

6. PROPERTY RIGHTS

“The fair enforcement of property rights is essential to encourage returns and the equal treatment of all ethnic communities. This requires that there is effective legislation in place, that there are effective property dispute resolution mechanisms; that rightful owners of residential, commercial and agricultural lands are able to take effective possession of their property and that there is an accurate system for transfer, encumbrance and registration of property as well as the prevention of coerced property sales.”

In general, the respect and protection of immovable (real) property rights are fundamental not only to enable returns and to protect the rights of all ethnic communities, but also to the economic development of Kosovo.¹ For individuals to build sustainable lives and for entities to build successful businesses, they need to be able to enjoy their property rights---or have secure tenure--over the immovable property they rightfully inhabit, use, possess or own.

Current Situation

Currently, immovable (real) property rights in Kosovo are not sufficiently respected or protected, though efforts have been undertaken both by UNMIK and the PISG to improve this situation. Until the process to reform the immovable property rights registry and cadastre, which has been slow and complex, is complete, Kosovo remains without a consolidated and relatively accurate basis for secure tenure and property transactions. Illegal use and occupation of residential and non-residential property not only has occurred in connection with recent events, but also remains widespread across Kosovo. These phenomena, as well as destruction and vandalism of real property, continue because enforcement of laws, remedies, and sanctions designed to prevent or remedy property rights infringements for various reasons do not function, are dysfunctional or are neglected. Informal settlements, inhabited by vulnerable communities, also continue to be threatened with permanent elimination or redevelopment that would prevent communities from remaining in or returning to those sites.

Challenges Ahead

For the PISG, in co-operation with UNMIK, to make substantial progress towards creating adequate respect and protection of property rights, particularly in the areas highlighted, four underlying challenges need to be confronted:

¹ This standard only applies to real property. See the Economy standards for issues relating to treatment of moveable assets or intellectual property

- Effective enforcement and training. Implementation and enforcement of the legal framework is critical to ensuring property rights are protected and laws are effective. Competent authorities need to aggressively implement and enforce the legal framework. Fundamental to achieving this goal is the thorough understanding of the law by governmental authorities, the courts, and the general public. Such needs are especially prominent in the areas of illegal occupation and use of property, spatial planning and jurisdiction differences of property-related institutions.
- Co-ordination and co-operation. Better co-ordination and co-operation amongst the varied actors responsible for different aspects of property rights is needed to promote effective enforcement and legal framework.
- Developing legal clarity and a strategic approach. In order to rationalise the complex and changing legal framework related to property—including a mix of reserved and transferred powers, and the varied central and municipal level competencies clarity and a strategic approach needs to be developed.
- Creating complete records. Incomplete and inaccurate records and information on real property present another key obstacle to the full enjoyment of property rights.

Priority Actions

To successfully meet the standard, the Implementation Plan ensures that for each area the actions assigned to the PISG, and support by UNMIK, tackle these challenges.

- Expert group: The Implementation Plan calls for the PISG to immediately develop and establish an expert group to bring key actors together to ensure coherence to property rights related laws and policies. This expert group is envisaged to be integrated into the actions throughout the Implementation Plan.
- Enforcement: The immediate, aggressive, and continuing non-discriminatory enforcement of laws, regulations and decisions preventing or sanctioning illegal occupation or use of property is another key action called for in the Implementation Plan. This will require the involvement of a variety of actors, including the municipalities, the courts, and the police.
- Evaluation and Action Plans: This expert group or other responsible authorities will evaluate the current situation and draft action plans over the next 9 months for legislative reforms, for reforms to ensure effective dispute resolution for agricultural and commercial land disputes, and for handover of HPD/HPCC files. In particular, to regularise informal settlements, short, medium, and long term strategies are envisioned.
- Completing the records: The Implementation Plan requires a series of actions to be completed by the beginning of 2005 to enable a complete and functioning immovable property rights registry by providing the required technical

resources, making efforts to secure access or the return of all relevant records and data and their subsequent integration into the registry, and integrating informal settlements into cadastral surveys.

