

ALBANIA'S LAND DISTRIBUTION PROGRAM:
PROBLEMS OF THE TIRANE, KAVAJE AND LUSHNJE DISTRICTS, AND
OPTIONS FOR OVERCOMING THEM

By Harry Lemel and David Gandle
with David Stanfield

Prepared for the
Land Tenure Center
University of Wisconsin

December, 1993

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	DESCRIPTION OF FIELDWORK	2
III.	GENERAL PATTERNS	5
IV.	PROBLEMS ENCOUNTERED IN THE DISTRIBUTION OF LAND AND TAPIS	5
	A. OVERVIEW	5
	B. THE ISSUE OF OLD BOUNDARIE9	
	C. PREWAR BOUNDARIES VS THE THE 1946 REFORM	10
	D. DISTRIBUTION SOLUTIONS	10
	E. CASES	11
	F. IMPLICATIONS & RECOMMENDATIONS	16
V.	HOUSING ISSUES	16
	A. HOUSING ON LAND CLAIMED BY OTHERS	16
	B. ILLEGAL HOUSING	17
	C. RECENT UNDOCUMENTED LAND SALES	18
	D. POSSIBLE SOLUTIONS	18
VI.	THE NEWCOMER QUESTION	19
	A. INTRODUCTION	19
	B. NEWCOMERS: THEIR ORIGINS	19
	C. MIGRATION PATTERNS	21
	D. NEWCOMERS AND DISTRIBUTION DISPUTES	22
	E. TRENDS IN OLDTIMER/NEWCOMER RELATIONS	23
	F. THE "NEW NEWCOMERS"	25
	G. CONCLUSION: IS THERE A SOLUTION FOR THE NEWCOMERS?	25
VII.	CORRUPTION AND FAVORITISM IN VLDCs	25
VIII.	OPTIONS FOR REMEDIAL ACTION	27
	A. INTRODUCTION	27
	B. REVIEW OF PROBLEMS AND ISSUES BY THEIR SCOPE	27
	C. NEEDED LEGISLATION IDENTIFIED DURING THE STUDY	29
IX.	NEEDED PROCEDURAL/ADMINISTRATIVE INITIATIVES	33
	A. INTRODUCTION	33
	B. PROPOSALS FOR IMPROVING PROCEDURAL/ADMINISTRATIVE PROCEDURES	34
	C. OTHER FINDINGS AND RECOMMENDATIONS	35

ALBANIA'S LAND DISTRIBUTION PROGRAM:
PROBLEMS OF THE TIRANE, KAVAJE AND LUSHNJE DISTRICTS, AND
OPTIONS FOR OVERCOMING THEM

All right, you give us no choice -- go ahead and collectivize the land. But have you thought about, when the time comes, how you will make it private again?

-- Comment of a prominent Albanian
agriculturalist, 1952.

I. INTRODUCTION

It is estimated that as by mid 1993, 383,069 rural households in Albania have gotten control over 470,086 hectares of ex-cooperative land, which represents over 90% of the collectivized land formerly managed by cooperatives. The new household holdings, however, are fragmented into at least 1.5 million separate parcels of land, including an average of about 3 agricultural parcels and one house plot for each family. Most of these allotments of land have been as household property, and only a small proportion (about 1%) as usufruct (for agricultural land of limited productivity, as a means for defining easements, and as a vehicle for providing housing for temporary residents in villages).

The privatization of ex-cooperative land was formalized with the passage of the Law on Land in 1991. In that law, land which had been organized into some 400 cooperatives (collectivized land which was owned prior to collectivization by mostly peasant farmers) was to be distributed among the families which were resident on the cooperatives at the time of the passage of the law. The law further required that the land be divided on a per capita basis, i.e., the number of people living in a particular village was determined, and each person received a quota of land of differing qualities. These quotas were then accumulated within a household for the total amount of land of different qualities which was to be assigned to the household. The Village Land Distribution Commissions were in charge of this process, and had the responsibility of dividing the land among the households, using this per capita procedure for deciding how much land corresponded to each household.

One major problem with the distribution program is that only in about half of the villages where this procedure was followed, the District Land Distribution Commissions approved the Village Commissions distribution plans and issued tapi, or certificates of allotments (patents or titles indicating private ownership of the land). This titling process followed an initial stage of subdividing the land, discussing the subdivisions with the households of the village, preparing the documentation of these allotments and getting the families in the village to agree. The documentation of the distribution to each family includes the name of the household head, the area of each parcel awarded, the main land use category of each parcel, and the names of the neighboring owners. A special form is filled out with this information (Form 6), and each household head is asked to sign this form, indicating his/her agreement with the allotment. This information is transferred to the titles which are issued to each household, with the name of the household head placed on the certificate of allotment or title.

In the other villages, the per capita procedure has not been followed, or has been sufficiently at variance with the stipulations of the law so that the District Commissions have not approved the

de facto distributions of the land. In most of these cases, the pre-cooperative owners of the land or their descendants have claimed and occupied the land, leaving without land the families which have moved into the villages since collectivization and have no ancestral claims (see Lemel and Gandle, 1993). In these cases, only a few or no titles have been issued, even though the land has been subdivided and is being occupied and used by private families. Even where the distribution has been judged to be sufficiently in accordance with the law to authorize the distribution of the titles, some of the villagers have refused to receive them, claiming that the distribution was not in accordance with their desires for the return of their ancestral lands. The District Land Distribution Commissions continue to work with these problematic villages and villagers, hoping that once the procedures and funding for the compensation of ex-owners are in place, getting the distributions more in accord with the law will be easier, thereby permitting the issuance and acceptance of the titles.

From data gathered in May and June of 1993 concerning the progress of the legalization of the distribution process, the estimate is that 45% of the families which have gotten land in the redistribution process have signed Form 6, indicating their initial agreement with the procedure and the land received. For only 62% of the recipients of land have events progressed sufficiently for Form 6 to be filled out by the Land Commissions. For practically all of the people who have signed Form 6 titles have been prepared. However only 31% of the recipients of the land have actually accepted the titles. Obviously there is a substantial challenge ahead for the government to sufficiently document the process of land distribution through the acceptance by the farmers of the legal titles, the basic source of information about property rights to agricultural land.

This report is based on research conducted in Albania for a ten week period in June/July/August 1993. The overall purpose was to explore factors blocking progress in the land and land certificate (tapi) distribution. Among the questions which we sought to answer were:

- How might problems be categorized and how does their occurrence vary with geographical/topographical and demographic factors?
- What are some of the possibilities for overcoming such difficulties?
- What do those most directly involved --- villagers and leaders at the village, comuna, district and national levels --- have to suggest as solutions? Which of these appear to hold the most promise?

The period in Albania was divided between village fieldwork and meetings with officials at all administrative levels. Discussions focussed on ways to overcome problems which emerged from our fieldwork as well as those which officials themselves considered critical based on their own experiences. In Tirane, our most intense contacts were with officials directly responsible in either a technical or legal capacity for the land distribution program in the Ministry of Agriculture, and with individuals from the Land Research Institute. Meetings culminated in a workshop held August 18, 1993 and a meeting with the Minister of Agriculture on August 27, 1993.

II. DESCRIPTION OF FIELDWORK

The fieldwork was conducted for 3-4 weeks in the three districts designated as pilot

implementation areas for the full land distribution problem: Lushnje, Tirane and Kavaje. Those involved included two University of Wisconsin researchers, Harold Lemel and David Gandle and two Albanian translators/social scientists, Paqesor Shehu and Genc Seseri.

The usual procedure was to begin work in each district by meeting district cadastral officials to get an overview of progress and variations in the district. These meetings, combined with analysis of data which these officials were collecting periodically to monitor distribution effort progress, helped narrow down the choices for villages to be observed and provided a general picture of patterns in the respective districts. Comuna officials were also consulted for their perspectives either prior to or shortly after village visits.¹ An effort was made to choose villages representative of the dominant sorts of conflicts in their respective districts and to visit communities in each major agro-ecological/ topographical zone. In addition to the more problematic villages, several others were visited in which central government reconnaissance data indicated that the greatest land distribution progress apparently had been made. It was thought that such villages might yield suggestions on factors facilitating land distribution and reveal solutions applicable elsewhere.

In the selected villages, impromptu group meetings with residents were held in which the following sorts of issues were covered: current status and past conduct of land distribution, the extent and nature of problems encountered, number of lifelong and newcomer families in the village, the pre-World War II land-holding structure in the village, and ideas for overcoming problems. In certain villages where major divisions existed, individuals representing opposing sides of land conflicts (e.g., oldtimers versus newcomers, those who signed tapis versus those who did not, opposing groups of lifelong residents, etc.) were identified and asked to collect 5-10 friends each for focus group interviews. Village leaders, including members of the Village Land Distribution Commissions (VLDC's) were interviewed in several of the villages.

In all, 27 villages were visited by the team, representing approximately 10% of all villages in the pilot districts. Information about 3-5 villages in the vicinity of the study villages was also solicited from interviewees in most of the main study villages. This combined with data from comuna and district officials provides a broader foundation upon which to base our analysis and to draw our conclusions. Questioning villagers in one village about other nearby villages also permitted us to confirm the accuracy of information we had received about a given village. Table 1 summarizes the locations and types of data collected in the main study villages:

¹ A Comuna is the intermediate geographic administrative unit between the district and the village, and is usually made up of from five to nine villages. Comunas were created after the demise of the multi-village cooperatives, which provided a similar administrative function.

