

Institution Building in Kosovo – Failure or Success?

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SUMMARY

Kosovo Cadastral Agency (KCA) was established in Kosovo in November 2000 through a joint project involving the UN and Norway, Sweden and Switzerland as donors. It was an extensive project, which included the establishing of a new 1st order network, production of orthophotos, a land information system, a system for property registration, training of local employees and institution building. From January 2003 the Kosovars partly took over the running of the Kosovo Cadastral Agency and from November 2003 they should be self-sufficient.

This paper will try to evaluate the present situation after the end of a three-year programme to rebuild the cadastre. The high flying aim of this specific project was to “*establish a well functioning real property and land market to support economic growth and democratic and sustainable development in Kosovo*”. The Kosovo Cadastral Agency was established with a wide range of objectives. This paper will deal with the lessons learned and the degree of sustainability of the various activities.

Officially the project was largely a success and some of the systems introduced are in use and still have high value:

- The delivery and introduction of computers and total stations with peripherals
- Digital orthophotos covering almost the whole area of Kosovo
- New Reference Network and Datum valued by other organisations and many projects, but it is in minimal use in the municipalities
- The establishment of an updated and computerised property register (KCID)

There are investments in systems and training that has had very little effect:

- Nearly 3 years training in the use of total stations and surveying and GIS-software has had minimal effect. They use the instruments as old-fashioned theodolites.
- Calibration base is not in use
- There was little impact of the investments in the legal part of the programme
- The heavy investments in an improved Immobile Property Rights Register (IPRR) might pay off, but has so far not been implemented
- Many experts have been involved in the making of a Land Administration Policy as a prerequisite for the Kosovo Cadastre and Land Information System (KCLIS), but the scope reach too far and the work will have no effect without continued donor assistance
- Financial planning has been neglected and the sustainability of the current organisation of KCA is unsure without the inclusion of the MCOs

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1. BACKGROUND ON KOSOVO

Kosovo has been a province in former Yugoslavia until it erupted in an ethnic conflict between the Albanians and the Serbians in the spring of 1999. NATO entered the war and after 78 days Serbia surrendered. On 10 June 1999, the United Nations Security Council passed Resolution 1244 authorizing the United Nations Interim Administration Mission in Kosovo (UNMIK) to begin the long process of building peace, democracy, stability and self-government in the shattered province.

To achieve this goal, UNMIK has been acting as the transitional administration for the region. UNMIK performs the whole spectrum of essential administrative functions and services covering such areas as health and education, banking and finance, post and telecommunications and law and order.

KFOR is a NATO-lead international force responsible for establishing a security presence in Kosovo. This peace-enforcement force entered Kosovo on 12 June 1999 under a UN mandate, two days after the adoption of UN Security Council Resolution 1244.

KFOR reached its full strength of 50,000 men and women in 2001, but has now been reduced considerably. There are still troops from 30 countries are deployed in Kosovo.

The war destroyed much of Kosovos infrastructure, for example was more than 300.000 buildings destroyed. When the Serbians withdrew from Kosovo they destroyed or took with them almost everything of value. Archives, maps, instruments, computers etc. are still in Serbia and all efforts to bring them back has failed.

Kosovo has now over 2 million inhabitants on 10,908 square kilometres. Self-government was established in 2002 though some important functions are kept by UNMIK.

2. KOSOVO TODAY

Compared to the time before 1999 it is easy to conclude there has been a tremendous improvement in the quality of life for the Kosovo Albanians. They have today self-government including a presidency and an assembly, the Kosovo Police and the Kosovo Protection Corps. There have been free local and central elections with a considerable number of political parties. The security situation has also improved considerably since the war. But since the eruptions of incidents between Kosovo Albanians and Serbs in March some checkpoints have been re-erected.

There is a huge number of unemployed and no improvement can be seen in the years to come. The Kosovo Albanians that make up the majority of the population think that independence for Kosovo is the only sustainable solution.

For the Kosovo Serbs the situation is much worse. There is no development in these areas, they cannot move freely within Kosovo, there is poverty and little hope for a future with an Albanian controlled Kosovo.

