

LAND
TENURE
CENTER

PD- ARK-259
92631
UNIVERSITY OF WISCONSIN-MADISON
1357 UNIVERSITY AVENUE
MADISON, WI 53715

TELEPHONE: 608-262-3657

FAX: 608-262-2141

E-MAIL: LANDTENURE.CENTER@MAIL.ADMIN.WISC.EDU

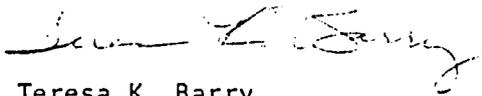
8 February 1995

Ms. Dianne Blane
USAID/Tirana
Washington, D.C. 20523

Dear Ms. Blane:

Please find enclosed a copy of the final 1994 Quarterly Progress Report from the IPRS Action Plan. This is one of the reporting requirements for Cooperative Agreement EUR-0049-A-00-4031-00.

Thank you,



Teresa K. Barry

cc: Norm Sheldon
PPC/POL/CDIE/DI

Includes: Schmitt report
Matthews and published article

N M P

Njësia e Manaxhimit të Projektit për
Sistemin e Regjistrimit të Pasurisë
së Paluajtshme (SRPP)

P M U

Project Management Unit
Immovable Property Registration
System (IPRS)

Adresa : Rruga Durrësit / Institutit i Studimit të Tokave
LAPRAKË / TIRANË / ALBANIJA
Tel/Fax : (+355-42) 282 59 / 281 18

REPORT

on

Work activity on the implementation of the Action Plan for IPRS
October - December 1994

The Project Management Unit (PMU) for Immovable Property Registration System (IPRS), which implements the Land Market Action Plan of the Albanian Government and is funded in part by the international donors (USAID, EU/PHARE Program, World Bank), is working to achieve the general objectives of creating a fluid land market which is socially and environmentally sustainable.

During the fourth 3 month period of 1994, PMU has worked to realize the second phase of the Action Plan: The development of pilot activities in the three districts Lushnje, Kavaja, Tirana dealing with the problems of surveying and mapping even in 22 other districts of the country, (3rd phase) to precede the construction of the registration system.

According to the goals, the following activities were carried out during the three months:

1. Legal Aspect

1.1 PMU prepared the Property Registration Kartela (Registry Page) accompanied by the respective guide, and this was approved by the Council of Ministers.

1.2 It is prepared the index of relevant legislation for the Immovable Property Privatization. Now we are working on the full legislation index (legal and sub-legal acts) which are connected with the immovable property.

1.3 PMU organized a seminar on the elaboration of "Immovable Property Registration" Law. About 50 cadastre specialists and coordinators of the districts attended it. In this four days seminar they were instructed on how to fill in the kartela and compile the property index maps.

1.4 In cooperation with the land policy department, we are working on the draft laws for land conservation, its leasing, and the land buying and selling. We are making 6 surveys which have to do with these draft laws.

1.5 We have prepared the first regulation draft of the registration offices tasks. 16 certificate patterns that these offices will

deliver, are prepared:

1.6 In order to fulfill its objectives, PMU has drawn up several contracts with state and private sector service providing companies.

2. Surveying and mapping aspect.

2.1 Field work on 41870 ha agricultural land is done and we are working on the drawing up of the index maps.

2.2 We have worked in 120 cadastral zones and in 57 of them the work is done in the rural zones.

2.3 In the pilot zones the field work is done for 9200 ha, out of which 4000 ha in Tirana, 3500 ha in Lushnja, and 1700 ha in Kavaja.

2.4 Progressively, for the year 1994 the field work is done in 104166 ha in the whole country, 30617 ha agricultural land in the pilot zones.

2.5 The Land Research Institute and the Military Topographic Institute prepared 500 map sheets. They are used by the field teams delineate property boundaries and produce the Registry Index Maps.

2.6 The mapping Department has checked up the field work in 16 districts focusing on the field work quality.

2.7 The Technical Assistance Tender for surveying and mapping, 1995 was completed. The documents are submitted to the PMU/PHARE Program at the Ministry of Agriculture so that the contract with the winning company (Ordnance Survey, International) be signed.

2.8 The Digitizing table with the plotter for the map processing are installed at the Topographic Sector of the Land Research Institute. Two digicarts 40 for the aerial photography processing are installed at the Military Topographic Institute. First we are doing experiments with these equipment so that the further work be planned and contracted. The Land Research Institute and the Military Topographic Institute are working together in the same way with the total stations to set up the supporting points for photogrammetric processing in Tirana region.

3. Immovable Property Registration aspect

3.1 In cooperation with the Juridical Department, the Registration Kartela, its methodological guide and the respective certificates were prepared.

