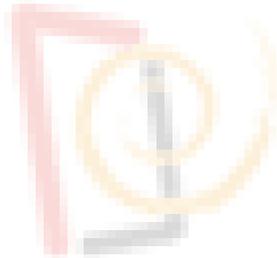


## Post-socialist Property Rights and Wrongs in Albania: An Ethnography of Agrarian Change

Clarissa de Waal

*In Communist Albania privately owned land was eliminated. Decollectivisation procedures began in 1991. This ethnography focuses on post-socialist property relations with respect to ex-cooperative land, forest and partially distributed state farm land. In northern Albania ex-cooperative land was privatised according to customary law rather than state decree. This was chiefly for practical reasons, but symbolic reasons played a role, too. The procedure was widely perceived as just; agreed by customary rules and tolerated by the state. The forest remained state owned though customary usage rights in the forest were reasserted by villagers. State indifference to large-scale illegal felling has resulted in massive forest destruction. The status of ex-state farm land is anomalous, providing a fertile arena for electioneering politicians wooing squatters and painful insecurity for large numbers of highland village migrants. Post-socialist property relations in Albania have been characterised by government laissez-faire alternating with interventionism and corrupt practices. The population has had to resort to 'do-it-yourself' tactics. The oft-repeated cry: 'There is no state, there is no law'—ska shtet, ska ligj—encapsulates the view from the ground.*



### THE BACKGROUND

#### *Collectivisation*

ALBANIA HAS BEEN characterised by extremes over the last fifty years, and property rights in particular have undergone extreme changes. Enver Hoxha, the Communist government's leader from 1945 to 1985, made the eradication of private ownership of land his first priority. Since 1946 agricultural policy has consistently followed the Stalinist model, gaining momentum in the mid-1950s. By 1959 collectivisation was completed in the south and west of Albania (Sjoberg 1991: 106). A final drive in the 1960s in the central and northern mountain districts completed the

Clarissa de Waal, Newnham College, University of Cambridge, Cambridge CB3 9DF, UK.  
E-mail: [crd21@cam.ac.uk](mailto:crd21@cam.ac.uk).

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collectivisation of the whole country. At the end of the 1960s cooperative farm workers still had private household plots (state farm workers had already lost theirs), but it was illegal to sell produce in free markets and no beasts of burden could be owned by individuals. As noted by one analyst (Schnytzer 1992: 46), virtually all Communist societies tolerated a free market in the agricultural produce of private plots; however, in Albania attempts were made to eradicate even this vestige of capitalism. Hoxha's successor Ramiz Alia went so far as to criticise cooperative members for taking produce (a basket of figs, a handful of parsley or a dozen eggs) rejected by the village state store for inferior quality or overproduction, to sell in town:

Is this in the interests of socialism, of the people, and of group property? Obviously not, because when the trade sector fails to collect cooperative output, on the one hand the social labour to produce this output is lost, and on the other hand, when the individual goes to market or sells his product to some middleman, he loses time and the private market is stimulated. (ibid.)

The private market was outlawed in 1981 in order to eradicate such 'petty capitalist' behaviour and to 'erode the psychology of private ownership'. To the same end, plot reduction continued, the ultimate object being its total elimination. By the mid-1980s it was estimated that 16 per cent of cooperative families had no land, while 45 per cent had less than 500 sq.m (Luari 1985: 61). The practical goal of this policy, as distinct from the ideological, was to increase workers' labour time on the cooperative.

A major factor underlying such policies was the regime's determination to become self-sufficient in grain. Up to the 1960s half the country's bread grain needs had been imported. In 1959 persistent shortages had necessitated imports of wheat from the Soviet Union amounting to 48 per cent of total consumption (Sjoberg 1991: 93). To achieve self-sufficiency following the break with the Soviet Union in 1961, the decision was made to increase agricultural production and to reduce the emphasis on investment in industry. Extension of arable land, retention of the rural population and reduction of private plots were seen as the keys to fulfilling this goal. Arable land doubled between 1950 and 1989 as a result of massive terracing, marsh draining, irrigation works and desalination projects. At the same time counteracting this increase, the government's pro-natalist policy had tripled the population. By the 1980s land per head had actually dropped by 10 per cent, so that in 1989 only 0.2 ha of arable land was available for cultivation per capita (Sjoberg 1989: 8).

The combination in the 1980s of severe droughts (1983–85 and 1987–88), the end of foreign aid, the clampdown on private plots and confiscation of privately-owned animals led to rationing and undisguised discontent—'They pretend to pay us, we pretend to work.' In 1987 a food production crisis and the patent inability of Albania to feed its population led to a reversal, albeit gradual and covert, of orthodox ideology with respect to household plots. By 1988 villagers with plots

had been exhorted to produce their own vegetables (Sjoberg 1991: 128–29), and a new statute was introduced to provide landless cooperative households with plots. Farmers were given progressively more land to cultivate privately, till by 1990 they had received 0.2 ha per family. By this time, however, the demotivated and demoralised brigades were only going to work in the cooperative fields when there was some special motivation such as the wheat harvest. Theft of animals, materials and tools from the cooperatives over the final years of communism occurred on a large scale.

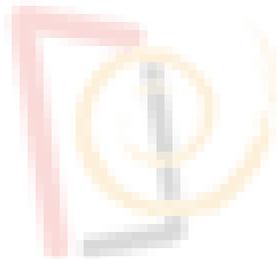
### *Decollectivisation*

In March 1991 the first democratic general election in Albania's history was won by the Communists. The main opposition, the Democrats, had a majority vote in the towns, but rural inhabitants, 63.9 per cent of the population, less exposed to the Democrats' campaign and unsure about their policies on land, voted for the Communists. Despite initial victory, the Communist government was forced to resign as strikes, demonstrations, riots and—the *coup de grâce*—a general strike threatened complete economic breakdown. It was exacerbated by a countrywide orgy of vandalism that destroyed irrigation systems, smashed greenhouses and cooperative machinery, uprooted orchards and vineyards.

In June 1991 an interim coalition government was established with Communist, Democrat and three smaller parties represented. This government's first step was to introduce land reforms as the best way to tackle the economic crisis. A logical move, given that 50 per cent of the workforce was officially engaged in agriculture and over 63 per cent of the country's population lived in rural areas (Vjetari Statistikor 1991). To its credit, this coalition government succeeded in introducing effective laws for the privatisation of cooperative land (80 per cent of Albania's arable land), such that by the end of May 1993 92 per cent of cooperative land had been privatised (Economist Intelligence Unit 1993).

The basic principle for redistribution was as follows: an elected village land commission re-established the original village boundaries. The resulting quantity of land was divided *për frymë*, that is, by the number of souls (including newborn babies) resident in the village. Thus, the larger the family, the more land it received. State employees such as teachers resident in the village officially received less, though individual villages could exercise a certain amount of discretion. Allocation of land parcels was by lottery; parcels were dispersed to ensure fair distribution of differentially fertile land. All previous ownership was nullified. The land thus distributed could not be sold, but would devolve to the individual holder's heirs. Any cooperative property that had withstood the vandalism, such as a shop or house of culture, was sold off very cheaply.<sup>1</sup>

During the three months I spent in the south and west of Albania in 1992, this programme appeared to have been carried out with minimal friction. Certain factors prevalent in the south contributed to this positive process. The southern settlement pattern, where village houses were clustered, with fields outside the village rather



than surrounding the owner's house, made for easier land distribution. Thanks to the early date of collectivisation in these areas (1950s), few villagers had strong attachments to former holdings. Moreover, in much of the south, land had belonged to larger landlords and not to the majority of the villagers at all.<sup>2</sup> Furthermore, and importantly for the early post-Communist years before emigration had depleted the rural population, the southern countryside had sufficient grazing land to provide families with an income from flocks (cattle, sheep, goats).

This is a brief outline of changes to property ownership between 1945 and the early 1990s. The research that forms the basis for this article was carried out in two areas, the central northern province of Mirdita and the coastal plain that lies to the south-east of Albania's main port Durrës. Fieldwork covered the period 1992 to 2003. The focus is on three categories of natural resources in post-socialist Albania: privatised cooperative land; state-owned forest land; and undistributed, or partially distributed, state farm land.

## MIRDITA AND PROPERTY RIGHTS IN HILLY-MOUNTAINOUS AREAS

### *Collectivisation*

A favourite slogan of Enver Hoxha's in the 1960s was: 'Let us take to the hills and mountains, and make them as beautiful and fertile as the plains.' This was part of the regime's twin campaigns to promote regional equality and to extend the arable land area as much as possible. In time the phrase was reduced to 'in the lowlands, but also in the hills and mountains', with a concomitant reduction in attention to hill and mountain areas. Lowland cooperative workers earned more than those in upland areas where yields were lower, 'norms' rarely reached and pay consequently less. North Albanian areas such as Puka, Tropoja, Kukës and Mirdita were amongst the last to be collectivised. The terrain for the most part in these areas is extremely steep and rocky, quite unsuited to economies of scale. Ideology took precedence over economics, however, and despite strong resistance on the part of the locals, the landholdings in the mountainous north were fully cooperativised by 1967.

Mirdita is a hilly-mountainous province in central north Albania, covering an area of 867 sq.km, with a population in the early 1990s of 54,000. Although the main town is only a two-hour car ride from the capital, the area was without a road network until the 1970s and only a few roads have been asphalted in the twenty-first century. Up until the 1950s, the population was a third of its present size (with a high rate of mortality). Families kept small flocks of goats or sheep and grew subsistence crops of maize and beans. Despite extreme reluctance on the part of Mirditans, collectivisation of the entire province had been imposed by 1967, with one or two state farms in the less steep areas and cooperatives everywhere else. There were good reasons for resisting cooperatives, particularly in the highland areas of the province where the steep terrain and poor soil preclude profitable large-scale grain production. Had cooperativisation policy concentrated

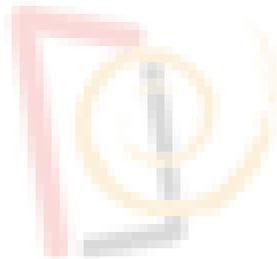
on increasing orchard cultivation and viticulture for which the area is well suited, with small-scale collectivisation of flocks, productivity would have increased. But priority was given to wheat cultivation, which involved heavy use of artificial fertilisers and pesticides severely damaging to the ecology.

