

DEVELOPMENT AND CHALLENGES OF LAND ADMINISTRATION IN ALBANIA

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SUMMARY

In many countries the trend of setting up and modernizing of efficient land administration systems has expanded rapidly over the past few decades. Guidance for the national creation and development of land administration polices and related systems could be taken from several internationally respected documents produced by international organizations. Public sector and sectorial reforms in Albania are a continuous process which is closely associated with the process of European Union (EU) integration. They represent a demanding priority for all ministries and institutions involved.

Albania is on the way to successfully implement internationally recognized best practices in land administration. There is a need to develop a fit-for-purpose and sustainable land administration system within a short time frame and at an affordable cost. Hereinafter an overview of the status of land administration in Albania is presented, with an emphasis on the modern development and changing priorities of the national registration institution and the Government of Albania (GoA). Donor projects offer good support for the creation of modern land administration and management policies and systems. Some considerations and views of the author on the path to achieving a well-functioning and sustainable system are presented later in the article.

Key words: Albania, IPRO, land administration, land administration system, land policy, property registration

INTRODUCTION

In Central and Southeastern Europe and in many countries around the world, the trend of building and modernizing efficient land administration systems has expanded rapidly in the last couple of decades. There has been growing awareness and development of land registration and land administration

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systems, spatial data infrastructures, the sustainable management of natural resources and preservation of the environment due to the realization that these are all vital to local and global socio-economic progress. Challenges like boosting shared prosperity, global economic growth, reduction of poverty, energy security, health care, inclusive growth, climate change, disaster mitigation etc. must be effectively addressed with the aim of providing citizens and all members of society with a better quality of life. All these factors place an increasing pressure on land and natural resources. Land administration, the guarantee of ownership and security of tenure provide the basis for any policy and decision-making process within a nation, guided by the government's commitment and its financial support. Governments are facing the need to prioritize establishment and modernization of land administration functions and systems, and to facilitate easy use of data.

The obtaining of EU candidate status on June 24, 2014 marks an important achievement of the GoA which paves the way to acquiring full EU membership. In the last few years Albania has significantly improved the set-up and functioning of its land registration system, which is further supported by reforms, plans for electronic registration system upgrade, data completion, and data quality improvement activities. Several projects with external funding and donations have been carried out in the last 20 years. They made a considerable contribution to the renaissance of overall land and property development in the country.

FRAGMENTS OF INTERNATIONAL GUIDANCE IN LAND ADMINISTRATION

According to the UNECE definition (UNECE, 1996), land administration is the process of determining, recording and disseminating information about the ownership, value, and use of land when implementing land policies. Land is defined as the surface of the Earth, the materials beneath, the air above and all things fixed to the soil. Following Rajabifard (2007), the land administration system provides a basic foundation for the spatial enablement of a society and is considered to include land registration, cadastral surveying and mapping, fiscal, legal and multi-purpose cadastres and land information systems. Land administration system should be affordable and open to everyone, meeting the needs of all its users, and must be sustainable (UNECE, 2005).

Land administration services strongly relate to the areas of responsibility of many ministries and government organizations. All too often there have been

poor channels of communication and limited cooperation between different ministries. Rarely do governments have an integrated policy with regard to land or the land information management. Each ministry often makes up its own rules while co-operation between authorities depends more on personalities than on policies. The main reasons for the lack of strong cooperation and co-ordination are common to almost every country. This leads to inefficient governance and creates additional expense and delays in implementing projects, adversely affecting the land market and inconveniencing customers. Land administration should ideally be under the supervision of a single authority that acts as the lead agency. Such an arrangement will guarantee the best possible coordination between the various parts of the whole process and provide the necessary framework for establishing a unified land information system and service (UNECE, 2005).

As discovered already by Steudler, Rajabifard and Williamson (2004), and Halrup and Stubkjaer (2012) there is still no internationally recognized methodology to assess and compare the effectiveness of land administration systems. Instead, some studies and research works describing the situation in land and property related systems with a few simple indicators and analyzes are available for the purpose of internal or external benchmarking (Lipej, 2015).

