



H. LIMANI FOR USAID PRP

QUARTERLY REPORT NO. 16

Property Rights Program (PRP)
FY 2018
(January 1 – March 31, 2018)

APRIL 2018

DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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Cover Photo: USAID Kosovo Mission Director, James Hope, delivers remarks at a Property Rights Program event marking the one year anniversary of the Kosovo Government's adoption of the National Strategy on Property Rights.

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ACRONYMS AND ABBREVIATIONS

AGE	Agency for Gender Equality
AGRO	Agricultural Growth and Rural Opportunities
AI	Administrative Instruction
ATRC	Advocacy Training & Resource Center
CDCS	Country Development Cooperation Strategy
CFM	Caseflow Management
CLE	Contract Law Enforcement Project
CoM	Court of Merit
CSO	Civil Society Organization
DAA	Deputy Assistant Administrator
DO	Development Objective
ECHR	European Court of Human Rights
E4E	Engagement for Equity
EU	European Union
EUSR	European Union Special Representative (in Kosovo)
GoK	Government of Kosovo
IMF	International Monetary Fund
IQC	Indefinite Quantity Contract
IR	Intermediate Result
JSSP	Justice System Strengthening Program
KCA	Kosovo Cadastral Agency
KCLIS	Kosovo Cadastre and Land Information System
KJA	Kosovo Judicial Academy
KJC	Kosovo Judicial Council
KPA	Kosovo Property Agency
KPCVA	Kosovo Property Comparison and Verification Agency
MCO	Municipal Cadastral Office
MESP	Ministry of Environment and Spatial Planning
MGO	Municipal Gender Officer
MLGA	Ministry of Local Government Administration
Moj	Ministry of Justice
NDI	National Democratic Institute
NGO	Non-Governmental Organization
NSPR	National Strategy on Property Rights
OSCE	Organization for Security and Cooperation in Europe
PFD	Partnerships for Development

POLIS	Public Organization for Local Initiatives and Supports
PRP	Property Rights Program
PSA	Public Service Announcement
SAA	Stabilization and Association Agreement
SBCC	Social Behavior Change Communications
SIDA	Swedish International Development Cooperation Agency
STTA	Short-Term Technical Assistance
STARR	Strengthening Tenure and Resource Rights
UNMIK	United Nations Interim Administration Mission in Kosovo
USAID	United States Agency for International Development

INTRODUCTION AND BACKGROUND

The absence of an effective property rights framework in Kosovo weakens democratic governance, impacts human rights, disempowers women and impedes sustainable economic growth. The USAID/Kosovo Property Rights Program (PRP) assists the Government of Kosovo (GoK) to develop and implement its National Strategy on Property Rights (NSPR) and strengthen property rights legislation; supports the development of improved court procedures and practice to efficiently adjudicate property claims and disputes; conducts public outreach campaigns to prompt changes in social attitudes and behavior concerning the ability of women to exercise their property rights and works closely with civil society organizations to support related activities; and improves service delivery in municipalities to increase the general public's understanding of property rights and make it easier for citizens to exercise their property rights.

With the GoK adopting the NSPR in January 2017, PRP is now working closely with all relevant GoK bodies to support the development of the legislation to help the GoK to strengthen the property rights legal framework by ensuring it is modern, clear, harmonized and well-integrated.

PRP has been working closely with the Kosovo Judicial Council (KJC) and three Courts of Merit (CoMs) to develop and pilot improved court procedures related to property claims. The piloting initiative has produced significant and demonstrable improvements in the CoM's efficiency and effectiveness in adjudicating property rights cases and offers a roadmap for institutionalizing these reforms throughout the judicial system. PRP assistance to improve court performance also informs the development of more consistent judicial practice in adjudicating property claims. Results produced by PRP in these areas contribute to achieving USAID/Kosovo's Country Development Cooperation Strategy Development (CDCS) Objective 1 "Improved Rule of Law and Governance that Meets Citizens' Needs." Improved legislation and court procedures also support creation of an Improved Economic Governance and Business Environment under the CDCS Development Objective 2 "Increased Investment and Private Sector Employment."

PRP's most recent National Survey on Property Rights demonstrates that PRP's media campaign has sparked debate and discussion in Kosovo concerning women's property rights (which was reportedly a taboo subject previously) and is producing positive changes in social attitudes and behaviors. PRP is continuing its national media campaign and grassroots public outreach activities on women's property rights to reinforce these trends. PRP also provides technical assistance to USAID's E4E partner and E4E sub-grantees (Civil Society Organizations (CSOs)) to develop and implement activities aimed at supporting women's property rights and to complement PRP's public outreach activities.

At the municipal level, PRP is working with local administrations to improve their own practices and procedures and services to citizens related to property rights; provide useful legal information to their citizens to enable them to more efficiently transact their rights to property; and engage more effectively with their communities on property rights issues.

EXECUTIVE SUMMARY

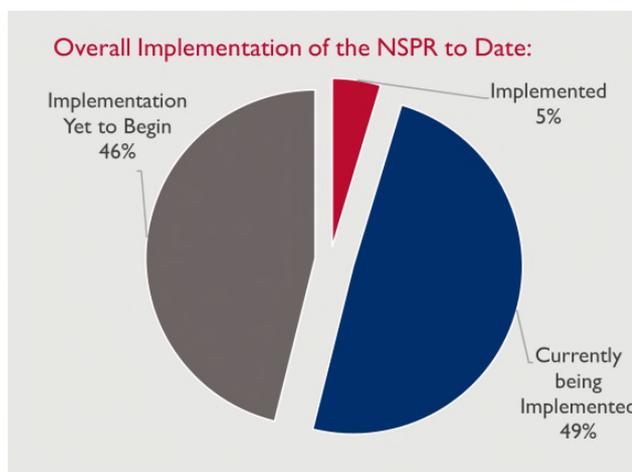
SUMMARY OF RESULTS FOR THE REPORTING PERIOD AND KEY ACHIEVEMENTS

This Quarter saw PRP advance its initiatives significantly under all four Objectives. Under Objective 1, PRP secured the new Government's commitment to implement the National Strategy on Property Rights (NSPR), and has continued to support the timely development of legislation to implement its reform agenda at a steady pace. Under Objective 2, the piloting of improved case management reforms has produced demonstrable improvements in the courts' efficiency and effectiveness in adjudicating property rights cases; and has prompted judges to call for the institutionalization of such practices throughout Kosovo's judicial system. Under Objective 3, PRP continued its public outreach on women's equal property rights with a range of activities that were organized around International Women's Day. Under Objective 4, PRP has moved forward a number of initiatives in partner municipalities that are designed to improve municipal governments' services to their citizens including delivery of technical assistance and installation of hardware assets.

OBJECTIVE 1: BETTER COORDINATION AND POLICY PRIORITIES

ONE YEAR AFTER ITS ADOPTION, THE IMPLEMENTATION OF THE NATIONAL STRATEGY ON PROPERTY RIGHTS IS AHEAD OF SCHEDULE ACROSS ALL STRATEGIC OBJECTIVES

The three-year Action Plan encompasses 62 activities to meet 5 NSPR objectives. With PRP support, during the first year following the adoption of the NSPR in January 2017, 5% of the activities have been fully implemented, and implementation has begun for an additional 49% of them, which is faster than the timeline contemplated in the Action Plan. PRP's technical assistance to support legislative activities has led to the fulfillment of activities under all of five NSPR objectives.



GOVERNMENT ADOPTS AMENDED DECISION ON STEERING COMMITTEE

PRP assisted the MoJ in amending the Government Decision on the Steering Committee to oversee the implementation of the NSPR, and the Government adopted the amended decision in January 2018.

PRP SUPPORTS KPCVA IN DRAFTING ITS THREE-YEAR STRATEGY AND ACTION PLAN

PRP collaborated closely with the KPCVA in developing the Strategy, which identifies and prioritizes the KPCVA's activities for the next three years. PRP has identified 47 activities that would support the implementation of its previous KPA mandate and of KPCVA's new mandate to compare and verify cadastral records upon their return from Serbia. The final draft is pending approval.

PRP SUPPORT PARLIAMENTARY REVIEW OF DRAFT LAW ON NOTARY

The Parliamentary Working Group has completed its public review, with PRP providing research and analysis and guidance on a number of issues.

EVENT FOR MUNICIPALITIES WITH MLGA

PRP supported the Ministry of Local Government Administration in holding a workshop for municipal officials and other stakeholders on the issues affecting municipalities that are identified in the National Strategy; and on the on the draft Law on Allocation for Use and Exchange of Municipal Immovable Property.

LEGISLATIVE DOCUMENTS ADOPTED DURING THIS QUARTER

The Parliament has adopted the Law on Immovable Property Tax

The Government has adopted the Concept Documents for, respectively, the Law on Ownership and Other Real Rights; and for the Law for sale of apartments for which a tenure right exists

LEGISLATION COMMENCED DURING THIS QUARTER

- Draft Law on Ownership and Other Real Rights. (Moj)
- Draft Law on Public Property. (Moj)
- Draft Law on Construction Land. (Moj and MESP)
- Draft Law on Mines and Minerals. (Ministry of Economic Development)
- Draft Law on the Chambers of Architects and Chamber of Engineers in the field of Construction. (MESP)
- Concept Document on Transformation of Rights on Socially-Owned Property. (Moj)
- Concept Document on Law on Contested Procedure. (Moj)
- Concept Document for the Expropriation of Immovable Property. (MESP)
- Concept Document for Law on Condominiums. (MESP)
- Draft Administrative Instruction on Supervision, Sanctions and Measures. (MESP)

PUBLIC OUTREACH ON PROPERTY RIGHTS ISSUES

PRP held the following public outreach events during this Quarter:

EVENT TO MARK THE ONE-YEAR ANNIVERSARY OF THE NATIONAL STRATEGY ON PROPERTY RIGHTS

USAID Mission Director James Hope and Minister of Justice Abelard Tahiri make remarks; and PRP reported on the progress accomplished to date in implementing the NSPR.