Concurrently (late 1960s, early 1970s), fortunately for the inhabitants' economic survival, the hitherto largely unexploited mineral resources—chrome and copper—as well as forestry and hydroelectric installations were opened up in the northern districts. Extractive enterprises, often in remote rural areas, were usually small scale and labour intensive. But their great advantage over agriculture was the higher pay and the access they gave their employees to state benefits such as social insurance and pensions—benefits unavailable to cooperative workers. Before long, copper mining and processing accounted for four-fifths of Mirdita's income. Three-quarters of Mirditan families had one or more members, mostly male, working outside agriculture—the majority in the copper industry, a smaller number in forestry or hydroelectric plants. One consequence was the feminisation of agriculture, even more marked in these northern areas than elsewhere. (In Puka, for example, women made up 70.7 per cent of cooperative labour in 1981 as compared with the national average of 52.4 per cent [Sjoberg 1991: 117, 137].) The poorer the district agriculturally, the larger the number of families with members employed in industry.

### *Decollectivisation and the Kanun*

As a result of the food crisis in 1987, decollectivisation had already started semi-officially all over the country before the Land Reform Law was passed in 1991. As we saw above, in a drive to combat food shortages, a new statute had been introduced in 1988 by Hoxha's successor Ramiz Alia to provide landless cooperative households with plots. Each year thereafter, farmers were allowed to acquire progressively more land to cultivate privately. In the steep mountainous areas where houses are surrounded by their own land, this meant that villagers were gradually annexing their families' hereditary land. Thus, when it came to decollectivising the land in 1991, it was obvious to northern land commissions in these areas that the state-decreed system of distribution would be impracticable. The parcels of land to be allocated were very small and pre-Communist ownership was well remembered since collectivisation had taken place much more recently—1966–67 rather than 1950. The proximity of northern landholdings to the owners' houses and the intense feelings towards their land, where scarcity had imbued it with such value, dictated a different solution. Moreover, in pre-Communist northern Albania the exclusiveness of private property had been extremely marked:

A man's ownership of his house and land was so absolute that he and his might emigrate temporarily or for good without losing their title to either house or land. Even if the family absented itself for a hundred years, no-one might squat on its property. If the emigrant, before leaving, sold his land 'together



with all that is on it', and one leaving for good usually did so, the piece constituting the site of the house remained his in spite of the terms of sale, and so long as one stone stood on another, no one might use the site. (Hasluck 1954: 23)

While the official per-soul distribution would have been more equitable inasmuch as family size differed, as did land quality, it would have been unworkable. The northern land commissions in these hilly-mountainous areas, therefore, distributed the land to the hereditary owners according to the rules of the *Kanun* or *sipas kanunit* (in some areas referred to as *sipas zakonit* or 'according to custom') rather than according to state law, *sipas ligjit*. Harold Lemel (1998: 123) writes:

In Albania, prior ownership—or, in the words of the 1991 Law on Land, 'reference to old boundaries'—was to have nothing to do with how the distribution was to proceed. This principle, along with another—that land allotments be fixed on a per capita basis—were the two that emerged as the touchstones of legality.

He goes on to examine the extent to which the principles of this 1991 law—Law 7501—were adhered to. Writing of Kukës, which borders with Mirdita's north-eastern boundary, Lemel observes:

In Kukës, both elements of the legal approach were dispensed with: distribution was carried out on a family not on a per capita basis and with reference to old boundaries; families and clans simply reoccupied their old land and distributed it as they saw fit. This pattern extended to other districts throughout the mountainous northeast. (ibid.: 124)

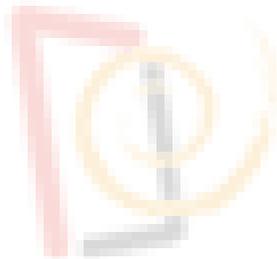
He cites a woman on the Village Land Distribution Commission who reported that for almost two years district authorities refused to sanction and document such distributions that were deemed illegal: 'The impasse finally ended in 1993 when it was decided that the special circumstances of the region, and the interests of maintaining social peace, justified acceptance of the mode of distribution there' (ibid.: 130).

Returning to Mirdita's decollectivisation procedure—*sipas kanunit*—the *Kanun* referred to is the code of customary law, known as the *Kanun* of Lek Dukagjin. Before the imposition of Communism, tribal law based on the *Kanun* operated throughout the northern mountains. A fifteenth-century chieftain, Lek Dukagjin, evidently an exceptional and charismatic personality, came to be closely associated with the codification and reform of customary law, a body of law that had clearly been evolving long before the fifteenth century.<sup>3</sup> Up until the Communist period the *Kanun* was the basis for all social interaction, covering every area of life, from dispute settlement and inheritance to rules for marriage and life crisis rituals. In Mirdita, a Catholic region, the *Kanun*'s laws were particularly strictly observed.<sup>4</sup> Margaret Hasluck, who lived and worked in Albania in the 1920s and 1930s,

noted that 'Mirdita was the centre of customary law as laid down by Lek, exemplar for the strict observance of custom, the head and fount of the law' (Hasluck 1954: 146).

The *Kanun* was banned during the Communist period, partly because one of its key elements is the inviolate nature of private property and partly because it was associated with parts of the country that had been resistant to the Communist movement. The level of resistance in Mirdita made a heavy Party presence in the province necessary throughout the Communist period. The province was the target of a vigorous campaign to 'smash the fetters of faith, the *Kanun*, and old reactionary norms and customs which, like a black spider, have paralysed the Mirditans' moral world' (Tusha 1975: 99). The Communist authorities, recognising the strength of the *Kanun* as a regional bond of opposition, targeted it as a symbol and symptom—the 'black spider of backwardness'—the embodiment of a subversive ethos that they were determined to crush. Reference to the *Kanun* was made a punishable offence and customary practice was officially outlawed. Despite this ban, many of the *Kanun* laws persisted. For example, government efforts to reform marriage customs specific to Mirdita and northern regions seem to have had very little effect. Marriage is a central topic in the *Kanun*, which stipulates that there must be at least seven generations without common blood between spouses, and that spouses must come from different *bajraks* (districts).<sup>5</sup> A person may not marry within the clan, nor may they marry anyone with whose family they are linked with by fictive kinship, that is, godparenthood (through baptism or first haircut), or blood-brotherhood. Enver Hoxha, dictator from 1944 till his death in 1985, tried to modify these rules, reducing the generations from seven to three, discounting fictive kinship as an obstacle, advocating marriages for love and decrying the customary use of matchmaker intermediaries (*shkuesi*). He succeeded in reducing the number of cradle betrothals as well as marriages between people who had never seen each other. In the very rare instances where a couple married for love, or married in spite of fictive kinship ties, Enver Hoxha would personally write them a letter of congratulations, praising those involved for breaking out of the bonds of backwardness. Nevertheless, a breach of *Kanun* marriage law that had occurred in the 1980s in an area of Mirdita where I was doing fieldwork was still regarded by locals in the 1990s as shameful. A couple who had married despite being linked by godparenthood had in the eyes of the villagers behaved unacceptably. To my astonishment, when I mentioned this case to a highly educated Mirditan in Tirana, he spoke of the marriage as scandalous. That even an intelligent atheist who had lived outside Mirdita for years and studied abroad should be shocked, indicates the extraordinary degree to which the *Kanun*'s rules were entrenched. A crucial contributor to this conservatism was the shortage of housing, rural and urban, throughout Albania during the Communist period. This shortage meant that households of necessity consisted of several generations, thus reproducing precisely the hierarchies and traditional norms the Communists aimed to eliminate.

In view of the Communist ban, one might have expected younger Mirditans to be unfamiliar with the *Kanun* at the beginning of the 1990s. However, my research



shows that in all except prominent Communist families, the *Kanun*'s precepts were discussed within households and passed on to younger family members, albeit covertly. The very fact of banning so many important aspects of local culture probably contributed to cultural continuity, as did the above-mentioned living arrangements.

The *Kanun* remained unwritten until 1933 when a copy of the laws collected by a priest called Gjeçov was published.<sup>6</sup> Naturally, the laws of the *Kanun* could never be recorded in their entirety as these differed from region to region and from one era to another. Indeed, this situational flexibility and pragmatism was precisely one of the *Kanun*'s strengths. Frozen on the page, the laws give a false idea of rigid authority transmitted unaltered through the centuries. In fact, up until the 1940s *Kanun* laws were still being modified in line with changing times and circumstances.

In Mirdita in 1991 the *Kanun*'s rules were followed as exactly as possible. Each clan in a village elected a representative to sit on the council. These in turn chose one of their number to be village headman. In some cases, particularly in certain *bajraks* such as Orosh and Kaçinar, regardless of political affiliation, Mirditan villagers chose a descendant of a former *bajraktar* or similarly persecuted family to be headman (*kryeplak*). This was at once a symbolic restitution of the pre-Communist order and a gesture of atonement for the sufferings of the *deklasuar*.<sup>7</sup> The headman and his elected council of elders were not, however, a local deviation from the official administrative hierarchy. As the school textbook for civic education *Edukata Qytetare No. 7*, explains, the elders and headman (*pleqni/pleqësia* and *kryeplak*) formed the lowest tier in local government:

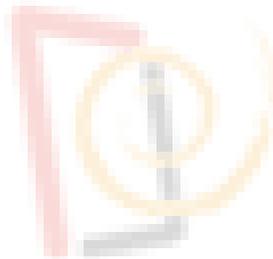
The village is run by the *kryeplak* who is appointed by the elders. The *kryeplak* carries out these duties: care for the maintenance of public order; arrangements for usage of drinking water and water for irrigation, usage of pasture land and forest; addresses villagers' demands and complaints, etc. (Mato et al. 1995: 33, my translation)

These are substantial responsibilities for elders and headmen, whose powers are obviously limited. But the oft-repeated complaint about the regional government that it had neither funds nor decision-making powers—*as fond, as kompetencë*—applied in some respects less at this level as regards *kompetencë*. The small-scale face-to-face nature of village life and the symbolic importance attached to the *Kanun* gave the *pleqësia* a moral force that certainly did not exist at any other level of government. The fact that the elders were themselves from the clans that made up the population meant that they had an interest in minimising conflict and resolving disputes. These factors, together with the exactness of the *Kanun*'s laws, were of considerable practical value at a time when the central government could not be relied on to enforce its laws and, moreover, had overlooked or not yet recognised a number of areas where legislation should have been introduced.

