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SRSG signs Property Regulation

PRISTINA - SRSG Haekkerup has signed a regulation which aims to help stem the flow of minorities from mixed communities in Kosovo and to protect the rights of all who wish to live here.

Regulation 2001/17, "On the Registration of Contracts for the Sale of Real Property in Specific Geographic Areas of Kosovo" will ensure that proposed contracts for property sales in certain vulnerable mixed neighborhoods will get a thorough review by the municipal administrator before being approved by the local court.

Mr. Haekkerup stressed that the regulation would not ban or stop sales, but would introduce a review mechanism to monitor interethnic sales in areas where minorities have been fleeing due to strategic targeting by property buyers or by threats. The regulation will apply to any minority community in areas where such sales are ongoing.

The SRSG will designate specific geographic areas -- specifically in sensitive, multi-ethnic locales,-- where people who are selling property would be required to register the contract with the municipal administrator's office, before validation by the municipal court.

The aim is not to prevent property exchange, but to ensure that irregular sales detrimental to minority rights or to the multiethnic character of Kosovo are not registered or validated by the courts. It should be a deterrent only to those involved in criminal or coercive activities.

Reasons for refusing a registration include—1) The transaction is carried out by an organization or structure with the aim to systematically buy minority-owned properties in order to change the ethnic balance within the designated area; 2) the transaction was carried out under duress; 3) the sale price of the property in question is unrealistic; 4) the source of the funds for the purchase of the property is questionable and the bona fide nature of the transaction is not established; or 5), the transaction is deemed to affect the security situation in a designated area in a way that would harm other minority property owners in that area.

There are several appeals measures, should the municipal administrator decide not to certify the contract. Within 60 days from the date of a Municipal decision not to register the contract of sale, the parties may appeal to a panel of three judges (two international) designated by the SRSG on the recommendation of the Department of Judicial Affairs.

The regulation also establishes a regional review committee for consistent implementation. The SRSG will review the regulation every six months to see if it is still needed.

To designate areas where proposed sales should be reviewed, the SRSG will take into consideration security concerns that could arise from the sale of the property; evidence of a

systematic pattern of sales of minority properties at unrealistic prices; and areas specifically designated for the early return of minorities.