

RESEARCH REPORT

THE DIVISION OF THE AGRICULTURAL AND URBAN AREAS:
LOSS OF THE AGRICULTURAL LAND FUND
AND ITS RELATIONS TO THE DIVISION OF LAND INTO PARCELS
AND TO THE MOVEMENT OF THE YELLOW LINE TO THE SUBURBAN AREA*^

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Tirana, 20 April, 1995

* Research supported by and under the supervision of the Project Management Unit for the Immoveable Property Registration System of Albania.

^ Translation from the Albanian done by Enkeleida Haxhinasto. First-level clean up, 21 including spell checking, some reformatting, and reordering undertaken by Harvey Jacobs; however, this did not include any substantive rewriting. A rewritten English language summary of this report has been prepared by Harvey Jacobs and Eve Yanda as: *"The Illegal Conversion of Agricultural Land at the Urban Fringe in Albania: Results of a Study in Three Urban Districts"*, and is available from the Project Management Unit for the Immoveable Property Registration System. **N.B.:** this rewritten summary contains certain information and clarifications obtained through discussions with the study's authors which differ from those in this report.

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1. INTRODUCTION

The shift from the centralized system of economy to the free market economy based on the private property has an obvious impact on the use of the agricultural land in our country. In the conditions of the free moving of the population, its massive shift from the less economically developed areas to more developed ones, from areas with less agricultural land to those with more agricultural land, as well as to the areas with a tourist priority, presents a serious danger for the agricultural lands to be found in the suburbs of the towns, especially of the big cities. In the conditions of our country when only 20% of the land is agricultural land and especially when the lands of high quality are located near the towns, the protection of this national property acquires a special importance.

The free moving of the people inside the country and the existence of the private property have favored the illegal constructions. This development of the illegal constructions round the towns and the inhabited areas, as well as on the sides of the national roads, is leading to the loss of agricultural lands with high productivity. Their urbanization, besides the great expenses for the physical (electric lines, canals, roads, etc) and social (schools, kindergarten, etc) infrastructure leads to the further loss of the agricultural land.

On the other hand, the agricultural land on which the illegal constructions are made, has its impact on the degradation of the environment (pollution of the surface and underground waters, erosion etc.), on the degradation of the ecological and tourist areas and consequently in the economic potential of the country.

In this study, we have intended to explain and analyze these issues, to forecast the evolvement of these phenomena to the year 2000, as well as to express some ideas which can help to prevent further loss of the agricultural land and its urbanization.

2. METHODOLOGY OF STUDY

Three districts are chosen for this study: Tirana, Fier and Kruja. As a basic criterion to select these studies was the thrust exerted by the population movement from the deep areas towards the towns. The study includes some villages around the towns, the suburban area and the yellow line. The problems which were analyzed according to the project are:

1. Cooperation of the three components: Property-Law-Economy.
 - The surface area and the quality of land evaluated according to its productive capacities.
 - The concrete implementation of the law on the distribution of the agricultural land.
 - Effectiveness of the private firms and the pressure exerted, regarding the use of land.
2. The sources of the family income and the plans for investment in constructions.
3. Selling, division, renting out, or other acts which change the division of land or the purposes for which the agricultural land is used.
4. Documentation of buying and selling or of renting the land in or out.
5. The role of the local government concerning the use of land.

To collect the data, besides the data concerning the land productive capacities, we also used the data collected from the interviews with the inhabitants of the areas, from the officials in the local and central government, as well as from the free talks with people. In the commune of Kamëz 83 inhabitants were interviewed, in Sauk 121 inhabitants, in Kruja 87 inhabitants and in Fier 65 inhabitants.

3. A BRIEF PRESENTATION OF THE AREAS ON THE SURVEY

The District of Tirana: It has a surface area of 32.177 ha agricultural land and a flat, hilly, and mountainous relief. The flat area extends up to the average height 50-120 m and it occupies a surface area of 8755 ha (27.6% of the surface area of the district); the hilly area extends up to the height 120-400 m and it occupies a surface of 21.000 ha (65% of the district), whereas the mountainous area up to the height 400-1300 m and its surface area is 2422 ha (7.4% of the district). The hilly area has the biggest surface area of the agricultural lands of the country.

In the Tirana district, before 1992, there were 3 main state farms(S.F.): S.F."Ylli i Kuq". Kamëz, S.F. "17 Nëntori" and S.F. "Gjergj Dimitrov", where a considerable number of workers worked, who were inhabitants of the villages round the town. Now according to the law 7501, dated 19.07.1991, the agricultural lands of these farms are given in use to their workers. Consequently a considerable number of new owners is created, who use their own lands according to their personal interests. That's why in the agricultural lands of this district, some phenomena are noticed such as: their urbanization, abandonment of the lands which are far away from the dwelling areas, cutting of the fruit trees, not functioning of the irrigation and the drainage channels, erosion of lands, pollution of the environment etc.

To study the phenomenon of the loss of the agricultural land as a result of its urbanization, in the Tirana district two sectors were selected: one in the north-western part of Tirana which includes the commune of Kamëz-Valias (the former S.F."Ylli i Kuq) and one in the south-western part which includes the commune of Sauk (the former S.F."Gjergj Dimitrov").

Commune of Kamëz-Valias includes two villages: Kamëz and Valias, with a population of 7500 inhabitants (without including here the newcomers after 1990) and a surface area of 920 ha. This commune is 8 km away from the town of Tirana, in flat area. Within the territory of this commune, besides the coal-mine of Valias, there are some experimental parcels of the Agricultural University (over 100 ha), of the Land Research Institute (about 100 ha) and of the Institute of Veterinary (about 148 ha). The flat lands of this commune, in general, are of a good quality. The lands of the third category predominate (about 72%), whereas the lands of the second category, of the fourth and fifth category occupy relatively a smaller surface area (respectively 11, 6 and 4%). Their productive capacity is high. From the state farm they got over 37 quintal/ha wheat, over 48 quintal/ha maize, over 140 quintal/ha vegetables, over 355 quintal/ha fodder etc.

