



**USAID** | **KOSOVO**  
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# PROPERTY RIGHTS PROGRAM (PRP)

SECOND-YEAR WORK PLAN  
(OCTOBER 2015 – SEPTEMBER 2016)

SEPTEMBER 2015 (Revised NOVEMBER 2015)

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## **DISCLAIMER**

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# ACRONYMS AND ABBREVIATIONS

AGE	Agency for Gender Equality
AI	Administrative Instruction
ASJK	Association of Serb Jurists of Kosovo
ATRC	Advocacy Training & Resource Center
BCC	Behavior Change Communications
CLE	Contract Law Enforcement
CMIS	Case Management Information System
CMO	Case Management Office
CoM	Court of Merit
CRP/K	Civil Rights Program in Kosovo
CRO	Civil Registry Office
CSO	Civil Society Organization
CTG	Core Technical Group
CCPR	European Commission Liaison Office Support to Civil Code and Property Rights Project
DA	Direct Assistance
DAP	Direct Assistance Program
DCM	Differentiated Case Management
EROL	Effective Rule of Law Program
EU	European Union
E4E	Engagement for Equity
GCG	Gender Coordination Group
GMM	Grants Management Manual
GIS	Geographic Information System
GIZ	<i>Gesellschaft für Internationale Zusammenarbeit</i>
GOK	Government of Kosovo
ICT	Information Communication Technology
IQC	Indefinite Quantity Contract

IRuSP	Implementation and Enforcement of Rural Spatial Planning
JRS	Judicial Reform Specialist
JSSP	Justice System Strengthening Program
KAP	Knowledge, Attitudes, Practices
KBA	Kosovo Bar Association
KCA	Kosovo Cadastral Agency
KJC	Kosovo Judicial Council
KJI	Kosovo Judicial Institute
KPA	Kosovo Property Agency
LCP	Law on Contested Procedure
LNCP	Law on Non-Contested Procedure
M&E	Monitoring and Evaluation
MCO	Municipal Cadastral Office
MESP	Ministry of Environment and Spatial Planning
MIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
MOU	Memorandum of Understanding
MWG	Municipal Working Group
NTS	National Time Standard
OSR	Own Source Revenue
PARD	Pre-Award Responsibility Determination
PRP	Property Rights Program
S&D	Strategy & Development Consulting
SAA	Stabilization and Association Agreement
SFRY	Socialist Federal Republic of Yugoslavia
SIAP	Service Improvement Action Plan
SOE	Socially-Owned Enterprise
STARR	Strengthening Tenure and Resource Rights
SWG	Property Rights Working Group (Sector Working Group)
TWG	Thematic Working Group
UCR	Unpermitted Construction Registry
USAID	United States Agency for International Development
WG	Working Group

# INTRODUCTION AND GENERAL APPROACH

The aspirational objectives addressed by the Statement of Work of the USAID Property Rights Program (PRP) are tightly interlinked and cut across all of PRP's task areas, which are (1) assisting the Ministry of Justice (MoJ) to lead development of a policy and legal framework that enables each citizen to efficiently acquire, register and transact their property rights; (2) instituting court procedures that provide citizens with efficient access to fair and effective adjudication of their property claims; (3) institutional, legal and cultural recognition of and support for the fair and equitable exercise of property rights by women and members of non-majority communities; and (4) improved exchange and access to property rights related information by municipal government and judicial bodies, and increased understanding of property rights issues by the general public.

As a consequence of this interconnectedness, it is not possible to address the property rights challenges under each objective in isolation. For this reason, PRP is taking a comprehensive approach in its reform efforts, identifying the thematic issues and legislative reforms that need to be addressed simultaneously so the policies and legal framework governing property rights will be revised and improved in a consistent manner. In this way, solutions achieved in one area will help further reforms in others.

In view of all this, PRP incorporates the following principles approaches in its work:

## ***A Comprehensive Approach in Advancing Reforms***

PRP will identify all of the legal and institutional constraints to be addressed in advancing a reform and advocates and supports a similar multi-vector approach by PRP's Kosovo partners.

## ***Coordination and Harmonization with Other Stakeholders***

There is a multiplicity of Kosovo institutions and organizations and other donor projects working in areas that intersect with PRP's tasks. These include the Ministry of Justice (MoJ), the Kosovo Judicial Council (KJC), the four Courts of Merit (CoM), the Kosovo Judicial Institute (KJI), and the EU funded Support to Civil Code and Property Rights project (CCPR), as well as the USAID Contract Law Enforcement (CLE) project and upcoming Justice System Strengthening Program (JSSP). PRP will pro-actively interact and coordinate with all of these actors to ensure consistency in approach and to avoid duplication. PRP will accomplish this primarily through ongoing one-on-one contacts and meetings, rather than by convening large groups, for greater efficiency and clarity.

## ***Internal Coordination among Project Components***

Owing to the cross-cutting nature of issues arising in connection with property rights, PRP concertedly fosters collaboration among its Component leads to ensure that each benefits from the experience of the others and sees his/her own work in the broader context of property rights reform.

## ***Attention to Gender-Related Issues***

PRP will ensure that issues related to women's property rights are reflected and addressed in all areas of the PRP's work – in policy development, legislative drafting and public outreach and advocacy.

### ***Action and Advocacy at Both National and Grass-Roots Levels***

PRP will seek opportunities to work at both the national and local levels. In addition to PRP's work with municipalities under Objective 4, PRP will seek to engage organizations and groups throughout the country and at all levels in its efforts to increase the public's general understanding of property rights and to marshal support for and advocacy of the fair and equitable recognition of the property rights of women and minorities.

### ***Approximation to EU Practice and Requirements***

In view of Kosovo's aspirations to accede to the European Union, as evidenced by the Stabilization and Association Agreement that Kosovo and the EU have signed, PRP will coordinate closely with EU projects and its Kosovo partners and will support the development of legislation that is consistent with Kosovo's approximation to EU norms and standards.

### ***Achieving Sustainability by Building Capacity***

Reforms are sustainable when they address a recognized social need and when institutions and organizations have the capacity to maintain them. All of PRP's reform activities address both of these aspects. For example, supporting the MoJ's development of the National Strategy on Property Rights; helping the KJC and Courts of Merit Capacity develop improved court procedures to increase efficiency and reduce back log; increasing the capacity of the Advocacy Training and Resource Center (ATRC) to manage direct funding from USAID and that of its sub-grantees to implement USAID grants and support Behavior Change Communication campaigns; and raising the ability of municipalities to manage direct funding and improve information sharing internally and with the courts, which will assist court reforms and facilitate property transactions.

Successful capacity building leads to sustainable solution to achieve our ultimate objective: to clearly define property rights for a large segment of the population, create more efficient procedures to recognize and enforce these rights, make these rights accessible to all (women and minorities) and make it easier to transact these rights to support development of a vibrant land market to help further develop Kosovo's economy.

# SUMMARY OF RESULTS TO DATE

*(\*Note that the USAID Property Rights Program commenced in May 2014. USAID subsequently agreed to have the reporting year of the Project coincide with USAID's fiscal year. For that reason, a total of 6 quarters comprise the period preceding the period covered by this Work Plan.)*

The activities contemplated in this Work Plan build on the Project's achievements and the initiatives that the Project developed and set in motion in Year 1. These are presented below, by Objective.

## **OBJECTIVE 1: BETTER COORDINATION AND POLICY PRIORITIES**

### ***GOK Support and Thematic Outlines Established for a National Property Rights Strategy.***

The PRP supported the MoJ in gaining GOK approval for a National Strategy on Property Rights, assisting in the preparation of the technical documentation required for the approval and for including the National Strategy in the GOK's Strategic Plan for 2015. PRP worked with the MoJ to help conceive and organize the structures to oversee the development of the National Strategy: the Property Rights Sector Working Group (SWG) has been convened and provides strategic direction on the National Strategy, The Core Technical Group (CTG), which manages the day-to-day process of developing the National Strategy has also been established on May 26, 2015 and includes 14 members. It is contemplated that Thematic Working Groups (TWGs) will be formed around the specific substantive areas of the National Strategy. The CTG and TWGs serve as important coordination mechanisms with other donor projects and among Kosovo institutions and organizations.

In June 2015 PRP supported and facilitated a two-day workshop conducted by the MoJ to discuss and agree the major thematic topics to be included in the National Strategy. The event was attended by 80 stakeholders from government line ministries and agencies, courts, civil society and donor funded projects, as well as the Minister of Justice and the USAID Mission Director. The workshop focused discussion of a detailed Issues Document – developed by the MoJ with PRP's close support – of the interwoven issues related to land tenure and land rights and their importance for sustainable economic development, a rule of law and social justice. Stakeholders received the Issues Document in advance of the workshop. The workshop generated agreement on the major thematic topics to be included in the Strategy.

### ***Constructive Cooperation and Allocation of Responsibilities Established with the EU-funded Support to Civil Code and Property Rights Project (CCPR)***

PRP has been participating in regular monthly meetings with CCPR convened by the MoJ, and this has produced very constructive working relations among the parties and a clear demarcation of primary responsibilities in developing legislation. It has been agreed that CCPR will take the lead in developing amendments to the Law on Family and the Law on Inheritance, while PRP will take the lead in developing amendments to the Law on Non-Contested Procedure and the Law on Contested Procedure, with the two projects working closely in all those initiatives. In addition, the Projects are coordinating their review and monitoring the draft Law on Notary, as described in the next section.

PRP is analyzing jointly with CCPR the administrative processes that impact implementation of inheritance rights, including, most particularly, renunciation of these rights. In addition, PRP will use

its mandate to work with the courts, examine the procedure laws and determine how they are applied in practice to complement and inform the work of CCPR on substantive legislation.

### *Comprehensive Comments Provided to the MoJ on the Draft Law on Notary*

PRP led the effort to develop and compile from other USAID projects and CCPR extensive comments on the draft Law on Notary that has been developed by the MoJ with the support of the Swiss-funded Support to the Establishment of the Notary in Kosovo project (the Swiss project). The comments address technical aspects of the draft Law, but devote more attention to larger policy issues for the MoJ to consider, e.g., the proper role of the Notaries vis a vis the courts; the appropriate role of the notary in concluding transactions; the appropriate basis for notary fees; and the notary selection process. PRP and USAID have urged the MoJ to revise and prepare the draft Law as part of a larger effort to establish the substantive and procedural legal framework governing property rights.

