



## Collegium of Spatial Planning within the Association of Kosovo Municipalities (AKM) Supported by the Inclusive Development Programme / UN-Habitat

January 2020



INCLUSIVE DEVELOPMENT PROGRAMME  
PROGRAMI PËR ZHVILLIM GJITHËPËRFSHIRËS  
PROGRAM SVEOBUHVATNOG RAZVOJA

Implemented by:



Funded by:







## ANNUAL REPORT FOR 2019

Collegium of Spatial Planning within the Association of Kosovo Municipalities (AKM)  
Supported by the Inclusive Development Programme / UN-Habitat

January 2020

All rights reserved © 2020

United Nations Human Settlements Programme (UN-Habitat)  
Ministries Building Rilindja, 10th Floor, 10000 Pristina, Kosovo  
[www.unhabitat.org](http://www.unhabitat.org)  
[www.unhabitat-kosovo.org](http://www.unhabitat-kosovo.org)

Association of Kosovo Municipalities (AKM)  
Gustav Mayer Str. no.5 , 10000 Pristina, Kosovo  
[www.komunat-ks.net](http://www.komunat-ks.net)

## CONTENTS

## ACRONYMS

## INTRODUCTION

8

Cooperation between UN-Habitat and the Association of Kosovo Municipalities (AKM)  
Collegium of Spatial Planning  
Purpose of the report  
Organization of meetings

## ANNUAL MEETINGS OF THE COLLEGIUM OF SPATIAL PLANNING

9

### First meeting (7 February 2019)

9

Purpose of the meeting

Presentations

Draft AI on procedures and demands for the demolition of illegal constructions

Draft AI concerning the content and requirements for the legalization database

Draft AI on basic health and safety requirements, procedures and documentation for treatment of illegal constructions for category I and II

Achievements in 2018 and the Draft Work Plan 2019

Actions taken after the first meeting

### Second meeting (28 February 2019)

11

Purpose of the meeting

Presentations

Draft AI on appeals procedures against decisions on treatment of constructions without permit

Can municipalities run self-assessments of spatial planning? – the case of Mitrovica South (Evaluation of the MDP 2009-2025+)

Actions taken after the second meeting

### Third meeting (18 June 2019)

13

Purpose of the meeting

Presentation of preliminary results of the online questionnaire 'GIS Assessment in Kosovo Municipalities'

Zoning Map - Challenges of municipalities in leading the MZM drafting process

Discussions

Actions taken after the third meeting

### Fourth meeting (26 September 2019)

16

Purpose of the meeting

Open Street Map: An open map alternative that can be used by anyone for any purpose – the Case of Prishtina

Overcoming common daily work challenges

Actions taken after the fourth meeting

### Fifth meeting (18 December 2019)

18

Purpose of the meeting

Presentations

Discussions:

Actions taken after the fifth meeting

## PARTICIPATION AND GENDER

21

## LIST OF ACRONYMS

---

AKM	Association of Kosovo Municipalities
MA	Municipal Assembly
DPS	Directorate of Public Services
DU	Directorate of Urbanism
MZM	Municipal Zoning Map
CSPD	Collegium of Spatial Planning Directors
MESP	Ministry of Environment and Spatial Planning
DRP	Detailed Regulatory Plan
MDP	Municipal Development Plan
AI	Administrative Instruction
UN-Habitat	The United Nations Human Settlements Programme

## LIST OF TABLES

---

Table 1. Preparation of the table as requested by the CSPD members for categorizing municipalities under AI 08/2017 (Prepared by UN-Habitat)

Table 2. Participation in each meeting by gender

## LIST OF FIGURES

---

Figure 1. The first meeting of the Collegium of Spatial Planning Directors for 2019 and presentation of the Administrative Instructions.

Figure 2. Implementation of the Work Plan for 2018 (prepared by UN-Habitat)

Figure 3. Draft Work Plan for 2020 (Prepared by UN-Habitat)

Figure 4. The second meeting

Figure 5. Assessment of the MDP (2009-2025 +), Process and involved parties (Prepared by UN-Habitat)

Figure 6. The third meeting

Figure 7. Map showing the municipalities participating in the questionnaire

Figure 8. The fourth meeting

Figure 9. Integration of address data into Open Street Map (Prepared by FLOSSK)

Figure 10. Categories of assessing the challenges of Directorates of Urbanism (Prepared by UN-Habitat)

Figure 11. Last annual meeting of the Collegium, City to City dialogue

Figure 12. Promotion and information neighbourhood by neighbourhood for legalization of construction without permit

Figure 13. "Neighbourhood to Neighbourhood" promotion and information on the legalisation of constructions without permit (Prepared by the Municipality of Suhareka)

Figure 14. Legalisation one-stop-shop for the residents of the Municipality of Gracanica

Figure 15. Completing the questionnaire on the assessment of daily challenges of the Directorates of Urbanism and completion rate at the municipal level

Figure 16. Participation in the meetings by gender



# INTRODUCTION

## Cooperation between UN-Habitat and the Association of Kosovo Municipalities (AKM)

The Association of Kosovo Municipalities (AKM), respectively the Collegium of Spatial Planning Directors (CSPD) and UN-Habitat have agreed to collaborate with the aim of fostering inclusive development and good governance through strengthened local governments and integrated spatial planning. Likewise, the main goal is to increase the capacities, performance and accountability of municipalities in spatial and urban planning. The collaboration aims at promotion of effective inter-municipal cooperation and enhanced multi-level governance mechanisms.

### Collegium of Spatial Planning

Collegium of Spatial Planning (CSPD) is a mechanism that involves all the Directorates of Urbanism of Kosovo Municipalities and addresses issues or relevant activities in this field. Through the Collegium various municipal models and functions are addressed, especially those concerning the Spatial Planning sector thus encouraging the dissemination of good practices in local level and beyond); the recommendations or proposals discussed in the Collegium are then passed on to the relevant institutions.

Some of the most important issues discussed during the Collegium meetings are as follows:

- Technical assistance provided to the Mayor, Municipal Assembly or other mechanisms operating within the municipality regarding decision-making processes;
- Assistance in the implementation of laws, ordinances, instructions and decisions regarding the work of municipal directorates, Urbanism, Spatial Planning and Environment more specifically, including AKM along with other Collegias as necessary;
- Assistance or contribution to relevant Working Groups for drafting legislation or providing other services, depending on the needs of the Collegium, Municipality or AKM;
- Cooperation between municipalities and (central and local) institutions;
- Cooperation with local and international partners, as well as with other existing Collegia, etc.

### Purpose of the report

The purpose of this report is to summarize the activities carried out by the AKM during 2019, namely the Collegium of Spatial Planning that is supported by the UN-Habitat Office in Kosovo. The report may also serve as a reflection upon the progress made during municipal spatial planning processes and (inter-) institutional challenges encountered, including past meetings, results achieved, and the level of implementation of the work plan during this year.

