

**“A great number of agricultural and commercial properties remain occupied. This represents a serious obstacle to returns and sustainable livelihoods.”**

UN Special Envoy Kai Eide



**Kosovo Property Agency**

It is well recognized that clear and undisputed property title plays a fundamental role in the recovery from conflict. Further, the protection and restoration of property rights is closely linked to the return of refugees and internally displaced persons, the protection of human rights and restoration of the rule of law. It is also a necessary prerequisite for attracting both domestic and foreign investment. Thus the importance of a fair, transparent and effective property rights policy is paramount.

The Housing and Property Directorate (HPD) since its establishment in 1999 under UNMIK Regulation 1999/23 has worked towards achieving this goal in the implementation of its residential property mandate. Of the 29,159 claims for apartments and houses filed with the HPD, some 99.95% have been adjudicated and 95,8% have been fully implemented.

In relation to the resolution of property claims over agricultural and commercial property, the 2005 Report of the UN Special Envoy on Standards (otherwise known as “the Kai Eide Report”) identified illegal occupation of land and commercial property as one of the major factors hindering returns to Kosovo and thus requiring urgent intervention. In response to the findings of this report, UNMIK promulgated on 4 March 2006 Regulation 2006/10 establishing the Kosovo Property Agency (KPA) as successor of the HPD.

## The mandate and structure of the Kosovo Property Agency

UNMIK Regulation 2006/10 establishes the Kosovo Property Agency (KPA) and mandates it to resolve private immovable property claims arising out of the 1999 armed conflict, including disputes over agricultural and commercial property.

The Regulation establishes the KPA as an administrative agency which shall function as an independent body pursuant to Chapter 11.2 of the Constitutional Framework. The KPA is composed of a Supervisory Board, an Executive Secretariat and a quasi-judicial organ, namely the Property Claims Commission. The Commission is autonomous while the Secretariat reports to the Supervisory Board which will be composed of five members to be appointed by the SRSG (namely a Chairperson, two members from the donor community and two on the nomination of the PISG Prime Minister).

## Substantive overview of operations

### 1. Claim intake and outreach

In addition to collecting claims through our regional offices in Kosovo, the KPA will collect claims throughout Montenegro, the former Yugoslav Republic of Macedonia (FYROM) and Serbia proper, as the majority of the displaced population from Kosovo are residing there.

The KPA commenced the claim intake in Kosovo on 5 April 2006. Our website is up and running at [www.kpaonline.org](http://www.kpaonline.org) and provides up to date statistics on claim intake and the KPA process and procedures. A cross boundary information campaign will be launched to inform the public about the KPA process. Based on a survey among former HPD claimants, more than 11.000 claims are expected to be filed under the KPA mandate.

### 2. Processing and adjudication of claims

The KPA will undertake all the necessary actions to process claims and prepare them for referral and presentation to the Property Claims Commission (“PCC”). This includes the notification of current occupants and interested parties, the verification of documents, the collection of evidence and conducting interviews with parties to the claim. Thereafter the KPA will present the claim to the PCC which is composed of three members appointed by the SRSG (two international and one national, the latter is nominated

by the President of the Supreme Court of Kosovo). The PCC will reach a decision on the claimed property in relation to title, property use rights and lawful possession rights. The decisions of the Commission are final if not appealed. Commission decisions may be appealed to the Supreme Court to be adjudicated by a panel of three judges, two internationals and one local, all authorized by the SRSG.

### 3. Implementation of decisions

The KPA will ensure the effective implementation of final decisions on claims. This will be achieved through remedies such as placing the property under administration, repossession, seizure of unlawful structures, auction, compensation and lease agreements, all of which will facilitate and ensure the return of properties to the lawful property right holder.

### 4. Administration of properties and the Rental Scheme

Under UNMIK Regulation 2006/10 the KPA subsumes the Housing and Property Directorate (the HPD). The KPA therefore assumes responsibility for the implementation of all residential property claims pending with the HPD on 4 March 2006, including responsibility for properties under its administration. There are currently 5,389 properties under administration. In April 2006 approval was given by the SRSG for the implementation of a rental scheme for these properties.

The scheme is designed to provide legal and physical protection for abandoned residential properties, primarily as a means to ensure an income source to displaced property right holders, who otherwise may decide to sell. It will also cater for the temporary accommodation requirements of voluntary spontaneous returnees and for rejected asylum seekers, forced by host nations to return to Kosovo. It is envisaged that such a scheme will constitute a standardized, controlled, Kosovo wide, social housing mechanism and meet the growing demand for housing.



The fair resolution of property rights is paramount for sustainable return and central to ensuing equal treatment for all ethnic communities. It is also a prerequisite for attracting investment in Kosovo and for promoting economic growth and prosperity in the region. In recognition of this, Standard VI of the Kosovo Standards Implementation Plan focuses exclusively on property rights and sets down a plan of action for the resolution of property rights in Kosovo.

The Kosovo Property Agency presents a real opportunity to achieve a fair resolution of property rights and to deliver tangible results on the Property Rights Standard; our mandate as a property dispute resolution mechanism will ensure the return of private residential, commercial and agricultural property to lawful property right holders. The KPA will play a vital role in the return process and also in regard to ensuring that the Kosovo Cadastre Agency and the municipal cadastre offices are provided with reliable information on property title, which in turn will facilitate economic investment and growth.

# KPA timeline\*

Period/ timeline	Activity	Location(city)	Implementing body
March 2007	Collection of an estimated 11,000 Claims	SCG and FYROM	KPA
	Claims Commission concludes on 50% of received claims	Pristina	
	Contact and deliver information to all claimants where conclusions have been reached by the Commission	SCG and FYROM	
March 2008	Claims Commission concludes on the last 50% of received claims	Pristina	
	Contact and deliver information to all claimants where conclusions have been reached by the Commission	SCG and FYROM	
September 2008	All decisions implemented	Kosovo	
December 2008	Hand-over of records to local authorities completed and KPA liquidated	Pristina	

\* subject to sufficient funding and an annual budget of an estimated 5 million EUROS

## KPA HEADQUARTER

### Prishtinë/Priština

Rexhep Luci 28/Goleska Street 2

Telephone: 038 225 473

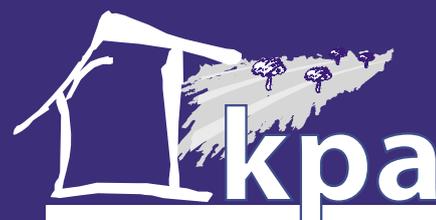
Fax: 038 244 854

[administrator@hpdkosovo.org](mailto:administrator@hpdkosovo.org)

[www.kpaonline.org](http://www.kpaonline.org)

## Local offices in:

- ◀ Beograd/Belgrade
- ◀ Gjilan/Gnjilane
- ◀ Kragujevc/Kragujevac
- ◀ Mitrovicë/Mitrovica
- ◀ Nish/Niš
- ◀ Pejë/Peć
- ◀ Podgoricë/Podgorica
- ◀ Prizren
- ◀ Shkup/Skopje



**Kosovo Property Agency**

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