ONE-DAY WORKSHOP ON THE NATIONAL STRATEGY FOR LAW STUDENTS

These students were from an inter-university Master's Degree program "Local Governance and Democratic Society," which is a joint program of three Universities administered by Kadri Zeka University in Gjilan.



PRP produced a short animated video explaining the importance of the property reform that is being sought by the National Strategy on Property Rights. This product was shown at the One-Year Anniversary event on March 14, 2018.

PI COMMUNICATIONS FOR USAID PRP

OBJECTIVE 2: IMPROVED COURT PROCEDURES RELATED TO PROPERTY CLAIMS

POLISHED DRAFT PRODUCED OF THE "PRACTICAL GUIDE ON THE ADJUDICATION OF PROPERTY RIGHTS CASES IN KOSOVO COURTS"

PRP finalized the development of the Practical Guide and submitted the draft to USAID. In addition, as per the USAID instructions to ensure that the two projects are taking consistent positions on CFM, PRP shared the draft of Practical Guide with JSSP for purposes of combining the Practical Guide with the bench book developed by JSSP.

PILOTED CASEFLOW MANAGEMENT PRACTICES SHARPLY INCREASE NUMBER OF DECISIONS ISSUED

PRP's nine Legal Associates (LA's) in all three Courts of Merit (Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peć Basic Courts) continued assisting civil judges with various procedural actions to expedite case flow and adjudication. By the end of this Quarter a total of 8, 368 decisions had been issued with the assistance of PRP's LA's since mid-December 2016.

INCREASED EFFICIENCY PRODUCED BY CFM REFORM ENABLES COURTS TO ADDRESS BACKLOGGED CASES ON THEIR OWN

The increased efficiency effected by PRP's interventions in caseload management, as evidenced by the increase in the number of decisions and actions that the courts are taking, is enabling courts to now address cases that have been delayed or neglected (i.e., backlogged cases – cases that have been on the docket for over two years). This demonstrates that the improved CFM practices have increased the courts' ability to deal effectively with their caseloads and prevent significant backlogs from arising.

INITIATIVE ADVANCED TO DEVELOP EXPEDITED PROCEDURES FOR FORMALIZING PROPERTY RIGHTS

PRP has completed its research of the courts' current practice in dealing with claims to formalize informal rights, and of the relevant experience gained by other institutions and has commenced producing its report on findings and recommendations for the steps needed to create an expedited procedure for such claims.

COMPENDIUM OF SUMMARIES IN ALBANIAN AND SERBIAN OF DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS READIED FOR PUBLICATION

PRP will unveil and publish these volumes in the next Quarter.

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

ACTIVE SUPPORT FOR EVENTS AND ACTIVITIES TO COMMEMORATE INTERNATIONAL WOMEN'S DAY (MARCH 8)

PRP Supported a number of events organized around International Women's Day to raise public awareness of the challenges women in Kosovo face in exercising their property rights freely and equally. These included a Conference with the Kosovo Bar Association on the "Inheritance Package" of Legislation; lectures to students in two high schools in Viti/na; a presentation at Illiria College; providing a panelist at an OSCE conference; and making presentations to 150 NDI trainees.



Three PRP staff members, including Monitoring & Evaluation Specialist, Driton Zeqiri (pictured), presented to 150 NDI "Week of Women" trainees on the use and effectiveness of social media for the project's social behavior change communication campaign for equal property rights for women and men.

USAID PRP

DEVELOPING INITIATIVES WITH MUNICIPAL GENDER OFFICERS (MGO'S)

PRP has been reaching out to MGO's from several municipalities to support capacity-building and public outreach activities on women's property rights. Some of these activities include, tentatively, organizing discussion sessions with women and men in rural areas, interactions with schools and youth, and capacity-building for MGO's to help them design gender equality strategies for their respective municipalities.

SUPPORT FOR ATRC AND E4E SUB-GRANTEES

PRP Joined ATRC in holding open information sessions for interested organizations in connection with the new round of grants that ATRC may award. PRP also informed attendees about PRP's ongoing work and how civil society can play an active role and complement PRP's work.

SUPPORT FOR MEETING OF THE USAID DEPUTY ASSISTANT ADMINISTRATOR (DAA) WITH CSO REPRESENTATIVES

The Kosovo participants shared their personal experiences and efforts to support equal women's equal property rights in Kosovo with DAA Ms. Gretchen Birkle.

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

IMPROVEMENTS IN PROPERTY REGISTRATION TIMES

Data collected by PRP in its partner municipalities of Viti/na, Štrpce/Shtërpçë, and Dragash/Dragaš reveal decreases in registration times by, respectively, 2 and 6 days.

SAFEGUARDING MUNICIPAL CADASTRAL OFFICE ARCHIVES IN VITI/NA MUNICIPALITY

PRP's sub-contractor put the finishing touches on the remodeled facility for the cadastral archives. It is expected that the municipal administration will move the archives into the new facility as part of its relocation to its new office building.

PROPERTY SERVICES E-KIOSK COMPLETED AND ON-LINE IN VITI/NA MUNICIPALITY

The e-kiosk, which is in Pozhoran village, is currently in a soft-launch period where it has begun providing services to citizens. A more public official launch of the e-kiosk will take place in April or May 2018. PRP expects to upgrade existing e-kiosks funded by USAID throughout Kosovo to dispense property ownership and property tax certificates (in addition to civil status documents).

ADDRESSING CADASTRAL BACKLOG IN ŠTRPCE/SHTËRPCË MUNICIPALITY

PRP has continued to support efforts to reduce the backlog of over 5,000 property transactions that were not registered in the cadaster. To date over 2,608 of the backlogged files have been scanned and nearly half of those have been entered into the KCLIS.

DOCUMENT REQUIREMENT FOR PROPERTY REGISTRATION SIMPLIFIED IN VITI/NA AND ŠTRPCE/SHTËRPCË MUNICIPALITIES

Assemblies in the two municipalities passed motions to eliminate the registration requirement that citizens submit a certificate from the municipality indicating that there is no municipal interest in the property being transacted and registered. PRP had identified this requirement as an unnecessary hindrance to property registration. PRP will identify all municipalities in Kosovo that require this right of first refusal and collaborate with them to develop and pass motions to eliminate the requirement.



PRP's first e-kiosk (and Kosovo's first e-kiosk to provide property services) is installed in Pozhoran village, Viti/na municipality, in the village square.

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PROJECT ACTIVITIES

OBJECTIVE I: BETTER COORDINATION AND POLICY PRIORITIES

PRP continued to support the MoJ and GoK institutions in developing implementing legislation for the NSPR, while also responding to additional requests from individual institutions. PRP collaborated with the Ministry of Justice, Ministry of Environment and Spatial Planning, and the Ministry of Local Government Administration. PRP also continued to nurture its partnership with other implementing institutions, through direct meetings.

With PRP's support, implementation has begun for over half of National Strategy activities. The three-year Action Plan encompasses 62 activities to meet the 5 National Strategy Objectives. Just one year into the process, 5% of the activities have been fully implemented, 49% are in the process of being implemented, and the remaining 46% of the Action Plan is expected to be implemented in the future. The Action Plan foresees, in addition to legislative initiatives, activities whose implementation is contingent upon the completion of activities currently being implemented, such as trainings of judges and municipal officials on National Strategy legislation once it has been adopted. PRP's technical assistance to support legislative activities has led to the fulfillment of activities under all of five objectives. Out of the 62 NSPR activities, the MoJ is responsible for implementing 30 activities in a three-year period. Just one year into the process, PRP supported the MoJ in initiating 19 National Strategy activities. Similarly, PRP supported the MESP in initiating all 9 of its National Strategy activities, three of which have already been completed. PRP provided technical assistance by supporting the preparation of Concept Documents, helping draft primary legislation, and administrative instructions, and supporting public consultation sessions for legislative initiatives.

SUB-OBJECTIVE I.1: NSPR REFORMS COORDINATED WITH AND BETWEEN GOVERNMENT OF KOSOVO INSTITUTIONS

GOVERNMENT ADOPTS AMENDED DECISION ON THE STEERING COMMITTEE

PRP assisted the MoJ in amending the Government Decision on the Steering Committee to oversee the implementation of the National Strategy. The revisions address the chairmanship of the Steering Committee and strengthen the authority of senior policymakers tasked to implement the National Strategy. PRP and MoJ agreed on a joint draft decision; the MoJ submitted the draft to the Government; and the Government adopted it on January 22, 2018. PRP has been coordinating with the Ministry of Justice in organizing the inaugural session of the Steering Committee.

SUPPORTING THE MOJ'S PREPARATIONS FOR DEVELOPING IMPLEMENTING LEGISLATION

PRP met on a regular basis with counterparts in the MoJ to discuss developments and progress in developing legislation to implement the NSPR. MoJ counterparts included the MoJ Chief of Cabinet, Mr. Altin Ademi, Mr. Arben Limani and Mr. Faton Fetahu, advisors to the Minister of Justice; Mr. Lulzim Beqiri, Director of Department for Policy Coordination and EU Integration; Mr. Ardian Bajraktari, Director of Legal Office, and Burbuqe Spahiu and Valmira Uka, MoJ legal experts. The MoJ reported that all PRP-supported legislative initiatives have been individually assigned to specific advisors within the MoJ, which will help the MoJ manage the process effectively.

MOJ REQUESTS ASSISTANCE ON A BRIEFING DOCUMENT ON THE NATURE AND SCOPE OF RESTRICTIONS ON FOREIGNERS' ACQUISITION OF REAL PROPERTY

The briefing document was prepared in connection with the MoJ's reporting to the Sub-committee for Internal Market, which is responsible for overseeing the implementation of the Stabilization Association Agreement.

