



USAID
FROM THE AMERICAN PEOPLE



DRAGASH MUNICIPALITY (PHOTO BY DR. ZURI LINETSKY)

KOSOVO PROPERTY RIGHTS PROGRAM

MIDTERM PERFORMANCE EVALUATION

April 2018

This publication was prepared independently by Social Impact, Inc., at the request of the United States Agency for International Development. It was prepared by Dr. Zuri Linetsky, Mr. Roland Gjoni, Dr. Xhevdet Shala, and Dr. Nita Luci, for Social Impact, Inc.

(DELETE THIS BLANK PAGE AFTER CREATING PDF. IT'S HERE TO MAKE FACING PAGES AND LEFT/RIGHT PAGE NUMBERS SEQUENCE CORRECTLY IN WORD. BE CAREFUL TO NOT DELETE THIS SECTION BREAK EITHER, UNTIL AFTER YOU HAVE GENERATED A FINAL PDF. IT WILL THROW OFF THE LEFT/RIGHT PAGE LAYOUT.)

KOSOVO PROPERTY RIGHTS PROGRAM MIDTERM PERFORMANCE EVALUATION

April 4, 2018

USAID/Kosovo

IDIQ AID-I-17-00003; Task Order (TO)# 72016718F00002

ABSTRACT

Kosovo faces one of its most pressing development challenges in articulating a coherent and enforceable set of property rights, which are structurally vital to any country's legal, political and economic development. The USAID/Kosovo Property Rights Program (PRP) sought to improve the property rights regime in Kosovo, strengthen rule of law (RoL), and increase economic growth and investment. PRP has been instrumental in developing the National Property Rights Strategy for Kosovo, expanding the understanding of women's rights to property through a popular outreach campaign, increasing efficiency in courts focusing on property rights cases, and ensuring that even the most remote municipalities have staff and institutions working toward enhancing citizens' (and especially women's) rights to inherit and register property. Even though Kosovo has made notable progress, led by PRP, in its property rights regime, it continues to face major challenges. Specifically, Kosovo has yet to define the different forms of public property, mindsets—most notably among men—about women's property rights continue to impede equal access to property rights, and education at law faculties as well as in the primary and secondary school systems does not focus on gender or gender equality under the law. Even though the Government of Kosovo, supported by USAID and PRP, has passed legislation to positively impact property rights, there is still limited political and judicial capacity to enforce it.

TABLE OF CONTENTS

- Abstract..... ii
- Tables and Figures iv
- Acronyms..... v
- Executive Summary vii
 - Project Background vii
 - Evaluation Purpose and Use vii
 - Evaluation Methodology vii
 - Findings and Conclusions vii
 - Evaluation Question 1 vii
 - Evaluation Question 2 viii
 - Evaluation Question 3 ix
 - Evaluation Question 4 x
 - Select Recommendations xi
 - Recommendations for PRP before the end of the program xi
 - Recommendations for the Government of Kosovo xi
 - Recommendations for USAID xi
- Introduction 12
 - Project Background 12
 - Evaluation Purpose and Use 12
 - Evaluation Methodology 2
 - Evaluation Questions 2
 - Data Collection..... 2
 - Data Analysis 3
 - Limitations 4
- Findings and Conclusions..... 4
 - Evaluation Question 1 4
 - Findings..... 6
 - Conclusions..... 13
 - Evaluation Question 2..... 13
 - Findings..... 14
 - Conclusions..... 15
 - Evaluation Question 3..... 16

Findings.....	17
Conclusions.....	23
Evaluation Question 4.....	24
Findings.....	24
Conclusions.....	29
Recommendations.....	29
Recommendations for PRP before the end of the Activity.....	29
Recommendations for the Government of Kosovo.....	30
Recommendations for USAID.....	31
Lessons Learned.....	31

TABLES AND FIGURES

Table 1: Rapid Survey Responses by Municipality.....	3
Table 2: Average time from Case Filing until Notification of Defendants.....	21
Table 3: Average Time from Case Registration to Disposition.....	21
Table 4: Evaluation Design Matrix.....	Error! Bookmark not defined.
Figure 1: Age Distribution of Rapid Survey Respondents.....	3

ACRONYMS

Acronym	Explanation
AGE	Agency for Gender Equality
AI	Administrative Instruction
ATRC	Advocacy Training and Resource Center
CDCS	Country Development Cooperation Strategy
CMO	Case Management Office
CoM	Court of Merit
CSO	Civil Society Organization
DP	Displaced Person
EQ	Evaluation Question
ET	Evaluation Team
EU	European Union
FGD	Focus Group Discussion
GCG	Gender Coordination Group
GoK	Government of Kosovo
IP	Implementing Partner
JSSP	Justice System Strengthening Program
KII	Key Informant Interviews
KJC	Kosovo Judicial Council
KPCVA	Kosovo Property Comparison and Verification Agency
LAs	Legal Associates
MCO	Municipal Cadastral Office
MGO	Municipal Gender Officer
Moj	Ministry of Justice
NPRS	National Property Rights Strategy
PRP	Property Rights Program
PSA	Public Service Announcement
RMS	Records Management Specialists
RoL	Rule of Law
RTK	Radio Television of Kosovo

SI	Social Impact
SOP	Standard Operating Procedure
TL	Team Leader
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

PROJECT BACKGROUND

In May 2014, the United States Agency for International Development (USAID) awarded the Kosovo Property Rights Program (PRP) to Tetra Tech to support property rights activities (contract value: \$10,028,198). Working in partnership with the Government of Kosovo (GoK), along with local municipalities and organizations, the activity's four key objectives are (1) better coordination and policy, (2) improved court processes related to property claims, (3) enhanced women's rights to use property in practice, and (4) improved communication, access to information, and understanding of property rights. The focus districts of PRP are in Priština/Pristina along with the four basic courts of merit and municipalities including Ferizaj/Uroševac, Strpce/Shterpce, Gjilan/Gnjilane, Peja/Peć, Viti/Vitina, and Dragash/Dragaš.

EVALUATION PURPOSE AND USE

The purpose of this midterm evaluation is to evaluate the performance of PRP, provide lessons learned, provide information for USAID's future Country Development Cooperation Strategy (CDCS), and help guide USAID/Kosovo in future project design. The evaluation aims to inform USAID/Kosovo management on the progress made to date and to identify issues and related areas that would increase the effectiveness and ultimate impact of project interventions. To achieve this, this evaluation assesses project performance, including its relevance, effectiveness, efficiency, and likelihood of impact.

EVALUATION METHODOLOGY

This evaluation addressed four Evaluation Questions (EQs) on the following topics:

1. Implementation of Kosovo's National Property Rights Strategy,
2. Areas for further programmatic support,
3. Contributors to improved efficiency of property rights claims, and
4. Changes in citizens' (particularly women's) ability to register and inherit property.

The evaluation used a mixed-methods, gender-oriented approach. Methods included (1) a systematic review of relevant PRP literature and program documents, (2) 53 semi-structured key informant interviews (KIIs), (3) six focus group discussions (FGDs), and (4) 87 responses to a rapid survey.

FINDINGS AND CONCLUSIONS

EVALUATION QUESTION I

What are the challenges and opportunities in implementing Kosovo's National Property Rights Strategy (NPRS) recommendations?

SUMMARY OF EQ I FINDINGS

The GoK has only implemented National Property Rights Strategy recommendations for 14 months. According to PRP data for this period, of the 65 measures included in the NPRS Action Plan, three have been implemented, 32 are currently at some stage of implementation, and 30 have not yet been addressed. PRP has been instrumental in drafting, passing, and implementing the NPRS, despite political challenges in Kosovo. Consequently, there are several opportunities for continued implementation of the NPRS recommendations. First, nearly half of the measures in the NPRS Action Plan are at some stage of implementation, suggesting that through systematic follow-through, more NPRS recommendations can be implemented. Second, refining the existing Inheritance Package (including the Notary Law, Law on Non-Contested Procedure, and Law on Inheritance) may mitigate informality in the

property rights sector, strengthen the overall legal framework surrounding property rights, help assure equal access to property for women throughout Kosovo, and promote economic growth. Third, the education system in Kosovo lacks an explicit focus on gender equality, and there are no law faculty courses on gender issues within the Kosovo legal system. Therefore, there is an opportunity to implement NPRS recommendations regarding property rights for women by working to amend educational curricula in law faculties and in lower levels of education to impact the next generation's views of property rights, informality in the property sector, and women's rights, all of which can facilitate sustainable economic growth.

While progress has been made implementing NPRS recommendations, several serious challenges remain. First and foremost, traditional patrilineal and patrilocal customs limit women's access to property. This limited access to property undermines women's ability to access credit to open a business or contribute to the Kosovar economy, because property is used as collateral for bank loans. Second, although PRP has worked closely with GoK in drafting new property rights-related legislation, neither PRP nor the GoK have articulated a clear framework to be instituted for monitoring the process for adopting and implementing new pieces of legislation. This lack of monitoring (or follow-up after legislative drafting) has limited NPRS recommendation implementation. Relatedly, there is a lack of capacity to enforce new laws and regulations that have been adopted.

SUMMARY OF EQ 1 CONCLUSIONS

Challenges

- Traditional patrilineal and patrilocal customs limit women's access to property.
- PRP and GoK lack a mechanism through which they can monitor the eventual adoption and implementation of new laws in order to assess their scope and impact.
- Education and training of citizens, judges, and lawyers on legal processes and issues related to gender equality is an enduring and potentially generational challenge for transforming common views of property in Kosovo.
- Progress on reducing informality and using immovable property for economic growth has been limited.

Opportunities

- Continue working with GoK and the Assembly to ensure the adoption and promulgation of the Inheritance Package in order to promote—among other things—open and equitable economic growth by empowering women.
- To facilitate economic growth, more access to credit for women is necessary, and more education and awareness about women's contributions to the economy through access to property is needed.

EVALUATION QUESTION 2

What are the gaps and/or opportunities where programmatic support might be warranted?

SUMMARY OF EQ 2 FINDINGS

There are three main opportunities and three major gaps that require programmatic support. First, beginning with the NPRS model, the consultative process through which the NPRS was developed and the document itself are examples that the GoK can rely on to develop other inclusive, transparent and enforceable strategies. Second, given USAID and PRP's coordination with the European Union (EU) in

areas related to the NPRS, there is an opportunity to continue providing programmatic support to the EU on developing Kosovo's civil code. Civil code and property rights have a great deal in common; PRP working with the EU may allow the EU to learn lessons from the successful NPRS process and would be helpful for streamlining the implementation of NPRS recommendations, creating sustainable enforcement mechanisms for a new legal code and preparing Kosovo for its hopeful accession to the EU. Finally, the USAID brand is positive and widely recognized in Kosovo. Therefore, a final opportunity for programmatic support is mobilizing the USAID and PRP reputations in any new media and information campaigns.

The three gaps where programmatic support might be warranted include articulating a clear definition of property, planning for sustainability, and enforcing laws. The lack of a clear definition of the various forms of public space limits what can and cannot be done with a significant portion of land in Kosovo. Additionally, to date, GoK and Ministry of Justice (MoJ) officials are unable to discuss sustainability without PRP support. The GoK must be helped to understand how to take ownership of development processes without direct USAID support. Finally, the capacity to enforce all laws, in accordance with a complete cadaster, as well as an explicit definition of public property, is critically necessary. This is especially vital for enforcing women's rights to property.

SUMMARY OF EQ 2 CONCLUSIONS

Opportunities for Programmatic Support

- The NPRS is itself a model that USAID and other donors can use as a platform to launch revamped or entirely new strategies in the property sector and beyond.
- PRP and USAID have an opportunity to impart their lessons learned on the development of the NPRS to strengthen the civil code in Kosovo by working with the second stage of the EU civil code project.
- USAID and PRP's reputation within Kosovo is a valuable asset for future programming.

Gaps Necessitating Programmatic Support

- The lack of a clear definition of different forms of property is a major gap that warrants programmatic support.
- GoK and MoJ do not understand the concept of sustainability outside of USAID and PRP support, which necessitates training and education.
- The enforcement of women's access to property remains a critical challenge.

EVALUATION QUESTION 3

To what extent has the PRP contributed to improving the efficiency of processes related to property rights claims within the four basic courts of merit (CoMs)?

SUMMARY OF EQ3 FINDINGS

The PRP interventions in the four CoMs, which have been implemented by PRP-supported legal associates (LAs) and interns, are improving court efficiency of case processing and adjudication of property-related claims through active management of property-related cases. PRP's assistance is speeding up the screening of old cases, reducing the time from case assignment to preparatory sessions and from case filing to case disposition. Despite these positive developments, greater local ownership, buy-in by basic courts, and coordination between the Kosovo Judicial Council (KJC) and PRP are required to sustain the positive results in the four CoMs and roll out the lessons learned in all Kosovo courts.

Although the evaluation team observed that there are no unified standard operating procedures (SOPs) on the role of the PRP-trained LAs, the main task of LAs has been to introduce active case management techniques to speed up the flow of property cases in the selected CoMs. LAs' work has combined administrative, procedural, and substantive tasks in three stages of caseload: (1) initial screening of cases upon assignment of case to judges, (2) preparation of cases for preliminary session, and (3) main trial hearings. The main impact of PRP's interventions has been to shift the burden of administrative work from civil law judges to the LAs, thus speeding up the cases from one stage to another. The engagement of LAs has improved the efficiency of judges' work, allowing them to work only on judicial tasks and not administrative tasks. Unfortunately, there are no systems in place to make the gains made by LAs and their active case management work sustainable. A preliminary agreement exists between the KJC and USAID to hire the PRP-supported LAs as permanent court clerks, but their scope of work has not yet been clearly defined. Consequently, the sustainability of active case management techniques pioneered by PRP LA and the expansion of PRP LA techniques into other courts is in question because KJC has not yet clearly defined what PRP LAs will do and how they will impact the work of KJC-hired LAs.