Recognizing that, in achieving some of the standards set out in this plan, the PISG is required to make a good faith effort and take demonstrable action to seek cooperation with Belgrade, attainment of those standards should be measured taking into account these efforts.

Cultural Heritage

Current Situation

The recent attacks that resulted in serious damage to cultural and religious heritage sites have highlighted the need for the PISG to address the issue of preservation of cultural heritage in cooperation with all relevant stakeholders, as an expression of their renewed commitment to a multi-ethnic Kosovo. The current situation is a product, inter-alia, of a lack of tolerance between the communities generally and the lack of respect for the cultural heritage of the different communities in Kosovo, in particular. The failure by local authorities to take responsibility to promote respect for cultural heritage, and a lack of confidence and trust at the administrative and political levels, has hampered progress in the dialogue between the communities in Kosovo on cultural heritage issues.

Challenges Ahead:

For the PISG to achieve the objective of promoting respect for the cultural heritage of all communities in Kosovo and managing the protection, conservation and restoration of cultural heritage in an effective and fair manner, it will be necessary to address the following areas of concern:

- Political and Executive. The political and executive leadership of Kosovo must condemn acts of violence and destruction of cultural and religious sites, take steps for the reconstruction of the sites and take exemplary action against offenders.
- Education and awareness: In order to promote respect towards Kosovo's common cultural heritage, the PISG should issue a clear integrated conservation policy and education awareness campaign targeted at the general public and government officials.
- Developing legislation and policy: The current legislation needs to be replaced by a new law that meets European standards and provides effective protection and remedies. A clear policy setting out priorities and responsibilities in the conservation and preservation of cultural heritage needs to be developed.

- Capacity building: In order to effectively implement the law and policy relating to cultural heritage, the expertise of staff in heritage institutions needs to be further developed.
- Participation and confidence building: In order to respect and uphold the rights of the different communities in Kosovo, representatives of all communities should be included in cultural heritage institutions and should be consulted in relation to key issues concerning cultural heritage.

Priority Actions:

To successfully meet the standard, the Implementation Plan provides for the following responses to address these challenges:

- Restoration and reconstruction: The restoration and reconstruction of the damaged sites must be undertaken earnestly with the involvement of the affected communities and the owners of the properties.
- Education and Policy: In order to address the problems of indifference and lack of respect, the Implementation Plan provides that the PISG shall develop an integrated conservation approach, which shall then be disseminated to the general public, government officials, and heritage possessors via education and awareness campaigns.
- Drafting and implementing legislation: The Implementation Plans stipulates that the PISG shall, with the assistance of the Council of Europe and in consultation with all communities in Kosovo, draft and implement legislation on cultural heritage that meets European standards.
- Preparation of an Inventory and restoration of sites: The Implementation Plan calls for the preparation of an inventory of all cultural heritage sites in Kosovo, which shall be endorsed by a multi-ethnic commission.
- Enforcement: Immediate and continuing non-discriminatory enforcement of the laws, regulations and decisions, preventing or sanctioning unauthorised interference or destruction of built cultural heritage.

1. Property Rights

Standard	Action	Responsible Authority	Supported By	Timeline
1. Legislation is in place that is consistent with European standards.	1.1 PISG establish an expert group, including the municipalities and UNMIK agencies, to help co-ordinate development and effective implementation and enforcement of legislation related to the protection of property rights.	PISG (Government), Municipalities	Pillar I, Pillar II, Pillar III, Pillar IV (KTA), OLA	April 2004
	1.2 Compile inventory of central and municipal level real property rights related legislation currently in place and in the drafting process. Disseminate compendium of the active laws.	PISG (Government, Courts) Municipalities,	OLA, PISG (MESP, MAFRD, MPS), Pillar I (Justice) Pillar II (DAA) Pillar III, Pillar IV (KTA)	May 2004, with dissemination by September 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>1.3 Based on the inventory in 1.2, complete assessment and action plan of legislative reform required to safeguard property rights, such as ownership, possession, occupancy and cultivation rights, to residential and non-residential property. This assessment and action plan should include reforms required to:</p> <ul style="list-style-type: none"> (a) address issues related to socially-owned property, (b) address land use, (c) ensure equal access to real property without discrimination on any ground and in full equality, including for women, complying with international human rights standards; (d) ensure the protection of unregistered real property rights or alternative tenure arrangements such as those required to enable the regularisation of informal settlements;² (e) ensure effective remedies, sanctions, and accountability for infringements of property rights, such as unlawful destruction of property and illegal occupation and use. <p>[This will be done through expert body established in 1.1]</p>	PISG (Government), Municipalities	OLA, PISG (MESP, MAFRD, MPS), Pillar II, Pillar III, Pillar IV (KTA)	July 2004