The successes and failures of land administration reforms are almost entirely attributable to the quality of the management and the caliber of the people responsible for the systems. Even in an electronic age it is the human element that determines whether reforms are successful or not. Significant effort and resources must be invested in building and maintaining the capacity of people to manage the land administration systems (UNECE, 2005).

The newly developed concept of “fit-for-purpose” by the FIG and the World Bank (FIG, World Bank, 2014) indicates that land administration should be designed to meet the needs of people and their relationship to land, to support security of tenure for all and to sustainably manage land use and natural resources. This perspective calls for a flexible and pragmatic approach rather than requirements imposed through rigid regulations, demands for spatial accuracy and systems that may be unsustainable in less developed countries that depend on donor funding.

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, endorsed in 2012, provide an excellent framework for the state development of their own strategies, policies,

legislation, programs and activities and promote responsible governance of tenure with respect to all forms of tenure: public, private, communal, indigenous, customary, and informal (FAO, 2012).

NATIONAL STRATEGIC GUIDANCE REFERRING TO LAND ADMINISTRATION FIELD OF OPERATIONS

The GoA has prepared a draft National Strategy for Development and Integration (NSDI) for the period 2014-2020 (CoM, 2013). The NSDI provides the strategic framework for all sector and cross-sector strategies and forms, the backbone of the Integrated Planning System – it links the budget to national strategic priorities and goals in a single strategic planning process. The NSDI represents the perspective of sustainable economic and social development, integration into the EU and NATO structures, as well as the achievement of the Millennium Development Goals. The vision for 2020 is to create wealth and well-being for a European Albania. Strategic goals to achieve strong, sustained and environmentally-friendly growth include among others, good governance and the rule of law along with securing property rights. Reforms will aim at safeguarding property rights and eliminating legal uncertainty as key prerequisites for development as well as attracting foreign investment and achieving EU integration. The aim over the NSDI period will be achieved through the following strategic goals, in brief:

- Adapting the legal framework to enable title registration, legalization, restitution and compensation to proceed quickly and efficiently;
- Completing national first registration and establishing a consolidated electronic public registry of immovable properties;
- Finishing the physical restitution of property where feasible;
- Creating a compensation scheme that is considered fair and consensual by all parties, and which is fiscally affordable; and
- Resolving the status of informal properties outside the legalization process.

For a competitive market economy there is a need to provide online services according to the one-stop-shop principle and to significantly improve customer services, reduce the registration time and improve transparency. Digitalization of the system is expected to further improve service delivery and transparency. The Immoveable Property Registration Office (IPRO) will play an important role in implementing the strategy.

The Cross-Cutting Strategy for Reform in the Field of Property Rights for the period 2012-2020 (GoA, 2012) established the following priorities: putting the process of restitution and compensation of properties finally on the right track toward a final solution; integrating the legalized informal dwellings and constructions; completion of the first registration of all immovable property, and digitalization of the (various) systems. The strategic aim of the reform is to complete the systematic first registration in 2016 and to set up the consolidated public electronic register of immovable property and to improve the IPRO's functionalities.

The management of property rights is a particular concern due to their importance for land and credit markets and their impact on the economy's performance. The World Bank is leading the reform process on property rights. Therefore, as understood, the area is not presented in the EU Indicative Strategy Paper which sets out the priorities for EU financial assistance for the period 2014-2020 to support Albania on its path to accession (European Commission, 2014). The strategy paper defines key areas where financial assistance is most useful for meeting the accession criteria. The main financial instrument to provide EU support to the beneficiaries in implementing reforms with a view to Union membership is called the Instrument for Pre-accession Assistance (IPA II).

