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**“COORDINATION PROBLEMS AMONG INSTITUTIONS OF LAND ADMINISTRATION; REDUNDANCY AND DUPLICATION OF INSTITUTIONAL ARRANGEMENTS, FUNCTIONS AND INFORMATION MANAGEMENT”**

by  
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The problem of land administration in general, and that of coordination of the institutions of its administration in particular, has been considered for a long time from the point of view of research institutions in the country as a delicate and very important problem, for the consolidation of economical reform. Gradually, the same opinion is being created by decision-making institutions.

The truth is that, the privatization in our country, as a key part of economic reforms towards the consolidation of our emerging market economy, from the legal viewpoint as well as that of implementation, has made a better progress than the institutional reforms needed for a market oriented economy.

To better understand this uneven development of market institutions, let's have a retrospective view of the beginning of the Immovable Property Registration System.

Until the beginning of the transition period in 1991, the land was almost 100% state property, despite of the fact that this right from the juridical viewpoint was not registered in any institution. Although this fact we mention is not the subject of this paper, it should be underlined that this illegal form of ownership on land, has had a negative influence even with regard to land administration and use during 1992-1996, which we are going to present below, when we discuss this issue.

As we said above, most of land before the transition period was state property. It follows that land was administered by various state institutions that dealt with the land. Almost all Ministries and their dependent institutions had considerable surface areas of land in their administration. Up to this period, the cadastre had almost lost its basic functions as an institution for the registration of properties, owners as well as the other information related to them. We should also stress here the fact that there didn't exist in our country a general cadastre with the documentation of all kinds of land and owners according to the type and their physical structure. In this sense, only the system of the Ministry of Agriculture, had inherited and developed the agricultural cadastre which included the cadastre of forests and pasture as well. Whereas the urban cadastre, as a component part of the Ministry of Construction, and which today is called the Ministry of Regulation of Territory and Transport, did not exist and was represented by the so-called Urban Planning Offices which dealt only with urban planning aspects as well as construction permits.

As far as registration of the rights on buildings and urban land is concerned, it was conducted by an institution of the Ministry of Justice, Ipoteka Offices (the offices where the ownership documents are registered), which were closed by 1980 because of the total nationalization of lands as was private commercial and/or productive objects in the cities. These offices were re-opened beginning in 1991,

with the beginning of the economic reforms.

So, we may summarize the situation of land administration, ownership and registration of rights as follows: Almost 100% of land was state property and it was administered in a centralized way by the state institutions in rural and urban areas; offices of agricultural cadastre had lost their function of registering the ownership rights and mainly dealt with planning and use of rural territory for agricultural production. Offices of urban planning dealt only with planning, approval of construction permits. Ipoteka offices performed their document recording activity only in urban zones and then only pertaining to private dwellings. The fact that even in this case the land under and around dwellings was state property, made the owners feel indifferent towards the preparation and registration of documents in Ipoteka office.

Judging and analyzing today, the way that was followed since the beginning of economic transformations in the area of ownership rights to land and of land administration, there can be remarks and suggestions. Nevertheless, it should be taken into account the fact that: **Albania was coming from a centralized land administration system and with a poverty level that can not be compared with the other post-communist European countries. In such conditions, the administrative and institutional arrangements could not take place in a parallel way with the legal transformations at national level, and what is more, these institutions could not be easily adapted to handle the functions of an immovable property registration system.**

In a natural way as well as an imperative demand due to Albania's situation, the legal transformations required and gained priority over restructuring administrative and legal arrangements.

In the framework of drafting the Land Market Action Plan (year 1992), various questions and alternatives were raised for the Albanian and foreign specialists such as: were we going to build a new legal basis that would be adapted to the existing administration and institutions or would the latter be adapted gradually and step by step in the function of a unified law?; were we going to build a decentralized system from the administrative, urban or rural viewpoint or even this would be unified?; was the registration system going to be built based on documents or on the parcel?; as well as other questions of this nature.

If we refer to the scheme of institutions that have dealt with and still deal with documentary and mapping information on immovable properties, we may conclude with confidence that **the main objective foreseen in the Action Plan for the creation of a unified and open Property Registration System, which can register, present, modify and legally protect the private and public rights on land, is completely justifiable.**

Being a unified registration system, it has made possible the creation of a single administrative office for storing and displaying documents on ownership rights from the legal as well as mapping viewpoint, for urban as well as rural properties, for both private and urban properties. On the other hand, this unified system has another important advantage with regard to the reduction of the reception time for the client for the required services, and with the use of computerization system for the reception time for various services. Conducting transactions will not be a matter of one or two-three days as it is today, but a matter of minutes, and at most hours.

