

Improving the Governance and Administration of Agricultural Land in Albania

Sherif Lushaj^a

Summary

Agricultural land in Albania occupies about 24% of the total area of the territory, with about 0.17 ha per inhabitant. The tiers of agricultural land governance, administrative bodies, basic legislation, and property rights have changed in proportion to the economic and political system, the forms of organization, agricultural planning and distribution, as well as the implementation of privatization reforms. There are considerable issues in agricultural land governance that require efforts in terms of management, the establishment of an administrative system and database, and in relation to progress in the transition years. These issues include: pressure from informal urbanization and continuous fragmentation; degradation phenomena in 25% of the total surface area; cultivation at the rate of only 70-75% of the surface area; low rate of property ownership; and environmental changes.

This article seeks to highlight the main issues pertaining to agricultural land governance at all levels, as well as the role and responsibilities of law enforcement institutions and agencies for property management, property rights, and property certification for agricultural land. The purpose of this article is to analyze the forms of agricultural land governance, the organization of management bodies, ownership, productivity per unit of surface area, and the implications for good governance.

Keywords: Albania, agricultural land, land governance, land administration, land management, property ownership

Contact

^a sherif_lushaj@universitetipolis.edu.al
Polis University, Tirana, Albania

Introduction

Agricultural land remains an irreplaceable asset in function of agricultural production, but not only. Governance, implementation of long-term policies and strategies, building of management and investment capacities, as well as improvement of technologies are aimed at protecting agricultural land from urban consumption or from use destination change, as well as limiting environmental impacts on land and production.

This article seeks to highlight the main issues and findings with regard to agricultural land governance at all levels in Albania, as well as the roles and responsibilities of law enforcement institutions and agencies for property management, property rights, and property certification. The purpose of this article is to analyze the forms of agricultural land governance, the organization of management bodies, ownership, efficiency of production per unit, and the potentials for the application of good governance principles.

This study employs a few methods for policy research, including evaluation of cross-cutting legislation, evaluation of reported and archival information, as well as a revision of international policy papers on the issue of (agricultural) land governance.

According to the Food and Agriculture Organization (FAO, 2009), by 2050, the world population is expected to grow by 2.3 billion people compared to 2009, while projections on food production suggest an increase of 70% compared to 2005. In the production of cereals alone, the needs are projected to increase by about one billion tons. Moreover, global agricultural production over the last 50 years has increased on average 2-4% per year, while cultivated area has only increased by 1 % per year (FAO, 2009).

Establishing a sustainable balance between economic development in rural areas and the way agricultural land is used is a condition to ensure sustainable development and protect land resources and the environment. In general, in a neoliberal governance context, stakeholders, land users, and governments aim to achieve economic growth. Due to its productive qualities and capacity, agricultural land, as the basic asset of agricultural and livestock activity, remains the main source of food production with respect to the growing needs of the population. This

requires the cultivation of plants, which adapt to the climate and soil of the respective regions in the country, but also the preservation of the soil for future generations, as an irreplaceable precondition for sustainable development.

Land governance, especially agricultural land governance as a structured policy, has been implemented since the 1980s in Albania but ideas, discussions, actions, and cadastral documents date back further. Land governance addresses: rules, processes and decision-making and management institutions, legal institutions, implemented reforms, property ownership, legislation, conflict resolution, administration, and land policies. Good governance guarantees transparent and inclusive decision-making, where ownership and land use efficiency disputes are resolved amicably. Governance is a conceptually broad term, which includes state and private actors, experts, society as a whole, law and customary rules, as well as cooperation with key actors at the international level in joint actions. Palmer (et al., 2009, p.9) states that "land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which decisions are implemented and enforced, the way that competing interests in land are managed." Land governance is considered as a necessity for the accomplishment of economic, social, and environmental objectives, sustainable development, clear ownership of land as an immovable property, property ownership inheritance and transfer within the household, implementation of land protection policies, and economic growth. Good governance of land administration does not occur in isolation from other levels of social, political, and economic development. Burns and Dalrymple (2008, p.7) argue, for instance, that:

"Weak governance in land administration is a key contributor to issues of: informal models of service provision, corruption, illiquidity of assets, limited land markets, tenure insecurity, inaccurate and unreliable records, informal settlements, unrealized investment potential in property, land speculation and encroachment, idle and unproductive use of land, inequitable land distribution, social unrest, and inadequate provisions of infrastructure" (Burns and Dalrymple, 2008, p.7).

Agricultural land governance issues in Albania

need to be a priority for development policies at all government levels. While agriculture is a key activity for the national economy, the country has limited agricultural land (among the lowest among EU countries). The current surface area of agricultural land (around 696 thousand ha) constitutes 24% of the total surface area of the territory, while in most EU countries this ranges from 30-55% (Ministry of Agriculture, 2018). At a national level, Albania has experienced a decrease in agricultural area per inhabitant: from 0.32 ha per capita in 1950; to 0.28 ha per capita in 1975; and 0.17 ha per capita in recent years (Ministry of Agriculture, 2018; State Planning Commission, 1975). Meanwhile, globally, there is an average of 0.21 ha of agricultural land per capita, with Europe averaging 0.39 ha per capita (FAO, 2020). The potential for the further extension of agricultural land in Albania is limited due to its geographic layout. Moreover, the demand for urban land is much higher than that for agricultural land, due to the increasing demographic trend and the high economic value of that land. Until the middle of the 20th century about 22% of the country's population lived in cities and 78% in rural areas. In 2011, over 58% of the population lived in the urban area, a figure which is expected to have increased since (Instat, 2014). The demographic movement of the population from rural areas to urban areas has been accompanied by agricultural land abandonment, especially in the remote rural areas of Kukës, Tropoja, Gjirokastra, Dibra, and Mirdita, among others. Also, the peri-urban area (mainly agricultural until 1990) has been rapidly transformed into high density urban

area. Moreover, urban sprawl in the coastal area has significantly fragmented agricultural land with a fertility rate of 1-5%, i.e. land with a high production capacity. Due to the reduction of the quantity and use of agricultural land, as well as the increase of factors limiting agricultural development and production, imports of agricultural products have been higher than exports for many years now. Foreign trade data for 2020 suggest that the value of imports for food, beverages and tobacco is 2.84 times higher than that of exports (INSTAT, 2020).