The GoA is endeavoring to change the way public services are provided through a variety of interventions under a citizen-centric approach, which combats corruption, fosters a customer-care culture, enhances access, as well as increases efficiency in the Albanian public administration (World Bank, 2015a). Under the leadership of the Ministry of Innovation and Public Administration (MIPA), GoA is designing a reform to improve the manner and channels in which citizens receive public services. The GoA began a reform program of public service delivery entitled Innovation against Corruption in June 2014. The objectives in implementing these reforms are to reduce the scope for corruption, foster a citizen-focused ethos for provision of public services, and reduce the time of service delivery both for citizens and businesses. The proposed one-stop-shop Citizen Service Center (CSC) in Tirana, the regulatory reform, increasing the number of services provided online, process re-engineering, and automation are all key elements of this reform. As part of the reform, in October 2014, ADISA, the Agency for the Delivery of Integrated Services in Albania, was established to manage the centralized delivery of public services to the citizens. Its expanded mandate includes implementation of the separation of the front office from the back office in all central institutions. This process involves the overhaul of public service delivery with the establishment of service

delivery standards for the citizens and performance monitoring for service window clerks, based on customer-care principles. IPRO will again play an important role in implementing the CSC and these reforms.

Building an administration that is reliable and able to meet the challenges of national development and the priorities of EU membership continues to be an important priority. The draft Crosscutting Public Administration Reform (PAR) Strategy 2015-2020 takes the EU integration process requirements into account and provides the overall framework for the modernization and transformation of public administration institutions and practices in the country. The new draft strategy focuses not only on overall civil service development, but further addresses the need for the more effective delivery of public services to citizens and businesses towards increasing transparency and accountability and strengthening governance innovations (MIPA, 2014).

The administrative and territorial reform was adopted during 2014 by making some fundamental changes to the local government units. The number of local government units is being reduced from 373 to 61 and they will be organized into municipalities. New larger municipalities will be able to face the challenges of both economic development and service delivery to the public. The setup of the new municipalities was planned to take place following the local elections held on June 21, 2015 (Lipej, 2012-2015).

OVERVIEW OF LAND ADMINISTRATION IN ALBANIA

Property rights in post-communist Albania have gone through a dynamic process encompassing massive legislative and institutional changes. Albania has carried out land and property administration reforms since 1991 and substantial progress has been made in the ownership transfer and recognition of property rights. Land privatization, registration of ownership rights and land use planning have been incrementally addressed by the government (World Bank, 2007). During 1991-1994, the privatization programs and the transfer of ownership to new owners introduced 500,000 owners with around 3 million private properties for agricultural land, residences or commercial units (Government, 2012). In 1994, as a result of the Law no. 7843 On registration of immovable properties, 36 offices (35 local offices and one Central office) for registering properties were set up, administering 3,057 cadastral zones covering the entire territory of the country, and under the supervision of the Central office of the IPRO. IPRO as a public institution combined maps related to real estate and documents held by several

institutions, including the Kadastra offices for spatial planning and the Hipoteka offices for urban land (in operation before 2003).

Several programs relating to the systematic first registration of real estate have been carried out in the period 1994–2014, supported by national and international funding (Project Management Unit of the Ministry of Agriculture and Food/ USAID – United States Agency for International Development/ World Bank/ OSCE – Organization for Security and Cooperation in Europe). Systematic first registration began in rural areas in 1995, which was followed by urban areas. The first registration process is still under way. The Land Administration and Management Project (LAMP), which was supporting, among others, activities of systematic first registration, was finished in June 2014. As of October 31, 2014 357.383 properties were registered in the LAMP out of the target 400.000 (World Bank, 2014a). The remaining first registration works from the LAMP and the first registration of about 350 cadastral zones without any registration, are planned to be carried out by the IPRO and the private sector in the next few years. The first registration of forests and pastures is behind schedule. The majority of state and communal forests and pastures is not registered (in more than 2,000 cadastral zones forests and pastures were not registered in implemented projects the period 1994-2002). Forests and pastures were registered in more recent projects, as well as in LAMP. In addition, the Connecting Natural Values to People (CNVP) foundation is assisting communes in preparing materials for the registration of ownership rights (Lipej, Male, 2015). It is envisaged that communal forests and pastures in about 2,300 cadastral zones are to be registered in the Environmental Services Project (ESP) in the next five years (World Bank, 2014b).

