

*The Illegal Conversion of Agricultural Land at the Urban Fringe in Albania:  
Results of a Study in Three Urban Districts*

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## **1. Introduction**

The free movement of people since the change has resulted in the illegal conversion of all types of land, including significantly agricultural land at the urban fringe. The agricultural land which is being lost tends to be that with high productivity potential. This is a problem because it decreases the limited amount of agricultural land in the country, and it also imbeds assumed costs for future physical and social infrastructure investment. And, in addition, this illegal conversion leads to significant environmental degradation (soil erosion, water pollution, etc.) and the loss of land areas with potential for economic development.

## **2. Methodology**

Three districts were studied: Tirana, Fier and Kruja. These districts were selected because they are experiencing particular pressures from the phenomenon of illegal conversion of agricultural land at the urban fringe.

The study focused on: (a) the identification of the quality of the land subject to illegal conversion, and (b) interviews with inhabitants in recently converted areas. A total of 356 interviews were conducted with households in the illegal construction areas of these districts: in Tirana-Kamza 83 interviews, in Tirana-Sauk 121 interviews, in Kruja 87 interviews, and in Fier 65 interviews (one interview per household). These interviews were randomly selected in each district. Interviews were also conducted with the local government officials in these districts who are responsible for the particular areas where the interviews occurred. A total of 20 local government interviews were conducted: in Tirana 11, Kruje 4, Fier 4, and 1 national official. These interviews included the head of the commune, the oldest man of the village, and the urbanistic officers of the commune (see appendix a for this list).

Interviews covered issues such as: (i) the implementation of Albanian laws related to land ownership (especially Law 7501), (ii) the amount of pressure exerted on land, (iii) sources of family income and plans for investment, (iv) plans for sale, division and/or rental of land, (v) the process by which land was being bought, sold, and/or rented, and (vi) the role of local government in the above processes.

## **3. Description of the Areas Studied**

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<sup>1</sup> The original report with the accompanying tables and graphs, directly translated from the Albanian, is titled "The Division of the Agricultural and Urban Areas: Loss of the Agricultural Land Fund and its Relations to the Division of Land into Parcels and to the Movement of the Yellow Line to the Suburban Area." It is available from the Project Management Unit for the Immoveable Property Registration System, Rruga Durrësit, Nderësit Instituti i Studimit të Tokave, Laprake, Tirana, Albania.

Tirana-Kamza -- located north of the city, adjacent to the Agricultural University of Tirana. It is an area where good quality agricultural land predominates (72% of the total area). The total number of newcomers in the area is in the range of 10,000.

Tirana-Sauk -- located southeast of the city. The total number of newcomers in the area is in the range of 6,000; n.b. between the two areas a total of about 3,500 new dwelling.

No estimates of numbers of illegal settlers were provided for Kruje and Fier.

#### **4. Population Movement**

[Table 1: In-migration by Year]

Tirana is the location of most of the newcomers in the areas of illegal construction. In the other cities, illegal construction results from movement from the villages in the area.

In Kamza-Valias, the newcomers are primarily from Kruja, Tropoja and Puka. They say that the main reason for their move is economic. In their old villages, they have received a small amount of poor quality land. In their new homes, the amount of land they have is small (500-1,000 m<sup>2</sup>), and they are not using it in agriculture; commerce and construction are their sources of income. In general they have little interest in the activities of the commune; they have not presented requests for registration, and they do not believe they have violated the law.

In Sauk there has also been very little official registration of newcomers. Out of 6000 newcomers, only 200 have registered, and 41 of those are owners of old property. In Sauk newcomers are coming from Kukes, Dibra, as well as Korca, Kavaja and the town of Tirana.

In Kruja, the number of newcomers is small. The shift of population is largely as a result of people moving from villages in the area.

The same situation applies in Fier.

#### **5. Implementation of Law 7501**

The situation varies among the areas under study.

For example, in Kamza 96% of interviewees received the land in use, and only 4% received their old lands. In contrast, in Sauk only 20% received the land in use, while 58% received the land in ownership. This is despite the fact that both areas are former state farms, and subject to the same set of laws regarding the distribution of land. In Kruja 99% of the land has been received in ownership. And in Fier 35% of the land has been received in ownership and 65% in use. [A summary of this information is presented in *Table 2: Receipt of Land: Ownership or Use*].