SUPPORT TO THE MOJ TO COMPLETE A QUESTIONNAIRE ON THE MOJ'S IMPLEMENTATION OF STRATEGIES, INCLUDING THE NSPR

The questionnaire was developed by the CSO Open Data Society to support their survey for the European Union Project on Accountability, Technology and Institutional Openness Network in the South-East Europe Region. This initiative is being implemented in cooperation with five other countries of Western Balkan countries and is intended to contribute to increased institutional transparency and accountability, the rule of law, and good governance.

PRP SECURES INCLUSION OF PROPERTY RIGHTS ISSUES IN KOSOVO'S ECONOMIC REFORM PROGRAM 2018 – 2020

The Economic Reform Program includes 20 policy priorities that contribute to Kosovo's economic growth and development. PRP advocated to the Government to add a property rights measure into the program and, subsequently, collaborated with the Strategic Planning Office and Ministry of Justice in drafting this policy priority. PRP also proactively requested input from the EUSR focal point on property rights, Katarina Grbesa, in finalizing the property rights measure in line with EU requirements. The property rights measure foresees activities for updating the legal framework (Objective 1 of the NSPR) and addressing large-scale informality in the land sector (Objective 2 of the NSPR). Given Kosovo's relatively short electoral cycles, PRP assessed incorporating NSPR measures into this EU-required document as an opportunity to ensure sustainable and continuous implementation of NSPR measures in the long run.

The Ministry of Finance has submitted the Program to the EU. The statement of Ministry of Finance on the Economic Reform Program can be seen here: <https://mf.rks-gov.net/page.aspx?id=1,2,636>

PRP ASSISTS MOJ IN UPDATING THEIR QUARTERLY REPORT ON NATIONAL PLAN FOR IMPLEMENTATION OF THE STABILIZATION ASSOCIATION AGREEMENT

Among other activities of the MoJ are actions deriving from the NSPR. The reports enable an assessment of Kosovo's progress in meeting its obligations under the SAA.

PRP ASSISTS MOJ IN PROVIDING ITS INPUT FOR THE KOSOVO COUNTRY REPORT FOR 2017

The European Commission on EU Enlargement Policy, issues this report each year (formerly known as the Progress Report). It presents an assessment of progress in several fields. The adoption of the NSPR was noted as an achievement in the previous Country Report, and the latest report is expected to contain information on progress in implementing the NSPR. The report is expected to be published in April 2018.

PRP SUPPORTS KPCVA IN DRAFTING THREE-YEAR STRATEGY AND ACTION PLAN

PRP has worked in close collaboration with the KPCVA in drafting the Strategy and Action Plan, in response to the KPCVA's request for assistance. Following the submission of a first full version of the KPCVA strategy to the head of the Agency on February 28, PRP met with the working group to seek input on the draft. The Strategy identifies and prioritizes KPCVA's activities for the next three years. PRP has identified 47 activities that would support the implementation of KPCVA's new mandate to compare and verify cadastral records upon their return from Serbia, and of its previous KPA mandate. In addition, as foreseen in the NSPR, the KPCVA Draft Strategy also offers flexibility to potentially serve as an adjudicatory body for addressing large-scale informality in the future. PRP has also used this opportunity to ensure that KPCVA's activities are in line with measures contemplated by the NSPR that are pertinent to the KPCVA. The final draft strategy is pending approval.

SUB-OBJECTIVE 1.2: REFORM LEGISLATION TO ACHIEVE NSPR REFORM OBJECTIVES DEVELOPED AND IMPLEMENTED

PRP ASSISTS PARLIAMENTARY WORKING GROUP TO COMPLETE ITS REVIEW OF DRAFT LAW ON NOTARY

PRP actively participated in each Parliamentary Working Group session to review the draft Law on Notary, provided Commission members with its previous research on the practice of EU member states with respect to notaries; and also assisted the MoJ in marshalling opposition to the proposal to require formal property valuation in every transaction and proceeding involving property. PRP worked with USAID PFD to provide an analysis of the issue, which PRP provided to USAID and to the Parliament. The analysis noted that, increasing the cost and time required to complete any transaction or proceeding involving a transfer of property would create a disincentive to formalize inheritance or property ownership and to conduct formal property transactions. It would also have a negative impact on Kosovo's Doing Business score.

The Chairperson, Ms. Albulena Haxhiu, noted at the final hearing that she was opposed to the proposed mandatory valuation requirement. She also noted that, as concerns notary fees, they should be tied to the socio-economic condition of the society. (PRP has proposed that the law should cite objective criteria that would establish parameters for the setting of notary fees and suggested per capita GDP as a simple and straightforward criterion). The Parliamentary Working Group will review comments received and distribute a revised draft to interested parties. The MoJ and PRP will review very carefully the draft law that the Commission prepares. The Working Group has not yet announced a schedule for reviewing the draft Law on amending the Law on Inheritance, and Draft Law on amending of the Law on Non-Contested Procedure, which are in the "inheritance package" Laws.

ASSEMBLY OF KOSOVO ADOPTS LAW ON IMMOVABLE PROPERTY TAX

The draft Law was proposed by the Ministry of Finance with support of SIDA Pro Tax 2 project. PRP provided comments on the draft Law that reflected recommendations in the NSPR related to property tax, including revisions to protect displaced persons, and participated in working group meetings.

GOVERNMENT ADOPTS MOJ'S CONCEPT DOCUMENT ON THE LAW ON PROPERTY AND OTHER REAL RIGHTS

The Concept Document proposes to accurately regulate modalities of acquiring ownership and other real rights, further regulate prescription and accession as means of acquiring real rights, provide a clear definition of bona fide possession of immovable property, define types of property, transform the permanent right of use to ownership, define the status of the 99-year lease, and regulate the rights of foreign citizens to own property in Kosovo. Following the adoption of the Concept Document, the MoJ immediately established a working group to amend the Law. PRP's technical assistance has been included in the Minister's decision as the only source of donor support for this legislative initiative.

(Following reservations expressed by some MoJ officials about the planned transformation of 99-year leases of socially owned property into a right of ownership in fee simple (which is called for by the NSPR), PRP advocated for the necessity to abolish former socialist legal concepts and types of property; clarify and simplify the types of property; and create an internally consistent and comprehensive legal framework governing property rights, as called for by the NSPR. Following these discussions, the MoJ accepted PRP's arguments and forwarded the Concept Document of the Law on Ownership and Other Real Rights to the Government for its approval.)

GOVERNMENT ADOPTS CONCEPT DOCUMENT ON THE LAW FOR SALE OF APARTMENTS FOR WHICH A TENURE RIGHT EXISTS

The Government of Kosovo approved the Concept Document on the sale of apartments for which a tenure right exists. This Concept Document recommends amending the law and extending the deadline for applying for the purchase of apartments. PRP supported MESP at all stages of the drafting process for this Concept Document.

WORK COMMENCES ON ADDITIONAL DRAFT LEGISLATION CONTEMPLATED BY THE NATIONAL STRATEGY

During this Quarter PRP supported the development of the following draft legislation:

Draft Law on Ownership and Other Real Rights. PRP completed its first draft and forwarded it to the MoJ. PRP and the MoJ reviewed the Draft Law together article by article. Before sharing the draft with members of the MoJ working group, draft was forwarded to the Minister's Cabinet for preliminary review. Particular attention was devoted to harmonizing provisions with the Draft Law on Public Property. The MoJ plans to present the two drafts as a package.

Draft Law on Public Property. PRP finalized its review of the draft, introducing substantive amendments to ensure compliance with recommendations deriving from the NSPR. PRP met with the MoJ Legal Office to finalize the initial draft together. The Legal Office of the MoJ forwarded the Draft Law to the Minister's Cabinet for their review. After that the draft law will be shared with the working group.

Finalizing the first Draft Law on Construction Land. PRP prepared the initial draft Law on Construction Land and provided it to the MoJ for review and distribution to the working group.

The Draft Criminal Code of Kosovo Enters the Public Consultation Phase. PRP provided comments on Chapter XXVII dealing with environment protection. The amended Criminal Code includes a new article that criminalizes illegal constructions (Article 353) as recommended in the

NSPR. This activity is being implemented considerably ahead of schedule, considering that the Action Plan foresees amending the Criminal Code in May 2019. The draft can be viewed at:

<http://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40320>

Draft Law on Mines and Minerals. This draft law has been posted for public notice and comment. PRP has reviewed and prepared comments to harmonize this draft law with the draft Law on Public Property that is being developed.

Draft Law on the Chambers of Architects and Chamber of Engineers in the field of Construction. PRP has supported work on this draft law, which has been finalized and sent to the Minister's Cabinet for review.

Concept Document on Transformation of Rights in Socially-Owned Property. PRP has finalized and sent to the MoJ for distribution to the Working Group the first draft of this Concept Document, which will replace and supersede UNMIK Regulation 2003/13. To complement the Law on Ownership and Other Real Rights, the draft law will transform 99-year leasehold rights issued by Privatization Agency of Kosovo into private ownership rights and will abolish the leasehold system that has been employed in the privatization process for socially-owned property.

Draft Concept Document for Law on Contested Procedure Submitted for Consultation with Other GoK Institutions. This is a mandatory 15-day vetting process. PRP assisted the MoJ in finalizing the initial draft, supporting drafting, harmonization and translation in three languages (Albanian, Serbian and English).

Concept Document on Expropriation of Immovable Property. PRP supported MESP's Expropriation Department to prepare its report on the public consultation process on the Concept Document for the Expropriation of Immovable Property. The report will be translated and sent to the government for approval. During the process of public consultation, MESP received some positive remarks from EU Office in Pristina and the Coordination Secretariat of the Government.

Concept Document for Law on Condominium Passes Public Notice and Comment Process. PRP helped MESP to finalize its report on the public consultation process. The working group reviewed and discussed the comments received, and the MESP Cabinet has taken a decision to submit the draft to the Ministry of Finance for a Financial Declaration and to the Ministry of European Integration for a Statement on Compatibility with the EU.