## **OBJECTIVE 2: IMPROVED COURT PROCEDURES RELATED TO PROPERTY CLAIMS**

### *Courts of Merit Designated for Analysis and Piloting Reforms*

Drawing on PRP's close working relationships with the KJC and Kosovo courts, PRP completed its courts assessment and selected four courts as its Courts of Merit to serve as pilot courts for PRP's initiatives to improve court procedures and processes. (The courts selected are the Basic Courts of Peja, Gjilan and Ferizaj and the Branch Court of Strpce.)

PRP has also produced and delivered to USAID a Court Strengthening Action Plan to guide delivery of technical assistance to the four CoM and the KJC aimed at clearly defining, legally recognizing and effectively implementing and enforcing property rights in Kosovo.

### *Research Completed on Intergenerational Cases*

In addition to the case flow analysis described above, PRP conducted a comprehensive review and analysis of the substantive and procedural issues impeding the resolution and adjudication of inheritance cases involving property for which registration information is out of date. (It is estimated that this is true for at least 40% of the private real property in Kosovo.) PRP is using the findings from this analysis to develop specific recommendations for changing the relevant laws and procedures for quicker and more effective disposition of inheritance cases.

### *Agreement Reached for PRP to Take Lead in Work on Law on Non-Contested Procedure and Law on Contested Procedure*

As noted above, PRP has established with CCPR a clear and coordinated allocation of areas of responsibility in developing legislation.

## **OBJECTIVE 3: ENHANCE WOMEN'S RIGHTS TO USE PROPERTY IN PRACTICE**

### *Basic Research Completed and Modalities Established to Inform Legislative Action to Address Women's Inheritance Issues*

PRP has produced a comprehensive and ground-breaking report, "Gender, Property and Economic Opportunity in Kosovo" (the Gender Report), which has identified the legal, procedural and administrative constraints that prevent women from exercising their rights to inherit property. The report was presented at a stakeholder event where both the Minister of Justice and USAID Mission Director delivered remarks and stated their support for the property rights sector. The ensuing

discussion highlighted a range of issues preventing women from effectively exercising their property rights, and constraining opportunities to engage in business activities. The report prompted the Minister of Justice to establish a working group on inheritance law to implement the report's recommendations.

The Ministry of Justice also requested PRP to research international legislation and practice related to women's renunciation of their inheritance. PRP has completed a report on its findings, with a comparisons to international practice and recommendations for further action. The final version of the report incorporates the comments of the CCPR Project.

In addition, PRP and its international partner, Landesa in coordination with the Agency for Gender Equality (AGE) have established a Gender Coordination Group on Property Rights (GCG) and legislative sub-group to discuss and develop initiatives to support women's property rights. The sub-group is comprised of PRP, CCPR, the GIZ Land/Cadastral project, AGE, MoJ, Kosovo Women's Network, the Chamber of Notaries and a Member of Parliament. The sub-group carried out its initial mandate of developing a broad legislative agenda to strengthen the property rights of women, and is currently assisting in the development of a comparative study of renunciation practices internationally and regionally to inform the MoJ working group on implementing the Law on Inheritance.

### ***Comprehensive Social Survey Conducted on Local Attitudes and Practices Related to Women's Property Rights***

PRP commissioned UBO Consulting to carry out a survey on public opinions on property rights, women's right to inherit, and satisfaction with court services on resolving property disputes. A total of 1,250 adults took part in the survey, using 15 focus groups representing members of Albanian, Serb, and Roma Ashkali and Egyptian communities, all of whom had experience with property/inheritance cases. PRP held a well-attended event in June 2015 to present the Survey findings and facilitate discussion among relevant stakeholders, which validated the findings. The principal, provocative findings of the report are informing and justifying to local partners PRP's efforts to address the widespread and continued infringement of women's right to own and use property in Kosovo.

### ***Assistance to the Agency for Gender Equality to draft an Administrative Instruction (AI) on the joint Registration of Marital Property.***

The AI has been sent to the GoK for adoption.

### ***Preparations for ATRC Grants Program on Gender Issues Related to Property Rights***

PRP has completed a capacity assessment of USAID's Engagement for Equity (E4E) implementing partner, Advocacy Training & Resources Center (ATRC); provided training to ATRC on USAID grant making procedures, systems, and planning processes throughout the entire grants cycle; provided assistance to ATRC to help them develop potential grant topics; and has provided guidance to applicants for ATRC grants on developing grant proposals that are compliant with USAID grant requirements and that will support PRP objectives. Specifically, PRP provided a detailed and participatory training on designing a grants management manual (GMM), implementing a pre-award responsibility determination (PARD), and the value in utilizing Organizational Capacity Assessment to identify grantees with potential. PRP has also provided guidance to applicants for ATRC grants on developing grant proposals that are compliant with USAID grant requirements and that will support PRP objectives.

### ***Messages and Parameters for Behavior Change Communications Campaign Receive Stakeholder Approval***

Following preliminary workshops to discuss potential content and messaging for the BCC Campaign, PRP conducted intensive focus group sessions with different participant profiles in 9 municipalities

and 3 regions to develop the messaging and identify the target audiences for the BCC Campaign. In addition, the BCC Campaign will use the established rubric, “For the Common Good.”

## **OBJECTIVE 4: IMPROVED COMMUNICATIONS, ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS**

### *Proposal Developed for Program of Direct Assistance to Selected Municipalities*

PRP has developed for USAID approval a program of assistance to municipalities that would help them make available in electronic format legal information on the history of the ownership and possession of land parcels that is currently not easily accessible to government bodies or the general public. This information would augment existing cadastral information; and potentially fill gaps in existing records and serve as evidence in property cases in the courts.

### *Municipalities Selected for Participation in Direct Assistance Program (DAP)*

PRP conducted a vigorous selection process among municipalities for participation in the DAP; first by applying objective criteria related to the municipalities’ commitment to regulate property and improve service delivery; own-source revenue; and transparency and financial reporting. PRP followed this with a Business Area Analysis Questionnaire, a Letter of Commitment, and an Application with questions that the municipalities were required to answer that were designed to assess the municipality’s vision for using the assistance to improve service delivery; its vision of the benefits it will provide to the municipality and its citizens; its commitment to ensure that women, men and members of minority communities share the benefits of the assistance equally; and the municipality’s commitment to dedicate resources to ensure the sustainability of USAID’s investment. PRP provided to USAID its ranking of the municipalities and its recommendations for the municipalities to be selected for the program.

# 1.0 OBJECTIVE 1: BETTER COORDINATION AND POLICY PRIORITIES

**Expected Results in Year 2 from these Activities:**

- 1. Development and Adoption of a National Strategy on Property Rights; and**
- 2. Substantial progress in developing legislation affecting property rights, toward the creation of a unified legal framework that enables all citizens equitably to acquire, transfer and protect their property rights easily and effectively.**

## **ACTIVITY 1.1: SUPPORT THE DEVELOPMENT OF A NATIONAL PROPERTY RIGHTS STRATEGY**

As noted above in the Section “Results to Date”, during the previous year PRP supported the MoJ to develop a detailed Issues Document that identifies the principal substantive areas (Thematic Pillars) that will serve as the basis for the National Strategy. Some Thematic Pillars consist of a cluster of distinct but inter-related issues. MoJ has now finalized the Issues Document following solicitation of public comment. The Thematic Pillars identified in the Issues Document will be used to develop individual Concept Notes that will present the results of relevant analysis and provide guidance for the development of the National Strategy and on the legislative action that must be taken to realize the National Strategy.

Also as noted above, to oversee development of the National Strategy and ensure effective coordination between line ministries, government agencies and donor funded projects in the property sector, PRP supported the MoJ to create the Property Rights Sectoral Working Group (SWG), which consists of the many stakeholders and institutions that bear relation to issues to be covered the National Strategy. The SWG provided initial strategic direction and input on the National Strategy and will be convened to review it when it is drafted. PRP also worked with the MoJ to conceptualize the roles of the Core Technical Group and Thematic Working Groups, and has worked closely with the MoJ to support their formation and integration into the National Strategy process. The CTG manages the day-to-day process of developing the National Strategy and will review drafts approved by the TWGs. There are five TWGs; they have been organized around the five substantive areas (Thematic Pillars) and will review and provide technical input on the Concept Notes for their respective areas.

After holding an open tender, PRP has subcontracted with the local firm, Strategy & Development Consulting (S&D), to provide technical expertise for preparing the Concept Notes for the National Strategy, and will augment that work with two short-term technical assistance experts hired directly by PRP. These experts will both assist S&D with the development of the Concept Notes related to courts and gender issues, respectively, and provide expertise for other PRP initiatives.

PRP supported the organizational meeting of the CTG, where PRP made a presentation on the National Strategy process. PRP also organized orientation meetings for the S&D experts and supported the MoJ in holding their first sessions with their corresponding TWGs. PRP has made its research available to the S&D experts (on women’s renunciation and inheritance; issues affecting the

ability of minority communities to exercise their property rights; and on inter-generational issues); has provided guidance to them to help them organize their subject area research around key problems; and will continue to work closely with them. The CTG and TWGs are serving as important coordination mechanisms with other donor projects and among Kosovo institutions and organizations; and they will also serve to coordinate PRP legislative initiatives under Activity 1.2 below. Additionally, PRP will actively maintain and support coordination among the institutions and donors engaged in work related to property rights, through regular bilateral contacts and informal meetings to prevent “fatigue” from arising among the participants and to allow substantive work to proceed apace.

PRP recognizes the importance of engaging all interested parties in the development of the National Strategy and will continue to support and advocate for a participatory process. PRP will use television and other mass media to inform the public about the importance of National Strategy to their daily lives and to Kosovo’s Euro-Atlantic and economic development objectives. Mass media will also be used to increase the knowledge of all citizens, including women and members of minority communities about property rights and to encourage their participation in development of the National Strategy. It is noted that PRP’s National Baseline Survey reveals a lack of basic knowledge of property rights in non-majority communities: only 42% of Non-Serb minority ethnicities, and 23.9% of Serb respondents stated they have knowledge of basic documents needed to make a real estate transaction.