Sources for Agricultural Land Creation in Albania

According to national statistics (Instat, 2018), the agricultural sector in Albania provides 18-20% of the gross domestic product (GDP). Agricultural lands are mainly found in rural areas, as well as in lagoons, environmentally protected areas, urban areas, and forests (albeit in smaller proportions). From 1950 to 1990, agricultural land area approximately doubled in size (to 713,000 ha in 1985).

Data shows that between 1950 and 1990 about 322,000 ha of agricultural land was created, most of which (about 98.6%) was created before 1980; only 1.4% was created between 1980 and 1990. Partial studies conducted in this period, aiming to identify new sources of agricultural land, showed that this growth was insignificant in terms of agricultural production (MoA, 1987). In total, about 250,000 ha were obtained from wetland reclamation, deforestation, and pastures.

Table 1. Dynamics of Agricultural Land Area Increase and its Use

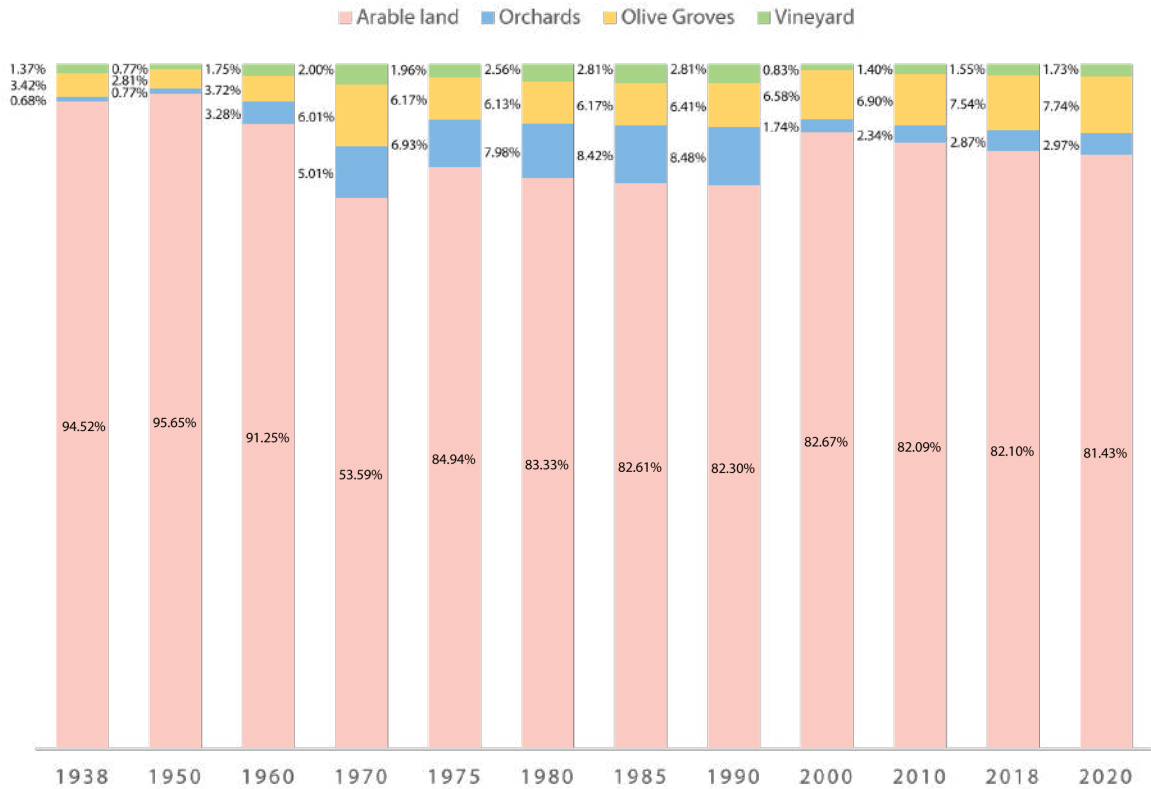
No.	Year	Agriculture land in ha as per cadastral divisions					
		Agriculture land (total)	Arable land	Orchards	Olive Groves	Vineyard	Others
1	1938	292,000	276,000	2,000	10,000	4,000	0
2	1950	391,000	374,000	3,000	11,000	3,000	0
3	1960	457,000	417,000	15,000	17,000	8,000	0
4	1970	599,000	321,000	30,000	36,000	12,000	200,000
5	1975	664,000	564,000	46,000	41,000	13,000	0
6	1980	702,000	585,000	56,000	43,000	18,000	0
7	1985	713,000	589,000	60,000	44,000	20,000	0
8	1990	703,699	579,158	59,696	45,088	19,757	0
9	2000	699,000	577,854	12,167	46,000	5,824	57,155
10	2010	695,520	570,954	16,300	48,000	9,712	50,554
11	2018	696,000	571,435	19,958	52,505	10,787	41,315
12	2020	695,500	566,372	20,658	53,802	12,002	42,666

Source: State Planning Commission, 1838-1990; 'Statistical Yearbook', Ministry of Agriculture 2000, 2010; 'Statistical Yearbook' and INSTAT 2018, 2019.

However, the increase in agricultural area was accompanied by many environmental problems, such as flood exposure and physical degradation in wetlands and forests. After 1990, agricultural land area declined (table 1 and figure 2) due

to a lack of creation of new agricultural land and, more significantly, because of the change in land use from agricultural to urban land. Furthermore, the maintenance of drainage and irrigation infrastructure deteriorated after 1990.