### Organization of meetings

Meetings of the Collegium of Spatial Planning Directors were organized in Pristina. Invitations were sent a week before the meeting by the Association of Kosovo Municipalities (AKM). The organizers provided the necessary materials for the meeting in three languages (Albanian, Serbian and English), including simultaneous interpretations in both Albanian and Serbian.



# ANNUAL MEETINGS OF THE COLLEGIUM OF SPATIAL PLANNING

During 2019, five CSPD meetings were held to address various topics related to spatial planning at the municipal level. The meetings resulted in the discussion of challenges encountered and actions (to be) taken in this field, particularly focusing on the improvement of inter-institutional dialogue and cooperation between local and central levels, advocacy towards the central level, peer-exchanges and exchanges of good practices amongst the municipal level and comprehensive research on selected topics with recommendations and possible way forward, i.e. GIS and functioning of Urbanism Directorates. The chapters below provide an overview of the meetings held, addressed issues and achievements during this year.

## First meeting (07 February 2019)

### Purpose of the meeting

The purpose of the meeting was to discuss and present two new draft A.I: (1) Draft AI on procedures and demands for the demolition of illegal constructions and (2) Draft AI concerning the content and requirements for the legalization database. The agenda also included the presentation of the results of the Assessment on the Training Needs by AKM representatives. In addition, the participants reflected on the achievements and challenges of 2018, and finally the Draft Work Plan for 2019 was presented.

### Presentations

#### Draft AI on procedures and demands for the demolition of illegal constructions

MESP representatives presented the procedures and requirements for demolition of illegal constructions, and the procedures that municipal officials should follow as well. This presentation sparked discussions on the challenges faced by municipalities during their daily duties and work on illegal construction. Municipalities are concerned about the implementation of this draft AI considering past legal framework gaps or conflicts that prevented its implementation. Furthermore, it was suggested that municipalities wait for future clarification from the ministry.

Other relevant issues discussed are as follows:

- Land ownership and illegal constructions;
- How to add illegal constructions into the demolition list?;
- Will this draft AI help people included in social programs and the war veterans obtain construction permits for legalization?;
- Assessment of the problems of the zones under consolidation, managed by the Ministry of Agriculture, Forestry and Rural Development, when drafting the MDP and access to the legalization process?;
- Construction permit which does not specify ownership.



Figure 1. The first meeting of the Collegium of Spatial Planning Directors for 2019 and presentation of the Administrative Instructions.

#### Draft AI concerning the content and requirements for the legalization database

MESP representatives presented the Draft AI and its importance in the legalization process. Consequently, examples were also presented of what the draft database might look like, its content and how it will be used by the Spatial Planning Departments. Finally, it was stated that this Draft AI will provide training opportunities for database administrators in each municipality.

#### Draft AI on basic health and safety requirements, procedures and documentation for treatment of illegal constructions for category I and II

MESP representatives made a brief presentation of the basic requirements and procedures foreseen by this draft AI, which sparked the discussion on the issue of illegal construction and ownership. Representatives from AKM and MESP suggested 14th February (2019) as a preliminary deadline for submitting comments and recommendations regarding the draft administrative instructions presented at this meeting.

## Achievements in 2018 and the Draft Work Plan 2019

During this meeting, the CSPD presented the achievements and challenges during 2018. The main purpose was to increase the quality of work and cooperation among municipalities in the field of legal infrastructure and urban planning. An important question raised is the support to municipalities in drafting MDPs and MZMs, including regular meetings where draft AIs could be discussed and then forwarded to the ministries, the MESP more specifically. The AKM presented the online questionnaire developed by the Collegium together with UN-Habitat, the purpose of which was to assess training needs and utilities. In conclusion, the UN-Habitat representative presented the draft Work Plan for 2019 which focused on two fields of action: (1) discussing and completing legal infrastructure and (2) drafting, completing and harmonizing municipal regulations. Some of the activities planned include:

- supporting the municipalities in making the spatial planning database operational;
- discussing the functioning of the database and geo-portal;
- solving the problem of GIS licensing in municipalities;
- e-permits etc.

### Actions taken after the first meeting:

- The minutes of the meeting were summarized in a report and distributed to the Collegium member municipalities;
- AI No. 04/19 on procedures and demands for the demolition of illegal constructions and AI No. 03/2019 concerning the content and requirements for the legalization database were approved on 09/07/2019 and published on 10/07/2019 on the MESP official website;
- AI No. 06/2019 on basic health and safety requirements, procedures and documentation for the treatment of Illegal construction of category I and II was approved on 09/07/2019 and published on 12/07/2019 on the MESP official website;
- In addition to the comments extracted during the Collegium meeting, additional comments were sent to the MESP by the Municipality of South Mitrovica and the Municipality of Suhareka;
- There have been no additional recommendations, suggestions or comments regarding the implementation of the Work Plan for 2018 and the Draft Work Plan for 2019.

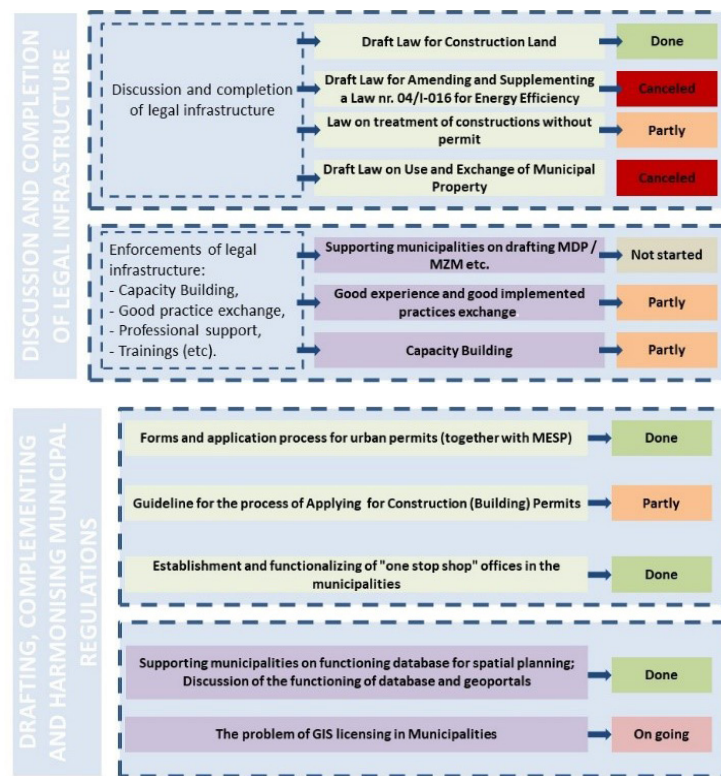


Figure 2. Implementation of the Work Plan for 2018 (prepared by UN-Habitat)

