

Case Study of the Reforms on Laws for the Cadaster in the Republic of Kosovo

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SUMMARY

A quick historical overview of political changes in Kosovo is necessary in better understanding the situation of immovable property registration in Kosovo. In 1913, the Kingdom of Serbia gained control over Kosovo and engaged in efforts to colonize the land through inclusion of south slaves and Serbs. In the former Socialist Federal Republic of Yugoslavia (SFRY), Kosovo was constitution element of federation and an autonomous province within the Republic of Serbia. The majority, around 93% of the population of Kosovo were ethnic Albanians. Kosovo's autonomy was ended by force in 1989. In 1998, the Serb government initiated police and military actions in Kosovo, and on 17 February 2008, Kosovo's parliament declared Kosovo's independence. During these periods, the Cadaster and registration of immovable property rights in Kosovo was done based on different laws. By UNMIK Regulation no. 2001/19 on the executive branch of the provisional institutions of self-government in Kosovo established Kosovo Cadastral Agency (KCA). Law no. 2002/5 on the Establishment of the Immovable Property Rights Register, as a mechanism to implement and validate immovable property rights in Kosovo. KCA is established with authority for the overall administration of the Register. As laws regulating registration in cadaster, mortgages, servitudes and other rules regulating the right to immovable property and registration in Kosovo have been subject to change and amendment, there is need to evaluate them. Diversity of the public institutions and implementation of the several laws, justify reregulation of the organization of the institutions for public inventory register. Integration of the public law legislative framework on property rights is priority of the Kosovo government in 2015. Establishment of the self-financing, sustainable institutions is necessity components for process of the development. This work aims to address the issue of reforms in the law of Cadaster in Kosovo. It initially engages in a legal analysis of the applicable laws and regulation. It will, then, present a historical development of these amendments and also give an account on their current status quo. In the end, it will conclude by presenting views on the current regulation and assess on the effectiveness of such rules. The article will also rely on comparative analysis, in order to draw similarities with other contexts and also with an aim to learn from “better practices”. This paper will be beneficial for academic understanding of the current situation of regulation of registration of property rights, but also speak to possible policy changes which may be necessary in Kosovo for a more effective legislation.