

## URBANISM WATCH

Urbanism of Prizren  
under Constant Watch

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Press Release #33

### Press Release Failed Legalization of Illegal Constructions

The Law for Treatment of Constructions without Permit that entered into force in early 2014 has failed to fulfill its purpose. Thus the process launched two years ago to legalize illegal constructions has actually failed.

The data from the Ministry of Environment and Spatial Planning, respectively the report by Municipalities for the first phase of the Registry as well as the second phase of the application for legalization (Category I, II and III construction) suggests that there were over 353 thousand illegal constructions, while there were only about 8 thousand and 500 applications for legalization (including 6 thousand applications from the process of 2010 in the Municipality of Prishtina).

According to the Law on Treatment of Constructions without Permit, the citizens had a 6 month deadline to submit their applications for legalization. The application period had ended on March 16, 2016. While the legalization process, had been envisaged to be concluded in 2017.

Based on the abovementioned report, over 46 thousand illegal constructions have been registered with over 6 600 applications submitted for legalization (over 6 thousand applications in 2010) in Prishtina Municipality alone. Over 28 thousand illegal constructions have been registered in Prizren Municipality with only 72 applications submitted for legalization. Over 33 thousand illegal constructions have been registered in Ferizaj Municipality with over 260 applications submitted for legalization. 8 thousand 500 illegal constructions have been registered in Gjakova municipality with over 190 applications for legalization. Over 32 thousand illegal constructions have been registered in Gjilan municipality with over 190 applications submitted for legalization. Over 8 thousand illegal constructions have been registered in South Mitrovica municipality with about 40 applications submitted for legalization. And 13 thousand 500 illegal constructions have been registered in Peja municipality with over 110 applications submitted for legalization. (The list with data from other municipalities has been attached).

These data clearly lead to the conclusion that the actual process of legalization of illegal construction has not produced the expected outcomes. EC Ma Ndryshe considers that the launch of this process without a proper preliminary research, without the involvement of relevant stakeholders and without full transparency and proper explanation has led to the failure thereof.

According to a survey of GAP Institute, "The challenges of municipalities in the implementation of the laws", ([http://www.institutigap.org/documents/2403\\_Komunat%20dhe%20Ligjet%20-%20final.pdf](http://www.institutigap.org/documents/2403_Komunat%20dhe%20Ligjet%20-%20final.pdf)), the urbanism officials in municipalities, generally considered that the legalization process stagnated because of the high cost of legalization, the large number of documents required and non-categorization of building areas. A vast majority of the municipalities did not have an understanding of the whole process, mainly due to residential buildings, namely as to whether the legalization includes the constructed building or the residential units.

Given these developments, the MESP drafted a concept paper on the issue of treatment of illegal construction, which highlighted the obstacles of the current Law for Treatment of Constructions without Permit where it envisages the amendment and supplementation thereof, in order to facilitate the legalization process.

However, EC Ma Ndryshe deems that if the authorities start amending-supplementing of the Law without the involvement of relevant stakeholders, then the legalization process is likely to fail again.

Therefore, EC Ma Ndryshe recommends to state institutions to include relevant stakeholders, to carry out a proper research in the process of amending-supplementing of the Law, as well as to develop and implement the legislation in full transparency to the public.

*Best Regards,*

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