SUMMARY OF EQ3 CONCLUSIONS

- PRP's assistance in improving the caseload for property-related court cases is still ongoing, but its initial impact has been positive in expediting the caseload in all four courts of merit.
- The active case management techniques introduced by the Legal Associates have enabled the four courts of merit to activate passive property cases and significantly reduce the time for case processing and adjudication of property and other civil law cases.
- The work of PRP LAs is widely viewed as a short-term assistance to address the long-standing case backlog rather than a long-term opportunity to be embraced and fully utilized.
- Sustainability of the results achieved through the newly introduced active case management techniques beyond the life of the PRP is questionable in all the courts of merit due to various factors requiring more focused efforts and coordination from the KJC, PRP, and court leaders.

EVALUATION QUESTION 4

To what extent has the PRP improved the ability of citizens (especially women) to register and inherit their property in the municipalities of Viti/Vitina, Strpce/Shterpce, and Dragash/Dragaš?

SUMMARY OF EQ4 FINDINGS

PRP undertook a multi-tiered approach to addressing the ability of citizens to register and inherit property in the three municipalities under review. These approaches were: (1) support to awareness raising, training, and education, and (2) enhancing property-related services in municipalities. Outreach activities in the form of a public media campaign undertaken as part of these approaches have created opportunities to amend institutional deficiencies in municipal capacities; however, they have only recently begun to generate expected results. PRP has begun training local officials to support women's rights to property, and these officials are passionate about their work. In fact, the team observed political will on the part of municipal authorities to provide quality services to citizens and take steps to offer more equitable access and consideration for women. However, despite PRP activities, social pressure and a lack of trust in institutions limit the number of women willing to claim their rightful inheritance. Additionally, men's mindsets and actions are still significant barriers to change, and thus women's gains, in terms of increased registration and inheritance of property, are still modest.

SUMMARY OF EQ4 CONCLUSIONS

Challenges

- There is a lack of trust in institutions to guarantee the rights of citizens, especially women, in claims and right to property.
- Men continue to reject discussing property rights, specifically inheritance, along lines of gender equality.

Opportunities

- Training and engagement of municipal authorities has made them potential advocates of equal property rights.
- Increased efficiency of municipalities generates trust among citizens and can be capitalized to further sustain efforts towards the enforcement of women's property rights.
- Media and educational institutions are dedicated partners in supporting initiatives that enhance citizen access to services and women's economic and social empowerment through property rights.

SELECT RECOMMENDATIONS

RECOMMENDATIONS FOR PRP BEFORE THE END OF THE PROGRAM

1. PRP and the GoK must co-lead the development and finalization of a framework for defining different types of property prior to the end of the PRP activity.
2. PRP must work with GoK, Moj, and KJC to build a greater sense of ownership over PRP programming; local officials must be guided in how to make programming sustainable with a limited USAID footprint.
3. PRP should work with KJC to develop clear job descriptions, supervisory structures, and a pathway for PRP-trained LAs to become regular court employees. These job descriptions should include mechanisms to fundamentally transform the role of the existing law clerks in all Kosovo courts from passive judicial assistants drafting court rulings for judges into proactive legal associates applying active case management techniques to improve caseload in basic courts.

RECOMMENDATIONS FOR THE GOVERNMENT OF KOSOVO

1. The GoK should work with PRP to start up an easily accessible information system for citizens (especially women) to learn about their property rights, through public advertisements (e.g., posters, billboards, mailed pamphlets), direct community outreach, or a phonenumber with operators ready to answer questions, all of which should be done with USAID branding to increase public confidence and the likelihood of public buy-in.
2. The GoK should work with PRP to develop methods for enforcing women's property rights. PRP should advise Moj and GoK as they lead the development of enforcement protocols.
3. The GoK should implement educational reforms for youth and law faculty students, as well as continued training for judges on women's property rights and gender equality.

RECOMMENDATIONS FOR USAID

1. USAID and PRP should continue working on developing and/or enhancing infrastructural and human capacities in municipalities, thereby contributing to the quality of services received by citizens. Key capacities to be expanded include record digitization, the number of information centers/desks, training of officials, and community outreach.

2. USAID should work with the GoK to support continued public education in schools—led by local municipalities and the GoK/Ministry of Education—on the economic and social value of empowering women by registering property in their names and jointly.

INTRODUCTION

PROJECT BACKGROUND

The Government of Kosovo is working diligently toward an open market political economy; however, owing to the country's Communist legacy as well as the years of civil and ethnic conflict that affected the state in the wake of the collapse of state socialism in Yugoslavia, Kosovo lacks transparent property rights, a core component of free market economics. In the years immediately prior to and following the 1998–99 war, records on ownership rights to land and buildings, property maps, cadastral records,¹ court records, possession lists, and transaction list document archives—all of which constituted the locus of property ownership within Kosovo—were lost, destroyed, or removed to Serbia.² The lack of records has critical downsides for the economy overall but has been especially difficult for minority ethnic groups, diaspora populations, displaced people, and other vulnerable populations. Due to traditional and cultural norms that favor patrilineal inheritance, as well as the social expectation that women will not inherit land, the loss of records also has a disproportionate impact on women, limiting their capacity to be meaningful economic actors in Kosovo. These gaps and challenges in the national property rights system are the focus of the USAID/Kosovo Property Rights Program (PRP).

In May 2014, USAID awarded PRP to Tetra Tech to support property rights activities (contract value: \$10,028,198). Working in partnership with the Government of Kosovo (GoK), along with local municipalities and organizations, the program's four key objectives are (1) better coordination and policy, (2) improved court processes related to property claims, (3) enhanced women's rights to use property in practice, and (4) improved communication, access to information, and understanding of property rights. The focus districts of the Kosovo PRP are in Priština/Pristina along with the four basic courts of merit and municipalities including Ferizaj/Uroševac, Strpce/Shterpce, Gjilan/Gnjilane, Peja/Peć, Viti/Vitina, and Dragash/Dragaš.

EVALUATION PURPOSE AND USE

The purpose of this midterm evaluation is to evaluate the performance of PRP to provide lessons learned and help guide USAID/Kosovo in future project design. The evaluation aims to inform USAID/Kosovo management on the progress made to date as well as identify issues and related areas that would increase the effectiveness and ultimate impact of interventions. Furthermore, this evaluation will provide information for USAID's future Country Development Cooperation Strategy (CDCS) and

¹ Cadastral records are the comprehensive register or list of real estate or real property in a country.

² David Stanfield and Skender Tullumi. "Immovable Property Markets in Kosovo." Terra Institute and Land Tenure Center; David Stanfield, Scott Thomas, Katherine Kelm, and Jeff F. Dorsey. "As Assessment of Property rights in Kosovo: Final Report." USAID, March 2004.

potential future programming in property rights. To achieve this, the evaluation assesses project performance, including its relevance, effectiveness, efficiency, and likelihood of impact.

USAID will use the evaluation findings primarily to:

1. Learn lessons and recommendations that will guide the design of future activities.
2. Inform the development of the next CDCS.

EVALUATION METHODOLOGY

The evaluation methodology was designed to answer the four EQs using a mixed-methods, gender-oriented approach. Annex A provides the Evaluation Statement of Work, on which Social Impact, Inc. (SI), based the design. Annex B contains a more detailed explanation of the methodology used for this evaluation. See Annex C for data collection tools and interview protocols used during this evaluation.

EVALUATION QUESTIONS

This evaluation addressed the following questions:

1. What are the challenges and opportunities in implementing Kosovo's NPRS recommendations?
2. What are the gaps and/or opportunities where programmatic support might be warranted?
3. To what extent has the PRP contributed to improving the efficiency of processes related to property rights claims within the four basic courts of merit?
 - a. To what extent have PRP's legal associates and interns contributed to efficiency of these four courts?
 - b. To what extent have newly introduced caseload practices contributed to efficiency in these four courts?
 - c. To what extent are the newly introduced court practices sustainable?
4. To what extent has the PRP improved the ability of citizens (especially women) to register and inherit their property in the municipalities of Viti/Vitina, Strpce/Shterpce, and Dragash/Dragašhow?

DATA COLLECTION

The team collected data to answer the evaluation questions using the methods described below.



DOCUMENT REVIEW The team conducted a systematic review of relevant literature and program documents from Kosovo PRP's startup through November 2017. Annex D contains a comprehensive list of the documents that the team reviewed. The team recorded findings, conclusions, and recommendations emanating from the document review in an Excel workbook. For every document covered by the desk review, the team recorded findings, conclusions, and recommendations in Excel, linking them to Developmental Objectives, Strategic Objectives, and Intermediate Results listed in the USAID/Kosovo CDCS. The desk review informed the development of data collection tools, as well as the draft report.



SEMI-STRUCTURED KEY INFORMANT INTERVIEWS (KIIS) The team drew informants from a range of stakeholder types, namely the implementing partner (IP), GoK, civil society organizations (CSOs), the Kosovo Judicial Council (KJC), representatives from justice institutions (judges, lawyers, legal associates, and interns), and other donors. The team employed purposive sampling to select respondents. The team combined recommendations from USAID and the IP with information from the document review and strove to maximize representativeness while ensuring coverage of respondents from the target municipalities. The team conducted a total of 53 KIIS in Pristina and the target municipalities.



FOCUS GROUP DISCUSSIONS (FGDs) The team conducted FGDs in each of the six target municipalities with PRP-supported legal associates and interns, as well as women from those municipalities. The team employed purposive sampling to select respondents and conducted a six FGDs with a total of 28 participants.



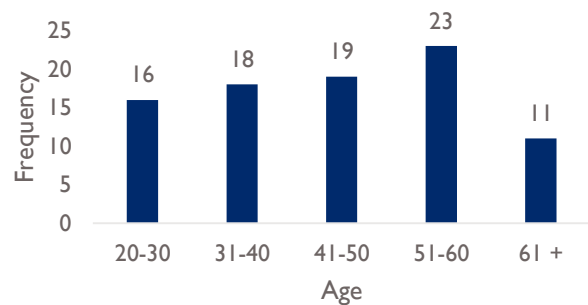
RAPID SURVEY To gather data on men’s views of PRP programming as well as on men’s perceptions regarding issues of gender and property rights, the team implemented a 14-question quantitative survey in eight municipalities. These data were also collected to facilitate some gender- and municipality-disaggregated answers to the evaluation questions. No identifying data was collected from respondents, and outside of data on municipality, age, and number of children, all questions were yes/no responses. This survey was designed to be simple and short to minimize response time and mitigate issues of respondent identification, because the survey asked men to respond to potentially sensitive issues about their perceptions of women’s rights.

Table 1: Rapid Survey Responses by Municipality

Municipality	Responses
Viti	10
Peja	10
Ferizaj	8
Strpce	16
Gjilan	11
Prizren	11
Dragash	10
Pristina	11
Total	87

The survey yielded 87 responses. Table 1 includes a breakdown of interviews by municipality. Men were randomly selected into the survey. The team attempted to collect data from 10 male respondents in each municipality and selected men they saw on the street for survey participation if these men were over the age of 18. This approach yielded a sample where the average respondent age was 45, the youngest respondent was 20, and the oldest 67. Figure 1 highlights the distribution of ages in the Rapid Survey.

Figure 1: Age Distribution of Rapid Survey Respondents



It is important to note that this is not a representative sampling of men in these municipalities, and the findings collected through the survey are only illustrative: they cannot be used to draw conclusions about Kosovar men in general or about the male population of these municipalities. Also, given the small sample size, the quantitative data presented in the report are not statistically significant. Finally, given that men were asked to fill out the rapid survey by both male and female enumerators, the results may be biased. Men who were asked to fill out the survey by women may have been more likely to answer in ways that they perceived to be less antagonistic to the female enumerators.

DATA ANALYSIS

The team used a variety of data analysis techniques to develop evaluation findings, conclusions, and recommendations. Throughout data collection, the Team Leader (TL) led several internal analysis sessions with the team to review emergent themes and concepts. The team recorded and used these emergent themes during data analysis. The TL captured these preliminary findings, conclusions, and recommendations in an internal matrix (Excel file) that categorized findings, conclusions, and recommendations by evaluation question. This allowed the team to (1) develop a systematic and thorough response to each evaluation question, (2) assure that analysis accounted for gender, institutional, municipal, and social dimensions, and (3) identify any gaps where additional clarification or

analysis was necessary. Emergent themes were further used as a basis for coding the data collected in a more quantifiable way through tally sheets.

The team compared data from the document review, KIIs, FGDs, and rapid survey against one another to determine whether findings were divergent or convergent. When multiple informational streams provided consistent information, these were included as findings. The team drew conclusions by reflecting on the key findings for each evaluation question. Analysis accounted for gender and social dimensions, wherever possible.

LIMITATIONS

There are several limitations to this evaluation report.

IMPLEMENTATION DELAYS First, because of internal political turmoil in Kosovo, the implementation of the NPRS was stalled while the most recent Government took office in September 2017. This limited the scope of PRP's work and the extent to which the ET was able to gather comprehensive data on each of the evaluation questions, but especially EQ1. Additionally, since the GoK is relatively new and has only had a limited amount of time to work on implementing NPRS recommendations, there is little variation in various GoK representatives' views of NPRS. Consequently, the extent to which answers to the evaluation questions can be disaggregated by institution is limited.