[Table 3: *How Land was Received: By Law, Through Purchase, Rental, etc.* shows the same variation in situation as outlined above].

#### **6. Distribution of Property Titles (TAPI)**

With the exception of Kruja, where 86% have received a tapi, in all other areas, tapi receipt has been very low (7-8% in Tirana) to low (23% in Fier). [Summarized in *Table 4: Distribution of Property Titles*].

## 7. Land Use

As with the above data, responses varied by district. In Kruja and Fier most interviewees want to use land for agricultural purposes (82% and 78% respectively). In Tirana however the situation is different, and also varies between the two study sites. In Kamza only 19% of the interviewees want to use land in agriculture; 13% want to sell the land, 23% want to rent the land, while 26% want to use part of their land for agricultural purposes. In Sauk 52% want to use the land for agriculture. [Summarized in *Table 5: Expectations Regarding Land Use.*].

The reasons for the difference in two study sites in the Tirana district seem to be related to the issue of how land was distributed, and the occupational background of the land users. In Sauk land has been distributed to the old owners, while this is not the case in Kamza. Also in Sauk land has been distributed as ownership, while in Kamza it has been distributed in use. And the owner/users in Kamza are former coal miners. Many don't know how to use agricultural land for farming. For them, land speculation, through buying and selling, offers the best return on investment in land use.

[*Table 7: Demands on Land, for Buying or Renting*] shows that again the situation varies by district. The demand for buying of land is very low in Fier, and essentially nonexistent in Kruja. In Kamza and Sauk the demand is significant and largely from newcomers to the region.

## 8. Construction on Agricultural Land

[*Table 8: Construction Activity after 1990; Table 9: Type of Land on which Construction Occurred*]. In the Kamza area 72% of interviewees have built on their land, and 88% of this construction has occurred on agricultural land (as opposed to a designated construction site).

In the Sauk area only 25% have built on their land, and 33% of this construction has been on agricultural land. In Kruja, 18% have built, 50% on agricultural land. And in Fier, 78% have built, 80% on agricultural land. This data shows that most construction on agricultural land is occurring in Kamza and Fier. However there is an interesting difference in these two areas. In Kamza, 52% of the construction is by newcomers, whereas in Fier and Kruja essentially all of the construction is by long-term residents [see *Table 17: Construction Activity by Long-term Residents versus Newcomers*]. The years in which construction activity occurred also varies by district and area. In Kamza the most active year was 1994, and this was by several orders of magnitude. While in Sauk the peak year of construction was 1991-1992 [*Table 16: Illegal Construction by Year in Tirana District*].

Relative to future plans for construction, this data is summarized in [*Table 10: Construction Plans through the Year 2000; Table 11: Likely Land Type where Construction will Occur*].

In Kamza, 57% of interviewees intend to build, and 56% of that construction will be on agricultural land. In Sauk, 39% intend to build and 33% of that construction will be on agricultural land. In Kruja and Fier the figures are as follows: Kruja: 39% intend to build, 29% on agricultural land; Fier, 26% intend to build, 71% on agricultural land.

None of those interviewed have submitted requests for construction permission. The general opinion is that as legal or effective owner of land an individual can do as they please. In terms of obstacles to construction, most replied that there were none. The biggest obstacles to land use were economic and locational, not administrative.

## 9. The Land Market

Despite the fact that the selling of land is illegal, it is occurring anyway. In Kamza, sellers include those who are legal owners, those who have occupied land, and those who have bought land. In Sauk, land is being offered for sale only by the owner. [see, *Table 13: Buying and Selling of Land*]. Interestingly, in Kamza, only 1% say they have sold, yet 19% say they have bought. In Sauk, 5% have sold, and 6% have bought. In Kruja and Fier no sales have occurred. Very little leasing is occurring in any of the districts. A special form of leasing has emerged in Kruja -- seasonal leasing for a single crop.

[*Table 14: Tirana Region: Land Use of Land which is being Bought, Rented etc.*]. In Kamza, nearly 80% of the land which is being bought and/or rented is being used for house construction, whereas in Sauk the figure is 18%.

## **10. Documentation of Buying and Selling.**

Buying and selling is documented via official documents (with notarization), or in writing or orally, without documentation. Official documentation occurs in two forms, by act of gift, by long-term lease. Written declaration is as it is described; oral contracts are likewise. [*Table 15: Types of Documentation for Buying and Selling*, describes the situation in the study areas].