Figure 1. Use of agricultural land



Source: State Planning Commission, 1838-1990; 'Statistical Yearbook'; Ministry of Agriculture 2000, 2010; 'Statistical Yearbook' and INSTAT 2018, 2019. Elaborated by author.

Figure 2. Change in Agricultural Land Area for the period 1938-2020, in ha



Source: State Planning Commission, 1838-1990; 'Statistical Yearbook'; Ministry of Agriculture 2000, 2010; 'Statistical Yearbook' and INSTAT 2018, 2019. Elaborated by author.

The supporting infrastructure of agricultural land, especially irrigation and drainage, is only partially operational today. Thus, the potential irrigation capacity and irrigation ratio in 2020 were respectively 45% and 55% less compared to 1990 (table 2). Policies aimed at improving irrigation capacity remain weak and no significant measures have been taken in this regard (table 2).

Thus, given the limited agricultural land per capita, policies need to focus on using 100% of the existing land, protecting it from degradation, and providing infrastructure and rehabilitation through an action plan covering all tiers of governance.

With the change of the political and economic

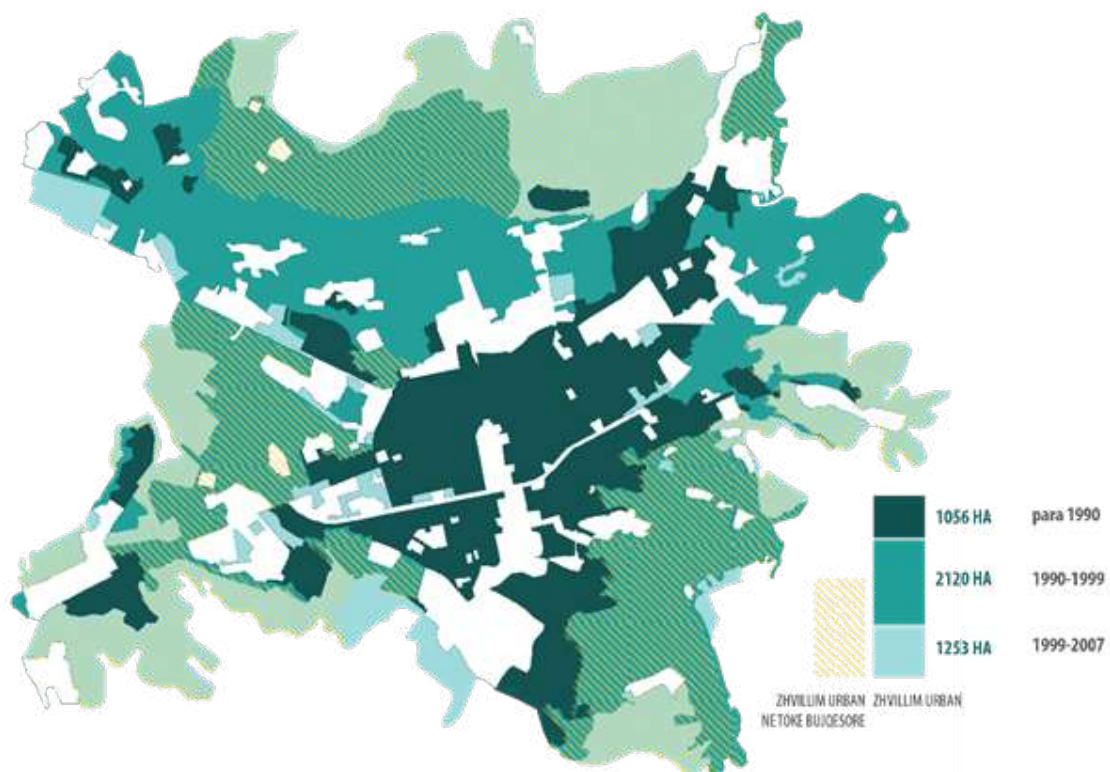
system in 1990, internal migration from rural to urban areas (migration rate of 20-25%) and mass emigration generated: (i) population pressure on agricultural lands near cities and informal urbanization; (ii) agricultural land abandonment, resulting in land degradation and loss of its productive capacity; (iii) rapid transformation of the peri-urban area around Tirana, Durrës, Fier, Vlorë, Elbasan, Lezha, Shkodra and other cities from a land with a mainly agricultural function to urban land; (iv) reduction of agricultural land in areas with a high productive capacity, rated 1-4 in terms of fertility level, specifically in typical agricultural areas in Shkodra, and in the areas Tirana – Fushë Krujë – Lezhë, Fier – Vlorë, Tirana – Durrës, among others (Shutina, et al, 2014). Though the

Table 2. Potential Irrigation Capacity and Actual Irrigated Area, in ha

No.	1938	1960	1970	1980	1990	2000	2010	2018	2020
Current potential irrigation capacity	29,100	135,300	238,800	370,800	440,000	203,530	204,544	232,376	242,653
Actual irrigated area	29,100	135,300	238,800	350,800	410,000	68,880	125,664	175,926	181,704

Source: State Planning Commission, 1938, 1960, 1970, 1980, 1990 (Statistical Yearbook), printed by the Tirana Polygraphy Plant. Ministry of Agriculture and Rural Development, 2000, 2010, statistical yearbook, INSTAT 2018, 2020

Figure 3. Effect of Extension of City Development towards Agricultural Land, Tirana, 1990-2007



Source: Co-PLAN (2014), elaborated by author.

consumption of agricultural land has been high due to urbanization in the last 30 years, the change from agricultural to urban use is not reflected in the tenure system. Legally, this process is expected to be updated on a yearly basis. Under these circumstances, the competent land administration bodies such as the ministry in charge of agriculture and rural development, the cadastral agency and the municipalities must verify and record all the changes in the agricultural land category and the actual surface area at a national, local and regional level in the basic cadastral documents.