TABLE 1
VILLAGES AND TYPES OF DATA COLLECTED

District	Comuna	Village	TYPES OF DATA				
			Group	Focu s Grou ps	Vill · Lead er	Indi v	Comun a leade rs
Tirane	Vaqar	Bultic	X			X	X
		Arbane	X	X	X	X	X
		Algjate	X	X	X	X	X
		Sharra	X		X	X	X
	Peze	Peze e Vogel	X		X ²		
		Peze e Madhe				X	
		Maknor	X			X	
	Zallbastar	Zallbastar	X			X	X
	Priske	Dajt	X		X		X
Kavaje	Gore	Qerreti	X				
	Lekaj	Lekaj	X	X	X	X	X
		Luzi i Madh	X		X		X
		Shkozeti	X		<X>		X
		Beden	X				
	Synej	Peqinaj	X		X		
		Bago	X	X		X	
	Helmas	Habilaj			X ³	X	
		Kryluzi	X				
Lushnje	Kolonje	Ardenice	X	X	X	X	X
		Lumthi			X	X	X
		Shakulli	X				X
	Golem	Shegas	X		X		X
		Golem i Madh	X			X	X
	Fiershegan	Kosove e Vogel	X	<X> ⁴		X	

²Met in February 1993.

³In February 1993.

⁴Newcomers and lifelong residents together but asked questions as separate groups.

	Karbunare	Stan Karbunare	X				
	Divjak	Mize	X				X
		Divjak					X

III. GENERAL PATTERNS

The fieldwork identified key variables which appear to determine the ease or difficulty encountered in the distribution process:

- a. The proportion of newcomers
- b. Pre-World War II land holding structure
- c. Topography and land quality
- d. The position of the village as a central village during the coop era.
- e. The size of the per capita land allotment

Item (e), the size of the per capita allotment, is really a function of population pressure on a limited land base. This resulted from the tremendous growth in Albanian population during the Communist period, when Albania had the highest birthrate in Europe -- Between 1945 and 1990, Albania's population increased from 1.1 million to 3.1 million persons. In the villages we studied, the high natural population increase was further aggravated by in-migration and by the loss of land in village boundary disputes. Such disputes were encountered in six of the study villages. The role of low per capita land allotments in intensifying disputes must be seen against the absence of viable ways to make a living outside of agriculture; with much of industry having ground to a halt, agriculture provides one of the few ways for families to support themselves outside of migration of male family members to work (legally and illegally) in Greece and elsewhere.

IV. PROBLEMS ENCOUNTERED IN THE DISTRIBUTION OF LAND AND TAPIS:

A. OVERVIEW

At the time of the study, only minor on-going progress in the distribution effort was evident in the pilot districts compared to the situation six months earlier, when between 87% and 97% of the land and 50% and 63% of the land certificates or tapi were reported to have been distributed.⁵ Nevertheless the pilot districts are much further along than most other districts in the country, especially those in the mountainous north and northeast. In those regions, distributions of entire villages have frequently been designated as counter to the law. This reportedly is the result of villagers' insistence on reclaiming land they considered to be rightfully theirs through inheritance or purchase and the refusal of district land distribution commissions to approve distributions made on that basis. As will be seen below, this same issue also lies at the heart of many of the problems encountered within the pilot districts.

Other lines of conflict observed in the pilot district villages include the following:

1. Lifelong residents versus newcomers.

⁵Data collected on the three pilot districts in May 1993 indicated a range of 50% (Tirane) to 69% (Kavaje) for the percent of eligible beneficiaries who signed Form 6, something essentially equivalent to tapi signing.

2. Claims by ex-owners to larger shares of land than those allotted per capita, including disputes over the use of 1946 Land Reform boundaries.
3. The majority of village residents versus members, and families, of what are alleged to be corrupt Village Land Distribution Commissions.

Situations which are particularly troublesome are those combining more than one of these elements. These underlying conflicts may be manifested in complaints by newcomers that they received only distant, low quality land or by land recipients unable to use land allotted to them because of threats or occupation of the land by people claiming to have right of inheritance.

While these problems exist in all three pilot districts, they appear to be more widespread and severe in Tirane. A larger number of its villages suffer from disadvantageous profiles --- claims by ex-owners, high percentages of newcomers, hilly and mountainous terrain and lower per capita allotments --- than in the other two districts. The evidence which our study gathered concerning the relative amounts of land per capita (or per family) is consistent with aggregate data gathered by the Ministry of Agriculture in May 1993. Among study villages with average per family allotments of less than 1.5 ha., six out of eight were in Tirane while only two of six study villages with over 2 or more ha. were in that district.⁶ These differences are replicated in aggregated form in Table 2a. Aggregate data (Table 2b) also show Tirane lagging behind the other two pilot districts in terms of the percent who signed Form #6, the last major procedural step before tapis are signed. Table 3 shows an apparently positive relationship between land availability per family/per capita and the percent of villagers in rural communities who had signed Form #6. Yet as will be seen below, land availability per capita/per family while important, is not the sole explanatory factor for difficulties encountered in proceeding with land distribution.

⁶Mean and median hectares per family for study villages in the respective pilot districts were as follows:

	Tirane	Kavaje	Lushnje
Mean	1.2	1.9	1.9
Median	1.1	1.5	1.9
(n)	(7)	(9)	(9)

Table 2

(a)
 Hectares Distributable per Family in Villages
 Within the Three Pilot Districts

	District		
	Tirane	Kavaje	Lushnje
Mean	1.3	2.1	2.1
Median	1.2	2.0	2.0
Mode	.7	1.3	2.1
(n)	(114)	(61)	(79)

 (b)

Percent of Villagers who signed Form #6

	District		
	Tirane (%)	Kavaje (%)	Lushnje (%)
Mean	38	71	91
Median	36	78	93
Mode	0	83	100
(n)	(114)	(61)	(74)

Table 3
 Relationship between Land per Family Available for
 Distribution in Villages in the Pilot Districts and
 the Percent of Villagers Signing Form # 6

PERCENT OF VILLAGERS WHO (HA) SIGNED FORM # 6		LAND PER FAMILY				
		Up to 1 ha.	1.1 -2.0 hectare/ family	2.1 -3	Over 3	
None signed		11	48	7	5	
71						
7.0%	24.9%	Row 15.5%	67.6%	9.9%		
29.4%		Col 24.4%	29.8%	11.3%		
1-25%		2	11	1	0	
14						
0.0%	4.9%	Row 14.3%	78.6%	7.1%		
0.0%		Col 4.4%	6.8%	1.6%		
26%-50%		8	15	4	1	
28						
3.6%	9.8%	Row 28.6%	53.6%	14.3%		
5.9%		Col 17.8%	9.3%	6.5%		
51%-75%		16	24	9	3	
52						
5.8%	18.2%	Row 30.8%	46.2%	17.3%		
17.6%		Col 35.6%	14.9%	14.5%		
76%-99% signed		7	55	28	7	
97						
7.2%	34.0%	Row 7.2%	56.7%	28.9%		
41.2%		Col 15.6%	34.2%	45.2%		

100%			1	8	13	1
	23					
		Row	4.3%	34.8%	56.5%	
4.3%	8.1%	Col	2.2%	5.0%	21.0%	
5.9%						
TOTAL			45	161	62	17
	285					
			15.8%	56.5%	21.8%	
6.0%						

CHI SQUARE = 46.25801 DF = 15 P = 0.00005

SOURCE: Ministry of Agriculture Reconnaissance Data (May, 1993)

B. THE ISSUE OF OLD-BOUNDARIES

According to law #7501, distribution was to be to members of cooperatives on a per capita basis with equal divisions of land of different quality, slope, etc. In most of the villages which we investigated, initial distributions proceeded along these lines. However, momentum for reversion to old boundaries gained over time and came to be incorporated either in subsequently sanctioned distributions or by forced occupations. Reasons cited for this shift included delays in finalizing the distribution work, news of old boundary-based distributions in other villages, media publicity given to ex-owner demands, and the greater perceived security of holding land that neighbors knew and recognized as legitimately theirs. Insistence on old boundaries appears to have been particularly strong under circumstances where land per capita is relatively low and where the proportion of newcomers is relatively high.

People generally claimed to have rather precise knowledge about where their own or their ancestors' land used to be.⁷ Some also said that they possessed old tapis (i.e., from the pre-Communist era); others often asserted that they had had such tapis in the past but had destroyed them to avoid trouble with the Communist authorities. Claims for ancestral land tend to be honored or at least left unchallenged by fellow villagers assigned the same land through the VLDC's. Obviously, intimidation could also explain such 'respect'. However the overwhelming impression gained from our interviews was that respect for inheritance-based claims was deep-seated and pervasive.

Attachment to ancestral lands, however, is not uniformly strong. Nor do 'old boundaries' consistently refer to the same thing. Those most stubbornly insistent on wanting to reacquire old lands were those who said that their fathers or grandfathers had purchased the land 'with gold'. Other factors such as low per capita levels of distributable land available due to population growth, an infusion of newcomers over the past 50 years (see section VI below) and loss of land through inter-village land disputes, also appear to reinforce insistence on returning to old boundaries.⁸ One villager interviewed at length (in Habilaj, Kavaje) gave the following reasons for risking his allotment by not signing a tapi and holding out for a revised distribution based on old boundaries:

It's his father's land

The land was 'bought with gold'.

One doesn't feel secure as an owner if one takes someone else's land

If one can get even a portion of the patrimony, it may ultimately be possible to get all of it back through purchase or exchange.

⁷In several villages (e.g., Luzi e Madhe and Bultice), people reported that they had even occupied areas of pasture and forest land that they said had belonged to their ascendants.

⁸This was confirmed as being true in a portion of Lushnje by the Divjak communa head who gave as examples one village, Bischakas where pressure was low and Bregas where pressure was high.

It is a matter of honor.

Father's land is better land than much of that being offered through the distribution, formerly marginal land newly brought under cultivation, (i.e., 'improved' land).

Just as the Government changed it's policy in the past about how the land was to be distributed, this could happen again; at least others in the village would honor claims to the ancestral lands.

