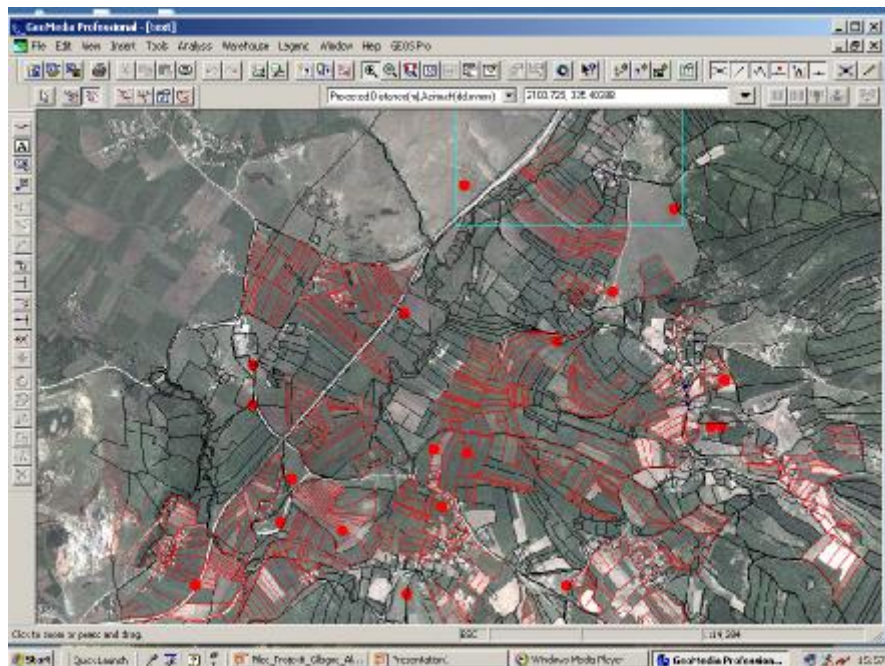


Fig. 2. Old map, vectorization and orthophoto in Dobroshevc village,

Vectorised 1299 cadastral zones, from International company and local companies. 2 cadastral zones are just with description cadastre.

Georeferencing, vectorization, creation of digital cadastre model and maintenance of cadastre is provide on cadastral zone Dobrashec (Municipality

Drenas) Fig.2. This pilot-project, where a comparison of data is being made from four different sources:

- Orthophotos,
- Textual data,
- Graphical data and
- Direct field measurements in combination GPS total stations.

That is to create the best base for Land Administration.

Then is made textual data base as it is on next fig.3.

Cadastre Name	Cadastre	Point	Points	Sub-Parcel	Parcel	Parcel ID	Parcel Name	Coordinates	Class	Area	Cadastre	Property
BORRAS-EC	X015803	53	305	2	4	223	KUQUNA-KUQUNA	ARE	8	2490	8	8
BORRAS-EC	X015803	147	305	2	4	223	KUQUNA-KUQUNA	ARE	5	267	8	5
BORRAS-EC	X015803	146	305	2	4	223	KUQUNA-KUQUNA	ARE	8	2100	8	8
BORRAS-EC	X015803	149	305	4	4	223	KUQUNA-KUQUNA	ARE	8	2790	8	8
BORRAS-EC	X015803	147	305	5	4	223	KUQUNA-KUQUNA	ARE	8	1490	8	8
BORRAS-EC	X015803	62	305	6	4	223	KUQUNA-KUQUNA	ARE	8	4700	8	8

Fig. 3. KCA textual database

4.1. IMMOVABLE PROPERTY RIGHTS REGISTER

Kosovo has drafted relevant laws by legal content of a rights or restrictions on land. The Law on Establishment of an Immovable Property Right Register (IPRR) has been promulgated, that is Regulation no. 2002/5 and Law on amendments and additions to Law 2002/13 on the establishment of an IPRR. The Law on Cadastre 2004/4 is promulgated [2],[4]. Development project for electronic IPRR is a part of digital Cadastre Law describes the administrative structure of the IPRR Article 3; Section 3

Authorities and Responsibilities

3.1. The Kosovo Cadastral Agency (hereinafter: “KCA”) shall be responsible for the Cadastre, regulation and maintenance of the all official evidences for the immovable properties based on the survey data and land cadastre and is competent for the general supervision of the cadastral activity and also for issuing other sub-legal acts related to the cadastral activity.