Draft Administrative Instruction on Supervision, Sanctions and Measures. PRP has supported MESP in incorporating comments from the public consultation on this AI, which was drafted with PRP support, and which regulates the supervision of the preparation of national-level and municipal spatial planning documents. Government approval is expected very soon.

MESP's AI on Construction Permitting. PRP supported the development of amendments to Administrative Instruction No. 16/2014 on Procedures for Submission and Review of Applications for terms of Constructions Permits for Category III Projects.

COOPERATION AND COORDINATION WITH OTHER STAKEHOLDERS

Meeting of Steering Committee for EU Civil Code Project Phase 2. The MoJ requested PRP to serve as a member of this Steering Committee, and PRP has participated in all three meetings of the Steering Committee held during this Quarter. PRP proposed that it also be included in working

groups to develop Civil Code legislation; and that experts from the Civil Code Project Phase 2 (CCP2) be included in working groups to develop legislation to implement the NSPR. The proposal was accepted and PRP participated in the inaugural meeting of the reconstituted working group for the Civil Code project. PRP also conducted regular coordination meetings with the Team Leader and Chief Legal Advisor of CCP2

PRP Attends World Bank Stakeholders' Meeting to Discuss KPCVA Issues. The World Bank is contemplating a new program of assistance to the KCA and the KPCVA, following the conclusion of RECAP, but the World Bank is seeking to determine the possible impact that, if returned to Kosovo, the cadastral documents removed by Serbia would have on the Kosovo land market and on the stability of the information in the Cadaster. The participants agreed to clarify the intended meaning of the relevant provisions of the Brussels Agreement (which provides for the return of the documents), including examining notes taken at the negotiation sessions. The Director of the KCA is advocating the view that the returned documents are intended only to fill “gaps” in the records between 1974 and 1999 and not to effect any changes in the chain of title from registrations after 1999. PRP is skeptical of this view.

With the support of the Norwegian Government, a KCA-KPCVA working group has been formed to harmonize preparations to deal with the documents when they are returned. All agree that it is unclear when or if the documents will be returned. Nonetheless, the agencies recognize that they now need to develop procedurals and protocols to guide review of the documents. PRP suggested that the working group inform all donors of what the group needs to carry out its work.

All present were requested to urge the institutions responsible for appointing board members (i.e. the US and British Embassies, the EUSR, and the GoK) to do so and to urge the Board to take a more pro-active role in these matters.

PRP was asked to take the lead in convening the stakeholders group from time to time, during the absence of the World Bank delegation.

Support for Information Session Event for Municipalities on Relevant NSPR Issues. PRP supported the Ministry of Local Government Administration in holding this workshop which featured a presentation by PRP on the draft Law on Allocation for Use and Exchange of Municipal Immovable Property and on municipal issues being addressed in the NSPR. Participants included municipal Directors of Directorate for property and cadaster, members of the working group for the draft law, and representatives of CSO's.

PRP Provides Comments on Concept Note for Justice Sector Review aimed at Increasing Citizen's Access to Legal Information. PRP attended the first session of the working group that is focusing on access to justice. PRP has proposed that the Justice Sector Review include the definition and adoption of measures to ensure that (1) citizens have easy access to all relevant legal information; (2) effective notification is provided with respect to all legal proceedings that are planned or in progress; and (3) that all relevant forms are available in all official languages and that effective interpretation is available at all legal proceedings.

PRP Proposes Reform of Civil Service Categories for Courts. PRP has also proposed having the Justice Sector Review advance recommendations to enable the judicial system to have appropriate job classifications under the Law on Civil Service that meet the courts' needs.

MESP/USAID PFD Roundtable on Zoning Maps. PRP participated in the roundtable, which featured the presentation of the “Guideline for Drafting and Approving the Municipal Zoning Map.”

USAID Meeting with President Jahjaga. PRP took part in the meeting, which focused on the status and needs of the newly-formed Jahjaga Foundation. PRP also took part in the Foundation’s Launch Event.

PRP’s Assistance Requested for MoJ’s Annual Consultation Report. PRP provided data and information on the consultation process; the number of recommendations received and their assessment/inclusion in the Draft Concept Documents/Laws developed to implement the NSPR.

Donors Meeting with MESP Sub-Sector Working Group on Spatial Planning, Housing and Construction. The meeting focused on donor support in the sub-sector. PRP described its role in supporting the development of implementing legislation for the National Strategy.

Skype Call with IMF. An IMF team who recently visited Kosovo requested a skype call with PRP to discuss property issues in Kosovo. The IMF team requested, and PRP provided, an overview of the major challenges in the property rights sector and the work underway to address them. The IMF team expressed the desire to meet with PRP during their next visit to Kosovo, which has not yet been scheduled.

PUBLIC OUTREACH ON PROPERTY RIGHTS ISSUES

Event Held to Mark the One-Year Anniversary of the NSPR. This event marked the progress achieved so far in implementing the Strategy, and outlined the steps ahead. In addition to a wide array of property sector stakeholders, the event was attended by members of the high-level Steering Committee responsible for overseeing NSPR implementation. USAID Mission Director Hope and Justice Minister Tahiri made remarks. Participants also included the Minister of Environment and Spatial Planning, Minister of Local Government Administration, Chairman of KJC and President of the Supreme Court. PRP used this event as an opportunity to describe the need for an expedited procedure to enable citizens to formalize informal property rights easily; and for the creation of an Information Portal to provide notification of legal proceedings in progress that involve property rights.



Mr. Gent Salihu, PRP’s Senior Rule of Law and Governance Expert, gave a joint presentation with PRP Objective 1 Lead, Xhevat Azemi, at the One-Year Anniversary of the National Strategy on Property Rights event, detailing the way forward for the Kosovo Government to successfully implement the NSPR.

D. CUIZON FOR USAID PRP

Për Të Mirën Tonë
 Published by Hana Limani [?] · March 26 at 11:01am · 🌐

The National Strategy on Property Rights, supported by the USAID Property Rights Program, was approved last year by the Government of Kosovo. What has been done so far and what is yet to be done? Watch our video of this year in review, and the steps ahead.

#PërTëMirënTonë, USAID Kosovo



The video product can be viewed at:
<https://www.facebook.com/PerTeMirenTone/videos/1349721385156753/>

USAID PRP

(approximately 60 students) and featured lively discussion. The Minister of Justice made a special trip to the workshop to make remarks and field questions from the audience. The Rector of Kadri Zeka University, Dr. Bajram Kosumi, also made remarks.

PRP Presents Two Papers at the World Bank Conference in Washington DC. PRP's staff members, Merita Limani, Don Cuizon and Driton Zeqiri, have co-authored the paper, "The Effectiveness of an SBCC in Changing Social Attitudes on Equal Rights to Property for Women"; Ms. Limani presented this paper at the conference. In addition, Gent Salihu has written the paper, "Redesigning Procedures to Encourage Legal Recognition of Informal Relations to Property; Challenges Posed by Informal Inheritance in Kosovo." Mr. Salihu co-presented this paper at the conference, together the General Secretary of the Ministry of Justice, Mr. Qemajl Marmullakaj. The World Bank Conference on Land Rights and Poverty took place from March 19 to 23.

Publishing European Valuation Standards in the Albanian Language. PRP completed all work on the manuscript and printed sample copies of the publication circulated for review. The Kosovo Appraisers Association is reviewing the revised draft to ensure it reflect the comments received at the all-hands working session convened by PRP.

The event also featured an animated video product that PRP produced on the property rights issues confronting people in Kosovo and the work that has been accomplished thus far to develop the legislation to implement the NSPR. Participants also received innovative distribution materials in the Albanian, Serbian, and English languages.

PRP Holds One-day Workshop on the NSPR for Law Students. These students were from an inter-university Master's Degree program "Local Governance and Democratic Society," which is a joint program of three Universities including University "Kadri Zeka" in Gjilan, University "Ukshin Hoti" in Prizren and University "Haxhi Zeka" in Pejë/Peć. PRP organized this workshop at the request of the University Vice-Rector.

Presentations were made on all 5 NSPR Objectives. The workshop was well attended



PRP Objective 3 Lead, Merita Limani, presented a paper co-authored with PRP's Deputy COP and PRP's Monitoring and Evaluation Specialist on PRP's social behavior change communications work at the World Bank Conference on Land and Poverty in Washington, DC.

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OBJECTIVE 2: IMPROVED COURT PROCESS RELATED TO PROPERTY CLAIMS

This Quarter saw PRP continue to support the institutionalization of caseload management (CFM) reforms in the three Courts of Merit (CoM). PRP also completed the final draft of the “Practical Guide for Courts on Adjudicating Property Rights Claims in Kosovo” (the Practical Guide) to support the institutionalization of CFM reforms in other courts. In addition, PRP advanced the research on its initiative to develop expedited procedures for formalizing informal property rights.

SUB-OBJECTIVE 2.1: CASE FLOW MANAGEMENT REFORMS INSTITUTIONALIZED

PILOTED CASEFLOW MANAGEMENT PRACTICES SHARPLY INCREASE NUMBER OF DECISIONS ISSUED

PRP’s nine Legal Associates (LA’s) in all three Courts of Merit (Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peć Basic Courts) continued assisting civil judges with various procedural actions to expedite case flow and adjudication. By the end of this Quarter a total of 8,368 decisions had been issued with the assistance of PRP’s LA’s since mid-December 2016. These include 1,380 decisions to dispose the case, and 6,989 procedural actions related to the first and second stage of a case (answering the claim, correcting the claim, exempting from court fees, etc.).

INCREASED EFFICIENCY PRODUCED BY CFM REFORMS ENABLES COURTS TO ADDRESS THEIR BACKLOGGED CASES ON THEIR OWN

The increased efficiency effected by PRP’s interventions in CFM, as evidenced by the increase in the number of decisions and actions that the courts are taking, is enabling courts to begin to reach cases that had been delayed or neglected (i.e., backlogged cases – cases that have been on the docket for over two years).