C. PRE-WAR BOUNDARIES VS. THE 1946 REFORM

'Old boundaries' generally refers to pre-WW II boundaries. There are cases, however, where it is the boundaries of land assigned through the 1946 agrarian reform to which the villagers seem to be referring. These latter cases, however, are rather rare. Our study found only a small number of villages which had used the 1946 boundaries to redistribute the land. In many villages, our respondents claimed that there was no interest in using the 1946 reform because there was little change from the pre-war boundaries. In other villages, we found opinion against the 1946 redistribution because it was a "Communist reform".

Whatever the villagers may have felt about the 1946 reform when it was carried out, the fact that it was followed within a few years by mass collectivization seems generally to have discredited the 1946 reform: many villagers now view the 1946 reform as a disguised first step toward collectivization, used to offer a more palatable way of establishing the right of the state to separate the peasants from their traditional land holdings. Land distributions based on the pre-WWII holdings seem to offer added tenure security because of perceived legitimacy; distributions based on the 1946 reform do not seem to offer this dividend.

Nevertheless, in a few of the study villages, conflicts over which boundaries would be the basis for distribution emerged between beneficiaries of the 1946 agrarian reform and their heirs and those who had lost land through the reform. These tend to be villages with formerly skewed land distributions in which the 1946 agrarian reform resulted in substantial redistribution and in which heirs of large owners continue to reside in the village. In these situations, we found that the extent to which agrarian reform beneficiaries are able to return to 1946 boundaries is greatly influenced by the degree to which traditional large landowning families have attempted to reassert their influence in a given village. Two study villages illustrating this contrast are Habilaj where agrarian reform boundaries did figure into distribution demands and Ardenice where members of families with large pre-WWII land holdings have been key figures in strife which has caused the distribution program to break down. In these cases, a village's pre-World War II land holding structure was a factor in determining which 'old boundaries' were referred to and indeed whether 'old boundaries' emerged as much of an issue at all.

D. DISTRIBUTION SOLUTIONS

A compromise that has evolved between those insisting on acquiring land within old boundaries and the requirements of the law has been to apply ex-boundary/per capita formula. This involved giving heirs at least some land from within their families' original holdings.

However the quantity of land allotted was figured according to the per capita formula: total village land available for distribution divided by the number of eligible beneficiaries. Any land left over in a given ancestral holding after applying the per capita formula to heirs of a given ascendant would then be assignable to other villagers. Where this approach was adopted and implemented there seems to have been no great problem. Communa and district officials have also come to see this as an acceptable, legal direction to take. Such villages tend to be those which had 1 or 2 large land owners in the past who are now absent from the village or a past of small/medium landholding structure. These are villages in which the agrarian reform did little to alter the pre-WW II landholding distribution.

In other villages with a landholding past of several (3-5) large owners with heirs currently living in the village and now claiming their lands, forceful occupation of ancestral lands is more common and is frequently accompanied by violence or threats of violence. In addition to landholding structure antecedents, other factors already noted --- small per capita amounts of allottable good quality land and the factors associated with reducing the amounts of such land such as many newcomers, hilly terrain, etc.--- are also often responsible for the breakdown of an orderly distribution and preventing it from proceeding along legally acceptable lines.

E. CASES

In one village, Sharra, which was part of the Georgi Dimitrov State Farm, just outside of Tirane, both pre-WW II boundaries and agrarian reform boundaries were referred to in different parts of the village. In approximately half of the village lands formerly owned by a single large owner (now absent from the village), lands were divided according to the agrarian reform boundaries. In the remaining lands, pre-WW II boundaries were referred to in the distribution. In either case, the size of allotments was figured on a per capita basis 'according to the law'.⁹ For the old single-owner holdings, of course, there were no "old boundaries" previous to 1946 on which to base distribution. It is instructive that rather than create a new distribution (which could have, among other things, allowed equal distribution to newcomers), the VLDC used the 1946 boundaries.

The role of high percentages of newcomer families in intensifying oldtimers' insistence on reoccupying at least a portion of the lands of their fathers was manifested in the mode of distribution adopted by the entire communa of Divjak in Lushnje district. Responding to what was regarded as an onslaught of newcomers, the procedure was to apply an initial distribution for lifelong residents of land close to the village center, followed by a second-tier distribution of presumably more distant land to long-resident newcomers, and, finally, an allotment on a usufruct basis to those families that had arrived in 1991. The high percentage of land suffering from rising salinity, especially in reclaimed areas, also appeared to have been behind this pattern since it limited the base of good quality land available for division among villagers.

The mountainous Tirane district village of Zallbasta lacked a pre-WWII heritage of large land owners but had per capita land allotments (1 dn per capita) that were extremely small.

⁹The team was told that distribution in the other 5 villages belonging to the same state farm had land distributed according to old pre-WW II boundaries on a per capita basis.

Here, the many newcomer families who had been re-settled in the village following a landslide in their own, neighboring village (Bastar) were denied land altogether; several oldtimers occupied their ancestral lands and if this land exceeded what would have been due on a per capita basis, they reportedly preferred to give the land to their friends rather than permit those assigned the land through the formal VLDC distribution to use it. A similar situation was discovered in Bultice village also in Tirane district.

In Kosove e Vogel, a village in Fiershegan comuna, Lushnje district, the shortage of good quality field land figured more centrally. All other villages in the same communa had carried out their distributions in relatively trouble-free fashion according to the law (by which they meant on a per capita basis without reference to old boundaries). Only Kosove e Vogel was still caught in seemingly insoluble paralysis. Questioned about the source of their difficulties, villagers responded that unlike other comuna villages where all land was field (i.e., flat) land, the land in Kosove e Vogel was mostly hilly. This, they claimed, intensified the struggle in the village over the limited amount of irrigated flat land available for distribution. Another element in the breakdown of the Kosove e Vogel distribution process also figures in many other problem communities, i.e., the failure of comuna or district authorities to back up what was seen as a proper initial distribution. This opened the way for dissatisfied families to sabotage an orderly distribution and assert their will on the community.

Tables 4 to 6 display how modes of land distribution among study villages vary according to district (Table 4), topography (Table 5), the percentage of newcomers, per capita land available for distribution and pre-WW II landholding structure (all in Table 6). Interactions between percentage of newcomers and topographical features are displayed in Table 7. We found that in those villages having relatively small percentages (less than 15%) of newcomer families, land tended to be distributed according to per capita (77% of cases) if the village was made up of flat fields. In observed villages where the land was mostly hilly and of presumably lower quality, land tended to be distributed according to old boundaries (87.5%). Finally, it is revealing to focus on those study communities which represent combinations of either the most or least favorable profile of conditions. Three villages enjoy the most favorable profiles, i.e., having largely flat terrain, allotments larger than 3 dunams per capita, and less than 10 percent newcomer families. In all three the distributions were done on a per capita basis without reference to old boundaries. In the one village combining hilly terrain, less than 3 dunams allottable per capita and over 15% newcomer families, the distribution occurred according to old boundaries and not on a per capita basis.

Table 4

Form of Distribution Land Distribution
Among Study Villages by District

DISTRICT	How land distributed		
	Only per capita	Old boundaries	TOTAL
Kavaje	5	4	9
	Row 55.6%	44.4%	33.3%
	Col 45.5%	25.0%	
Lushnje	5	4	9
	Row 55.6%	44.4%	33.3%
	Col 45.5%	25.0%	
Tirane	1	8	9
	Row 11.1%	88.9%	33.3%
	Col 9.1%	50.0%	
TOTAL	11	16	27
	40.7%	59.3%	

CAUTION: AT LEAST ONE CELL HAS A FREQUENCY LESS THAN 5

CHI SQUARE = 4.90909 DF = 2 P = 0.08590

Table 5

The Relationship Between the Modes of Land Distribution
and Topography For Study Villages

HOW LAND DISTRIBUTED

TOPOGRAPHY

HOW LAND DISTRIBUTED		TOPOGRAPHY		
	TOTAL	All Flat	Mostly flat, some hills	Most hilly
Mountain hilly	11	4	3	4
0.0%	40.7%	Row 36.4%	27.3%	36.4%
0.0%		Col 100.0%	33.3%	33.3%
Old boundaries + percapita	12	0	6	5
8.3%	44.4%	Row 0.0%	50.0%	41.7%

50.0%		Col	0.0%	66.7%	41.7%
-------	--	-----	------	-------	-------

Old boundaries/ not			0	0	3
1	4				
per capita		Row	0.0%	0.0%	75.0%
25.0%	14.8%				
		Col	0.0%	0.0%	25.0%
50.0%					

TOTAL			4	9	12
2	27				
			14.8%	33.3%	44.4%
7.4%					

CHI SQUARE = 11.79545 DF = 6 P = 0.06669

Table 6

Form of Land Distribution among Study Villages
by Percentage of Newcomer Families, Dunams per capita, Pre-WW II
Landownership Structure and Topography

(Percents based on responses)	% NEWCOMER FAMILIES			DUNAMS PER CAPITA		FORMER LANDOWNERSHIP STRUCTURE			TOPOGRAPHY		
	Less than 10%	10-15%	15% +	Less than 3	3 or more dns/capita	All small or medium	1 big owner in past	2+ big owners, rest small	Mostly flat	Mostly hilly	
Total Respondents	27	10	7	7	9	11	14	5	8	13	14
R	100%										
C	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
How land distributed											
Old boundaries + percapita	12	4	2	4	4	5	6	1	5	6	6
R	100%	40%	20%	40%	44%	56%	50%	8%	42%	50%	50%
C	44%	40%	29%	57%	44%	45%	43%	20%	63%	46%	43%
Only per capita	11	4	4	2	4	6	5	4	2	7	4
R	100%	40%	40%	20%	40%	60%	45%	36%	18%	64%	36%
C	41%	40%	57%	29%	44%	55%	36%	80%	25%	54%	29%
Old boundaries/ not per capita	4	2	1	1	1		3		1		4
R	100%	50%	25%	25%	100%		75%		25%		100%
C	15%	20%	14%	14%	11%		21%		13%		29%