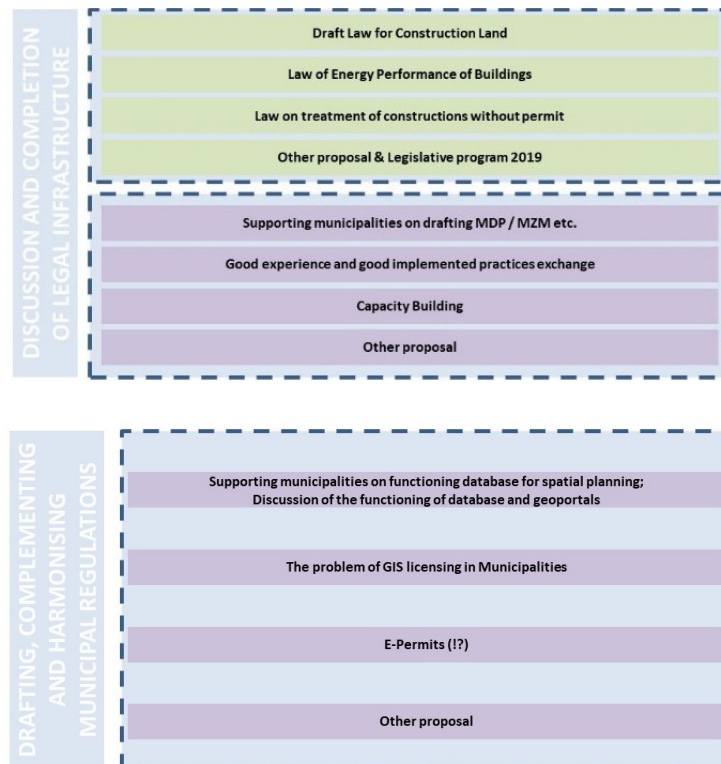


Figure 3. Draft Work Plan for 2020 (Prepared by UN-Habitat)

## Second meeting (28 February 2019)

### Purpose of the meeting

The purpose of the meeting was to introduce and discuss the Draft AI on appeals procedures against decisions on treatment of constructions without permit. The agenda also included the presentation of the Evaluation of the Municipal Development Plan by South Mitrovica and the approval of the Collegium Work Plan for 2019 as well.

### Presentations

#### Draft AI on appeals procedures against decisions on treatment of constructions without permit

MESP presented this Draft AI and key requirements. The parties have the right to appeal against any decision within 30 days of its receipt. The main points extracted during the discussion are:

- The right to appeal is guaranteed to all parties who receive the decision on construction without permit;
- The competent body for the first instance of appeals for categories I and II are the municipalities, while the Ministry is competent for category III;
- The competent body for the second instance of appeals orders the establishment of the Appeals Commission for buildings of categories I, II and III;
- Grounds for appeals against the decision of the competent authority and appeals against decisions;
- Establishment of the Appeals Commission.

The issue of the establishment of a Municipal Appeals Commission was raised and consequently dismissed because it was considered a conflict of interest as the decision-making body may not be competent to set up a commission that reviews the same decision. Among discussions was the duration of a court's decision if the party decides to appeal and its impact on the construction development process. The Ministry stressed that the new database system would allow the addition and updating of information on the legalization process and suggested that the remarks be addressed in writing during the public discussion. It was also emphasized that MESP should clarify legal frameworks so the MDP/MZM drafting processes would run smoothly.

#### Can municipalities run self-assessments of spatial planning? – the case of Mitrovica South (Evaluation of the MDP 2009-2025+)

Mr. Florent Abrashi, Head of Urbanism at the Municipality of Mitrovica South, presented the MDP evaluation process, including the evaluation tools, legal compliance, the level of MDP/UDP/URP implementation and the sustainability assessment framework. In addition, the importance of the participation of residents, municipal staff and other stakeholders in the planning processes was emphasized. The main issues discussed were: missing data or data collection; the effects of raising the construction coefficient in the centre zone by the Municipal Assembly; projects implemented mainly by DPS and other directorates; illegal constructions, most of which (92%) are located in urban zones and are mainly residential buildings (both illegal and legal constructions have been added to the QGIS database) and the same database has been shared with the respective directorates; informal settlements and cooperation with North Mitrovica; questionnaire and traffic count as auxiliary methods for completing the Sustainable Urban Mobility Plan.

### Actions taken after the second meeting:

- The minutes of the meeting were summarized in a report and distributed to the Collegium member municipalities;
- The Municipality of Suhareka and the Municipality of Lipjan submitted comments and recommendations concerning the AI through the Collegium;
- AI of MESP No. 05/2019 on appeals procedures against decisions on treatment of constructions without permit has been approved on 09/07/2019 and published on 12/07/2019 on the MESP official website;
- The Work Plan for 2019 has been elaborated and further endorsed by the members of the Collegium.