3.2 The preliminary Immovable Property registration in the cadastral zone no.2527 (Lumth Lushnje) is completed. According to the law, the recorded information about the ownership of all properties and the corresponding Registry Index Maps are being exhibited in the village. Any errors which can be corrected will be noted and corrected in the Kartelas and RIM's. The filling of the Kartela has begun in the cadastral zone of Imsh, Lushnja.

3.3 In the city of Tirana, the cadastral zones have been defined and it is done the cadastral numbering in four of its zones.

3.4 We organized the tender for the Kartela printing and soon we are going to sign the contract.

3.5 We have done a lot of preparatory work on the functioning of the Registration Offices.

4. Land policy and ownership aspect

4.1 We have worked to fulfill some surveys through the cooperation of our specialists and the Land Tenure Center and Terra Institute in Wisconsin.

The main studies are:

- The family members' rights over the land
- Land fragmentation and consolidation
- The overcoming of legal and financial restrictions of the land market
- Environment management and preservation
- Division of the urban and agricultural zones

Concerning the above topics, 90% of the field work has finished and we realized the second funding. The first topic has just begun.

4.2 The above studies serve as the basis for the legal framework according to the point 1.4 of this report.

5. Logistical aspect

5.1 In cooperation with the Surveying and mapping Department we submitted the Technical Assistance Tender documents to the PMU/PHARE Program of European Community.

5.2 Equipment from the European Community companies are delivered and they are ready for utilization.

5.3 The offices in the three pilot districts have been equipped

through the presentation of bids and their evaluation.

5.4 We have begun to work on rehabilitation of the offices in Kavaja.

5.5 We have secured the spaces for registration offices in the districts: Librazhd, Sarande, Permet, Vlore, Pogradec, Durres, Kukes and Skrapar. We will begin with their rehabilitation and supplying with equipment.

5.6 The districts cocordinators are supplied with the necessary working tools.

5.7 An Evaluation Seminar was held in November, attended by representatives of the international funding agencies and by technical staff from the Ministries and agencies involved in the Land Market Action Plan. The main achievements and problems of the work this past year were outlined, and plans for 1995 were described. A greater awareness of the Land Market Action Plan in its entirety was achieved, as was a commitment to move the Action Plan forward.

6. Financial Aspect

During this three month period PMU continues its activity based on the funds from the EU and USAID through the University of Wisconsin. These funds are deposited in its accounts in ECU and US\$ and are used in conformity with the respective agreement between PMU and PMU/PHARE of EU and with the Wisconsin University for the USAID funds.

EC funds spent during this period are 150000 ECU transferred in the checking account of PMU for the October 1994 and November 1994, respectively in the sum totals 50000 and 100000 ECU. During this three month period the expenses realized out of these funds are in total 90026 ECU or 9792297 Leke detailed as follows:

	ECU	Lek
- Surveying contracts for field work	75600 ECU	or 3229342 Lek
- Topography sector contract for enlargement and mapping	4234	or 457200
- Expenses for vehicle renting	5946	or 644800
- Various expenses	1698	or 182704
- Expenses for social security and coordinators diems	2548	or 278251
	<hr/>	
TOTAL	90026 ECU	9792297 Lek

PMU works to implement the Action Plan of IPRS based on the USAID funds delivered through the Wisconsin University. For this period October -December 1994 the total expenses are 61072\$ or 543353 Lake detailed as follows:

	\$	Lek
- Expenses, salaries, social security and diems for PMU staff	12971	1161293
- Exp. for Vehicle renting and maintenance.	4692	417931
- Exp. for district registration offices refurbishing	21753	1910122
- Exp. for land policy contracts	6627	598230
- Exp. for offices equipment and refurbishing	6362	575974
- Cartographic expenses	2354	254450
- Translation and foreign specialists diems expenses	982	87420
- Exp. Guard contract and other expenses	3178	276783
- Training expenses	1653	148150
	<hr/>	
TOTAL	61072 \$	5430353 Lek

Concerning the above, PMU has faced some difficulties:

- Relying on "Immovable Property Registration" Law, the Chief Registrar of the Republic should administratively manage the registration System. But this Chief Registrar is not yet nominated by the Government.
- We have not yet secured the spaces for the registration offices in Tirana. Even in other districts the District Councils are not paying enough attention to this problem. In November, we submitted an announcement to the Council of Ministers for the solution of this problems but they have not responded us in spite of our insisting.
- We have delays in the new technology utilization for the benefit of the Project because of the institutional situation of the topographic service in the country. For this reason we have proposed to the Coordinative Group an alternative for the set up of a State Surveying and Mapping Agency.
- The delivery of equipment and Technical Assistance has been delayed due to the bureaucratic procedures required for acquisition.
- The technical level of many of the Project field team specialists is very low, even their devotion is not at the required level.
- We are studying the possibility for signing contracts with private companies as proper solutions for further work concerning the surveying and mapping.