Set out below are the five thematic Pillars of the National Strategy, along with each issue identified within each Pillar. The Issues Document from which these Pillars and issues are derived was validated by the SWG at the PRP-facilitated workshop at the end of June, 2015. As noted above, the topics and issues validated under each Pillar will be further analyzed and developed in Concept Notes that will directly inform the MoJ’s efforts to draft the National Strategy.

***Pillar 1: Develop a Legal Framework to Clearly Define Rights and Create Legal Conditions for Marketable Land Rights Consistent with the Acquis Communautaire***

1. Transformation of socialist-oriented rights defined in the legal framework of the former Socialist Federal Republic of Yugoslavia (SFRY) still applicable in Kosovo today into rights more compatible with development of a vibrant land market. (Much land continues to be classified socially-owned property, even though the concept is defunct and not recognized by the Kosovo Constitution. This state of affairs creates confusion over land tenure rights.)
2. Addressing the legal status of construction land in urban areas to create one clearly defined legal right over the building and the land upon which it was constructed. (This also refers to a legacy issue from Yugoslavia, where extensive tracts of urban land have not undergone complete privatization, even though they are commonly regarded as private property.)
3. Clarifying the rights of foreign citizens to own property in Kosovo. (There is no legal framework in place in Kosovo for the smooth and predictable acquisition of land by foreigners.)

***Pillar 2: Putting Land to Efficient and Secure Use: Promotion of a Vibrant Land Market to Fuel Economic Growth***

1. Prevent fragmentation and illegal construction on arable land. (Much agricultural land is being lost to illegal construction.)
2. Developing policies and procedures to privatize arable agricultural land to increase investment and market transactions. (It is estimated that over 17,000 hectares of arable agricultural land remain to be privatized. Outdated cadastral documents and difficulties obtaining cadastral maps from Municipal Cadastral Offices are impeding this process).
3. Land Use Planning (Comprehensive land use planning is needed to prevent the misapplication of agricultural land.)

4. Create incentives to encourage market transactions and productive use of arable land and to generate Own Source Revenue (OSR) for municipalities. (Much agricultural land that has been privatized is being held for speculation rather than being put into agricultural production.)
5. Streamlining administrative procedures for efficient transaction of property. (Efficient land markets require simple and straightforward registration procedures.)

***Pillar 3: Strengthen the Role of Courts to Recognize, Determine and Enforce Property Rights***

1. Identifying and developing the legislation necessary to implement the provision in the Kosovo Constitution that provides that foreign persons shall have reasonable access to immovable property. (Disputes may arise out of the privatization, legalization, expropriation and zoning processes. Streamlined administrative procedures will need to be developed to efficiently resolve these disputes without exceeding already limited court resources and adding to case backlog. In addition, PRP's research shows that current procedures fail to provide fair opportunities for women to make decisions concerning their inheritance.)

***Pillar 4: Address Property Issues Related to the Stabilization and Association Agreement and Protection of Property Related Human Rights of Members of Non-Majority Communities***

1. Draft law on the Kosovo Property Claims and Verification Agency. (Currently, the KPA has approximately 20,000 claims from displaced persons that are pending implementation. Fully implementing these decisions according to EU human rights standards will be an important criterion upon which Kosovo's progress under the SAA will be measured. Property rights of members of non-majority communities will need to be guaranteed to meet EU human rights standards. Such issues include ensuring equal access to courts and institutions free from any discriminatory practices, sufficient notice and due process related to expropriation proceedings and collection of taxes. Protection of Kosovo's religious and cultural heritage sites will also be evaluated in the context of EU human rights standards.)

***Pillar 5: Guarantee and Enforce the Property Rights of Women***

There are a number of issues affecting the ability of women to exercise their property rights freely and fairly: i.e., women's renunciation of inherited property; the joint registration of property; and factual marriages. (At the request of the MoJ, PRP has conducted research and analysis of international practice in the area of women's renunciation of inheritance and has developed recommendations on measures to ensure that heirs are informed of their status as heirs and to provide women with a free and fair opportunity to take decisions on inherited property. These recommendations have been provided to relevant stakeholders, and will help shape the National Strategy as well as the development of the Civil Code.)

***Denationalization***

Minister of Justice Kuci stated publicly on more than one occasion that he would like the GOK to consider providing restitution to persons whose property was nationalized in former Yugoslavia. In response to that, PRP has commissioned research from S&D that will illuminate other countries' experience in carrying out such restitution, with an emphasis on which approaches have worked, which ones have not, and lessons learned. It remains to be determined if the National Strategy will incorporate denationalization or whether that issue will be addressed separately, if at all.

The activities to support the MoJ to produce the National Strategy on Property Rights are the following:

1. PRP will guide and monitor performance of S&D to assist the MoJ to develop each Concept Note.

2. Simultaneously, PRP will conduct activities to raise awareness in society of the importance of the property issues (as well as gender equality) and support the MoJ in presenting the first draft National Strategy to the public for comment and discussion.
3. PRP will conduct structured activities with the Core Technical Group and Thematic Working Groups to seek their input in the process of preparing the Concept Notes.
4. PRP will provide the final drafts of the Concept Notes to the Core Technical Group and Thematic Working Groups under the MoJ's Property Rights Sectoral Working Group.
5. PRP will support the work of the CTG and TWGs in preparing the first draft of the National Strategy, guided by the Concept Notes (The draft National Strategy should be organized and presented in the following format: Situation Assessment; Current Policies; Problem Definition; Potential Solutions Based on Best Practice; Required Policy Interventions; Indicators to measure implementation.)
6. PRP will support the finalization of the National Strategy, and the development of an Action Plan and Monitoring and Evaluation Plan.
7. PRP will support the MoJ in guiding and monitoring the implementation of the National Strategy. This will entail a number of activities:
  - supporting legislative drafting initiatives emerging from the National Strategy
  - holding structured meetings with all institutions responsible for undertaking actions contemplated by the National Strategy
  - identifying possible challenges within each institution to implement the National Strategy
  - continuously monitoring and evaluating progress towards implementing the National Strategy
  - holding quarterly meetings of the Property Rights SWG to review and assess the implementation of the Strategy

(These activities will be carried out over the period from the adoption of the National Strategy through to the end of PRP.)

## **ACTIVITY 1.2: SUPPORT THE DEVELOPMENT OF A LEGAL FRAMEWORK THAT AFFORDS CITIZENS WITH CLEAR, EQUITABLE AND ENFORCEABLE PROPERTY RIGHTS**

The reforms necessary to create a legal framework that enables citizens to inherit and otherwise acquire clear title to property in an efficient and equitable manner, and to protect their property rights effectively, implicate an extensive body of statutory law. Coordination among Kosovo institutions and donors is accordingly of paramount importance. As noted above, PRP participates in monthly coordination meetings convened by the MoJ with the CCPR, which have produced an exceptionally collaborative and positive working relationship. Agreement has been reached that CCPR will take the lead in developing the substantive legislation related to the Civil Code, e.g., the Law on Inheritance and the Law on Family, while PRP will lead the process of developing amendments to the procedural laws, i.e., the Law on Non-Contested Procedure and the Law on Contested Procedure, that emerge from CCPR's work; and from research and findings related to the National Strategy; and from other related work conducted by PRP. PRP has also proposed to CCPR that its experts consult with judges from PRP's Judicial Advisory Council on their practice and concerns in the subject areas to be covered by the Civil Code; and PRP will facilitate those contacts.

Many different laws are implicated by PRP's findings and recommendations related to women's renunciation of inheritance and inter-generational inheritance issues. PRP will continue to urge the

MoJ to address these issues holistically and amend all relevant laws in concert (including, for example, the Law on Notary as well).

PRP will support the MoJ to developing one or more concept documents that reflect PRP's findings and recommendations related to women's renunciation of inheritance, to create procedural safeguards that will protect women against coercion to renounce their rights to inherit property and that will create reasonable opportunities for women to exercise their inheritance rights knowledgeably and freely. Following the agreement with the CCPR, PRP will focus its assistance to the MoJ to develop amendments to court and administrative procedures required to implement the safeguards. PRP initiated assessments of these procedures during the previous year. Findings and recommendations from these have been shared with the CCPR to inform its assistance to the MoJ to amend the substantive laws related to inheritance. PRP will initially focus its assessment on procedural issues related to renunciation, it will do so as part of a larger effort to assist the MoJ to comprehensively review and substantially revise the Law on Contested Procedure (LCP) and Law on Non-Contested Procedure (LNCP) in response to findings and recommendations emerging from the National Strategy.

It is essential that USAID and PRP prioritize the legislative work that PRP is to undertake. PRP does not have the staff or financial resources to address all of the property-related legislation that PRP has identified. PRP recommends that highest priority be given to developing legislation to amend the procedural laws, both in connection with the development of procedural safeguards for inheritance, but also to eliminate inconsistencies in the procedural framework generally that impede the efficient disposition of both contested and non-contested matters and that have been identified through the development of the National Strategy.

In addition, it should be noted that the schedule of work presented in this Work Plan is provisional, because the schedule will depend largely on the GoK and will be beyond the control of PRP.

### ***Support the MoJ's "Renunciation Initiative" to Develop Procedural Safeguards to Protect Women against Coercion to Renounce Their Inheritance Rights***

As noted above, during the previous reporting period PRP produced the Gender Report that provided a comprehensive analysis of the legal, procedural and administrative constraints that prevent women from freely exercising their rights to inherit property. In response to the Report's findings, the MoJ formed an Inheritance Working Group to develop procedural safeguards to protect the rights of women to inherit property. PRP has conducted research and analysis of international practice in renunciation and has presented the MoJ with recommendations on the measures to be taken – generally administrative and procedural – to provide create procedural safeguards to protect women's ability to exercise their property rights. The recommended procedures are designed to ensure that all heirs are informed of their status as heirs, by providing effective public notice; to afford women a reasonable opportunity to make decisions about their inheritance on an informed and deliberate basis; and to encourage officials to report suspected attempts to conceal or exclude heirs or exercise coercion.

Development of effective safeguards will require amendments to specific provisions in the substantive legal framework (Law on Inheritance, Law on Family) as well as amending procedures in the LNCP, the LCP, and the Law on Notary to provide clear procedural guidance to judges and notaries to ensure that legal changes are uniformly implemented to protect women's rights to inherit property. Developing this package of substantive and procedural legislation is referred to as the "Renunciation Initiative."

