

## Improved decentralised CFP area management and secured property/user rights



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## Improved decentralised CFP area management and secured property/user rights

### Impacts and Lessons from Albania

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#### Acronyms

PES	Payment Environmental Service
FPUA	Forest and Pasture Users' Association
IPRO	Immovable Property Registration Office
LCB	Local Capacity Builder
LGU	Local Government Unit
Mgt	Management
GPS	Global Positioning System
GIS	Geographic Information Systems

## 1. Introduction

### 1.1 Rationale (project background, importance of this study)

For centuries people have depended on their close environments to secure their living. In Albania most people live in rural areas which are mountainous depending thus on forest, land and pasture resources to live and prosper. In order to benefit from the resources people need to have the authority to manage and use the resources. One way the authority is shown is by being able to prove that you are the owner of the property. To do so the property needs to be registered to the Immovable Property Registration Office (IPRO) and a certificate is issued which gives people the authority to use, the freedom to manage these properties to their best interest. Forests and pastures have undergone radical changes in different periods in Albania's history. Part of current situation and the recent changes are that forest and pastures are transferred to LGUs. Due to the territorial and administrative reform of June 2015, Government decided to transfer all forest and pasture areas into the ownership of newly created local government units i.e. 61 municipalities (instead of the 375 that Albania had before June 2015). This is considered an important step towards decentralized natural resources management, local economic development, improving the environment, and finalization of the transfer process, as 60% of these areas were transferred since 2008.

Current sector challenges include among others recognition of traditional users and their associations; registration of all forest and pasture land. Property issues, decentralization, clarity on roles and responsibilities, capacities for sustainable management of forests and pastures are very important to be dealt with. That is why this study is important to show interested people what is done, how it can be done and what are the benefits of doing so.

Discussing about spatial conflicts, one can of course do not escape from the policy of spatial territorial itself. It is clear that local organizations and local people have claims to the natural resources, but the practice shows less attention by the Government for their claims. And the reality has proven that the institutions related to natural resources are unable to control properly natural resources without community involvement (the fact of illegal cutting in Albanian forests). Any statement made to assure the community right for its forestland is not heard or seen seriously as long as it doesn't have knowledge about its own territorial spatial.

The policies for decentralization and privatization have not been precise and quite incomplete for forests and pastures.

## 1.2 Aim of the study

This paper tells one of the four stories on the project's impacts and lessons learnt of the project on Forest for Local Economic Development in Albania from July 2014 – December 2018. It provides insights in the concepts, project activities, the outcomes and impacts, the challenges and opportunities. The stories are related to the five result areas of the project and function as a background document for learning and further use, capturing the results and experiences. The other stories include: 1) Structure and functioning of the communal forestry organisations; FPUA and their regional and national Federations 2) Value chain development for forest products and the related associations and producer groups 3) Sustainable Forest Management and practices within communal forestry.

This study aims at providing clear information on property transfer process, steps followed to register the transferred property, securing users 'rights and its benefits.

## 2. Background

### 2.1 Communal/municipality Forestry background

The term communal forestry started to be used in 1992 when everything in Albania changed including forests and pastures management. After communism and the centralised economy it was time for decentralisation and giving people back what was taken from them though the Agrarian reform of 1945. When the communal forestry process started no one knew exactly what to do or expect from communal forestry, neither the government (central or local) nor the rural communities. The period after '90 was associated with serious damages and destructions of everything in general and forests in particular. With no other economic opportunities people turned to the natural resources close to their residing areas to secure their living. Were there enough forest resources to use? Were local people trained or informed on how much and how to harvest? Did people know about sustainable management? Did the Local Government Units (LGU) know the importance of the property they received, and most importantly were they ready and equipped with human and financial resources to manage this property? Unfortunately the only resounding answer to all these questions is NO!

Agriculture and forestry are two important components on land use development in rural areas and closely linked with each other during the history of human society development. In reality, the villagers are those that manage at the same time agriculture and forestry. Along with fuel wood and timber, forest and pasture areas are used for grazing livestock and providing fodder for them, which has

a positive impact over the rural family incomes. Social problems on rural areas have continuous impact on the forests, and pastures.

Significant achievements have been with the transferring process of forest and pasture areas to LGUs ownership. Particularly in remote mountainous zones, the support through ownership changes of forests and pastures can be a way for improving livelihoods of people in such areas.

During previous years after the communist regime collapsed in Albania people continued to cut down the trees improperly, thinking that State forest was property of nobody. The bad situation in forestry obliged the Government to design and implement new policies. Inside the legal framework of the new policies, these forest areas started to be developed where community had to be involved in forest management for the village forests. The forests were given in use of the villagers but there were not clear property rights provided to them, which would make the people to protect and to use properly their "property".

However, the village forests which before were completely degraded by overharvesting and/or overgrazing have started to grow up and change the shape since these areas are transferred to the LGU and communities. They are regenerating and the community has taken the responsibility for their protection considering it as 'their' forests. But since 1991 up to now the community does not have the real user rights. Even that the transferring of forest has made steps ahead they are still LGU property. Traditional borders exist but there is no legal demarcation and mapping of forest users areas. People often ask themselves: 'Why we can protect and take care of these forests when we do not feel the right of property?!' Users are not completely convinced on rights and obligations for communal forests and pastures because they do not possess yet the necessary legal rights and documentation.

The process of transferring from state to LGUs and further giving in use with regular long term contracts is evaluated positively by local government and villagers. It is not simply the transfer of a certain forest and pasture area to villages and families for their use, but a transfer of competencies and responsibilities from the central government to the local government and community (villagers the actual users).