The new Law on Immovable Property Registration (Law no. 33/2012) was enacted in 2012 (Official Gazette, 2012). It establishes principles for fast and effective registration procedures, permits the registration of properties constructed before 1991, establishes rules for improving and updating of data, transforms the IPRO into a self-financing institution (since April 1, 2013), and guarantees the information issued. The Law supports the IPRO to provide on-line services for customers, relying on the “one stop-shop” principle, to secure registration of real estate titles and to establish a portal for citizens requiring services for registration of real estate (Lipej, Male, 2015).

IPRO is a non-budgetary public legal entity under the authority of the Ministry of Justice. Its activity is based on the legal certainty, transparency,

lawfulness and registration priority principles and is focused on standardization of the real estate registry by connecting the ownership title of particular real estate with its geographical position. In that regard, the IPRO manages the property registration system, established for the registration of property titles and other property rights over the property, according to legal documents, which certify the ownership of property. The electronic property register was developed in the IPRO, and is nowadays called the ALBSReP (Albanian Sistemit Elektronik të Regjistrimit të Pasurive të Paluajtshme). The ALBSReP front office and back office were developed by the IPRO's in-house developers during the course of 2010/2011. The system allows management and archiving of documentation concerning the services provided, as well as the exploitation and the updating of documents that are finally registered. The system has a modern architecture, is ISO-compliant and delivers on-line services to notaries. The system is currently in the operation in all 35 local IPRO offices in the country since October 31, 2014 (World Bank, 2014a).

In the last few years, the IPRO and its local offices have gone through a significant institutional program of changes. In order to support new requirements and effectively manage the new organization a Strategic business plan for the period 2014-2018 was developed through a Sida (The Swedish International Development Cooperation Agency) Twinning project (World Bank, 2014a). Key highlights of the Strategic business plan include as presented below.

The IPRO mission statement: the IPRO registers immovable properties, ownership titles and other real rights, maintains and administers the register of properties, the cadastral maps and legal documentation, which proves the ownership rights of citizens, natural and legal persons in order to assure legal certainty in relation to actions concerning immovable property.

The IPRO vision for 2018: the IPRO as a self-funded and client-oriented organization administers and guarantees full, accurate, sustainable and up-to-date registration of immovable property information, and provides geospatial information and other related services. Products and services are provided with effectiveness and efficacy in a transparent and non-discriminatory manner. Through its products and services, in line with EU standards and best international practices, the IPRO contributes to the building and stability of the real estate market and therefore supports the social and economic development of Albania.

IPRO strategies include provision of standard qualitative data for all properties, improvement of client-oriented services, improvement of the management system and building of technical capacities of the staff, and extension of the scope of activities.

Key institutions functioning in Albania with regard to property titles (altogether, more than eight institutions deal with these issues) are: IPRO, Agency of Legalization, Urban Planning and Integration of Informal Zones/Buildings (ALUIZNI), and Albanian Property Restitution and Compensation Agency (PRCA or AKKP). These institutions cooperate mainly on formal bases and do not work sufficiently in a harmonized way. In the Ministry of Justice a Department for Coordinating Property Issues was set up following an Order of the Prime Minister at the end of 2011. The Department shall supervise and monitor the activities and propose recommendations for taking concrete measures (Government, 2012).

In Doing Business Report on Registering property for the year 2014, Albania was ranked in 118th place out of 189 economies worldwide. DTF score for registering property (0-100) was 60.67. The number of procedures for a property transaction was 6, the time needed was 22 days and the cost was 9.9 % of the property value (World Bank, IFC, 2014). Economies that rank well on the ease of registering a property tend to have simple procedures, effective administrative time limits, fixed registration fees, low transfer taxes and online registries. All of this is suggested to be the objective of the IPRO and the GoA in the near future (Lipej, Male, 2015).