Described in more detail below under Objective 2's activities, PRP is currently assessing court procedures and administrative practices related to the process of inheriting property in both contested and non-contested proceedings. Findings and recommendations from the analysis will be shared with the CCPR to inform its assistance to amend the Law on Inheritance and Law on Family. PRP recommendations related to improved court and administrative procedures will also be used to inform development of discrete provisions in the substantive law required to enact the required safeguards.

PRP is coordinating assistance to the MoJ's Renunciation Initiative through the MoJ's Working Group on Inheritance and the Focus Group on Women's Property Legislation (discussed in more detail under Objective 3). Representatives from both the PRP and CCPR projects are members of both groups. PRP is urging the MoJ to develop a package of legislation (both substantive and procedural) that addresses all of the issues identified in the Renunciation Initiative.

The assistance PRP will provide to the MOJ to complete the Initiative include:

1. Development of a Concept Document for the Legislative Changes. PRP has presented its findings and recommendations on renunciation to the MoJ Working Group on Inheritance. The MoJ has indicated that it wants to hold a three-day working session on these issues, which PRP is ready to support, in principle. PRP will propose that members of the Focus Group also participate in the working session. PRP will assist the MoJ in preparing a Concept Document that will guide development of legislation under the Initiative. Based on recommendations stemming from the Concept Document, PRP and CCPR will provide technical assistance to the MoJ to amend legislation relevant to the Initiative. PRP will also ensure that the development of the Concept Document will be consistent and coordinated with the development of the National Strategy. Once the Concept Document on the Renunciation Initiative has been approved, PRP will lead assistance to the MoJ to amend the procedural framework and provide on-going support to the CCPR to amend the substantive laws to create a unified body of procedural law that provides women with needed safeguards to protect their right to inheritance.
2. Amending the Law on Non-Contested Procedure, the Law on Contested Procedure, and the Law on Notary. In connection with PRP's research and analysis related to property rights – most particularly as is related to women's renunciation of inheritance; inter-generational inheritance; PRP's work with the courts (as outlined under Objective 2); the development of the National Strategy; and PRP's work at the municipal level if its proposal under Objective 4 is approved – PRP will support the development of needed amendments to these three laws to address the problems identified PRP will strongly urge the MoJ to develop the amendments to these three laws in close coordination, if not simultaneously. (It should be noted that the MoJ has already begun work on a new Draft Law on Notary.)
3. Development of Amendments to the Law on Inheritance and Law on Family. The two laws will constitute an important part of the Civil Code that CCPR is developing with the MoJ and will need to be aligned with best international practice to ensure the property rights of all family members are protected equally. Although CCPR will lead development of amendments to these laws, PRP will provide assistance where needed and will ensure development of substantial and procedural provisions are done in a coordinated and harmonized manner. Work on these laws will be informed the Concept Document on Women's Renunciation of Inheritance and by PRP's findings on international and Kosovo law practice in this area.

CCPR will determine the pace of its assistance to the MoJ to amend the substantive law. Work on the Law on Inheritance will of necessity be closely coordinated with the work on the Law on Non-Contested Procedure, the Law on Contested Procedure, and the Law on Notary.

### ***Additional Legislation***

It is expected that the National Strategy will include recommendations for additional legislative initiatives. Once these have been identified, PRP will consult with USAID to prioritize them for PRP support, taking into account available resources.

PRP has made a commitment to the MoJ to assist in addressing issues posed by the continued operation in certain laws of the legal norm "construction land," which is part of the Yugoslav legacy and which technically inhibits the acquisition of full private ownership of land in urban areas. To date, however, the MoJ has not moved forward with this initiative.

## 2.0 OBJECTIVE 2: IMPROVED COURT PROCESSES RELATED TO PROPERTY CLAIMS

**Expected Results in Year 2 from these Activities:**

- 1. Case management techniques introduced and tested in Courts of Merit that make possible the identification and elimination of case-flow bottlenecks in the adjudication of property claims and disputes;**
- 2. Streamlined administrative procedures to make it easier and more efficient for citizens to transfer property rights through inheritance proceedings;**
- 3. Findings on current judicial practice in property law that inform the development of training courses and bench books to sustainably build judicial capacity to improve the adjudication of property cases; and**
- 4. Mechanism for courts to refer property cases to mediation.**
- 5. Improved regulatory framework governing court management and judicial performance that reinforces improved caseflow practices agreed with the Kosovo Judicial Council and Ministry of Justice.**

The ultimate objective of PRP is to clearly define, legally recognize and effectively implement and enforce property rights. An important factor in achieving this objective is for citizens to be able to have their property claims decided by a court efficiently, effectively and in an appropriate manner. Objective 2 reflects the need to bring the performance of Kosovo courts into line with this standard.

PRP conducted a Differentiated Case Management (DCM) analysis in the four Courts of Merit established by the Kosovo Judicial Council (KJC) with PRP assistance. The purpose of the DCM assessment is to identify specific case flow and case management bottlenecks and constraints that impede the efficient resolution of property claims and disputes. Caseflow management is generally recognized as the most fundamental component of court management. Effective caseflow management controls the progress of cases from filing to disposition, which is the primary function of a court. DCM disaggregates cases into separate categories and collects and analyzes the court's caseflow with respect to each category of cases. This makes it possible to identify the procedural and other problems that arise in connection with each category and to craft solutions to address them.

In addition, PRP has identified the issue of "inter-generational inheritance" as a significant constraint on clear title in Kosovo. World Bank data reveals that approximately 30% of property rights registered through the process of cadastral zone reconstruction are in the name of deceased persons, anecdotal information is this percentage is closer to 40% or more. Until these rights are transferred to living heirs through inheritance proceedings, the rights in the property are not clearly defined, are often the subject of inter-family disputes and cannot be transacted in the land market.

Findings and recommendations and from these assessments will inform PRP assistance to the MoJ, KJC and CoM to develop, pilot and test more streamlined and effective procedures to increase efficiency, improve the quality and predictability of court decisions, help to reduce case backlog and contribute towards increasing the percentage of properties that are registered in Kosovo with clear title.

PRP will employ the following internal metrics for measuring progress towards achieving results under this Objective:

- The number of streamlined administrative procedures developed to reduce the categories of cases adjudicated through contested claims procedures;
- Reductions in the current baseline average of 1249 days (to be adjusted according to final statistics produced under the DCM assessment) to resolve a property claim;
- Increases from the current baseline of 32% in the percentage of property claims resolved within 2 years from filing;
- The number of backlog property cases (those pending for more than 2 years) that have been adjudicated;

An additional useful metric would involve tracking the increase in the percentage of properties registered in MCOs with clear property title. To date, however, PRP has not been able to obtain accurate data on this from the KCA. PRP will continue its efforts to do so.

## **ACTIVITY 2.1: ASSIST THE KJC AND STAKEHOLDERS TO IDENTIFY GAPS IN LAW, PROCEDURE, AND COURT PRACTICES THAT CONSTRAIN EFFICIENT RESOLUTION OF PROPERTY CLAIMS AND DISPUTES AND PROTECTION OF THE PROPERTY RIGHTS OF WOMEN AND MEMBERS OF NON-MAJORITY COMMUNITIES**

The final DCM report and its key findings were delivered and validated by the KJC and CoM at a PRP facilitated roundtable event. Key findings include:

1. Civil cases typically involve very extensive delays.
  - a. The average time to disposition of the property cases analyzed is over 3 years (1,165 days); and the median time is 2.6 years (962 days).
  - b. This far exceeds international practice. (In the US, for example, the most difficult cases are decided within 1.5 years on average).
  - c. The average time to disposition applies equally to all property cases.
2. Perhaps most significantly, these findings apply to all civil cases, not just property cases.
3. The excessive time to disposition is attributable to courts' failure to apply basic caseflow management practices.
4. The current legal framework governing judicial performance and case management does not support good case management.
5. Cases referred to mediation are resolved successfully.

Judicial stakeholders viewed the findings with grave concern and committed to work closely with the PRP to develop and implement an Action Plan to address the issues above. It is clear to judicial stakeholders and the PRP that the absence of basic caseflow management in the courts is the single

greatest constraint to judicial efficiency and performance to adjudicate not only property cases, but all contested claims brought to the courts. As such, resolving these issues is PRP's priority for improving court processes.

PRP originally contemplated producing in December a comprehensive Status Report identifying the obstacles to the efficient resolution of property claims. The DCM report has, instead, provided indisputable empirical data identifying the nature, scope and scale of the obstacles that must be addressed as a matter of first priority and indicating the changes in policies and practices needed to eliminate those obstacles. PRP will focus its efforts in the coming year to assist the KJC and CoM to implement recommendations in the DCM report to introduce and institute basic caseflow management methods.

PRP also envisioned that findings and recommendations from the report produced by PRP local sub-contractor CRP/K that identified legislative and practical constraints confronting members of non-majority communities when they attempt to exercise their property rights in practice would inform the Status Report. However, PRP now believes that, since the Status Report has been superseded by the DCM report and its findings and recommendations, the report on minorities and property rights will have greater impact if it is shared with the consultants responsible for producing the National Strategy concept notes on the property rights of non-majority communities. PRP issued a sub-contract to the Association of Serb Jurists of Kosovo (ASJK) to further ground-truth and refine the recommendations provided in the report, which are aimed at improving these communities' access to and integration into Kosovo institutions in order to more effectively protect and exercise their property rights. PRP will coordinate inputs from the ASJK to inform the development of strategic recommendations to provide members of non-majority communities with better access to courts and institutions, including cadastral offices, to more effectively obtain recognition of and exercise their rights to property.

## **ACTIVITY 2.2: IMPROVE COURT PROCEDURES, GUIDELINES AND LAWS AND IMPLEMENT REFORMS IN THE COURTS OF MERIT TO MORE EFFICIENTLY RESOLVE PROPERTY CLAIMS AND DISPUTES**

### *Court procedures and guidelines*

The final DCM report provides clear recommendations and well defined activities through which PRP will assist the KJC Advisory Committee and the CoM to develop, test and pilot procedures to institute effective caseflow management practices. These activities have been preliminarily validated by the KJC and CoM, and the Action Plan will be refined, finalized and delivered to the KJC and the CoM in November for validation.

