

Legal Aspects on the Creation of a Modern Cadastre in Kosovo

Leif EIDENSTEDT, Sweden/Kosovo

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ABSTRACT

Kosovo Cadastral Agency (KCA) was founded in June 2000 in and can be regarded as an mapping and cadastral authority. One of the most urgent issues is to create a real property rights register in Kosovo. The legal base for this task is weak. All relevant acts in this field are from the socialist period and ill suited to fit to a market economy. There is no clear definition either of real property or of ownership. It is not clear if private ownership to land exists or if there only is a kind of strong use-right. A special problem constitutes the concept of “social ownership”, which only existed in former Yugoslavia. It can be interpreted as that the land was owned by all and nobody. Ownership rights are more problematic than in most other parts of former Yugoslavia as “Land Books” never were introduced in the province. Because of that “owners” to land mostly have to be derived from so called possession lists, principally aimed for taxation purposes and not necessarily showing the owner. The situation is not facilitated from the unclear constitutional situation and is further complicated as a lot of people fled or were driven away during and after the war in 1998/1999. The need for clear definitions and the introduction of private ownership is urgent. Therefore a new modern legislation must be adopted.

CONTACT

Leif Eidenstedt
Kosovo Cadastral Agency
Kosovo Cadastral Agency, Kosovo Archive Building, 2nd floor
Pristina
UNMIK KOSOVO
Tel. + 381 38 512 353
E-mail: leidenst@hotmail.com