Table 7
Form of Land Distribution in Study Villages by
Percentage of Newcomer Families
Broken Down by Terrain

A: MOSTLY FLAT

How land distributed		% NEWCOMER FAMILIES		
		Less than 15 %	15% +	TOTAL
Only per capita	Row	7	0	7
	Col	100.0%	0.0%	58.3%
Old boundaries	Row	2	3	5
	Col	40.0%	60.0%	41.7%
TOTAL	Row	9	3	12
	Col	75.0%	25.0%	

CHI SQUARE = 2.85714 DF = 1 P = 0.09097

B: Most hilly

How land distributed		% NEWCOMER FAMILIES		
		Less than 15 %	15% +	TOTAL
Only per capita	Row	1	2	3
	Col	33.3%	66.7%	25.0%
Old boundaries	Row	7	2	9
	Col	77.8%	22.2%	75.0%
TOTAL	Row	8	4	12
	Col	66.7%	33.3%	

CHI SQUARE = 0.50000 DF = 1 P = 0.47950

F. IMPLICATIONS AND RECOMMENDATIONS

While posing a serious enough problem in the pilot districts, the issue of old boundaries underlies the paralysis of land and tapi distribution in other districts, especially those in the northeastern mountains. District land commissions have refused to sanction land assignments made in accordance with old boundaries unless they were done on a strict per capita basis with different quality land divided more or less equally. Yet in many communities where distributions have not been approved, particularly in mountain villages, per capita allotments were roughly equivalent. Further, the equity principles involved in sharing the land with those who had settled and worked in ex-coops during the cooperative period (until August 1 1991) were not violated, since there tended to be few if any newcomers; these areas are for the most part sending areas for migrants who settled in the coastal plains. Finally, in the vast majority of such villages, villagers were reported to be satisfied with way land had been allotted or occupied; there were no conflicts among the villagers themselves. In short, distributions have been in harmony with the essential spirit of the law.

This suggests the merit of reconsidering the current blanket rejection of distributions failing to meet per capita standards and carried out with reference to old boundaries. The recommendation that emerged from the team in consultation with central government officials is detailed in section VIII below.

V. HOUSING ISSUES

Migration, population growth and changes in agrarian structure under the Communist regime have profoundly affected the size and nature of rural settlements. To this situation, we must add people's more recent ad hoc adjustments since 1990-91 motivated by their personal needs and desires and set against the absence of clear legal rules and effective enforcement mechanisms. The result is numerous challenges with which Albanian authorities on both the local and national level must now grapple. Some of the more notable of these problems are discussed below.

A. HOUSING ON LAND CLAIMED BY OTHERS

Conflict over title to housing was a virtually universal problem in the observed villages, one affecting between 15% to over 50% of houses in any given community. Its origins are traceable to the collectivization period, during which housing was strictly confined to within main settlements' boundaries. A greater scattering of homes existed prior to that time. Cooperative members were forced to move their homes to sites within the housing boundary known then (and now) as the "Yellow Line,," drawn by the cooperative authorities. These housing plots were distributed without regard to previous ownership of the land. Old owners are now claiming the house plots -- in some villages (e.g., Aldjate) which have followed old boundary distribution (with or without per capita distribution), the land under residents houses has been formally distributed to the old owner, while in other villages the old owners are making informal claims. Today, as many as half or more of houses in certain villages are situated on land claimed by others. Based on the study, the problem appears to be especially grave in villages with a landholding past of two or more large owners still resident in the village; six of eight such study villages had particularly strong conflicts over housing. While not of direct and immediate consequence to the distribution, the issue is potentially explosive.

The main fear land claimants have is that their claim could be nullified or weakened if a person with a house on the land sold the house and with it, the land.

Land claimants were occasionally quite bitter and vociferous about their concerns; some asserted that those with houses should be ejected or their houses destroyed. However no cases were encountered where this had actually happened. The prevailing sense was one of anger or uneasiness but, so far, things remained in the realm of talk, not of action.

Beside the more extreme solutions proposed, ideas for resolving this problem included payment of rent to the land owner or compensation in the form of land by the home owner or by the government. For the most part, only compensation in the form of land appeared acceptable.

B. ILLEGAL BUILDING

1. Squatting on the Land of Ex-State Farms

People have not stood still as the government has struggled to develop and implement its land policies. During this transitional period, people have taken advantage of the absence of clear rules and effective enforcement to secure their needs. Most worrisome has been the flurry of illegal house construction. Frequently this is done by groups of 4-5 families in a sort of mini-land invasion. Such invasions are not always successful, but the desperation is great enough or the successes frequent enough for people to keep trying. The team was told of one such case in Zallbatar. Newcomers in that village who had been denied land through the distribution had organized a group of 70 to forcibly occupy State farm land near Tirane; they were, however, ejected after only a few days. This did not deter them from planning another attempt. Such illegal building has been particularly widespread on State Farm land.

In the environs of Tirane, an estimated 3,000 houses have been built over the last two years.¹⁰

In Sharra, one of the study villages just outside Tirane, in a 10 ha. area near the road, so many newcomers have built houses that the village headman despairs of ever being able to eject them. The building started in 1992 one house at a time, not through a land invasion. Seeing that no one acted, more people came and built homes. There are now about 30 houses there. This problem was discussed by the village headman at meetings with district, comuna and village officials. The decision reached was that the land in question could not be distributed. According to the law, the structures should be destroyed -- the village headman's opinion, however, was that penalties and fines made more sense than destruction. His view was echoed by most comuna and village officials with whom we discussed this matter.

2. Unauthorized Building outside the Yellow Line on Distributed Parcels

Home building by new owners has also occurred on distributed ex-coop parcels outside villages' yellow line. This may be either a response to the sometimes great distances from homes to fields, a way to firm up a person's hold on the land or a response to the problem of crop theft. The law calls for fines of 10,000 New Lek (about \$100US) and the demolition of

¹⁰A visit to Burrell revealed the problem to be similarly serious there.

such illegal structures. However, in the absence of any effective government enforcement, official disapproval has not thus far deterred this sort of unauthorized construction.

Building fever is evident throughout the pilot districts: where homes have not yet been built the intention to build in the future is evidenced in heaps of new bricks dotting hundreds of parcels. It is especially evident on parcels abutting roads. Of areas visited such construction was most striking near Divjak and just outside the national capital along the road to Algjate village. A prevailing view outside Tirane voiced by villagers and low level officials was that in the end it was people's private property; they knew what best to do with their own land.

C. RECENT UNDOCUMENTED LAND SALES

Undocumented informal land sales in recent months are reportedly widespread. As described in the case of Sharra village (formerly part of the Dimitrov State Farm), collapse of the farm has attracted an influx of newcomers. Most of the estimated 20 have come from Kukes and Kalaja Dobre in Dibra. Some are now buying land; a figure cited was 3 million old Leks (about \$300 US Dollars) for 500 sq. meters. Such sales are illegal and the transactions usually recorded by no more than a receipt without the benefit of witnesses. We were told that more than 100 persons had built houses in fields outside the yellow line. Newcomers were said generally to have located themselves within the yellow line, while it was mostly lifelong residents who were building outside it. Those asked in Sharra village and elsewhere acknowledged that there were risks involved for both parties in such transactions. But these was evidently not sufficient to discourage people from engaging in them.

D. POSSIBLE SOLUTIONS

As illustrated in the case of Sharra village, illegal building will inevitably complicate the process of disposing of State farms in an orderly fashion. The current official approach is to apply fines and force to reassert control. A special unit, the 'construction police' reportedly is being organized to enforce decisions to destroy illegally built houses. Illegal building, however, seems so widespread that it will be politically and socially unfeasible simply to roll the situation back; the new reality taking shape will have to be accommodated somehow. What rights should be given to new home owners? If rights to remain in illegally built houses are recognized, how is one to deal with the split between these rights and the rights to houses and land which already have been allocated or are about to be allocated to other persons obtaining the property through proper legal channels. Will there be, for example, a grandfathering of existing illegal housing, in order to avoid stimulating even further illegal building.

The matter of unauthorized building by distribution beneficiaries on their own agricultural parcels involves a clash between people's preferences and long-term policy goals of the government. Prominent among the latter is the desire to protect an already limited supply of agricultural land and to promote rational land use planning. The ability of private individuals to impose social costs of extending sewage, water and electric infrastructure to support unauthorized scattered building will have to be limited. Destruction of houses, however, goes well beyond this need. It would seem more sensible to force those involved in illegal construction to share in these infrastructure costs in a substantial way through fines or periodic payments. Another possible sanction would be to issue provisional rather than permanent titles for parcels affected by illegal construction.

VI. THE NEWCOMER QUESTION

A. INTRODUCTION

The "land for newcomers" question -- and the complimentary issue of restitution for former land owners and/or their descendants -- is at the heart of the Albanian land distribution difficulties that we observed. The "newcomer question" arises from population growth and settlement policies during the Communist period, and is ubiquitous in most of the villages that were visited as part of this study.¹¹ During our two months of field work, we did not find a single village where land had been distributed to newcomers in a fully equitable manner vis-a-vis lifelong residents. There was, however, a wide variation in the degree of inequity, ranging from denial of any land whatsoever, to allocation of full shares of less productive land (also, a few villages had no newcomers and therefore no newcomer problem).