## 2.2 Property registration

Through Decision of Council of Ministers No. 433 date 08.06.2016 all public forests and pastures areas that previously were owned by Ministry of Environment and

former communes are transferred in ownership of new municipalities (excluding protected areas and national parks that remain under MOE).

Therefore the registration of forests and pastures to IPROs is considered a powerful tool to reach the aim of this new reform and to make the process sustainable. Property rights on forests and pastures are important for legal and administrative actions that will lead toward economic development, improved livelihood going to end users agreement for sustainable management of these natural resources and environment in general. Being real owners gives the right to LGUs for further management improvements of natural resources and brings to the rural families more possibilities to increase their incomes. Through this process accountability and transparency of local government increases.

Regarding the already transferred forest and pastures it is important to show the new ownership. How could the LGUs show that they are the new owners? To recognise the LGU as the owners the next step was property registration and this could be done at IPRO. The goal of registration is to secure management rights with the three fold aim to: (i) facilitate and fulfil as best as possible needs of local people for timber, fuel wood, fodder, medicinal plants, non-wood products and other benefits the forests provide; (ii) protection of natural environment; and (iii) increase incomes at the local level.

After the fall of communism, the biggest problem relating to the community rights is that there is too much restriction for the community rights in these forest areas. It is caused by the overlap of the government regulations and legislations to the community right on the municipality forest. For instance, the forestry regulation embraces the community rights under full power of state. The legal right is not granted by state, so that to accommodate the rights, community requires claiming to the state their rights of the forest land. A long advocacy process is done and going on by forest users and they have won some minimal rights. At least until now it is not anymore state property but LGUs property.

### 2.3 User registration

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Forests were transferred to the LGUs, but in reality these forests were being used by families who proudly announced in their villages that this or that part was their forest as they had inherited by their ancestors. But... this is not legal. Farmers do not possess land titles to show that this was or is their property. In such circumstances there was the need to identify the forest users to issue users rights agreements so that local people can manage, use and benefit legally from their forests.

Another important goal of the user registration within the transferred forests in LGUs ownership must be the creation of trust to traditional users that the forest and pasture plots “belong” to them, as well as benefits derived from these resources, which should be reflected on official documents. The further goal should be their privatization according to defined conditions – when users ensure the protection and sustainable management of their forests and pastures, thus fulfil their needs with forest products and services, protect the environment and generate family incomes.

After the first preparatory study done in 2011 by CNVP it is concluded:

- In all villages, the farmers do not legally own the forest land they use.
- Inappropriate forest use, lack of the access and the lack of articulation between national forest policies and local forest users’ rights practices have led to serious conflicts over forest land tenure.
- There is no clear legislation for registration of forest users’ property in communal forest.
- There is a demand from community for demarcation/mapping of forestland to have adequate solutions of forest users through participatory process.
- Women are not presented in all activities as an important part of development process of natural resources.

### 3. User rights over forest and pasture resources

#### 3.1 History of user/property rights

Traditionally (before 1945), Albanian forest areas close to villages either have been used in common “village forest” or divided among families and group families “family forest” for fulfilment of their needs for wood, grazing and fodder. However, this changed during a period of agrarian reform where all forests and pastures were centralised to be owned by the State. During this period most of these forests were over exploited and degraded .After 1990 a further transition from a centralized system to free market economy took place focusing on the transfer and the usufruct of state forests and pastures to communities. This transfer process was supported under the Albania Forestry Project followed by the Natural Resources Development Project and Payment for Environmental Service Project, funded by the World Bank and Swedish Government through Sida.

At the start of the communal forestry in Albania the first transfer to communal forest was done in 10 year management plans with some rare identification of



the users (village, clan, individual). For this forest areas the communities were organised in Forest and Pasture Users' Associations (FPUA) responsible for the management, while the role of the LGU was limited. Then later the communal forest and pastures (up to 60% till 2008 and 100% of them in 2016 excluded national parks and protected areas) are transferred from State to LGU property by decision of the government. This was done by government decision but without actual registration of the LGU property in IPRO and without yet defining the user rights in contracts. The role of the LGU increased as owner; however the FPUA remains there for management of the resources. Interesting is that after the collapse of the communist system the forests near to the villages are gradually regenerating in general, while illegal logging started in the high forests (State forests) far from villages.

### 3.2 Description of the legal framework

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#### General part with legal changes

The 1992-1996 period is characterized by substantial changes on forestry legislation. Several laws were issued in this period: Law Nr.7623, dated 13.10.1992 "On forests and forest police"; Law No. 7722, dated 15.06.1993 "On protection of natural medicinal, oil-etheric and tanipher plants"; Law No. 7875, dated 23.11.1994 "On protection of wildlife and hunting"; Law No. 7917, dated 13.04.1995 "On pastures and meadows" and Law No. 9385, date 4.5.2005 "For forests and forestry service". These laws were followed by related bylaws. All these laws have dispositions for the management of state, communal and private forests and pastures. The forest law of 2005 is under revision, the process for designing a new forestry law started is under construction.