² Informal settlements are human settlements that do not enable inhabitants to enjoy their right to an adequate standard of living, particularly to adequate housing. As such, informal settlements may possess the following characteristics: (a) informal or insecure tenure over property; (b) inadequate access or deprivation of access to basic services; (c) inadequate or deprivation of participation in governance; (d) vulnerability to discrimination. Illegal constructions do not necessarily qualify as part of informal settlements, nor do government-sponsored housing.

Standard	Action	Responsible Authority	Supported By	Timeline
	1.4 Passage of relevant real property legislation according to action plan.	PISG (Assembly), Municipalities	OLA, PISG (MESP, MAFRD, MPS), Pillar II, Pillar III, Pillar IV (KTA)	Late 2005
	1.5 Implement and enforce real property legislation, consistently and with respect to human rights standards, such as due process, access to justice, and non-discrimination. This includes enforcement and remedy mechanisms required by law.	PISG (Courts), Ministries, Municipalities,	Pillar I (justice and Police), Pillar II, and Pillar III, Pillar IV (KTA)	Ongoing
	1.6 Complete adoption of and implement a non-discriminatory and gender-sensitive regulatory framework for spatial planning at central and municipal levels, which adequately takes into account regularisation of informal settlements and includes dealing with illegal constructions.	PISG (Government, MESP), Municipalities	PISG (All other ministries), Pillar II, OLA, Pillar IV (KTA)	End 2005 for adoption, Ongoing for implementation
	1.7 Establish surveying, valuation and compensation mechanisms to define the value of properties to enable property compensation in cases of property rights infringements by authorities.	PISG (Government, MESP, MPS/KCA, MAFRD, MFE)	Pillar II (DAA and HPD), Pillar IV (KTA)	Mid-2005 for establishment, ongoing for implementation
	1.8 Train and raise awareness of general public and governmental officials (central and municipal) on real property rights legislation, including a gender equality approach. (See also 2.5, 3.1, 6.6).	PISG, Municipalities	KJI, Pillar II, Pillar I, Pillar IV (KTA)	Ongoing
2. Illegal occupants have been evicted from properties and the property is returned to its rightful	2.1 HPD administrative decisions and HPCC decisions enforced (see 5.1-5.4. below), and properties have been returned to the effective control of the rightful possessor.	Pillar II (HPD)	Municipalities, Pillar I (Police and Justice), PISG (Courts)	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
owner.	2.2 Municipal courts resolve claims and enforce decisions against illegal occupants not under HPD or HPCC jurisdiction, observing due process safeguards (See 3 below).	PISG (Courts)	Pillar I (Justice), KJI, Pillar II(HPD)	Ongoing
	2.3 Municipal authorities sanction and prevent illegal occupation and use of residential and non-residential property by enforcing regulations at their disposal without discrimination, such as those regulating construction.	Municipalities	PISG (MESP, MAFRD), Pillar II	Ongoing
	2.4 Public prosecutors and courts follow-up on and prosecute criminal cases related to illegal or unlawful occupation and use of property, as defined by the law.	PISG (Courts, Public Prosecutors)	Pillar I (Police and Justice)	Ongoing
	2.5 Within their competency, police proactively enforce trespass and other relevant laws related to illegal occupation and use of property.	Pillar I (Police and Justice)	Municipalities , Pillar II	Ongoing
	2.6 Develop, implement, and use in a non-discriminatory fashion social and alternative public housing schemes for those who are economically and socially vulnerable, including those evicted from residential properties and women.	Municipalities, PISG (MESP, MLSW)	Pillar II (incl. HPD)	November 2004 and ongoing