## **11. Loss of Agricultural Land**

For the study areas, the precise amounts of land lost to illegal construction is estimated. In particular, for all study areas, estimates are made of the total number of hectares lost, and the hectares lost by agricultural land classification type (classification based on productivity potential; [n.b. Albanian soil scientists use a 10 category classification system, classes 1-6 are excellent to good for production]). For all the study areas it is estimated that a total of 178 hectares has been directly impacted by illegal construction, and that approximately 66% of this loss has been on class 3 land. All together, land classes 2-4 account for approximately 94% of the land area impacted by illegal development.

It is estimated that the areas likely to be impacted by current and future illegal construction will be significantly more than those presently impacted. This is due in part to the assumption that infrastructure will be provided to these illegal areas, which will further intensify construction opportunities.

In addition to direct land loss due to illegal building, there is also land damage from several other factors. One of these factors is the collapse of the coal mine of Valias, where the irrigation and drainage channels are no longer functioning. Another factor is soil erosion, resulting from a multitude of influences, including the cutting of tree and bush cover. A third factor is pollution, resulting from the process of illegal construction and contributing to groundwater contamination. And finally, a fourth factor in the increase in land salinization, from the improper functioning of the drainage networks for the study areas. This is leading to the abandonment of some lands, as it becomes impossible to produce from them.

## **12. Legislation**

Relative to Law 7501, in some study areas the law has been implemented correctly, and in others not (Kamza, Fier and somewhat in Kruja correctly; Sauk not).

In Sauk the old owners have received their old properties, and it is disproportionately of

good quality, in contrast to the land available to the newcomers. It is for this reason, that some of the newcomers refuse to accept the land offered them. This situation is somewhat similar in Kruje.

Much of the problem with the implementation of the laws has to do with the status of local government functioning. It turns out that local government officials know the laws, and their responsibilities under them. But in many cases they are unable to exercise their responsibilities. For example, the administrative process to destroy illegal construction on agricultural land is a complex and time-extended process. By the time the process runs its course, illegal construction is often complete, and destruction is difficult to carry out. Some local officials believe they should have more authority to act more forcefully and quickly. Others, such as the commune head in Kamza, is less certain. He is worried about conflicts between the communal officials and local residents.

The Head of the Construction Police says that he is unable to exercise his responsibilities because of the bureaucratic structure of the process. Reports which are filed are not accompanied by required fines. He also finds the process too complex. He suggests that the responsibility for action against illegal construction should come out of the communal level.

Relative to the inhabitants themselves, they tend not to know the applicable laws for land use, nor to feel responsible for their implementation. As such, they do not know the rights and duties entailed in land use and land ownership.

Our conclusion is that more authority for land use decision making should devolve to the local level. The local level is closer to the problem, the understand what is happening locally, and they can move more quickly in response to illegal construction. If the authority is at the local level, and they do move quickly it is more likely that the problems that result will be much smaller because they will (a) catch problems in their early stages and (b) establish an understanding among the populace that illegal activity will not be tolerated.

### **13. Summary and Recommendations**

The free movement of population towards the capital and other big cities is a persistent process which is accompanied with an increase in the demand for new buildings. At the same time the demographic population growth and increase of its demands for a better life lead to people demanding bigger and comfortable houses. Naturally, all these increase the pressure on agriculture land around the cities, which in most cases is land with high productive capacity.

In recent years, in the villages near the city of Tirana there are observed numerous buildings in conformity with no building regulation or code and without the necessary infrastructure. From the study conducted in the communes of Kamez and Sauk it results that both communes are under the continuous pressure of the movement of population from other zones of the country. Till January of this year, the number of newcomers in the commune of Kamza was about 10,000, and in that of Sauk about 6,000. The overwhelming majority has built and continues to build houses in agricultural land. This phenomena is accompanied with different situations in both communes, starting from the implementation of the land distribution law to illegal buildings.

In the commune of Kamza, ex-state farm employees, who came here years ago have taken land in-use, according to the law.

In the commune of Sauk, the majority of ex-state farm employees were ex-owners of the land the state farm possessed. As a consequence, after the law on giving land in-use was promulgated, they were given their properties back.