The infrastructure has improved in the last couple of years through foreign aid. But the traffic is heavy and the few roads are overburdened. Water supply is provided only in the major cities and will cause considerable efforts to solve.

3. BACKGROUND TO THE PROGRAMME

At the request of the United Nations Interim Administration Mission in Kosovo (UNMIK), UNCHS (Habitat) carried out a rapid assessment of the situation regarding housing and property rights and property registration in Kosovo in 1999.

The terms of reference for the implementation of the Kosovo Cadastre Support Programme (KCSP or the Programme), is the result of the above process and the specific negotiations for the implementation and financing of a three-year programme involving the Governments of Sweden, Switzerland and Norway, UNMIK and UNCHS (Habitat).

The main objective of the programme is to develop a well functioning real property and land market, supporting democratic and sustainable development and economic growth in Kosovo.

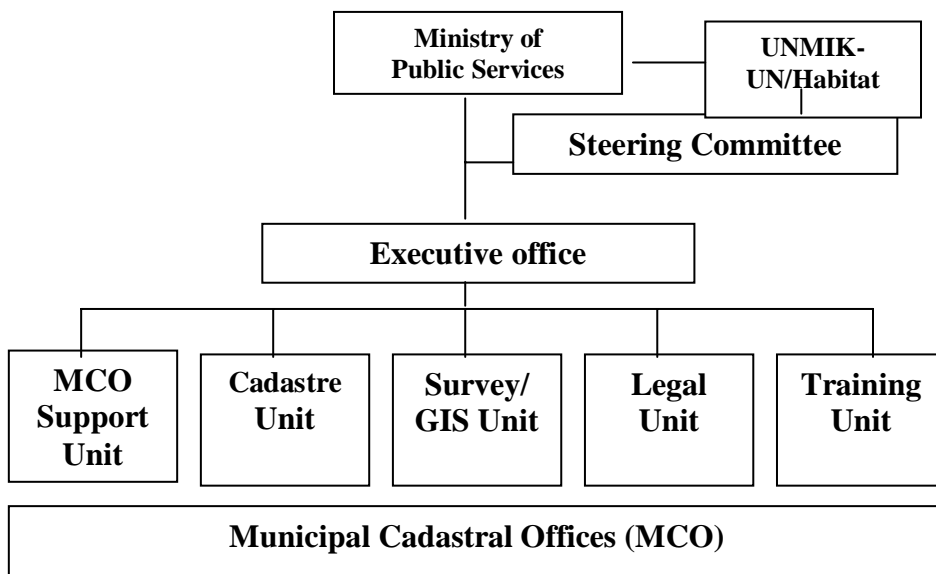
4. KOSOVO CADASTRAL AGENCY

KCA was established in November 2000 as a result of an UNMIK Administrative Direction. This Direction gives KCA the necessary authority in most areas within mapping, surveying, cadastre and geographic information.