With the creation of the private firms, the urbanization of the agricultural lands of this commune began very soon. From year to year, the number of constructions made by the long-term residents as well as by the newcomers, was increased. The area of the commune of Kamëz is the area where the phenomenon of constructions on the agricultural land, made particularly by the newcomers, is so evident. Every day barracks and then houses are built, increasing in this way the surface area of the agricultural land turned into site and the number of the newcomers in this area which reaches 10000 (the increase: 133%)

Commune of Sauk - includes the villages: Sauk, Mjull-Bathore, Farkë e Madhe, Farkë e Vogël, Lundër, Selitë and Sharrë, with a population of 14700 inhabitants.

The commune of Sauk extends mainly in the hilly area and its agricultural lands are of a relatively good quality. The lands that predominate are those of the third category (19%), of the fourth

category (33%), of the fifth category (22%) and less those of the second category (2.5%), of the sixth category (12%) and of the seventh category (6.5%).

Even in this commune, a lot of newcomers have come after 1990 from other areas of Albania, especially from the north-eastern area. Their number reaches up to 6000 (41% increase) and, of course, some of them have built and continue to build houses.

The District of Fier - The surface area of the agricultural land in this district is about 672332 ha, mainly with a flat and hilly relief. The flat area up to the height 15 m occupies a surface area of about 31.131 ha (46,3% of the surface area of the district), whereas up to the height 15-100 m, 15.989 ha (23,8%). The hilly area which extends up to the height 100-500 m, occupies a surface area of about 19012 ha (28,3%), whereas the area up to the height over 500 m occupies a surface area of about 1100 ha (1,6% of the surface area). Therefore, the flat area constitutes the biggest surface area of the agricultural lands of the district (70,1%).

The land of the former agricultural cooperatives, according to the law 7501 is given in ownership to the villagers, whereas the land of the state farms is given in use to their workers.

In the district of Fier, like in that of Tirana, we noticed the construction of houses on the agricultural land without permission. In our study we selected 3 sectors: 1) in the northern area of Fier, the commune Qendër-Mbrostar (the former S.F."Clirimi"); 2) in the north-western area, the commune Dermenas, (the former KTL Pojan); 3) in the south-western area of Fier, the commune Levan (the former S.F. Levan).

In the commune Qendër-Mbrostar we studied the sector which includes the area from the yellow line of the town up to the village Mbrostar. The agricultural lands of this area have a good quality and a high productive capacity. The lands which predominate are those of the third category 68% and less those of the second and the fourth category (respectively 11 and 20%).

The commune of Dermenas is alongside the road Fier-Hoxharë and it is near the town of Fier. The distribution of land according to the law 7501 led to the creation of a considerable number of new owners, who have begun to move to their lands, particularly those, whose lands are alongside the road. Even in this area the lands which predominate are those with a good quality and a high productive capacity, mainly those of the third category, which occupy 59% of the surface area, and those of the second and fourth category, respectively 6% and 35%.

In the commune of Levan we selected the sector alongside the road Fier-Vlorë, mainly round the dwelling area of Ferras. The law 7501 on giving the land in use is implemented. Even in this area the lands which predominate are those with an average quality mainly those of the third and the fourth category (respectively 47 and 33%) and less those of the second and fifth category (respectively 5 and 14%).

The District of Kruja - The surface area of the agricultural land is about 24662 ha and it has a flat, hilly and mountainous relief. The area up to the height 0-100 m occupies a surface area of 12.750 ha (51.7% of the surface area of the district), the hilly area up to the height 100-500 ml, occupies about 10300 ha (41,8%), whereas the mountainous area up to the height over 500 m occupies 1612 ha (6,5%).

In the district of Kruje, we studied three sectors which include the communes: Bubq, Fushë Krujë and Thumanë which are near Fushë Krujë and alongside the major automobile road. In these areas, the phenomenon of the construction of houses on agricultural lands was more evident.

The village Bilaj is included in the commune of Bubq. It has nearly 1000 inhabitants and a

surface area of about 569 ha (agricultural land 502 ha). It extends in the flat western area of Fushë Krujë and the agricultural lands of this village are of a very good quality, especially those of the second and the third category. These lands have high productive capacity.

The village Hasanaj is included in the commune of Fushe-Krujë and is in the western part of the dwelling center Fushë-Krujë. It has nearly 480 inhabitants and a surface area of about 214 ha, from which 183 ha are agricultural lands. The lands of this village have a high productive capacity. They have got over 43 quintal/ha wheat, over 65 quintal /ha maize etc. Even in this village the lands of the second and the third category predominate.

The village Gramz is included in the commune of Thumanë. It has nearly 1390 inhabitants and a surface area of about 290 ha from which 253 are agricultural land. Before 1990 it used to be an agricultural cooperative (K.B.Thumanë) and according to the law 7501 the land is given in ownership to the inhabitants of this village. As far as the quality of lands is concerned, the lands of the third category predominate.

4. SHIFTS OF THE POPULATION

Before 1991, people found it very difficult to move from one town to the other, or from one village to the other. Today they can move freely and they can settle in where they like and where they can fulfil their family interests.

From the interviews in the three districts under survey, it results that, in the Tirana district the number of the newcomers is considerable, whereas in the two other districts their number is small.

In Table 1, are given the newcomers (interviewed) after 1990, divided according to the years for the Tirana district, whereas for the other district only the total is given.

In the commune Kamëz - Valias the newcomers are from the North-eastern area of the country and especially from the districts of Kruja, Tropoja and Puka. In this commune the number of the newcomers is increasing from day to day and according to the data of the Head of the Commune Mr. Pëllumb Lepi, their number reaches up to 10.000. The newcomers mainly settled in Kodër Kamëz, Bathore and in the former sectors of the fruits and vegetables, where the constructions are massive. There are also cases when the newcomer are settled in separate parcels of the commune.