General Manager

Ahmet Jazoj

SECTION II

Overview of Consultant's Trips

The following section consists of excerpts from trip reports written by consultants who travelled to Tirana, Albania during the final quarter of 1994 for the University of Wisconsin-Madison.

John BRUCE and Ray GURRIES

Professors Gurries and Bruce travelled to Albania in November. During their visit they met with the General Directorate of Forests (GDF), the Agricultural University of Tirana (AUT) personnel, and field staff in the Mati and Elbasan districts. They discussed issues of forest and pasture management and access by rural populations. Current Albanian law regarding forests and pastures is just now being formulated making questions of ownership, resources use, and sustainability particularly timely. Gurries and Bruce identified an apparent need for delineation of administrative unit boundaries (eg: village, komuna, district), as well as participatory rural assessment (PRA) of rural population uses of natural resources, and assistance with drafting/modifying laws pertaining to forests and pastures.

Herman FELSTEHUSEN

During the reporting period, a framework was developed to define the government's rights (i.e., the public's interest) in urban periphery lands, and options for registering state interests and controls. Conceptual and methodological steps were taken to evaluate future public and private land market transactions, formal and informal, that are now taking place in increasing numbers on the periphery of large cities.

Policy reviews included:

- Beginning the process of identifying the powers of local governments to create boundaries that define urban expansion zones, and allow for agricultural and forest land to be reserved;

- Investigating the rights of local governments to carry out advanced land acquisitions and allocations so that they can plan for new housing and urban infrastructure;

- Determining the role of the state in designating lands for natural areas, agricultural protection, and parkland and recreational zones.

Research and evaluation activities were begun to determine the nature and rate of agricultural land transfers (legal and illegal) taking place on the periphery of Tirana. This includes the motivations for sales and exchanges, relationships to agricultural production and land use, and the

quality and extent of urban periphery housing replacing agricultural uses.

Preliminary policy discussions were initiated with ministry, institute and international specialists to plan for land mapping and registration in areas of uncertain status, and to devise pilot plans for resolving claims to unauthorized parcels.

Harvey JACOBS

Professor Jacobs was in Tirana from 15 - 23 October. His time was spent working on Agricultural Land conversion. He feels that the project has gained a much higher profile in Tirana, since his last visit. He has developed a good working relationship with his 'work groups' and individuals at the Ministry of Agriculture are showing continued interest in his research to date.

Susanna LASTARIA

During this period, Dr. Lastaria worked on the issue of intrahousehold property rights within the context of property privatization and registration by focusing on two fronts: (1) developing a proposal and design for an empirical study on attitudes regarding family members' rights to real property and inheritances practices; and (2) developing recommendations on registration procedures that seek to protect the property rights of family members in property transactions undertaken by the family representative.

An Albania NGO, Independent Forum for Albanian Women - IFAW, will undertake a national survey during the first quarter of 1995 to collect data on intrahousehold property rights and inheritance practices in four regions. A questionnaire has been designed and pretested with several women from villages around Tirana. The study will also include a legal review of Albanian laws (Property Law, Privatization Laws, Civil Code, Inheritance Laws, etc.) to determine the current legal basis for intrahousehold property rights.

Discussions with Lida Stamo and Mira Bimo at the PMU regarding registration procedures have focused on property transactions that occur after the initial registration and that will need to be registered. While the most complicated set of properties are those that have been classified as farm family property, state housing that has been privatized through sale contracts also presents ownership and registration problems. Our discussions and my recommendations focused on (1) definition of farm family property (what is farm family property and when does such a parcel cease to be farm family property); (2) definition of family for the purpose of signing legal documents (which persons in the family need to sign transactions and registration forms and procedures since farm

and housing tapis usually have only one name and signature, that of the family head); and (3) registration of inheritance of farm family property.

Roderick MATTHEWS

Professor Matthews completed his most successful trip during this period. He secured long sought real estate data to bring back to Madison fueling the UW Real Estate Program for the most current, sophisticated analysis of current real estate market conditions in Albania. He has created a communication framework for information update through Artan Dervishi's office and with Naim and David Allen.

Helen SCHUTTEN

Ms. Schutten's work in Tirana took place from 17 - 21 October 1994. Her charge was to assist the Property Management Unit with the procedures and review the forms necessary for implementation of the Immovable Property Registration Act. On Friday, November 18, a registration demonstration was held to reinforce understanding of the types of documents, office procedures, both technical and administrative. In total, two training sessions were held for the personnel in the PMU but the two scheduled for the registration office staff in Lushnja and Tirana were not held. There is still an uncertainty about the system and confusion regarding conflicts between the Law on Registration (#7843) and that portion of the Civil Code (#7850). The computerized listing of all property owners was posted in Lushnja on November 17, this may direct the procedure and hopefully generate a sense of security for those who will carry out the Registration Process. For further details the complete report is attached.

8

9