Agricultural Land Governance, Reforms and Issues to be Addressed

Agricultural land preservation has increasingly been the focus of international institutions and organizations. The European Green Deal envisages that by 2030 the transformation of the EU economy into a sustainable economy will take place. The European Climate Pact and the Biodiversity Strategy aim for 75% of EU land to be healthy and fertile by 2030 through: conversion of up to 25% of it into organic farming; improvement of up to 50% of degraded land; the reduction of pollution from the use of pesticides and chemical fertilizers from 20% to 50%; a reduction of the total agricultural land that is occupied by buildings and infrastructure by 2050; and the reduction from 20% to 40% of the EU ecological impact globally (EC, 2020). Albania has a long way forward in terms of protection and improvement of land, especially agricultural land, due to the low surface area per capita and areas losing productive capacity as well as the fact that the processes of land desertification and degradation are active in a large part of the territory. Organic agriculture only occupies 1-1.5% of the total agricultural area, and the level of soil is estimated to be two to three times higher than in the Mediterranean countries, even though anti-erosion policies are not yet fully in place. Coastal erosion and sea advancement is present at high levels from Velipoja to Saranda, but especially on the Adriatic coastline. Marine erosion is also higher compared to accumulation. For this purpose, it is necessary to draft a national and regional plan for the protection of soil from erosion and landslides, and for the improvement of soils with limited production capacity, ie: saline, acidic, stony, etc, which amounts to about 100 thousand ha.

Another aspect to be considered is the rehabilitation of river bedding to stop the annual floods, which will be intensified due to

climate change. It is necessary to work for the rehabilitation of agricultural lands affected by heavy metal pollution around the abandoned chemical, metallurgical, and mining industries spread over 8,000-9,000 ha. In particular, as previously mentioned, the preservation of agricultural land from urbanization is one of the most prominent issues of the last 30 years of transition. With the approval of the Guidelines for Sustainable Land Use, Albania is one step closer to achieve some of the objectives of the FAO in terms of the sustainable use of agricultural land (FAO, 2017). These objectives include: reduction of pesticide use by 50%, reduction of soil and water pollution from nutrients by up to 50%, reduction of use of chemical fertilizers, and stopping soil degradation. Pesticide use practices need to be improved in the Albanian agriculture sector, not only to stop the introduction of informal pesticides that are not EU-certified, but also to prevent the harvesting and use of products earlier than the time allotted from vegetation to harvesting. The irrigation capacity of agricultural land is very low and remains an impeding factor to land productivity and agricultural quality.

In 2020, the European Commission, through the Joint Research Center, established the EU Soil Observatory, which will collect high-resolution, harmonized, and quality-assured soil information from all Member States and guide policies for the sustainable use and distribution of agricultural crops according to land ownership. This observatory will also facilitate the monitoring of soil fertility through a standard number of indicators. Therefore, Albania needs to strengthen and expand its soil laboratories in order to systematically monitor the indicators of soil fertility and quality.

The following chapter addresses the way agricultural land in Albania is governed across various territorial levels and seeks to highlight if this governance meets the environmental ambitions for land use. In more detail, it reviews the reforms on agricultural land before and after 1990, including the administrative bodies and legislation after the change of the economic system.

Reforms and Change of Ownership over Agricultural Land until 1990

Land ownership in Albania has undergone changes in line with the political and economic system as well as different forms of governance and reforms. During the Ottoman Empire and

until 1912, land was included in the general land fund of the Turkish state and was given for use to peasants and clerks from whom the state received revenues generated from production. During the reign of King Zog, a land reform was introduced (similar to the agrarian reform), whereby large owners would be deprived of a part of their property, which would be redistributed to the population that did not own any land. This initiative faced the pressure of the feudalism of the time and failed to be implemented.

After World War II, some land reforms were initiated in Albania. The first agrarian land reform in 1945-1946, expropriating land from large and foreign owners, distributed land to 314,000 households in possession of little or no land. From 1946, the first village-based agricultural cooperatives and state-owned agricultural farms were established. By 1950, about 91.4% of the land belonged to the private sector and only 8.6% was owned by the public sector and cooperatives. With the completion of agricultural collectivization in 1967-1968, village-based agricultural cooperatives and state-owned agricultural farms were established. Gradually, the small cooperatives were merged and enlarged. In 1983, there were 420 agricultural cooperatives in place with an average size of 300-5,000 ha that, until 1990, used 75.7% of the arable land. Meanwhile, state-owned agricultural enterprises (with an average size of 300-11,000 ha) owned 21.4% of the agricultural land.

In 1974, the Constitution of Albania declared all land as state property, which was given for use to agricultural enterprises and cooperatives, institutions, and state and social organizations. The nationalisation of land and the centralization of the economy, with top-down planning and distribution, created a positive milieu for increasing investments in land, including agricultural infrastructure for land reclamation and use. Over 600,000 ha of land were adapted and serviced with infrastructure, including parceling, construction of drainage and irrigation systems, and roads, for example. This process protected the land against floods and facilitated a cultivation rate of 100% of the land area. These measures brought progress in the national economy and land quality for a certain period of time. Yet, on the other hand, policies that prioritized 'fulfilling the need for agricultural products in the country' encouraged land creation from swamp reclamation, deforestation, and pastures, which had ecological and environmental consequences that are still present today. Until 1990, agricultural cooperatives and state agricultural farms, as the

main forms of agricultural organization, managed about 95% of the agricultural land area, with the remaining 5% being managed by central institutions (ministries), research institutions, and schools, among other institutions. Some of these specific institutions included the Ministry of Agriculture (10,694 Ha); Forest Enterprises (2,084 Ha); Ministry of Defense (28,014 Ha); Ministry of Interior (1160 Ha); Ministry of Trade (246 Ha); Ministry of Food Industries (2,154 Ha); and the Ministry of Education (1894 Ha) (Cadastre Offices, 1990).