From the interviews and the free talks, it results that the main reason of the shifts of population is their economic condition. In their village these people have received a small amount of land which is not of a good quality so they could not provide income to live. So living near Tirana, their opportunities to live a better life are greater. Generally, they possess a small amount of land, about 500 - 1000 m² (the house-plot included) and they don't provide income from agriculture. Commerce and construction, in most cases, are sources of the income. They have little interest in the relations with the commune. They have not presented requests for registration and, in general, they don't think that they have violated any law. For them it's important that they have settled near Tirana and their preoccupation is the construction of a dwelling-house.

In the commune of Sauk, the number of the newcomers is smaller than in the commune of Kamëz. From the data of the Head of the commune Mr. Ibrahim Shalqizi, it results that during the years 1990-1994, about 6000 newcomers and only 200 registered families can be counted and they have mainly come from the north-eastern part of the country: Kukës, Dibra, as well as from Korça, Kavaja and the town of Tirana.

Most of the newcomers are not registered, because according to the decision no. 14, dated

24.01.1992, they should present to the commune, besides the request, even the document for their dwelling house (the property title of the house or the selling contract or the document of renting the house out). In most of the cases the newcomers come to an agreement with the old owner.

From the data of the commune, it comes out that 41 families, which have come from Tirana, are registered; most of them are old owners who have come back to get their own properties.

In the district of Kruja, in the areas under survey, the number of the newcomers is small. In these villages, the shift of people from one village to the other, to get their old properties, is obvious. For example, in the village Hasanaj, from 30 interviewees, 5 of them have come in 1994 and one has come in 1995. From the data of the Oldest Men of these villages results that only a few people have moved to these areas. At the same time, in these areas we noticed movements near the major automobile roads.

The same thing can be said even for the inhabitants of the villages under survey in the district of Fier. From the free talks with the inhabitants in the village Ferras it comes out that no one has migrated permanently from the village. They mainly move from the center of the village alongside the national road where they have their properties. The same phenomenon is noticed in the other areas under survey in this district.

5. THE IMPLEMENTATION OF THE LAW ON LAND AND ITS OWNERS

The law No.7501 gives the land to the villagers in ownership (ex-agricultural cooperatives) and in use (ex-workers of the state farms). In the interviews with the inhabitants of the areas under survey, we noticed that there existed some problems concerning the distribution of land.

In the Tirana district, in the two communes under survey, the situations regarding the distribution of land are not the same. In the commune of Kamez 96% of the interviewees (inhabitants of the commune) have received the land in use under the law, only 4% of them have received their old lands (The family Jegeni, with the decision of the court).

In the commune of Sauk, 20% of the interviewees have received the land in use and 58% in ownership, despite of the fact that this commune used to be a state farm.

In the district of Kruja, 99% of the interviewees have received the land in ownership, because the three villages used to be cooperatives.

In the district of Fier, the land is given in ownership 35% and in use 65%.

The above data are presented in Table 2.

Some of the interviewees have received the land according to the law, some others have received the land according to the old properties and the rest have received it according to the law but in their old properties. There are also some interviewees who have bought land or occupied it by force. In Table 3, are stated the owners of the land for the three district.

In the commune of Kamza, 58% of the interviewees have received the land in use, 20% declare that they have bought it, whereas 19% have occupied it by force.

In the commune of Sauk, 7% of the interviewees declare that they have received the land according to the law, 52% according to the old properties and 21% according to the law and the old properties. About 7% have bought or rent the land in.

In the district of Kruja 81% of the interviewees have received the land according to the law. 18% have received the land according to the old properties (especially in the village Hasanaj).

In the district of Fier 95% of the interviewees have received the land according to the law and 5% have received it according to the law but in their old properties.

6. DISTRIBUTION OF THE PROPERTY TITLES (TAPI)

In the areas under survey it results that the process of the distribution of the property titles has not been completed yet. In Table 4 is given the distribution of the property titles according to the interviews for the communes of Sauk and Kamez and for the districts of Kruja and Fier. It is noticed that with the exception of the district of Kruja where 86% of the interviewees have received the tapi, in the other areas this percentage is low (7-8% for Tirana and 23% for Fier).

As far as the site of the house is concerned, for the villages under survey in the districts of Fier and Kruje, it is included in the new tapi of the land, whereas in the communes of Sauk and Kamez in the Tirana district it is not included.

7. THE USE OF LAND

The question that "how are you interested in using the agricultural land" is answered by the interviewees in different ways. Some of them want to use the land for agricultural purposes, some of them want to sell or rent it out. In Table 5, are given the data received by the interviews in the three districts.

As you see in Table 5, the percentage of the interviewees who want to use the land for agricultural purposes is different. In the districts of Kruja and Fier, most of them want to use all the land for agricultural purposes respectively 82% and 78%, whereas the others want to use it partly for agricultural purposes, 18% in the district of Kruja and 12% in the district of Fier. The situation is different in the district of Tirana and particularly in the commune of Kamza. In this commune 19% of the interviewees want to use all the land for agricultural purposes, 13% want to sell the land, 23% want to rent it out and 26% want to use it partly for agricultural purposes. In the commune of Sauk, unlike that of Kamza, 52% want to use the land for agricultural purposes, 3% want to sell it, 5% want to rent it out and 19% want to use it partly for agricultural purposes. In Table 6 are given, in a more detailed way, the desires of the interviewees with regards to the use of land in the three districts.

There exist different attitudes toward the land in the communes of Sauk and Kamez because:

Firstly, in the commune of Sauk, most of the inhabitants have received their old properties, whereas in the commune of Kamez the land is given in use and most of the inhabitants are not old owners of the land, so they have fear for their lands because they don't know what is going to happen with these lands; this can be said mainly for those persons who want to use the land and who consider it as a property and as a source of income.