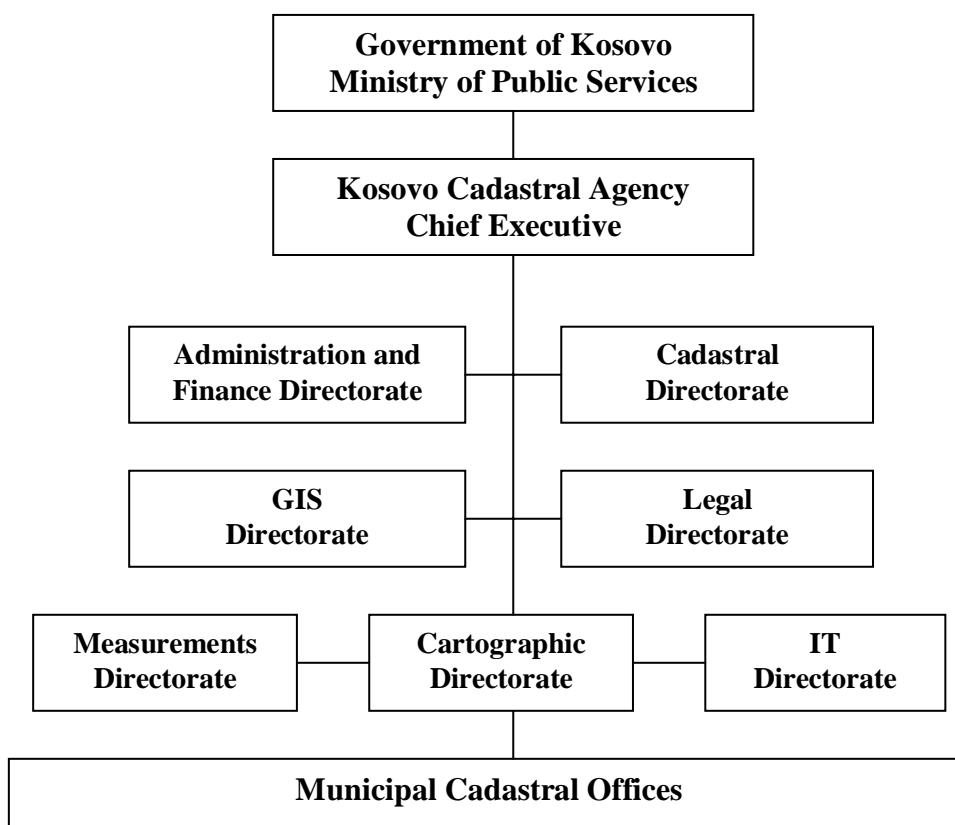
The organisation of KCA was established with international and local co-heads of each unit and with both local and international staff within the units. Local co-heads were trained to take over within the Programme period.

At the end of 2002 there were 14 international and 32 local experts at KCA and a total of 80 employees. At present (July 2004) there are 54 persons employed at KCA, all local.

The organisation used until 2003 reflected the focal points in the donor initiated Programme.



In the present organisation they have returned to the former practice to name any unit a Directorate.



5. MUNICIPAL CADASTRAL OFFICES (MCOs)

There are 30 municipalities in Kosovo. All the MCOs are organised with directorates of Geodesy, Cadastre and Property. They are independent entities, but they are also organised under the Ministry of Public Services. All cadastral surveying and registering of cadastral information are done by the municipalities and KCA has used a lot of resources to update them on technology and skills. The MCOs employ about 300 persons. The result of all the training is not so good, only 4 MCOs have achieved a satisfying level in handling new technology.

Since KCA can only offer support and guidance the effect is limited. There is an initiative now to organise the MCOs and KCA in single organisation. This should ensure financial sustainability and one responsible body for surveying, mapping and cadastre.

6. THE MONITORING REPORT ON THE PROJECT

A monitoring team was set up in 2001 with members from the donor countries. The team has twice gone through the results of the project and given their recommendations to the Steering Committee. The following are excerpts from the August 2003 report.

According to the initial programme documents the following cadastre and land administration system will be in place at the end of the 3-year period (October 2003):

- An established Cadastre (map and register) with description of parcels/cadastral units in a computerised system with the capacity and the equipment to render the services in land registration to central and local agencies
- complete 1st, 2nd and 3rd order geodetic reference network
- digital and analogue orthophotos, at least covering the populated areas of Kosovo
- a strategy and a model for the future land registration system in Kosovo
- a functioning KCA to set policy, regulations and monitor cadastral and land administration work in the MCOs
- proposal for necessary improvements of the existing legal and regulatory framework for registration of properties and property rights
- fully equipped and trained MCOs with a minimum staff which will administer the registration and updating of land and buildings information

Due to the fact that the project will be completed by the end of October 2003, the Monitoring Team has put emphasis on the assessment of the future sustainability of the implemented system and further development of it. The reasons for this are:

- Kosovo does fortunately not belong to the real poorest areas in the world and has no imminent catastrophe
- Donor assistance to Kosovo has started to decline and this trend is expected to continue
- The Swiss, Swedish and Norwegian donors have indicated possible continued support to land administration activities in Kosovo provided documentation of a successful implementation of the current project and good prospects of future sustainability of installed capacity,

- The current donors are likely to focus on securing investments and capacity already installed by the programme through further capacity building and specific project support,
- It is assumed that Kosovo will manage to operate the system and gradually improve it from own physical, institutional and financial resources (Kosovo Consolidated Budget (KCB), fees, charges and loans).