Despite these advantages, the reintroduction of the *Kanun* was not universally backed in Mirdita. There were those who argued that the *Kanun* had nothing to offer a modernising country, that many of its laws were retrograde, that its stance vis-à-vis women was barbaric. If there was to be a local body of authority, some argued, this should be made up of younger villagers rather than the 'old men'—*pleq*—of the traditional *pleqësia*. It should be known as a *shoqëri*, 'a company/group of people', to dispel the 'old fogey' image of the word *pleqësia*. In fact, most of the newly set up councils did include younger and middle-aged villagers. Nor did I ever meet individual members who wished to apply the *Kanun*'s precepts across the board; though the fact that women were still excluded from council membership despite radical social changes indicated an inflexibility contrary to the *Kanun*'s pre-Communist spirit of adaptability. That is the trouble with a written-unwritten law resuscitated after more than half a century of disuse.

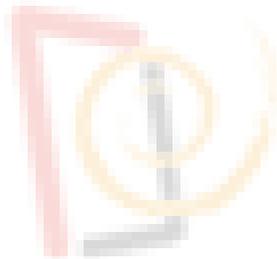
The majority of Mirditans, however, felt that as long as the state law lacked force and failed to cover all the legal post-cooperative contingencies, the *Kanun* provided a workable, indeed indispensable, framework for village authority, filling a dangerous vacuum. The implementation of those parts of the *Kanun* that deal with dispute settlement, property division and rights of way was an important practical means of dealing with the existing legal hiatus. Adherence to the *Kanun* as a symbol of identity and guide to behaviour might, it was hoped, act as a cohesive force in a society whose official ideological basis and practice of half a century had been discredited almost overnight. Disputes arising from contingencies not provided for by either system stood a chance of being resolved in a face-to-face context by village elders applying the spirit of the *Kanun* to current situations. This was important because not only were the central government's powers weak, its interest in areas outside the capital was very limited even at election times.

Thanks to the *Kanun*'s exhaustive guidelines on boundary recognition and marking,<sup>8</sup> all the cooperative farm land in Mirdita had been restored to the hereditary owners by 1992. The relatively recent date of collectivisation meant that locals had no trouble recalling the boundaries, the more so since government policy had all but precluded out-migration. Those problems that did arise from this method of decollectivisation were rarely the result of disputes over hereditary boundaries. The commonest disputes centred on rights of way and intra-family property division—quarrels between siblings or cousins.<sup>9</sup> Another source of conflict arose from the fact that under Communism houses were built by individual families on cooperative land, which had now reverted to the hereditary owner. There were also difficulties where buildings, roads or graveyards had been introduced during the Communist period on land now privately owned (de Waal 1996). In such cases an extreme concept of privatisation, an understandable reaction to excessive collectivisation, led to rejection by some individuals of any notion of community rights or common good. Thus, access points to village graveyards or linking through-roads would be barricaded by the landowner in complete contravention of the *Kanun*, which decrees that public good overrides private loss.<sup>10</sup>



Despite such setbacks, the majority of Mirditans in the early 1990s were busy cultivating their reclaimed properties for subsistence production. This was a matter of survival as land privatisation was closely followed by the near collapse of industry and subsequent mass unemployment. By 1993 even the year's dismissal pay, *asistenz*, had come to an end for most people. The pressure on the land in 1991 imposed by a tripled population whose income from industry was rapidly drying up may be imagined. In view of the fact that a family held on average 200 to 500 sq.m of land (national average = 1.6 ha), that a middle-aged couple had on average six children, these landholdings could contribute at the most no more than three months' produce. Moreover, the soil had been badly degraded during the cooperative period and lack of affordable fodder or nearby pasturage was a major obstacle to the accumulation of animals.<sup>11</sup> As well as having insufficient and often intrinsically poor-quality land, farmers had to contend with the decay of the material rural infrastructure, always minimally developed and now collapsing following years of neglect. Many bridges were dangerous and some actually fell into the river below, a serious problem in an area dominated by two rivers (Fan i Vogel and Fan i Madhë or Little Fan and Big Fan), especially in winter when rivers are too high to wade across. Loss of bridges and dirt roads rendered unusable in heavy rains not infrequently severed communication between villages, while unmaintained over-terraced mountainsides were eroding fast. Furthermore, the vandalism and theft that had followed on the end of Communism had destroyed vital infrastructure such as electric cables, telephone lines and, most crucially, irrigation systems.

Without flocks for manure, with artificial fertiliser prohibitively expensive, it was impossible for these cash-starved villagers to maximise productivity. As we saw, they could not produce subsistence (chiefly haricot beans and some maize) for more than three months of the year. At the same time, very few families could afford to move away from the villages. Simply finding the cash for the bus trip down the mountain to the administrative centre was a problem. Yet, despite these extremely adverse circumstances, Mirditans in 1993 were still strikingly optimistic about the area's potential for development. The initial post-Communist wave of crime, vandalism and general anarchy was over. It was safe to move around the countryside; violent conflicts were chiefly intra-family affairs. This was a period when many foreign firms (Italian, Canadian, German and Austrian) as well as aid organisations such as the Roman Catholic Caritas were rumoured to be interested in investing in the area. The firms were said to be considering investing in the mines and copper refining industry; the aid organisations about to construct asphalt roads, repair irrigation systems, build or restore clinics. Smaller entrepreneurs, it was hoped, would come in to set up furniture manufacturing or medicinal herbs businesses. The area might even prove attractive to alpine ecotourism. Some villagers believed that if a proportion of the population or of each household moved eventually to the plains with the help of a government internal migration policy, there would be adequate land to support those remaining. There was still a slight hope that the government would introduce organised emigration with quotas such



that one household member would be granted a work permit and visa to earn legally abroad for a period. The net result, if even some of these hopes had been realised, would have been more jobs locally, remittances from legal rationed emigration and a road network that would have revolutionised communications as it reduced village–town distances and facilitated business and transport for entrepreneurs. None of these ideas was wholly unrealistic. But their implementation depended on the state's interest and active support. It was two or three years before disillusionment set in with the realisation that regional development was not part of the government's programme, and that out-migration was the only long-term solution to economic survival.

That regional development and decentralisation were not even the subject of debate until the end of the 1990s is unsurprising given the level of economic breakdown at the beginning of the decade. The little investment that did occur in the provinces through foreign aid programmes rarely got further than the pockets of those responsible for carrying out rural irrigation projects or installation of urban water systems. Local authorities were as powerless under post-Communist governments as they had been under Stalinist-style centralisation—*as fond, as kompetencë*. Nor could one expect help from parliamentary representatives. One deputy, asked in 1993 why he never set foot in the province, replied without a blush that in these difficult times one must look to one's own family. In fact, anyone who could escape the isolation and poverty of the rural areas did, and was well advised to do so. The first people to move away from the villages were those who had enriched themselves at the expense of the cooperatives—agronomists, accountants, vets and those in charge of the storage depots. They were closely followed by the professionally qualified, such as teachers. These could expect to find work in provincial towns where a similar exodus was occurring, with the professionally qualified moving to the capital or Durrës. Young (and many middle-aged) male villagers who fell into neither of these categories attempted to cross the border to Greece or the sea to Italy in search of work.

It is through an examination of the survival strategies practised by those villagers who remained that I hope to provide an insight into post-socialist property relations in the highlands through the 1990s. After a brief account of property rights with respect to privatised cooperative land, I look at the more complex situation regarding the forest. The last section of the article looks at the experiences of highland migrants on partially distributed state farm land. Here, on a plain near the port of Durrës, property relations are characterised by ambiguity and opportunism rather than rights.

### *Highland Village Property Disputes*

As already explained, decollectivisation of cooperative land in Mirdita took the form of restoring pre-Communist hereditary boundaries, following the procedures laid down by the *Kanun*—the body of customary law used throughout the mountainous north prior to the advent of Communism. The procedure was widely

perceived as just, and the disputes that arose rarely concerned the boundaries restored by the land commissions. Nor, as noted above, did the disputes between heirs arise from doubts over these boundaries, but rather from perceived injustices relating to division within the boundaries.

Where the terrain is steep, the case in most of Mirdita, the decision to restore the boundaries would have been justified on practicability alone. In those areas of more extensive land, such as the Përsek-Përlat area known as Mirdita's Myzeqea,<sup>12</sup> the state-decreed per-soul (*për frymë*) division of land would have been a better solution. However, in both these areas the state decree was ignored in favour of restoring hereditary boundaries using *Kanun* procedures. It might have been awkward and potentially contentious to have different bases for land allocation within one province.<sup>13</sup> Indisputably, moreover, opting for the *Kanun* was ideologically appealing. As noted, the *Kanun* was an important element of regional identity in an area that had suffered discrimination under the Communists. Thus, the whole of Mirdita, steep highland and more extensive lowland, was decollectivised on the basis of customary law and inheritance rather than on the basis of the state decree. A disadvantage arising from this otherwise practical solution was the excuse it gave the government to ignore any problematic contingencies.