#### Legal background for the forest and pastures transfer from State to LGUs

The legal base for transferring of forest and pasture areas to LGUs is:

- Article 100 of Albanian constitution
- Law number 8744 date 22.02.2001 "For transferring of public immovable properties to local government units" article 2, 3 and 17, with its changes
- Law "For forests and forestry service" No. 9385, date 4.5.2005, with its changes
- Law number 139/2015 "For local self-government"
- Law number 33/2012 "For the registration of immovable property"
- Decision of Council of Ministers number 433 date 08.06.2016 "For the transfer of the ownership of municipalities of public forests and pastures, as per list of the inventory and that currently are under the administration of Environment of Ministry and communes/municipalities"

## Legal base for the LGU-user rights

The legal base for issuing user-rights contracts by the LGU to the user is:

1. Civil Code of Republic of Albania
2. Law number 139/2015 "For local self-government"
3. Law no. 9385 date 04.05.2005 "article 23 point 7, article 27 point 10 "On forests and forest service" changed
4. Law no. 7916 date 13.04.1995 "On meadows and pastures": changed
5. Law no. 7844, date 22.02.2001 "For the transfer of immovable public property from state to local government units"
6. Government Decision no 433 date 08.06.2016

### 4. Securing user rights: Process of registration and user right contracting

#### Registration of CFP areas in name of LGU at IPRO

##### (i) General situation

The decentralization process is considered as a key element for development of the country. Following the decentralization policies started in 2008 and followed by decision of government in 2016 the Albanian government transferred the ownership of forest and pasture areas to LGUs. This transfer is made through a Government Decision, which should be followed by the actual registration of the property in IPRO as owned now by LGU. Registration of the properties is still a real problem because even State forests and pastures are not registered. Thus it is not just a process of property registration through changing name of the owner in IPRO books, but the completion of all steps for preliminary registration is needed. Only private forest property was registered especially in the south of Albania the majority of private owners got their property rights in relatively small areas because they had legal documents dating before Second World War. To register these forest and pastures areas a separate process was needed. This process was considered difficult and to support LGUs a guide was prepared in 1999 by General Directory of Forests and Pastures but it was never applied. Moreover lots of rules were changed after this guide was announced.

There have been some sporadic cases of registration of small areas in the name of former communes, but going in registration for whole area transferred was not succeeded due to many reasons. First of all it is responsibility of LGUs but they were not aware of it. Moreover lack of expertise in their staff was one gap that for them was seen to be difficult to overtake. The procedures were very complicated and none of the institutions knew exactly how to implement it and

lastly the IPRO was not ready to take this up as a priority.

## (ii) Project activities/results

Knowing rules and regulations is very important. CNVP started therefore first to investigate how the procedures should be. This was done with involvement of experts and engaging all stakeholders. Workshops were organized in Kukes, Shkodra, Diber and Korça regions. In these workshops LGUs, IPRO, FPUAs, regional forest federations, regional councils and prefectures participated. The rules, regulations and ways to be followed were presented and discussed. It was an interactive process and all participants were involved. Awareness, transparency and accountability were key elements of activities.

The next step was to organise several common meetings between local IPRO and LGUs. From these meetings a clarification of criteria for property registration was done. Based on IPRO requirements a plan for commune registration was prepared. To speed up the process a training module on legal framework and requirements of IPRO is prepared and delivered through regional trainings to LGUs and other stakeholders. The whole process resulted in understanding on the technical aspects and steps needed for the registration.

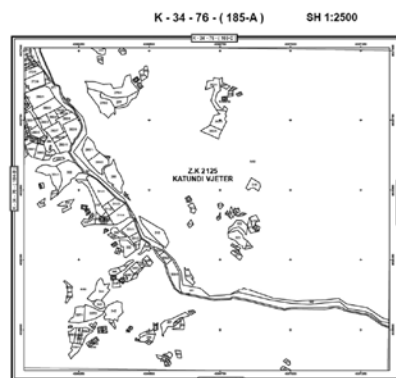
Forest maps produced until now are based on Albanian topographic maps and all these maps are printed in a scale 1:25.000. These maps contain irregularities and as such cannot be accepted by IPRO. The main encountered problems are:

a. Forest maps are designed taking in consideration the forest parcel as base for forest division. As border line in this case are used streams and configuration of terrain. This is not accepted by IPRO because they work on a scale 1:2500 and streams, roads, irrigation channels etc. have to be separated as other property while this is not reflected in forest maps (see examples of maps).

**Forestry map**



**IPRO map**



- b. Forest and pasture maps overlap with agriculture land.
- c. Forest maps are not prepared based on ortho-photos and this contradicts with Decision of Council of Ministers no. 332, date 12.03.2008.

I PRO requests to be fulfilled are:

- Decision of Councils of Ministers for transferring of forests and pastures to LGUs
- Maps prepared as for the standards of I PRO to overcome the problems as stated above
- Documents accompanying the application

LGU applies for registration to I PRO. The needed documents are:

- Official paper of LGU for application to I PRO (see application example)
- If the documents are not sent by Mayor an authorization for commune staff from her/his side is needed
- Printed maps and book of parcels
- All the materials in electronic version maps in Autocad and GIS
- Decision of Council of Ministers for the areas to be registered accompanied with forest maps as the attachment of this decision

The results achieved are:

- The project supported directly the registration process to I PRO in 15 pilot administrative units and as the result of dissemination and sharing of learnings this process is supported by ESP project financed by World Bank and Sida.
- A clear process and steps for registration with new experience was gained and shared.
- Accurate forest maps produced. All irregularities corrected as per standards of I PRO.
- LGUs got accurate documents not just for forests and pastures but even for other properties linked with natural resources.
- Digital maps are produced and it is possible to link other database with these maps.

- LGUs that completed the registered of their forest and pasture areas have the right for further transactions like, giving in use to traditional users, contracting for business etc.