In LTC Paper #142, we outlined a series of questions that needed to be answered in order to estimate the impact of the newcomer problem on the Albanian land distribution program, and to determine appropriate actions to deal with this problem. These questions included:

- How long have the newcomers lived in their present homes?
- What were the circumstances of their arrival (e.g., voluntary/involuntary, alone or with families that were related or from the same village)?
- The role that they assumed (or were offered) in the cooperative.
- General level of social acceptance.
- How intractable is the conflict between longtime residents and newcomers?
- If the degree of conflict is too deep for easy resolution, would resolution efforts be centered more productively on schemes to relocate newcomers outside the village?

The following findings respond to these questions.

B. NEWCOMERS: THEIR ORIGINS

For our purposes, "newcomers" will be defined as persons who settled as single adults or as nuclear or extended families in collective farm villages between the time of the collective's creation, typically in the early 1950s, and the present. We will focus primarily on those newcomers arriving before August 1991, since newcomers who settled after that date are not eligible to share in the land distribution. Wives moving from home villages to the village of a husband's family are not counted as newcomers. Although many newcomers settling in coastal plain villages came from mountain districts in the far north and west, other villages

¹¹ These villages were all located in the 3 districts designated as "pilot districts" for the implementation of the Albanian land market project.

had newcomers who were largely from villages in the same district and sometimes even in the same cooperative. The distance of the newcomers' origin villages seemed to have little effect on how equitably/inequitably they have been treated in the land distribution.

The circumstances under which newcomers arrived in the receiving villages varied widely. In general, it appears that geographic mobility during the Communist years was limited by government requirements that permission for a residence change be granted by the authorities in both the sending and receiving cooperative (i.e., collective farm), and in some cases by district authorities as well. It is unclear how effective these controls were. Beginning in the mid to late 1980s, however, whatever control the government wielded over internal migration began to break down, and large numbers of Albanians left the poorer regions, especially the northern mountain villages -- for the relatively prosperous coastal plain. In the Tirane District village of Aldjate, one newcomer told us that in recent years 40 percent of the families in his native village (Kukes District) had immigrated.

Although most of these late migrants settled in cooperative farm villages, many did not obtain membership in the cooperative itself. In Aldjate only three of the eight newcomer families became cooperative members (the others were apparently not offered coop membership -- the head of one of the three member families complained that he had to wait eighteen months before he was offered coop membership). Persons who did not become cooperative members typically worked as day laborers in cooperative or state farms, or for state enterprises such as the large textile plant on the outskirts of Tirane. We found this pattern to be strongest in Tirane District, where the closeness to the capital offered many opportunities in non-agrarian work.

The situation of state farms residents reportedly was somewhat different. According to one knowledgeable source, few unauthorized newcomers settled on state farms at any time during the Communist period. State farm jobs were highly desirable because of their higher wages, and state farms in need of permanent employees reportedly had their pick of the best cooperative workers.

Figures on the percentage of newcomers present in village populations varied rather widely throughout the three pilot districts. The largest percentages of newcomers were found in villages close to the capital city, Tirana. In Vaqar village, for example, a Comuna official said that 60% of the 370 families in the village are newcomers, most of whom have arrived only in the last few years. Vaqar was attractive to the newcomers for several reasons: it was the headquarters of the cooperative during the communist regime (and is now the comuna headquarters), which meant more jobs were available there, even for non-members of the coop. Also, the village was located immediately outside the Tirana city limits on the main road to Durres, allowing good access to the city for residents seeking urban employment. It was, for example, within walking distance of a large textile plant that was a major employer, especially of women (the plant, however, is now closed down, as are most Albanian industrial facilities). The adjacent village, Lime, also on the main road, had a similar high proportion of newcomers (35%). A comuna official told us that newcomers constitute from 2% to 7% of the rest of the comuna's villages, which are more remotely located (our count showed a higher figure, with most of the villages we visited having at least 10% newcomers). In Lushnje and Kavaje districts, newcomers numbered around 10% to 15% in most of the observed villages. In the villages which we found to be the most problematic in those two districts -- Ardenice in Lushnje and Lekaj in Kavaje -- however, newcomer percentages were slightly higher, averaging about 20% in each.

The migration of newcomers was made possible largely by the collectivization of agriculture, which created agricultural job opportunities throughout the coastal plain districts. Respondents in the observed villages told us that newcomers typically arrived in the coops in periodic waves, often in conjunction with economic downturns in the sending districts. Although there has been another very large (and continuing) wave of newcomer arrivals since the Communist regime's collapse, the numbers presently arriving in Lushnje and Kavaje seem much lower than in Tirana district.

Throughout the Communist period, newcomers came in the largest numbers from the traditional sending districts in the northern mountains and in Korçe. As indicated earlier, we also found that significant numbers of newcomers came from villages within the district, or even from other villages (usually hill villages) within the cooperative. Besides voluntarily seeking economic opportunity and better living conditions, newcomers also came to the receiving villages involuntarily, due to displacement by hydroelectric, irrigation or other public works projects, or natural disasters. In two villages, we discovered populations of Kosovars (ethnic Albanians from the Yugoslav/Serbian region of Kosovo) who had migrated to Albania in the 1930s. They were generally viewed by native Albanians as newcomers rather than natives, especially since they had apparently been landless before the Communist takeover.

C. NEWCOMERS' MIGRATION PATTERNS

A standard migration pattern appears to have prevailed, especially in cases of unauthorized moves during the Communist period and recent moves since the end of the Communist regime. Word would reach a family in a sending village of a place where they could move -- e.g., a home would be for sale or otherwise available in a village offering better economic opportunity. Typically prospective newcomers would hear of this from friends or relatives already established in a village. The family would then sell its holdings in its native village and move to the new village, buying a new home there. Other neighboring or related families would go with them or join them later as positive reports about the receiving village reach the sending village or region. Despite this movement, most of our interlocutors insisted that it had been very hard to change residences during most of the Communist era. Given the numbers of persons who told us they had migrated without official permission, we can only conclude that if controls had been weaker, migration rates would have been much higher into those areas of the country offering greater economic opportunity.

In Ardenice Village (Lushnje District), residents told us that newcomers had been settling both with and without permission since the early 1950s. The first group to arrive apparently came with official permission shortly after the coop's establishment. A second group of about 30 families arrived about 1960, from nearby hill villages in the same coop. They said that they in order to improve their "economic position." Our respondents also told us that special permission was not needed to move within the coop, but that it still tended to be carried out "quietly" with approval requested only after the fact. As in other villages, the key to becoming established was to "buy" a house from a cooperative member already residing there. It is unclear whether the selling coop member tended to then leave the coop or move elsewhere within it. It should be noted that while all land was collectivized, coop residents were allowed some sort of permanent title to their homes, and could pass them on to their descendants.

The next large wave of newcomers came in the early 1980s. According to our respondents, these arrivals came in the wake of the disruptions caused by the "Tofazimi", the attempted collectivization of livestock in the mountain districts. We spoke with several persons from this group, who said that they moved to the village without permission, bought houses and settled down. Most of this group were from the northern district of Dibra. Unlike other newcomers, who are settled in houses scattered throughout the village, this group of about 15 families had settled in a single location within the village.

Ardenice is typical of Lushnje and Kavaje villages, having large flat fields which, until the disruptions occurring at the time of the Communist collapse and the cooperatives' demise, were extensively irrigated and mechanized. Much of these districts' land is reclaimed or improved, and is considered to be Albania's most productive. It seems likely that newcomers were welcome during the early years of the cooperative, apparently due to a need for more labor. Whether they were actively recruited is uncertain (we received conflicting responses to this question).

D. NEWCOMERS AND DISTRIBUTION DISPUTES

One interesting phenomenon which we found in all the observed villages was that disputes over VLDC land distribution had little to do with whether the newcomers were from neighboring villages or from distant regions. As indicated above, a large portion of Ardenice village's newcomers were from neighboring villages. When doing the land distribution, however, the VLDC reportedly treated this group in the same inequitable manner as newcomers from remote mountain districts, providing them with distant, poor quality land only. Land distribution disputes seemed to be over specific land issues and regional peculiarities of the parties do not appear to have been salient to them.

The fact that newcomers may have arrived involuntary or semi-involuntarily also does not seem to be a factor in land distribution disputes, even when the newcomers come from nearby villages with presumably longstanding ties to the receiving village. In Lekaj village in Kavaje district, the newcomers constitute a group of about 70 families (there are 300 native families in Lekaj) forced from their homes in a neighboring village when the area was flooded for an irrigation reservoir in the mid-1970s. Distribution problems in Lekaj have also been very severe, with the newcomers repeatedly appealing to the President for assistance.

As indicated in Section IV, we found a similar situation in Tirane District's Zallbatar village: all but 2 of the 75 newcomer families in the village are refugees from a neighboring village whose homes and lands were wiped out in a landslide over a decade ago. The government built new homes for them in Zallbatar, but after the cooperative's demise, the Zallbatar VLDC allotted the newcomers very limited quantities of land and native Zallbatarian ex-owners reportedly blocked their access to what was allotted. This occurred even though the newcomers had been coop members before and after their move to Zallbatar. Interestingly, Zallbatar and Lekaj, like Vaqar, are former cooperative headquarters villages (all three are now comuna headquarters). The cooperative headquarters village seems to have been the natural site toward which problem cases of various types gravitated.

There is one unique dispute pattern which we have observed in connection with newcomer origins: where the newcomers are from neighboring villages and were established in their new homes with official approval and/or on a very longterm basis, they seem much more

willing to fight against land distribution inequities: Lekaj and Ardenice probably have the most severe land distribution conflicts in their districts. Similarly, Zallbatar's newcomers have been very outspoken in condemning perceived inequities in land distribution (In Zallbatar, however, the distribution situation may be somewhat defused by the apparent availability of some of the newcomer's abandoned land in their former village, Bastar. A number of newcomers have returned and reclaimed their old land, which has some use as pasture).