One such contingency arose when a house owner found that his house, built under Communism on state-owned land, now stood on land belonging to another villager. Occasionally an agreement between the landowner and the house owner was reached such that, for example, the landowner paid the house owner monetary compensation for the house, and the house owner moved away either to his own land or out of the village. Sometimes it was possible to arrange an exchange of land to each individual's satisfaction. Alternatively, a landowner might eject the house owner without compensation, perhaps destroying the house as well.<sup>14</sup> Often no agreement was reached and relations between the two would fester, not infrequently leading to murder and a protracted blood feud. There was no state law to deal with such a contingency, nor were steps taken to establish a procedure for dealing with such cases even when they led to murders. The state could have argued that since land distribution was according to *Kanun* precepts rather than state law, it was absolved from responsibility. In fact, it simply ignored the problem.<sup>15</sup>

Where problems arose because a road ran through a now privatised property, or a graveyard was on privately-owned land, it was up to the headman, elders and community to find a compromise acceptable to all. In most cases, in the early years following the establishment of village councils, a solution was reached. However, there are still some cases of exceptional intransigence unresolved in the twenty-first century. For example, the road to the school in the village of Lurth runs through a piece of land at some distance from the house of two brothers who for eleven years have refused to allow access. This means that the only access to the school is by foot over awkward precipitous terrain. When the school roof was repaired, the building materials had to be conveyed by hand. This dispute has

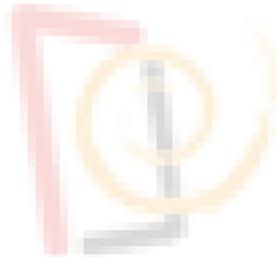
been referred on several occasions to higher authorities. Explanations for non-resolution are always the same: 'There is no state, there is no law' (*'ska shtet, ska ligj'*). In this case, unlike in the type of situation cited above, it is not that the state authorities when called on have washed their hands of responsibility. Rather, they lack the means to enforce justice in remote mountain villages where the united efforts of the community, moral and administrative, have failed to invoke the *Kanun's* rule that public good overrides individual convenience. Rumour has it that an additional factor is involved here, to wit that someone powerful in the region's prefecture is supporting the intransigent villager. Lemel's (1998: 137) observations are pertinent here:

A thread running throughout the story of Albania's rural land privatisation experience has been the failure of government authorities to enforce the law. This was true not only of the land distribution itself but also of other related phenomena not covered here, such as the proliferation of illegal/squatter housing. Perhaps there may have been a positive side to this weakness, namely that it afforded local areas and citizens a measure of flexibility to shape events in ways that suited their needs and *minimised contact with corrupt officials* [my emphasis]. However, it also had a definite downside: Many laws and decisions are habitually not carried out at all, some of them being only partly applied. Local executive bodies' hesitation in implementing them has incited people to solve problems for themselves, mostly in their own interest. Sharp social conflicts ensue, resulting in numerous murders.<sup>16</sup>

The head of a village in the environs of Tirana where conflicts were verging on violence, was one of the many voicing frustration at trying to proceed as the law prescribed but being repeatedly thwarted by a lack of support or resolve at the *komuna* and district levels. He lamented: 'We have waited for two years and can't wait any more. The *komuna* and district do not work—the people used to have some hope, but don't believe that things will happen any more.'

In similar vein, Douglas Saltmarsh (2001: 86–87) writes:

Local government was problematic from every perspective. Staff in all tiers of government expressed anxiety and frustration about the role of the Prefect. Local government was greatly compromised by the lack of an independent bureaucracy and was beset by legal uncertainties. It was evident that central government was seeking to inhibit local autonomy through the office of the Prefect, the construction of tangled lines of accountability, reductions in funding, restriction of ability to raise taxes and by limiting sectors of responsibility. When linked to poor transparency, lack of public accountability and restricted access to information, it was not surprising that local government was held in low regard by citizens and that there was a lack of public confidence in the post-communist state. The nervousness of central government in allowing any meaningful devolution of power created conditions in which advancement



of self-interest, frequently interwoven with political allegiance, distorted the purpose and function of local government institutions.

Since privatisation of agricultural land in Mirdita was not in itself a solution to villagers' survival given the very small size of plots, villagers after 1991 had to turn to other sources of income to supplement subsistence. The commonest sources initially were illegal migration abroad by one or more family members; the cultivation of undistributed state farm land on one of the plains by a family member or newly married couple; and exploitation of the forest that surrounds the villages. In the context of property rights in natural resources and who can claim them, the latter two strategies are of interest.

### *Rights in the Forest*

Much of Mirdita until recently was extensively forested, chiefly with pine, beech, oak and dwarf oak. Before Communism, a district's forest usage rights were spelt out by the *Kanun*, which was enforced by village elders. The rights were based on the recognition of specific areas as the property of a particular group of brothers (*vllazni*), beyond that of a particular clan (*fis*). Beyond a certain distance the forest was the common property (*kujrit*) of a village; beyond this of the *bajrak* (district). There were several layers of government: clan chiefs, village elders, minor elders and the people themselves. If a problem arose some or all of these assembled to discuss a resolution. Hasluck (1954: 162) writes:

Village Assemblies dealt with matters of exclusively village interest. They regulated wood-cutting and irrigation rights, for example. They fixed the date at which beasts might be sent up to their summer pasturage on the high mountains. They stipulated the number of beasts that might be sent up by each family. They took steps to see that no one appropriated more than his fair share of forest, irrigation water or grazing. In so doing they made a valuable contribution to the public peace. Some aspects of murder also engaged their attention.

General assemblies brought together one or more districts to discuss inter-village or inter-district problems. If necessary, new laws might be passed or old laws amended. Hasluck (*ibid.*: 156–57) mentions a wide range of issues, from the use of mills and springs, to murder and theft, to cohabitation outside marriage. An important point emerging from this account of pre-Communist local government is the close relationship between individual and community:

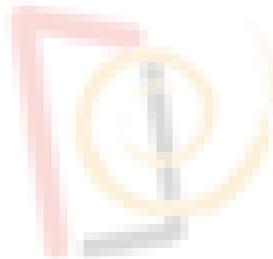
The community sense was fostered by every art the mountaineers knew . . . . The humblest man was encouraged to regard his village or group of villages as his personal property. If home, village or group of villages prospered, he rejoiced as if he himself had been advanced. If they were insulted or injured, he

burned to avenge a personal affront. If they were disgraced by misconduct on the part of another member, he felt his own honour to be besmirched. (*ibid.*: 11)

This integration of community and *pleqësia* (council of elders) existed to a significant extent in Mirdita in the early 1990s before out-migration had become a dominant trend, though the coexistence of state and customary law could create problems. For example, one complaint directed towards community members perceived as anti-social was that they 'speculated' with the two systems for personal advantage. The intransigent villager from Lurth might qualify as an example. While arguing that the road crosses his inherited land as determined by the *Kanun*, he refuses to recognise the *Kanun's* stipulations regarding public convenience and enlists the support of a state office. The elders in pre-Communist times would have been able to implement disciplinary measures (a fine or even banishment from the village), which are outside their competence today.

Just as the official land distribution policy was ignored in this part of the world and hereditary land boundaries restored, so traditional usage rights in the forest were reasserted. But whereas the local solution to land privatisation ultimately superseded the state's, customary law and state law relating to forest usage rights coexist. In 1944 the state owned 912,000 ha (92 per cent) of Albania's forests (1.6 per cent was officially communal, while 6.4 per cent was private).<sup>17</sup> Subsequently, all forest became the property of the state. This includes every form of copse, wood or forest, from the dwarf oaks and pine woods that border villages, to the dense forests on the high slopes of the mountain ranges. Under Communism, the State Forestry Commission was responsible for every aspect of forestry: care of trees, disease control, replanting, felling, transport and sale of timber and timber products. In every district there were locals working for the forestry commission.

Already from 1990, before the end of Communism, villagers had reverted to exercising their customary rights in the forest. This was a spontaneous movement reflecting loss of government control over law and order (compare the orgy of vandalism noted earlier) and dire economic necessity on the part of the villagers. Unlike the anarchic destruction of vineyards, orchards and buildings, however, forest usage was regulated by customary rules. Significantly, throughout the Communist period village families had continued to transmit knowledge of traditional clan boundaries in the forest. This was despite the ban on such customs and the fact that wood was supplied by the local Communist administration. If a family for some reason was unable to acquire firewood in a moment of need through the official cooperative channels, it would send a member to collect fallen wood covertly. Customary clan rights would be strictly observed and wood would only be taken from within the clan's territory. Once government control ceased to function in 1990 and the need for secrecy passed, villagers reverted openly to the pre-Communist system. It was two years before the state took steps to regain control of the situation. During this period, the 700 employees of the State Forestry Commission in Mirdita were dismissed along with the majority of mine and



cooperative workers. The forest was the only remaining source of income for the nearly destitute villagers.

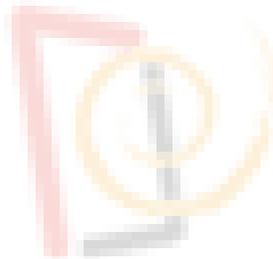
Mirdita's 64,000 ha of forests are divided into three sectors: high alpine forest (23,410 ha), lower-level forest (28,950 ha) and smaller trees and thickets, *shkurre* (11,740 ha). Under Communism, the Forestry Commission (*Drejtoria e Përgjithëshme e Pyjeve*), a department of the agriculture ministry, was responsible for administration, conservation, planting and exploitation for domestic use and export. Looking back to the Communist period, local forestry experts today note two opposing trends. Well-trained forestry specialists ensured that the best possible methods were employed for planting and forest improvement, and a strong state ensured that no illegal felling occurred. At the same time, at the end of the 1980s, more wood was being felled for industrial use, for factory furnaces and mines than the forest's annual capacity. Furthermore, the fact that the Forestry Commission was under the aegis of the Ministry of Agriculture had resulted in substantial areas of forest being felled for pasture land and crop cultivation. These areas, uncultivated over the post-Communist period, are presently contributing to land erosion. However, these experts note, the havoc wrought by government inaction from 1990 to 1992 was still more damaging. During these two years, despite the dismissal of the Forestry Commission employees, no alternative management structure was put in place. The Commission's tools and machinery were stolen or destroyed; the large amount of felled wood reserves disappeared. Customary rules relating to clan boundaries, common land and neighbouring *bajraks* were observed, but there was no authority in place with the power to restrict the quantities felled in common land areas nor with the financial resources to replant. The alpine forests, meanwhile, were at the mercy of anyone who had managed to acquire the necessary machinery for felling.