Figure 4. The second meeting

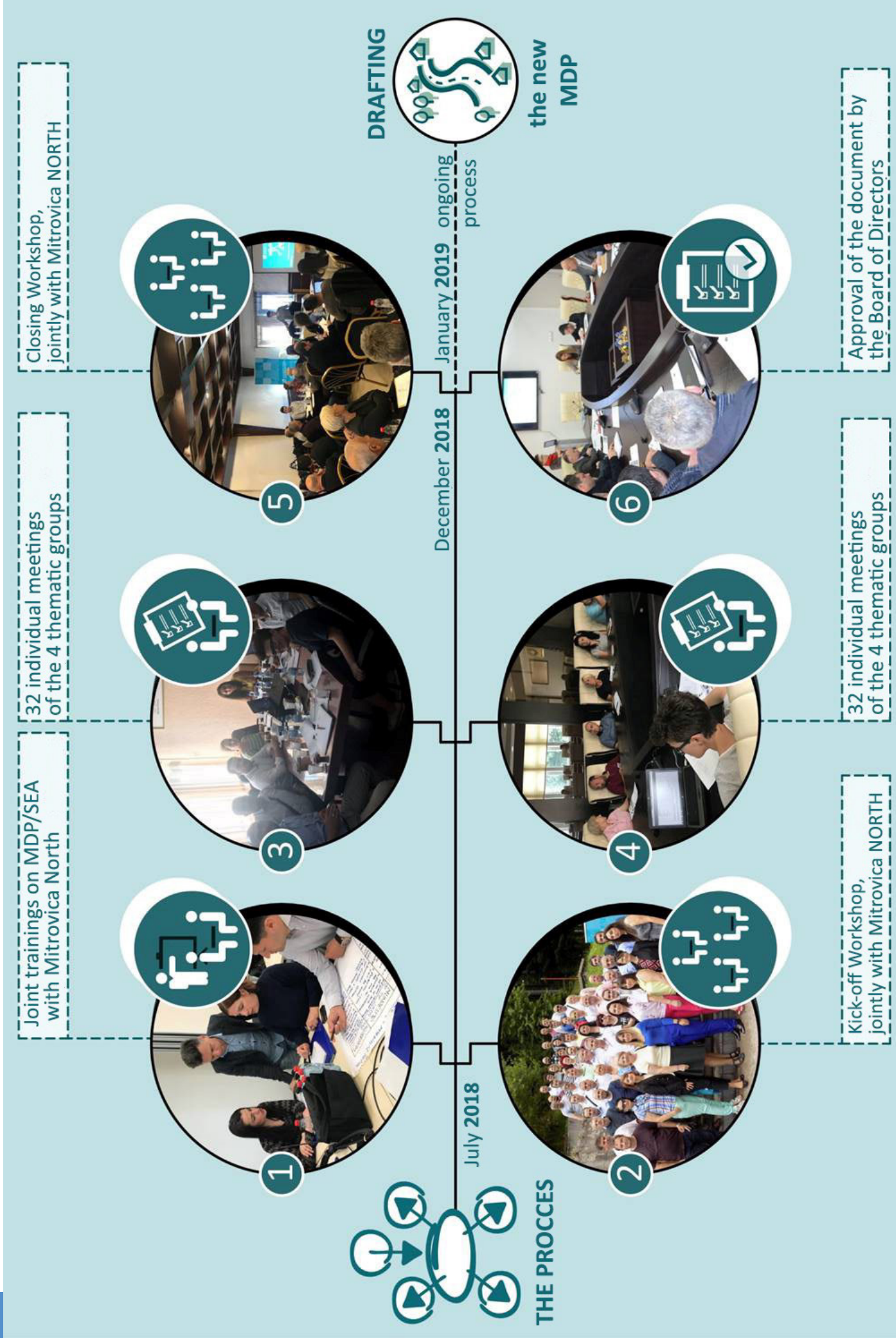


Figure 5. Assessment of the MDP (2009-2025 +), Process and involved parties (Prepared by UN-Habitat)

### Purpose of the meeting

The purpose of the meeting was to present the preliminary results of the questionnaire on GIS Assessment in Kosovo municipalities. Among others, there were presentations and discussions regarding the MZM drafting process, in a panel composed of representatives of the municipalities of Vushtrri and Fushe Kosova. The last section was dedicated to the preparation of a questionnaire with the aim of identifying the challenges and the functional organization of municipal structures, spatial planning and urbanism department more particularly.



Figure 6. The third meeting

### Presentation of preliminary results of the online questionnaire 'GIS Assessment in Kosovo Municipalities'

This presentation was prepared by UN-Habitat and displayed the process and findings of the questionnaire. 30 municipalities participated in the questionnaire. The questionnaire included 7 components, with the main findings addressing some of the challenges that DUs face in performing daily tasks. Among others, the results provided: the functional organization of municipal structures; the lack of adequate working space; the necessary academic/professional qualification; the small number of municipal officials; the lack of gender equality in the employment of sector leaders. The results also highlighted the need for organizing activities, strengthening municipal capacities in GIS and engaging additional staff. Furthermore, the questionnaire pointed out the issue of sharing data between relevant departments, the need for individual hardwares (servers) for DU and the creation of an integrated database that would allow easy access to orthographic/aerial images. The questionnaire presented several challenges related to the lack of data from the MDP drafting process, as well as the lack of access to data from the central level. Municipal officials suggested some forms of accessing the final results:

- Group municipalities by size in order to provide a clearer idea of the results;
- Provide direct access to orthographic/aerial images without financial implications (currently obtained through Kosovo Cadastral Agency (KCA) and have financial implications for all);
- Establish the spatial database and digitalization of available data;
- Create opportunities for hiring a geodesist/survey engineer;
- Provision of a list of training sessions from central level to local level.

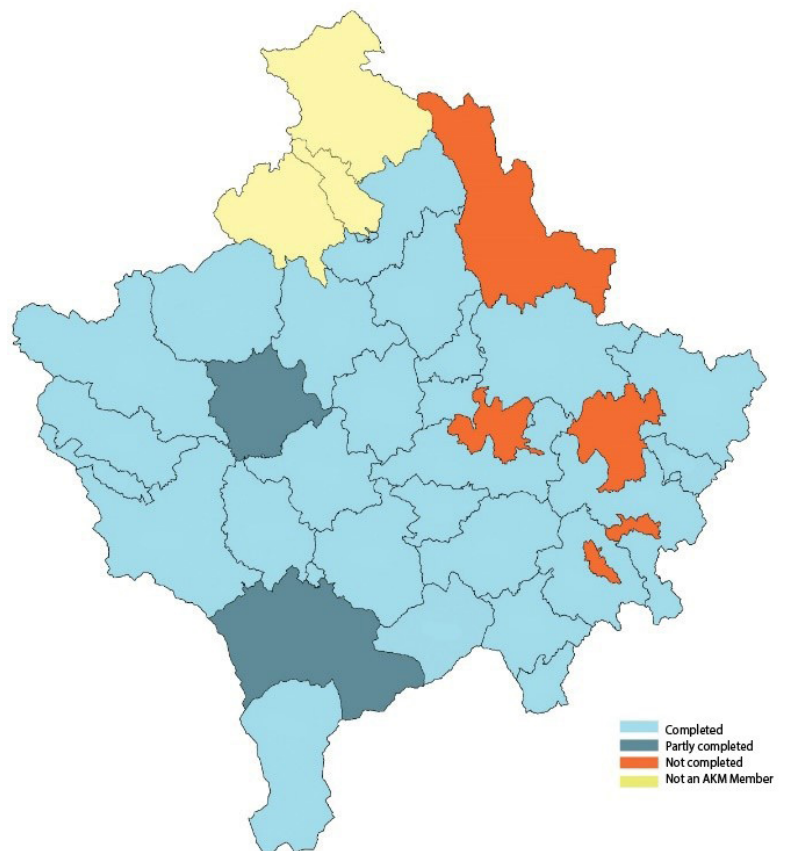


Figure 7. Map showing the municipalities participating in the questionnaire

Table 1. Preparation of the table as requested by the CSPD members for categorizing municipalities under AI 08/2017 (Prepared by UN-Habitat)

