CONFLICT RELATED DISPLACEMENT AND POST-CONFLICT LAND ADMINISTRATION

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10 JULY 2015, UTRECH

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KOSOVO – HISTORICAL BACKGROUND, TENSIONS

- After WWII part of Socialistic Republic of Serbia within SFRY
- In 1963 Socialistic Autonomous Province in SR Serbia
- In 1973 – own constitution, assembly judiciary
- Demonstrations 1989-90
- ‘Special measures’ 1991 – implementation discriminatory:
  - Kosovo Albanians away from their jobs,
  - Serbian curriculum to all,
- Law forbidding transfer real property from Serb to Kosovo Albanians fueled tensions and eruption of conflict (28 Feb 1998)
CHARACTERISTICS OF THE CONFLICT IN KOSOVO

- Displaced persons **First wave** – before NATO Intervention
  - 260,000 people were estimated to be Internally Displaced Persons (IDPs) and an additional 100,000 refugees

- **Second wave** – NATO Intervention announced (24 March)
  - 800,000 Refugees and 500,000 IDPs mainly Kosovo Albanians

- Destroyed infrastructure and Housing – 103,000 housing units and 73,000 abandoned properties

- End of the conflict 9 June 2015
CHARACTERISTICS OF THE CONFLICT IN KOSOVO

- Land issues in the peace agreement document on displaced population, establishment of land administration system and resolution of property claims
- IDPs and refugees after the conflict
- **700,000 refugees came back in 40 days**
  - Violation in property rights, illegal occupation and forced eviction from properties was evident, result:
- **Third wave** of Refugees 245,000 mainly Serbs and non-Albanian
CHARACTERISTICS OF POST-CONFLICT KOSOVO

- Violations in property and housing related issues
  - Secondary Occupations – majority abandoned apartments illegally occupied
  - Reallocation state land supported by the local authorities basis on: providing humanitarian shelter (in a suspicious way)
  - Ruined and burned properties and housing – by law property of municipalities
  - Allocation of public land (usual practice in PC) – un-transparent way, court cases under suspicion of fraud - Head of Municipal Cadastral Office (MCO) Pristina – spent 6 months in jail
Land Administration in KOSOVO – Directly after Conflict
Emergency post-conflict period – Balkan Task Force

- property certificates and registries were partially removed;
- property boundary markers, survey control points and associated documentation were destroyed or defaced;
- geodetic surveying equipment and computers had been removed;
- discriminatory legislation; lack of control over property registration and taxation deterred people from recording property transfers and
- restrictions in recruitment of personnel and the displacement of people left municipal cadastral offices without qualified staff (source TOR, 2000)
Land Administration in KOSOVO – Directly after Conflict
Land Records and Land Professionals

- All cadastre plans and records were missing - 6 MCOs
- For 15 MCOs mostly documentation 1989-1999
- 8 MCOs had almost complete (source TOR, 2000)

- 90-95% Kos. Albanians came back in MCOs
- A few Serbs-before retirement-came back
- Only few staff had relevant knowledge and skills – it is believed because of discrimination no trainings or exposure to new technologies
Land Administration in KOSOVO – Directly after Conflict Emergency post-conflict period

- 26 MCOs and (Institute for geodesy and photogrammetry); app 150 staff came back

- Kosovo Cadastral Agency (KCA) was created (2000/14)

- Federal Laws 1992-96 revoked and Two discriminatory laws were discharged; so Law from 1976 was on force so called Lawless period
Land Administration in KOSOVO – Directly after Conflict

Register of property claims

- End of conflict – Land issues arise on horizon-700.000
- Housing and Property Directorate, Housing and Property Claims Commission (UNMIK 15.11.1999)
- Central Mechanism for solving Residential Property Disputes (One year latter serves only as register of claims)

- Kosovo Cadastre Support Programme started Nov 2000 all donors and UN agencies coordinated
Land Administration in KOSOVO – Early Recovery Period
Post-conflict Property Restitution

- Main disadvantage of HPD and HPCC: residential prop.
- HPD all 29,160 registered and adjudicated claims
- HPD ended in June 2007 – 99.9 % decisions implement
Land Administration in KOSOVO – Early Recovery Period
Post-conflict Property Restitution

- Kosovo Property Agency created beginning of 2006:
  - Private immovable property, agriculture and commercial
  - As May 2013 42,439 claims filled (36,717 adjudicated):
    1. Case closure
    2. Implementation – compensation
    3. Repossession of property
    4. Administration of property

- Countries with land records restitution success
CONCLUSIONS

- Displacement in Kosovo occurred in three waves; (during and after the conflict)

- Conflict and displacement had negative impact on housing and property rights, and land administration

- Land questions were adequately addressed in the peace agreement document specifically for displaced population, land management / administration
CONCLUSIONS

- Developments in the **land administration sector, in registration and restitution of property claims** with the support of the **international community**

- These developments were **beneficial and had positive impact** on land related problems that affected the **displaced** population of Kosovo.
THANK YOU FOR YOUR ATTENTION

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