ONGOING PROJECT ACTIVITIES IN THE LAND ADMINISTRATION FIELD

The ESP financed by the World Bank, Global Environment Facility and Swedish Government is carried out since early 2015. The project development objective is to support sustainable land management practices and increase communities' monetary and non-monetary benefits in targeted project areas which are mainly in erosion prone rural upland areas. The project will particularly focus on enhancing the financial, economic, and institutional sustainability of land use and natural resources management, and will help build capacities of Albania farmers, community organizations and GoA institutions to effectively use EU funding (World Bank, 2014b).

The majority of forests and pastures is not registered in the IPRO central electronic property register ALBSReP and therefore users cannot enjoy all the benefits of owned land and are not stimulated to maximize the forest's and pasture's potential. The registration of forests and pastures in the ESP

was originally planned to support those areas that were transferred from the state to the communes (for about 60% of forest and pasture areas represented in about 2.300 cadastral zones). With the implementation of the territorial and administrative reform dated 2014 the first registration should cover all public forests and pastures, communal and currently state-owned, except protected areas, which are expected to be transferred to the ownership of the newly formed 61 municipalities (Lipej, 2012-2015).

Currently supported by a one-year EU-financed grant, the Land Administration Data Improvement (LADI) program is ongoing. It is managed by senior staff of the World Bank. It is expected that LADI will develop a methodology and guidance for the IPRO on how to digitize, update, and improve the cadastre and registration information, data quality, mainly through the use of new orthophotos purchased by the GoA, and expected to be delivered in use gradually, by the end of 2015. It is also expected that technical processes will require some changes in legislation (World Bank, 2014a, Lipej, 2012-2015).

Late in August 2015, the World Bank Group Board of Executive Directors approved financing for the new Citizen-Centric Service Delivery Project which will aim to improve the efficiency of the delivery and access to administrative services in Albania. The project is aligned with the GoA's reform program of public service delivery Innovation against Corruption launched in June 2014. The core focus of the project is to improve predictability and convenience and reduce the time taken to access administrative services for all Albanian citizens. The project has three components: Back-end systems (business process reengineering of services, building new IT systems and automation of services); Front office interface (reforming front offices in existing agencies, improving citizen convenience with one-stop shops, improving the online delivery of services, implementing beneficiary feedback, and providing information on services); and Capacity to deliver (deliver improvements in services, including implementation of a communications strategy and campaign). The IPRO will be in the heart of the institutions involved in the project and under reform with its core administrative services, starting with piloting in Tirana for the proposed one-stop-shop CSC (World Bank, 2015a).

To support the GoA reform strategies in the field of immovable property registration and land management and to continue the efforts of the LAMP finalized in 2014, the outline of a new project Integrated Land Management Project (ILMP) with the World Bank have been discussed. The proposed project development objective would be to contribute to an increase in the

efficiency, transparency, reliability and availability of an integrated land management system through integration of key information technology (IT) systems, and geo-spatial and immovable property information. The proposed project will potentially have the following four components: E-Governance for Enabling Integrated Land Management, Data for the Integrated Land Management System, Property Valuation and Taxation, Project Management, Capacity Building and Monitoring and Evaluation. The proposed implementing agencies will be the IPRO, State Authority for Geospatial Information (ASIG), and MIPA (World Bank, 2015b). The project start will be probably at the beginning of 2017.

SOME CONSIDERATIONS ON THE ROUTE TO A MORE EFFICIENT PROPERTY REGISTRATION AND LAND ADMINISTRATION SYSTEM

In the period of the country's preparations for EU membership, every public sector institution will be under extreme pressure and engaged in several reform processes (some of the reforms were briefly presented above and their requirements for the property sector will not be repeated in this chapter). Potentially, not all requirements, action plans, monitoring indicators and benchmarks will match. There is no doubt that in the land administration field the IPRO will play the most important role and will have to deal with numerous priorities, not all of which might be achievable for different reasons.