E. TRENDS IN OLDTIMER/NEWCOMER RELATIONS

In most of the villages we visited, both oldtimers and newcomers emphasized that there had been no discrimination or bad feelings between the two groups during the cooperative period, and that they had gotten along well. Marriages between members of the two groups were fairly common -- typically, in a focus group of eight to ten newcomers or oldtimers, at least one had married into the other group or had a son or daughter who had done so (in general, we found that newcomer sons seemed to marry daughters of oldtimers. This would be less of a threat to family land since the daughters leave the family of the oldtimers and do not introduce a newcomer's bloodline into the oldtimers family). To the degree that relations have soured, this appears to have happened only since the land problem arose.

Vaqar village was the only location where respondents described consistently bad relations going back to the coop period: the Comuna secretary (an "old newcomer" who had lived in the village for 15 years) told us that newcomers and oldtimers did not socialize, and kept separate from each other. Another "old newcomer" who had settled in the village almost thirty years ago claimed that there had been continuing prejudice against newcomers under the coop, with the newcomers getting the worst jobs and few rewards or incentives. As indicated earlier, Vaqar had the highest observed percentage of newcomers among the village we visited, with most of the newcomers being recent arrivals who were never coop members and probably had not had an opportunity to develop strong relations with the lifelong residents. The social separation may result in large part from the timing of the newcomers' arrivals.

It is unclear how much longterm animosity has been created by land distribution issues. Numerous interlocutors told us that they wanted above all to maintain good relations in the community, or to restore good relations, even if it meant compromising their land claims. These people tended to be newcomers, however. Even where the newcomers were strongly asserting their rights, however, as in Lekaj, the most recalcitrant parties were still the ex-owners. We found that in general the newcomers, especially those who settled relatively late in the coop, e.g., after 1980, do not feel they have a moral right to the land and will probably accept something less than an equal share of the distribution if they have no other choice. Newcomers in all three districts told us they recognized that those whose parents "paid for the land with gold" are in fact the legitimate owners.

These newcomers said they were pressing their claims because they need land to survive -- if other options were available to them, such as work in factories, they would probably take that and give up at least some of their land claims. In Vaqar and other villages near Tirana, newcomers were most concerned about keeping their houses: newly distributed land came second. Like many other Albanians, newcomer families seem to be surviving through a combination of subsistence agriculture (working whatever newly distributed fields they have been allotted and garden plots surrounding the home) and remittances from abroad, especially

Greece, where many young Albanian men are working legally and illegally. This latter phenomenon probably has lessened the demand for land and been the leading factor in keeping socioeconomic tensions within (usually) manageable limits.

It is unclear how much contact newcomer families have been able to maintain with their native village after they moved, i.e., whether they visited frequently, remained informed on village affairs, etc. Oldtimers often claim that newcomers, especially relatively recent arrivals, are making land claims in their former home villages as well as their new residences. This assertion is used to justify unequal land distributions. Although we were never shown any proof of such assertions, the possibility of dual land claims does exist. Development of safeguards in national registration systems to prevent dual claims might be a useful effort, since it would undercut some of the rationale for unequal distributions.

There are some villages, however, where relations will probably never be fully restored. In Bultice and Arbane villages in Tirana district, for example, there has been no distribution of land to newcomers at all. Arbane has found a unique way to block distribution -- its VLDC has refused to meet to formulate a land distribution plan, and the ex-owners have occupied their old lands without any sort of official authorization. By refusing to create a land distribution plan, ex-owners apparently believe they can avoid criticism or penalties for inequitable land distribution, while carrying out their own de facto distribution among themselves.

Arbane's newcomers, most of them members of a group of related families from the northern mountains, thus have been entirely frozen out of any land distribution. They are surviving by cultivating land rented to them by ex-owners. In some cases the land is controlled by absentee ex-owners living in Tirana, who have deputized relatives or friends in the village to cultivate or rent out the land for them. Under the present law, these absentee ex-owners -- if they moved from the village before August 1, 1991 -- would not be eligible for land, although they could receive some sort of monetary compensation for their pre-Communist holdings.

In Bultice, the situation is similar, with no land being allotted to newcomers. In both villages, the newcomers had been resident for at least a decade and had been cooperative members. Ardenice village in Lushnje District is another location where community relations are likely to remain very bad indefinitely, although the situation there also pits ex-owners against each other. The tendency in Arbane and Bultice to attempt to transform the newcomers into a permanent underclass of tenant farmers does not bode well for resolving conflicts within the village. The authorities are aware of these problems, but thus far seem unable or unwilling to assert any force to resolve them equitably.

F. THE "NEW NEWCOMERS"

Although we were primarily concerned with dealing with issues relating to the distribution of land to newcomers resident in the villages before August 1991, we noted that migration is continuing, especially into the villages surrounding Tirana. One stark example of this process was the recent incident described in Section V.B in the mountain village of Zallbaster (Tirane District) when a group of 70 Zallbaster residents settled en masse as squatters on a piece of vacant land close to Tirane and began building homes. After one week, they were chased off by police, but it is likely that they will try again. Significantly, all these people were newcomers who had been coop members prior to the August 1991 cutoff date but were

refused land by the VLDC.

If inequitable land distributions to newcomers are allowed to stand, more such migrations can be expected. Newcomers typically do not want to leave their homes but must have access to some means of livelihood if they are to remain in the villages. Failure to rectify inequitable land distributions is likely to result, among other things, in further migration into the already overcrowded Albanian urban centers, especially Tirane. Once there, they are likely to swell the number of social problems, given the lack of jobs and social services during this difficult transitional period.

G. CONCLUSION: IS THERE A SOLUTION FOR THE NEWCOMERS?

As indicated above, none of the study villages that had a significant newcomer population had dealt with them in a completely equitable manner. The question then, is whether a solution to the newcomer problem can be crafted that will bring distribution in line with present legal requirements. At the time when we completed our study, in August 1993, the Albanian government had just enacted a series of new measures -- including stronger legal penalties against persons occupying land illegally, easier appeals channels for person deprived of distributed land, and new authority for comuna officials to enforce land distribution decisions -- and were beginning to enforce them. It was unclear how effective enforcement would be. Implementation of these measures needs to be monitored to determine both the level of enforcement and the measures' effectiveness. These and other proposed measures to resolve the newcomer question are discussed further in Sections VII and VIII.

VII. CORRUPTION AND FAVORITISM IN VLDCs

Respondents in many villages alleged or implied that there had been favoritism or outright corruption in their VLDCs' distribution of land. In general, evidence was lacking of outright corruption. There was significant evidence of favoritism, however, especially of lifelong residents over newcomers. This is a widespread problem that reflects wholesale disagreement among villagers with the terms of the Land Privatization Law's treatment of newcomers. Despite this, newcomers' most significant land problems tended to be with old owners who blocked their use of land awarded to newcomers by VLDCs. In other words, VLDCs tended to award low quality land or distant land to newcomers, but old owners tended to block even these awards, for example in Bultice, Aldjate and Zallbatar. Remedial action should first focus on these blocking actions before considering distribution equity.

The most disruptive case of a problematic VLDC observed during our study was in Ardenice Village, where the VLDC chairman, apparently in league with the Village Head, allegedly packed the VLDC with his cronies and relatives. The VLDC then carried out a distribution in which the VLDC members, their families and friends, received the best quality and best situated land. The other village residents, both newcomers and oldtimers, have rallied against the distribution. Besides holding a referendum in the village disapproving the distribution, they also have petitioned the Parliament, the President, and the Prime Minister, asking for redress. This conflict has been going on for more than a year. While the study team was visiting the village in mid-July, district officials announced that a "special" district-level committee had been formed to deal with Ardenice's problems. The committee was expected to visit the village within two weeks to collect evidence and craft a final solution. Well past that target date, however, however, the committee still had not come to the village, and the

situation remained deadlocked.

The Ardenice situation appears unique not only because of the blatant inequity of the distribution, but because of the strong protests of villagers against it. One other village, Lekaj in Kavaje district, reported a similar situation, but this involved only newcomers (the group of families mentioned in Section VI who were displaced by a reservoir project in a neighboring village). In that case, the newcomers had petitioned President Berisha for redress. Also in Kavaje, in Kosovo e Vogel Village, ex-owner villagers protesting the local VLDC's plan for a land distribution lottery rioted and burned down several buildings, forcing the resignation of the VLDC. A reconstituted VLDC then produced a distribution plan which some residents (mostly newcomers) told us allotted the best land to the VLDC members and their families. A "third commission", presumably an ad hoc committee like that created for Ardenice, reportedly has been created to end the conflict and resolve Kosovo e Vogel's land problems.

Lack of understanding about the VLDCs' functions may be at the root of many allegations (especially those from life-long residents) of favoritism or corruption. Several of respondents in widely separated villages looked back very positively to the actions of the "first VLDC", which was appointed in the cooperatives to organize the first steps toward privatization; this was during the waning days of the Communist regime, when many cooperatives were in an apparent state of collapse. These committees increased the size of coop members' private plots to four dunums, usually located close to members' houses; they also distributed some livestock. Their actions seem to have been stopgap measures, however, and many of their land decisions were subsequently overridden or altered by the "second VLDCs", which were the committees authorized under the 1991 Land Distribution Law.

Although these later committees were elected by and from the adult population of the villages, many of our respondents seemed confused about the qualifications needed to be a candidate and/or the electoral procedures (this situation, of course, offered much room for manipulation of the election). When the committees began to alter some of the decisions of the earlier, "first" committee, those who disapproved of the changes criticized the second committee as inequitable and questioned their legitimacy. There does not seem to be a general understanding of the different rules under which these two types of committees were created and operated.