In October 1992 a new forest law was passed, which came into operation in 1993. This law was passed against the advice of forest experts who argued that the new law would lead to loss of state control and large-scale abuse. It was also fiercely contested by northern *komunas* (local authorities)<sup>18</sup> whose alternative proposal is discussed below. The new law granted licences to interested individuals who satisfied certain criteria. Would-be licensees had to produce a bank guarantee for \$1,000 and evidence that they had never damaged the forest. No past experience in forestry was required. The type of licence determined whether you felled in the high alpine forests or in the forests on the lower slopes close to villages. Once granted a licence, the holder tendered for a particular sector of the forest whose capacity was calculated in cubic metres of wood. In many cases licensees agreed amongst themselves which forest parcels they would bid for in order to avoid increasing the prices by bidding against each other. As a result, few auctions realised the profits the government had hoped for. But the government still stood to earn from the taxes that licensed fellers must pay based on a percentage of their sales. Moreover, it was relieved of infrastructural costs—machinery, machinery maintenance, work teams' salaries and transport. While no state loans were available to licensed fellers for machinery, some of those operating in the forests (including

the unlicensed) obtained loans for other purposes, such as viticulture, which they were able to use for buying machinery. (It was common practice to open a café with a loan granted for some agricultural enterprise. Controls over the destination of loans were minimal.) Others had helped themselves to the Forestry Commission's machinery previously. Forest maintenance, disease control, replanting and policing remained the responsibility of the state, though no maintenance of any kind was in fact undertaken for the next decade.

During the initial phase after the new forest law was put into operation, there was some reduction in the free-for-all approach to felling in the lower forests since there were now inhibiting conflicts of interest as well as, theoretically, control through fines by the newly appointed forest police. Between 1993 and 1994, villagers would cut the wood in their custom-recognised areas and sell it to local licensed operators. These paid lower prices than could be obtained selling directly to middlemen as licensees docked the percentage due to the state in taxes (still being paid at this stage). So it was not long before villagers chose instead to form individual groups selling directly to middlemen. A group would usually consist of members of the same clan. The necessary equipment for lumberjacking usually had to be hired, though returning *refugjate* were starting to import electric saws from Greece. If no clan member owned a saw, an outsider would have to be hired as well as a winch and tractor owner for getting the felled trees to a lorry. Very few villagers owned such machinery. If transporting trees to a lorry involved getting them across someone else's land, the landowner might well block the procedure and demand a share in the profits or refuse access. The most expensive member of the venture would be the lorry driver who received nearly a third of the sale price. His costs are high because it is he who runs all the risks attached to transporting contraband timber (still risky when hidden under a canvas cover). Some groups arrange to have falsified documents certifying that the load comes from a licensed operator. But most assume that the majority of policemen will accept bribes, leaving the driver free to deliver his load to the middlemen in the plains towns. However, there is always a risk that he will be charged with smuggling, have his load sequestered and perhaps be imprisoned. For the villagers, having to share the profits is offset by the advantage that those villagers without machinery or the means to transport timber (the majority) can cash in on their only valuable natural resource and gain more than if they sell to someone with a licence. The sale of wood for those families with no member abroad is their only significant source of cash. (State welfare did not cover the most basic food needs.)

Between 1993 and 1994 licences were granted for nine forest sectors in Mirdita. However, these licensed operators, on seeing that dozens of fellers were operating without licences, dwindled in number such that by 2001 only two forest sectors were licensed (Brozi and Legisi 2001). Furthermore, between 1993 and 2003 there has been a big increase in the number of sawmills. In 2001 Mirditan forest specialist Vlash Legisi (2001: 257) noted that sixty sawmills were felling over 100,000 cu. m of wood annually, about 95 per cent of which was illegally felled. Mirditan forestry experts estimate that of the region's 64,000 hectares of forest, 80 per cent is



damaged. From a sample study made of the lower forest in 1998, it is estimated that wood resources have been permanently reduced by around 500,000 cu.m of wood (ibid.: 259). Illegal charcoal burning has been responsible for the depletion of much of the lower forest in some areas. Drastic damage to pine forests through felling has created conditions that are causing land subsidence and flooding of plains. The numerous contraband cargoes of forest timber sold in the towns of the plains indicate where the timber is going. Massive felling and complete lack of replanting or maintenance has also led to the loss of medicinal plants, mushrooms and berries, as well as animals such as wild boar, mountain goats and hares. Now that cooperative measures to control wolves have ceased, there has been a huge increase in the wolf population.

One major contributor to this dire situation has been the complete failure on the part of the state to enforce the laws governing forest usage and wood sales. Forest experts claim that some clauses of the forest law contradict each other, while others leave openings for abuse. They also point out that the Ministry of Agriculture has shown no interest in making changes or improvements. But the most obvious contributor to the devastation has been the absence of any state back-up for those whose job it has been to enforce the law. For example, theoretically, forestry specialists regularly inspect licensed fellers to check that the quantities of wood sold correspond to the forest parcels officially held. Even if a specialist were bold enough to express doubts as to the licensed operator's honesty, he would have no means to bring him to book, nor any incentive to do so. Salaries are paid regardless of success or failure to prosecute, and specialists stand to earn more by accepting bribes for turning a blind eye to transgressions. Naturally, inspecting illegal large-scale operators is not part of an inspector's job. They are able to fell with impunity without even the bother of a periodic, albeit purely formal, inspection.

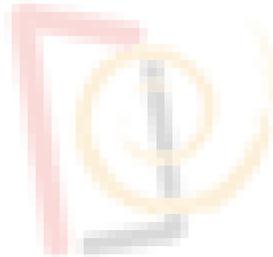
While it is probably true that indifference and laissez-faire have been the prevailing factors behind the state's inaction, it is doubtful that it could enforce the law even should the will arise. In 1998, following a deal made with the Albanian government, a Greek firm arrived in a region of Mirdita licensed to fell in an alpine forest area of Kurbnesh. The firm's representatives were met by armed villagers determined to prevent the introduction of outsiders into the local economy even though the area in question was alpine forest rather than lower, so-called communal, forest. The deal had to be called off.

Before discussing the preferred plan of the experts and the *komunas*, it is illuminating to look at what was happening on the ground throughout the 1990s when villagers and councils of elders were ignoring state law. The customary principles practised were to have formed the basis, with certain modifications, of the *komunas*' proposal for decentralised forest management. They have been a major influence on the recently introduced project supported by the World Bank for the regeneration of the lower forests. The discrepancy between the official procedures as prescribed today by the Directorate of the Forestry Service (DSHP) and the actual procedures followed by villagers is typical of the gap between state

policy and village practice, and of the state authorities' obliviousness to current realities. For example, the state-sanctioned procedure for procuring wood for domestic purposes (firewood for cooking and heating, fodder for animals in the form of leafy branches and wood for household building needs) is very cumbersome. Each family must notify the headman of the amounts needed; the headman must take the villagers' requests and present them to the *komuna*; the *komuna* must present them to the district office of the DSHP. The DSHP, on the basis of this information, will determine the place where the wood shall be felled and instruct the headman or other authorised persons to carry out these orders. The DSHP keeps a continuous check on the procedure, ensuring that the official norms are respected.<sup>19</sup> It is unrealistic to expect the people of the mountain villages to go through such a complicated procedure when customary law is both practical and adhered to; when the forests about the villages, while *komuna* offices are several kilometres away.

The customary procedure for domestic wood provision is much as described by Hasluck (1954) with slight regional variations. Every clan member has the right to take wood for domestic purposes (as outlined above) from the area, which is recognised as belonging to his or her clan. The boundaries as we saw are well known and respected. In addition there are rules governing behaviour such that felled wood or bundles of firewood marked by a stone (or cross-shaped sign in Mirdita, a Catholic region), can be left without risk of theft. It would be *mëkat*—sinful—to touch this material as it is obviously the fruit of someone else's labour—*lodhje* (tiring effort),— and thus clearly their property, different from a standing tree or ungathered wood. These norms are observed throughout the northern provinces to this day. Presumably this is largely due to the importance attached to the *Kanun*'s ethos, which recognises that a community is more likely to thrive if all its members observe the established code rather than conducting a war of all against all. Fear of human reprisal may help to ensure that theft is exceptional. But fear of supernatural sanctions when transgressing the *Kanun*'s ethos also plays a role. In cases where a person had sworn he had not felled someone else's tree despite the evidence against him, or had perjured himself in connection with a boundary change, I would ask why he was not challenged. It was too difficult to reopen such disputes, I would be told, and there was no doubt that a terrible misfortune would shortly befall the transgressor. Opportunities for supernatural judgements increased exponentially after the arms depots were opened and raided in 1997. For example, in one village, the headman who was well known for his cavalier attitude towards any kind of law, customary or state, lost his 7-year-old son when the boy accidentally shot himself dead while playing with a neighbour's *automatikë*.

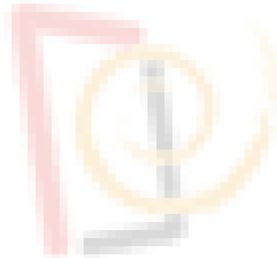
As regards rights relating to wood for domestic use, the coexistence of discrepant state and customary law is unproblematic. Forest police do not treat customary practice relating to wood for domestic use as illegal. Where problems arise is in the use of common land; that is, those areas designated by the *Kanun* as *kujrit*, *koret* in modern Albanian. *Korie* refers to that forest area that lies beyond individual



clan territory and is considered the property of the whole village. When customary rights were reasserted in 1990, villagers exercised both their clan rights and their right to fell in the common areas. Whereas felling for non-domestic use within the clan areas requires permission from other clan members, felling in common areas does not.<sup>20</sup> This was unproblematic until 1993 when the new forest law came into operation. Areas traditionally denoted as *koret* became in 1993 legitimate felling ground for those who held licences to fell in the lower forests. Villagers (including council elders) protested to these licensed operators (who were locals): ‘You can’t use our common land to fell and sell trees for your individual gain.’ The licensee would explain that it was his right according to the law. In one village I know, the licensed feller tried to reduce resentment by offering to supply free firewood to his co-villagers. This was not an empty offer since there was a growing shortage of wood close to the village and the long distances women had to go for firewood were extremely burdensome and time consuming.<sup>21</sup> But it did not, of course, resolve the fundamental problem that a substantial resource for the villagers was in jeopardy. Villagers continued to fell according to customary rights in the clan areas and covertly in common land areas, initially, as already noted, selling the wood to the licensed feller and later, as related above, directly to middlemen.