RESPONSE BIAS Relatedly, there is an incentive for some GoK and MoJ officials to offer positive responses to the team because both bodies benefit from USAID and PRP support. This is especially important since the PRP will end in 2019, while many of the NPRS recommendations have yet to be implemented.

Response bias also impacts the extent to which the team was able to gather data on each evaluation question that could be disaggregated by gender. Since PRP is working hand-in-hand with the GoK on implementing the NPRS recommendations with a special focus on gender, respondents may not want to undermine this relationship by discussing gaps in programming pertaining to such a critical component to PRP work.

DATA GAPS Finally, there was a general sense among many of the people the team spoke to that there are severe data gaps in Kosovo. Thus, because of limited standard operating procedures and communication mechanisms between municipal and national institutions, the team found it difficult to gather systematic, comparative data on how different municipalities were faring in ensuring access to property rights. Indeed, the team was told on several occasions that data on some areas of Kosovo was simply unavailable, or data disaggregated by municipality on issues relating to property had not they been systematically collected. These data limitations necessitated that the ET use rapid methods to collect some basic illustrative data in the form of the Rapid Survey. These methods are not representative and should be interpreted with caution.

FINDINGS AND CONCLUSIONS

EVALUATION QUESTION I

What are the challenges and opportunities in implementing Kosovo's National Property Rights Strategy (NPRS) recommendations?

Objective I of USAID/Kosovo's Property Rights Program (2014–19) is "Better Coordination and Policy Priorities." The goal of this objective was to deal with development challenges faced by Kosovo because of a lack of coordinated vision in the property rights legal regime. The product of the work undertaken

under Objective I of the PRP is the NPRS and its Action Plan, which were finalized and adopted by the GoK on January 18, 2017. It is important to point out that PRP facilitated the creation and approval of the NPRS through several years of coordination with hundreds of stakeholders throughout Kosovo.

The NPRS groups the main challenges in Kosovo’s property rights sector into five “aspirational objectives” to be achieved and offers a series of actionable recommendations: “The Implementation Action Plan indicates, for each strategic objective, the specific measures, activities and sub-activities required to implement the National Strategy, indicators to monitor implementation, the institutions responsible for each action, and the expected costs of implementation.”³

As part of the adoption of the NPRS, in 2017, the GoK and its partners held high-visibility events to announce the strategy and its objectives. Additionally, an extensive in-person and multi-media public outreach campaign was initiated to bring attention to the strategy and larger property rights issues in Kosovo.⁴

Although the implementation of the NPRS is still in an embryonic phase due to political challenges within Kosovo, of the 65 measures that are included in the NPRS Action Plan, three have been implemented, 32 are currently at some stage of implementation, and 30 have not yet been taken up. While the GoK has made progress implementing NPRS recommendations, several serious challenges remain. First, traditional patrilineal and patrilocal customs limit women’s access to property. Second, political turmoil and limited ability to affect the progress of laws relating to property rights through the Assembly review process after they are drafted continue to limit the implementation of NPRS recommendations. Relatedly, there is a lack of capacity to enforce new laws and regulations that have been or are likely to be adopted. Third, education of law students specifically—but also most students throughout the primary, secondary, and tertiary systems—judges, and prosecutors on issues related to gender equality and property rights is an enduring and potentially generational challenge for transforming common views of property in Kosovo.

Despite these challenges, there are opportunities for implementing more of the NPRS recommendations. First, nearly half of the measures in the NPRS Action Plan are at some stage of implementation, which suggests that via systematic follow through, more NPRS recommendations can be implemented. Second, ensuring the adoption of The Inheritance Package (including the Notary Law, the Law on Non-Contested Procedure, and the Law on Inheritance) may mitigate informality in the property rights sector, strengthen the overall legal framework surrounding property rights, help assure equal access to property for women throughout Kosovo, and promote economic growth. Relatedly, although the World Bank is currently working on digitizing the Kosovo cadastre, PRP’s experience developing a property rights framework and its work supporting the Strpce municipality to register a backlog of over 5,000 Serb-Albanian property transactions can be useful for both speeding up the cadastral digitization process and strengthening the property rights legal framework. Third, amending the educational curricula in law faculties can have a rapid and major impact on the next generation of

³ Republic of Kosovo and USAID. Kosovo National Strategy on Property Rights. (Pristina: USAID, 2016), 7; Tetra Tech, Third Annual Summary Report: Property Rights Program (PRP) FY 2017 (October 2016-September 2017). (Pristina: USAID, 2017), 1.

⁴ Tetra Tech, Third Annual Summary Report: Property Rights Program (PRP) FY 2017 (October 2016-September 2017). (Pristina: USAID, 2017), 1.

lawyers' views of property rights, informality in the property sector, and women's rights, all of which can facilitate sustainable economic growth.⁵

The following sections present findings from 15 days of primary source data collection with representatives of PRP, various Government of Kosovo (GoK) officials, and CSOs and consultants for the GoK on the NPRS. Findings are presented as they related to the five objectives of the NPRS. Additionally, the sections below will offer conclusions and recommendations for the PRP.

FINDINGS

This section lays out challenges and opportunities related to implementing Kosovo's National Property Rights Strategy, based on primary source data collection with officials working on implementing the NPRS.

NPRS OBJECTIVE 1: SECURING RIGHTS TO PROPERTY BY STRENGTHENING THE LEGAL FRAMEWORK

NPRS ACTION PLAN – MORE WORK TO DO As of March 2018, “six (6) Concept Documents, five (5) Draft Laws, ten (10) Administrative Instructions, and three (3) Regulations stemming from, or guided by the NPRS have been finalized; and PRP is supporting work on an additional three Concept Documents, two Laws and two Administrative Institutions.”⁶ Unfortunately, 30 measures from the NPRS Action Plan have not yet been taken up.

DEFINITIONS OF NON-PRIVATE PROPERTY The NPRS points out that while rights to private property in Kosovo are “reasonably well defined” in the Law on Property and Other Real Rights and several other related laws, types of non-private property rights remain inconsistently defined (the EU Civil Code project is also taking up these issues). Therefore, increasing equal access to property for all Kosovars will require additional legal work defining non-private property. Types of non-private property needing NPRS attention include: state property, socially owned property (including urban construction and the status of 99-year leases), public, and municipal property.⁷

Of the measures that have been implemented or are at some stage of implementation, none address the legal framework for property rights in terms of defining types of property (the three adopted measures deal with land use, Objective 5 of the strategy). However, according to PRP data, there are seven measures on strengthening the legal framework for property rights currently being implemented, with an additional four still waiting to be taken up. PRP has provided comments on concept notes or has helped draft concept notes for new laws covering: Public Property, Construction Land, Property and Other Real Rights, Free Legal Aid, Contested Procedure, and Transformation of the Rights of Use on Immovable Socially Owned Property.⁸

⁵ PRP can begin the process of introducing gender as a topic of study in law faculties and set a precedent as well as a model for replication. Other donors or follow-on programs can then expand curricula changes from the law faculty to other university faculties and then the primary and secondary school systems, maximizing the impact of the time left on in the PRP contract.

⁶ Tetra Tech, Third Annual Summary Report: Property Rights Program (PRP) FY 2017 (October 2016–September 2017). (Pristina: USAID, 2017), 2

⁷ Republic of Kosovo and USAID. *Kosovo National Strategy on Property Rights*. (Pristina: USAID, 2016), 7.

⁸ Tetra Tech, Third Annual Summary Report: Property Rights Program (PRP) FY 2017 (October 2016–September 2017). (Pristina: USAID, 2017), 40-41.

GENERAL SUPPORT FOR PRP'S WORK

PRP's coordination and ability to mobilize expertise and knowledge has been key to progress on property rights and the overall legal framework in Kosovo. Among the 40 interviews with respondents who provided the team with data on the implementation of NPRS recommendations, the majority of them (23) indicated that PRP is an effective coordinator in the NPRS drafting process, as well as in its involvement in commenting on concept notes and assisting in drafting the language for new property rights-related legislation. These data suggest that with PRP support, there is an opportunity to draft and ensure the implementation of many, if not all, measures that are part of the NPRS Action Plan.

An official from one government Ministry said that it was only through USAID's assistance that a cohesive strategy for the NPRS was developed; USAID facilitated contact with people from both rural and urban areas and collected a lot of information relevant to women and displaced peoples. According to this respondent, "We needed someone to push us forward."

FOLLOW UP AND FOLLOW THROUGH The main challenge for this objective is that no mechanisms yet exist for monitoring new law implementation or for measuring the impact of new legislation after the Assembly adopts them.⁹ Indeed, 14 interviews (of the 40 with respondents who commented on the NPRS) indicated that the GoK does not yet track how (or whether) newly adopted laws are implemented. This is partly because NPRS recommendation adoption and implementation is still in a relatively early phase and plans for follow on activities have yet to be developed. Moreover, political gridlock has prevented the Assembly from adopting new laws developed through NPRS (to date) and as a consequence, political officials have not yet offered a mechanism for supervising or enforcing the implementation of new laws and measures—following their adoption by the Assembly. To follow up and follow through on the adoption of new laws, a monitoring system, which facilitates the collection of data from various municipalities on a regular basis (biannually, over several years) focusing on if and how laws are being implemented locally, as well as on the extent of their local impact, is critical. These data could be stratified by Municipality and gender. Making these data publicly searchable and available online could go a long way to expanding GoK transparency, building public trust—by allowing citizens to view the progress of legal changes in their localities—and helping measure the direct relationship between innovations in the property rights legal framework, female empowerment, and economic development.

NPRS OBJECTIVE 2: SECURING RIGHTS TO PROPERTY BY ADDRESSING INFORMALITY IN THE IMMOVABLE PROPERTY SECTOR

INFORMALITY Informality in the property sector remains a major challenge to securing property rights. Informality in Kosovo exists due to informal property transactions and outdated land records. PRP programming has helped address informality through its public outreach campaign. In 2017, PRP supported the Ministry of Justice (MoJ) Conference “Minimizing Informality and Guaranteeing Women’s Property Rights in Kosovo” and extended the PRP “For Our Common Good” campaign to include a public service announcement on informality in the property sector.¹⁰

While the NPRS lists five recommendations to address issues around informality, progress toward eliminating this problem has been limited. PRP records indicate that no new concept notes or laws have been implemented, but three have been completely drafted and are going through the legal process for adoption through the Assembly. There are a number of additional challenges in addressing informality.

⁹ Monitoring and measuring the impact of new laws must be done after they come into force.

¹⁰ Tetra Tech, Third Annual Summary Report: Property Rights Program (PRP) FY 2017 (October 2016-September 2017). (Pristina: USAID, 2017), 40-41.

First, is the backlog of court cases. According to KII respondents at the National level, the backlog of property-related cases in courts (which is in fact decreasing) is a key issue influencing informality, as it lengthens the time for the recognition of formal legal rights. Additionally, the fact that 30% of land in Kosovo is registered in the name of deceased owners is a challenge for resolving informality. Delayed inheritance means that there could be many inheritors, who are a burden to find and contact, and whose potential inheritance would negatively impact the amount of property that *de facto* (i.e. current) land users or occupiers can maintain.¹¹

PROPERTY REGISTRATION A lack of formal property titles adversely affects the joint registration of spousal property, as many husbands are merely using properties that are registered in the name of fathers or grandfathers. This constrains women’s opportunities for access to credit and official property rights. Also, registering property is generally viewed to be time-consuming, overly bureaucratic, and costly. A respondent from an European agency said that when a property case might take 7–10 years to be resolved, people will naturally revert to Kanun (traditional informal law) to address property issues. According to PRP’s midline data, only 45 percent of people surveyed by PRP had property registered in their name, despite 82 percent considering themselves the owners of property.¹²

“It is not that people are uninformed or do not recognize the judicial system (on property rights), but due to ineffectiveness, people are looking for alternative solutions.”

–KII respondent.

CADASTRAL RECORD Another key challenge for addressing informality (as well as for formalizing the overall Kosovo legal framework and guaranteeing equal rights to property for all people) is the incomplete cadastral record, which is the result of the removal of cadastral documents to Serbia during the war. These missing data cause gaps in knowledge surrounding property ownership and “confusion over evidence of property rights in Kosovo.”¹³ The lack of documentation (and the lack of enforcement of the Brussels Agreement with Serbia) makes finalizing the Kosovo cadastre difficult. Moreover, this lack of data limits the Kosovo Property Comparison and Verification Agency’s (KPCVA) ability to verify who will be given property rights, most notably in areas where informal or verbal contracts were common place. Unsurprisingly, senior municipal representatives in two municipalities emphasized the importance of finalizing the digitization of the cadastre. An incomplete cadastre allows family members to exclude other potential heirs from the inheritance and Death Act documentation: *“We had one case where a brother excluded his brother who lived abroad from inheritance, the notary accepted the birth certificate as provided, cadastral records registered the inherited property, and we only found through the court that the other brother had been excluded. Exclusion from property usually happens to women but also with brothers especially if they are disabled or living abroad.”*

One municipal official stated that the incomplete digitization of the cadastre fundamentally undermines the ability of municipalities, courts, tax officials, and ministries to communicate and effectively share data on property rights, thereby undermining the goal of eliminating informality in the property sector.

¹¹ Tetra Tech, Property Rights Program (PRP): Informality in the Land Sector: The Issue of Delayed Inheritance in Kosovo (Pristina: USAID) 2016.

¹² Tetra Tech, Midterm National Survey on Property Rights in Kosovo: Property Rights Program (PRP). (Pristina: USAID, 2017, 7)

¹³ Republic of Kosovo and USAID. *Kosovo National Strategy on Property Rights*. (Pristina: USAID, 2016), 9.