This has created the apparent paradoxical effect of increasing the average number of days that civil cases and property cases take to reach disposition, although in reality it represents the courts’ enhanced ability to deal with their caseload effectively and prevent significant backlogs from arising. PRP estimates that average case ages will continue to increase over the next quarter, until those older cases are disposed, at which point the average time to disposition will fall significantly.

NON-PROPERTY CASES					
PRE-INTERVENTION (1,120 PENDING NON-PROPERTY CASES)		WITH PRP INTERVENTION AS OF DECEMBER 2017 (3,120 PENDING NON-PROPERTY CASES) QUARTERLY OCT - DEC 2017		WITH PRP INTERVENTION AS OF JANUARY 2018 (2,988 PENDING NON-PROPERTY CASES) QUARTERLY JAN - MAR 2018	
Average age	1171	Average age	566	Average age	594
Number of days at screening stage	944	Number of days at screening stage	Average days 263 Max. days 4,928 Min. days 1	Number of days at screening stage	Average days 243 Max. days 3,321 Min. days 1

Number of days at preparatory hearing stage	1556	Number of days at preparatory hearing stage	654	Number of days at preparatory hearing stage	643
Number of days at main hearing stage	1244	Number of days at main hearing stage	716	Number of days at main hearing stage	700
Number of cases ready for disposition	93	Number of cases ready for disposition	1444	Number of cases ready for disposition	1900
		Number of days to disposition (Average)	619	Number of days to disposition (Average)	600

PROPERTY CASES

PRE-INTERVENTION (851 PENDING PROPERTY CASES)	WITH PRP INTERVENTION AS OF DECEMBER 2017 (2,397 PENDING PROPERTY CASES) QUARTERLY OCT - DEC 2017	WITH PRP INTERVENTION AS OF JANUARY 2018 (2,289 PENDING PROPERTY CASES) QUARTERLY JAN - MAR 2018			
Average age	1220	Average age	815	Average age	823
Number of days at screening stage	1058	Number of days at screening stage	Average days 372 Maximum days 3,957 Minimum days 1	Number of days at screening stage	Average days 343 Maximum days 3,957 Minimum days 1
Number of days at preparatory hearing stage	1790	Number of days at preparatory hearing stage	590	Number of days at preparatory hearing stage	580
Number of days at main hearing stage	1453	Number of days at main hearing stage	893	Number of days at main hearing stage	883
Number of cases ready for disposition	28	Number of cases ready for disposition	402	Number of cases ready for disposition	580
		Number of days to disposition (Average)	853	Number of days to disposition (Average)	890

POLISHED DRAFT PREPARED OF “A PRACTICAL GUIDE FOR IMPROVING CASEFLOW MANAGEMENT OF PROPERTY RIGHTS CASES IN KOSOVO COURTS”

During this Quarter PRP finalized the development of the Practical Guide and submitted the draft to USAID. In addition, as per the USAID instructions to ensure that the two projects are taking consistent positions on CFM, PRP shared the draft of Practical Guide with JSSP for purposes of combining with the bench book developed by JSSP.

The Practical Guide contains a full description of each CFM practice in a quick-reference format with step-by-step instructions for implementing the practice; along with broader guidelines for judges based on international best practice that explain the modern principles and approaches that serve as the basis for the improved practices. The judicial guidelines are organized around the pretrial and trial process, and present the best approach for streamlining and unifying CFM adjudication practice among civil judges. The Practical Guide also describes the respective duties and responsibilities of the court president, rank-and-file judges, court Case Management Office personnel and Legal Associates under the new CFM practices.

The Practical Guide could serve as a good basis for the training materials to be used in the CFM training. PRP believes that that both judges and Legal Associates should receive this training.

COORDINATION WITH USAID JSSP

During this quarter PRP continued to meeting regularly with JSSP regarding CFM issues and activities. PRP LA's team in Ferizaj/Uroševac Basic Court hosted a JSSP staff member and shared lessons learned from PRP's CFM initiative. In addition, PRP and JSSP have begun collaborating on developing and conducting training for judges and court staff on CFM and on issues surrounding the courts' hiring of legal associates. JSSP has committed to reviewing the Practical Guide and assessing the feasibility of combining the two publications; and to sharing its draft training program on CFM with PRP.

SUB-OBJECTIVE 2.2: UNIFORM JUDICIAL PRACTICES TO RESOLVE PROPERTY DISPUTES DEVELOPED

Following consultation with USAID, and upon concluding its successful piloting of improved CFM practices developed by PRP in close collaboration with the COM to improve CFM efficiency, PRP will bring its CFM reform initiative to a close. PRP will, however, continue to work closely with JSSP to provide training to judges and court staff on the improved CFM practices to support the expansion of those practices throughout Kosovo's judicial system. PRP will also support the courts' hiring of Legal Associates, which is crucial for the successful adoption of the improved CFM practices.

PRP is now commencing its work to improve courts' substantive practice in applying property law. This will be accomplished by providing training to judges on property rights issues; and by analyzing current law and practice in property law and helping the courts clarify and unify their practice.

During this Quarter PRP drafted and presented to USAID a training program for judges on issues related to property rights. The training program will be conducted through the Kosovo Judicial Academy (KJA), in consultation with the KJC, as well as with JSSP that is currently assisting the KJA to develop its continuous legal education program. PRP will also avail itself of lessons learned by other projects, such as CLE. PRP will develop a similar program in close consultation with the Kosovo Bar Association. To maximize sustainability, PRP will develop training modules that can be used on an ongoing basis and included in the KJA's curriculum. PRP will consult with the KJA on the resources they have available for providing this instruction and the desirability of having the instruction provided by persons other than the judges who have been selected to work with the KJA.

PRP will seek to have this training provided to newly appointed judges (and prosecutors) who are receiving ongoing training at the KJA, as well as to sitting judges. In the case of the latter, it may prove necessary to have regional seminars, since training is not mandatory for them, although it

would be highly preferable to training them at the KJA's central facility, which is well equipped and would entail little cost.

PRP would support training in the following subjects:

- 1) **Gender sensitivity and the gender-related impact of current laws.** This training will consist of two parts: (a) raising awareness of gender issues and sensitizing the audience to gender equality; and (b) substantive areas in property law that have direct gender-related impact, such as inheritance; joint registration of property, and property division in divorce. The training will include information on relevant draft legislation in process.
- 2) **Salient aspects of the practice of the European Court of Human Rights as concerns property rights.** PRP's compendium of summaries of 144 decisions of the ECHR will be published and unveiled in April. The training will present and analyze the Court's key rulings and positions with relevance to Kosovo, with guidance on how Kosovo courts can use the ECHR opinions.
- 3) **Substantive property law and practice that focuses on the eight principal types of property rights cases that PRP has identified from its research in the courts.** For all these case types PRP has identified inconsistency in practice. The purpose of this training is to make judges aware of the challenge of applying the applicable law in fact situations that are commonly encountered; and to foster consistency in property rights practice.

The eight case types are the following:

- Claims of Prescription
 - Annuling a sales contract and applying the doctrine of Prescription
 - Affirming property rights arising from inheritance
 - Joint Property (family property, marital property)
 - Affirming property rights based on co-ownership
 - Obstruction of possession
 - Easements (servitudes)
 - Illegal occupation
- 4) **Legislation Implementing the NSPR.** PRP will develop these modules as the new laws are adopted.

INITIATIVE TO MAKE AVAILABLE TO KOSOVO COURTS AND POLICYMAKERS THE JUDICIAL PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS IN THE PROPERTY RIGHTS SPHERE NEARING COMPLETION

As reported previously, Kosovo's courts are bound to follow European Court of Human Rights (ECHR) standards to adjudicate property rights cases. PRP has developed an initiative to produce 144 summaries in the Albanian and Serbian languages that address property rights issues, in order to make the practice of the ECHR in this area available to judges and others in Kosovo and enable them to apply that practice in their own adjudication of property rights cases. These cases include the "landmark cases," i.e., the early decisions issued by the ECHR that laid the basis for future decisions, to which the court refers in developing further its jurisprudence on property rights.

PRP Products to Assist Judges

- *A Practical Guide for Improving Caseflow Management of Property Rights Cases and Other Civil Cases*
- *Collection of ECHR Case Summaries on Property Rights Issues*

The work has been overseen by three local STTA experts who worked with 16 law student interns to produce the case summaries.

During this Quarter, the text for both the Albanian and Serbian volumes has been finalized and formatted and made ready for publication. The case summaries are organized around the following categories:

- Expropriation; Nationalization; Compensation
- Restoration of Ownership Rights; Compensation
- Regulation of Property; Interference with Quiet Enjoyment; State Action
- Pension Rights; Employment Benefits; War Reparations
- Contractual Relations; Rent
- Discrimination; Inheritance; Marital Property; Family Matters
- Respect for Property; Family Life
- Currency and Deposits
- Failure to Enforce Judgments; Protracted Procedures; Access to Justice; Judicial Process
- Joint Stock Companies; Reorganization; Employee Rights

It is expected that the case summaries will be made available in digital form by posting them on relevant websites (such as of the KJC and KJA). In addition, PRP plans to produce hard copies for distribution to relevant institutions.

PRP expects to publish and unveil this body of work to Kosovo officials and citizens in the next Quarter.

SUB-OBJECTIVE 2.3: EXPEDITED PROCEDURES DEVELOPED

As a part of its initiative to improve Kosovo courts' processing of property rights cases, PRP has reviewed over 7,000 closed and pending civil cases, including property rights cases) in the three CoM's. Among PRP's many findings from that research is the determination that nearly 70% of the civil/property rights cases in the CoM's are actions brought to formalize informal property rights that are ostensibly not disputed.

PRP identified and engaged an STTA to research fully and determine the Kosovo courts' current practice in dealing with claims to formalize informal rights. Through this initiative PRP aims determine options for developing simplified rules and procedures to be applied in such cases; and develop specific recommendations on the specific changes to current applicable legislation that would be required to establish such rules and procedures. PRP will also review applicable international practice.