We call the Immovable Property Registration System unified because without being finalized, it has been identified as the only institution that deals with owners, lands and buildings.

If we would have chosen the preparation of the legislation in the function of existing institutional conditions in 1991, instead of the scheme we have presented, it is easily understandable that the advantages we mentioned above and others such as service cost, institutional conflicts etc., would not have been achieved..

To support the registration system up to its final construction, even from the institutional viewpoint, we have used various methods in our country. So, for example, to coordinate the work as well as to achieve the contributions of various Ministries that deal with land and immovable properties, as a successful solution we set up the Work Coordinating Group with representatives from various institutions. The duty of this Group, which was set up under a governmental decision and under the lead of the Immovable Property Chief Registrar, was not only to create the necessary facilities for the installment of this system, but at the same time to solve the various disagreements among the institutions.

Another efficacious way with regard to institutional cooperation, is that of the internal cooperation, not formal, I would say, among institutions. In this way, we have solved for example, the problems of providing the necessary documents from various agencies and institutions that recognized and gave the ownership rights; defining and showing in the map the boundaries of forest and pasture properties at village, commune and district level and, in the same way, we are working for the legalization of administrative borders.

Despite the achievements with regard to coordination and institutional cooperation, it should be stressed that institutional disagreements, redundancy and duplication have continued to be difficult problems to some extent. So, for example, while registration of rights in rural zone is done according to the unified system, in the urban zone, in spite of the few exemptions in special areas up to the end of 1998, it has continued according to the methods and the practice of recognition of rights only with documents and not according to the requirements of the registration law.

This parallel system has required an additional supplementary cost; there have been and still there exist disagreements among the judicial organs, notaries and registration offices with regard to recognition and registration of immovable properties. Commissions for property restitution and various privatization agencies, in many cases, not only have not cooperated among themselves but also have acted contrary to the recommendations of specialized institutions such as for example, urban planning offices, cadastre office or in the recent years even the registration offices.

Because of these parallel actions, in many cases we have had duplication of the documents for the same property. We have also suffered substantial damages to public lands and buildings, such as parks, schools, kindergartens and the deterioration of roads and sidewalks.

In the urban and sub-urban zones, this lack of coordination of institutions, as well as failure to act and create respect of the state and the political class for political credibility, have caused substantial damages with regard to land administration and use. So, for example, today, in Tirana, the capital of Albania, as a result of illegal constructions, the state land available for construction, private or public purposes, is

almost totally missing.

Even in the sub-urban zone of relatively big cities of the country, besides the lack of institutional cooperation and coordination, the insecurity of the farmers who have got in use the former lands of state farms, has had a considerable negative effect. In these areas, although the lands were of a very high category for agricultural purposes, they were traded for urban purposes and the worst thing was that this urbanization was developed in a chaotic and uncontrollable way.

Setting up of a unified system for registration of immovable properties, has created the basis and real possibilities with regard to improved land administration and use.

Today, with regard to land administration, because of the great needs of private and legal persons for construction and infrastructure as well as the lack of an institutional unification and coordination on legal bases, the misuse and abuses still continue to be considered as a serious problem.

To better judge the possibilities created by the registration system with regard to land administration, lets refer to a scheme of organizational structure from the Land Market Action Plan, modified in the function of the idea we are discussing.

We are trying to concretize these thoughts and ideas at the level of local government, which, with the approval of the Constitution, will clarify not only the way of its organization but also its relations with local government.

From the discussions made to date about land administration, we have raised many questions and alternatives how we are going to set up a new institution based on the transformation of the institutions that actually have lost the value and purpose for which they were set up. The registration offices could deal only with registration of ownership rights or they could also undertake problems of land administration, evaluation of land and other immovable properties. We are discussion how this problem is going to be solved from the level of local government up to the level of central government, from the viewpoint of the relations among institutions as well as from the legal viewpoint. These and other questions that have to do with the collection, processing and use of legal, numerical and mapping information, now that IPRS has entered the phase of its consolidation, are object of discussion of various institutions, and very soon, when the possible alternatives will be chosen, they will be submitted for approval to the decision-making organs.

**INSTITUTIONS THAT HAVE DEALT WITH AND STILL DEAL WITH THE DOCUMENTS OF IMMOVABLE PROPERTIES**