### (iii) Challenges and opportunities

The following challenges and opportunities were identified in the process:

Challenges	Opportunities
There are mistakes in the decision of the government related to transfer process	Revising Council of Minister Decision and continue further transfer of communal forest and pastures.
Lack of LGU interest to get ownership rights for very degraded forest areas transferred	Awareness needed explaining the benefits from this process. Getting ownership rights is a key for further development in these poor rural areas. LGUs can prepare and address projects for their development and can get support. LGUs have to take care for their forest and pasture areas and they have the right to collect fees and tariffs for the property they got. From this property LGUs can create re-investment funds and contribute to sustainable management of these natural resources.
Lack of capacities in LGU	Training to LGU staff, establish contacts with responsible stakeholders, sharing information and visit, learn from communes that completed it. Also expertise on mapping software is needed (like GIS, AutoCad etc.).
Lack of close collaboration with IPRO	Close collaboration with IPRO is very important and all parties involved in this process have to work in a transparent and professional manner. Clarification on the steps and tasks all need to take, awareness to IPRO local offices.

Challenges	Opportunities
Although property registration started to go in a good direction for some municipalities still there are uncertainties on the roles and responsibilities of main stakeholders.	Clarification of roles and responsibilities and consensus building through meetings, experience sharing and coaching.
Inaccuracy of forestry maps	Preparation of forestry maps as it is requested by IPRO is possible especially using GIS software. This is a technical problem that can be solved by experts. Proper information has to be secured by IPRO and all of map irregularities have to be reflected in preparation of new maps.
Gathering of existing maps from different departments	A close collaboration among responsible stakeholders is the key to success. Quality checking of materials collected has to be done by qualified experts. Scanning of maps etc. has to be done by companies or institutions that are capable and have legal certification for this activity.
Lack of expertise within LGU in digitalization of existing maps and preparation of new maps	Qualified experts and/or licensed private companies can do it.
Cost of maps printing and book of parcels	This issue can be solved in different ways like planning in the LGUs budget, cost sharing with any possible donor and bidding for cheapest printing.

Registration of forests and pasture to IPRO is an on-going process. Even in the areas transferred to administrative units there are mistakes and in some cases it takes time to correct them and some of them are not just technical but social problems. But this process is crucial for enabling LGUs to use in sustainable way these natural resources and to improve their livelihood.

There are two important steps:

1. Registration of forests and pastures to IPRO. If this process is not done the municipality does not have the legal rights on these properties.
2. User identification and user contacting is the second step to be followed. This second step is explained in the next part.



## 4.2 Participatory mapping and identification of users

Besides the property registration the next step is needed, namely issuing user certificates/contracts.

### (i) General situation

The objective of participatory mapping is to enable communities to carry out the interpretation of their forest land into maps. During this process, they together determine their forest land use, goals and strategies of management through a participatory process. Involving local community with their experience improves the accuracy and precision of obtained data. Participatory mapping has further contributed to:

- Users identify and agree among them on the forest and pasture areas that traditionally are used by them;
- Strengthen relations within the community which enhances their interest in collective action in forest and pasture areas;
- Improves forest management, land-use and planning through the awareness of the forest users for their forestland rights;
- Broadened participation of local people in decision making and capacity development for forestland demarcation; and
- Supported forest land dispute resolution or conflict resolution.



Farmers engaged in participatory mapping

### (ii) Project activities/results

A special methodology is prepared and applied for participatory mapping in forestry aiming at user right identification. The process is done through participation of the community and as such the following actions are taken:

- Participation of community in the whole process of participatory mapping;
- Involvement of women as owners/users and neighbours as well;
- Raising capacities of the community to collaborate together to address

common interests in forests and pastures;

- Demarcation of forest users parcels;
- Creating digital maps of village boundaries and forest users parcels;
- Field forms created for each forest user to record information for each parcel;
- Set up of a database jointly with forest users in which all the information gathered will be stored; and
- Using up-to-date technology in participatory mapping (GPS software and GIS).

Gender equity is respected in the whole process. In the field formats and other documents women are put as co-users and when it was possible they were contract signers. Field formats of boundary demarcation are accompanied with co-user format signed by the commission and stamped by head of the village. This is done per each plot identified in the field.

Main and direct partners were:

- Community of target villages
- LGU with its staff
- FPUAs
- Village commissions of target villages
- Regional federations

The steps needed to make the user contracts:

- The registration process of LGU forest and pastures in the IPRO much be completed and contracts signed
- Field formats filled per each user and plot
- A data base set up
- Digital polygons and maps are produced
- Set of documents user contracts to be signed are prepared. This set contains: Declaration of the user, user request, contract LGU – traditional user, map of plots given in use, field format for border demarcation in the field, co-user format, ortho-photo of the area with polygon of plot on it, polygon of plot and sub-parcel description
- Municipality Council authorizes the Mayor to sign the contract with traditional users based on the documents. Documents prepared as per the standards are signed by commune Mayor





Till 2016 in 4 pilot villages in 4 administrative units 47 contracts are signed with traditional users out of which 2 are with women. 363 other users in 9 villages of 9 pilot administrative units are in this process. After that the government stopped the process and legal base changed and the process is pending.

**(iii) Challenges and opportunities**

Issuing user contracts between LGUs and traditional users was a challenge because it is the first time that registered in IRPO former communal forests are given in use to farmers with a contract accompanied by a set of legal and technical documents. All the documents are prepared in consultation with relevant stakeholders.