Categories under AI 08/2017					
1	Large urban settlement	Prishtina, Prizren, Ferizaj			
2	Large medium urban settlement	Gjakova, Gjilan, Drenas/Glllogovc, Lipjan, Malisheva, South Mitrovica, Peja, Podujeva, Rahovec, Skenderaj, Suhareka, Vushtri			
3	Medium small urban settlement	Decan, Dragash, Fushe Kosova, Istog, Kacanik, Klina, Shtime, Vitia			
4	Small urban settlement	Gracanica, Laposaviq, North Mitrovica, Obiliq			
5	Very small urban settlement	Elez Han, Junik, Mamusha, Novoherda, Shterpca, Zubin Potok, Zvecan			
6	Large rural settlement	Kllokot, Ranillug			
7	Large medium rural settlement	Partesh			
Population number according to the classification based on AI 08/2017					
Categories under AI 08/2017		Population	Population %	Number of settlements (NS)	(NS) %
1	Large urban settlement	485,288	27.26	3	8
2	Large medium urban settlement	848,691	47.68	12	32
3	Medium small urban settlement	330,433	18.56	9	24
4	Small urban settlement	58,631	3.29	4	10
5	Very small urban settlement	48,769	2.74	7	18
6	Large rural settlement	6,422	0.30	2	5
7	Large medium rural settlement	1,787	0.10	1	3
<b>Total</b>		<b>1,780,021</b>	<b>100</b>	<b>38</b>	<b>100 %</b>

### Zoning Map - Challenges of municipalities in leading the MZM drafting process

In order to exchange experiences and address challenges encountered so far during the MZM drafting process, a panel with representatives from the municipalities of Vushtri and Fushe Kosova was held.

The Director of Urbanism from the Municipality of Vushtri said that the municipality has drafted the MDP which covers the period from 2016 to 2024, approved by the Municipal Assembly. Consequently, with the support of UN-Habitat, the municipality has begun implementing the MZM drafting process with its own capacities. The first step in implementing this process was the establishment of a Municipal Planning Team (MPT) composed of officials from each directorate. The MDP Evaluation Workshop was then organized with all relevant parties participating, such as the MPT, MESP and UN-Habitat. The lack of data, especially those within the MDP, was confirmed during the workshop as well. As a result, 7 assistants have been engaged to collect the necessary data for the purpose of drafting the MZM. Assistants are collecting data in the field regarding roads and buildings through the KOBCollect application, and such data are migrated directly to the database. This process is almost complete and, as a result, the data of over 30 settlements have been digitalized and another 35 are expected to be digitalized. Data were collected from central/regional/local level institutions (publicly owned enterprises, educational institutions, religious institutions, municipal directorates, etc.). After the data collection and digitalization is completed, preliminary zoning for the urban zone and then the rural zone will begin. The aim is to complete the MZM during 2020. It is worth noting that the Municipality of Vushtri is one of the first municipalities to have provided the most recent (2018) orthographic images for the purpose of drafting the MZM. This process is being characterized by numerous challenges, especially with regard to cadastral data as well as the large lack of data (most of the data is partially provided and not well-systemized).

The representative of the Directorate of Urbanism of the Municipality of Fushe Kosova said that after the MA approval of the draft decision and the work program for drafting the MZM, the municipality started developing the process initially by engaging an economic operator in support of the drafting of the MZM. The main reasons for engaging the operator were the lack of municipal officials and the necessary capacities. Subsequently, several meetings were held with publicly owned enterprises that coincided with the coordination of development activities

as well as their involvement within the MZM. After completing the MZM, the municipality presented it to the MESP and conducted a public review process in accordance with legal procedures and deadlines. One of the problems highlighted during the public review was raising the construction coefficient (to 3) which was in line with technical norms. After the completion of the public review period, the comments were received and assessed, and the reasonable ones were included in the final MZM that was also sent to the MESP for review/consent. Most of the comments received by MESP were of administrative nature suggesting the upcoming decision-making procedures.

## Discussions

Participants discussed various administrative constraints from the central level including cases where, following a decision by the MA, MESP does not object the drafting of planning documents but they object certain cases where the documents are completed, an action which affects the whole process and often results in starting all over again. Other challenges that the local level faces are related to the parties' incorrect and variable interpretation of the plans, work programs and AIs derived from the law, in relation to the drafting of spatial planning documents. Participants also emphasized the need for further improvement or adaptation of AIs for the drafting of planning documents, particularly provisions related to the prohibition of drafting DRP (Detailed Regulatory Plans) without the relevant drafting, consent or approval. It was also stated that there are cases in which MESP allows some municipalities to draft the DRP even if the MZM is lacking, which indicates the implementation of double standards. The representative of UN-Habitat, which supports the Municipality of Vushtrri, emphasized the importance of the data collection process and spatial planning database for the purpose of drafting planning or conservation documents such as the case of the Historic Centre in Vushtrri.

Other discussions include:

- Creation of a spatial, integrated and digital database, which will be continuously designed/developed, maintained and managed by municipalities;
- Organization of meetings between central and local level inspectors, as well as legal officials from both levels, to clarify administrative issues within the development and implementation of planning documents;
- Organization of meetings between spatial database administrators, at central and local level, on data exchange and simplification of relevant procedures.

At the end of the meeting, representatives of UN-Habitat presented a questionnaire on the functional organization of municipal structures, namely departments dealing with spatial planning/urbanism and problems in implementing the legal provisions derived from AIs concerning spatial planning documents.

Actions taken after the third meeting:

- The minutes of the meeting were summarized in a report and distributed to the Collegium member municipalities;
- Completion of the GIS questionnaire with the requests and recommendations of the Collegium members.

## Fourth meeting (26 September 2019)

### Purpose of the meeting

The purpose of the meeting was to present and discuss the Open Street Map alternative (the case of Prishtina) that could be used by anyone for any purpose, as well as the discussion on overcoming the daily challenges in the DU working environment while developing a questionnaire structure that would be used by the municipalities.

### Open Street Map: An open map alternative that can be used by anyone for any purpose – the Case of Prishtina

The first presentation was delivered by Mr. Besfort Guri from Free Libre Open Source Software Kosovo (FLOSSK), who briefed participants on the benefits and advantages that the Open Street Map alternative offers in reducing complexity and accessing real-time data. This presentation provided information for the participants on the alternative process of data integration by emphasizing the importance of digitalizing the public data available. According to the presenter, access to appropriate public data is difficult due to the lack of knowledge on the GIS data integration process. He also stressed the importance of signing a Memorandum of Understanding between municipalities with the FLOSSK team from which they can use the data obtained from the tool and organize potential free GIS training sessions for the municipal staff.