	2.7 Publicly speak out against illegal occupation and use of property and promote enforcement of relevant laws.	OPM, Municipalities , Political parties		April 2004 and ongoing
	2.8 Develop and implement public information campaign on consequences of illegal occupation and use of residential, agricultural and commercial property.	Municipalities, PISG (MESP, MAFRD)	OPM	June 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
3. Municipal courts resolve property issues without discrimination against minority communities and do so at a rate comparable to European systems.	3.1 Design and implement effective training of municipal court judges on jurisdiction of property-related institutions.	PISG (Courts), KJI	Pillar I (Justice), Pillar II (HPD), Pillar III, Pillar IV (KTA)	May 2004 for design and ongoing
	3.2 Judgements for backlogged property-related cases issued. Judgments in all other property related cases in general are issued consistently and in a timely manner.	PISG (Courts)	PISG (MPS/DJA), Pillar I (Justice)	Ongoing
	3.3 Publish and disseminate laws and court decisions, including the creation of a decision/case law database (see also Functioning Democratic Institutions Standard, 16.14).	PISG (MPS/DJA)	PISG (Courts), Pillar I (Justice), Pillar II (Gazette)	Ongoing, April 2005 for creation of database
	3.4 Undertake assessment and then allocate adequate resources to adjudicate and enforce property-related cases.	PISG (MPS/DJA and Courts)	Pillar I (Police)	September 2004
	3.5 Municipal courts do not verify illegal sales.	PISG (Courts, MPS/KCA)	Pillar I (Justice), OLA	Ongoing
	3.6 Courts and public prosecutors follow-up on and prosecute criminal cases relating to property rights infringements, including related to property damage.	PISG (Courts, Public Prosecutors)	Pillar I (Police and Justice)	Ongoing
4. The Police enforce these decisions routinely and without discrimination.	4.1 Conclude inter-agency or other agreements required to enforce property related decisions of municipalities, HPD/CC, etc..	Pillar I (Police), Municipalities	Pillar I, Pillar II	Mid 2004
	4.2 Adequate police resources, including training, directed towards enforcing these decisions efficiently.	Pillar I (Police)		Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	4.3 Police establish other systems, such as those to monitor enforcement, collect statistics, and provide redress as required to ensure timely, non-discriminatory, ³ and gender-sensitive enforcement.	Pillar I (Police)	Pillar III (capacity building)	Ongoing
5. The HPD and the HPCC have effectively resolved their backlog of cases.	5.1 Adequate resources (funding—including KCB funds—and otherwise) allocated to HPD and HPCC.	PISG (Assembly)	Pillar II, O/SRSG	May 2004 and ongoing
	5.2 The relevant authorities throughout Kosovo co-operate and co-ordinate with the HPD/HPCC and respect the rights confirmed by HPCC decisions (including ownership and occupancy rights). In particular, the police provide HPD adequate support when the HPD is enforcing evictions.	Municipalities, PISG (Courts, MPS/DJA), Pillar I (Police)	Pillar II (HPD), Pillar I	July 2004 and ongoing
	5.3 Establish a claims notification system between HPD/HPCC and regular courts (See also 3 above).	PISG (MPS/DJA)	Pillar II (HPD)	July 2004 and ongoing
	5.4 HPD and HPCC complete adjudication of claims with respect to due process and in a non-discriminatory fashion.	Pillar II (HPD)		Early 2005
	5.5 HPD and HPCC implement their decisions with respect to due process and in a non-discriminatory fashion.	Pillar II (HPD)	Pillar I (Police)	End 2005
	5.6 Devise action plan for Kosovo institutions to accept the handover of HPD/HPCC files and properties under HPD administration.	Municipalities, Courts, MPS/KCA	Pillar I (Justice), Pillar II (HPD), Pillar IV (KTA)	January 2005

³ Throughout this standard, the term “non-discriminatory” refers to discrimination as defined in international conventions. Of particular interest, discrimination based on race, ethnicity, gender, property, religion.