Together with the licensed fellers came forest police. As with the forestry inspectors, there were no state sanctions enabling the forest police to enforce the law; their job was more a case of lining their pockets with bribes than filling the state coffers with cash from fines. In fact, sometimes quarrels would break out between the forest police as one overstepped the boundaries of his area in an attempt to extract bribes from more individuals. As for tackling groups of illegal fellers, it would have been a foolhardy policeman who took such a job upon himself. As a result, the innumerable cases of theft and damage reported add up to thousands of dollars in fines, none of which has been paid.

We can now turn to the alternative strategy for management of these lower forests as proposed by the *komunas* and advocated by the forest experts at the beginning of the 1990s. Administration of the lower forests (clan areas and *koret*) should be devolved immediately to the *komunas*. Customary usage rights in the forest should be recognised officially and exercised for the benefit of the whole community. Under the management of the *komunas*, villagers would themselves maintain the forest and its products. Clan members would be employed by the *komuna* to maintain their areas and fell on a regulated basis, selling wood to the *komuna*. The common areas would likewise be managed by villagers employed by the *komuna*. Ideally, local factories manufacturing products such as door and window frames, furniture and sawdust logs would be established. The proposed system would be a first step towards decentralisation, creating employment locally and producing funds to give local authorities more than nominal powers. The self-interest of the villagers would act as a check on illegal exploitation of the forest. Such a system, it was argued, would benefit rural areas both economically and ecologically.



The proposal was rejected chiefly because the central government thought it could achieve greater financial gains through its licensing system. Lemel’s (1998: 124) observation that the *komuna* was only just beginning to emerge as an effective level of administration, still overshadowed by the village and district level authorities above and below it, may also be pertinent. In addition, as already stressed, decentralisation and rural development were not even under discussion as desirable objectives until the end of the 1990s. Indeed, even today in 2003, devolution is more the subject of empty election promises than a genuine policy. As the writer of an article in the daily newspaper *Shekulli* recently observed: ‘Once again the forthcoming local elections are accompanied by enthusiastic invocations of decentralisation by Albanian politicians. But experience has shown that as soon as the elections are over, the concept is forgotten’ (Buxhuku 2003). Resistance on the part of the central government representatives to let go of their powers, he argues, is due to their reluctance to lose out financially. That is, devolution of power would lessen their own opportunities for corruption. Fortunately, this reluctance has not prevented the implementation of the above-mentioned forest regeneration project supported by the World Bank. The plan is already under way in some areas and is judged by forest experts to be a success. It works on much the same basis as that proposed by the *komunas*, recognising customary practice as regards clan and common areas, employing villagers to maintain their areas of the forest and to produce for the benefit both of themselves and the community. It is foreseen that in Mirdita about 40 per cent of the region’s forest will be transferred in the form of usage rights to village management, thereby limiting illegal felling and creating employment locally. In most mountain areas at least two-thirds of the village population has descended to the plains. Many of those villagers who remain have not left because they are too poor to pay for the building of a shack and passportisation (often the case where the older children were too young to go abroad as *refugjate*). For them the employment created from the forest regeneration scheme is very welcome indeed.

As regards the alpine forests, the *komunas* and forestry experts at the beginning of the 1990s had advocated continuing management by the state. Regional forest engineers and local employees of the Communist Forestry Commission should be retained to supervise forest production, upkeep and replanting in the high alpine forests using the existing administration, Forestry Commission employees and machinery. After a transition period of perhaps five years, when a better understanding of capitalism had developed, a different strategy might be adopted. As we have seen, this solution was rejected in favour of licensing individuals.

The new arrangements for management of the lower forests seem likely to significantly reduce illegal activities at the same time as creating the right conditions for forest improvement. Through recognition of traditional practices as potentially positive and employing villagers to work for the benefit of the community, the covert and destructive has become overt and constructive. The problem of halting the destruction, which continues in the theoretically state-managed alpine forest areas, looks much more difficult. Here, the law breakers are rich and well

armed. These forests are much less accessible. To penetrate the depths of the forest for covert felling involves dismantling the machinery and taking it in pieces. It is hard to imagine the forest police undertaking law enforcement in such areas willingly, even when backed up by members of the regular police force, as in a recent attempt in Mirdita to deal with illegal fellers.

### *State Farm Land*

The three strategies mentioned above, emigration, descent to the plains and exploitation of forest timber, were generally practised simultaneously by different family members. Other than the forest, there is no natural resource available locally as arable land is inadequate to support the current population and wildlife in the river and forest is very limited. Even in pre-Communist days when animal husbandry was the main source of subsistence and the population a third of its present size, these mountain villagers were very poor. Despite the fact that the coastal plains had not yet been drained and were malarial swamps, *kënet*, there was even then a certain amount of movement down to the plains. The most common reason was escape from blood feud, but land hunger also led to descent. Post-Communism, the situation was quite different. All the former swamp lands had been drained by Communist *aksion* brigades as part of a drive to increase the country's arable land area. The reclaimed land became state farm land. By the end of 1992 most state farm land had ceased to be farmed. After that it lay uncultivated and to a large extent undistributed, providing the government with bargaining power for votes and mountain villagers with an insecure means of supplementing their food supply.

Since 1990, near-landless mountain villagers from all over northern Albania have been sending family members to squat on one of the plains on former state farm land, much of which is still undistributed ten years later. The immediate aim was to eke out inadequate highland village subsistence by cultivating a few hundred square metres of wheat on the plain. A recently married couple in a joint family was the most likely candidate for descent. A daughter-in-law would usually welcome independence from the joint household; a son would be more willing to make the move if he had a wife and perhaps small children to keep him company (Otherwise a young man would prefer to seek work outside the country.) Having built themselves a shanty next to a few square metres of land, a long-term aim to settle would take shape. The squatter cultivators would hope that next time an election took place they would be allowed to settle there permanently.

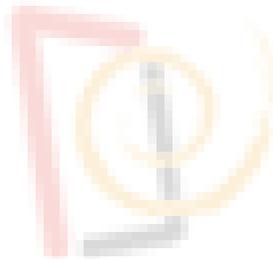
The chief destinations for internal migrants are the plains near Lezhë, Durrës and Tirana. The government's response to squatters has been a mixture of *laissez-faire* and opportunism, largely dictated by electoral campaigns; there is no internal migration policy. In 1995 the demographic trend to descend from mountain regions was so massive that even a government uninterested in regional development or population movement could no longer ignore it. President Berisha, at the time head of the government, made his '*fytyre nga deti*' ('faces towards the sea')

proclamation. Officially recommending what was already a *fait accompli*, this was a feeble attempt to present the unstoppable bid for economic survival by mountain villagers as if it were part of a state-approved programme. The subsequent absence of measures to regulate this influx was presented by the Democrat Party as an ideologically approved policy—freedom of movement (*lëvizje e lirë*)—in contrast to the Communist policy of rural population retention.

Government response to squatter settlements has varied. At Bathorë, close to Kamzë, about 5 km north of Tirana, a large number of mountain villagers, chiefly from the northern province of Tropoja, had moved down and established themselves by the early 1990s. In April 1995 the government let it be known that bulldozers would eliminate the settlement. 'As soon as the building police's bulldozers were sighted,' one Bathorë man recalls, 'we settlers blocked the road and took Tritan Shehu [deputy prime minister at the time] captive. We refused to capitulate until our requests were granted.' The government was forced into defeat and ended by agreeing to allow the houses to stand. (This defeat was later misrepresented as a special favour to the Tropojaners by the then president, Sali Berisha, himself from Tropoja. As well as being untrue, the myth helped destabilise social relations by creating resentment on the part of non-Tropojaners against what they misinformedly believed to have been unfair discrimination in favour of one section of the population. Ironically, for some years following this confrontation, Bathorë was shown off to visiting foreign politicians as an exemplary settlement of rural migrants.) The Bathorë man, referring to the 1995 protest, continued:

From that time onwards no one [that is, from the government] bothered us. It was like a pact of silence. The state was left undisturbed, we were left undisturbed. But suddenly this year, 2003, the wire snapped and Bathorë rose up. We are asking for legalisation, electricity, water, canalisation, school, hospital. We even reached the point of engaging in battle with the police. (Koha Jonë 2003)

Before the 2001 election, promises of legalisation had been made by the government to Bathorë and to other squatter settlements. They were never followed up. In 2003 representatives of the 40,000 or so inhabitants of Bathorë sent an ultimatum to the government at the beginning of April. If the government had not started to engage with these demands by 21 April, Bathorë inhabitants would stage an uprising. The government made no move, and on 24 April the people came out and blocked the main road in the north in what was planned to be a peaceful protest. The government, alarmed at the sight of so many protesters, called in not only the police, but the special forces as well. This response provoked some of the crowd into hurling stones at the police and their vans. The protesters then determined to march into Tirana to the main square. To prevent such a move and an escalation of this uprising, the by now thoroughly frightened government ordered the police to block the bridge that links Kamzë with Tirana. The blockade succeeded in its immediate aim and the government, realising the seriousness of



the revolt (municipal elections were to be held later in the year), agreed to sit down over the next few days with the protesters' representatives to discuss their demands. After three days all but one of the ten demands were in the process of being granted, at least in theory; only the demand for a hospital was rejected. In the meantime, squatters from other areas, such as Kënet, were following suit and organising protests. The 22,000 Kënet squatters had likewise been promised legalisation, electricity, water, etc. in 2001; promises as yet unfulfilled. The headman had spoken repeatedly with government representatives and local authorities. 'We have completely lost hope with those who govern us,' was his comment.