Figure 8. The fourth meeting

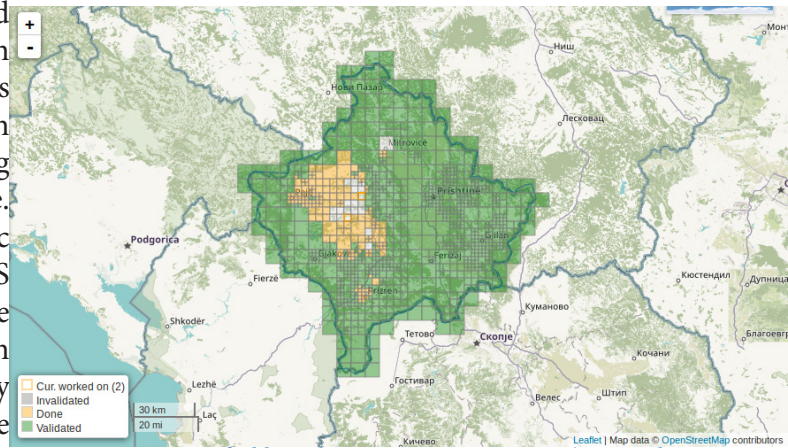


Figure 9. Integration of address data into Open Street Map (Prepared by FLOSSK)

### Overcoming common daily work challenges

The agenda of the meeting continued with a presentation by UN-Habitat on proposals to assess common daily challenges and how to overcome them. Municipal representatives discussed the daily challenges they encounter and provided recommendations for the questionnaire data. The first part of the presentation involved identifying key challenges of DU. The representatives of the municipalities were asked to exchange experiences in order to broaden the view regarding the challenges and obstacles, resulting in potential methods and alternatives undertaken to overcome them. As the presentation and discussion continued, the challenges were categorized, and the structure of the questionnaire was completed. The presentation of the categories of the daily challenges were described as promoting interactive dialogue between municipalities. The most discussed issues:

#### *Challenges encountered by DU sectors:*

- Non-coordination between sectors within DU;
- The need to train staff in all sectors in preparing external and internal administrative documents such as notices, requests, approvals, rejections, etc.;
- Improvement of the communication procedures and coordination between horizontal and vertical level;
- All DUs should have their own geodesist/surveyor in the department;
- Increase human capacities and reduce daily workload that would affect performance and services.

#### *The challenges encountered by the DU with other directorates within the municipality:*

- Lack of cooperation and coordination with the Directorate of Inspectorate (construction) was one of the main challenges of the DU;

- Lack of construction inspectors to monitor and inspect the premises under construction; reviewing is a long-term challenge encountered in the DU due to the policy of the Ministry of Finance that prohibits hiring new municipal employees (on temporary contracts);
- The fines applied in the past (especially by the courts) have not produced the desired outcome, thus it has been proposed increasing the fines at higher amounts in order to prevent future illegal constructions;
- The awareness of budget allocation at the local level for environmental protection is low. A central level intervention has been proposed that forces local level/municipalities to raise the budget for environmental protection and turn this action into a national monitored and regulated strategy reporting to the Office of the Prime Minister.



## Challenges encountered by the DU with public companies

## Challenges accompanying DU with the regional level agencies and institutions

## Challenges encountered by the DU with the ministries (central level):

- The process of dealing with illegal construction is seen as a challenge by municipalities. While many municipalities have been informed about the content of AIs for treatment, participants have emphasized that the new procedures will not facilitate the process and most major problems during the treatment process will occur in rural areas. Transfer of inheritance and ownership is problematic in many municipalities. This will cause many delays in the process of treating the constructions without a permit. The Ministry of Finance has prohibited the hiring of new civil servants with temporary contracts, complicating and delaying the spatial planning implementation and monitoring process the DU and the construction inspection directorates carry upon for such cases;

- A proposal was made to have a central level intervention in order to force Kosovo municipalities to increase budget allocation regarding environmental protection and make this action a national strategy;

- Access to regional roads is still problematic. There is lack of coordination and communication with the Ministry of Infrastructure, consequently no sharing of data and information between them;

- Payments/fees collected by the Ministry of Agriculture for conversion of agricultural land into construction land should be dedicated to the municipality that provided the conversion and the Ministry of Agriculture should monitor how the municipality is spending these payments/fees on development of agriculture, forestry and horticulture;

- Challenges faced by DU with the private sector in spatial planning document drafting. Participants proposed applying 'on the job training' methodology for private companies dealing with spatial planning so they could be close to DU during the process.



Figure 10. Categories of assessing the challenges of Directorates of Urbanism (Prepared by UN-Habitat)

## Actions taken after the fourth meeting

- The minutes of the meeting were summarized in a report and distributed to the Collegium member municipalities;

- FLOSSK organized the regional conference "State of the Map Southeast Europe on 25-27 October in Prizren", with focus on geographic information systems (GIS) and free Open Street Map, attended by various representatives from Europe and the world'

- All the members of the Collegium have been provided with the questionnaire for the assessment of daily challenges within the Directorates of Urbanism in Kosovo.

## Fifth meeting (18 December 2019)

### Purpose of the meeting

The purpose of this meeting was to discuss the new Law no. 06/024 on Treatment of Constructions without Permit and offered an exchange of experiences between central and local level on challenges encountered during the implementation of this process. Following the agenda, presentations were delivered from three municipalities as good cases of legalization, and MESP and UN-Habitat representatives as supporters of the process.

### Presentations

**Mitrovica South Municipality:** Mr. Besim Shala, Head of Legalization Sector, was first to present the legalization process. He provided a general overview of the internal capacities and activities of the legalization sector, its cooperation with relevant entities (including international donors, NGOs and CSOs), verdicts and the waiting list. Furthermore, he draw attention to the challenges encountered during the implementation phase such as lack of staff, the large citizen demand to get informed on legalization, complications during the implementation of law (commonly subjects w/o reference number, non-coordination between institutional levels and, property and expropriation problems).

**Suhareka Municipality:** Ms. Sanie Kuqi, Director of Urbanism, thoroughly presented her case on treatment of constructions without permit and the implementation of law in Suhareka. Her presentation provided a range of activities undertaken to accomplish an effective legalization process, among them:

- Establishment of the working group, organogram of functions and duties in five stages of development, awareness campaigns;
- Legal basis for treatment of constructions without permit;
- Assessment of legalization requests (first legalization cases and certificates);
- Internal challenges (lack of qualified staff, working spaces and relevant sector; no database from MESP; long procedures and late A.I drafts; no coordination among relevant departments; documents/procedures are not clear) and external challenges (lack of interest from citizens for legalization and public discussions; assessment of requests; migration and non-inhabited buildings/objects).