OPPORTUNITIES TO LIMIT INFORMALITY Certainly, there are opportunities for progress on limiting informality in the property sector. Specifically, ensuring the adoption of the Inheritance Package is necessary. These laws address informality by decreasing the burden on courts for adjudicating property rights issues and streamlining court procedures for securing property. Additionally, the progress being made by PRP in developing an online system/web portal for notifying people about pending property cases (as per the NPRS recommendation) will assist people with access to information.

A related opportunity for NPRS recommendation implementation is work being done in basic courts of merit regarding the legal doctrine of constructive notice. While PRP is working to expand the use of online portals for constructive notice, PRP-trained LAs have taken it upon themselves to track down parties involved in property cases to make them aware of the proceedings; this practice is likely not sustainable without a larger number of PRP-trained LAs and other support staff. Judges in two of the basic courts of merit who were interviewed indicated that PRP LAs have been working to contact displaced persons in Montenegro and Serbia regarding ongoing property rights cases in these courts. This adoption of constructive notice is an opportunity for implementing NPRS recommendations on informality, because increased awareness of pending cases can reduce the time necessary for court proceedings for inheritance, thereby removing one incentive to maintain informal ownership: time wasted in court proceedings. Additionally, constructive notice—due to formal and public time limits for expressing interest in property by a potential inheritor—might increase the ability of the state to update and finalize the Kosovo cadastral record, as well as help “achieve finality of administrative decisions providing legal recognition of informal rights to enable their registration in Kosovo’s cadastre.”¹⁴

NPRS OBJECTIVE 3: GUARANTEEING AND ENFORCING PROPERTY RIGHTS OF DISPLACED PERSONS AND NON-MAJORITY COMMUNITIES

IMPLEMENTATION OF EXISTING LAWS DOES NOT HAPPEN “While Kosovo’s primary legislation expressly provides protections for minority communities, the law is often not effectively implemented in practice.”¹⁵ It was the consensus of both PRP and the KII respondents that legal mechanisms exist for displaced persons (DP) and non-majority communities, but communication about rights and the implementation of laws remain major challenges. According to one media organization and a group that advocates for DP communities, courts do not give priority to property rights cases for DPs and non-majority community members. This is not due to any legal issues within the courts or with the cases themselves but due to judges’ unwillingness to participate in potentially political decisions. KII respondents indicated that the NPRS is written well to enforce property rights for these communities, but there are gaps in information dissemination about rights, and a potential lack of political will for the implementation of policy, notably in the northern municipalities. Additionally, a legal expert noted that while EU programming for addressing the rights of DP and non-majority communities exists, there is little political will at any level of government to address these issues.

LACK OF DATA A key challenge in enforcing property rights for non-majority communities is that there is a seeming dearth of systematic publicly available data on these communities, which limits the scope of property rights programming.

¹⁴ Republic of Kosovo and USAID. *Kosovo National Strategy on Property Rights*. (Pristina: USAID, 2016), 46.

¹⁵ Civil Rights Program Kosovo (CRP/K), Srdjan Staletovic and Nikola Lazic and USAID PRP. *Property Right Program (PRP): Issues Affecting the Ability of Members of Minority Communities in Kosovo to Exercise Their Property Rights*. (Pristina: USAID, 2016), 4.

LACK OF STANDARD PRACTICES BETWEEN NON-MAJORITY, NORTHERN AND OTHER MUNICIPALITIES Additionally, a challenge for ensuring property rights for non-majority communities lies in the court system, where a MoJ official noted that only now is the Kosovar judicial system syncing its practices with non-majority areas. This lack of standardized practice in courts might serve as an impediment to property rights.

OPPORTUNITIES FOR DP AND MINORITY COMMUNITIES There are two opportunities to implement recommendations on this objective of the NPRS. First, building on the use of constructive and enhanced notice for property rights cases, the PRP-trained LAs could support equal access to property for DPs and non-majority communities.¹⁶ Second, given that the judicial system in non-majority and northern municipalities is now being harmonized with the prevailing Kosovo legal system, there is an opportunity to build common standard operating procedures in courts dealing with property issues related to non-majority communities and DPs.

NPRS OBJECTIVE 4: GUARANTEEING AND ENFORCING PROPERTY RIGHTS OF WOMEN

MORE WOMEN OWN AND INHERIT PROPERTY Notable progress has been made on guaranteeing the property rights of women. PRP midline data (collected in December 2016) indicate that the percentage of women in Kosovo who own property has increased by 2 percent since the beginning of the PRP program and that 20 percent of property owners in Kosovo are now women. KII data support these findings, as respondents across institutions and municipalities noted that more women have come to own property since PRP's inception. KII respondents noted that more women have started to claim property inheritance, and more couples are registering property in the names of both spouses. According to the cadastral officer in one municipality, women's property transactions in the municipality have increased modestly but linearly between 2015 (63), 2016 (77), and 2017 (82).

MORE WOMEN ARE DEMANDING RECOGNITION OF RIGHTS THROUGH MARRIAGE According to one Basic Court of Merit judge, increasing numbers of women are claiming property in divorce proceedings in addition to requesting that their contributions to marriage be recognized by the courts—in line with recommendations from the NPRS.¹⁷ On the issue of women claiming recognition of spousal contribution to marriage, it would seem that the work of civil society organizations (CSOs) focused on empowering women is having a direct impact. One CSO has worked to educate women on the value that they provide to households. According to data this CSO collected during an informal survey, 80 percent of women surveyed said that they make a monetary contribution to families, which is a direct result of the CSO's core programming. The programming provided by CSO like this is a major opportunity for continued implementation of NPRS recommendations pertaining to the property rights of women, as these types of organizations raise the awareness of women regarding their contributions to their families and communities, thereby empowering them to claim property rights that they are due.

WOMEN BETTER UNDERSTAND THEIR INHERITANCE RIGHTS AS A RESULT OF PRP Additionally, Women-4-Women, CLARD (a free legal aid organization), and POLIS are raising women's awareness of their specific inheritance rights. Specifically, these organizations have worked to educate women on the fact that they are entitled to an equal share of any inheritance, not half of what a man is entitled to (as dictated by traditional forms of Kanun law). Additionally, as noted by a representative of a Kosovo media organization, the shortening of the length of time of cohabitation to count as a civil union (10 years to 3–5 years) is having a positive impact on inheritance and on formal marriages.

¹⁶ Republic of Kosovo and USAID. *Kosovo National Strategy on Property Rights*. (Pristina: USAID, 2016), 46.

¹⁷ *Ibid*, 12.

MEN'S ATTITUDES TOWARD INHERITANCE MAY BE SHIFTING In examining survey data collected by the team with men in 8 municipalities (including Pristina), 78 percent (n=86) said that women have equal inheritance rights, and 45 percent said that women in their families had in fact inherited property. Of the 51 men who took part in the survey that had female children, 53 percent said that women in their family had in fact inherited property, while only 34 percent of the 35 men without female children said the same. Unfortunately, having female children has no demonstrable impact on survey respondents' likelihood of registering property in the name of both spouses.

THE KEY ROLE OF THE NOTARY While several NPRS recommendations call for notaries to ensure that women's rights to property are guaranteed, their work remains a significant obstacle to recommendation implementation. Indeed, 10 interviews emphasized that notaries are simply not doing their jobs correctly and/or are not systematically trained in their work. Notaries are generally thought of as people running their businesses to the detriment of women's property rights, as they are mainly focused on making money. Due to their focus on generating income, notaries may not actually be enforcing laws related to the death act and ensuring that women are not forcibly removed from inheritance. Representatives of several CSOs emphasized that notaries often make mistakes in their work, allowing for private wills to become public, not notifying or consulting with all parties in a property dispute between a couple in divorce proceedings, and taking the man's word for the fact that women are willing to renounce property. In effect, notaries are not verifying the veracity of property claims made to them. Additionally, notaries are quite expensive. KII respondents suggested that providing a set price range for basic services such as joint property registration would be an opportunity for continued implementation of NPRS recommendations with regard to women's property rights, especially for poorer families. Lower and more transparent prices would be important in the context where 60 percent of the Kosovar population is jobless and 30 to 40 percent of the population depend on social benefits (according to one KII respondent).

CHALLENGES FOR WOMEN'S PROPERTY RIGHTS The challenge of people's "mindset" was noted by over a third of people interviewed for this evaluation. One judge interviewed for this evaluation highlighted the traditional mindset, that it is the right of men to remove women from inheritance. He recounted a story of two local brothers removing two sisters from their family's inheritance, which an LA discovered and rectified. Due to issues with the validity of the cadaster, as well as the willingness of some male family members to provide fraudulent data to courts and notaries, women's access to property is still limited. The issue surrounding mindset is cultural and generational. Mindset in Kosovo is tied to traditional Albanian patrilineal and patrilocal systems, which members of the older generations still adhere to. Court officials in two sample districts referred specifically to these traditional customs when discussing women's access to property and why their inheritance rights are not fulfilled as per the law. Addressing this mindset is a key challenge for implementing NPRS recommendations.

Additionally, the poor state of digital property ownership records in Kosovo is a challenge for female property rights. The lack of records limits the ability of municipalities, various government institutions, and levels of government to communicate with one another on issues relating to property rights and inheritance. Without this type of interagency communication, verifying inheritance and ensuring that women are not omitted from the Death Act (which according to KII respondents can be done with fake documents) will continue to be a challenge.

OPPORTUNITIES FOR WOMEN'S PROPERTY RIGHTS Opportunities related to changing mindset on women's access to property include the continued media outreach campaign and a change in the educational curricula in Kosovo. The PRP media campaign was described as a success in 18 KII interviews because of the broad reach of the campaign, in terms of municipal penetration and its visibility on social media—which is particularly relevant for changing the attitudes of youth. In fact, a GoK official noted that Serb GoK staff members took part in the media campaign to broaden its appeal.

In terms of education, 10 KII interviews indicated that revamping the education system, beginning with primary and secondary schools, and extending this process into the law faculty, is a major opportunity for changing mindset. Youth are viewed as a critical component to positively impacting women's access to property because they will take up positions in the government, courts, and throughout Kosovar economic and social structures that will impact women's ability to access property. Therefore, adding an explicit focus on gender equality at all levels of schooling, and especially in schools focused on training lawyers and judges, is a necessary component of affecting mindset changes, and thereby positively impacting women's continued access to property.

A final opportunity to guarantee women's rights to property is the continued incentivization of joint property registration. Incentives by way of waivers on property registration fees or allowing couples who jointly register property to gain points to qualify for farm subsidies from the Ministry of Agriculture (according to the Advocacy Training and Resource Center [ATRC]) are having a net positive impact on women's property ownership. Indeed, nine interviews with respondents indicated that as people were released from municipal taxes, there was some related increase in joint property registration.

NPRS OBJECTIVE 5: PROMOTING PRODUCTIVE USE OF IMMOVABLE PROPERTY TO FUEL ECONOMIC GROWTH

THE LINK BETWEEN PROPERTY RIGHTS AND ECONOMIC GROWTH IS PROGRESSING

Overall, explicit progress on NPRS recommendations on the productive use of immovable property for fueling economic growth seems limited. Indeed, few KII respondents made explicit connections between property rights and economic growth. However, PRP has made progress on the Law on Immovable Property Tax, which has been finalized and is awaiting legislative approval. Additional concept documents and laws in progress include the Law on Construction and a draft concept note on a new Law on the transformation of the rights of use on immovable socially owned property.

According to PRP data, this objective has the largest number of laws and concept documents being implemented (11), waiting to be implemented (14), and already implemented (3). The challenge here seems to be that forms of land (social, public, private, and municipal) have not yet been clearly defined, and therefore it remains difficult to address issues like 99-year leases and the use of formerly social owned land.

CHALLENGES TO FUELING ECONOMIC GROWTH One challenge that was mentioned by the majority of respondents was the lack of enforcement capacity for existing laws. Therefore, capacity for enforcing the need for building permits, spatial plans, and assessing equal value for private land that must be expropriated for public use remains limited.

OPPORTUNITIES TO FUELING ECONOMIC GROWTH An opportunity for promoting the productive use of immovable property is to help communities understand (through outreach and education) how increasing women's access to property rights, and thereby their access to credit, can feed into economic growth. Both PRP and Kosovo CSOs and international organizations note that the GoK recognizes that there are links between property rights, women's access to capital and fueling economic growth. Another opportunity for expanding the use of immovable property for economic growth is to work with MoJ as it launches its functional review of the entire Rule of Law sector in Kosovo—among many Rule of Law sector programs MoJ will likely review NPRS Action Plan recommendations through this review process. During this functional review MoJ plans to adjust NPRS recommendations regarding economic development and how women fit into Kosovo's economy given their expanding access to credit with property documentation. PRP should advise MoJ in this process.

In sum, despite some political upheaval in Kosovo, 15 months after the NPRS was adopted by the GoK, notable progress has been made on property rights for all citizens, although to a lesser extent for women specifically. However, significant work remains to be completed on implementing the NPRS

recommendations, and time is short, given the extent of PRP's contributions to recommendation implementation and the fact that PRP will conclude in 2019.