Standard	Action	Responsible Authority	Supported By	Timeline
6. There is an effective system to remedy disputes over agricultural and commercial property.	6.1 Evaluate effectiveness of existing implementing and enforcement structures/mechanisms related to regulating use of agricultural and commercial property, including their compliance with European human rights and regulatory standards, especially related to non-discrimination and gender equality. Finalise and implement an action plan for strengthening them, including enacting necessary legislation.	PISG (Government, MESP, MPS (KCA), MAFRD, Municipalities, Courts, Assembly)	Pillar I (Police and Justice), Pillar IV (KTA)	May 2004 and continuing
	6.2 Enforce vigorously and without discrimination existing laws regulating unauthorized use, illegal occupation, and/or illegal cultivation of agricultural and commercial land, including remedies mechanisms (see also 2, 3,4).	Municipalities, PISG (Courts), Pillar I (Police)	Pillar II, PISG (MPS/DJA, MESP, MAFRD), Pillar IV (KTA)	Ongoing
	6.3 Municipal authorities, police, and courts coordinate amongst themselves as necessary.	Municipalities, PISG (MPS/DJA)	Pillar I (Police), Pillar II, Pillar IV (KTA)	May 2004 and ongoing
	6.4 Mediation bodies with guarantees to protect against discrimination on the basis of ethnicity, gender, etc, such as Mediation Committees, are used to resolve disputes and their decisions implemented accordingly (See also Rule of Law standard, 15.1 for establishment).	Municipalities, PISG (Courts)	Pillar II	Ongoing
7. A property rights registry has been established and is functioning and municipal cadastral surveys have been completed.	7.1 Compile inventory of subsidiary instruments required to implement the property rights registry system, including those required to ensure effective remedies and accountability mechanisms.	PISG (MPS (KCA))	PISG (MAFRD), OLA, Pillar IV (KTA)	April 2004
	7.2 Adopt and implement without discrimination required subsidiary instruments, ensuring that effective remedies (such as review and appeal) and accountability mechanisms are functioning. Disseminate to relevant authorities, such as Municipal Cadastral Offices (MCOs).	PISG (MPS(KCA))	OLA, Pillar IV (KTA), Pillar II	June 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	7.3 Provide each Municipal Cadastral Offices (MCO) with adequate technical, human and physical resources to provide effective, transparent and non-discriminatory access to services to the public.	PISG (MPS(KCA), MFE)	Pillar II	August 2004 and ongoing
	7.4 Technical and legal training of Municipal Cadastral Offices and Kosovo Cadastral Agency staff established and running.	PISG (MPS(KCA))		Mid-2005 and ongoing
	7.5 Active requests undertaken to gain access to all relevant property records, including cadastral and judicial records, present outside Kosovo.	UNMIK, PISG	PISG (MPS/KCA)	May 2004 and ongoing
	7.6 Compare the newly accessed data from property records with those fully accessible and in use in Kosovo. In cooperation with UNMIK, establish criteria on determining the legal validity of any relevant changes and additions made to these records.	PISG (MPS/KCA), MCOs	OLA, Pillar II (HPD)	Early 2005 or upon gaining access to data
	7.7 Building upon existing records, design and undertake cadastral surveys—aerial and land—in a non-discriminatory and transparent manner which protects the property rights of all property right holders equally. This also requires the inclusion of informal settlements and unfinished constructions in municipal cadastral surveys.	PISG (MPS/KCA), MCOs	Pillar IV (KTA)?	Early-2005 and ongoing
8. Municipal authorities cease unlawful or unjustified attempts to develop public lands that have long-established informal	8.1 Municipal authorities actively consider alternatives to spatial planning options or expropriations which would impinge on informal settlements ⁴ and provide effective mechanisms for review and appeal of decisions.	Municipalities, PISG (Government)	PISG (MESP, MAFRD)	Ongoing