Figure 11. Last annual meeting of the Collegium, City to City dialogue



Figure 12. Promotion and information neighbourhood by neighbourhood for legalization of construction without permit

**KATEGORIA II - për ndërtim të papërfunduar**  
(jo shërbim)

- Dëshmitë mbi ndërtimin e kryer para datës 05.09.2018  
a. Oshelimi zyror ose fotografimi sipas agjencive të ndërtimit para datës 05.09.2018, në të cilën shihet ndërtimi.
- Nëse ekzistimi i ndërtimit nuk mund të vërtetohet sipas pikës a, aplikuesi jep një deklaratë nën betim lidhur me lirinë kur shihet ndërtimi (pika b), si dhe një nga deklaratat të listuara nën pikat c, d, ose e.  
b. Deklaratë në betim lidhur me lirinë kur shihet ndërtim ndërtim.  
c. Prova të pagës së shtetit të punës.  
d. Prova të pagës së shtetit të shërbimit publik.  
e. Deklaratë të lirinë kur shihet ndërtim.
- Në rast të mangësisë së dëshmitë në pikën 2 aplikuesi sjellë dy nga dëshmitë e mëposhtme:  
a. Fatura të ndërtimit për ndërtim.  
b. Komanda e ndërtimit për ndërtim.  
c. Deklaratë në betim të një deklaratë që nuk shihet i lirinë me aplikuesin, prandaj e ndërtimit pa leje ose mospajtim.  
d. Deklaratë nga të besuesit që deklaronë lirinë kur shihet ndërtim ndërtim.
- Dëshmitë mbi të drejtën pronare ose të drejtën e shfrytëzimit mbi parcelën:  
-Kopje e planit dhe certifikatë e pronësisë për secilin sipërfaqe të ndërtimit (origjinal).  
Nëse pronari i ndërtimit pa leje nuk shihet pronari i parcelës, dëshmitë dokumentacioni i nevojshëm për të dëshmuar të drejtën pronare ose të drejtën e shfrytëzimit mbi parcelën.
- Dokumentacioni i kompanisë projektuese që përgatit prezantimin grafik dhe përshkrimin i gjendjes egzistuese të ndërtimit pa leje  
a. Certifikatë e homolog.  
b. Informata e homolog.
- Prezantimi grafik dhe përshkrimin i gjendjes egzistuese të ndërtimit pa leje.
- Punë përgatitore ndërtimore
- Propozimi i kushteve ndërtimore për përfundim të ndërtimit të papërfunduar pa leje

Cinisi për legalizim të objektit: 2 Euro/m<sup>2</sup>

**Komuna Suharekë**  
**TRAJTIMI I OBJEKTEVE PA LEJE**  
**LEGALIZO NDËRTIMIN**

Të gjithë dokumentet dhe detyrat sipas '1' gjiri prandaj prandaj rreze të subancizit dhe të vendit të Komandës -Detyra për Urbanizëm dhe Planifikim.

Në dalje të të lirinë kur shihet lirinë e objekteve pa leje sipas të lirinë kur shihet lirinë.  
<http://www.suhareka.gov.mk> / 1803/18/06 / 1-024

020 270 316  
020 270 411 01  
suhareka@ksh.gov.mk  
E-mail: Suhareka  
Rruga "Bregu" 127 Suhareka 7500  
GUSHT, 2019

**DISKUTIM PUBLIK**  
**ME BANORËT E FSHATIT: SEMETISHT, KASTËRC, NISHOR DHE BRESHANË**

**TEMA: INFORMATË RRETH PROCEDURAVE PËR LEGALIZIMIN E OBJEKTEVE PA LEJE**  
**DATE: 31.10.2019**  
**ORA: 13:30**

**VENDI: SHKOLLA FILLORE "HASAN PRISHTINA" - SEMETISHT**  
**LEGALIZO NDËRTIMIN**  
**SHFRYTËZO MUNDËSINË!**

020Nr.574  
Datë: 15.10.2019  
Drejtorja për Urbanizëm dhe Planifikim, ju fton në:

Figure 13. "Neighbourhood to Neighbourhood" promotion and information on the legalisation of constructions without permit (Prepared by the Municipality of Suhareka)

*Gracnica Municipality:* Mr. Dejan Jovanovic, Director of Urbanism, presented the last case on legalization. He pointed out municipality's initial trial to carry the process from 2014 to 2016 which resulted ineffective. However, they reinstated the process in November 2019 where additional working groups were formed to enhance the implementation of the new law on legalization, and also new offices/information points are to be created for receiving applications and providing information on legalization. They formed the working group composed by the representatives from Department of Urbanism, Inspection and Cadastre. Their department also faces numerous challenges such as lack of citizens' awareness, documentation irregularities and lack of (professional) staff who could carefully review the large number of requests, property issues and so on. Gracnica Municipality is worried that the waiting list is going to be huge due to the property problems.



Figure 14. Legalisation one-stop-shop for the residents of the Municipality of Gracnica

*MESP:* Mr. Servet Spahiu, Head of DSPCH, discussed the process of legalization starting with the main entities involved, their responsibilities and foreseen MESP activities (regional workshops, awareness campaigns, manual for legalization in January 2020, inter-institutional coordination including Kosovo Cadastral Agency, legalization database and updated website, waiting list and programmes, establishment of complaints commission). He also shared central level challenges like those underlined by municipal levels, the most common ones being lack of staff, a functional database and missing data. He concluded with municipal responsibilities, offered services and legalization deadlines. A final report on legalization process should be prepared by municipalities.

*UN-Habitat:* Mr. Modest Gashi, Spatial/Urban Planner, enclosed the presentation session with a general overview of the common problems derived by the questionnaire on challenges in urbanism departments. He informed the attendees that a final report based on the questionnaire results would be prepared and delivered for comments to all relevant departments.