Challenges	Opportunities
Un-clarity on this process	It is important to set out clear rules for all stakeholders involved in the process to obtain long term user contracts for forests
Border demarcation using GPS device needs knowledge and skills on mapping. Polygons taken have to be exported in ortho-photos because farmers can than see their territory visually. Transparency is needed in every step of this process. Sometimes new technology can confuse people and for that using visual tool is appreciated.	There are several ways to assure sufficient capacity on mapping and give transparency. Making use of a trained core group members who are capable in using GPS, preparing maps and showing location of plots on ortho-photos appeared to be working well. Trainings and field exercises can help to pass this gap.
Inaccurate description of parcels in forest management plan.	Forest management plan needs to be updated especially for parts to be given in use. Increase capacities of LGU staff through trainings and cooperate jointly with forest experts in the process.
Difficulties of forests and pastures users to understand some technical terms.	Basic strategy of forest management has to be discussed with farmers taking in consideration their needs and capacities of the forest/pasture area they traditionally use. Illustrative charts or any other simple understandable tool is required to show how sustainable forest management (farmer forest) practices work.

In the above part the overall process is explained. In the following parts further details can be found on forest management plan, mapping and contracts process.

## 4.3 Forest management planning based on CFP management plans

### (i) General situation

In many cases no participation of community is ensured during designing the forest and pasture management plan and not always have been considered the traditions on forest and pasture use. Excluding them from this activity creates confusion and makes management plans not so effective. In the process of making the user contracts it is important to have an accurate forest (sub) parcel description. The description of forest users parcel needs a real input from the people that traditionally use these areas.

### (ii) Project activities/results

After the mapping process discussions are made with forest users. These discussions have as aim to improve/update sub-parcel description of the forest area in the lens of the community as traditional users. Being in the forest with them is a perfect way to discuss and reflect their needs and how the forest can meet these needs. For the majority of users technical terms used in forest management plans are not understandable and to avoid this, simple charts are used. By showing these charts they can visualize their needs and sustainable development of their forests in future not just for 10 years but for a longer time.

For each of their forest areas a detailed description is made. During this step all technical rules are respected and in the same time all concerns of the community are reflected.

Using simple tools at the same time it raises the awareness of the community on proper management of their forests. From calculation of yearly increment they can see that the value of their forest increases higher than the money they can deposit in a bank account and what is more important they feel ownership of the process. Participatory mapping and their involvement in description of their forest areas is a good step to forest sustainable management



Picture of format of sub-parcel description

Another activity in the process was establishing of some models of forest management. Forest models (support establishment & maintenance of demonstration sites & sample plots for family forests) is a tool used to demonstrate success stories. For this some permanent plots are set up. The aim of permanent plot – learning from the forest:

- To get more knowledge about the current increment
- To observe on a concrete example the development of the forest
- To give users/owners the possibility to see growth of the forest by themselves
- To improve awareness that interventions improve growth and quality
- To provide users with more knowledge about reactions of the forests after interventions
- To encourage users to use the forest in an optimal sustainable way by employing silvicultural methods adapted to their needs and the needs of the site and stand

These plots have at the beginning not a statistical use, but can provide this when maintained over a longer period of time.

### **(iii) Challenges and opportunities**

There are some problems with the accuracy of forest management plans. Often wrong data can be found in the plans on specific descriptions. Investigation in the field is needed. It requires special trainings of forestry staff in LGUs to increase their capacities enabling them to correct mistakes.

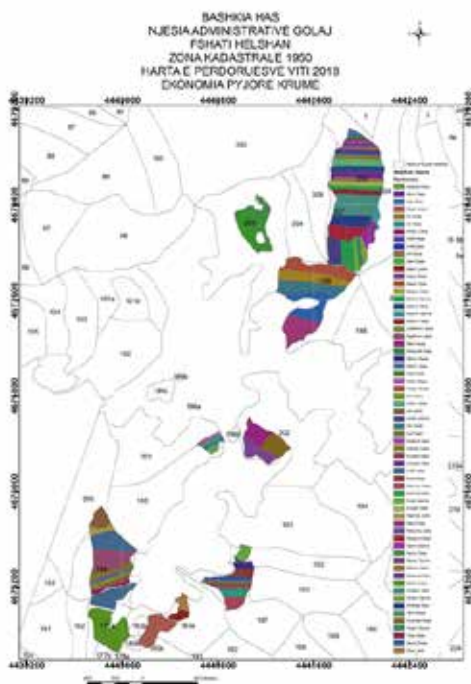
FPUAs can help users in description of their plots, getting info on current situation of their forests and through their forest technicians can advise users in monitoring of their forest intervention.

## 4.4 Preparing and issuing user right contracts and maps

### (i) General situation

It was actually possible to have user contracts before. User contracts were legally possible to be provided also in the earlier communal forests when it was still State property. However this was never tried or followed through, partly there was not sufficient willingness to support this but as well due to the complicated bureaucratic process and un-clarity on the process with IPRO and the lack of capacity at IPRO. To overcome the project of Sida-CNVP started trying this.

Legally this process is linked with registration of communal forests and pastures to IPRO. At the beginning of the project there were 0 user contracts, now there are almost 50 signed and close to 363 user contracts in process.



### (ii) Project activities/results

Signing of the contract with LGU - user gives to farmers more power on sustainable management of their forests/pastures. Focus of the activities was:

- To organize meetings with LGU, village leaders and community where details of the project and its origin are explained including other experiences, along with the foreseen development activities and expected outputs.
- To establish the commission of 5-8 people (one or two village leaders, the forest land owner representative, two or three people owning adjoining land, and two witnesses. These commissions must be trained to use Geographic
- Positioning System (GPS) equipment as well as participatory mapping and land surveying techniques.