In both communes there were buildings on agricultural land, but while in Kamza their number has been increasing from year to year (1991 - 10 buildings, 1994 - 800 buildings), in Sauk their number has decreased (1991-1992 - 220 buildings, 1993-1994 - 120 buildings). Also, within the commune of Sauk there were differences between villages near the city (Sharre, Selite, Mjull-Bathore), and those in the rural zone (Farke e madhe, Farke e vogel, Lunder). At present, approximately 16% of the total agricultural land in Kamza has been illegally converted. At the present rates of conversion over 40% of the land in this area will be lost by the end of the decade.

These changes in the urbanization of the land are connected with the type of land ownership, pressure exercised from the people's movement, nearness, and ability to communicate with the city.

Another factor contributing to the under-productive use of agricultural land is the changing market of agricultural products. More imports are in the market now. This when combined with the production that is occurring away from urban areas, and the needed investment capital to use agricultural land for agricultural production, lead many land users to use their properties for low-level agricultural production -- livestock grazing and fodder, etc.

The giving of the land in-use, has had its own impact on the change of direction of agricultural land use. Uncertainty concerning ownership over land which exists in the inhabitants of these zones, and especially in Kamza, has led to its use mainly for building.

It is a fact that people will continue to build in the future as well, but the state should lead this process. Specifically, we recommend the following State actions:

1. The state, through appropriate departments and institutions should compile the perspective plans of development of inhabited and suburban zones as soon as possible, especially for the capital.
2. Consideration should be given to the reorganization and consolidation of local government. A special section of local government should be created to deal with land use planning in and out of the yellow line, and this section should have both planning and implementation authority.
3. In the perspective plans for the development of suburban zone it should be set forth the creation of a green belt around the city where there should be foreseen zones of agricultural, urban, forestry, pasture, recreational, tourist use purposes.

Such a practice of creating green belts for the protection of the agricultural land and development of the city is well known in other countries as well. In these countries the state makes buying and selling transactions the same as other owners.

4. In order to achieve the development of the territory around cities in our country also it is necessary for land within this territory to be administered by the state. There are two ways to achieve this administration:

- a. the state buys land from owners with the market price

b. the state becomes owner of the land given in-use

To attain the purchase of land from owners the state should be economically powerful, which in the present conditions of our country is difficult.

In the second case possibilities are greater. The state remains owner of the land of ex-state farms around the city and leases it for certain uses, on basis of a contract for a time term.

We want to stress once again that for the future development of our country, the state administration of a part of the land by leasing it, is more acceptable and favorable for application in the zones around cities, tourist and rural zones.

***Government Officials Interviewed*****Study Area 1: Tirana**The commune of Tirana-Sauk

- |                     |                     |
|---------------------|---------------------|
| 1. Ibrahim Shalqizi | Head of the commune |
| 2. Abdulla Bali     | Deputy              |
| 3. Fiqiri Dallashi  | Agronomist          |

The Oldest Men of the villages -- Tirana-Sauk

- |                    |               |
|--------------------|---------------|
| 1. Shaban Shalqizi | Lundër        |
| 2. Nazmi Kapui     | Farkë e Vogël |
| 3. Myftar Fusha    | Farkë e Madhe |
| 4. Ethem Brokja    | Sauk 2        |
| 5. Xhevdet Bulku   | Mjull-Bathore |

The commune of Tirana-Kamëz-Valias

- |                     |                     |
|---------------------|---------------------|
| 1. Pëllumb Lepi     | Head of the commune |
| 2. Myfarete Mytebui | The urbanist        |

The village Valias

- |                     |               |
|---------------------|---------------|
| 1. Hekuran Xhaferri | Village Elder |
|---------------------|---------------|

**District of Tirana Urbanistics Office**

1. Viron Hamzaj

**Study Area 2: Krujë**The commune of Bubq

- |                |                     |
|----------------|---------------------|
| 1. Sherif Daci | Head of the commune |
|----------------|---------------------|

The village Bilaj

- |                    |               |
|--------------------|---------------|
| 1. Agustin Dobrozi | Village Elder |
|--------------------|---------------|

The village Hasanaj

- |    |               |
|----|---------------|
| 1. | Village Elder |
|----|---------------|

The village Graniz

- |    |               |
|----|---------------|
| 1. | Village Elder |
|----|---------------|

**Study Area 3: Fier**