CONCLUSIONS

CHALLENGES

- Progress has been made implementing NPRS recommendations, but significant challenges remain.
- The Kosovo cadastre is incomplete and has not yet been fully digitized, which undermines the legal property rights framework.
- The lack of cadastral digitization limits systematic communication between various Kosovo governmental agencies on issues related to property and women's property rights, which can lead to women being omitted from the death act.
- Traditional patrilineal and patrilocal customs limit women's access to property.
- A lack of a clear mechanism to monitor the implementation of laws relating to property rights after they are drafted by PRP may hinder the implementation of the strategy's recommendations—including the need for legal work in defining non-private property (state property, socially owned property including urban construction and the status of 99-year leases, public, and municipal property).
- There is a need to implement a monitoring system to evaluate the impact of legal framework changes on local political and economic developments.
- There is a lack of local capacity to enforce of new laws and regulations stemming from the NPRS.
- Notaries are not fully professionalized and therefore are a challenge for ensuring equal access to property.
- Education and training of students, judges, and prosecutors on issue of legal process as well as on issues related to gender equality is an enduring and potentially generational challenge for transforming common views of property in Kosovo.
- Progress on reducing informality and using immovable property for economic growth has been limited.

OPPORTUNITIES

- Nearly half of the measures in the NRPS Action Plan are at some point of implementation, which suggests that through systematic follow through, more NPRS recommendations can be implemented.
- Ensuring the adoption of the Inheritance Package may mitigate informality in the property rights sector, strengthen the overall legal framework surrounding property rights, help assure equal access to property for women throughout Kosovo, and promote economic growth.
- Amending the educational curricula in law faculties as well as lower levels of education is a major opportunity for impacting the next generation's views of property rights, informality in the property sector, and women's rights.
- To facilitate economic growth, more access to credit for women is necessary, and more education/awareness about women's contributions to the economy through access to property is necessary.

EVALUATION QUESTION 2

What are the gaps and/or opportunities where programmatic support might be warranted?

EQ I laid out the challenges and opportunities in implementing the NPRS recommendations. This section will build on that and offer insights on where USAID/Kosovo and/or PRP program support might be warranted.

FINDINGS

OPPORTUNITIES FOR PROGRAMMATIC SUPPORT

LEVERAGING THE MODEL OF THE NPRS Sixteen KII interviews noted that the National Property Rights Strategy is itself a model for the GoK to use to develop other national strategies and public policy. One KII respondent noted that the coordination and consultative process used for the development of the NPRS as well the document itself are forms of sustainability, as they provide the GoK examples of how to develop an inclusive, transparent, and consultative strategy, as well as the steps that are necessary to successfully implement a strategy. Documenting how this process was planned, implemented, monitored, and completed would provide an invaluable example to the GoK to implement strategies and policies for other pressing public problems.

“When USAID is in charge [of an activity] it progresses well. They are hands on and enjoy a lot of respect from the government and CSOs. Things go more as planned.”

—CSO Respondent

LEVERAGING WORK WITH OTHER DONORS A second opportunity for programmatic support is working with the EU on developing Kosovo’s civil code. The key is additional capacity, according to an EU legal consultant: local authorities lack the capacity for drafting and pushing legislation through the Assembly, which USAID’s reputation and capacity for coordination can facilitate. Local civil code and property rights have a great deal in common. Working with EU may allow them to learn lessons from the successful NPRS process and would also be helpful for streamlining the implementation of NPRS recommendations, creating sustainable enforcement mechanisms for new legal code, and preparing Kosovo for its hopeful accession to the EU. KII respondents noted that there is a lack of capacity in the civil law sector, and so additional expertise from PRP that can be imparted to local authorities on the text of new legislation in this sector would be useful.

USE THE USAID BRAND A final opportunity for programmatic support is mobilizing USAID and PRP’s reputation in any new media and information campaigns. Based on feedback from journalists, as well as the general view of USAID and PRP as good coordinators, using USAID branding in media and advertising related to property rights is viewed as beneficial. Simply put, people in Kosovo trust the USAID brand.

GAPS NECESSITATING PROGRAMMATIC SUPPORT

DEFINITIONS OF PROPERTY UNDER THE LAW The lack of a clear definition of the various forms of public space, which was addressed above and for which legal amendments are in process, is a serious gap. This lack of this legislation limits what can and cannot be done on a significant portion of land in Kosovo.

CADASTRAL RECORDS Relatedly, and potentially more pressingly, the gaps in the cadastral records (due to missing data kept in Serbia) and their incomplete digitization, which was emphasized by several municipal officials, are areas in need of programmatic support; USAID can add capacity and coordination

to this process, according to an EU legal advisor. Without a complete cadastral record, economic development in Kosovo will remain limited, as will foreign direct investment by diaspora communities.¹⁸

PLANNING FOR SUSTAINABILITY To date, GoK and MoJ officials are simply not aware or willing to consider sustainability without PRP support. That is, when asked to discuss how to make NPRS and PRP work sustainable, respondents consistently referred to the need for USAID and PRP support. Indeed, 17 interviews noted that continued external support was a necessary component of any plan to sustain progress made in the property rights sector.

ENFORCING THE LAWS A final gap in need of programmatic support is enforcing women's rights to property. The enforcement of women's rights to property is separate from guaranteeing women equal rights to property. In this case, women's rights to property must be enforced by courts when they pursue divorce proceedings or have left a household due to violence. KII respondents indicated that in some cases, women who flee their homes because of gender-based violence can realistically lose access to property, most notably if property is not registered jointly in both spouses' names. Additionally, one way in which women's rights to property are limited is when family members falsify documents or can exclude women from the Act of Death certificate. Notaries are responsible for catching this type of fraud as well as for reporting fraud in inheritance for criminal prosecution. However, KII respondents indicated that notaries are not doing this. Indeed, a notary interviewed for this evaluation indicated that this type of fraud does not take place.

In sum, there are several gaps and opportunities where USAID programmatic support, above and beyond those noted in the first evaluation question, would be warranted.

CONCLUSIONS

OPPORTUNITIES FOR PROGRAMMATIC SUPPORT

- The National Property Rights Strategy is in and of itself a model that USAID and other donors can use as a platform to launch revamped or entirely new strategies in the property sector and beyond.
- PRP and USAID have an opportunity to impart their lessons learned on the development of the NPRS to strengthen the civil code in Kosovo by working with the second stage of the EU civil code project.
- The USAID and PRP reputation within Kosovo is a valuable asset for future programming.

GAPS NECESSITATING PROGRAMMATIC SUPPORT

- The lack of a clear definition of different forms of property is major gap that warrants programmatic support.
- GoK and MoJ do not understand the concept of sustainability outside of USAID and PRP support, which necessitates training and education.
- The enforcement of women's access to property remains a critical challenge.
- Notaries need to be more vigilant in their work and report criminality in inheritance and other property rights processes.

¹⁸ It is worth noting that no other programs by actors like the World Bank, which continues to work on cadastre digitization, were mentioned to the evaluation team.

EVALUATION QUESTION 3

To what extent has the PRP contributed to improving the efficiency of processes related to property rights claims within the four basic courts of merit?

Objective 2 of the Property Rights Program was designed to address legal and practical obstacles to the efficient resolution of property claims in the basic courts of Kosovo. Unreasonable delays in resolving property claims adversely affect the property rights of Kosovo citizens, particularly women, displaced persons, and members of non-majority communities, and constrain Kosovo's efforts to attract investment and boost its economic growth. Such delays have been continuously identified in national and international reports as pressing issues for the Kosovo's judicial system.¹⁹ Through its court interventions, the PRP was expected to introduce new caseload practices in improving the efficiency of the property-related processes in the four basic courts, demonstrate their positive impact, and replicate the results in all Kosovo courts. Caseload management is understood as a process through which courts move the cases from the registration to the disposition phase.²⁰ Active case management techniques aim to avoid delays and deliver justice efficiently to all parties in a court dispute.

To answer EQ3, the ET collected data through 13 KIs with court presidents, judges, and justice system stakeholders and held three extensive Focus Groups Discussions with LAs and interns working in the basic courts of Ferizaj/Uroševac, Gjilan/Gnjilane, and Peć/Peja. The team also visited the Courts of Merit (CoMs) to observe and evaluate how PRP activities are integrated in the courts to better understand the modalities of the active management techniques applied by the LAs and interns.

The ET found that PRP interventions in the four CoMs implemented by the LAs and interns are improving court efficiency of case processing and adjudication of property related claims through active management of property related cases. PRP's assistance is speeding up the screening of the old cases, reducing the time from case assignment to preparatory sessions and from case filing to case disposition. Despite these positive developments, greater local ownership, buy-in by basic courts, and coordination between the Kosovo Judicial Council (KJC) and PRP is required to sustain the positive results in the four CoMs and roll out the lessons learned in all Kosovo courts.

In the following sections, we present our main findings on the contribution of the new caseload practices introduced by the PRP to improving court efficiency in the four CoMs. Subsequently, we identify several challenges and threats that may undermine the sustainability of the positive results achieved thus far. Finally, we present our conclusions and a list of recommendations on strengthening the sustainability of the PRP initiatives that the KJC, PRP, and courts can collaboratively address before the end of USAID support.

¹⁹ OSCE Report Litigating Ownership of Immovable Property in Kosovo" published in 2009, Edward Tawil, Property Rights in Kosovo: A Haunting Legacy of a Society in Transition (2009), International Center for Transitional Justice", OSCE Report "Challenges in the Resolution of Conflict-Related Property Claims in Kosovo" published in 2011,

²⁰ Gramckow, Heike P.; Nussenblatt, Valerie. (2013). "Case Flow Management: Key Principles and the Systems to Support Them", Justice and Development Working Paper Series No. 23. World Bank, Washington, DC. World Bank. <https://openknowledge.worldbank.org/handle/10986/16676>

FINDINGS

SUB-EQ 3.1: TO WHAT EXTENT HAVE PRP'S LEGAL ASSOCIATES AND INTERNS CONTRIBUTED TO EFFICIENCY OF THESE FOUR COURTS?²¹

LEGAL ASSOCIATES AND INTERNS ARE INCREASING EFFICIENCY The greatest level of effort under Objective 2 of the PRP has been devoted to the introduction of active case management techniques through the placement of the PRP-supported LAs and interns in the four selected courts. Through consultations between the PRP, KJC, and court presidents, the basic courts of Ferizaj/Uroševac, Gjilan/Gnjilane, Peć/Peja, and Strpce/Shterpce were selected in February 2015 as the four “courts of merit” to implement new caseload practices.²² The decision to employ LAs and interns was driven by empirical research undertaken by the PRP team in 2015 and 2016. This research identified several causes for the mounting backlog in the civil divisions of courts such as: failure of courts to use modern case management techniques, lack of systematic screening of lawsuits resulting in many incomplete or imprecise lawsuits, and insufficient support to judges by Case Management Offices (CMOs) or court clerks to move the cases and prevent a mounting backlog. Subsequently, PRP collaborated with the KJC and judges to recruit legal associates and interns to support courts. From January until June 2017, the PRP employed three Records Management Specialists (RMS) who were engaged by the PRP to work with the CMOs for early screening of cases and collection of data on new and pending cases. As of June 2017, the PRP, in cooperation with KJC and CoMs recruited nine LAs and five interns to work with 17 judges of the civil law divisions in the four CoMs. The recruitment process was open, competitive, and collaboratively conducted by PRP and courts. Eligible candidates had to conduct a written test and an interview with a mixed panel of interviewees consisting of the PRP staff and judges.

Legal Associates (LAs) are law graduates with at least one year of experience in the court system or two years in the other institutions of Kosovo’s legal system; most LAs (8 out of 9) have successfully passed the Bar Exam. Court interns are law graduates with less experience in Kosovo’s legal system and were not required to have passed the Bar Exam. Interns were engaged on temporary contracts to assist the LAs in the screening of pending cases. While their contracts as interns have now terminated, since January 2018, PRP has hired three interns as LAs, two of which are members of the Serb community working for the Strpce/Shterpce court branch. LAs and Interns do similar work, and for the purposes of the discussion below, the programmatic outcomes for LAs are synonymous with RMS and Interns.

“It has been less than one year since the PRP supported LAs started. However, they have done more work than our court clerks have done in 10 years.”

–Judge

The main task of the LAs is to expedite the caseload and shorten the case disposition time. Although the team observed that there are no unified standard operating procedures (SOPs) on the role of the LAs, nine LAs and six judges stated that the main task of LAs has been to introduce active case management techniques to speed up the flow of property cases in the selected courts of merit. Judges and LAs confirmed for the team that when the LAs started working in the selected courts, about 60 percent of the pending cases in the civil divisions were “dormant files” or cases where no action had

²¹ As discussed below, interns and LAs serve the same purposes in practice; they are only distinguished by their years of experience and whether they have passed the bar.

²² Strpce/Shterpce court is a branch of the Basic Court of Ferizaj/Uroševac. It did not have a full-time judge for most of the project’s period, and its caseload was handled by the Basic Court until November 2017.

been taken to move the case forward since the case was assigned to a judge. Through KIs, the team found that LAs' work combines administrative, procedural, and substantive tasks in three stages of caseload, namely: (1) initial screening of cases upon assignment to judges, (2) preparation of cases for preliminary session, and (3) main trial hearings.

The main impact of the PRP's intervention has been to shift the burden of administrative work from civil law judges to the LAs, thus speeding up the cases from one stage to the other. As one court president stated, "The LAs have only been in our Court for less than 8 months, but they have managed to reduce the time from the registration of a case to the notification of the lawsuit to the defendant from 944 days into 292 days. This means from the time the Court Registry stamps the case and protocols until the party receives a response from the Court the time has been reduced by 654 days." Although LAs have the same legal qualification and are generally less experienced than court clerks recruited by the KJC, their practices differ completely from the court clerks, who tend to be more passive, limiting their role to drafting final court rulings for judges. KIs with seven judges and court presidents generated a broad agreement the engagement of LAs has improved the efficiency of judges' work, allowing them to work only on judicial tasks and not administrative tasks.