In broad terms, the Action Plan contemplates that PRP will engage Ronald M. Stout, Ph.D. who designed and implemented the DCM assessment to provide on-going technical expertise, guidance and advice to the PRP and the KJC to implement the Action Plan. The Plan's implementation will be sequenced through a 5 phase approach beginning with Dr. Stout's analysis of the legal framework governing judicial performance and case management. His analysis will serve to identify provisions and procedures that do not support good case management and provide recommendations for strengthening the framework legislation.

In the second phase, data sheets will be introduced in the CoM to provide a tracking system for caseflow management and to collect data on case processing and dispensation times required to develop National Time Standards (NTS) within which specific types of cases must be adjudicated. The PRP Judicial Reform Specialist (JRS) with support from Dr. Stout will assess the data management features of the database developed by the former EROL project and now "owned" by the KJC to serve as the data management platform for tracking case progress and capturing case processing data.

Under the third phase, PRP JRS and Dr. Stout will work with the KJC and the Presidents and Judges of the CoM to develop a “Balanced Prioritization Plan” to prioritize the optimal balance between newly filed and older pending cases. A balanced plan is required to avoid unintended consequences. For example adjudicating only the oldest cases first would contribute to creating a back log of new cases, and *vice versa*. The prioritization will be based on the suggested times provided in the DCM report for processing discrete case events such as assigning cases to judges, delivering notice to parties, scheduling of hearings, etc.

The fourth phase comprises on-going data collection and learning analysis to inform the development of improved procedures and any necessary corrective actions. PRP JRS with support from Dr. Stout will develop instructions and guidelines to assist the Case Management Office (CMO) in each CoM to develop caseflow management reports for each judge, each president judge, and the KJC. Management reports will contain data on the age and caseflow status of cases.

During the final phase, PRP with assistance from Dr. Stout will analyze the case processing data to assist the KJC to develop NTS and improve the regulatory framework governing judicial performance. This process will, in turn, inform the development of provisions in the civil procedure codes that may, for example, provide deadlines for pleadings consistent with the NTS.

It is noted that the phases are not intended to be implemented solely in a linear fashion and several of them may be implemented simultaneously. It is anticipated that Phases 1 and 2 will be carried out in parallel during November and December. Phase 3 is anticipated to begin in January, 2016 with piloting and testing of suggested times for case events in the four CoM. Data collection and monitoring and evaluation will continue over the course of the coming year. For example, close attention will be paid to developing the Balanced Prioritization plan to ensure unintended consequences are avoided. It will be informed by both an inventory of cases and court performance to process cases according to the suggested times.

PRP will organize learning events with the KJC on a quarterly basis to review caseflow management reports and data. Through this forum, PRP will assist the KJC Advisory Committee and the CoM to develop forms, directives and standard operating procedures such as referral of cases to mediation based on empirical data and needs identified by judges in real time.

It is expected that approximately one year of data collection will be required to develop DCM case “tracks” and NTS. PRP will then support KJC to draft regulations to improve court performance. This process will feed into PRP support to the MoJ to revise and improve the Law on Contested Procedure (LCP) and Law on Non-Contested Procedure (LNCP).

PRP understands that it is essential that these interventions be fully coordinated with the upcoming USAID Justice System Strengthening Program and Norwegian Case Management Information System (CMIS) projects. PRP will coordinate closely with CMIS and will engage JSSP in these initiatives as soon as it commences operations.

### ***Specific procedures related to inheritance***

PRP will deliver its analysis of the inter-generational inheritance issue in November. The analysis will serve to inform development of a streamlined administrative process that allows citizens more efficiently to transfer inheritance rights from deceased ancestors to living heirs. As noted above, there are two strategic reasons for developing these procedures. First, it will help provide clear title and strengthen land tenure security for a significant portion of Kosovo’s population and enable these properties to enter the land market. Second, we can anticipate that in the absence of such a streamlined process, courts will see an increase in the number of contested inheritance cases that will then contribute to case backlog. Development of streamlined inheritance procedures will be informed by the analysis PRP produced for the MoJ to develop procedural safeguards to protect women against coercion to renounce their rights to inherit immovable property.

PRP analysis of these issues brings to light their cross cutting nature and applicability across PRP objectives. The inter-generational inheritance issue impacts most Kosovars and development of a

vibrant land market. Developing an implementable solution will achieve significant impacts in the foreseeable future. For this reason, PRP is advocating that its resolution be addressed in the National Strategy. The issue will also create opportunities for PRP to play an important coordinating role between the Ministry of Internal Affairs and the Kosovo Cadastral Agency to simplify administrative processes to obtain Civil Status documents and register property rights in Municipal Cadastral Offices. This coordination will be facilitated through Objective 4 activities. PRP will also increase its communications and outreach efforts to inform citizens about their rights and how to exercise them.

### ***Law on Contested Procedure, Law on Non-contested Procedure and Law on Notary***

PRP discussed with the CCPR project the need to ensure that both the LCP and LNCP are reviewed in their entirety and substantially revised and coordinated with CCPR's work to develop provisions in the Civil Code and the Law on Inheritance. It is essential that the all three laws are reviewed and amended at the same time to create a unified and harmonious set of procedures that will facilitate the efficient disposition of both contested and non-contested cases and implement safeguards to protect the rights of women to inherit property. PRP will jointly develop a work plan and schedule for revising the procedural legislation with key stakeholders.

The CCPR's work on inheritance legislation, however is behind schedule. Moreover, comprehensive review of both procedural laws constitutes a significant undertaking that would strain PRP staff resources. As noted under Objective 1, PRP proposes a more moderate approach: as a first step, to review and amend these laws to incorporate the procedural safeguards to protect women's rights to inherit property. The MoJ has designated the Law on Inheritance as the first piece of legislation to be developed under the Renunciation Initiative, with the Concept Document to be finalized in April 2016. PRP will review and propose amendments to the procedural laws in parallel with that process. Additionally, PRP's work on the inter-generational inheritance issue provides a thorough review of the LNCP and the role of both judges and notaries in the process. PRP efforts to develop streamline non-contested inheritance procedures will facilitate review of the LNCP and Law on Notary and inform recommendations for their revision. Lastly, PRP support to the KJC to develop NTS and improve caseload management will facilitate review of the LCP and inform actions to address antiquated provisions that contribute to court inefficiency, i.e. serving notice to parties.

It can be expected, however, that review and amendments to the LCP and LNCP will be managed through PRP Objective 1. The coordination mechanisms established for developing the National Strategy on Property Rights are well-suited to this task and will help ensure the procedures developed with PRP assistance are fully harmonized with the legislation developed by CCPR so that the strengthened legislation can be fully and predictably implemented in practice.

## **ACTIVITY 2.3: ASSIST THE KJC TO EXPAND THE COURT-REFERRED MEDIATION PROCESS FOR PROPERTY CLAIMS**

Findings from the DCM assessment found that although only a few property cases were referred to mediation (26 out of 1,829), all those sent to mediation were successfully disposed through the mediation process. Mediation appears to be a potentially powerful tool to address case backlog, by both reducing the number of claims that become disputed and require court adjudication, and also removing cases currently before the courts that could be resolved by the parties themselves. This is an important strategy to increasing the number of inter-generational inheritance cases that can be processed through non-contested administrative procedures.

The USAID Contract Law Enforcement (CLE) project is actively engaged in promoting mediation as a viable alternative to litigation in the courts to resolve commercial disputes. PRP will provide DCM data about the types of property cases referred for mediation to the CLE project and will closely coordinate with it to develop guidelines to assist judges to more efficiently identify property cases appropriate for mediation and to implement the KJC Protocol on Court Referral of Cases to Mediation. PRP anticipates piloting these guidelines in the Gjilan CoM to strengthen links with the

well-functioning CLE supported Mediation Center in Gjilan. PRP will also consult with CLE to determine if mediators require specialized training to handle property cases. This activity is envisioned to start during November – December and will continue along with other ongoing activities on the CoM pilot reform.

PRP will also explore opportunities to raise awareness and increase citizen's access to mediation prior to turning to courts to remedy. Once procedures are developed to make it easier for citizens to initiate inheritance processes to resolve the inter-generational inheritance issue, it can be expected that intra-family disputes will also arise. As any dispute arising during a non-contested inheritance proceeding will need to be referred to the courts, it is imperative that citizens are provided access to mediators to resolve these disputes themselves to avoid burdening further the over-burdened court system.

## **ACTIVITY 2.4: ASSIST THE KOSOVO JUDICIAL INSTITUTE TO DEVELOP A PROPERTY RIGHTS TRAINING PROGRAM**

To ensure sustainability of PRP activities to improve court procedures and to build judicial capacity, PRP will contract with a Judicial Training expert to utilize best practices in adult education to change attitudes and behaviors of judges, court staff and lawyers to fundamentally change current practices related to court efficiency and address biases that constrain women and members of non-majority communities from enjoying equal access to justice. PRP will work with the KJC, KJI and the Kosovo Bar Association (KBA) and engage their key experts to develop a Property Rights Bench Book and training curriculum to build judicial and legal capacity to implement new procedures and improve practice.

In August 2015, PRP initiated the first phase of the curriculum development effort, as part of a three-phase process. Phase I involved the assessment and analysis of gaps in judges' and lawyers' practical skills and substantial legal knowledge of property rights and needs and the capacity of KJI and KBA to develop Bench guides, modify existing curricula and develop new curricula as needed. The needs assessment report was completed on September 4, 2015, providing findings and recommendations for further activities.

This effort has brought to light the fact that judges receive no guidance on dealing with, among others, cases involving property rights. The judges noted that they do not know how other courts are dealing with similar cases: judicial opinions are not published; and judges do not have the opportunity to meet and discuss with their colleagues the challenges they face in dealing with property issues.

The next phase will consist of gathering the information on judicial practice necessary to develop tools for providing guidance and instruction to judges when adjudicating property cases. PRP will work closely with the KJC and the Working Group to develop a plan for convening judges to identify and discuss the challenges and problems they encounter in dealing with property issues. The information gathered can serve as the basis for practice guides, commentaries or bench books for judges on various types of property cases; as well as for developing more formal training materials. The information would also have value for identifying where laws are in conflict, difficult to apply or cause unintended consequences. The kinds of products that these activities will generate will depend on the nature and scope of the information gathered from the practice sessions.

Similar sessions will be held with members of the KBA.

Training courses on property law and practice will be developed for judges and lawyers, along with instruction on gender bias and cultural sensitivity.