Secondly, there is a coal-mine in the commune of Kamez, that of Valias, and many inhabitants of this area have worked for a long time in this mine, so they find it difficult to work in agriculture.

Thirdly, if you live very near the town, this gives you the possibility to earn more money in other ways.

In Table 7 are given the data concerning the demands for buying or renting it out. From the

Table you can see that the demands for buying are very low in the district of Fier, whereas in the district of Kruja there are almost no demands at all, because of the long distance from the town.

Of course, the demands for buying the land in the Tirana district are greater for the lands which are near the town. No one wants to buy the lands when they are far away from the town. For example, some interviewees in the village of Share who live near the town but who have their lands far away from it, they don't want to till these lands, and even they want to sell these lands, they can't fulfil their desire.

The demands for buying of land in the communes of Kamez and Sauk are made mainly by the newcomers, some of them are made by the oldtimers, and a very few are made by the foreigners and citizens (Table 7)

8. BUILDING ON AGRICULTURAL LAND

The distribution of the agricultural land and the free movement of people have been accompanied with the construction of houses or other objects on agricultural land which has brought about its urbanization.

Depending on the social economic conditions this phenomenon is different in different areas of the country. The situation is not the same among the districts as well as among the communes within one district. This is obvious from the data in the Table 8, where are given the percentages of the interviewees who have built houses after 1990 and in the Table 9 where the percentage of those who have built houses on agricultural land or site has been provided.

In the district of Tirana, in the commune of Kamez only 28% of the interviewees have not built, whereas 72% have built, of which 88% on agricultural land and 10% on construction site, whereas in the commune of Sauk the percentage of those who have not built is 61%, whereas the percentage of those who have built is 25%, of which 33% on agricultural land and 52% on construction site.

In the district of Kruja, only 18% of the interviewees have built after the year 1990 and 50% of them on agricultural land and 50% on construction site.

In the district of Fier, 78% of the interviewees have built, of which 80% on agricultural land and 18% on construction site.

From the data we have, is clear that most of constructions have been done in the commune of Kamez and in the area of Fier. But there is a difference between them. In Table 17 is stated that in the commune of Kamez prevail the constructions which are done by the newcomers(54% of those who have built), whereas in the district of Fier all those who have built are long-term residents (100%). The same thing happens in the district of Kruja (100%), and with few differences in the commune of Sauk (84% long-term residents).

From the data from the commune of Kamez, the number of constructions has been increasing from year to year. If in 1991 there were only 10 houses built without permission on agricultural land, their number increased up to approximately 780 at the end of the year 1994, whereas for the period January - March 1995 there have been noticed about 70 newly started constructions.

In the commune of Sauk we see a different picture. The greatest number of the houses built without permission belongs to the year 1992-1993 approximately 220, whereas for the years 1993-1994 it is 120 and in January-March 1995 there have started about 20 buildings (according to the data provided by the commune). The greatest number of illegal constructions is found in Selite and Sauk and less in the other villages of the commune.

Table 16 shows the distribution of constructions in years for the two communes of the district of Tirana.

The interviewees replied differently to the question that if they want to build until year 2000 and where, on agricultural land or construction site (go to Table 10 and 11).

In the commune of Kamez, 57% of the interviewees intend to build, of which 56% on agricultural land and 38% on construction site. Only 6% will construct where they are given permission to.

In the commune of Sauk, only 39% of the interviewees want to build and, different from the commune of Kamez, only 33% of them on agricultural land and 52% on construction site.

Between two districts Fier and Kruje, there exists a big difference especially with regard to the place where they want to build houses. In the district of Kruja 39% want to construct, of which only 29% on agricultural land; whereas in the district of Fier only 26% want to build but 71% of them on agricultural land.

From the talks we had with the inhabitants of the areas under study, it results that the long-term residents as well as the newcomers do not submit request to the commune. Each one decides himself where to build the house. There exists the opinion that being the owner of the land one can do anything with it. To the question that if there are any obstacles to build a house, the greatest number of the interviewees replies negatively or does not give an answer at all. This is expressed clearly for the three districts on Table number 13. At the same time the greatest number of the interviewees consider as an obstacle the economic circumstances and the lack of the plot rather than the administrative hindrances with the exception of the commune of Kamez.

9. LAND MARKET

A phenomenon closely related to constructions on agricultural land is that of buying and selling the land or renting it in or out. After the distribution of the agricultural land in ownership or in use, the land market was created, despite of the fact that the law on selling and buying the land has not been approved yet. Because this law has not been approved yet, the selling of land is done in secret and is not declared, although everyone knows that it exists. This is one of the reasons that the interviewees reply negatively to the question: "Have you sold land?", at a time when some of the interviewees declare that they have bought land.

In the commune of Kamza, the land market develops in different forms. There exist some types of sale of land:

- Sale of land in the form of "gift".
- Sale of land with declaration in writing or orally.
- Long term lease of land (in fact it is sale).
- Resale of the already bought or occupied land.

The sellers of the land are: legal owners, those who have occupied land or those who have bought land (black market).

In the commune of Sauk we have witnessed a different case. In general, the land is distributed according to the law and old ownership, so that the land sale is done only by its owner or disguised as a "gift" or as "lease". In this commune selling and buying of the land is more limited than in the commune

of Kamza.

In the Table 13, there are the data related to selling and buying and renting in and out of the land under survey. It is noticed that in the commune of Kamza only 1% of the interviewees declare that they have sold land, whereas 19% declare that have bought land. In the commune of Sauk 5% declare that they have sold land and 6% declare that they have bought land.