Overall, LAs have introduced a faster pace into the case management system, often covering other civil cases (e.g., family or labor disputes) in addition to the property disputes that are the focus of their activity. For example, the average time from case registration until the completion of the case in the CoMs has been reduced from 1,289 days to 920 days. This reduced the time from case registration until disposition by 369 days. Another civil law judge declared to the ET that "caseload for property cases has improved dramatically. In my case, I can report every month 5-6 more cases as complete due to the help of the LAs."

Overall, the team found that the newly introduced active case management techniques executed by the PRP-supported LAs have contributed significantly in all four CoMs by removing the administrative burden from judges and shortening the time during which cases move from case registration to preparatory session and from preparatory session to main trial hearing. In effect, LAs and interns are increasing efficiency in the four CoMs.

LA SUPPORT FOR INITIAL SCREENING ESPECIALLY IMPORTANT All judges interviewed reported that LAs have been very effective in identifying shortcomings and take administrative actions to turn passive cases into active ones with only minimum supervision by the judges. Based on the LAs' analysis of case information performed during the initial screening, they identify shortcomings in the case documentation and undertake a wide array of administrative tasks to address the shortcomings and set up the case for judicial actions. KIs with civil law judges revealed that administrative tasks include: notifying the defendants on the lawsuit, returning lawsuits for completion or correction, identifying parties and locating the whereabouts of DPs, informing parties of the failure to pay judicial fees, and requesting parties to make the required number of copies of file documentation. The overall result of the initial screening has been to shift the administrative work from judges to LAs, thus expediting and streamlining the caseload. These courts are now using the accumulated experience to prevent the filing of incomplete lawsuits. In at least one basic court (Gjilan/Gnjilane), LAs have helped the Case Management Office (CMO) to develop written guidelines that the plaintiffs should follow to avoid submitting incomplete claims. The step by step guide has reduced the number of incomplete or imprecise lawsuits and has almost eliminated cases in which parties failed to pay court fees upon filing the lawsuit.

LA SUPPORT FOR PREPARATORY SESSIONS KEY LAs'

work is also reducing the time from case registration to preparatory sessions. When case information is complete and organized, files are ready for the judges to take judicial actions and move the case to the preparatory session. Usually, LAs

"All judges are very impressed by the work of the PRP LAs. They have set an example in both being proactive and writing very high-quality draft decisions. There are only a few cases where I have had to change things written by the LAs of the PRP."

participate in the preliminary sessions, and, depending on the outcome of the preparatory sessions, the LAs assist the judge in drafting decisions for referring the case to mediation, appoint temporary representatives for trial absentees, appoint experts, collect additional evidence, or schedule hearings for the main trial stage. Preparatory sessions are an important juncture in property disputes. For example, at the preparatory hearing, the judges may propose a schedule for future events in the case and ask the parties to confirm the dates to avoid delays and postponements caused by the parties or their lawyers.

THE LA'S ROLE DURING THE MAIN TRIAL STAGE Two civil law judges working directly with the LAs reported they have also provided substantive support to judges in drafting decisions or judicial orders at the direction of judges. This happens in between main trial sessions or upon conclusion of all hearings, when LAs draft conclusions and/or court rulings for the final endorsement and signing by the judge. Judges who are directly working with the LAs appreciated the quality and timeliness of their work.

BETTER RECORD KEEPING During the court visits, the team learned that LAs are using an Excel database as a case tracking mechanism that is updated in real time and records all the interventions of the LAs in all stages of the caseload process. The Excel spreadsheet offers important information about a case (the case number, names of parties, lawyers, session dates and decisions taken, and final court rulings). The team directly observed how the LAs use the Excel spreadsheet and found it helpful to understand how LAs have been involved in cases and decisions.

INCREASING NOTIFICATION OF DEFENDANTS IN PROPERTY RIGHTS CASES The proactive approach of LAs has allowed courts to expand the use of constructive notice in notifying parties to property disputes. Constructive notice is happening more frequently due to the systematic screening of cases undertaken by LAs right after case assignment, where one or more defendants are displaced within Kosovo or abroad. LAs have introduced a more comprehensive process for locating the parties by contacting national institutions such as the Kosovo Police, Municipal Cadastral Office (MCO), Agency of Civil Registry, and Kosovo Post. When one or more parties to the dispute are displaced outside Kosovo (usually in Serbia and Montenegro), the LAs prepare a court request to the Ministry of Justice's Division of International Legal Cooperation, and in many cases, particularly in Montenegro, could identify parties.

LAS' WORK HAS HELPED WOMEN Several court presidents stated that the LAs' active case management techniques have enabled courts to process cases where women have contested inheritance procedures faster. Other judges mentioned that LAs were able to draft judicial orders and temporary measures in cases involving domestic violence or abuse. The proactive approach of LAs has also been seen in cases where there is a need to verify co-ownership following a divorce.

To summarize, general agreement exists among all stakeholders that the work of LAs and interns recruited by the PRP is improving the court efficiency in three junctures of the caseload process: (1) activating pending cases that have been passive for a long time due to case deficiencies, (2) reducing the time from case registration to preparatory sessions, and (3) reducing the time from case filing to case disposition.

SUB-EQ 3.2 TO WHAT EXTENT HAVE NEWLY INTRODUCED CASEFLOW PRACTICES CONTRIBUTED TO EFFICIENCY IN THESE FOUR COURTS?

PRP has not introduced separate caseflow rules and procedures, and the PRP court interventions have not yet resulted in any change in the existing laws and regulations on caseload management in Kosovo's judiciary. PRP research conducted in consultation with KJC and CoMs established that the lack of active case management techniques prevented courts from comprehensively identifying and addressing administrative shortcomings. Case deficiencies created a growing backlog of passive cases in the civil law divisions that judges could not address without substantial support. By engaging the LAs, the PRP shifted the administrative burden from judges, allowing them to better use their judicial time in tasks that

expedite the caseload.²³ However, in general, the newly introduced active case management techniques implemented by LAs through the PRP are showing a positive impact in speeding up case screening and reducing the average time for case preparation and case disposition in all four courts of merit. The specific extent of the contribution of the caseload practices alone is hard to determine due to:

- the short implementation time to date (less than one year) and
- lack of accurate data and discrepancies between data reflected in the Excel spreadsheet for tracking cases and judges' reports to the CMO and KJC.

Nonetheless, the overall impact is positive in shortening the time from case filing until notification of defendants and from case assignment to case disposition.

LAS ARE ACTIVELY IMPLEMENTING CASEFLOW PRACTICES Accurately calculating the effect of new caseload practices was difficult. Only property cases are part of the PRP's indicators of success (PRP Performance Indicator 2.2), whereas the team has received sufficient information to conclude that LAs have assisted in a very high number of other types of civil cases such as labor and family disputes.²⁴ As the new caseload practices are introduced after the engagement of the LAs, it is unclear to what extent the improved caseload practices are causing the increased efficiency versus the addition of the LAs themselves.

"Compared to the LAs paid by the KJC who are court employees, I must emphasize that the PRP-supported LAs have been proactive and have introduced a new dynamism in the court compared to the LAs hired by the KJC. They have also gone beyond the property cases and have offered help in other civil law cases (e.g., labor disputes)."

—Court President

The KJs have confirmed that because of the LAs' work, more passive cases are rendered active, and more cases are moving from the registration stage into the preparatory session and from preparatory session into the main trial hearings. In addition, LAs' work has resulted in the shortening of the time from the case filing until the defendant is notified of the pending lawsuit.

DATA CONFIRM THAT CASEFLOW PRACTICES ARE REDUCING TIME TO NOTIFICATION AND DISPOSITION Data confirmed by the court presidents and judges of the civil law divisions shows the overall time from case registration to disposition has been reduced moderately in all courts. The average time from case filing until forwarding of the suit to the defendant was reduced from 944 days to 292 days (see Table 2).²⁵

²³ It is vital that KJC (with PRP support) develop more detailed provisions on the roles and responsibilities of the LAs, their relationships with court staff and judges, and their supervision by court presidents and Heads of Civil Law Divisions in CoMs. This will better specify and strengthen their position. It will also address the ad hoc nature of their intervention and force the PRP as well as courts to think of their presence in courts in more permanent terms.

²⁴ Indicator 2.2 of the PRP's Performance Management Plan states "Number [average] of days it takes for courts to resolve a property case reduced."

²⁵ This is an average baseline figure established after initial research reflected in the PRP Report "Preliminary Assessment on the Adjudication of Property Cases in Kosovo Courts" January 2015 and PRP Report "Caseload Management for Property Rights Cases in The Basic Courts", December 2015.

Table 2: Average time from Case Filing until Notification of Defendants²⁶

COM	TIME BEFORE PRP	TIME AFTER PRP	DIFFERENCE (DAYS)
Gjilan	944	242	702
Ferizaj	944	285	659
Peja	944	261	589
Shterpce	625	N/A	N/A

Furthermore, the overall average case time from filing to disposition has been reduced from an average of 1,289 days average to 920 days (see Table 3).²⁷ KJs with civil law judges and court presidents have confirmed a significant increase in the number of cases going from the case registration into preparatory session and from preparatory sessions into main hearing stage. The results are positive in each court, but Peja/Pec appears to have achieved the most striking results. A total of 1,117 cases have been disposed of because of assistance from PRP LAs; 381 are property disputes, and 736 are civil cases of other categories (e.g., family and labor disputes).

Table 3: Average Time from Case Registration to Disposition²⁸

COM	TIME BEFORE PRP	TIME AFTER PRP	DIFFERENCE (DAYS)
Gjilan	1134	930	204
Ferizaj	1509	1417	92
Peja	1123	534	589
Shterpce	N/A	N/A	N/A

SUB-EQ 3.3 TO WHAT EXTENT ARE THE NEWLY INTRODUCED COURT PRACTICES SUSTAINABLE?

The PRP project has made significant efforts to consult with the KJC in designing its court interventions and has shared the progress of its court intervention with KJC and court leadership in all phases of implementation. A preliminary agreement exists between the KJC and USAID to hire the PRP-trained LAs as permanent court clerks, but the scope of their work/roles has not yet been clearly defined to the LAs, court presidents—who manage the courts—or to KJC. Nonetheless, the sustainability of active case management techniques and their expansion into other courts is in question due to lack of full buy-in and ownership by the beneficiary courts and the KJC.

²⁶ Data for the branch court is not available, as the Serb judge only started working permanently in the Strpce/Shterpce Branch in November 2017, following the Justice Agreement between Kosovo and Serbia.

²⁷ Baseline figure established by another USAID project called Effective Rule of Law (ERoL) currently in use by the Justice System Strengthening Program (JSSP) and PRP project.

²⁸ Data are current as of December 2017.

THE ROLE OF THE LA REQUIRES CLARIFICATION The LAs' role and statement of work is not clearly defined and understood by judges, the KJC, and LAs themselves. LAs were engaged in courts to take over the administrative burden for case preparation and expedite the flow of cases through active case management techniques. While their proactivity, flexibility, and results-oriented approach combined with USAID supervision has injected a new pace in the case management process in the CoMs, the role and responsibilities of the LAs are not well elaborated or understood by LAs and judges. For example, it is not clear why are LAs doing more civil cases (family, labor, and others) than property cases. Similarly, LAs and judges could not explain whether the LAs should attend preparatory and main trial sessions or simply prepare the conditions for such sessions to take place. It is not clear whether the LAs should draft final court decisions or whether their role should be limited to setting up the case and speeding up court proceedings.

In general, data from KIIs with judges and FGDs with LAs indicate that there is a lot of ad hoc improvising and “learning by doing” in the daily activities of the LAs. Of all the KIIs with judges, only one judge reported to have been involved in developing the concept for the position of LAs. Another judge who was working closely with LAs stated that he was not aware of the details of the Scope of Work of the LAs but was satisfied with their work. SOPs to better document and define the administrative, procedural, and substantive tasks of the LAs in each of the phases of their work (case filing, case assignment, case preparation, preparatory session, and main trial) are still lacking.

NEED FOR STRONGER OWNERSHIP OF THE LA APPROACH The weak local ownership and limited buy-in from the CoMs is a threat to the sustainability of the PRP interventions. PRP staff are well respected and trusted in all the CoMs, but their practices are not sufficiently embraced or integrated in court activities. While LAs work well with court clerks and legal secretaries, the case tracking Excel database is only used by the PRP LAs and is not incorporated into the daily work of the other court clerks and legal secretaries of judges, even though it is widely recognized to provide more accurate and real time information on the status of a case. Court presidents and judges are satisfied with the hands-on assistance of the LAs but are reticent to force other court clerks to adopt active case management techniques. Although the active approach of PRP LAs have expedited caseload and benefited judges, PRP LA work continues to be seen as an externally driven initiative. This is puzzling, because judges in the Basic Courts of Merit indicated that court clerks paid by the KJC have a different approach and do not help with moving cases into the court. This view of PRP LAs by judges may be a result of the former being accountable not simply to KJC or to the Judges they work for but to PRP. Therefore, PRP LAs might be viewed as outside of KJC and judges' management structure. Moreover, since judges did not select the PRP-trained LAs and interns, they may feel no real connection or responsibility for these staff.