Privatization of Agricultural Land and Consequences in its Administration

In 1991, Law no. 7501, dated July 19, 1991 'On Land' stipulated the reallocation and privatization of the agricultural land owned by former agricultural cooperatives, which amounted to around 570,000 ha. DCM no. 452, dated October 17, 1992 'On the restructuring of Agricultural Enterprises' allocated the lands of state agricultural farms (152,000 ha) to former farm workers. Following Law no. 8053, dated December 21, 1995 'On transferring ownership of agricultural land without compensation' the land became privately owned with the exception of areas that remain under the status of 'in use,' as not based on law. In terms of size, purpose, and radical change of property rights, this reform is considered to be the largest land reform in the country after collectivization following the Second World War. About 400,000 families were allocated agricultural land from this reform and by 2003, about 394,849 small family farms were established, with an average area of 1.26 ha per farm (MoAF, 2003). In 2010, this area is estimated to have been reduced to 1.21 ha per farm (MoAFCP, 2010).

The land allotment reform gained the consensus of political parties but failed to capitalize on models that guaranteed good governance of agricultural land. Also, no solution was provided to the former owners who used to possess land before the agrarian reform of 1945-1946. The land was allocated on the 'land per capita' principle and was implemented by 3,000 village commissions nationwide, which were unqualified to deliver this kind of work and felt under pressure due to social and political groups' reaction. The measurements were performed with tools with low levels of precision, and thus the cadastral maps and the distributed land area contained many errors. The implementation of the reform also caused a massive fragmentation of agricultural and land ownership. Each household received on average

4.4 land parcels and in extreme cases up to 12 land parcels. Such a division made it difficult to efficiently manage and administer agricultural land and led to the cultivation of only 70% of the total area in 1990 (Statistical Yearbook 1990, INSTAT 2015). Farmers also gave up using the agricultural plots located far from their homes. For example, in the 11 administrative units of the municipality of Fier (with the largest agricultural area among the municipalities), the distance from homes to family parcels varies from two to 22 km. Meanwhile, the process of land allotment itself has been accompanied by flaws and legal violations. Thus, several issues of poor governance arise. Firstly, from 1991 to 1997, the government was unable to manage the free movement of the population from rural to urban areas. This phenomenon was faced ineffectively by weak institutions, which did not have the capacity to prevent informal construction on about 30,000 ha of agricultural land. Due to the movement of about 20-25% of the population, the lands left uncultivated were subjected to erosion, degradation, and loss of their productive capacity. Secondly, during and after the land allotment reform of former agricultural cooperatives, border conflicts were identified in 124 villages in an area of 1,430 ha, mostly in the regions of Shkodra, Fier, and Vlora. About 4,000 ha were illegally occupied by around 5,000 people mainly in Shkodra, Tirana, and Durres. In parallel to this, people started to occupy undocumented lands (19,500 ha), which were not granted an ownership title. Contrary to the law, the land allotment commissions carried out illegal actions, providing inhabitants with forest land, pasture, or barren land even when Law no. 7501 did not apply to these categories. Finally, 80 villages were given more land than required by legal norms (Government Land Commission, 2007).

The land allotment reform of the former state agricultural enterprises faced similar problems with the former agricultural cooperatives, such as: disputes in 50 villages over the borders of 1,310 ha of land; illegal occupation of land in 7,300 property titles for 2,100 ha; illegal provision of an ownership title for forest or pasture land; provision of use titles beyond legal deadlines (March 1996) in 5,200 cases; and provision of an ownership title without previously being granted a use title in 4,500 cases. In addition, illegal possession of land occurred through the transfer of ownership of land that was principally used for tourism purposes, stipulated as such in the DCM no. 88, dated March 1, 1998.

Other issues identified during the process

include many ownership conflicts between farmers caused by the prolongation of the land registration process and as a result of the allotment of the same property title to several owners. Conflicts also arose from the discrepancy of the land surface area in the ownership title act with the terrain, or from discrepancies between the parcel number, the map, and the terrain. Many property disputes, which have been in litigation for years, extend to coastal areas where the land value is high. These disputes and the lack of tenure security hinder investments by farmers, applications for agricultural loans, land transactions, and the contribution of foreign investors.

Issues accumulated over the years since the land allotment reform have affected the low level of registration, land transactions, and the provision of farmers with an ownership certificate, which is limited to only 50% of properties (State Cadastre Agency, 2021). The initial registration of land in 19 cadastral zones is still ongoing although it should have been completed by 2007, which reflects the low level of agricultural land transactions. Currently about 5-6% of total transactions are recorded. The lack of an ownership certificate has incentivized an informal rental market among undocumented farmers, which has hampered legal land transactions in some areas, mainly in the north of the country. Although they have received an ownership title under Law 7501, farmers often carry out agricultural activity on the properties they owned before the agrarian reform and in a tacit agreement amongst themselves. Meanwhile, restitution and compensation issues for owners expropriated during the 1945-1946 agrarian reform have been partially resolved. This category was not included in the basic Law no. 7501 'On Land', but was addressed later, with a special Law no. 7698, dated April 15, 1993 'On the restitution and compensation of property to former owners'. Given that the land reform was quite dynamic and implemented at a faster pace, this second reform relied mainly on the monetary compensation of former owners rather than providing them with a property or worse, providing them with non-productive (rejected) land.

Are the land registration bodies and legal frameworks consolidated today?