During this quarter PRP staff and its STTA expert completed its first phase of research of current practice and institutional experience in dealing with claims to formalize informal property rights. During this assignment, the PRP staff and its STTA met with a range of agencies and ministries (i.e., the MoJ, MESP, the KCA, and the KPCVA), including Court of Merits judges and Appeal court judge as well. Following the completion of this research the STTA commenced preparing her final report, including key findings and the recommendation for further steps.

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

PRP continued to implement a diverse portfolio of activities to raise awareness about gender equality and property rights and help positively shift societal attitudes regarding the rights of women to access and use property. To help ensure the sustainability of its work in this area, PRP is participating on the working group convened by the Agency for Gender Equality (AGE) to draft Kosovo's new Program on Gender Equality. The working group accepted PRP's recommendation to include women's property rights among the issues to be addressed in this program. PRP has also supported the working group by sharing with it PRP's relevant research and learning in this area.

SUB-OBJECTIVE 3.1: PUBLIC OUTREACH ON EQUAL PROPERTY RIGHTS FOR WOMEN CONDUCTED, WITH ACTIVITIES TARGETING HIGH SCHOOL STUDENTS AND YOUTH

ACTIVE ENGAGEMENT IN EVENTS AND ACTIVITIES TO COMMEMORATE INTERNATIONAL WOMEN'S DAY (MARCH 8)

Conference with Kosovo Bar Association on "Inheritance Package" of Legislation. The conference was designed to inform Kosovo lawyers and other stakeholders about the package of legislation to amend the law on inheritance, law on non-contested procedure and law on notary, with a focus on the measures addressing gender inequality. The Minister of Justice spoke about the MoJ's involvement in this process and listed a number of changes in the proposed legislation that support women's rights to inheritance. A Member of Parliament, Korab Sejdiu, who sits on the legislative commission of the parliament that is reviewing the legislation, pledged his support and urged his colleagues to pay strong attention to the need to defend women's right to inherit. Valon Totaj, a judge, who was part of the NSPR development process, discussed relevant recommendations in the strategy. The NGO "POLIS" which has been funded under the E4E program, described their recommendations for additional mechanisms to ensure that women's rights

in inheritance are protected, which recommendations are informed by POLIS' experience in monitoring the courts and notaries. PRP moderated the discussion.

Many questions were posed, and it appeared that many lawyers were not aware of these proposed changes nor of the process underway, despite the notifications provided by the MoJ and the Parliament. The audience's main concerns as expressed at the event were society's attitudes about women's right to inherit; the unduly long adjudication of inheritance cases; and the respective roles of notaries and attorneys in preparing legal contracts. Around 200 attorneys attended the conference, along with other stakeholders. The audience was urged to provide specific recommendations on the draft legislation through the Kosovo Bar Association or directly to the Parliament.

Lectures to Viti High School Students. Together with the Director of the Viti/na Municipal Cadastral Office, Ms. Fatbardha Emini, PRP gave lectures on women's property rights in two high schools in Viti/na, a gymnasium and a professional school. The lectures focused on the cultural barriers that impede women in Kosovo from exercising their property and inheritance rights freely and equally, and offered a forum for discussing the students' ideas on how to overcome these obstacles. It was noted that many of the boys in the audiences were quite resistant to girls and boys having equal property rights, while the girls demanded more support for their equal rights.

Presentation at Iliria College. PRP gave a presentation to students at Iliria College on issues surrounding women's property rights in Kosovo. Other panelists of the event were Ms. Zana Berisha, Project Management Specialist / Rule of Law in the Democracy and Governance Office of USAID Mission in Kosovo, and Ms. Sibel Halimi from the USAID E4E partner, ATRC.

Panelist at OSCE Conference. PRP provided a panelist at the OSCE conference on women's property rights that was held to commemorate International Women's Day. PRP's presentation focused primarily on specific cultural barriers and practical obstacles that women face in inheritance; and on PRP's work to promote positive change in this area.

Presentations at Conference of the National Democratic Institute (NDI). Each year NDI Kosovo organizes the Week of Women during the month of March. The program includes a large number of diverse participants (mainly women) throughout the country who are selected through an open call for applications. For this year's training program NDI accepted around 150 persons, mostly young adults. PRP conducted two training sessions, which consisted of: remarks on the general work of PRP; the experience, means, and methods used by PRP as part of running a social and behavior change campaign on property rights (with a presentation to the audience of a PSA and other PRP products); and a presentation on the impact of the campaign as demonstrated by the National Survey on Property Rights. PRP emphasized the need for continuous engagement on the issue of improving women's position with respect to property rights, and shared ideas on how



Three PRP staff members, including Communications and Public Outreach Manager Hana Limani (pictured), presented to 150 NDI "Week of Women" trainees on the use and effectiveness of social media for the project's social behavior change communication campaign for equal property rights for women and men.

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individual citizens can do this. The audience showed genuine interest, and questions and discussions followed the sessions.

Moral Support for Women’s March in Viti/na. The march was organized by the Director of the Viti/na MCO. The march took place in the city center and attracted around one hundred participants, mainly women from local institutions and civil society organizations, as well as municipal leadership including the Mayor, Deputy Mayor and Assembly Chairperson.

WORKING WITH MUNICIPAL GENDER OFFICERS (MGO’S)

PRP has been reaching out to MGO’s from several municipalities to support capacity-building and public outreach activities on women’s property rights. These include MGO’s from Viti/na, Shtërpçë/Šterpce, Dragash/Dragaš, Mitrovicë e Jugut/Južna Mitrovica, Lipjan/Ljipjane, and Suharekë/Suva Reka to identify areas of cooperation and develop a joint plan of activities for this year. Some of these activities include, tentatively, organizing discussion sessions with women and men in rural areas, interactions with schools and youth, and capacity-building for MGO’s to help them design gender equality strategies for their respective municipalities.

The joint activities will commence as of April, starting with the Mitrovica/Mitrovicë MGO organizing a training on gender equality and property rights for the newly established Women’s Caucus of the Local Assembly and the Committee on Gender Equality in Mitrovica/Mitrovicë municipality.

ACTIVITIES IN SUPPORT OF ATRC AND E4E SUB-GRANTEES

In January ATRC launched a Call for Application Round VI for civil society to apply for E4E Program grants. PRP joined ATRC in holding Information Sessions held in Gjilan/Gnjilane, Gračanica/Gračanice, Shtërpçë/Šterpce, Ferizaj/Uroševac, Pejë/Peć, Prizren, North and South Mitrovica/Mitrovicë, and Pristina. Such information sessions are open to all interested persons throughout Kosovo and are designed to provide information about the application process, rules and procedures, topics to be covered and financial issues (the budget). PRP informed the attending CSOs about PRP’s ongoing work and how civil society can play an active role and complement PRP’s work.

PRP SUPPORT FOR MEETING OF THE USAID DEPUTY ASSISTANT ADMINISTRATOR (DAA), MS. GRETCHEN BIRKLE, WITH CSO REPRESENTATIVES

The representatives from CSOs shared their experiences and efforts to support equal women’s equal property rights in Kosovo. One participant shared her travail from being deprived of her right to inherit and from a 13-year-long court battle to regain that right. The CSOs described the work that is being done in this field using various means (media, court monitoring, economic incentives, etc.). PRP’s outreach products were exhibited and arranged on stage to create a pleasing space for the meeting. PRP’s work was also discussed. The participants came away with positive feeling about this encounter.

SUB-OBJECTIVE 3.2: CONDUCT TRAINING FOR JUDGES ON WOMEN’S PROPERTY RIGHTS ISSUES AND GENDER SENSITIVITY

Development of the training program for judges on women’s property rights issues and gender sensitivity is discussed under Sub-Objective 2.2 above.

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

PRP supports a number of activities designed to enable municipal governments to improve their services to citizens and increase the performance of Municipal Cadastral Offices within its partner municipalities. These initiatives include: (1) providing human resources to address a significant backlog of un-registered cadastral files; (2) providing technical assistance to MCOs to enable them to secure their cadastral archives and protect them against damage and loss; (3) introducing e-kiosks to enable citizens to obtain municipal records easily; (4) exploring the feasibility of enabling citizens to pay municipal fees by means of electronic payment; and (5) undertaking field research on property registrations – within PRP’s partner municipalities – to help MCOs there register property more quickly and efficiently.

SUB-OBJECTIVE 4.1: IMPROVED MUNICIPAL SERVICE DELIVERY AND DISSEMINATION OF LEGAL INFORMATION TO ASSIST CITIZENS TO EFFECTIVELY EXERCISE THEIR RIGHTS TO PROPERTY

IMPROVEMENTS IN PROPERTY REGISTRATION TIMES

Baseline data was collected at the end of last year by PRP in its partner municipalities of Viti/na, Štrpce/Shtërpçë, and Dragash/Dragaš for the period of January 2016 – June 2017. A follow-up collection effort was done over this past quarter, evaluating the period of July – December 2017 in order to observe any effects PRP’s activities in these municipalities might have had with respect to the average time it takes to register property.

Improvements have been observed in Viti/na and Štrpce/Shtërpçë municipalities, where the average time has fallen by 2 and 6 days, respectively. These reductions have occurred even as citizens’ interest in registering property has been increasing. The increased interest may be attributable to an increased recognition of the advantages and opportunities afforded by formalizing one’s property rights. A reduction of registration times despite an increase in workload in these municipal cadastral offices is a noteworthy achievement, which can be directly linked to PRP’s efforts to work collaboratively with cadastral offices in identifying a number of inefficiencies in their registration workflow. The activities in these municipalities are elaborated below and elsewhere in this report. (Dragash/Dragaš municipality has not recorded improvements, perhaps owing to a lack of interest in collaborating with PRP.)