⁴ Informal settlements are human settlements that do not enable inhabitants to enjoy their right to an adequate standard of living, particularly to adequate housing. As such, informal settlements may possess the following characteristics: (a) informal or insecure tenure over property; (b) inadequate access or deprivation of access to basic services; (c) Inadequate or deprivation of participation in governance; (d) vulnerability to discrimination. Illegal constructions do not necessarily qualify as part of informal settlements, nor do government-sponsored housing.

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settlements by minority communities or other vulnerable groups.	8.2 When lawfully impinging on rights of inhabitants of informal settlements, municipalities provide compensation to inhabitants, including those who remain displaced, that is adequate, non-discriminatory, and not gender-biased and with the ability for reconsideration.	Municipalities, PISG (Government)	Pillar II	Ongoing
	8.3 Based on legislation and regulations, draft and implement spatial planning guidelines on how to take into account the presence of informal settlements and the rights of their inhabitants without discrimination, or any gender bias, and within accepted international standards.	PISG (MESP), Municipalities	PISG (MAFRD), Pillar III, OLA	October 2004 and ongoing
	8.4 Training for spatial planning and other relevant authorities instituted based on guidelines.	PISG (MESP)	Municipalities	Late 2004 to begin and ongoing
	8.5 Public recognition by central and municipal authorities that inhabitants of informal settlements are integral members of the community.	Municipalities, PISG	OPM, PISG (Assembly)	Ongoing
9. Informal settlements of vulnerable minority groups have been legalised and regularized.	9.1 Publicly commit to improving the conditions of informal settlements and speak out against those who seek to remove them.	OPM, Municipalities, Political parties		April 2004 and ongoing
	9.2 Constitute a multi-stake holder group to design and oversee the implementation of a Kosovo-wide medium and long-term strategy and action plan (including implementing legislation) on regularising informal settlements based on the assessment done in 9.3.	PISG (Government)	Municipalities, Pillar III, ORC	May 2004 and ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	9.3 Complete assessment of the current situation of informal settlements and their inhabitants for Kosovo with local and international experts and submit to the group established in 9.2.	PISG (MESP, Government), Municipalities	Pillar II, ORC, Pillar III (?)	December 2004
	9.4 PISG authorities in co-operation with UNMIK develop and implement short-term measures to facilitate current and displaced inhabitants of informal settlements to return to and live in their homes without discrimination. [These measures will support the medium and long-term strategy drafted in 9.2.]	PISG (MESP, MPS, MAFRD), Municipalities	ORC, OLA, Pillar III	Ongoing in the short-term (i.e. until medium term strategy implemented)
	9.5 Implement awareness raising campaign on benefits of integrating informal settlements into urban development plans and the mainstream community which will be targeted at both government officials and general public.	PISG (MESP)	Pillar II, ORC	October 2004 to begin, and continuous
	9.6 Pending formal regularisation of informal settlements, municipal authorities provide non-discriminatory access to essential services to their inhabitants.	Municipalities	Pillar II	Ongoing