The main tasks of this group were:

- Lead the whole process
- Collect information on forest land use in the administrative unit
- Identify interested community for forest use contracts

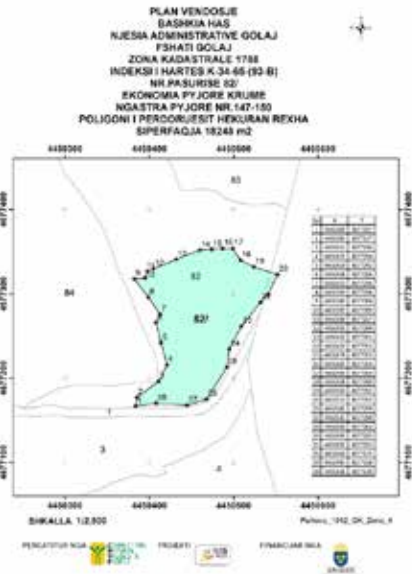
- Collect primary and secondary information on natural resources
- Collect information on socio-economic data
- Select the stakeholders
- Preparation of a set of documents needed for contracts between LGU and traditional users
- Signing of the contracts



### User map

Contracts are made between the LGU and user but these are not (yet) registered at IPRO, due to the lack of capacity and fee rate of IPRO. The fees of IPRO are considered by users very high and they cannot pay at once the whole amount. This would be a future step.

Contract designing was another topic. No good format of contracts existed and thus the contract designation had to be developed in a multi-stakeholder process. The base for all contracts is Albanian Civil Code.



LGU forests and pastures are used by three main parties that have a good collaboration among them: individual users, clan users, and the village as the user. Each of these users should have a separate contract of giving in use depending on who is obtaining the user rights. The period of giving in use is possible till 99 years as it is described in Civil Code. The Ministry of Agriculture gave in use to individual farmers for 99 years areas of olives trees.



### (iii) Challenges and opportunities

Challenges	Opportunities
Farmers want to get in ownership their forest and pasture areas they traditionally use	Giving in use for a long time allows farmers to profit from these areas they use
Preparation of documents for contract signing needs some expertise	Close collaboration of LGU staff, FPUA, regional federation contributes to solve it in proper manner
High cost for registration of the user contract to IPRO	Lobbying activities to change fees of contract registration are needed

## 5. Roles and capacities of actors in securing user rights

While implementing the project we have come across the following actors and some of the roles they have played practically in the field:

LGU, as the owner, is responsible for the registration and need therefore capacity on mapping and cadastre.



There should be LGU staff in charge of administration of forestry and pastures areas.

FPUA play a crucial role. All rural families that traditionally use forests and pasture areas are part of the FPUA. Presence of FPUA's forest technicians is a strong support to advice farmers on their forests and issues. Through the FPUA gives good representation of farmers and their concerns to LGU and other responsible stakeholders. FPUA as a user member organization is working for a proper management of these areas and delivering services to the community. Village commission are part of FPUA supports activities in village level and should be used in the process. Different situations can be found on the capacity and quality of organisation of FPUAs. They need a strong support to increase their

capacities.

IPRO is the final door for the completion of the registration process. Being a self-financed institution it is eager to explore possibilities for increasing legal transactions that they offer. Till now forest user contracts are not registered. It is a new process and IPROs are not giving any additional explanation for registration of the contracts. Moreover this office is suffering from lack of new technologies and their staff still is working mainly in hard copy. That means that even when a user can register the user contract s/he does not have any on line access the property registration.

Regional Forest Federation present interests of FPUAs and support them to overcome difficulties. They provide services to members such as capacity building and offering support and extension services to FPUAs and users using special expertise.

However the roles and responsibilities of the main actors are:

#### **LGU/Commune**

- The LGU council may make a decision to grant parcels of forestry economy for usufruct purposes to villages or farming households.
- To consult the decision with the residents of the corresponding LGU by keeping in store sufficient surface areas of the forest to meet the needs of other residents.
- To grant forest and pasture areas for usufruct purposes based on the contract concluded between the individual or legal entity.
- To authorize performing of activities set forth in annual utilisation plan.
- To support LGU staff in the registration of the property.
- To issue contracts LGU-user.
- To prepare certificates with the user rights.

#### **Forestry Service of municipalities (now in consolidation of their structure)**

- To prepare the annual utilization plan
- To check if the submitted draft plan conflicts with one of the binding rules, it shall notify in writing the corresponding prefect.
- Forestry Inspectorate shall conduct permanent checks to ensure enforcement of effective legislation on forests.
- Monitors and controls works in the forest and pastures, carried out by the FPUAs, users and owners. According to the plans and regulations.
- Raising awareness in the community for the protection and development of forests and pastures in collaboration with local structures.

**Comment:** This needs revision due to re-organisation of this institution ongoing by the Ministry.

## **FPUA**

- Villages or the households shall hereby be liable to carry out forest annual rehabilitation works and meet their needs.
- Villages and the households, which shall not obtain any forest and pasture areas for usufruct purposes, shall therefore meet their needs by means of the municipality forest parcels.
- To facilitate the LGUs staff in the implementation and reviewing of MP in order to reflect local needs.
- To protect users' rights by supporting economic utilisation of forests

## **Federation**

- To increase the collaboration among its member associations.
- To raise awareness in the community for the necessity of protection and rational use of forest and pasture areas.
- To play their role on service provision (capacity building and technical services) on the interest of FPUA, users and LGUs.
- To play the opposition role for all the activities undertaken by state or private entities which have to do with protection and use of forest and pasture areas.
- To set up working groups which control the implementation of the activities in the forests and pastures carried out by its members.
- To contact with different analogue organizations and organisms, national and international.