6.1 Findings and Recommendations

The overall findings of the Monitoring Team are:

- A high technical and physical capacity has been installed by the programme,
- Substantial technical skills have been acquired by KCA and partly by MCO staff, but further training is needed,
- Management responsibility has been transferred to local managers, although they depended heavily on international advisors until the end of the project,
- The overall management structure and staffing of KCA seems adequate, although the position as financial manager/controller needs to be given more importance in the structure and decision making,
- It is not decided which will be the core functions of KCA in the near future, in particular if it should focus on policy, regulation and control and set out “production tasks” to the private sector. In the medium term it is envisaged, however, that KCA should concentrate on the provision of proper cadastral services to citizens and authorities. Income will be generated by surveying , land transaction and registration fees, and from fees on cadastral services like property and possession enquiries and registration of mortgages and encumbrances. It is envisaged that the maintenance costs of the KCA/MCO operation could be covered by such fees, but this needs to be looked into further during the upcoming business planning.
- The drafting of laws is progressing behind schedule and the most urgent legal instruments will only be drafted by the end of the programme period. It is still a question how many of them will be approved and operational by then,
- It is expected that the legal basis for transferring the MCOs to KCA will be drafted by the end of 2003 and adopted in 2004. It is not clear how the MCO structure will be organised after transfer to KCA, and the economic and financial costs and benefits of different structures need to be carefully considered,
- It is a serious risk that several qualified local staff currently paid by UNHABITAT will not continue to work for KCA when offered government salaries after end of October 2003, despite that KCA is seriously addressing this issue,
- The current accounting structure and system is only meeting formal government requirements. This is not adequate to meet financial management requirements,
- No business plan or planning, including the establishment of a management information system, for the development and operational phases of KCA/MCOs are in place. It is expected that the introduction of modern market-oriented management will require concerted efforts from the whole KCA/MCO staff over a longer period, that periodical consulting services will be required, and that the biggest obstacle will be the change of attitudes,

- Except for a draft for Swiss funding, no proper project proposals for donor assistance after end of October exist, but preparations are under way,

Table with assessment of Achieved Results as Compared to the Programme Document

Expected Results	Description	Achieved	Remarks
Objective 1	Establish a capacity at the central level for the development and management of a cadastral system in Kosovo		Starting from scratch a central institution was built
Result 1	A Kosovo Cadastral Agency (KCA) established and its Executive Office (EO) in operation	KCA established Executive Office in operation	The KCA is working successfully in technical terms. There is a lack of financial management tools and capacities. Sustainability: Improvement of overall and financial management skills of KCA urgently required
Objective 2	Establish a capacity to develop relevant Cadastral activities at the central level in coordination with municipal offices		
Result 1	A capacity to undertake the specific cadastral activities within the KCA in respect to supporting reconstruction of property registries and rights in Kosovo	Cadastral activities take place, reconstruction of rights on-going	In Kosovo only possession rights exist. Property rights are to be installed by a new legal base (see objectives 6 and 8)
Result 2	Appropriate services from central level in supporting the overall cadastral activities for reconstruction of property rights, as well as for building a longer-term sustainable land registration system for Kosovo	Possession lists reconstructed to a high degree Continuous training provided to MCOs	The software for registration of the possession rights was established and the MCOs are able to work with the respective software for daily needs and maintenance. Sustainability: Additional training needed for both existing and new software
Result 3	A strategy and a model for the future land registration system in Kosovo	IPRR represents the model	The strategy was designed and resulted in the project to develop and implement the Immovable Property Rights Register (see Objective 8)
Objective 3	Build a capacity at the central level to guide and perform relevant Survey tasks in coordination with municipal offices		
Result 1	A capacity to manage geographical information within the KCA, and to provide	LIS software fully in operation at KCA and partly at MCO level	KCA handles the provided GIS successfully and can support MCOs. Only a part of the MCOs