A month or two after Bathorë's near escape from bulldozers in 1995, over 170 squatters on the Lezhë plain close to the north-west coast had their shacks razed to the ground. These squatters were from the northern provinces of Tropoja, Puka and Mirdita. The reason given for this action was that the corrupt headman had accepted bribes from the squatters, allowing them to settle in an area that had already been allocated to former state farm workers. The headman himself was arrested. Had the corrupt activities of the headman really been the source of the problem, the same action should have been taken by the government in several other places where exactly the same situation exists. The accusation was actually a pretext for installing a different group (from Lezhë) of contenders for the land whose votes were needed for the 1996 election.

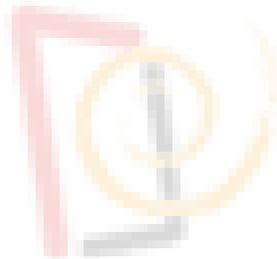
### *Shënavlash*

Towards the end of the 1990s descent to the towns from highland areas and to the plains where the land is more abundant and within easier reach of employment and services became the aim of nearly all mountain villagers.<sup>22</sup> The area where I have been doing research most recently affords an interesting insight into the chaotic situation regarding property rights on former state farm land today. A few kilometres outside the port town of Durrës off the Durrës–Tirana road, Shënavlash is a fast-growing village on a hill next to a huge area of reclaimed swamp land that under Communism was a state farm of 12,000 ha planted mainly with maize. A large number of families from northern Albania (Kukës, Puka and Mirdita) have moved to this part of the plain. A dirt track divides the uncultivated former state farm land from the cooperative land that lies at the foot of the hill just below the village and runs parallel with the state farm land for several kilometres. In 1991 the cooperative land was decollectivised and distributed according to state law, per soul—*sipas ligjit, për frymë*—amongst the inhabitants of Shënavlash. The state farm land, on the other hand, has remained uncultivated and partly undistributed since 1992, providing the government with bargaining power for votes, and squatters from mountain villages with an insecure means of survival.

From 1995, when the law restricting movement officially ceased to exist, there was one way for squatters to gain a good chance for permanent residence, though not necessarily in the exact place where they were currently squatting. Whereas up until 1995 the movement had been officially illegal, now people wishing to

settle outside their village could move legally by obtaining a certificate of passportisation (*pasaportizimi*)—official registration of change of residence—from the local authority in the new location. Where the move is to undistributed state farm land, the passportisation procedure is an excellent example of fuzzy law. The procedure involves two stages, both of which require payments. Before the would-be mover can apply to the local authority (*komuna*) whose aegis covers several settlements, he must obtain a certificate of verification (*vërtetimi*) from the local headman (*kryeplak*), responsible for one settlement, stating that he has somewhere to reside in the immediate vicinity. As the applicant does not in fact have somewhere to live until he has built a shanty on a piece of land that cannot be his legally since it still belongs to the state, the *kryeplak* has to be bribed to verify what he knows is not the case. Once the *vërtetimi* has been obtained, the applicant proceeds to the *komuna*, which then issues the *pasaportizimi* document on receipt of an official payment. This guarantees with a fair degree of certainty that somewhere on this land area, once it has been distributed, the payer will have the right to 300 sq. m of land on which to build a house. Some families cannot afford to move down at all since the costs covering the bribe and official payment run into hundreds of dollars, without even considering the cost of building a shanty (as much as \$2,000). Returnees or families with members earning abroad are clearly in a much better position to make the move.

Shortly before the 1996 election two changes occurred in Shënavlash altering the status of two groups. Ex-state farm workers were granted land *në përdorim*, use rights (not ownership) in 2 *dylims* (1 *dylim* = 0.1 ha) of state farm land. At the same time, the squatters, who had arrived before 1995 and had no passportisation rights, were granted *pasaportizimi*, that is, they were recognised administratively as living in the *komuna*, with voting rights, access to birth and death registration, schooling for their children, etc., which this entails. Unfortunately, the squatters were squatting on exactly the same piece of land as that granted for use by the ex-state farm workers. (Ironic shades of the Lezhë situation.) One solution to this ill-conceived pre-election beneficence would have been to settle the shanty dwellers on a tract of land a few hundred metres to the north of their present position where the land had not yet been distributed, and where there were as yet no squatters. A better solution would be to institute an exchange such that the shanty dwellers remained where they were, while the adjacent empty tract went to the ex-farm workers. Why this vacant land, rather than that already occupied by squatters, was not given to the ex-state farm workers in 1996 is unclear, like everything else. Perhaps it was sheer carelessness; the bestowers of these favours simply did not communicate with each other. The tragic consequence in 2002 was that the shanty dwellers had to continue living in impermanence and insecurity in cramped makeshift shacks, without water or canalisation, in conditions that are extremely stressful for adults and are responsible for a high illness rate amongst children. The conditions are also a breeding ground for corruption, disputes and desperate measures. Squatter families have regularly been approached over the years by owners of former cooperative land and offered land parcels 'free' in exchange for



squatters' teenage daughters to be put to work abroad as prostitutes. Meanwhile, other owners of former cooperative land are asking for increasingly astronomical sums per plot, beyond the reach of anyone but millionaires. The possession of sizeable tracts of uncultivated land has given rise to the suggestion that these owners should be taxed or forced to rent out the land to cultivators, a sensible suggestion unfortunately unheeded by the present government.

While it is not difficult to understand a weak government's reluctance to attempt to organise migration, it would have been a shrewd move to introduce certain official measures for descending migrants, measures that would have contributed positively to stable settlement. For example, rather than turning a blind eye to the illegal enrichment through bribes of individual local officials, the government could itself have profited financially and used the bribe money as a tax towards establishing basic services in the new settlements. It might have lost subsequent pre-election bargaining powers, but it would have saved itself a lot of future social problems.

A few squatter families, having saved enough money to buy land elsewhere, have bought plots on the more reasonably priced former cooperative land across the track, preferring to spend their savings on certain tenure than to live with insecurity. These families sold the land they were squatting on (despite having no ownership papers or official rights) to newly arrived squatters. Prices run into thousands of dollars, and while passportisation papers provide near certainty of a plot of land somewhere in the area, there can be no question of designated boundaries until final distribution. Yet disputes over these purely speculative boundaries have already started to create problems between squatters.

In 1995 a branch of the Catholic organisation Caritas bought up a large section of the former cooperative land. Caritas then set about recruiting 'deserving poor' to be allocated plots on this tract. Most of those recruited were descended mountain villagers squatting on coastal plain areas near the town of Durrës where the Caritas office for this region is based. Initially all those selected were originally from Catholic regions. Most were already close by, squatting in the Porto Romano area now known to be seriously polluted with industrial waste. One family came directly from a mountain village as a result of a friendship between the Caritas representative and an in-law of the family. These beneficiaries became legal landowners. As a disabled father of six kept joyfully repeating when by a stroke of luck his family was allocated a plot: '*E kemi me dokumentat*' ('We've got it with the proper papers'), evoking a contrast with the current insecurity of his squatting neighbours and his own unlucky experience as a squatter on the Lezhë plain. Caritas, in addition to giving land, also arranged for beneficiaries to receive building materials sufficient to build a modest house. Not Surprisingly, a considerable portion of these materials failed to reach the intended beneficiaries.

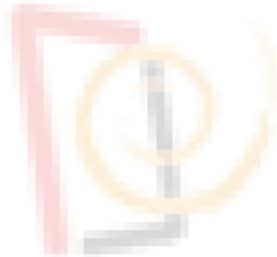
Some squatters have recently acquired property without having to use their savings, also thanks to Caritas. This has come about as a result of the influx in the spring of 1999 of Kosovar refugees, many of whom were sheltered in a huge camp on the plain to the south-west of the squatters. In addition to the containers

and tents used to shelter Kosovar families, a small complex of prefabricated flats was built for the refugees near the top of the village of Shënavlash. When the refugees returned to Kosova, everything movable in the camp was appropriated by less scrupulous locals. Nothing but the containers and the flats remained for Caritas to distribute to the neediest families. Officials made efforts to discover which of the squatter families were the most in need. As always, this proved a near impossible task and some of those involved were not impervious to bribes. As a result, amongst those who were allocated flats, one was the proprietor of a flourishing café-bar, another the owner of a newly built house in Durrës. Some of those who have moved to the flats have sold their shanties or rented them out, a perfectly reasonable procedure. But others, like the ex-shanty dwellers referred to above, have sold the land on which their shanty (*barakë*) is built despite the fact that the land itself is not theirs.

In the year 2000 a few squatters, fed up with years of discomfort and impermanence, took the risky step of starting to build houses. A year later, the representative of a German charitable organisation arrived on the scene. His object apparently was to provide the squatters in this particular section of the state farm (about thirty families) with free building material so that they could build themselves brick houses with tiled roofs. The story went around that the German had gained a promise from the *komuna* that these houses would be allowed to stand for the next five years. This in itself struck the squatters as an odd agreement. Suspicion increased when no building rules or regulations were stipulated and families were left to build where and how they liked with no regard for the most basic planning. It is now suspected that the interpreter used by the German simply acted in the interests of the building firm. The squatters, under the leadership of one of the earliest settlers, are preparing to confront the government when the time comes, if necessary, with force along the lines of the Bathorë inhabitants. Their hope, however, is that now that their houses have become permanent structures, the government will let them stand. Let us hope they are right, since their small number and distance from a main arterial road would lessen their impact unless they took up arms. On repeated occasions the squatter leaders have attempted to get local authority representatives and deputies to declare the government's intentions regarding land distribution. No direct reply has ever been forthcoming.

## CONCLUSION

In this ethnography of agrarian change I have looked at property relations in three different arenas: decollectivised cooperative land, the forest and partially distributed former state farm land. As regards the first, we have seen that where decollectivisation has taken the form of restoring hereditary land, contestation over boundaries and ownership has been minimal<sup>23</sup> despite a few anomalies arising from certain changes to land use that occurred under Communism. The central importance of private property in the highlands prior to 1944, the small size of the plots involved in most areas, and the ease of identifying pre-Communist land



boundaries underlie the success of the decollectivisation process here. A result that was satisfactory, both in terms of the state's objectives with regard to land privatisation and to those of the *Kanun*.