PREPARATIONS FOR UPCOMING EVENTS FOR MCO’S

Tier I trainings. PRP has been meeting individually with each municipal cadastral office in Kosovo (as it had done at the beginning of the project) in order to inform cadastral directors and staff of PRP’s intent to hold regional knowledge exchange forums in the upcoming quarter (This is elaborated more in PRP’s Work plan for Tier I trainings). Here, PRP will present on its work and progress with Viti/na and Štrpce/Shtërpçë municipalities and how PRP can provide similar assistance to other interested MCOs. The forum will also be used to analyze and discuss hypothetical case studies of complex registration scenarios requiring cooperation with the civil registry, the court, notaries, etc. Practice is far from uniform among MCOs, and it is expected that these forums will help MCO’s gain insights from one another, adopt improved practices and harmonize them. In the case of newly appointed MCO directors who may not possess a working background in property, the forums will be of particular benefit. All the MCOs consulted thus far have expressed a strong willingness and commitment to attend these forums.

Tier 2 Trainings. PRP's Work Plan contemplates that PRP will provide additional direct assistance to from 5 to 10 municipalities. PRP has presented to USAID a list of the top 14 candidate municipalities that PRP has identified. PRP made this initial selection applying the following considerations: the municipalities should be small or medium-sized and ethnically and politically diverse. In addition, a major criterion was the level of constructive engagement with the AGRO project. AGRO has been working with a number of municipalities in Kosovo, and AGRO's experience sheds light on both the general disposition of the municipal administrations toward reform; as well as their recognition of and engagement on land-related issues. PRP will use the Tier 1 trainings with municipal officials to gain further insights to inform its final selection of municipalities for Tier 2 activities, which PRP will commence in the Fall.

COMPLETION OF E-KIOSK IN VITI/NA MUNICIPALITY WITH PROPERTY SERVICES

PRP and its local subcontractor have installed its first property services e-kiosk in Pozhoran village in Viti/na municipality. The e-kiosk is currently in a soft-launch period where it is actively providing services to citizens. While freshly trained, the municipal staff require some time to become fully familiar with the e-kiosk and how to maintain it. This trial period will also enable the MCO to identify and remedy any bugs or glitches before a more public official launch of the e-kiosk is done later in April or May 2018.

With this proof of concept now complete, PRP expects to upgrade existing e-kiosks funded by USAID throughout Kosovo to enable them to dispense property ownership and property tax certificates (in addition to civil status documents) and provide identical around-the-clock service delivery to citizens. The additional certificates are required for registering a property transaction at an MCO. These additional certificates are issued by the Kosovo Cadastral Agency (KCA) and the Department of Property Tax of the Ministry of Finance, respectively, both of which have been cooperative and collaborative with PRP on this endeavor.

SAFEGUARDING MCO ARCHIVES IN VITI/NA MUNICIPALITY

The MCO archive facility is located on the premises of the municipality's new municipal building annex that was recently constructed with funding from the European Union to provide the municipality with a more modern and secure structure.

In the previous quarter, PRP completed installation of equipment to improve the storage facility in Viti/na municipality where hard-copy cadastral documents are archived and stored. These improvements included fireproof wall panels and flooring, dehumidifier, temperature regulator, and LED lighting. PRP also procured new binders to enable the MCO to standardize the filing of its archived records in a more structured and organized manner and adopt a new labeling system for easier use.



Viti - Ky shërbim elektronik i cili është në dispozicion për të gjithë qytetarëve të Republikës së Kosovës është financuar nga USAID-i amerikan në kuadër të Programit për të Drejtat Pronësore dhe dokumentet mund të tërhiqen nga aty në çdo kohë.

Viti/na Mayor Sokhol Haliti and Viti/na Municipal Cadastral Office Director Fatbardha Emni pose in front of Kosovo's newest e-kiosk (and the first e-kiosk to provide property services) holding their own birth certificates obtained from the e-kiosk. The e-kiosk is located in Pozhoran village in order to make municipal services more accessible to citizens situated far from Viti/na town center.

RAJONI PRESS

In this reporting period, PRP’s subcontractor furnished the room with shelving, drawers, and the electronic door lock. The municipality will transfer its archives to the new facility as part of its larger move to the new municipal building. PRP is told that this move is expected to take place over the next quarter. When this move occurs, all of Viti/na municipality’s land records will be removed from a precarious setting where they are threatened with damage and loss and moved to this brand-new facility.

ADDRESSING THE BACKLOG OF CADASTRAL REGISTRATION IN ŠTRPCE/SHTËRPCË MUNICIPALITY

PRP has maintained fulltime presence in the cadastral office of Štrpce/Shtërpcë municipality since the fall of 2017. With PRP support a small technical team (one cadastral entry expert and one intern) has been scanning and registering into the Kosovo Cadastral Land Information System (KCLIS) a backlog of over 5,000 cadastral files. To date 2,608 cadastral files have been scanned and nearly half of those have been entered into the KCLIS. Performance has improved over time as the team has refined the scanning and registration workflow. This activity is in direct support of PRP’s task to facilitate the registration of land parcels into the land system, thereby formalizing the associated rights. It also addresses squarely the problem where the longer the KCLIS does not reflect the ownership realities on the ground, the longer the formal property market there remains stagnant, and this could incentivize people to transact informally.

A new challenge has recently arisen – as further described below, the KCA has revised the KCLIS so as to prohibit the entry of textual data without the entry of the corresponding graphical data. PRP is seeking a solution to this difficulty.

REQUIREMENTS FOR PROPERTY REGISTRATION SIMPLIFIED IN VITI/NA AND ŠTRPCE/SHTËRPCË MUNICIPALITIES

In both Viti/na and Štrpce/Shtërpcë municipalities, the assemblies have passed motions to remove an extraneous document requirement from the list of documents needed to register a property transaction. Previously, these municipalities required the registrant to obtain a certificate from the municipality indicating that there is no municipal interest in the property being transacted and registered. PRP had identified this requirement as an unnecessary hindrance to property registration.

PRP PARTICIPATES IN MCO TRAININGS AT THE KCA ON THE UPGRADE OF THE KCLIS

The KCA upgraded the KCLIS in February 2018, including new features that contribute toward PRP’s recommendations for linking archived cadastral documents to parcels in “the graphical part” of the land system. While this is not actually yet the case, the KCLIS now has archived cadastral documents (as part of the KCA/RECAP’s “massive scanning” effort) available. Additionally, “the textual part” and “the graphical part” of the KCLIS are linked together such that one cannot create a new textual entry into the system without drawing the corresponding parcel boundaries on the graphical side. This is best practice in land information systems, and it is good to observe it now in Kosovo’s land system. In addition, it is now possible for the KCLIS to have connections from the civil registry, business registry, and civil society organization registry. Furthermore, the upgraded system can generate property ownership certificates for individual units with a common owner.

PRP is pleased about these advancements in the system and expects continued cooperation with the KCA with respect to PRP’s Objective 4 activities (namely in connection with links between the

KCLIS and PRP's e-kiosks, and in working with the new version of KCLIS in Štrpce/Shtërpçë municipality).

MAYOR OF VITI/NA MUNICIPALITY VISITS PRP

In February 2018, Mayor Sokol Haliti visited the PRP office in Pristina and expressed his thanks for the in-depth partnership between Viti/na municipality and PRP and proposed other areas for future collaboration.

SUB-OBJECTIVE 4.2: EXPEDITED PROCEDURES PILOTED

PRP's initiative to support the formalization of informal property rights logically entails that, once the necessary procedures have been adopted and an institution is duly empowered to formalize informal property rights, the initiative will be piloted in a municipality. PRP envisions that it will select the municipality best suited for the pilot from among the Tier 2 municipalities.



Viti/na Mayor Sokhol Haliti and Viti/na Municipal Cadastral Office Director Fatbardha Emini visit PRP's office in Pristina to express their thanks to USAID for its extended cooperation with Vit/na municipality.

USAID PRP

PROJECT SPECIFIC PERFORMANCE INDICATORS

Performance Indicator	DO & IR	Baseline	Target <i>(Life of Project-Target)</i>	Actual <i>(Life of Project-Actual)</i>
OBJECTIVE 1: IMPROVE COORDINATION AND POLICY PRIORITIES				
1.1} Number of strategies drafted and approved by the government	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	1	2
1.2} Number of laws drafted and approved /Accepted by line ministry/government as a result of USG assistance	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	6	8 (Drafted)
1.3} Number of secondary legislation drafted and approved	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	14	26 (4A+22D)
OBJECTIVE 2: IMPROVED COURT PROCESSES RELATED TO PROPERTY CLAIMS				
2.1} Number of court procedures and secondary legislation related to court function and/ or improved	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	0	12	1

Performance Indicator	DO & IR	Baseline	Target <i>(Life of Project-Target)</i>	Actual <i>(Life of Project-Actual)</i>
court performance adopted and approved				
2.2} Number [average] of days it takes for courts to resolve a property case reduced.	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	1249	936	920*
2.3} Percent of property disputes cases resolved in courts [within 2 years]	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	32%	72%	TBD
2.4} Percent of court users satisfied with court services on resolving property disputes	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	22%	52%	28%
2.5} Number of judges, lawyers and court staff trained with USG assistance	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	0	450	102
2.6} Number of USG-assisted courts with improved case management related to resolution of property claims and disputes	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	0	9	4**

Performance Indicator	DO & IR	Baseline	Target <i>(Life of Project-Target)</i>	Actual <i>(Life of Project-Actual)</i>
2.7} Number of legal courses or curricula developed/upgraded with USG assistance	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector</i>	0	12	0
OBJECTIVE 3: ENHANCED ABILITY FOR WOMEN TO ACCESS THEIR PROPERTY RIGHTS IN PRACTICE				
3.1} Number of people from civil society and "E4E CSO-s" staff trained to implement program activities in support of USAID/ Kosovo program objectives	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	80	74
3.2} Number of communication outreach products, developed and disseminated by PRP and "E4E CSO-s"	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	70	111
3.3} Number of communication and outreach campaigns, developed/supported by USG assistance	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	1	1
3.4} Number of communication outreach activities and events developed and implemented by PRP	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs</i>	0	114	119