The third phase of this effort will focus on ensuring sustainable outcomes of training. It is important that once judges receive initial training, they are provided on-going practical capacity building training to improve performance. This might include convening a mini-conference on Property Rights in order to get the judicial and legal community together to discuss impediments

to change. Opportunities for the “judicial system” to meet as a whole in a constructive manner are rare (or non-existent) in Kosovo. This makes it increasingly difficult to address issues such as the inconsistent handling of cases, interpretation of law and procedure. PRP will work with the KJC and the KJI to develop learning opportunities through which to identify best practices and produce training programs to build capacity in case flow management, differentiated case management, gender issues, and other cultural issues impacting property rights cases such as the “inheritance problem” which creates a lack of clear title to real property. Phase III will conclude with recommendations to institutionalize practical skills based training programs in the KJI, KJC, and the KBA for continued capacity building and sustainability. Phase III will begin at the conclusion of Phase II and be implemented over a 2 months period.

# 3.0 OBJECTIVE 3: ENHANCED WOMEN'S RIGHTS TO USE PROPERTY IN PRACTICE

## **Expected Results in Year 2 from these Activities:**

- 1. Local and international organizations' advocacy and awareness raising on women's property rights is coordinated and supported;**
- 2. USAID's E4E Partner ATRC effectively awards grants to CSO's addressing women's property rights and monitors implementation;**
- 3. First Behavior Change Communication Campaign on women's property rights launched and carried out;**
- 4. Previously identified substantive and procedural legal constraints to women's exercising their property rights reflected in legislative developments described under Objective 1; and**
- 5. Gender issues are incorporated into the judicial training program.**

PRP supported the creation of effective coordination mechanisms during the previous year that will integrate a gendered approach to implementing activities across all across all PRP objectives and to leverage the efforts of other donor funded projects and Kosovo CSOs to support PRP efforts to strengthen the property rights of women.

PRP lead the initiative, with additional support from the CCPR project to establish the Gender Coordination Group (GCG) and the Focus Group on Women's Property Legislation (Focus Group) to help promote PRP programmatic and coordination objectives. The GCG provides a coordination forum through which government, donor projects and CSO stakeholders can share information on respective programs and initiatives develop joint activities to advance women's property rights; and support public information and advocacy campaigns, such as PRP's BCC Campaign. The GCG has approximately 25 members that represent key local and international institutions and organizations. It convenes bi-monthly to share information and coordinate activities and conducts its work and operates under a learning agenda developed previously.

The Focus Group on Women's Property Legislation is a subset of the GCG consisting of seven key stakeholders (PRP, CCPR, the GIZ project on Land/Cadaster Management project, the Swiss-funded Promoting Private Sector Employment project, the Kosovo Women's Network, the Agency for Gender Equality, the Parliament, the Ministry of Justice and the Chamber of Notaries). The Focus Group's mandate is to provide guidance to the larger GCG on ongoing legal and judicial issues and to provide comment on and support for relevant legislative initiatives, including the legislation being developed under Objective 1.

PRP will implement activities under this objective along four vectors to bolster and support women's ability to exercise their property rights: (1) by supporting changes to national policy, through the National Strategy on Property Rights and to relevant laws to create a policy and legal framework that mandates the fair and equitable treatment of women's rights to property; (2) by delivering training on women's property rights and related issues included in the judicial training curriculum; (3) by undertaking activities aimed at changing social attitudes and behaviors with respect to women's exercise of their property rights (Behavior Change Communication); (4) by increasing the capacity and ability of USAID's E4E partner ATRC and local CSOs to develop and carry out activities focused on women's property rights for more effective behavior change communication (e.g., grass roots advocacy and training; information dissemination and consciousness raising; court monitoring; and advocacy through the press and social media, etc.) and build capacity of Municipal Gender Officers to provide information and assistance to women at the grass roots level to exercise their rights to property in practice.

### **ACTIVITY 3.1: ASSIST DEVELOPMENT OF SUBSTANTIVE AND PROCEDURAL LAW TO BOLSTER AND SAFEGUARD THE ABILITY OF WOMEN TO EXERCISE THEIR PROPERTY RIGHTS FREELY AND EQUITABLY**

Legal and policy reforms are required as part of the effort to empower women to exercise their property rights, most particularly with respect to procedures related to the actions of the Civil Registry, the courts, notaries, and the Municipal Cadastral Offices (MCO) in connection with inheritance proceedings.

As described above under Objectives 1 and 2, PRP is working closely with the CCPR project in support of the MoJ's Renunciation Initiative to develop laws and procedures to protect women from being excluded as heirs or coerced to renounce their rights to inherit property. It has assessed court and administrative procedures that prevent women from exercising their property rights in practice. PRP will also integrate a gender-related approach in its review and proposed revisions to the LCP and LCNP to ensure these procedures are fully harmonized with revisions to the Law on Inheritance. By working closely with the MoJ and CCPR project, PRP is supporting a comprehensive approach to develop implementable legislation to provide effective safeguards to strengthen and protect the property rights of women.

#### ***Judicial Training***

To help ensure the strengthened legislation will be effectively and uniformly enforced, PRP will support development of a judicial training program to address any implicit gender bias and help change judge's attitudes and behaviors related to protection of women's rights to property. This training will be incorporated into the judicial training program that will be developed with PRP support under Activity 2.4 above.

### **ACTIVITY 3.2. CHANGE SOCIAL ATTITUDES AND BEHAVIORS CONCERNING WOMEN'S PROPERTY RIGHTS**

Many of the impediments to women exercising their property rights freely and fully are matters of social attitude and behavior, rather than of the law *per se*. While PRP is working to change the law to bolster and safeguard women's equitable treatment and their ability to exercise their property rights without constraint, it is just as important to change underlying social attitudes and behaviors, particularly since they determine to a large degree how the law is applied and enforced. The failure, for example, of officials to apply norms that protect women's rights is often the result of their own personal attitudes.

PRP will implement two pronged approach to help change cultural attitudes and behaviors about the rights of women to inherit property. At the national level under this activity it will support a mass media campaign utilizing television and radio to disseminate Behavior Change Communication (BCC) messages targeted at selected audiences. At the grass roots level, under Activity 3.3 below, it will provide assistance to USAID’s E4E implementing partner, ATRC, to build capacity of local CSOs to implement BCC and outreach activities directly with communities to affect change. In conjunction with assistance to ATRC, PRP will help to build capacity of Municipal Gender Officers to provide women with practical information and direct assistance to exercise their rights to property in practice.

In parallel with its communication and outreach activities to strengthen women’s property rights, PRP will develop communications content focused on informing members of minority communities of how to defend and exercise their property rights through Kosovo’s institutions.

PRP will initially focus its communications activities to help strengthen the property rights of women. It will then expand its efforts to address a wider range of issues related to reforms underway designed to make it easier and faster to obtain legal recognition of property rights and transact these rights in the land market.

<b>PHASE 1 – LAUNCH PHASE</b>	Sept. 2015 – February 2016	<ul style="list-style-type: none"> <li>Initial branding and marketing for high-level institutional audiences</li> <li>Production of Launch Spot</li> <li>Production of broadcast products for SBCC Target audiences</li> </ul>
<b>PHASE 2 – MODIFY</b>	Phase 2 – March 2016 – August 2016	<ul style="list-style-type: none"> <li>Further development of mobile outreach activities and CSO led activities</li> <li>TV and Radio news forums and mini docs</li> <li>Modifications to messages and/or activities based on audience feedback</li> </ul>
<b>PHASE 3 – MAINTENANCE</b>	Phase 3 – Sept. 2016 – February 2017	<ul style="list-style-type: none"> <li>Continue dissemination and production of communications activities</li> <li>Monitoring of activities should take place monthly to prepare for a mid-campaign evaluation and final evaluation.</li> </ul>
<b>EVALUATION</b>	March – May 2017	<ul style="list-style-type: none"> <li>KAP Survey</li> <li>Informational Interviews</li> </ul>

PRP will implement the following phased approach to disseminate BCC content through mass media at the national level.

### **ACTIVITY 3.3: BUILD CAPACITY OF ATRC AND CSO’S TO ENABLE THEM TO CARRY OUT ACTIVITIES IN SUPPORT OF WOMEN’S PROPERTY RIGHTS**

To support PRP’s advocacy work through grants to local CSOs, PRP is conducting its grants program through with USAID’s Engagement for Equity Program (E4E) partner, the Advocacy Training and Resource Center (ATRC). The activities to be carried out by grantees under this program will be designed to support changes in social attitudes and behavior with respect to women’s property rights through advocacy and information dissemination and to gather information on current realities with respect to women’s exercise of property rights.

During the previous year, PRP assisted ATRC to develop and establish grants management systems compliant with USAID regulations and requirements and provided training to ATRC staff on USAID grants management with emphasis on using grants to meet E4E's program objectives.

At the end of Year 1 and in early Year 2, PRP will carry out the following tasks:

- Formalize sub-award management procedures and processes proposed under USAID-approved E4E Grants Management Manual;
- Identify bottlenecks in the grant-making process, propose solutions, and assist ATRC to implement improvement procedures;
- Build ATRC's capacity to work with a cadre of CSOs to implement activities supporting the E4E goals to improve integration of vulnerable and marginalized groups and to strengthen civil society's role in raising and addressing critical democracy and governance issues affecting these communities;
- Conduct a rapid capacity assessment of CSO's applying for grants and provide training to address identified gaps in their ability to manage grants and to conduct activities in support of women's property rights, including women's rights in minority communities. This training will include technical communications trainings that PRP's subcontractor Republika is delivering under its existing contract, aimed at enabling the CSO grantees to use a coherent methodology and approach for public relations, reporting and information sharing;
- Support the launching of a fully operational micro-website linked to the ATRC website that will fully publicize work and achievements in support of women's rights that the CSO grantees are carrying out; and
- Provide on-going assistance to ATRC to develop rapid response grants topics to advance PRP objectives.

### ***Supporting Greater Effectiveness of Municipal Gender Officers for Increased Outreach to Local Women's Groups***

PRP will use its assessment of Municipal Gender Officers that it conducted in Year 1 to identify the actions and support needed to help them strengthen their role and increase their effectiveness in their municipalities. PRP will select at least two municipalities for this activity and will support the Gender Officers' outreach to local women's groups, with emphasis on women in the agricultural sector. PRP will propose to commence this work in the municipalities selected by USAID for G2G assistance under Objective 4. PRP will also work with the Agency for Gender Equality to revise and improve the scopes of work for the municipal gender officers.