1. Preservation of Cultural Heritage

Standard	Action	Responsible Authority	Supported By	Timeline
10. Kosovo's cultural heritage is respected as the common patrimony of all of Kosovo's ethnic, religious and linguistic communities.	1.1 Develop an integrated conservation policy, supported by the Council of Europe, to the preservation of cultural heritage, which includes architectural heritage, archaeological heritage, and moveable heritage. Such an approach should include action plans for education on, awareness raising about, restoration of, and conservation of cultural heritage in Kosovo.	PISG (MCYS)	Pillar II, CoE, PISG (MESP, MPS, MAFRD), Municipalities, UNESCO	June 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	<p>10.2 Develop and implement a general educational campaign and awareness raising strategy targeted at youth and school children. The strategy will focus on promoting the following concepts:</p> <ul style="list-style-type: none"> • That each item of the cultural and natural heritage is unique and that the disappearance of any one item constitutes a definite loss and an irreversible impoverishment of the heritage of Kosovo; • That cultural heritage is universal property, that should be enjoyed by all and protected so that it can be handed down to future generations; • That the study, knowledge and protection of the cultural and natural heritage in Kosovo is conducive to mutual understanding amongst communities in Kosovo.⁵ 	PISG (MCYS, MEST)	Pillar II, CoE, UNESCO	End 2004 and ongoing
	10.3 Develop and implement a specific awareness raising campaign targeted at government officials and owners/possessors of property holding cultural heritage.	PISG (MCYS)	Pillar II, CoE, UNESCO	End 2004 and ongoing
	10.4 Revision of school textbooks to incorporate Kosovo's contribution to world heritage through architectural and archeological heritage and remove any elements of communal hatred in the context of cultural heritage.	PISG (MEST), Municipalities	Pillar II, CoE	TBD by MEST
	10.5 Political leaders publicly encourage respect for the cultural heritage of Kosovo and condemn acts of vandalism, damage, or destruction to cultural heritage sites/items.	All PISG, Political Parties, Civil Society, Media		Ongoing

⁵ These concepts are derived from the UNESCO Recommendation Concerning the Protection at National level of the Cultural and Natural Heritage, UNESCO Document 17 C/107, 15 November 1972.

Standard	Action	Responsible Authority	Supported By	Timeline
<p>11. All communities are entitled to preserve, restore and protect sites important to their cultural, historical and religious heritage with the assistance of relevant authorities (PISG), in accordance with European standards.</p>	<p>11.1 Complete draft of and adopt the Law on Protection and Preservation of Cultural Heritage, with the participation of all of Kosovo's ethnic, religious and linguistic communities. This law shall set out the duty of the government to ensure that the cultural heritage of all communities receive appropriate preservation, conservation and protection in accordance with applicable international standards. (See 12.1 below as well).</p>	<p>PISG (MCYS), Assembly</p>	<p>Pillar II, OLA, CoE</p>	<p>October 2004</p>
	<p>11.2 Identify, prepare and implement subordinate legislation needed for the government to assist in effectively preserve cultural heritage sites and items of all communities. This legislation should set out the responsibility of government institutions and municipalities to facilitate the right of communities in Kosovo to have sites of fundamental importance to their cultural, historical and religious [sacred] heritage preserved, restored and protected. (See Property Rights, 1.4 and 1.5; and 12.1 below).</p>	<p>PISG (MCYS, MESP, MAFRD) Municipalities,</p>	<p>Pillar II, OLA</p>	<p>End 2004</p>
	<p>11.3 Establish mechanisms mandated by the laws, passed in 2.1 and 2.2, including those providing remedies (such as those for review and appeal mechanisms)</p>	<p>PISG (MCYS), Institutes for the Protection of Monuments, Institute of Archaeology</p>	<p>Pillar II, CoE, Municipalities</p>	<p>Mid 2005</p>