From the interviews in the districts of Kruje and Fier it results that there have been no sales of land, but in the free talks with the inhabitants of these areas it is accepted that there the lands are sold, especially those near the national roads or near the towns, e.g. in the village Ferras in the district of Fier we witness buying of land alongside the road Fier-Vlore by the long-term residents, mainly for construction of houses.

As far as the lease is concerned, it is more limited. In the Tirana district, in the communes of Kamza and Sauk only 2% of the interviewees have rented the land out, in the district of Kruja 1%, whereas in that of Fier there exists a special form of renting the land out which is not found in other districts, that is the seasonal renting out for one agricultural crop (e.g. in Dermenas).

In Table 14 are stated the data for the Tirana district with regards to the destination of the land which has been occupied, sold, bought or rented out.

From the last one, it results that in the commune of Kamza in most cases the land is used to build houses (79%) and 5% partly for construction of houses and agricultural land.

In the commune of Sauk, 18% of the agricultural land which has been bought or rented in, is used to build houses and 24% is used as agricultural land.

10. DOCUMENTATION OF BUYING AND SELLING

For the documentation of buying and selling or renting the land in and out, these types of documentation are used: official documentation (by notarization), a declaration in writing or orally (without any document). The official documentation is accomplished in two forms:

- By the act of gift. In this case the sold land is declared as a "gift" and all the necessary procedures are exerted in the notary office.
- By a long-term lease. Some interviewees declare that they have rented the land out for 33 years according to the law 7715, dated O2.O6.1993. And in such cases the procedures are done in the notary office.

The written declaration is done by the owner of the land and the person who bought the land and it is signed by both of them.

Buying of land orally is based on the given word and no document is prepared.

In Table 15, it is noted that in both communes of the Tirana district, the types of oral declarations and those in writing predominate. In the commune of Kamza there are some cases of selling by the official document.

11. LOSS OF AGRICULTURAL LAND

a. From construction.

Analysis of the data of this study show that considerable surface areas of agricultural lands with high productive capabilities, are being gradually converted to urban areas decreasing in this way the total agricultural land.

In the Tirana district, the commune of Kamëz, has so many problems. Above, we have shown the Table of construction of houses in this commune and we have said that their number, from 10 in 1991, reached up to 780 at the end of 1994. And at the same time, during the study we noticed that within two months, in one parcel the number of constructions increased up to 10-11 (it was only 2-3 at the beginning of the study). In Table 1, is given the surface area in hectare of the agricultural lands damaged from constructions, as well as their categories for the commune of Kamëz.

Table 1. The surface area and the categories of the lands lost from construction.

The commune of Kamëz-Valias

No.	The area	The surface area Ha	The category	% towards the total surface area
1	Bathore	12.3 77.0 0.7	2 3 4	1.3 8.4 0.1
2	Valias (Vegetables)	23.8 17.0	3 4	2.6 1.8
3	Fruit trees	3.4 9.0 5.0	2 3 4	0.4 1.0 0.5
	Total (as a commune)	15.7 110 22.7	2 3 4	1.7 12 2.5
	In total	148.4		16.2

From the data of Table 1 and the graphic 19, it is clearly seen that only from the constructions without permission on agricultural land in this commune during the years 1991-1994, about 148.4 ha agricultural land are being lost(16.2%), of which 15.7 ha (1.7%) belong to the second category, 110 ha (12%) belong to the third category and 22.7 (2.5%) belong to the fourth category. So, the average loss during a year is 37.1 ha (4% of the surface area). If, for one moment, we suppose that the rate of the occupation of the agricultural land with constructions will be the same up to the year 2000, then during the next six years about 222.6 ha will be damaged, whereas during the next ten years about 371 ha or 40.3% of the agricultural land of this commune will be damaged.

In the commune of Sauk, in the villages: Sauk, Lundër and Farkë e Madhe) the surface area of the lands which are lost from constructions is smaller than that of the lands in the commune of Kamëz. In Table 2 and graphic 19, are given the surface areas and the categories of the lands lost from constructions, according to the villages.

It is noticed that only from the constructions in the village Sauk, 15 ha or 6.7% of the surface area of the agricultural land (225 ha) are being lost, whereas in the villages Farkë e Madhe and Lundër 1 ha or 0.32% of the land are being lost.

Table 2. The surface area and the categories of the agricultural lands lost from constructions.

Village Sauk

No.	The area	The surface area Ha	The category	% towards the surface area of the agricultural land of the village
1	Sauk	5.0	3	2.2
		2.9	4	1.3
		5.1	5	2.3
			6	0.9
2	Farkë e Madhe	0.5	5	0.16
		0.25	6	0.08
3	Lundër	0.25	4	0.08
	Total	16.0		7.0

The surface area of the lost agricultural land is greater for the lands of the best categories of the area (5.0 ha of the third category, 3.15 ha of the fourth category, 5.6 ha of the fifth category).

In the district of Kruja, the categories of the lands lost from constructions, are given in Table 3 and graphic 19.

**Table 3. The surface areas and the categories of the lands lost from constructions.
The area of Kruja**

No.	The area	The surface area Ha	The category	% towards the total surface
1	Bilaj	0.72 0.96 0.18	2 3 4	
2	Hasanaj	0.33 0.90 0.06	2 3 4	
4	Gramëz	0.60	3	
	Total	1.05 2.46 0.24	2 3 4	
	Altogether	3.75		1.14

From the above data, it results that only from the constructions without permission in the village Bilaj, about 0.4% of the agricultural land is being lost, in the village Hasanaj 0.7 and in the village Gramz 0.3%.

In the district of Fier, for the areas under survey, the data are given in Table 4 and in graphic 19. In the commune of Levan, in the village Ferras 4.13 ha agricultural land was damaged from the constructions; in the commune Qendër, in the village Sheq i Madh 5.3 ha; and in the commune of Dermenas, in the villages Dermenas and Radostimë 2.9 ha; altogether 12.33 ha.