### ***Providing Information to Members of Non-majority Communities to Exercise Their Property Rights***

PRP will develop activities to address and strengthen the ability of members of non-majority communities to understand and exercise their property rights and to have effective access to relevant institutions on property matters, by addressing such matters as available services, language usage, how to obtain legal representation on property rights and the basic documents and forms needed to conduct a real estate transaction.

PRP has engaged experts from the Association of Serb Jurists of Kosovo (ASJK) to review, edit and strengthen the assessment report of the most pressing non-majority community property rights produced by sub-contractor CRP/K. This document will also be shared with the experts producing concept notes on non-majority community property issues for the National Strategy. Through this process, PRP will identify constraints faced by these communities to exercise their rights to property and develop activities PRP could implement to strengthen the property rights of non-majority communities and provide them better access to Kosovo institutions and the courts to protect and

enforce these rights. PRP expects to sub-contract the ASJK by February 2016 to assist development of legislation and procedures and to implement public information and outreach activities including:

- Preparing manuals and guides for Serbs, particularly Serbs in the North, on how to work with Kosovo institutions to exercise their property rights.
- Producing outreach materials and conducting outreach activities to the Serb communities.
- Performing a “watchdog” function with respect to court decisions and execution of decision of the Kosovo Property Agency.

# 4.0 OBJECTIVE 4: IMPROVED COMMUNICATION, ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS

## **Expected Results in Year 2 from these Activities:**

- 1. The GIS application and contracted digitization work will support streamlined administrative procedures for the efficient resolution of property claims and disputes;**
- 2. The application will improve communication between judges, Civil Registry Offices (CRO) and MCOs to make inheritance proceedings more efficient and to help protect women from being involuntarily excluded from inheritance proceedings;**
- 3. The application will support development of improved procedures to more quickly and efficiently determine and register rights in immovable property and make it easier for citizens to transact their rights to property;**
- 4. Defining boundaries of municipal land will help identify agriculture land that could be leased to aspiring women farmer entrepreneurs to help them access credit to expand their production capacities; and**
- 5. Registered municipal land can be used for public investment in schools and health clinics.**

Activities under this objective will enable municipalities to make additional information on land parcels available and accessible. This information can fill gaps in existing land records and will have many positive applications: for example, it can provide more clarity of title; be used as evidence in adjudication; and help facilitate the resolution of boundary disputes between municipalities and Socially Owned Enterprises (SOE). PRP will accomplish this by directing USAID/Kosovo Direct Assistance (DA) to selected municipalities and enabling them to procure technical services to digitize this information and make it available for sharing with other government bodies and courts. Improving data sharing business processes will create efficiencies and make it easier for citizens to obtain legal recognition of their property rights, register these rights in Municipal Cadastral Offices (MCOs) and sell or otherwise transact these rights in the land market.

Evidentiary documents in municipal archives are typically stored in hard copy. The documents evidencing rights in a property are not indexed to the property's cadastral parcel number and are not managed in a searchable Geographic Information System (GIS) database application linking the document to the Municipal Cadastral Office (MCO) map. As such they are virtually inaccessible. Manual searches must be conducted to obtain documents required by citizens to transact their rights and by courts to resolve disputes. This creates additional work for municipal staff and delays for citizens. Additionally, archive facilities are in poor condition. Documents are deteriorating and are at risk from fire and water damage. To prevent this information from being lost and to make it easily accessible, the documents must be scanned, digitized and properly archived, and then entered into a searchable GIS database.

Boundaries of municipal land are frequently unknown, creating confusion and conflict between the municipality and Socially Owned Enterprises and the Privatization Agency of Kosovo. Municipalities do not have sufficient number of staff and capacity to identify, demarcate and survey boundaries of municipal land according to Kosovo Cadastral Agency (KCA) technical standards to update data related to municipal land registered in the MCO.

### ***Services to be procured by the selected municipality***

1. Scan/digitize documents and refurbish archives. Using direct assistance from USAID, and technical support from PRP, the selected municipality will tender and contract a private ICT company to scan and digitize archived documents and the upload these documents into a Geographic Information System (GIS) module that will be developed by the PRP in partnership with NIRAS as described below. The municipality will also tender and contract services to refurbish and upgrade archive facilities to preserve and protect the documents from deterioration.
2. Define boundaries of municipal land. The selected municipality will tender and contract the services of a licensed survey firm to prepare the survey and required documents for the municipality to register its rights to municipal land in the MCO.

### ***Assistance to be provided by PRP***

NIRAS is an international consulting company that is currently implementing the EU funded Implementation and Enforcement of Rural Spatial Planning (IRuSP) project. Under this project NIRAS designed and built for the benefit of the Ministry of Environment and Spatial Planning (MESP) the Unpermitted Construction Registry (UCR) GIS module application. The UCR application is used by all 38 municipalities in Kosovo. With assistance from USAID's Partnerships for Development project, municipalities have processed over 350,000 citizen applications for legalization and entered the spatial and textual application data into the UCR. The UCR is an open source application used by MESP without any licensing fees. All data managed by the UCR is stored in the Public Administration Data Center server located in the Agency for an Information Society (in the Ministry for Public Administration) as provided for in the Government of Kosovo's "E-government" strategy. All municipalities are currently linked to the Data Center server through the Government of Kosovo's (GoK) optical cable connection service.

To ensure the services procured by the selected municipalities produce sustainable results, PRP will contract NIRAS to modify the UCR GIS module to produce a customized, open source and "user friendly" application that will enable judges and municipal officials to "click" on a parcel on the official MCO maps and pull up all documents related to that parcel. Because the application will be custom designed, judges and municipal officials will not require highly specialized training or equipment, similar to the experience of municipalities that populated UCR with data related to illegal constructions.

Additionally, NIRAS created document metadata and an indexing system for the EU project supporting the digitization and return of cadastral documents removed to Serbia. NIRAS will assist the selected municipalities to develop technical specifications compatible with those used in Serbia to ensure both sets of digitized documents can be fully integrated into the GIS module and, eventually,

into Kosovo's cadastral system. PRP will engage both municipal officials and NIRAS to conduct a user needs assessment to ensure the GIS module is tailored to the needs of the municipalities.

At the time of developing this work plan, PRP had completed implementation of the municipal selection process it designed and provided USAID with a list of recommended municipalities it identified as eligible to receive direct assistance. Based on discussions with USAID, the municipality of Viti appears to be an acceptable and viable candidate. Additional discussion will be conducted to confirm this.

## **ACTIVITY 4.1: CONDUCT CAPACITY AND BUSINESS PROCESSES ASSESSMENTS IN THE SELECTED MUNICIPALITIES**

During the last reporting period, PRP contracted a Municipal Capacity Building expert to assist PRP develop, in consultation with selected municipalities, a plan to build capacity of the municipalities to:

- Develop tender documents to select and contract for the services described above;
- Execute the tender and enter into "Local Solutions" contracts with private companies to deliver the described services;
- Properly manage the contracts and monitor performance to ensure the contractors deliver quality services compliant with contract requirements;
- Further develop and strengthen municipal information sharing business processes to improve efficiency of service delivery to citizens to make it easier to transact their property rights.

Within two months of receipt of USAID approval for this initiative, PRP and its expert will comprehensively assess the capacity of selected municipalities to implement activities required to fully utilize USAID direct assistance to contract for services and then leverage the benefits of these services to support more efficient court processes and delivery of services to citizens to make it easier to transact their property rights. Subsequent to this phase of the assignment, the consultant will develop a comprehensive capacity building plan, training manuals and deliver additional, targeted technical assistance to selected municipalities to improve service delivery.

Under this assessment phase, PRP will:

- Review existing municipal capacity assessments of selected municipalities to identify performance gaps and institutional weaknesses related to the management and sharing of property related data both between municipal departments and between the municipality and courts; implementation of urban planning activities; implementation of property tax collection and management of revenue; functioning of the municipal citizen service center; and delivery of specific services required by citizens to transact their property rights.
- Meet with officials in selected municipalities to triangulate and refine assessment of identified municipal performance gaps and identify staff and resources commitments of the municipality to implement activities in support of the contracted work and to improve delivery of services to citizens. At this point, PRP will develop and obtain a Memorandum of Understanding (MOU) with the selected municipality and identify the need for additional MOUs with any other government ministry or institution (for example the KCA, MESP, Ministry for Internal Affairs, KJC).
- Facilitate a participatory assessment where municipal officials (including the municipal architect and the department of urbanism) and representatives from NIRAS can jointly assess the status of the municipal archives to develop the methodology and technical specifications for the scanning and digitizing work to ensure the digitized documents are fully compatible with the requirements of the GIS module. Simultaneously the assessment will identify specifications for refurbishment of the archive facilities to preserve archived documents and protect them from deterioration.

Through these activities, PRP expects to produce:

1. Gaps analysis and needs assessment report. The report will identify performance gaps and capacity building needs that will need to be addressed to build municipal capacity to issue RFPs to contract services to scan, index and link archived documents to parcel maps and to inform development of manuals for information sharing protocols within municipalities and real property transaction procedures manuals for municipal departments and citizens.
2. A draft capacity building plan upon conclusion of joint assessments with municipal officials and NIRAS identifying specific areas where capacity building assistance must be delivered and recommendations for delivering assistance to support municipalities to develop RFPs for the services described above, issue procurements and manage Local Solutions contracts.
3. Draft RFPs to procure the services described above.

## **ACTIVITY 4.2: ASSIST SELECTED MUNICIPALITIES ISSUE TENDERS AND MONITOR THE PROCESS**

It is expected within three months from the commencement of the work described in 4.1, the municipalities will publish the tender documents. PRP will provide on-going assistance to the municipalities to conduct evaluations, select the company to provide services, negotiate, draft and execute the contract for services.

PRP will then provide assistance and oversight of the municipality's contract management team to monitor contractor performance to ensure compliance with the terms of the contract.

At the time contracts are awarded, PRP will develop a detailed implementation plan for integrating the GIS module into the improved business processes to operationalize them and demonstrate improved delivery of services to citizens.

The implementation plan will further inform development of the capacity building plan to be developed and implemented under Activity 4.3 below.