Expected Results	Description	Achieved	Remarks
	technical support to municipal offices		have been involved so far in practical work. Sustainability: KCA and MCOs need further support in handling and development of GIS
Result 2	Existing map material combined with orthophotos available at the central level and with municipal offices	Software installed and tested; Scanned maps combined with orthophotos serve the vectorization process; Vectorized data expected to be delivered by end of October 2003	Technically this result can be produced. The vectorized information of the information from the existing maps will be delivered during the project term but will not be implemented totally. Sustainability: The implementation of the information needs to be supported by international experts
Result 3	Data and representation models for control points, orthophotos, scanned and digitised maps legally approved and valid boundaries and buildings defined	Data models in use; Representations models implemented as far as needed;	Formal data and representation models defined and drafted in law on the cadastre.
Result 4	Concepts and procedures tested, developed, defined and documented for: a) Integration of missing geographical information by using existing and new measurements; b) Data exchange and data storage at central and municipal level; c) Integration of legally approved and valid property boundaries	Concepts developed and tested in pilot areas; Documentation of the procedures prepared; Most of the documents in Albanian and Serb language;	Problems occurred with subdivisions without legal documentations, which create differences between existing maps and registers and the reality. Sustainability: Additional capacities needed to achieve area covering model of reality on KCA and MCO level
Result 5	Software for local need developed and municipal offices provided with software, data and training for their use	All MCOs (except 3 northern) are equipped with LIS software and trained;	GIS and survey software available on all levels. Skill development on MCO level differing to a large extent. Sustainability: More training needed on MCO level
Result 6	Control points established and updated. Two to three control points established per municipality by the end of the Programme. Municipal offices can deliver survey services within one month	Reference networks 1 st and 2 nd order completed; 3 rd order in execution in few MCOs; Further work according to needs of MCOs	Transformation of control points in the new reference prepared. Three control points available in each municipality. Municipal reference networks in process. Sustainability: More training of MCOs needed for installation of municipal control points
Objective 4	To produce updated photomaps (orthophoto) to facilitate the registration of		

Expected Results	Description	Achieved	Remarks
	properties and their boundaries		
Result 1	Populated areas of Kosovo covered with new orthophotos. Orthophoto maps available as a general geo-reference system for existing map material and for sporadic survey work. Hardcopies of maps in possession of municipal cadastre offices	Orthophoto production completed	Geo-referenced orthophotos cover total area, except a small strip along the boarder to Serbia and can be combined with map information. Sustainability: Orthophotos are becoming outdated, which reduces their value for daily work. Replacement necessary at least for fast developing areas.
Objective 5	Build the capacity of the Municipal Cadastral Offices through direct technical support and upgrading of their equipment and facilities		
Result 1	Municipal cadastre offices with capacity (human resources and survey/data processing equipment) to produce appropriate services on cadastre and land and property registration and transactions	Equipment and respective training delivered; Training is going on; Capacities of MCOs differ in a high degree;	Staffing and training in 50% of municipalities not sufficient for appropriate surveying operation. Sustainability: Training to be continued. Staffing and management capacities of MCOs to be reviewed
Objective 6	Review and make improvements as necessary to the existing legal and regulatory framework for registration of properties and property rights		
Result 1	A sustainable capacity within KCA to provide legal and advice an development on cadastre and property related issues	Capacity available for successfully drafting laws; Capacity for advising municipalities is weak;	Work started late due to lack of professionals; Urgently needed laws drafted but mostly not adopted. Sustainability: Part time international support is needed to achieve sustainability
Result 2	An inventory and review of laws and regulations related to cadastral management and land administration, and set of proposals for their revision as necessary	Inventory exists; Revisions under construction;	A crucial problem is the replacement of the possession rights by ownership rights. It is unclear how and when the respective legal base will be adopted. Sustainability: Legislation process to be supported by UNMIK
Result 3	Public information material on access to services for registration of properties and tenure rights and on the role of KCA and Municipalities in land registration	Information material was prepared; KCA was present in newspapers and television;	The information material is written from a technical viewpoint;
Objective 7	Training and development of		