## **Regional Council (Qark)**

- Offering of legal expertise.
- Facilitate conflict management.
- Create awareness about the legal issues.

## **IPRO**

- To inform on new changes of rules and regulations.
- To respect time frame on preliminary registration of forests and pastures.
- To notify LGUs when registration process is complete.
- To offer property information and/or documents to LGUs on their properties
- as per the law requests.

## **6. Project impact: Securing user rights in and beyond pilot villages**

Our project approach of multi-stakeholder process and sharing and learning at regional level involving Federations, IPRO, FPUAs and LGUs contributed to complete registration of forests and pastures.

Also our approach to support Federations as Local Capacity Builder (LCB) helped in this. In their role as LCB there were explaining their member FPUAs/LGUs on the process and spreading the knowledge and experience.



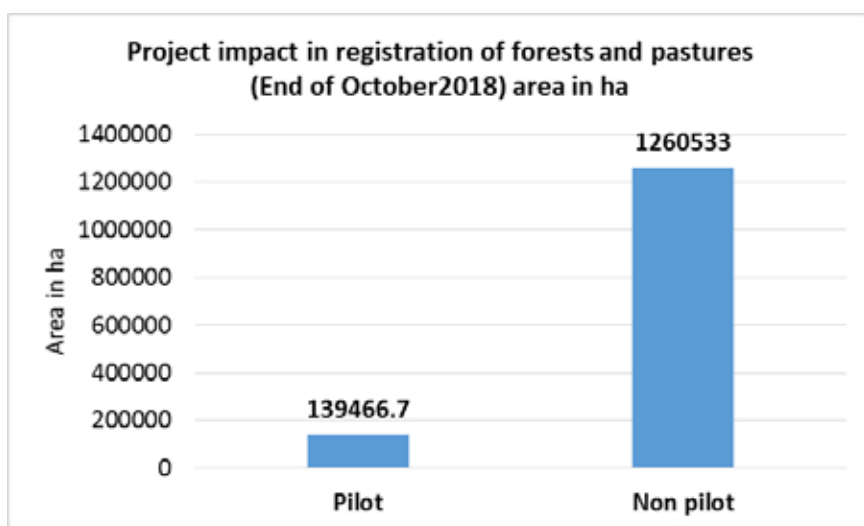
While our support to IPRO helped that other IPRO offices were understanding and willing to support the process for others, even at times with difficulty (asking payments).

From the project 15 pilot administrative units were involved in the project activities. As the result of our approach this process is spread out all over the country. Approximately 10% of communal forests in Albania are registered and this is the main impact of the project in property registration. Non pilot regions were involved in this process and this happened due to the project.

This process started since in 2012 and the following FLED figures are achieved till end of October 2018:

#	Municipality	Administrative Unit (ex-commune)	Area tranferred (ha)	Area registered (ha)	Area in registration process (ha)	# of cadastral zones involved
1	Pustec	Pustec	4366	4366	0	9
2	Pogradec	Bucimas	2305	773	1532	6
3	Pogradec	Dardhas	3155	292	2863	9
4	Korce	Vithkuq	13781	12169	1612	14
5	Permet	Petran	6411	3682	2729	14
6	Dropull	Dropull sip.	6906	6080	826	18
7	Tepelene	QenderTepelene	14343	13406	937	14
8	Berat	Rroshnik	3500		3500	13
9	Gjirokaster	Picar	6259	6138	121	5
10	Elbasan	Gjinar	2717	2717	0	13
11	Librazhd	Orenje	3967	3967	0	10
12	Librazhd	Librazhd Qender	4633		4633	11
13	Prrenjas	Qukes	5084		5084	10
14	Rrogozhine	Sinaballaj	1100		1100	6
15	Kruje	Nikel	838		838	9
16	Hasi	Golaj	12638	10483	2155	11
17	Hasi	Fajza	4115.8	3468	647.8	6
18	Tropoje	Bujan	1137.9	1137.9	0	8

#	Municipality	Administrative Unit (ex-commune)	Area tranferred (ha)	Area registered (ha)	Area in registration process (ha)	# of cadastral zones involved
19	Miredite	Rubuik	6657	6657	0	10
20	Mat	Ulez	5058	3000	2058	5
21	Bulqize	Zerqan	4494	4494	0	12
22	Diber	Melan	4497	3897	600	12
23	Diber	Sillove	3587		3587	10
24	Malesi e madhe	Shkrel	4184		4184	4
25	Shkoder	Shllak	2740		2740	6
26	Shkoder	Shale	10255		10255	12
27	Lezhe	Zejmen	738		738	3
<b>SHUMA</b>			<b>139466.7</b>	<b>86726.9</b>	<b>52739.8</b>	<b>260</b>



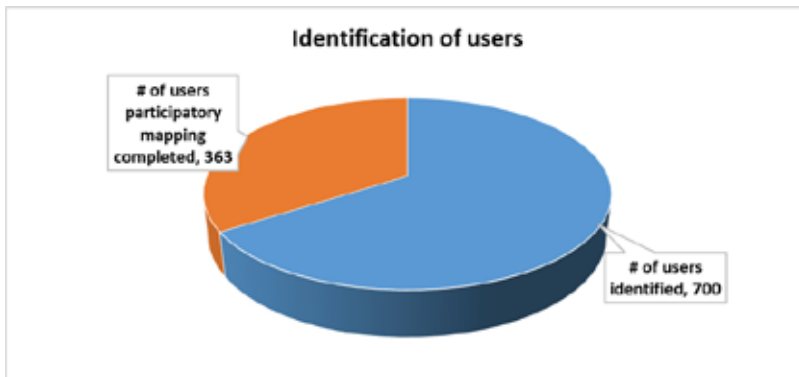
An additional all the rest of Albanian parts are under registration process financed by ESP project. Documents are accepted but the verification process seems to be longer than it should be.