## **ACTIVITY 4.3: FINALIZE AND IMPLEMENT CAPACITY BUILDING PLAN**

At the conclusion of the assessment phase described in 4.1, PRP and the selected municipalities will refine and validate the draft capacity building plan and agree a timeline to implement the capacity building plan, the process to procure services and to develop business processes to improve information sharing and delivery of services to citizens.

Implementation steps to be taken include:

1. Establish Municipal Working Group (MWG) comprising representatives of all relevant municipal departments. The MWG will be responsible to develop the municipality's Service Improvement Action Plan (SIAP) methodology and manage, implement and monitor progress of SIAP activities. PRP will assist the MWG to finalize the tender documents to procure services.
2. Conduct in-depth analysis and mapping of information sharing business processes and administrative procedures, practices and protocols followed by the MCO and CRO relevant to deliver services required by citizens to transact their property rights. This analysis will be conducted in parallel with PRP assessments of the Laws on Contested and Non-Contested Proceedings and inheritance procedures. PRP analysis on practical constraints faced by women and members of non-majority communities to exercise their property rights will also shape the analysis and inform development of improved municipal business processes.

It is at this step in the process that PRP will design specific activities to link reforms to be piloted in the CoM with those in the selected municipalities to improve judicial efficiency, clarify title of properties registered in the MCO, protect the rights of women to inherit property, improve non-majority community access to municipal services and courts and streamline procedures to make it easier and faster for citizens to transact their property rights.

3. Based on the analysis produced under step 2, provide technical assistance to strengthen information sharing protocols within the municipality and between MCOs and the KCA and CROs and the Ministry of Internal Affairs (MIA).
4. Develop manuals for information sharing protocols.
5. Develop real property transaction procedures manuals for municipal departments and citizens.

# 5.0 OUTREACH AND COMMUNICATIONS

Throughout the work plan there are links between legal and policy activities and the need for community outreach and awareness. Laws and policies work best when the public understands them, supports them and applies them, and public awareness and engagement will be important for the success of property rights reform in Kosovo. To promote and encourage public engagement, PRP will lead an aggressive public information program, using mass media, collaboration with CSOs and direct action. PRP will support seminars, the preparation of written materials, and focus groups discussions throughout Kosovo to join the issues regarding an improved property rights framework, women's inheritance rights, minority community property issues, and property rights reform activities. These programs will, in turn, provide feedback to PRP and its partners and counterparts on appropriate interventions to implement policy, move legislation forward, improve the disposition of property rights claims, and advance the exchange of information in the property rights sector.

PRP's communications activities will fall into two categories: activities intended to foster reflection and changes in social attitudes and behavior with respect to women exercising their property rights equitably and without coercion or discrimination (Behavior Change Communication); and activities to inform the public generally of their legal rights related to property and how to exercise them, coupled with information on reforms and improvements that are accomplished or underway that make it easier for citizens to exercise their property rights. The Behavior Change Communication activities and interventions will be designed in close collaboration with program counterparts and partners; be based on empirical findings on social attitudes and behaviors; and be designed to raise public awareness of the personal and social impact of current attitudes and behaviors and to prompt reflection and change. Information on legal reforms will be presented in clear "how-to-guides" that ordinary citizens can understand and apply in their own lives. Relations with the media will be carefully planned and implemented with the concurrence of USAID.

# 6.0 SECOND YEAR TIMELINE

	Oct	Nov	Dec	Jan '16	Feb	Mar	Apr	May	June	July	Aug	Sept
<b>Objective 1: Better Coordination and Policy Priorities</b>												
<b>Activity 1.1: Support the Development of a National Property Rights Strategy</b>												
Oversee the development of the Concept Notes (CNs) in close coordination with the selected subcontractor.												
Conduct activities to raise awareness in society of the importance of the National Strategy and help the MoJ design an inclusive and participatory process of soliciting citizens' input.												
Provide the CNs to the Core Technical Group (CTG) and Thematic Working Groups (TWGs) under the MoJ's Property Rights Sectoral Working Group.												
Support the work of the CTG and TWGs in preparing the first draft of the National Strategy, guided by the CNs.												
Support the MoJ in organizing outreach activities and consultations on the first draft of the National Strategy developed by the CTG and TWGs												
Support the finalization of the National Strategy, and the development of an Action Plan and M&E Plan.												
Support the MoJ in guiding and monitoring the implementation of the National Strategy.												
<b>Activity 1.2: Support the Development of a Legal Framework that Affords Citizens with Clear, Equitable and Enforceable Property Rights</b>												
Finalization of a Concept Document on the Renunciation Initiative												
Development of Amendments to the Law on Inheritance												
Development of Amendments to the Law on Contested Procedure												
Development of Amendments to the Law on Non-Contested Procedure												
Development of Amendments to the Law on Notary												
Additional (non-renunciation) Amendments to the Procedural Laws												
<b>Objective 2: Improved Court Processes Related to Property Claims</b>												
<b>Activity 2.1: Assist the KJC and stakeholders to identify gaps in law, procedure and court practices that constrain efficient resolution of property claims and disputes and protection of women's property rights</b>												
Final Report on Differentiated Case Management (DCM) with findings and recommendations.												
Final Report on Intergeneration Inheritance Mapping Process												
Final Report on Constraints and Obstacles experienced by non-majority communities on property rights.												
<b>Activity 2.2: Improve laws, court procedures and guidelines and implement reforms in the CoM to more efficiently resolve property claims and disputes</b>												
Develop recommendations for quick impact activities to improve case management.												
Develop recommendations for procedural safeguards.												
Development of Action Plan to dispose of pending cases, and implementation of the plan.												
<b>Activity 2.3: Assist the KJC to expand the court-referred mediation process for property claims</b>												

	Oct	Nov	Dec	Jan '16	Feb	Mar	Apr	May	June	July	Aug	Sept
Provide DCM data about types of property cases referred for mediation to the CLE project and closely coordinate with it to determine if amendments to legislation are required to expand options for court referred mediation.												
In consultation with CLE, develop guidelines to assist judges to more efficiently identify property cases appropriate for mediation and implement the KJC Protocol on Court Referral of Cases to Mediation.												
Consult with CLE to determine if mediators require specialized training to handle property cases.												
<b>Activity 2.4: Assist the Kosovo Judicial Institute to develop a property rights training program</b>												
Organize and conduct roundtables on judicial practice in property law.												
<b>Objective 3: Enhanced Women's Rights to Use Property in Practice</b>												
<b>Activity 3.1: Assist development of Substantive and Procedural Law to Bolster and Safeguard the Ability of Women to Exercise their Property Rights Freely and Equitably</b>												
<i>Supported under Activity 1.2 (see 1.2)</i>												
<b>Activity 3.2: Changing Social Attitudes and Behaviors Concerning Women's Property Rights</b>												
Contract a production company to carry out first media campaign.												
Launch and carry out SBCC campaign on women's property rights.												
Support Week of Women activities organized by NDI and National Parliament												
<b>Activity 3.3: Capacity Building for ATRC and CSOs to Enable Them to Carry Out Activities in Support of Women's Property Rights</b>												
Conduct rapid capacity assessment of CSOs applying for grants and provide training to address identified gaps in their ability to manage grants and to conduct activities in support of women's property rights.												
Support the launching of a fully operational ATRC website to publicize the work and achievements of the E4E program.												
Support Municipal Gender Officers in two municipalities in outreach efforts to local women's groups and businesses.												
Develop SOWs for Municipal Gender Officer position in coordination with Agency for Gender Equality												
<b>Objective 4: Improved Communication, Access to Information and Understanding of Property Rights**</b>												
<b>Activity 4.1: Conduct capacity and business processes assessments in the selected municipalities</b>												
Review existing municipal capacity assessments of selected municipalities to identify performance gaps and institutional weaknesses related to management and sharing of property related data.												
Meet with officials in selected municipalities to triangulate and refine assessment of identified municipal performance gaps and identify staff and resources commitments of the municipality to implement activities in support of improving service delivery to citizens.												

	Oct	Nov	Dec	Jan '16	Feb	Mar	Apr	May	June	July	Aug	Sept
Develop and obtain Memorandums of Understanding (MOUs) with the selected municipalities and identify the need for any additional MOUs with any other government ministry or institution.												
Facilitate a participatory assessment where municipal officials and representatives from NIRAS can jointly assess the status of municipal archives to develop the methodology and technical specifications for the scanning and digitizing work. Simultaneously identify specifications for refurbishment of the archive facilities to preserve archived documents.												
Prepare gap analysis and needs assessment report identifying performance gaps to be addressed in selected municipalities												
Develop a draft of the capacity building plan upon conclusion of the prerequisite assessments in coordination with NIRAS, identifying specific areas where capacity building assistance must be delivered and recommendations for delivering assistance to support municipalities to develop RFPs for scanning and digitizing paper archives.												
Draft RFPs are prepared.												
<b>Activity 4.2: Assist selected municipalities issue tenders and monitor the process</b>												
Selected municipalities to publish tender documents. Providing assistance to municipalities to conduct bid evaluations, selecting service provider for scanning/digitizing and negotiate, draft and execute agreement.												
Provide assistance and oversight of municipalities' contract management team to monitor contractor performance.												
Develop implementation plan for integration of GIS module into improved business processes for operationalization.												
<b>Activity 4.3: Finalize and implement capacity building plan</b>												
Establish Municipal Working Group (MWG) comprising representatives of all relevant municipal departments												
Conduct in-depth analysis and mapping of information sharing business processes and administrative procedures, practices and protocols followed by the MCO and CRO relevant to deliver services required by citizens to transact their property rights. Here, design specific activities to link reforms to be piloted in the CoMs with those in the selected municipalities to improve judicial efficiency.												
Based on the analysis produced above, provide technical assistance to strengthen information sharing protocols within the municipality and between MCOs and the KCA and CROs and the Ministry of Internal Affairs (MIA)												
Develop manuals for information sharing protocols.												
Develop real property transaction manuals for municipal departments and citizens.												

	Oct	Nov	Dec	Jan '16	Feb	Mar	Apr	May	June	July	Aug	Sept
<b>5.0 OUTREACH AND COMMUNICATIONS</b>												

\*\* Timeline of tasks in Component 4 assume USAID provides official approval of municipal selection in December 2015.

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