Until 1990, property registration documents for urban areas were archived in the immovable property registration offices in courts and in the cadastre of the district executive committees in rural areas. After the privatization of land and

housing, the immovable property registration and cadastral system could no longer legally manage the major changes in ownership. Another specialized body for immovable property registration was needed. The immovable property registration system was established by Law no. 7843, dated July 13, 1994 'On the registration of immovable property'. In 1996, a central office was established and gradually local offices as well. In 2001, the Government of Albania with the support of USAID established the 'Initial Project Management Unit for the registration of immovable property' according to a new model gradually transitioned to a registration system. The project continued until 2005 and, in 2006, the work was taken over by the Central Office of Immoveable Property Registration. The territory of the country is currently divided into 3,064 cadastral zones, of which 80% (2,928 zones) are rural (Musta et al., 2006). Despite the establishment of the new registration system and the gradual modernization of technology and digitization, this process is still challenged because of property documents that were damaged while being transferred from the cadastre to the property registration office. 1996-1997 was the most difficult time period due to the chaos caused by the fall of financial pyramid schemes. Field measurement errors and the development of a basic registration map at the scale of 1:2,500 from the cadastral map of 1:5,000 also led to cartographic errors.

Issues and the Need to Improve the Management of Agricultural Land

"The essence of land administration typically involves processes that: manage public land record and register private interests in land, assess land value, determine property tax obligations, define land use and management governance systems, and support the development application and approval process for land use. Land administration systems should perpetuate policies of tenure security and access for all" (Burns and Darlymple, 2008, p.3).

The agricultural land administration system in Albania remains a key target to improve governance at the central, regional, and local levels, which has undergone continuous changes under almost every government that has come into office in the last 30 years and has not yet been fully consolidated. Government institutions include legislative and decision-making institutions at all levels and law enforcement agencies.

The Parliament of Albania is the highest legislative body adopting basic legislation around land reforms, budgets, and their respective sector strategies. The Ministry of Justice develops policies on property rights through the institutions responsible for property registration, restitution, and compensation of property and in cooperation with other institutions. The government program defines the objectives, priorities, and investments in land and irrigation and the drafting of laws and bylaws in this field. The State Cadastre Agency is responsible for the registration of immovable assets, for the certification of property titles and for land transactions. The Ministry of Agriculture and Rural Development is the highest state authority responsible for drafting and implementing policies and legislation on agricultural land and development in rural areas.

A short overview of the operation of agricultural land governance institutions and bodies suggests that they have undergone frequent organizational changes in the last 30 years. For instance, between 1990 and 2021, the Ministry of Agriculture and Rural Development has changed its name, form of organization, structure, dimensions, competencies and deconcentrated institutions five times, without first conducting studies of causes, effects, and expectations. From 1960 to 1992 it was called the 'Ministry of Agriculture' and focused on ensuring production in the country. From 1992 to 2021, under different governments, it was called the 'Ministry of Agriculture and Food', the 'Ministry of Agriculture, Rural Development and Water Administration', the 'Ministry of Agriculture, Food, and Consumer Protection', and the 'Ministry of Agriculture and Rural Development'. These name changes reflect changes in the areas of competence and consequently in the ministry's deconcentrated agencies and institutions. The fact that these changes have happened so frequently and in a relatively short period of time for a country in transition like Albania has led to confusion, instability of the administration, setting of short-term objectives, and a lack of continuity in strategic programs and investments.

At the local level, until 1990, the administration of agricultural land was the responsibility of the agricultural sections in 26 districts of the country and the Ministry of Agriculture. After 1997, agriculture directorates were organized in 36 districts and with the creation of the counties, 12 agriculture directorates were added at this level, as well as the 'Land Protection Inspectorate' at the regional level under the ministry. Following Albania's territorial organization into 61

Municipalities in 2015, agriculture directorates were established in large municipalities. In 2018, four regional agriculture directorates were established under the competent ministry. Irrigation boards, which operated in 12 counties under the ministry until 2013, are now established in four regions.

Decentralization and various forms of territorial organization in accordance with development policies are theoretically positive for increasing the quality of services and reducing socio-economic disparities. However, these interventions have faced a lack of capacity and funding at the local level. Land administration and protection offices have been established in each municipality and since 2015 have been performing reduced functions at the municipal level. The county council has limited capacity when it comes to identifying and reflecting changes in land use. Thus, despite the many changes made, they are not reflected in the agricultural land cadastre each year, even though it is a legal requirement. The failure to reflect these changes meets another issue: the shrinking of the statistical directorate in the Ministry of Agriculture into a small-sized office (department), as well as the weakening of the bodies in the administrative municipality units. Meanwhile, the directorate in charge of land management and protection in the Ministry of Agriculture has been reduced to one ill-staffed office with a low impact on subordinate institutions for many years now. Scientific and research institutions for land issues have been merged with a DCM in 2006 and research in this field is almost non-existent.

Frequent changes in the structure and objectives of competent institutions at each level have made it difficult to coordinate between them. In order to increase the sustainability of the sector and improve the performance of management capacities, there is an urgent need for institutions to durably consolidate the structure and responsibilities while also strengthening human resources.

In 1993, the United Nations Economic Commission, with the instruction 'On the establishment of the land administration system in the countries of Eastern and Southeastern Europe,' set out the task for every country to establish their respective administration system. In Albania, this system has been established on two-thirds of the agricultural land area (MoARD, 2020), but this established system needs to be supplemented with other indicators and made usable by all stakeholders.

In the last 30 years, land legislation has made significant progress in Albania with the adoption of more than 45 laws and bylaws on land. However, implementation remains insufficient and legal clashes remain frequent. In 2008, with Law 9948/2008, 'On the verification and revocation of ownership titles,' the Albanian government tried to start the process over from scratch. This further complicated the situation and was eventually not implemented. Due to the low level of agricultural land ownership certificates, the Albanian Parliament adopted Law 20/2020, which defines the procedures and institutions in charge of completing the registration of ownership titles as well as their inventory, transfer, processing, and final registration. By law, the rules and procedures for agricultural land registration, including the completion of the land transfer process from use to ownership, have been simplified. During 2021, it is expected that 24,000 households will be provided with an agricultural land ownership certificate and work will be intensified to ensure the initial registration of 19 cadastral zones not previously included. However, it is necessary to legally address the 'consolidation of land,' as well as the property inheritance issue in the Civil Code of the Republic of Albania to prevent further fragmentation of land within households. In 2016, the Strategy for the Consolidation of Agricultural Land was adopted by the Ministry of Agriculture, Food and Consumer Protection. This strategy needs to be significantly improved as it has not managed to catalyze the consolidation process.