The forest registration process is clear and feasible. The project created the model and it is under implementation to other LGUs.

It is the first time in Albania that user identification is spread in such scale and as the result of the project for the first time user contracts between the users and LGUs are signed. Experience is shared and non-pilot regions started to apply user identification and contracts of giving in use.

Details can be found in the following table:

#	Region	# contracts signed (user-LGU)
1	Kukes	27
2	Diber	15
3	Gjirokaster	3
4	Lezha	2
Total		47



In the above figures all contracts are at individual household level. Currently no contracts are signed in village or clan level and this is a challenge for the coming period. The identification of users also includes the preparation of technical and legal documents for signing. The contracts between users and LGUs are in the process to be signed with many more users.

Due to the project a clear and accepted process and model is developed that is in use to provide user rights contracts to traditional users/owners.

## 7. Challenges and opportunities –What is next?

Process of registration started but needs to be completed for other municipalities that have not done this.

There are ex-commune forest areas registered to IPRO and taken back to the state ownership under protected areas. This situation is that in some LGUs that Decision of Council of Ministers has to be revised.

Users' right contracts need a huge work to do to complete all for all possible forests in Albania. From the experience on the users' rights contracts in a pilot village it takes time and lot of efforts. As it is clear from the process presented in this document doing this for a whole municipality will need support because it is a long term process. Spreading it all over the country needs increased capacity and new technologies, human and financial support.

It's not easy to apply at once the participatory mapping as a tool in the whole country. The understanding of strategic issues faced by the participatory mapping both internal and external is absolutely needed.

### Challenges

Participatory mapping as a mean of engagement for local people had its constraints during the implementation:

- a) As pilot mapped area is still difficult to affect to the change at once of the spatial policy in Albania
- b) The growth of participatory mapping in reaching the democracy of spatial is still hindered by technical rule and not yet strong enough to formulate in wide practical rule
- c) Participatory mapping as a new approach needs a well prepared team and such capacities are currently limited
- d) The existing forest users associations do not fully understand yet "the planned/managed spatial" through the participatory mapping
- e) The English language of GPS can create problems for forest users to use it. In this case CNVP or Federation will agree with community to help individuals in using it
- f) Development of participatory processes, awareness of users and continuous exchange of information needs financial support

## Opportunities

- Getting ownership rights is a key for further development in these poor rural areas. The issuing of user rights contracts to the 'traditional owner' is seen as a good step. Many farmers in other villages are interested for this process.
- Issuing contracts gives users more secure rights on the management of their resources. It provides access to apply for grants or loans because they have legal documents. This influences to improve their forest land, meet their needs and improve livelihood in these poor areas. Moreover in some areas farmers can profit from subsidy scheme of Agriculture Ministry for cultivation of nut crop trees.
- Decentralization is in the policy of government. LGUs should take care for their forest areas. Giving them in use to traditional users minimize cases of forest fire and reduce risk of erosion. Proper management of forests generates more income for farmers and the whole community.

## 8. Conclusions and recommendations

The process is feasible. It is started for both registration of forests and pastures to IPRO and user rights contracts. This needs to continue.

To push this process forward a continued support is needed and the process started, now it is needed to complete it as the whole.

Roles and responsibilities of actors in this process should be clarified. The project started to facilitate such activities but still much work has to be done. Especially in the light of the institutional changes at the Ministry and giving practice to the decentralised reality of forests and pastures.

Registration in LGUs ownership and user rights contracts would go smoothly if the system is improved and simplified the bureaucracy. Much can be gained on time and costs if from these first experiences the bureaucratic process is simplified and further digitalised.

Capacity building and training of leaders and specialists of the LGU, FPUA, Federations and other stakeholders for the transfer process, for competencies, role and responsibilities regarding registration process and user rights contracts is needed.

Conduct studies and analyses of results and experiences on transfer and user contracting of forests and pastures by specialists of the forest service, local government, FPUAs, Regional Forest Federations and other related stakeholders.



CNVP operates in the Balkan region. It focuses on natural resource management, forestry, agri-rural development and renewable energy, as well as the impact of climate change on the environment.

As a civil society organisation, CNVP acts as a facilitator to:

- Strengthen community capacity to achieve local development goals;
- Maximise the production and service potential of rural areas through sustainable and locally controlled natural resource management;
- Promote the use of natural resources to improve socio-economic development and rural livelihoods; and
- Conserve the bio-diversity of natural resources at a time of serious environmental and climate change.

#### Core Values

- **Green** - intervening to build a greener economic environment within the ongoing process of climate change
- **Clean** - promoting renewable energy and improved household/industrial waste management
- **Seen** - operating in the Balkans and the European Neighbourhood Space
- **Lean** - improving the efficiency of service delivery continuously and systematically
- **Committed** - working to achieve sustainable agri-rural and forestry development
- **Innovative** - incorporating new ideas into decision-making processes
- **Team** - sharing responsibility to achieve targeted results

#### Connecting Natural Values & People

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