Expected Results	Description	Achieved	Remarks
	skills on cadastre and land management issues of professional and technicians at the central and municipal level		
Result 1	A Training Unit established and in operation	Training unit never operational; Training was provided by the different units of KCA	Due to scarce financial resources, the programme only provided a Training Coordinator; Training became a responsibility of EO in 2002; Sustainability: Continuous training necessary
Result 2	Teachers from Kosovo trained. Staff from MCO and units within the KCA trained in general Cadastral systems and special items to meet the demands from HPD and reconstruction activities	In every unit of KCA, local staff are able to provide the necessary on the job training for the improvement of technical skills;	Support of HPD demands was not easy because of lack of systematic information; Sustainability: Besides technical training, administrative, management and English language training is necessary
Objective 8 (adopted by Steering Committee in Spring 2002)	Establish a computer-based Immovable Real Property Register (IPRR) for registration of land building and dwelling property rights, values, mortgages;	Software development started in March 2003; Delivery of software by end of October 2003; Data distribution module operational by March 2004; IPRR will gradually be operational starting with registration in autumn 2003	Contract started late; Basic legal regulation not adopted finally; Legal basis for transformation of possession rights to property rights not adopted yet; Sustainability: IPRR will not be operational without new legal basis;

Based on these overall findings, the Monitoring Team has assessed the priorities given in the KCA Action Plan. This assessment has led to the following revised list of overall priorities:

- Define the future organisation of KCA after the MCOs have been included. Before the two organisations are merged, the roles and responsibilities of KCA and MCOs at the local and central level need to be assessed and a thorough financial plan for the operation established.
- Commence immediately a process in KCA of business planning and training based on modern market-oriented management principles and tools. The process shall include the introduction of management information, i.e. key indicators of financial and technical performance, cost accounting, etc. A first stage of the business planning should be finalised before October 30, 2003.
- Develop KCA and its future local offices into self-sustained units in technical, staffing and financial terms.
- Establish the Immoveable Property Rights Register (IPRR) in the MCOs and the detailed working procedures and technical infrastructure necessary to support this activity. This includes how the procedures should be established between the different institutions.

- The data loading of the IPRR and the conversion of existing possession rights to some form of ownership, e.g. leasehold.

In addition to the primary priorities listed above, KCA shall, to the extent it has technical, organisational and financial capacity, give support to the following activities:

- development of private sector capacity within cadastral and geodetic activities, including cadastral maintenance, digital mapping and data conversion. This includes the introduction of licensed cadastral surveyors
- resolution of the problem of socially owned land in municipalities and land held by socially owned enterprises.
- development of spatial data infrastructure and the provision of large / medium scale digital maps.
- establishment of physical plans at the municipality level.

Based on the findings and priorities listed above the Monitoring Team recommends that future donor support to KCA focuses on the finalisation of the work started in order to secure technical, institutional and financial sustainability. All operational activities, including replacement of capital equipment, shall be fully taken over by the local budget and staff.

7. A SURVEYING AND MAPPING AUTHORITY OF KOSOVO?

In 2003 it seemed that this was the possible end result in the development of the Kosovo Cadastral Agency. In 2004 the situation is not so clear anymore. The monitoring team recommends that a lot of effort should be put into finalising and improving the cadastre both at the central and local level. The merging of KCA and MCO seems to be the best longterm solution for Kosovo.

BIOGRAPHICAL NOTES

Head of Cadastre in the City of Oslo 1993 – 2000, 2003 -. Cadastral Programme Manager at the Kosovo Cadastral Agency in Pristina, Kosovo 2000 - 2002. Earlier experience in engineering surveying, land, geodetic, hydrographical and quantity surveying. Secretary of FIG Commission 3 from 1996 to 2002.

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