SUPERVISION STRUCTURES FOR COURT CLERKS AND LAS NEED TO BE STRENGTHENED KJC court clerks are well paid by Kosovo standards; their base salaries are on par with the salaries PRP pays to its LAs, and, unlike the LAs, the court clerks have indefinite employment contracts and an open career path toward judgeships. However, neither court presidents nor judges were thinking about how to generate more interest and buy-in in the CoMs to encourage more interaction and on-the-job collaboration between PRP-supported LAs and court clerks hired by the KJC. One judge said, “*Judges are not involved in the selection process for the court clerks and have no supervisory authority to instruct them to apply the same approach as PRP LAs.*”

PEER LEARNING AND OTHER TRAINING OPPORTUNITIES CAN BE IMPROVED Through KIIs with judges working with the PRP LAs and LAs themselves, the team found that opportunities for collaborative training and peer learning between PRP LAs and court clerks are not being utilized. On the one hand, judges appeared to recognize that if the court clerks continue the same approach, courts may well revert to the poor caseload practices and case backlog that existed prior to the PRP court interventions. On the other hand, judges are hopeful that USAID will continue to help and showed no interest in identifying long-term solutions. One court president stated, “*My interest is to have the PRP LAs until the very end of the project in May 2019. In the meantime, I would like to lobby the KJC to increase the*

number of LAs in all Kosovo courts and sustain the results achieved by the LAs supported by the PRP.” This lack of peer learning is an especially notable challenge to the courts because KJC has budgeted to hire 127 new court clerks, who, if not trained effectively, will have a limited impact on positive court practices.

DISCONNECT BETWEEN THE COURT CLERKS AND THE LAS: There is no clear plan to turn the PRP-trained LAs into permanent court staff as courts clerks, nor are there any explicit initiatives to change the role/approach of court clerks to case management.²⁹ Despite the expressed commitments of the KJC and PRP to sustain the institutional memory and know-how of the LAs after the PRP period of performance by securing them permanent contracts in the respective courts, the team found that the KJC and PRP have not yet identified a legally sound or procedurally efficient solution to keep the LAs working for the CoMs beyond May 2019. Furthermore, offering indefinite work contracts to nine LAs alone will not address the root causes of the case backlog in Kosovo courts. The core of the issue remains that recruiting additional judges, court clerks, and other court staff who employed inefficient case management practices will not address the problems of excessive delays and backlogs in property matters. As one of the LAs pointed out, *“What we have shown is that without additional legal qualifications, compensation, or career prospects, it is possible to be much more productive in speeding up the caseload. This is the main strength of [PRP].”*

In sum, the greatest contribution of the Objective 2 of the PRP may lie in demonstrating that active case management techniques implemented through a fundamentally different approach are vital to preventing the mounting backlog in Kosovo courts. However, without a clear sustainability plan, it is questionable whether CoMs will continue to pursue the same activities with the same level of skills and commitment that LAs supported by the PRP have demonstrated. In the remaining term of the project, greater local ownership and buy-in by the basic courts and more coordination between KJC and PRP is needed to sustainably change the role of court clerks in Kosovo’s judiciary and ensure the sustainability of new active case management techniques.

CONCLUSIONS

- PRP’s assistance in improving the caseload for property related court cases is still ongoing, but its initial impact has been positive in expediting the caseload in all four CoMs.
- Despite the relatively short period of work and lack of official data, the active case management techniques introduced by the LAs have enabled the four CoMs to activate passive property cases and significantly reduce the time for case processing and adjudication of property and other civil law cases.
- There are no clear plans to turn the PRP LAs into permanent court staff and no initiatives to fundamentally adapt the role and approach of KJC court clerks to emulate those of PRP-trained LAs.
- The failure to fully utilize the opportunities for peer learning undermines the ability of the PRP to integrate the newly introduced active case management techniques in the CoMs and replicate the lessons learned throughout Kosovo Courts.
- The work of PRP LAs is widely viewed as short-term assistance to address the longstanding backlog rather than a long-term opportunity to be embraced and fully utilized.
- Sustainability of the results achieved through the newly introduced active case management techniques beyond the life of the PRP is questionable in all the CoMs due to various factors requiring more focused efforts and coordination from the KJC, PRP, and court leaders.

²⁹ No clear path for accomplishing this was identified outside of changing laws on hiring new staff.

EVALUATION QUESTION 4

To what extent has the PRP improved the ability of citizens (especially women) to register and inherit their property in the municipalities of Viti/Vitina, Strpce/Shterpce, and Dragash/Dragašhow?

FINDINGS

PRP situates property rights at the center of efforts to create improved rule of law in Kosovo. For PRP, property rights are enablers of economic growth and enhance the efficiency of governmental institutions. The NPRS recognizes that women’s rights to property are part of their basic citizen rights, and they have been promoted as key to women’s economic activity and the well-being of families. Specifically, Objective 3 “Enhance Women’s Rights to Use Property in Practice” and Objective 4 “Improved Communication, Access to Information and Understanding of Property Rights” of PRP are aimed at increasing citizen access to services, raising awareness in communities, especially among women and youth, and enhancing the ability of municipalities to provide property related services and information.

PRP is focused on two main activities to support the ability of citizens to register and inherit property in the three municipalities under review:

1. supporting awareness raising, training, and education; and
2. enhancing property-related services in municipalities.

Activities undertaken as part of these objectives have created opportunities to amend institutional deficiencies in municipal capacities; however, they have only recently begun to generate expected results. In general, there appears to be political will on the part of municipal authorities to provide quality services to citizens and to offer more equitable access and consideration on property-related issues for women.³⁰

In addition to these two areas of focus, PRP also supported a major piece of national level legislation that, if enforced, will have long-term positive effects on women’s ability to inherit property. Specifically, PRP supported the MoJ in completing the “inheritance package” of legislation, which is designed to improve inheritance proceedings and reinforce women’s right to inherit. Promulgation of this legislation has been delayed due to extraordinary national elections. Nonetheless, at the request of the Agency for Gender Equality (AGE), PRP supported the AGE’s efforts to inform officials and the public of the Administrative Instruction (AI) permitting spouses to register immovable property jointly (Administrative Instruction on Special Measures for the Registration of Joint Immovable Property on Behalf of Both Spouses No.03/2016). This instruction was widely promoted and is the single piece of legislation that KII respondents universally recognized as a relevant and successful intervention.

SUPPORT TO AWARENESS RAISING, TRAINING AND EDUCATION

³⁰ Tetra Tech, *PRP First-Year Work Plan* (May 2014-September 2015). (Pristina: USAID, 2014); Tetra Tech, *PRP Second-Year Work Plan* (October 2015-September 2016). (Pristina: USAID, 2015); Tetra Tech, *PRP Third-Year Work Plan* (October 2016-September 2017). (Pristina: USAID, 2016); Tetra Tech, *PRP Fourth-Year Work Plan* (October 2017-September 2018). (Pristina: USAID, 2017).

SUCCESSFUL SUPPORT FOR THE GENDER COORDINATION GROUP (GCG) AND THE ADMINISTRATIVE INSTRUCTION At the central level, PRP established the GCG to improve coordination among government agencies and civil society organizations implementing activities that promote equality for women. The group prioritized legislative changes needed to strengthen women’s ability to exercise their property rights. PRP worked with the AGE to develop the AI No.03/2016 referenced above. In addition, PRP produced a public service announcement (PSA) to inform the public about the AI and the requirements and procedures for registering property jointly by spouses. The PSA was widely aired in Radio Television of Kosovo (RTK), the public broadcaster, the *Për Të Mirën Tonë* (For Our Common Good) Facebook page, and the USAID Kosovo YouTube page. Additional activities were conducted by PRP and the AGE to inform national and local government bodies of the AI and secure their support for its implementation.

STRONG USE OF MESSAGING The media campaign was accompanied by billboards installed throughout Kosovo in nine municipalities, which were one of the more noticeable components of the campaign according to over half of the evaluation respondents. The billboards contained the slogan *Equality Knows No Gender* and displayed the message in the predominant language of the municipality, with one billboard in central Pristina in English. Central and local government representatives, as well as CSOs, agree that the awareness-raising activities and media campaign generated relevant momentum for addressing existing inequalities women face regarding their property rights. Women’s property rights were also incorporated into the media debates during the municipal election (supported through the CSO grant scheme) making the issue more central to electoral promises of mayoral candidates.

TRAINING FOR EFFECTIVE MUNICIPAL POLICYMAKING At the municipal level, PRP conceived and carried out a training program in management skills for Municipal Gender Officers (MGOs), aimed at supporting MGOs’ ability to affect municipal policymaking and increase interaction with and provide support to citizens. A total of 19 MGOs took part in the program, and a follow-up mentoring program was also carried out based on expressions of interest. Several MGOs and other Municipal Officers gave the program high praise. In one municipality, the MGO coordinated with the Court President and male leaders in the community, specifically religious leaders, to carry out outreach activities and awareness raising among school children. In another municipality, special events were also organized, including a fair, which aimed to inform the large diaspora community of their legal rights and obligations. Information sessions were also held in schools and through activities targeting youth.

AGREEMENT THAT YOUTH ARE IMPORTANT TO FUTURE CHANGE Almost all KII respondents agreed that any attempts to address long-lasting cultural norms, which was identified as one of the most significant barriers to women’s property rights, must begin with youth. Respondents unreservedly agreed that it is difficult to change the opinion of older generations and young people are those who can generate the change.

“Significant shifts in inheritance practices in families and within institutions will occur only when current younger generations attain decision making roles.”

–Senior Judiciary Official

COMMUNITY ENGAGEMENT REVEALS COMPLEXITY During year four of PRP, in addition to improvements to cadastral facilities, reduction of backlogs, and legal reforms, PRP engaged in promoting community engagement on property rights issues. In all three municipalities, interviews and focus groups confirmed that there is greater awareness of property-related legislation, services, and rights. However, despite PRP awareness campaigns, women still voluntarily renounce property if they believe it will help their family. While expectations on women to renounce property are a result of consistent social pressure, economic considerations must not be omitted. At least five women confirmed that they renounced their inheritance because their brothers needed it more. An equal number, however, considered that the inheritance was justly theirs and they should also make claims despite their economic standing. For households, where income is generated mainly through agricultural activity and

farmable land constitutes the bulk of the property, splitting the land among siblings could turn the land to a burden instead of an asset. As one focus group participant noted, in some instances, the monetary value of a property, such as a house, is so low that it could leave the current user of the property dispossessed.

VULNERABLE POPULATIONS REMAIN A CONCERN Two CSOs representatives, four municipal officers, and eight focus group participants, also stated that women in villages remain uninformed about their rights or unwilling to utilize those rights due to family pressure or vulnerable positions. A wide range of stakeholders, including MGOs, local and central authorities, and CSOs, expressed concern that women in rural areas and survivors of domestic violence largely have not benefited from progress made in legislation or other areas.

GRANT SCHEME SUPPORTED THE ADMINISTRATIVE INSTRUCTION PRP also implemented a grants scheme that directly engaged CSOs to implement public outreach and advocacy campaigns and provide support to women-owned businesses. The aim of the grants was to affect change in behavior and create opportunities for women to register and inherit property, as well as utilize financial resources for economic gain. The majority of cases utilizing AI No.03/2016 that the ET identified were those that had also benefited from PRP and CSO grantee trainings.

VIEWS ON WOMEN'S PROPERTY RIGHTS SHOWING SIGNS OF CHANGE Despite the lack of systematic data collection and reporting, according to interviews with court presidents and judges, there is evidence to suggest that the number of women who file inheritance claims in the court has risen. Data collected by the evaluation team suggests that PRP has had some observable impact on citizens' mindsets toward women's property rights. Several men and women interviewed suggested that men are reluctant or entirely against sharing property with sisters but are more agreeable to providing inheritance to their daughters. When asked to identify supportiveness of family members and Kosovo institutions to women's right to inherit property, brothers were identified as both the least supportive group and the most unsupportive group.³¹

SURVEY DATA ILLUSTRATES MODEST CHANGES In the baseline survey, about 37 percent of respondents believed that sons and daughters should not inherit equally; in the midterm survey, the number of respondents taking that view dropped to 27 percent.³² Patriarchal norms were named as the largest obstacle for equal rights to property for women (72% of respondents), followed by "social stigma for bringing legal action against primary family members" (43%), "legal action generates hostility between family members" (30%), and "lack of information/education about their rights to inherit property" (27%). Also, 75 percent of respondents believed that women in Kosovo do not assert their right to inherit.³³

According to the PRP Midterm National Survey on Property Rights in Kosovo, the number of women who have initiated inheritance claims in court has increased from 0.3 percent in the baseline survey to 3.0 percent in the midterm survey. Also, the number of women who reported inheriting property that is now registered in their name increased from 3.8 percent of respondents to 7.5 percent. The most

³¹ Tetra Tech, Midterm National Survey on Property Rights in Kosovo: Property Rights Program (PRP). (Pristina: USAID, 2017,9).

³² Tetra Tech, National Baseline Survey for Property Rights in Kosovo: Property Rights Program (PRP). (Pristina: USAID, 2015, 8).

³³ Tetra Tech, National Baseline Survey for Property Rights in Kosovo: Property Rights Program (PRP). (Pristina: USAID, 2015, 8).

recent data from the Kosovo Statistics Agency still places female ownership of property at 5 percent³⁴. According to the 2011 Kosovo census, women were 15.24 percent of registered holders of property, whereas PRP data currently place this figure at 20 percent.

ATTITUDES VERSUS PRACTICE The Rapid Survey conducted with a total of 87 men in municipalities also suggests that men’s attitudes toward women’s property rights may have shifted, but their practices may not yet have caught up. Eighty-three men across eight municipalities were asked if property *should* be registered in both spouse’s names, and 75 percent said yes. However, only 25 percent of these same men said that property was *actually* registered in both spouse’s names. While 31 percent (n=86) of respondents said they do not own property, of the 59 men who said they did own property, 71 percent said that their property is not registered in both spouse’s names; 77 percent of property owners said that property *should* be registered jointly.