VIII. OPTIONS FOR REMEDIAL ACTION

A. INTRODUCTION

Two broad challenges need to be confronted before the distribution effort can advance much further. One is to deal with disputes which range in scope and seriousness from differences among isolated individuals or families to challenges against the entire distribution by large segments of village populations. In cases of far-reaching or deep-seated disputes, distribution work in a given village may be jeopardized or brought to a standstill. The other general challenge is to reinfuse the effort with direction, resource backing and improved procedures. The situation at the time of the study was one of paralysis at all levels: village commissions in many communities had stopped functioning, comunas were ineffective in enforcing laws already on the books and the Central Land Commission was largely inactive in pushing distribution work ahead (see recommendations on commission below).

B. REVIEW OF PROBLEMS AND ISSUES BY THEIR SCOPE:

1. Isolated Problems or Problems Affecting Small Proportions of Village Families

Land distribution problems affecting small numbers of people call for redress on an individual or class-action (eg. newcomers as a group) basis. In such cases, the distribution is accepted by the vast majority of the community, it is in basic compliance with the law and the great majority of families are actually using the land indicated as theirs on the tapi documents. Based on our findings, this appears to be the predominant situation of communities in Kavaje¹² and Lushnje. Villages fitting this profile are likely to be relatively small in population, dominated by flat terrain, with some newcomers but fewer than 15% and with no current claims by large resident ex-owners. Variants which have already been detailed above include the following:

- a) Cases in which small percentages (less than 10%) of village families are dissatisfied with their allotments; complaints may include the receipt of no land, distant land or low quality or highly fragmented land. Those most likely to be affected are village newcomers.
- b) Disputes over parcel measurement,
- c) A few (5-10%) families are prevented from accessing land allotted to them by others claiming inherited right to the same land. These situations which are often infused with actual or threatened violence, usually involve only a small number of recalcitrant families.

These situations are not likely to jeopardize the distribution process in a village. Situation (c) is a possible exception, especially if the offending families have great influence in the village. In such communities, strong external intervention may ultimately be required. However, intermediate solutions may be possible such as rental arrangements or compensation. Land market solutions (parcel exchange, rental or sale) may be the most practicable way to deal with dissatisfaction over land quality, location, or parcel size.

2. Major Systemic Problems

Also encountered during the study were issues affecting substantial proportions of village families that were so important in terms of the legal/equity principles at stake or so technically demanding, that they require a village-wide approach and/or determined outside intervention or assistance. Prime examples include:

- a) Disputes over village boundaries which were factors in the failure to complete land distribution in several of the study villages (eg. Sharra in Tirane district),
- b) Situations where substantial percentages of the community are arrayed against each other in competing claims for the same land. In the pilot districts, these are most often villages with relatively high percentages (15% or more) of newcomers denied land according to per capita

¹²In Kavaje there remain, however, large tracts of hill land that have not been distributed in an organized way.

formula and/or receiving only low quality distant land (eg. Lekaj village in Kavaje). In most cases, overturning the entire distribution would be unfeasible at this point; land market solutions would therefore appear to make the most sense. In villages where the distribution might be radically revised within an ex-boundary/per capita framework, allotments of larger and fewer parcels might prove to be satisfactory in combination with land market solutions,

c) Situations where the majority of the community challenges fundamentally the distribution as it took place. These situations pose particular difficulties for ultimately carrying out a meaningful land registration program, since the formal distribution and tapi documents tend, at best, to be only partially reflected by actual patterns of control and use of land. Examples include: Alleged or known favoritism/corruption in operation of the VLDC; complaints centered on issues of quality and quantity and distance of land. General village consensus on old boundaries; refusal to honor distribution made on the basis of per capita without reference to old boundaries. This is the dominant pattern in northern, mountainous districts. It was also observed in the mountainous Tirane comuna of Zallbatar.

d) Demands for compensation by those claiming rights to land on which others have built houses during the cooperative era. This was a virtually universal problem affecting between 15% to over 50% of houses in a given village. While not something that is likely to hold up or derail tapi distribution, it is a highly emotional issue in some villages and should be dealt with specifically in compensation legislation. Possible forms of acceptable compensation might be indicated and documentation prepared to record settlement of such conflicts. Land is preferred overwhelmingly to money as a form of compensation in such cases.

e) Illegal building on a large scale. In terms of distribution, this is more of a problem on ex-state farm land than on ex-coop land. This seems to stem from the later distribution of ex-state farm lands -- during the interim before distribution began, thousands of people who were not state farm workers built illegal houses on the state farm land. The current policy is not to distribute land affected by such building. Registration of such land should only follow resolution of the status and rights to such land.

Table #8 provides an overview of how most of the problems surfacing during the course of the study match up with possible solutions. Ideas to emerge from the team's field research and discussions with officials will now be explored in greater detail.

C. NEEDED LEGISLATION IDENTIFIED DURING THE STUDY

As seen in Table #8, new legislation or amendments to existing legislation will be needed to cover the following sorts of issues:

- 1) How to deal with distributions conducted with close reference to old boundaries and not precisely adhering to per capita formulae specified in the current land law (# 7501).
- 2) Details of forms of compensation acceptable to those involved in disputes.
- 3) The establishment of land tribunals which could deal with a wide range of conflicts for which current mechanisms and institutions have proven to be inadequate.
- 4) Methods for dealing with conflicts over housing.

- 5) The creation of the legal foundations for updating tapis and parcel maps to reflect changes introduced between the time that tapis are issued and registration begins.
- 6) The setting out of conditions and timing for phasing in full land market rights.

TABLE 8

PROBLEMS AND SOLUTIONS EMERGING FROM THE STUDY

PROBLEMS	SOLUTIONS								
	Land market solutions	Court appeal	Land tribunals	Special Commissions	Compensation	Remeasure	New Legislation	Force	Fines/ Penalties
Newcomers vs. oldtimers	/	X	/	/	/	/		/	/
Fragmentation/ dissatisfaction with land quality or location	X			/		/	X		
Conflicts over housing	X	X	/		X	/	X		X
In yellow line	X	X			X	X	X		/
Outside yellow line							X	/	X
Squatting on State farm land		/					X	/	X
Forced occupation	/	X	X		/			X	X
VLDC corruption/ favoritism		X		X					
Village boundaries	/		X			X			
Complaints over measurement		X	/			X			
Village distributions rejected because done according to old boundaries							X		
Keeping records up-to-date							X		

Notes: / = Possible Solutions

X = Very Likely/Mandatory Solutions

Recommended legislation, their prospects for passage and success should they be passed are discussed below.

AMENDMENTS TO REGULATIONS OF LAW 7501 ARE NEEDED TO AUTHORIZE DISTRIBUTIONS NOT PRECISELY CONFORMING TO PER CAPITA

REQUIREMENTS UNDER DEFINED CIRCUMSTANCES, BUT WITHIN THE INTENTIONS OF THE LAW: In some areas, especially the mountainous north/northeast, villagers have occupied land according to old boundaries and have resisted distribution 'according to the law'. These are generally areas marked by a smallholder past, low per capita land availability and few if any newcomers. Given these facts, distributions already carried out in the great majority of such villages are unlikely to have violated the essential spirit of the law. As seen above, similar pressures to return to old boundaries also exist in the pilot districts, especially when per capita allotments are very low (eg., less than 2 dn).

The team recommended that guidelines be sent to District Land Distribution Committees, instructing that in villages with low (less than 2 dunams) per capita allotments, no large ex-owners and no/negligible numbers of newcomers, distributions agreed to by village Elders and Village Land Distribution Commissions be accepted, even if done in reference to old boundaries. Possible wording for such guidelines would be:

'In cases where the VLDC and elders agree, distribution not precisely according to per capita or quality standard principles specified in Law # 7501, should be accepted and tapis recording the resultant distribution, issued. This would be acceptable in communities meeting the following criteria:

1. Per capita allotments are low (eg., less than 2 dunams),
2. There are no large ex-owners,
3. There are no or negligible numbers of newcomers.

These criteria have the advantage of not singling out any region or group for special treatment; a village in Tirane could just as well meet the criteria as would a village in Peshkopia. Where such criteria were not met, the per capita formula could be retained and enforced either within or outside an old boundary framework. This would merely be a long overdue acknowledgement of the different agrarian histories and conditions of different regions and villages within those regions.

FORMS OF COMPENSATION: Much hope has been placed in compensation as a way to assuage ex-owners involved in the full gamut of possible disputes, including those concerning land used for housing, those occupying ancestral land by force, etc. Current legislation (Law #7699, April 21, 1993) specifies that compensation be exclusively in the form of negotiable state obligations (ie., bonds, etc.) and establishes procedures for presenting and weighing claims; precise formulae for figuring land values and compensation amounts are to be developed by October 21, 1993. The prospective success of this law appears a bit questionable in view of the overwhelming impression gained from the study that monetary compensation would not be acceptable to most people. Even among the minority of those

who said that they would accept such compensation, few had a clear concept of the value of land. Nothing more specific than 'like the price in Europe' was forthcoming. The idea that land prices could vary tremendously according to location or quality is still not fully understood. The general sense was that whatever amount was fixed for compensation would be considered too low. Offered the option of type of compensation, the overwhelming preference of villagers was that it should take the form of land.

This reality appears to be well-appreciated by many of those consulted in Tirane. One proposal advanced by representatives of the Central Land Distribution Commission was that in addition to being in the form of bonds or other instruments with a monetary value (as specified in Law # 7699), where possible, compensation should also be offered in the form of land at the disposition of the State ('toke disponible'). Offering this last option would require amending the current compensation law. The likelihood of this happening appears to be low given ministerial opposition to such a move. It also would be of limited potential due to the shortage of State land available for distribution.

LAND TRIBUNALS ACT: Current avenues for dispute resolution are not as accessible or effective as they should be. Furthermore, villagers are unclear about who is responsible for what; they reported being referred back and forth between District and Comuna officials with their complaints. The courts are overburdened and according to what we learned from villagers, utilized only as a very last resort. Weaker elements in a village such as small groups of newcomers are often reluctant to seek redress for fear of ruining relations with their 'hosts'. In view of these circumstances, land tribunals, less legalistic and less formal than existing courts, could be valuable tools for quickly resolving disputes; they might be set up to operate in particular areas for limited periods of time.