The coexistence of state ownership of the forest and customary law usage rights as exercised by villagers did not pose a problem where domestic wood needs were concerned. The traditional adherence to clan boundaries enabled villagers to meet their domestic needs more efficiently than the cumbersome official system could have done. By contrast, the coexistence of state and customary law, once a state decree granted certain areas of the traditionally communal forest to licensed wood fellers, was a source of conflict. This was not because there was any real doubt as to licensees' rights, but because sale of wood was the only means of financial survival for villagers, nearly all of whom were unemployed. Had the original proposal put forward by the *komunas* been approved at the start of the 1990s, the forest might have been no less depleted, but at least replanting and maintenance would have reduced damage. It is a huge achievement on the part of local and foreign forest experts that this community-based project is now (2003) being implemented. The fact that whole communities are involved bodes well for the success of the project, as villagers will themselves be in a position to contribute to the enforcement of law and order.

The alpine forests do not unfortunately enjoy this community involvement. Nor are they protected by a state at once distant, weak and indifferent. Unscrupulous unlicensed felling and sawmill businesses flourish, their activities large scale enough to buy them protection from prosecution. Destruction of these forests is not the result of overlapping rights or blurred boundaries, but rather state weakness or indifference that allows people to break the law with impunity, a situation that evokes the oft repeated *ska shtet, ska ligj*, 'there is no state, there is no [functioning] law'. Andrzej Rapaczynski's (1996: 88) insight is pertinent here:

The notion that simply instituting an appropriate legal regime will establish a set of property rights that can undergird a modern economic system is deeply implausible, because most property rights can only be marginally enforced by the legal system. The core of the institution of ownership is a matter of unquestioned and largely unconscious social and economical practices that must be rooted in non-legal developments. This is the old Hobbesian problem: when most people obey the law, the government can enforce it effectively and [relatively] cheaply against the few individuals who break it. But when obedience breaks down on a large enough scale, no authority is strong enough to police everyone. In such a setting, with enforcement becoming less and less effective, individuals have an incentive to follow their own interests, regardless of any paper constraints.

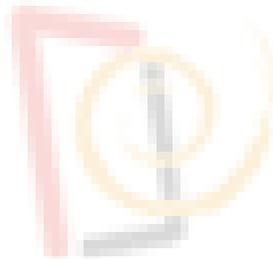
Compare the fact that villagers following the precepts of the *Kanun* in the 1990s, and indeed to this day, respecting each other's boundaries, are unlikely to take each other's wood, with the anarchic approach of the illegal sawmill businesses illicitly enriching themselves under the blind eye of state jurisdiction.

The descent of highland villagers to state farm land is in large part a legacy of former rural population retention, and a direct result of post-Communist unemployment and land scarcity in the villages. In this situation where the potential for economic development in highland regions is minimal, the pressure on land accessible to urban areas is huge. The inconsistent responses of successive governments to squatters—now laissez-faire, now authoritarian intervention—have exacerbated the fears and insecurities of would-be settlers.<sup>24</sup> The status of state farm land, in contrast to ex-cooperative land and the forest, is anomalous. The land's non-existence before Communism precludes the invocation or application of traditional rules since these depend on a pre-existing settlement. But this in no way reduces ambiguity with respect to ownership rights today. On the contrary, state farm land is in a peculiarly post-socialist limbo without routinised rules or crystallised practices, the perfect arena for arbitrary decisions and opportunistic strategising on the part of authorities whose morals are as fuzzy as the rules for land distribution.

## Notes

1. Every village cooperative had a central meeting house (house of culture) where formal meetings as well as entertainment (dances, films shows, etc.) took place.
2. Lemel (no date: 9) reaches the same conclusion in his pre-published version of *Rural Property Dynamics and Issues in Albania*.
3. The twentieth-century recorder of the *Kanun* of Lekë Dukagjin, Shtjefen Gjeçov, has annotated his collection of Lek's Laws pointing out similarities between the *Kanun* and the *Manava Dharmasatra* (Laws of Manu), the Old Testament (Leviticus, Deuteronomy and Exodus, for example) as well as resemblances with Teutonic, Slav, Greek and Roman codes.
4. The fact that the region was never conquered by the Turks administratively and hence did not convert to Islam has endowed Mirditans with a historical, cultural and ideological continuity that no other region has had. There are two main facets to this identity. One is Mirdita's distinctiveness as the only wholly Catholic region in Albania (Catholics make up 10 per cent of Albania's population today). The other is its strict adherence to the body of customary law, the so-called *Kanun* of Lek Dukagjin. The Catholics were the main target for conversion since the Porte (the Ottoman government) wanted to weaken their links with its rivals, the Venetians and the Hapsburgs. This pressure was strongly resisted by Mirditans, many of whom lived in nearly inaccessible mountain areas, because while their autonomy was not undermined by their Italian links, it would clearly be at risk under the Turkish occupation. Resistance appears to have lain more in a desire for independence than to defend the Catholic faith. An important factor in Mirditans' strict adherence to the *Kanun* will have been the need to preserve tribal unity in order to maintain their independence.
5. A *bajrak* is a territorial division within which there are smaller divisions each with a headman. *Bajrak* literally means banner or standard as borne by a standard bearer in a military operation, the standard bearer being the *bajraktar*. In peacetime a *bajraktar*, together with the headmen and elders, regulated grazing and woodcutting rights, and controlled the supply of water for irrigation. In the 1930s, Hasluck (1954: 121–22) notes:

In all areas the jurisdiction of the *bajraktar* was subject to certain limitations. If the commoners did not like one of his decisions, even if made in concert with the headmen and elders, they were not bound to abide by it and could compel him to reexamine the case. Neither he nor



a headman could singly or in combination, fine a tribesman without first securing authority from the tribe.

6. A scholar and priest from Kosova, Father Konstantin Gjeçov was educated in Franciscan schools in northern Albania (Shkodër) and Bosnia, and attended theological college in Kosova. Much of his life as a parish priest was spent teaching his parishioners to read and write Albanian, though Ottoman law forbade the use of the Albanian language in the empire. His most famous work is his systematic study of customary law, which was published in a series of articles in the journal *Hylli i Dritës* and was intended to form a book. Tragically, Gjeçov was assassinated in 1929 before completion of the book, and much of his unpublished material was lost. The published articles, however, were compiled into a book by fellow Franciscan priests and published posthumously in 1933, as *Kanuni i Lekë Dukagjinit*.
7. The *deklasuar*—literally ‘declassified’—were those stripped of privileges as a result of politically unacceptable behaviour or connections.
8. As recorded in Fox (1989: 74):

The boundary stone has witnesses around it. There are six or twelve small rocks that are buried in the earth around the boundary stone. When boundaries are fixed, aside from the households concerned, there must also be present elders of the village, elders of the *bajrak*, and as many young people and children as possible from the villages of the district so that the boundary will be retained in memory. Every tract of land, whether field or meadow, garden or vineyard, small forest or copse, woodland or pasture or house grounds, village, *bajrak* or house, all are divided by boundaries.

9. Each son receives an equal portion of land. If a son had strong grounds for complaint against his father’s division, he could appeal to the headman and elders (the *pleqësia*). Possible causes of resentment include distance from a water source or presence of a public road on one’s land. (In the neighbouring province of Puka, the elders supervised the division themselves.) Usually, however, the disputes arose between brothers rather than between sons and fathers. Following division (*ndarje*), a father ceased to have rights over the land allocated to his sons.
10. ‘*E mira e përbashkët i paravehet damit të veçanët*’ (‘the common good is placed before private damage’) (Fox 1989: 81–82).
11. I was struck by the almost complete absence of wild flowers and birds in the early 1990s, and equally struck by their gradual reappearance four or five years later.
12. The Myzeqea refers to the extensive central Albanian plain.
13. Harold Lemel (no date: p 18) shows that ‘districts and komunas in which villagers received a mix of ancestral and other land appear to have the most serious conflicts’.
14. The headman of Grykë Orosh demolished a ‘foreign’ house on his land, forcing the owners to camp with cousins until they had finished building their new house in Laç.
15. The coexistence of customary and state law raises problems not only in relation to land disputes but also in the resolution of blood feuds. The victim’s family rarely considers imprisonment a *quid pro quo* in the case of a blood feud murder.
16. As cited in Lemel (1998) from Pata and Osmani (1994).
17. Statistics e-mailed to me in 2003 by the general director of the General Directorate for Forestry and Pasture in Tirana.
18. Saltmarshe (2001: 81) provides a diagram of the tiers of government from which one can see at the lowest level the village that is accountable to the *komuna*. The *komuna* is accountable to the district/*rrreth*, which is accountable both to the prefecture and to the Ministry for Local Government (within the interior ministry). The prefecture is accountable to the interior ministry and to the prime minister.

19. This is the procedure as outlined in 2003 by the general director for forestry and pasture. The law is the result of a joint decision by the Ministry for Agriculture and Food and the Ministry for Local Government.
20. There are regional variations such that in some areas villagers should check first with the headman before felling in the common forest, while elsewhere this is not a requirement.
21. Collecting firewood and branches for fodder is women’s work.
22. For the most part these squatters come from mountain areas that are too steep and isolated to offer any prospects of survival now that the Communist sources of income—mainly mines—have ceased to exist.
23. Harold Lemel’s (no date: 18) study was carried out in different areas from my study and with a different aim, but confirms my findings. Lemel shows that ‘insecurity is lowest among those whose entire landholding portfolio consists of ancestral land’.
24. Lemel (no date: 16) writes that ‘land distributed by the government could just as easily be taken away if the law or a change in government brought to power a regime bent on changing the property status quo’. He adds:

Insecurity is especially acute for land held in ownership that derived from ex-state farms; insecurity was expressed for 52% of parcels belonging to such holdings, compared to only 9% for owned parcels deriving from ex-coop land. The main reason given for insecurity was that the land law could change; the other reason given was that ‘the land is not mine’. (p.19)

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