The system for agricultural land valuation and taxation is only partially operational. The agricultural land tax is based on land class, but implementation is partial. Land tax is not only a financial resource but also an instrument for land protection and care (FAO, 2007). Although the Albanian legislation stipulates that not less than 40% of the annual financial fund generated by the agricultural land tax should be used for protection measures for agricultural land, this has not been implemented yet. In the agricultural land fund only 40.5% of the area is classified as high potential land falling under grades 1-4, which should be protected from switching to other uses. Work should also be done to increase the capacity of low-capacity lands. The value of land increases with increases in production capacity, ownership certification, and irrigation, for instance.

Conclusions and Recommendations

Agricultural land in Albania should be a priority of the government because agriculture remains

an important economic activity. The country has limited land resources and the area of agricultural land per capita is declining. From 0.32 ha per capita in 1950, agricultural land cover decreased to 0.28 ha per capita in 1975 and 0.17 ha per capita in 2018, compared to an average of 0.38 ha per capita in Europe. Since the sources that can be used to increase the agricultural land fund in Albania are limited, the focus of the respective institutions should be on maintaining and improving it.

After 1990, with the change of the political and economic system, the demographic movement of the population from rural to urban areas and abroad was accompanied by the abandonment of agricultural land, the rapid transformation of the peri-urban area from a mainly agricultural to urban area (largely with informal constructions), and urban settlement of about 30,000 ha of agricultural land with high production capacity. Ownership of agricultural land also underwent constant changes, which today results in the high fragmentation of agricultural land, its cultivation in 70-75% of the area, as well as numerous ownership disputes. With the 1991-1992 land reform, about 390,000 family farms were established with an average surface area of 1.26 ha.

Although the reform was implemented with the consensus of all political parties, due to unconsolidated institutions on the reform models did not guarantee good governance of agricultural land. During the reform, 114,000 ha of agricultural land was 'rejected' by owners due to its low production capacity. Meanwhile, the maintenance of agricultural infrastructure was low, reducing irrigation capacity and actual irrigation in 2020 by 45% and 55% (respectively) compared to 1990. The accumulated legal issues related to agricultural land allotment and the prolongation of the reform have caused a low level of registration and ownership certificates among farmers. To date, this has been achieved in about 50% of properties, which significantly reduces tenure security, cultivation, long-term investments, transactions, farm enlargement, land consolidation, implementation of the fiscal system, and possibilities for rehabilitating land infrastructure. Legally speaking, the agricultural land administration system and the establishment of administrative bodies has seen progress, but its implementation is associated with significant flaws, especially with regard to property ownership. In addition, land governance institutions and bodies have undergone frequent

organizational changes over 30 years, impacting their management ability and reducing the long-term continuity of objectives undertaken by various governments.

Finally, in relation to fiscal policy, the agricultural land tax, which has important implications on development, the improvement of local finances, and increased interest in land, is not only low but stands at a minimum level of collection (on average 40-60%). Although the law stipulates that up to 40% of the land tax should be used for the protection and rehabilitation of land, this is not the reality.

Under these conditions, political interventions related to the improvement of governance and administration of agricultural land should be carried out in several directions.

First, the ministry in charge of agriculture and its deconcentrated bodies, in coordination with the municipalities and the State Cadastre Agency, must clarify agricultural land ownership. This requires the setting of a legal deadline for the completion of land registration and the provision of owners with ownership papers pursuant to the law 20/2020 'On the completion of transitional ownership processes in the Republic of Albania', as this process currently only includes 50% of ownership titles. In addition, agricultural land area that has been transformed into other categories of use during the 30 years that followed the allotment and privatization reform in 1991 must be verified and reflected in the basic legal and cartographic documents. In 2020, the Ministry of Agriculture and Rural Development reports 8,200 ha less of agricultural land compared to 1990 (INSTAT, 2020). On the other hand, the former agricultural area currently occupied by construction or transformed into other categories by government decisions is much bigger than it is officially reported.

Secondly, institutions, bodies, and agencies in charge of land issues need to be consolidated at the central, regional, and local levels. Frequent organizational and structural changes have reduced efficiency and sustainability. In this context, the department in charge of statistics and the department in charge of land issues in the Ministry of Agriculture need to be reorganized. The agricultural land fund should be specified at all territorial levels and scientific research should be significantly linked to policy-making processes. This would help link and coordinate knowledge of agricultural land with territorial planning processes, which have a direct impact

on land use transformation and construction or fragmentation.

Finally, the Ministry of Agriculture, in coordination with other institutions and sectors, should draft rehabilitation plans for rejected, saline, acidic, and abandoned agricultural lands. Measures should also be taken to treat contaminated land, which includes an area of about 8,000 ha, degraded due to the presence of polluting industrial facilities or mineral extraction. (Lushaj, et al, 2002)

References

Bassam, A., 2013. The Relationship between Governance and Economic Growth During Times of Crisis. *European Journal of sustainable development*, 2(4), pp.1-18. ISSN 2239 5938

Burns, T. and Dalrymple, K., 2008. *Conceptual Framework for Governance in Land Administration*. International Federation of Surveyors. [Online] Available at: https://www.fig.net/resources/monthly_articles/2008/august_2008/burns_dalrymple_august_2008.pdf [Accessed December 20, 2021].