Of property owners, only in Ferizaj are there more male property owners who registered property in both spouse’s names than not (4:1). The next closest municipalities were Strpce, where 42 percent of male property owners (n=12) have registered property in both names, and Prizren, where the figure was 33 percent (n=6). In the remaining five municipalities surveyed, 80 percent of property owners have not registered their property jointly.

It is worth noting that 78 percent of men surveyed (n=86) said that women have equal inheritance rights, but only 39 percent of men said that women in their families had actually inherited property. When examining the data by municipality, 69 percent of men in Strpce said that women in their family had inherited, whereas this figure stood at 63 percent in Gjilan and Pristina and 55 percent in Prizren. Compellingly, 87 percent of men surveyed said that if women were to be left out of an inheritance, they should initiate a contested case in the courts. In Dragash, only 77 percent of men said this, whereas in the seven other municipalities covered by the rapid survey, over 80 percent of men stated this opinion.

AWARENESS CAMPAIGN HAD WIDE REACH The data confirm that the PRP awareness campaign had good reach, was generally received very well, and had some impact on knowledge, attitudes, and practices of citizens. Statements by a variety of stakeholders confirmed the extent to which women’s property rights had previously been considered a sensitive topic for public discussion but are increasingly less so. Communication campaigns must be carefully crafted and implemented. Some respondents for example did not understand the public service announcement on the transaction tax exemption. According to two municipal authorities, citizens understood that other taxes were exempted as well. While the reach of the media campaign was broad, four focus group participants and two municipal authorities suggested that additional grassroots work, especially with local CSOs, would ensure sustainable change toward guaranteeing women exercising their rights to property. All stakeholders in the three municipalities agreed that education on property rights, and especially gender equality, is a necessity for the kind of change PRP had envisioned. They stated that both the policies and awareness/educational activities must be sustained to guarantee assertion of rights and ensure women’s claims to property rights.

“The campaign and project [PRP] were very good, because they broke the ice.”

–KII Respondent

PROPERTY-RELATED SERVICES IN MUNICIPALITIES

ENSURING ACCESS TO INFORMATION IS KEY PRP sought to simplify property registration and improve information sharing among local institutions (courts, Civil Status Office, Municipal Cadastral

³⁴ Agjencia e Statistikave të Kosovës. *Gratë dhe Burrat në Kosovë*, 2014-2015. (Prishtinë: ASK, 2016, 6).

Office, and notaries), and increase legal information available to citizens. In all three municipalities, the availability of information packages (brochures, leaflets) was noted as especially helpful.

SUPPORT FOR MEDIATION WAS REPORTED TO BE HELPFUL PRP also aimed to work with institutions and organizations at the municipal level to encourage and support the use of mediation to resolve disputes arising in non-contested inheritance proceedings. However, the evaluation team was not able to secure data on the number of cases that were settled through mediation. KII respondents agreed that notaries had significantly helped reduce the number of cases previously adjudicated.

LACK OF A CENTRAL DATA SYSTEM MAKES QUANTIFICATION OF CHANGE DIFFICULT Cadastral data remain paper-based. Lack of digitization prevents citizens from accessing necessary documentation and resolving property claims. While data sharing between municipal and central institutions is carried out by cadastral offices, the extent to which this is common practice among other institutions is unclear. AGE, for example, does not possess information that could help it track the impact of the AI it supported. One mayor considers the lack of digitization of cadastral records the main hindrance to citizens' ability to register and inherit their property. Overall, the lack of a centralized system of data and a system for data collection and review provides a major challenge for future policymaking and the sustainability of activities, as well as in measuring the efficiency of courts and municipal services.

THE PROMISE OF THE EKIOSK The hope of senior municipal officials Viti is that the eKiosk will be a significant contributor to citizen ability to efficiently access services and practice their rights. According to a city official, one kiosk has been set up and two additional kiosks will eventually be added—by the Municipality itself. In Viti, leaflets on citizen property rights and registration procedures are considered a relevant contribution in all three municipalities. In Strpce, an eKiosk was set up though another USAID project but was reportedly sometimes out of order. With internet penetration high in all three municipalities, similar services would be welcomed by the authorities and citizens; however, they need to be maintained through municipal budgets and procedures. The eKiosks, together with other services, have to be included in municipal strategies and budgets. Interviews with stakeholders confirm the reliance on international grants, limited local ownership of projects, and limited vision for sustainability.

WORK WITH THE COURTS TO ASSIST WOMEN HAD MIXED RESULTS Work with judges and heads of courts in the three municipalities has produced mixed results. The court staff from Strpce say that LAs are having a positive impact on courts, specifically with constructive notice, finding DPs, and drafting legal decisions for review. LAs/interns have also been helpful in facilitating pending court cases, or those that have been backlogged for a considerable time. In Ferizaj, respondents reported that the courts helped with an inheritance case, of a woman contesting her brothers' claim. The case had been dormant in the court for a significant period, and the LAs completed the case file. CSOs and focus group respondents are still not satisfied that institutional authorities adequately recognize their role in women's unequal access to services and rights. None of the focus group participants claimed to have had trouble in registering property jointly with their spouses as far as administrative procedures are concerned. This was specifically true of Viti and Strpce. However, all the FGD participants discussed at length the socio-cultural barriers to inheritance. Only three women, in all three municipalities, had inherited property owned by their paternal family, and the team was not able to identify the number of contested inheritance cases throughout Kosovo or in municipalities.

GENDER BIAS STILL PRESENT IN THE COURTS Some CSO representatives and municipal representatives noted that judges continue to show gender bias. Two specific cases were noted where judges suggested to a female claimant not to further pursue claims to property inheritance. Overall, female respondents (4 KII respondents and 10 focus group participants) explained that social pressure and lack of trust in the judiciary deters women from making claims to inheritance. Male respondents also confirmed this finding. Women defer from claiming inheritance because of community perceptions (they would appear greedy) and likely conflict with family members, namely their brothers. In Viti, the focus

group discussion with women revealed a case of three sisters whose property, owned by their father, was taken from them by their paternal uncle. The uncle dispossessed them through the threat of violence, and the nieces did not pursue a lawsuit or support of authorities. Although the case was not researched further by the team, it suggests that women continue to doubt the ability of institutions, in this case police and/or courts, to enforce their safety and rights.

WOMEN USING THEIR NEW KNOWLEDGE ON PROPERTY RIGHTS FGDs in all three municipalities showed that women who had participated in the PRP programing, specifically training and economic incentive activities, have utilized knowledge gained to claim rights to joint spousal registration of property. At least eight women stated that approaching their husbands was not a problem. However, they agreed that the financial incentive (waiver of transaction tax) is what enabled the decision. This was particularly true for those who owned farmable land (including greenhouses) and could take advantage of agricultural development grants by the Ministry of Agriculture (additional points received toward evaluation of their application for government subsidies) or the grant scheme.

THE ROLE OF THE NOTARY, BOTH POSITIVE AND NEGATIVE There is agreement that notaries have positively impacted the ability of citizens to more efficiently register and make claims to property, as discussed above. However, according to 15 respondents, notaries are driven by incentives to secure and maintain clients, and to a notable extent themselves hold patriarchal values about women's property rights. One notary, with considerable influence among colleagues, noted that women are now benefiting doubly, inheriting from their paternal and conjugal households. The experience of one notary was shared with the team, according to whom notaries risk losing business if they insist upon the legal requirement to notify all legal inheritors. According to their experience, clients will seek notaries who are more lenient in applying such legal requirements.

CONCLUSIONS

CHALLENGES

- There is a lack of trust in institutions to guarantee the rights of citizens, especially women, in claims and right to property.
- Men continue to reject discussing property rights, specifically inheritance, along lines of gender equality.
- There is a reliance on international grants, limited local ownership of projects, and limited vision for sustainability.

OPPORTUNITIES

- Training and engagement of municipal authorities has made them potential advocates of equal property rights.
- Increased efficiency of municipalities generates trust among citizens and can be capitalized to further sustain efforts towards the enforcement of women's property rights.
- Media and educational institutions are dedicated partners in supporting initiatives that enhance citizen access to services and women's economic and social empowerment through property rights.

RECOMMENDATIONS

RECOMMENDATIONS FOR PRP BEFORE THE END OF THE ACTIVITY

1. PRP will need to continue working with the GoK over the final year of PRP's lifespan to implement all the remaining NPRS recommendations.
2. PRP and the GoK must co-lead the development and finalization of a framework for defining different types of property prior to the end of the PRP Activity.
3. PRP must work with GoK, MoJ, and KJC to build a greater sense of ownership over PRP programming; local officials must be guided in how to make programming sustainable with a limited USAID footprint.
4. PRP, CoMs, and KJC should codify the newly introduced active case management techniques applied by the Legal Associates in all stages of case processing, clearly defining their role in all stages of property-related cases (i.e., case registration, case assignment, case set-up, preparatory session, and main trial session).
5. PRP should work with KJC and Justice System Strengthening Program (JSSP) to develop clear job descriptions, supervisory structures, and a pathway for PRP staff to become regular court employees. These job descriptions should include mechanisms to fundamentally transform the role of the existing law clerks in all Kosovo courts from passive judicial assistants drafting court rulings for judges into proactive legal associates applying active case management techniques to improve caseload in basic courts.
6. PRP should develop a data collection system to monitor the adoption and implementation of new laws; for every new law adopted PRP should sample a randomly selected group of municipalities over the course of several years (bi-annually) to assess how the implementation of new laws is going, their economic and political impacts, as well as to assess if there are regional variations in how laws are implemented. These data can help the GoK see how and where to target additional resources to ensure that all municipalities implement new legislation in the same ways. Monitoring data should be made publicly available via an online interactive dashboard disaggregated by location and law. This will allow for constant checks on NPRS implementation by the GoK, as well as Kosovo citizens, and will provide a type of check on the performance of the GoK. PRP should design this system with GoK input, but it should be run through the GoK; PRP should build government ownership of this monitoring system, and in doing so facilitate a practice of government transparency.

RECOMMENDATIONS FOR THE GOVERNMENT OF KOSOVO

1. The GoK should start up (with PRP guidance) an easily accessible information system for citizens (especially women) to learn about their property rights, either through leaflets, direct community outreach, or a phone hotline, all of which should be done with USAID branding to increase public confidence and the likelihood of public buy-in.
2. The GoK should work with PRP to develop methods for enforcing women's property rights. PRP should advise MoJ and GoK as they lead the development of enforcement protocols.
3. The GoK should implement educational reforms for youth and law faculty students, as well as continued training for judges on women's property rights and gender equality.
4. Affirmative policies, such as AI No.03/2016, have generated tangible results in women's ability to register property, and should be replicated and/or amended according to new opportunities.
5. There should be more outreach, supported by GoK, MoJ, and KJC, to rural areas on property rights issues via grassroots approaches; GoK, MoJ and KJC should support municipality-specific CSOs focusing on property rights issues.
6. Given high internet penetration, digital property registration via eKiosks or online systems might make it easier for all citizens to register property. Work through social media and on sites frequented by women and youth may be useful.
7. Men have to be further educated about the legal rights of women to property and the benefits to the household economy derived from women's use of property rights.

RECOMMENDATIONS FOR USAID

1. USAID should consider working with KJC and the Justice Academy to support better training for the new court clerks who will be appointed. PRP-led training should be delivered to all new court staff.
2. USAID should work to develop innovative ideas that the GoK can implement regarding incentives for the joint registration of property.
3. USAID should help design initial education modules for law faculty students on gender and property rights. Kosovar gender specialists should inform these modules. Working with universities, USAID should support the incentivization of teaching these modules. Similarly, USAID should develop initial “learning over free lunch” gender-specific education models for high school students and work with local teachers as well as gender experts to implement these modules and evaluate their impact. This can serve as a pilot project for any follow-on programming focused on educational curricula redevelopment.
4. USAID and PRP should continue working on developing and/or enhancing infrastructural capacities in municipalities, thereby contributing to the quality of services received by citizens. Key capacities to be expanded include property rights information centers (offices that citizens can go to access information on their property rights) within municipalities, training of officials, and community outreach. USAID and PRP should lead the training of staff as well.
5. USAID should continue developing digital property registration platforms, eKiosks, and online systems. Setting up the infrastructure and using USAID-trained Kosovars to operate and maintain these systems will make it easier for all citizens to register property and make these systems sustainable; USAID should advertise its work through social media and on sites frequented by women and youth.

LESSONS LEARNED

- PRP is now in its last year and has made only limited progress on implementing the NPRS recommendations. Better forethought on timelines and potential political and domestic challenges ahead of program implementation could have mitigated the delayed impact of PRP and the NPRS.
- Systematic data collection is the sine qua non of evaluating the performance and impact of any development activity. Preplanning the types of data that will be necessary as well as the intervals at which these data must be collected, and by whom, is critical to evaluating program performance and impact. New programming in Kosovo led by USAID must be forward thinking in terms of the monitoring and evaluation data that it collects over the lifetime of a program. For PRP, this would mean collecting data on views of gender and property rights that is representative of each municipality, as well as regularly collecting monitoring data on how activities like the LA program are functioning.
- Sustainability, in terms of local ownership of a program, is critical to its success and makes transitioning USAID out of leading activities to a more supportive role easier. However, sustainability is not explicitly built into all USAID activities. Ensuring that program and activity results are sustainable requires forward thinking and planning with regard to educating beneficiaries about sustainability and building mechanisms into programs to allow them to live on should USAID funding and/or properties in a country shift.
- Mindset, attitudes, and cultural practice around gender are generational issues, in that changing knowledge, attitudes, and practices around gender require long-term programming that involves multiple cohorts of children and youth.