

Reforming the Cadastre and Land Administration in Kosovo

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ABSTRACT

The Special Representative of the Secretary-General is governing Kosovo within the United Nations Interim Administration Mission in Kosovo (UNMIK) in parallel with the newly established Provisional Self-Government in Kosovo. Due to the long lasting conflict in the area ending with a war in 1999 the society infrastructure including the Land Administration was almost demolished. Cadastre plans and records were removed from Kosovo. The reconstruction of the Land Cadastre is ongoing with Kosovo Cadastral Agency (KCA) as the coordinating institution and implementer of the Kosovo Cadastre Support Programme.

The Programme is the result of discussions and negotiations for the implementing and financing of a three-year programme involving the Governments of Norway, Sweden and Switzerland as well as UNMIK and United Nations Centre for Human Settlements (Habitat). There is an inevitable need of a well functioning land sector in Kosovo. A land sector that will contribute to economic growth, democratic and sustainable development when supported by a real property market, rights protection and an improved cadastre and land registration system. Some immediate actions in the field of Land Administration is necessary and the development is now also included in the Programme.

The aims for the future Land Administration in Kosovo will be to fulfil the criteria mentioned in "Land Administration Guidelines" presented by MOLA (Meetings of Officials on Land Administration), Economic Commission for Europe.

A long-term Property Law Reform is envisaged. It will include a Transformation Law, which should automatically transform existing possession rights into ownership rights. A comprehensive Land Code should be developed that contains and revises all property legislation in light of modern European standards.

Before entering into a more comprehensive property law reform including transformation of existing possession rights into ownership rights the Land Cadastre must reach a high level of reconstruction and updating.

To have a successful development of any kind and especially in cases like reforming of the Land Administration ideas have to be planted and discussed among the actors at an early stage before the actual development starts. The motivation and the resources have to be there. The Land Administration will have to be developed in light of present-day realities. Consideration has to be taken to historical and cultural heritage as well as modern ideas and

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practice in neighbouring countries and in Europe. The ideas and results will have to be adopted and used by the Kosovars.

The KCA has started a gradual development of a more comprehensive Cadastre and Land Information System as a part of a society information infrastructure. To be able to do that KCA is basing the development on user needs. There will be a lot of actor demands and expected results to deliver. A well thought-out prioritising of activities etc has to be done at all times.

Cooperation and coordination is a clear and needed strategy when developing the Land Administration. It has to do with issues like defining of responsibilities as well as financial and technical solutions for data exchange. The roles and responsibilities of the main actors in Land Administration will be out-lined in policy documents and relevant legislations. Gender and ethnic sensitivity should be applied to all activities in development of the future Land Administration.

KCA has initiated drafting of a policy document in a working group consisting of representatives from various UNMIK departments. An Administrative Direction on the Establishment of a Property Rights Registration has also been drafted in the working group. At KCA preparations for the implementation has started.

During the summer of 2001 KCA has participated in a pilot project for Property Tax. Discussions are ongoing with the Ministry of Health, Environment and Spatial Planning about technical and legislative cooperation regarding spatial planning. Actors in Land Administration are getting more and more interested in using the Cadastre identifier in their own registers. They also see the benefit of using cadastral data as such for their own purposes.

The KCA approach is to take initiative as well as participate and influence in relevant development areas regarding Land Administration. These areas are proper legal framework, effective management, appropriate organization and financing. The easiest part in this will perhaps be to develop the technical system.

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