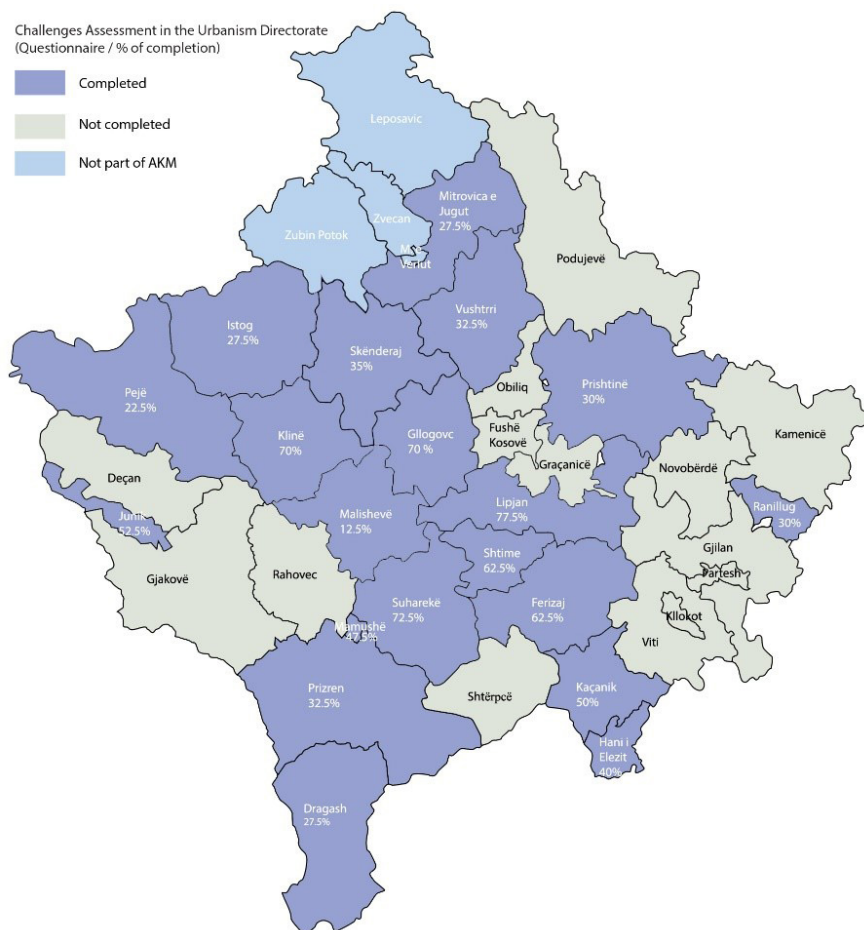


Figure 15. Completing the questionnaire on the assessment of daily challenges of the Directorates of Urbanism and completion rate at the municipal level

## Discussions:

Several issues were raised during and after the presentations. Most common were the complications caused by legal gaps in current and previous law so the attendees of the meeting – mostly officers who carry out daily tasks on spatial planning or legalization subjects - raised a number of questions, especially towards the Ministry, that would help them identify solutions to certain legalization problems. The subjects that triggered discussions were mostly related to:

- property legalizations and inconsistent documentation;
- irregular division of parcels;
- know-hows of the legalization process (applying for certificates and cadastral registering, staff that reviews the subject, approval of collective housing, legal basis for inquiries, responsible entities or individuals for reviewing the technical specifications or documentation, taxes and technical norms etc.);
- treatment of previous applications that submitted documentation based on the old law or applications that are still on hold, number of references for these applications written in verdicts and database, and geodesic records;
- modules for the treatment of category II and III;
- the role of "one-stop-shop" office for the legalization process;
- lack of interest from the citizens for application despite the promotion of the Law.

Representatives from the Ministry advised that the manual on legalization will be available in January 2020 to all relevant authorities that need guidance in treating constructions without permit or legalizations. They also suggested that they act in accordance with relevant authorities within the municipality and central level as well. Previous applications for legalization based on the old law are due for approval but if the new law stresses other amendments, applicants should be given remarks to complete their documentation with the necessary additions as requested by the said law. On another note, the USAID representative addressed legalization cases that have been sent to court and said that they cannot be treated nor given construction permit unless the court has decided a final verdict. The neighbour municipalities Fushë Kosova and Gračanica raised the problem of the citizens that are affected from the administrative border changes between them and where the citizens should apply for the legalization and which municipality it should treat their cases. The representatives from the Ministry informed the participants that they're having further discussions with the Ministry of Internal Affairs (MIA) about removing the facilitation of the Fire-protection elaborate (a document needed for Category 2 buildings) from the legalization process because its costly and takes too much time to be designed, however MIA refused to do so; another alternative suggested by MESP was preparing a more basic elaborate but no result until now. In conclusion, Mr. Lulzim Aliu, Director of Urbanism / Ferizaj, wrapped up the meeting in positive notes by thanking UN-Habitat, MESP and the attendees for their participation and readiness to discuss legalization issues. He also highlighted the importance of inter-institutional coordination and asked that municipalities address the issues concerning legalization more often.

## Actions taken after the fifth meeting

- The minutes of the meeting were summarized in a report and distributed to the Collegium member municipalities;
- Assessment reports for the two questionnaires (Challenge Assessment and GIS Assessment) have been completed;
- The annual report of the AKM, Collegium respectively, has been drafted.
- The Department for Spatial Planning, Construction and Housing within MESP, supported by the OSCE, organized a 3-day workshop (11, 12 and 13 December 2019) in Skopje/North Macedonia with the purpose of drafting the Guidelines for Legalization of Constructions without a Permit and geodetic measurements manual. During this meeting, the participants agreed on setting 20 January 2020 as the date for the publication of the Guidelines for Legalization of Constructions without a Permit.

## PARTICIPATION AND GENDER

The attendance of municipal representatives and discussions at the meetings has proved to be satisfactory. According to the findings, the meetings were mainly attended by professional officials appointed by the managerial staff of the Directorates of Urbanism. On the other hand, the attendance of these managers at meetings was low and irregular. This issue needs further addressing in order for the attendance of decision-making staff to be higher, and consequently contribute more to the various planning processes.

Concerning gender participation, the findings show that there is some progress in this regard. However, when it comes to the aspect of making substantial/professional contributions during these meetings, there seems to be room for improvement in terms of participation by all participants, both genders respectively. The following table shows the number of meeting participants by gender. Welcome all!

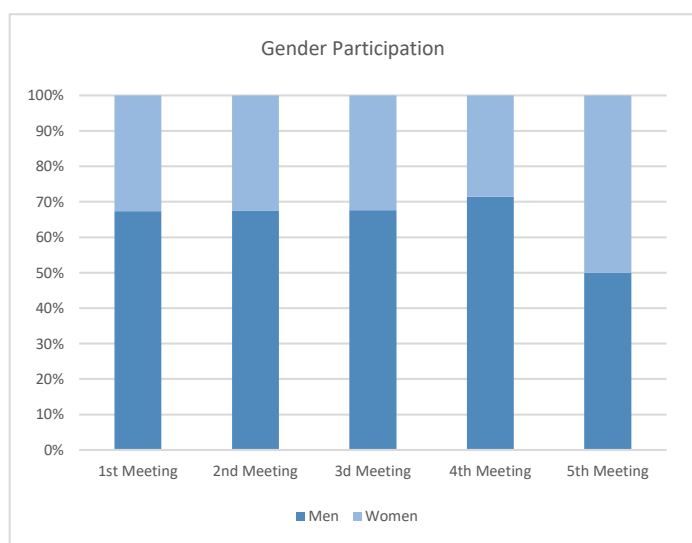


Figure 16. Participation in the meetings by gender

Table 2. Participation in each meeting by gender

Meetings	Number of participants	Gender	
		F	M
7 February 2019	46	15	31
28 February 2019	40	13	27
18 June 2019	34	11	23
26 September 2019	28	8	20
18 December 2019	30	15	15



INCLUSIVE DEVELOPMENT PROGRAMME  
PROGRAMI PËR ZHVILLIM GJITHËPËRFSHIRËS  
PROGRAM SVEOBUH VATNOG RAZVOJA

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



Community Building Mitrovica

*SWEDISH DEVELOPMENT  
COOPERATION*



SWEDEN



Asociacioni i Komunave të Kosovës  
Asocijacija Komunah të Kosovës  
Association of Kosovo Municipalities