Table 4. The surface areas and the categories of the lands lost from constructions. The area of Fier

No.	The area	The surface area Ha	The category	% towards total surface area
1	Ferras	0.33 0.50 3.30	2 3 5	
2	Sheq i Madh	5.30	4	
3	Dermenas	1.50 1.40	3 4	
	Total	0.33 2.00 6.70 3.30	2 3 4 5	
	Altogether	12.33		

As a conclusion, only in the areas under survey in the three districts, 178.0 Ha agricultural land are damaged from constructions, and this land is given, divided according to the categories, in Table 5 and graphic 19.

Table 5. The surface areas and the categories of the lands lost from the constructions in Ha.

The areas: Tirana, Kruja and Fier

No.	The district	The surface of the lands in the areas under survey	Cat. 2	Cat. 3	C. 4	C. 5	C. 6	The total damaged surface area in Ha.
1	Tirana	1533	15.7	112.2	26.0	5.6	2.3	161.8
2	Kruja	938	1.0	2.5	0.2	-	-	3.7
3	Fier		0.3	2.0	6.9	3.3	-	12.5
	Total		17.0	116.7	33.1	8.9	2.3	178.0

From the data of the Table, it is noticed that the greatest surface areas of the lands lost from constructions is that of the lands of the third category about 116.7 Ha, of the fourth category about 33 Ha, and of the second category 17.0 Ha. So, in general, the constructions are made on the lands of good quality at the time when it is well known that these lands occupy a small surface area of the agricultural lands of the country.

b- Movement of the yellow line and the suburban area.

The loss of agricultural land happened as a result of the movement of the yellow line or of the transfer of the separate areas round the towns or the dwelling centers of the villages to suburban area. In the Commune of Kamëz, as a result of the movement of the yellow line in 1990, about 6 Ha of the agricultural land of the third category have been transferred to urban area, increasing in this way, the damaged surface area of the land from 148.4 Ha to 154.4 Ha.

Even in the commune of Sauk, as a result of the transfer into suburban area, the losses of the agricultural land are increased. Only in the village Sauk, 33 Ha of the agricultural land are being lost, increasing in this way, the losses in this village, up to 48 Ha.

c. Infrastructure

The quick urbanization of the agricultural land should be accompanied by the development of the necessary infrastructure in these areas; such as building of the commercial units, creches, kindergartens, schools, roads, electric lines etc.

At the same time, the parcelling of lands into new owners has brought about many problems. Very soon the roads for the transfer of the agricultural equipments from one property to the other will be built.

All these will lead to the further loss of the agricultural land. Nevertheless, this is a problem which should be studied in the future in order to calculate the coefficient of the loss of the agricultural land for the creation of the necessary infrastructure.

d. Degradation of land.

Collapse of the coal-mine of Valias.

In the commune of Kamëz, big surface areas of the agricultural land are being damaged and consequently, the irrigation and the drainage channels in the areas round the mine are destroyed and they don't function.

In Table 6, is given the surface area of the agricultural land damaged from the collapse of the coal-mine of Valias. It is noticed that the agricultural lands which are damaged more are those of the third category (7.8%) and of the fourth category (6.8%).

Table 6. The category of the lands damaged from the collapse of the coal-mine of Valias

The category	The damaged surface area in Ha	The damaged surface area, partly Ha	Permanent fall Ha	Surface area Ha	% towards the total surface area Ha
3	24.6	13.1	33.7	71.4	7.8
4	17.0	28.0	17.2	62.2	6.8
5	-	4.0	-	4.0	0.4
7	-	-	1.3	1.3	0.1
Total				138.9	15.1

Erosion of land

The ill-treatment of the agricultural land, the abandoning of land, cultivation of the areas with a high erosion, terracing without criterion before, cutting of the forests and of the bushes led to the increase of the erosion.

In the commune of Kamëz, in the lands alongside the river of Tirana, as a result of the cutting of the forests, the agricultural land is being lost. Up to now, 1% of the agricultural land of the commune has been affected by the erosion. Whereas in the commune of Sauk, we noticed slides of the agricultural lands in the villages: Sharrë, Farkë e Vogël and Lundër. In the village Sharrë, we also noticed massive slides of the terraced hills.

Pollution

Pollution is an important problem for the areas under survey and especially for the commune of Kamëz, because it leads to the further degradation of the agricultural lands. As a result of the constructions without criterion and without the necessary infrastructure, not only the agricultural land is damaged, but at the same time, the pollution of the environment and of the groundwater is increased.

At the same time, in the commune of Kamëz, as a result of the not-functioning of the sewer in the area Kamëz-Valias, about 100 Ha are affected by the pollution, causing at the same time, the pollution of the environment and of the ground waters. The degradation of the land from Collapse I of the mine, erosion and pollution are given in graphic 21.

The problems concerning the drainage and salinezation

The drainage network has not functioned properly and this has led to the overflow of the lands, which was noticed during the study in Kamëz, Bilaj, Hasanaj, Dermenas and alongside the road to Hoxharë, and this process leads to the decrease of the productive capacity of the lands. So, in the district of Fier, in the area Dermenas-Hoxharë and in Ferras, as a result of their bad drainage, re-salting of the lands is becoming a serious problem. This phenomenon has led to the abandoning of the lands which are being salted. The inhabitants of this area do not like to keep and to till these lands, although these lands are given to them in use or in ownership.

12. LEGISLATION

Drafting of the legislation plays a special role in the proper use of the agricultural land, because on one hand it must ensure the protection of the agricultural land and on the other hand it must harmonize the rational utilization of the land with the economic interests of the villager.

In scheme 1 is given the law on land, No.75O1 dated 19.07.1991, on the basis of which the distribution of the agricultural land is done(part A), the right use of the land (part B) and its protection(Part C) are ensured.