Performance Indicator	DO & IR	Baseline	Target <i>(Life of Project-Target)</i>	Actual <i>(Life of Project-Actual)</i>
and “E4E CSO-s to change cultural attitudes and behaviors about women’s property rights	<i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>			
3.5} Percentage of citizens who have been reached by PRP and E4E lead social behavior campaign and recognize the PRP and E4E CSO campaign/brand/identity/logo/messages/content	<i>DO: Improved Rule of Law and Governance that meet Citizen’s Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	0	40%	76%
3.6} Percentage of citizens [with negative attitude] who report changing their attitude/behavior about women’s rights to inherit property and engage in economic activities after exposure to PRP and/or E4E CSO communication and outreach products, activities and events	<i>DO: Improved Rule of Law and Governance that meet Citizen’s Needs</i> <i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	36%	16%	27%
3.7} Number [percentage] of women who file inheritance claims in the court	<i>DO: Improved Rule of Law and Governance that meet Citizen’s Needs</i>	0.3%	30%	3%

Performance Indicator	DO & IR	Baseline	Target <i>(Life of Project-Target)</i>	Actual <i>(Life of Project-Actual)</i>
	<i>IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>			
3.8} Number [percentage] of women inheriting property	<i>DO: Improved Rule of Law and Governance that meet Citizen's Needs IR: More Efficient, Transparent, Independent & Accountable Justice Sector; Civil Society Strengthened to Increasingly Engage Constructively with Government</i>	3.8%	33.8%	7.5%
OBJECTIVE 4: IMPROVED ACCESS TO INFORMATION AND UNDERSTANDING OF PROPERTY RIGHTS				
4.1} [Number of] Land administration offices established or upgraded: The number of land administration and service offices or other related facilities that the project physically establishes or upgrades.	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	0	4	3*** ¹
4.2} Number of days to conduct property transactions reduced due to improved information systems [in participating municipalities]	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	33	29	29

***PRP is in process of upgrading MCO in Viti/na, Dragash/ Dragaš, Shtërpçel/Štrpce

Performance Indicator	DO & IR	Baseline	Target <i>(Life of Project-Target)</i>	Actual <i>(Life of Project-Actual)</i>
4.3} Number of parcels corrected or incorporated into land system [in participating municipalities]	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	0	440	1270
4.4} Land rights formalized [in participating municipalities]	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	0	440	1270
4.5} Percent of citizens with increased knowledge of their property rights	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	27%	52%	51%
4.6} Number of municipal officials in participating municipalities trained in property related issues.	<i>DO: Increase Investment and Private Sector Employment IR: Improved Economic Governance & Business Environment</i>	0	40	0

SUCCESS STORY

The PRP project success story is provided on the next page.



USAID
FROM THE AMERICAN PEOPLE



SNAPSHOT

KOSOVO PROPERTY RIGHTS PROGRAM (PRP)

The USAID/Kosovo Property Rights Program (PRP) has supported the Government of Kosovo (GoK) in developing a comprehensive National Strategy on Property Rights, which is designed to create a modern, clear and consistent legal framework that will make it as easy and straightforward as possible for people in Kosovo to acquire, use, register and sell property. In the ensuing year since the GoK adopted the National Strategy in January 2017, PRP has been supporting the development of the extensive legislation needed to implement the National Strategy.

With PRP's support, development of the implementing legislation has proceeded ahead of schedule.

The Action Plan for the National Strategy calls for 62 activities to meet the 5 objectives of the National Strategy. The Action Plan contemplates that the legislation will be developed over a three-year period. Just one year into the process, 5% of the activities have been fully implemented, and implementation has begun for 49% of them. The Action Plan foresees, in addition to legislative initiatives, activities whose implementation is contingent upon the completion of activities currently being implemented, such as trainings of judges and municipal officials on National Strategy legislation once it has been adopted.

PRP's technical assistance to support legislative activities has led to the fulfillment of activities under all of five objectives of the National Strategy. (These objectives are as follows: Strengthening the Legal Framework; Addressing Informality; Guaranteeing and Enforcing the Property Rights of Displaced Persons; Guaranteeing and Enforcing the Property Rights of Women; and Using Secure Rights to Property to Fuel Economic Growth.)

To date the Parliament has adopted one law emerging from the National Strategy. In addition, work is underway on five draft laws and four concept documents. (Concept Documents are prepared as a required first step to drafting statutory legislation.)

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PROJECT BRIEF UPDATE

The PRP project brief update is provided on the next page.



PROJECT BRIEF UPDATE KOSOVO PROPERTY RIGHTS PROGRAM (PRP)

The rule of law in Kosovo is constrained by poorly defined and enforced property rights, especially the property rights of women and members of minority communities. The absence of an effective property rights regime weakens democratic governance, impacts human rights, disempowers women and impedes sustainable economic growth.

The overall goal of the program is to improve the property rights regime in Kosovo, strengthen the rule of law, and increase economic growth and investment. The Property Rights Program (PRP) is implemented under four objectives:

Objective 1: Better Coordination and Policy Priorities

Objective 2: Improved Court Procedures Related to Property Claims

Objective 3: Enhance Women's Rights to Use Property in Practice

Objective 4: Improved Communication, Access to Information and Understanding of Property Rights

OUR WORK

This Quarter saw PRP advance its initiatives significantly under all four Objectives.

Objective 1: One year following the adoption by the GoK of the National Strategy on Property Rights, the GoK's development, with PRP's support of the legislation necessary to develop the National Strategy has proceeded ahead of schedule: 5% of the 62 activities contemplated by the Action Plan have been completed, and work was begun on an additional 49% of them. To date one law has been adopted, and five draft laws and 4 Concept Documents are in development. In addition, the GoK has reaffirmed its support for the National Strategy, in adopting an order to revamp the Steering Committee that oversees the implementation process.

PRP held an event to mark the one-year anniversary of the National Strategy. Where USAID Mission Director James Hope and Minister of Justice Abelard Tahiri made remarks, and PRP reported on the progress accomplished to date in implementing the National Strategy.

PRP has been working closely with the Kosovo Property Comparison and Verification Agency to support its development of a new three-year strategy that contemplates 47 activities to support the mandate it inherited from its predecessor agency and its new mandate to compare and verify cadastral records as they returned from Serbia.

PRP also supported with participation, analysis and guidance the Parliament's review of the draft Law on Notary; co-sponsored with the Ministry of Local Government Administration a workshop for municipal officials and other stakeholders on the issues affecting municipalities that are identified in the National Strategy; and on the on the draft Law on Allocation for Use and Exchange of Municipal Immovable Property.

Objective 2: The caseload management reforms (CFM) that PRP has been piloting in its three Courts of Merit (CoM) continue to increase significantly the number of decisions that the courts are taking and are enabling them to address cases that have been delayed or neglected (i.e., backlogged cases – cases that have been on the docket for over two years). Thus the improved CFM practices have increased the courts' ability to deal effectively with their caseloads and prevent significant backlogs from arising.

In addition, PRP has produced a polished draft of the "Practical Guide on the Adjudication of Property Rights Cases in Kosovo Courts." PRP has submitted the draft to USAID and has shared with the USAID Justice Sector Strengthening Program (JSSP) for purposes of combining the Practical Guide with the bench book developed by JSSP. PRP has also developed a training plan for judges and lawyers on property-related law.

Objective 3: PRP supported a number of events organized around International Women's Day (March 8) to raise public awareness of the challenges women in Kosovo face in exercising their property rights freely and equally. These included a Conference with the Kosovo Bar Association on the "Inheritance Package" of Legislation; lectures to students in two high schools in Viti/na; a presentation at Illiria College; providing a panelist at an OSCE conference; and making presentations to 150 NDI trainees.

PRP has also been reaching out to Municipal Gender Officers from several municipalities to support capacity-building and public outreach activities on women's property rights. Some of these activities include, tentatively, organizing discussion sessions with women and men in rural areas, interactions

with schools and youth, and capacity-building for MGO's to help them design gender equality strategies for their respective municipalities.

Objective 4: PRP supports a number of activities designed to enable municipal governments to improve their services to citizens and increase the performance of Municipal Cadastral Offices within its partner municipalities. These initiatives include: (1) providing human resources to address a significant backlog of un-registered cadastral files; (2) providing technical assistance to MCOs to enable them to secure their cadastral archives and protect them against damage and loss; (3) introducing e-kiosks to enable citizens to obtain municipal records easily; and (4) exploring the feasibility of enabling citizens to pay municipal fees by means of electronic payment; and (5) undertaking field research on property registrations – within PRP's partner municipalities – to establish averages of the number of days required to register property.

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MEDIA

PUBLICATIONS

The following print and digital publications covered PRP Activities this quarter.

RTK LIVE

'The USAID Mission (in Kosovo) will host the event marking one year since the launch of the National Strategy on Property Rights'

<https://www.rtklive.com/sq/news-single.php?ID=252045>

March 14, 2018

IN FOKUSI

'The USAID Mission (in Kosovo) will host the event marking one year since the launch of the National Strategy on Property Rights'

<http://infokusi.com/nis-strategjia-kombetare-per-te-drejtat-pronesore/>

March 14, 2018

INDEKSONLINE

'A year since the launch of the National Strategy on Property Rights'

<http://indeksonline.net/shenohet-nje-vit-nga-nisja-e-strategjise-kombetare-per-te-drejtat-pronesore/>

March 14, 2018

EKONOMIA ONLINE

'National Strategy on Property Rights supports gender equality'

<http://www.ekonomiaonline.com/nacionale/respektimi-strategjise-kombetare-per-te-drejtat-pronesore-siguron-barazine-gjinore/>

March 14, 2018

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