Standard	Action	Responsible Authority	Supported By	Timeline
	11.4 Prepare an inventory of heritage sites, which shall take into consideration all sites of fundamental importance to cultural, historical and religious [sacred] heritage of all communities in Kosovo. The inventory shall be endorsed by a multi-ethnic commission, which is mandated by the law in 2.1, and shall hear appeals against decisions to exclude sites from the inventory.	PISG (MCYS), Institutes for the Protection of Monuments, Institute of Archaeology,	Pillar II, CoE, Municipalities, UNESCO	Mid 2005
	11.5. Develop a policy regarding the allocation of funding within the available budget to support the preservation of cultural heritage sites.	PISG (MCYS), Municipalities,	Pillar II, Donors, NGOs	March 2004
	11.6 PISG actively facilitates, in cooperation with the property owners, the reconstruction of cultural , religious and historical monuments and sites of all communities in the territory of Kosovo, which are intentionally damaged or destroyed during and after armed conflicts.	PISG (MCYS), Institutes for the Protection of Monuments	Pillar II, CoE, UNESCO	April 2004 onwards
	11.7 Ensure that the legislative, quasi-legislative and executive actions of the central PISG institutions and of the municipalities, relating to spatial planning and urbanism, are consistent with the concepts of protection of cultural heritage, as outlined above (See also Property Rights, 1.5)	PISG (MESP), Municipalities	PISG (MCYS, MAFRD)	Mid-2005
	11.8 Implement a capacity building programme on the legislation and policy for (a) staff and heritage experts in Institutes for the Protection of Monuments (IPMs), archaeological institutions, museums, and other related heritage institutions, and (b) municipal authorities.	MCYS, Institutes for the Protection of Monuments, Institute of Archaeology Municipalities	Pillar II, CoE, UNESCO	Ongoing

Standard	Action	Responsible Authority	Supported By	Timeline
	11.9 Include all communities in the cultural heritage division of the Department of Culture, IPMs, archaeological institutions, museums, and other related heritage institutions.	MCYS, Institutes for the Protection of Monuments, Institute of Archaeology	Pillar II	End 2004
	11.10 Law enforcement agencies, working with communities, provide protection required to ensure cultural heritage sites are protected adequately.	Pillar I (Police)	Municipalities, Pillar II	
12. There shall be neither discrimination nor preferential treatment of cultural heritage properties of any community.	12.1 Relevant authorities shall ensure that all persons and communities in Kosovo shall have equal access to the law on cultural heritage, and that there shall be no discrimination in the application of the law.	PISG (MCYS, Assembly)	Pillar II, OLA, CoE	
	12.2 Adequate remedies (including review and appeal mechanisms) and sanctions against discrimination or preferential treatment are provided for in the legal framework related to the preservation of cultural heritage sites and items (See 2.1 and 2.2 above).	PISG (MCYS, Assembly), Municipalities	Pillar I, Pillar II,	End 2004
	12.3. Mandated remedies and sanctions should be implemented and enforced effectively by central and municipal authorities, the police and courts without discrimination.	Municipalities, PISG (Courts), Pillar I (Police)	Pillar I, Pillar II	Mid-2005
	12.4 Develop policies and guidelines on non-discrimination in relation to cultural heritage (see also Rule of Law standard).	PISG (MCYS), Institutes for the Protection of Monuments, Institute of Archaeology, Municipalities	Pillar II, UNESCO	Late 2004

Standard	Action	Responsible Authority	Supported By	Timeline
	12.4 Municipal and central authorities prevent and not engage in arbitrary or discriminatory expropriations of property which holds cultural heritage.	Municipalities, PISG (MPS)	Pillar II , CoE, UNESCO	Ongoing
	12.5 Intentional destruction and vandalism of cultural heritage sites or items are investigated effectively and sanctioned in accordance with the law.	Pillar I (Police), PISG (Courts, MCYS)	Pillar I, Pillar II, OLA	Ongoing

Glossary of terms:

CoE	Council of Europe
HPCC	Housing and Property Claims Commission
HPD	Housing and Property Directorate
KJI	Kosovo Judicial Institute
KTA	Kosovo Trust Agency
MAFRD	Ministry of Agriculture, Forestry, and Rural Development
MCYS	Ministry of Culture, Youth and Sports
MESP	Ministry of Environment and Spatial Planning
MEST	Ministry of Education, Science and Technology
MLSW	Ministry of Labour and Social Welfare
MPS	Ministry of Public Services
DJA	Department of Judicial Administration
KCA	Kosovo Cadastral Agency
MCOs	Municipal Cadastral Offices
OLA	Office of The Legal Advisor
OPM	Office of the Prime Minister
ORC	Office of Returns and Communities
O/SRSG	Office of the SRSG

PM Prime Minister
SRSG Special Representative of the Secretary General
UNESCO United Nations Educational, Scientific and Cultural Organisation