3.2. Municipal Cadastral Offices and the licensed surveyors, during their activity development, conform to this law, are under the authority of the

Agency, Administrative Instructions and sub-legal acts that are issued by the Ministry of Public Services.

As it is the purpose of the IPRR/Cadastral system is to provide authoritative documentation of who owns what properties, therefore its content is:

- ü **Real Property Rights** - records on ownership, mortgages and servitudes on land, buildings and apartments. This is a legal register.
- ü **Actors** - records on private persons and legal entities (ID number, name, address, type of actor - owner, possessor etc). These actors will be linked to legal land, buildings or apartments in the Real Property Rights Register.
- ü **Buildings and apartments** - records on buildings (ID number, Address, type of building, construction year, number of floors, area, etc.) and apartments (ID number location in building, number of rooms, area, etc.)
- Textual land cadastre** - records on land parcels (Id number, type of land, area, etc.)
- Graphical land Cadastre** - records on vector data (cadastre plans with parcel borders, roads, rivers, etc) and raster data (orthophoto, digital terrain models etc.)
- Miscellaneous registers**, which will store data delivered by different data providers. The model for these registers will be determined in cooperation with the providers, with the inclusion of data within the unified register.

The courts and other administrative bodies responsible for effecting changes and decisions in property rights and other real property rights, were obliged to forward these decisions to the cadastral office

5. INTERMINISTRIAL COORDINATION COMMITTEE

Interministerial Coordination Committee for land administration is established which will advise Government how to implement land projects in Kosovo.

Duties of this committee are:

- Coordinate activities and developments
- Cooperation and Harmonisation activities between actors on LA
- Promote activities cross Ministry.
- Build trust through cooperation projects
- Gain consensus on priorities
- Present priorities to Government at high level
- Could also be charged with coordination of Land Policies

Involve public and private sector etc.

6. FINANCING MODEL AND CONTRACTORS

Financing model in Kosovo Cadastral Agency after the war is from Kosovo Consolidate Budget (KCB) and donations for Kosovo Cadastral Support Program (KCSP) from Swiss, Sweden and

Norwegian Government. Now are ongoing donations from Swiss government. So we expect the same from other two mentioned governments.

Contractors on realisation big projects were International and local private companies. We hope that in near future will be good implementation on Land administration from World Bank. We expect it.

REFERENCES

- [1] Andersson B.(2003).: Land Administration in
Meha, M. Kosovo – Practice in Cooperation and
Coordination, WPLA, Athena. Greece.
- [2] Dale, P.F. (2002).: *Land Administration Policy in Kosovo –
Institutional Arrangements.*
- [3] FIG (1995).: *The FIG Statement on the Cadastre.*
International Federation of Surveyors, FIG
Bureau, Canberra, Australia
- [4] Meha, M. 2003.: Development, Services and regular
information for the Partners and
costumers in Kosovo. CELKCenter
Budapest, 31 October.
- [5] Meha, M. 2004.: Digital Geographical Data For Cadastral
Information Systems In Kosovo, As a Part Of
South-Eastern Europe. CELKCenter Budapest
16-17 April.

Bibliographical notes

Studies: University of Zagreb, Degree: Master degree, Doctor degree on
Geodesy Sciences. Professor in University of Prishtina- Kosovo and in
University of Tetovo - Macedonia.

Chief Executive Officer of Kosovo Cadastral Agency