A long-term objective should be to build an effective, reliable and transparent land administration system in the country for recording land ownership, land values, and land use as the foundation for the efficient operations of a market economy. Developing an efficient land administration system is besides the institutional, organizational, technical, legal, cultural, and economic challenges a sustainability matter which should be considered already in the design phase. In Albania, a unified land cadastre and registration system is administered by a single agency, the IPRO, which is functioning on the cost recovery principle, which already represents a very advantageous result. Many donor and loan supported efforts were and are still invested in, in the form of projects to develop the system and support the massive collection of property technical and legal data. As learned from experience, not only in Albania but also in other countries in transition there is a risk and a challenge in keeping the systems running and further developing after the donor and international consultants have left. Therefore, it is important for the current and new projects that a reasonable proportion

of beneficiary employees and management structures understands the approach, is actively involved in all phases of the project and has a clear commitment to the approach and related results. It is understandable that all donor interventions on a large scale have to be in support of the reform and strategic agenda of the GoA and that good mutual cooperation, transparency, and trust must be assured for quality outcomes. The end-users or clients of the land administration system are those who make use of data and information and have to be engaged in assessing the success of the new services, system functionalities and data collection when the system is implemented.

To support land administration, a sound national land policy with the aim to achieve certain objectives relating to the security and distribution of land rights, land use and land management, and access to land, should be developed further on. Land policies are of fundamental importance to sustainable growth, good governance, and the well-being of, and the economic opportunities open to, both rural and urban dwellers - particularly the poor (Deininger, 2003). In the near future, the land policy and land management areas deserve GoA's attention and action.

Currently, land administration and related policies involve different ministries and institutions and their cooperation have a serious need to be improved and synchronized. Ideally, a single neutral authority or agency should be politically nominated to lead the activities but it seems unlikely that because of different reasons and consequences this model could be a successful choice. In a case if there is no consensus on the lead agency, a high-level coordination board set up by the GoA can improve the cooperation between different authorities. The coordination board should have a strong position within the GoA and the GoA's full commitment. The coordination board may need to establish one or more joint technical support groups to provide technical assistance.

CONCLUSIONS

The implementation of reforms, ongoing and foreseen development of activities in the field of land administration and land policy in Albania has been extremely challenging over the years and will be in core of future economic development. Access to urban and rural land and security of land-related rights has been ever more recognized as the basis of economic and social life and prosperity. Many highly complex problems in nature were overcome in the past, sometimes politically sensitive and often difficult to

resolve, and some extremely difficult ones remain to be solved. Designing new rules, legislation, structures and procedures in the field to better fit the requirements of the society and its citizens is an accountable and responsible activity which is an ongoing and long-term process. Strong political support for the reform is needed, entailing a process that needs time to be built up, and political awareness is constantly progressing.

Land and property issues are inter- and multidisciplinary, and involve different institutions and organizations. Constructing a dialogue, common understanding, and consensus on the future reforms and the best way to achieve relevant and effective solutions is the key to success. The GoA and relevant institutions need to continue listening to and engaging with different groups of stakeholders and users, providing them with a platform for discussion and feedback to reform. A participatory consultation process has been successfully piloted as part of the determination of users' rights in communal forests and the lessons learnt could be extended to a larger scale. Gender and vulnerability issues are slowly but gradually gaining special attention and successful results in both the field and practice. The GoA should also be encouraged to further elaborate on the cooperation with the private sector in the long run, not only in the form of the usual contractual relations. Shared responsibility, risks, and benefits could be jointly developed in the form of a public-private partnership.

Without the involvement of a strategically, policy- and forward-oriented and committed GoA, property and land-related institutions as well as dedicated and committed public and private sector employees implementing the programs, the reforms cannot be implemented successfully. Therefore, special attention must also be paid to the sustainability of the human resource capacity, staff and career development and adequate training.

Albania has made great achievements in the area of property registering in the past few years, supported by means of modern information communication technology but many challenges remain for the IPRO, other related institutions, and the GoA to continue the activities, and to improve the efficiency and effectiveness of land administration and land management through enhanced tenure security.

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