A draft LAND TRIBUNAL ACT is currently under legislative consideration. Support for such tribunals was strong among government officials, especially those in the Ministry of Agriculture. However, one objection raised was that mechanisms for conflict resolution already existed in the courts and at the comuna level and that these might be weakened or undermined if land tribunals were established. Also among villagers, while some interest was expressed in this concept, there were those who were skeptical that the socially stronger party such as an ex-owner in a dispute with a newcomer would respect the findings of such a body.

SALES OF HOUSES AND THE ISSUE OF RECORDING THE STATUS OF LAND ADJACENT TO THE HOUSE: Sales of village houses are becoming more common. While the name of the new homeowner is recorded at the hypothec, the land immediately adjacent to the house remains in the name of the person who sold the house. District cadastral officials said that they had no legal competence to alter tapis to reflect the new de facto owner (see next item). Separate legal statuses for the land on which a house is located and the surrounding land might provide greater flexibility in meeting the needs and desires of those involved in such transactions. It also might help reduce tension between those living in houses on land claimed by others in the village.

EMPOWERING DISTRICT CADASTRAL OFFICIALS TO UPDATE TAPIS: Currently district cadastral officials have no legal competence to alter tapis to reflect the new de facto owners or changes in the status of the land. A law to empower officials will be an important step toward increasing the accuracy of tapi records and maps as a basis for registration when it ultimately gets underway.

LEGISLATION GOVERNING LAND TRANSACTIONS: These include the exchange, rental and sale of land as ways to make mutually satisfactory adjustments to what people received through the land distribution. As indicated in Table #8, land transactions have the potential for ameliorating a host of problems. Such approaches were generally well received by villagers and by those in authority. In fact such transactions were found already to be widespread in many of the villages, especially in-kind rental at the rate of 30% of the harvest to the owner.

Currently only rental is possible, authorized under Law #7715 (June 1993). The idea of voluntary parcel exchange to adjust holdings also has some support. It is likely to be arranged through a Ministerial decision (this is the intention of the Minister of Agriculture), but only for land held 'in ownership', not land 'in use'.

Legalization of the purchase and sale of distributed land has been widely discussed. However, the prevailing watchword to emerge from our discussions with interested officials was caution; the right to buy and sell land should be delayed until the landholding situation stabilizes. One idea raised was to hold out this right as an incentive for communities which had completed the distribution process in a legally acceptable way. Another proposal which appeared to have widespread support was for ex-owners to be given a first option to buy. This would be a way to overcome one of major areas of ex-owner concern and reduce pressure from ex-owners on land recipients not to sign tapis. An objection raised against this, however, was that this would deny a basic private property right to land recipients.

While land market mechanisms hold promise for moderating conflicts and dissatisfaction in the long-run, rental and sale are not likely to provide quick solutions to villages where high percentages of families currently oppose the distribution and refuse to sign tapis issued to them. In such villages it might be worth experimenting with limited term (1-2 months) voluntary exchanges of parcels to allow families to reduce problems of extreme fragmentation, small parcel size or distance of parcels. A possible danger is that socially weaker members of the community will be forced to exchange parcels against their will.

IX. NEEDED PROCEDURAL/ADMINISTRATIVE INITIATIVES

A. INTRODUCTION

At the time of the study, it appeared in most places that the distribution effort had gone as far as it could unless there was a determined final push from the center to bring the effort closer to completion. Village Land Distribution Committees appeared to be largely inactive (most VLDCs in the study villages believed their tasks were completed once initial distribution of the land was made), and district cadastral offices appeared to be seriously short-staffed while the duties imposed upon them had expanded beyond the narrow task of managing the distribution effort.

At the same time, national level coordination of the effort was falling short, villages with serious disputes did not appear to be moving toward resolution of those disputes and finally, no mechanisms existed for noting changes in the status of land introduced through sale, subdivision, building and the delineation of easements. Relatively large tracts of hilly land (especially in Kavaje) and salty land (especially in western Lushnje district) remained undistributed; much of the hilly land had been occupied and was being used without

authorization. Such occupation had frequently occurred according to claimed ex-boundaries or by force. In some villages, we were told that tapis would not be signed until rights to the hill land were straightened out. It remained unclear how this would be done or who would do it.

B. PROPOSALS EMERGING FROM THE STUDY FOR IMPROVING PROCEDURAL/ADMINISTRATIVE PROCEDURES

CENTRAL LAND DISTRIBUTION COMMISSION: This body is meant to provide inter-ministerial coordination at the national level and guidance to land commissions operating at lower administrative levels. However, with a membership of 17-18 and with meetings few and far between, the functioning of this important body was found to be too unwieldy and its efforts not sustained enough to advance the distribution process as intended. Participants in a workshop on factors interfering with the land distribution program felt that the work of the Central Land Commission would be greatly enhanced if it had a smaller core membership (5-6 members) to monitor and push progress in the tapi and land distribution. That core membership would meet every week or every two weeks. The entire membership could meet on a less frequent basis. This idea was very quickly adopted after the aforementioned workshop.

A MASS MEDIA PUBLICITY CAMPAIGN TO INFORM VILLAGERS ABOUT CURRENT LAWS: Few villagers appear to know about the recent amendment (#7715) and its penalty clause, whereby once 30 days had elapsed after a tapi had been offered to an individual and that individual refused to sign, the land would revert to the state. This and other clauses in the law laying out penalties for illegal building or occupation of land were meant as means of pressure for compliance with the law. On the other hand, bits of news shown on TV featuring ex-owners seemed to be widely known. The threat of sanctions might have a better chance of being effective if they were better known.

THE ESTABLISHMENT OF PROCEDURES FOR UPDATING LAND OWNERSHIP DOCUMENTATION: In many villages, almost two years have passed since land has been distributed. More time will pass before the registration program is completed. In the interim, one can expect inheritance subdivisions, divorces and sales of houses to alter the initial status or disposition of the land. Unless changes are documented, the tapis and maps will become less and less accurate reflections of reality and therefore less reliable as a basis for title documents to be issued in conjunction with the registration. One suggestion that seemed reasonable was as follows: If a son separates from his father, father and son might come to the village head. Perhaps with the help of the comuna topographer, the land would be divided and this division recorded. The village head and the Council of Elders would issue a document in such instances which would then go to the Comuna Commission and District Cadastral Office for approval and recording. It would be useful to have appropriate forms prepared for this purpose to be distributed to village heads, comunas and district cadastral offices.

Another basically similar suggestion was as follows:

1. Have people involved go to the village head to make a written declaration.
2. The communa would prepare a "proces verbal" (sworn declaration) approved and signed by the head of the communa.

3. Copies of these documents would be provided to the district cadastral office.

Similar chains of command (village head ---> comuna ---> district cadastral office) might be followed in recording the building of channels or roads through parcels; this would provide information on parcel easements during the land registration.

CADAstral OFFICES' INVOLVEMENT IN ISSUING DOCUMENTS FOR SOCIAL ASSISTANCE: This involvement has become a major activity which is seriously undermining employees' ability to concentrate on their main functions. The team obtained broad agreement at the highest policy levels on the need to change this situation.

SPECIAL COMMISSIONS: Several villages were visited which were marked by great social tension and in which members of the community had given up resolving the problems themselves. While the readiness to compromise sometimes existed among at least some persons on both sides of a conflict, it was felt that outside help was needed to finally resolve things. District or state commissions have been set up to deal with special problem villages. One evident shortcoming of such commissions, however, is the inclusion of those actively involved in the disputes as members of such commissions.

ORDER OF REGISTRATION AMONG PILOT DISTRICTS: Given the widespread problems in Tirane and the fact that Kavaje still has substantial areas of undistributed hill land, it is recommended that the registration begin in Lushnje, proceed to Kavaje and be done last in Tirane. Because Tirane district presents virtually the full gamut of topographical/social and registration challenges likely to be faced in the nation as a whole, it is a good place for experimenting with different approaches. Discussions with authorities have yielded a consensus on this point.

C. OTHER FINDINGS AND RECOMMENDATIONS

RESIST THE TEMPTATION TO USE TAPIS TO ACHIEVE NON-LAND DISTRIBUTION GOALS: From the point of view of the prospective registration effort it is crucial that the land/tapi distribution go forward and that tapis really reflect who is farming or in control of what land. Any policy that provides incentives for people to take tapis for purposes other than recording rights of use and occupancy can produce serious inaccuracies with directly negative consequences for the registration effort as well as having the potential for exacerbating social tensions. In our study, the most outstanding illustration of the problems that may occur is Zallbaster comuna in Tirane district. There, tapis have little or nothing to do with who is farming what land. This is true of all villages in the communa. People accepted tapis as a way to get social assistance which requires signature of a tapi. Troubles arising from linking tapis to social assistance were frequently mentioned in other areas as well.

The prospect of a land tax based on the tapi is also a matter of concern to many villagers. We found that villagers often control less land than is indicated on their tapis, so that a land tax based on tapi holdings would require them to pay more tax than they actually should. In at

least two villages residents indicated that there would be severe social tension if the tax were introduced under current circumstances. Some villagers asserted that if the tapi were used as a basis for taxation that they would 'give back' the tapi. Land taxation should not be introduced until there is some assurance that land records are relatively accurate.

Many villagers have refused tapis to hilly or salty land out of the fear that they would ultimately be taxed at high levels even for such relatively unproductive land. It may assist the distribution process for there to be governmental statements of intent that if and when taxation is introduced, such low quality land would either be tax-exempt or taxed at far lower levels than other land.