In part A, under the articles 3, 5, and 6 the land is given in ownership to the former members of the agricultural cooperative and in use to the former members of the state farms. Above we spoke about the implementation of this law in the areas under survey and we have told that in some of these areas this law is implemented rightly, e.g. in the commune of Kamëz, in the communes under survey in the district of Fier and partly in those of Kruja.

But in some areas, it is not implemented rightly. For example, in the commune of Sauk, at first sight, it seems that the law is implemented. It is said that the land is distributed according to the law and the old properties, but in fact, during the process of distribution, in this area, the article 8 of this law which does not recognize the old properties and the items 6 and 7 of the decision No.255, dated 02.08.1991, according to which the land is distributed according to the steepness or valuation of land, have been violated.

In Sauk, the inhabitants (old owners), have received the lands in their old properties, and these lands have a good quality, whereas the others (the newcomers), have received the lands mainly in the surrounding hill-chain of Tirana, which, in general are not of a good quality. That's why some of them have refused to receive the land and some abandoned it. Even in the other villages under survey (Krujë) we noticed conflicts between the old owners and the new owners of the land. Some villagers have not received land and some others have received lands but parts of these lands are occupied by the old owners.

These violations of the law are, of course created to the fact that the local government does not function properly.

Articles 2, 11, 13 and 15 (item B) are related to the use of the agricultural land. according to the article 11, the new owners of lands are obliged to use them only for agricultural purposes, whereas the article 2 forbids the buying and selling of land. But in fact, these two articles have been violated in all the areas under survey.

The problems we treated above, concerning the constructions on agricultural land are closely connected with non-implementation of the law.

In the contacts with the local government officials it comes out that generally they know the laws very well, but they think that the local government should have more competencies with regards to the implementation of these laws.

In article 8 of law 75O1 concerning the constructions on the agricultural land without permission, it is written ". . . if the . . . law-breaker does not apply the decision, the Commune or Municipality Council informs the justice authorities of the district about this problem." It takes a long time until the justice authorities are informed, so, when it comes the time to apply the decision of the court, the construction has finished so it's difficult to destroy it. Some of the local government officials think that the Commune should have the competencies to destroy the constructions without permission, whereas the head of the Commune of Kamëz thinks that if the Council of the Commune will have this competence, this will lead to the conflict: local government-inhabitants of the commune. He thinks that the Construction Police should have this competence.

Law No.7693, dated 06.04.1993 "On Urbanistics" gives to the construction police the right to destroy the constructions without permission. But from the talks with the Head of the Construction Police results that in most cases, it can not apply the decision concerning the destroying of the constructions without permission, because in the commune, the reports are not accompanied with the payment invoice of the respective fine. Secondly, he thinks that the procedures from the preparation of the reports in the commune up to the implementation of the decision concerning the destroying of the constructions without permission will take a long time. Thirdly, he thinks that The Commune should have the competence for destroying the constructions without permission.

Another problem concerning the implementation of the law on land is the obligation felt by the owner or the user of the agricultural land with regards to its treating. Article 9 says: ". . . are obliged to use it only for agricultural purposes." During the meetings with the inhabitants of the areas under survey, it came out that in general they don't know the law well, and they don't feel responsible for its implementation, they also don't know which are the rights and the duties which this law gives to everyone. It should be made clear to the villagers who have received the agricultural land that, they have received this land to use it only for agricultural purposes, and at the same time it should be made clear to them the legal responsibility which every one has in case he violates the law.

On the other hand, the legal responsibility of the local government officials concerning the non-implementation of the law should be increased, and we think that here there is room for improvement of the laws in force. At the same time, the improvement of their economic situation would positively influence the increase of the engagement to implement the law.

The law 7715, dated 02.06.1993, helped to reduce the abuses with the agricultural land; the article 3 of this law says: "The owners of the agricultural land may rent it to the physical and juridical persons." Based on this law, in the commune of Kamëz and in that of Sauk, the buying and selling of land is considered as legal, and in most cases the land is used for constructions. Maybe, this law needs to be reviewed and formulated in the right way so that it could prevent the abuses with the agricultural land, making it clear that the land must be rented out only to be used for agricultural purposes.

13. SUMMARY

The use of land is related to the activity of people and consequently to the social-economic factors. In the analysis of the data from the survey it is noticed that, for the lands which are lost and which are threatened to be lost, there exist different situations which differ from one commune to the other within the same district, and from one district to the other.

So, in Tirana district, we notice some differences in the use of land between the commune of Kamza and that of Sauk, concerning the implementation of the law on land, as well as the constructions on agricultural land without permission (Table A).

Table A: Some social-economic differences between two communes.

THE COMMUNE OF KAMEZ	THE COMMUNE OF SAUK
<p>1. It mainly consists of newcomers after 1944.</p> <p>2. The old properties of its inhabitants are not in the territory of the commune.</p> <p>3. The villages of this commune are very near the town of Tirana and alongside the national road Tirana-Shkoder.</p> <p>4. It extends in the flat area and the land is of a very good quality.</p> <p>5. Some of the inhabitants used to work in the coal-mine of Valias for a long time.</p> <p>6. The decision of the government for the establishing of the inhabitants of the area flooded from the Bovilla lake, in a surface area of 200 ha of this commune, was the reason that a lot of people from the northern-eastern area of the country came here.</p> <p>7. Establishing of the kin of the newcomers in this area, which is accompanied by further occupations of the land and by the development of the land market.</p>	<p>1. It mainly consists of long-term residents.</p> <p>2. Most of the inhabitants have their old properties in the territory of the commune.</p> <p>3. Some villages (Sharra, Selita, and Sauku) are alongside the town of Tirana. Lunda, Farka e madhe and Farka e vogel are far away from the town and the national road.</p> <p>4. It extends mainly in the hilly area and the land is of good quality.</p> <p>5. Most of its inhabitants used to work in the farm, some of the inhabitants used to work in the coal-mines of Krrabe-Mushqetase, with the exception of a small part of villagers near the town (Selite, Sharre, Mjull-Bathore, Sauk).</p> <p>6. Families from different areas of the country came here, especially those who had some support in this area.</p> <p>7. The establishing of the kin with the same family name in their old properties.</p>

As a result of these differences, in the commune of Kamza is implemented the law no 7501, dated 19.07.1991 on giving of the agricultural land in use, whereas in the commune of Sauk this law is not implemented. The inhabitants of these two areas don't feel in the same way about their properties.