EC, European Climate Pact. [Online] Available at: https://europa.eu/climate-pact/index_en; [Accessed November 3, 2021].

FAO, 2007. Good governance in land tenure and administration. FAO Land tenure studies, Issue 9. ISBN 978-92-5-105753-7. [Online] Available at: <https://www.fao.org/3/a1179e/a1179e00.pdf> [Accessed December 20, 2021].

Palmer, D., Friccka, S. and Wehrmann, B., in collaboration with Clorisa A, Faure P, Torhonen M, Arial A, 2009. *Towards improved Land Governance*, UNHABITAT, ISBN 978-92-1-132210-1 [Online] Available at: <https://unhabitat.org/sites/default/files/download-manager-files/TOWARDS%20IMPROVED%20LAND%20GOVERNANCE%20%2C%20Land%20and%20Tenure%20Working.pdf> [Accessed November 20, 2021].

Shutina, D. and Dhrami, K., 2016. Zhvillimi urban dhe efekti i tij mbi token bujqësore [Urban development and its effect on agricultural land]. *Habitat Magazine - Sustainable Development and Environmental Issues*, 4, pp 64-88. ISSN: 2306-8779

INSTAT, 2014. *A new urban-rural classification of Albanian population*. [Online] Available at: http://www.instat.gov.al/media/2919/a_new_urban-rural_classification_of_albanian_population.pdf [Accessed December 20, 2021].

Lushaj, Sh., 2003. *Fragmentimi dhe konsolidimi i tokës në Shqipëri* [Land fragmentation and consolidation in Albania]. Tiranë: Ermal Publishing House.

Lushaj, Sh., Laze, P., Kovaci, V., Belalla, S., Mani, A., 2002. *Raporti i Monitorimit të Ndotjes së Tokës, Erozionit, Pjellorisë dhe Cilësisë së Ujërave për Ujitje* [Monitoring Report on Soil Pollution, Erosion, Fertility and Irrigation Water Quality]. Reposited in the Archive of the Ministry of Environment.

Musta, B., Kalemi, F., Nikolla, Dh. and Musta, F., 2006. *Vlerësimi dhe rregjistrimi i pasurive të paluajtshme*. [Immovable property evaluation and registration]. Bergjini Publishing House.

FAO, 2019. *EU Land governance programme country level experiences*. [Online] Available at: <http://www.fao.org/3/ca3717en/CA3717EN.pdf> [Accessed December 20, 2021].

Deiningner, K. and Selod, H., 2013. *The governance Assessment Framework for Metropolitan Territorial and Regional Management*. UN-Habitat. [Online] Available at: <https://unhabitat.org/sites/default/files/2020/10/gaf-mtr.pdf> [Accessed December 20, 2021].

World Bank. 2008. *Sustainable Land Management Sourcebook*. Agricultural and Rural Development. Washington, DC: World Bank. [Online] Available at: <https://openknowledge.worldbank.org/handle/10986/6478> [Accessed December 20, 2021].

FAO, 2009. *Global agriculture towards 2050*. High Level Expert Forum. [Online] Available at: https://www.fao.org/fileadmin/templates/wsfs/docs/Issues_papers/HLEF2050_Global_Agriculture.pdf [Accessed December 20, 2021].

FAO, 2020. *Statistical Yearbook 2020*. ISSN 2225-7373.

State Planning Commission, 1938, 1960, 1970, 1980, 1990. *Statistical Yearbook*. Tiranë: Tirana Polygraphy.

Ministry of Agriculture and Rural Development, 2000. *Statistical Yearbook*. Tiranë: Morava Printing House.

Ministry of Agriculture and Rural Development, 2010. *Statistical Yearbook*. Tiranë: Morava Printing House.

INSTAT 2018. *Statistical yearbook*.

INSTAT 2020. *Statistical yearbook*.

INSTAT, 2020. *Tregtia e Jashtme e Mallrave* [Foreign Trade in Goods]. [Online] Available at: <http://>

[www.instat.gov.al/media/7931/tj-dhjetor-2020 .pdf](http://www.instat.gov.al/media/7931/tj-dhjetor-2020.pdf) [Accessed December 20, 2021].

Ministry of Agriculture and Food, 2003. *Agriculture and Food Strategy*. Ministry of Agriculture and Food.

Ministry of Agriculture, Rural Development and Water Administration, 2013. *Cross-cutting Strategy for Rural and Agricultural Development 2014-2020*. Approved with DCM no.709, dated 29.10.2014. Official Journal 169/2014.

Ministry of Agriculture and Food and Consumer Protection, 2007. *Albanian Cross-cutting Strategy of Rural Development 2007-2013*. [Online] Available at: <https://shtetiweb.org/wp-content/uploads/2021/02/Strategjia-e-zhvillimit-rural-pe%CC%88r-Shqipe%CC%88rine%CC%88-2007-2013.pdf> [Accessed December 20, 2021].

Government Land Commission, 2007. *Raport mbi problemet e evidentuara në ndarjen e tokës bujqësore* [Report on identified problems in the allocation of agricultural land]. Reposited in the archive of the Ministry of Agriculture.

FAO, 2013. *Statistical yearbook 2013*. World food and Agriculture.

FAO, 1998. *Year book production*, 52.

Subedi, G., 2016. *Land Administration and its impact on economic development*.

Ministry of Agriculture, 1987. *Raport mbi Shtimin e Sipërfaqes së Tokave Bujqësore* [Report on the Increase of Agricultural Land Area]. Reposited in the Archive of the Ministry of Agriculture.

Ministry of Agriculture, 1990. *Fondi i Tokës sipas Kadastrës* [Land Fund according to Cadastre]. Reposited in the Archive of the Ministry of Agriculture.

MoAFCP, 2010. *Statistical Yearbook 2010*. Tiranë: AlbDesigel.

Disclosure statement

No potential conflict of interest was reported by the author.