In the commune of Kamza, the inhabitants have not received the land in ownership and they

don't have old properties, so they feel uncertain about their future. This is clearly expressed in the talks with them, and especially with those who want to use the land for agricultural purposes. The question: "What do you think, are they going to leave the land to us or are they going to take it?", shows clearly their fear concerning this problem. Because of this uncertainty, some of them have partly sold the land providing in this way good income and without much efforts.

In the commune of Sauk, most of the inhabitants have received the land according to their old properties (58%), but not according to the law. So, those owners who possess more land than they must possess according to the law, are afraid of losing their lands if the law will be implemented, so they attempt to sell or give it away as a "gift". Whereas those inhabitants who have received their old lands according to the law, don't sell such lands. From the interviews in this area, it comes out that unlike the commune of Kamez, in this commune only a small percentage (3%) of the inhabitants want to sell the land.

Another phenomenon concerning the ownership on land and which is noticed only in the commune of Kamez, is that of the occupation by force of the agricultural lands and its use for construction. In the commune of Sauk we didn't notice such occupations of land by force of the agricultural land (19% of the interviewees), because each protects his own land.

Even in the district of Fier, some of the inhabitants of the areas under survey, have fear for the land that they have received in use. Not being old owners of land, they build houses on their new property thinking that "even if they take the land from me, I will have the house".(78% of the interviewees have built houses on their lands).

Another factor that influences the treatment of agricultural land is also the increase of the population which, as we know, is accompanied with the increase of the demands for land and to change it into house-plot (site). Most of the village families needed and they still need the increase of the dwelling surface area. Today, after the distribution of land, most of them want to build the new houses on their own properties (56 and 33% in Kamez and Sauk (Tirane), 29% in Kruja, 71% in Fier), especially when it is near the big dwelling centers or national roads. This is noticed in all the areas under survey. The rightful use of the agricultural land is connected with economic level of the population. From the meetings with the inhabitants of the areas under survey, it results that today, people have little interest to use the land for agricultural purposes especially in Tirana (19% in Kamez, 52% in Sauk). Tillage, planting, fertilization, irrigation, etc. require great expenses which the villager can't afford. At the same time, competition of the agricultural imports on one hand and the agricultural production of the domestic market, especially that of the deep areas, on the other hand, further reduces the interest to use the land for agricultural purposes. Consequently, most of the lands are planted with wheat, fodder for the livestock, some of them are not tilled and when there are demands, it is sold or rented out.(e.g. in Tirana, or the lands alongside the national roads, etc.).

The use of land for constructions is closely related to the development of the land market. In most of the cases, and especially in the Tirana district, the land is bought firstly to build houses and, in some cases, to have also a small surface area for garden, because most of the newcomers think they that the vicinity with the town will solve all their economic problems.

The lost agricultural lands and those which are threatened to be lost present a danger to provide the food, first of all for the areas under survey, and then on a country scale. So, in the commune of Kamez, the use of agricultural land for construction led to the loss of the 16.2% of its fund, and at the same time it led to the loss of the lands of the best category and with the highest productive capacity. If the loss of the land in this commune will go on with this rate, 40.3 of the agricultural land fund will be lost up to the end of the year 2000.

On the other hand, the illegal constructions on the agricultural land require the development of

the necessary physical (electric line, canals, roads, etc) and social (schools, kindergartens, etc.) infrastructure. The unforeseen infrastructure is always more expensive.

The change of the use of agricultural land, i.e when it is not used for agricultural purposes, leads to its further degradation, such as to the erosion of the land (e.g. Kamez, Sharre, Farke e Vogel, etc.), the pollution of the surface and underground waters (e.g. Kamez).

In this period of transition in our country, the existing legislation plays a special role in the protection of the agricultural land from urbanization and, this legislation should change and it should be perfect so that it can meet the quick social-economic changes. In this aspect, the Local Government, being directly related to the agricultural land, should protect it through the implementation of the law and, at the same time, should continuously exert influence on its further perfection.

At the same time, for the protection of the agricultural land, it is necessary for the government to make the Regulating Plans through the specialized institutions (Urbanistic Institute, Institute of Construction and the Land Research Institute) for its agricultural and urbanistic use. The Local Government should realize the practical application of this plan in its territory.

To fulfil these duties, the Local Government, first of all, needs to become consolidated and reorganized. In its structure, a particular sector should be created which will make a plan regarding the use of lands in its territory, in collaboration with the Land Institute. This sector should have full authorities for the implementation of this plan.

For making this study more complete, it is necessary that, in the districts where there exist a lot of problems concerning the use of agricultural land and its degradation, other studies should be done, in order to make the existing legislation (concerning the protection of land), complete and perfect. We think that the work should be focused on Tirana, on the areas around the yellow line of the town, which are not studied yet (Babru, Paskuqan, Mezez, Porcelan, etc.) and in the district of Durrës, around the town and the coastal line.

Another important problem is that of the agricultural infrastructure. No study has been done on this problem up to now. This study requires a close collaboration of the Land Research Institute and the Institute of Urbanistic for the calculation of the coefficient of the necessary physical and social infrastructure, in order to minimize in maximum the loss of the agricultural land.

To protect the agricultural land, a collaboration of the Land Research Institute with all the institutes which deal with land issues, is necessary, and this collaboration should be also expressed in the existing legislation.