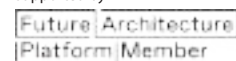




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Land Tactics of the Single Housing Unit in the Informal Urban Growth in Albania

Artan Kacani

POLIS University

Abstract

Learning from the informal transitional phases is a process that focuses on the diversity and multiple forms in which land and building alike are shaped and re-shaped in the territory. Moreover, there might be various reasons as to why this perpetual condition persists in informal areas in the Albanian context. This diversity is analyzed and named according to the impact that it has on the territory, including land fragmentation and densification. The purpose of this research is to illustrate transitional phases, of the informal settlements, to identify the cases of the multiform and to open up an irrevocable professional debate on the matter that not all informal settlements are the same in the territory. This starts from the local Albanian practices of building informally to the actual form of territorial transition. All of the practices have one thing in common; they are half-realized utopias. Such is the urbanization process in Albania which has never co-occurred within the settlement and parceling in informal areas. It is up to urban planners and landscapers to identify these conditions even if the public and institutional apparatus do not deal with them. Passing from the informal practices and into their territorial partialities, the methodology gives a tactical description of the territorial impact as a result of the three processes of the urban informal growth in Albania: a) building, b) parceling, and c) putting in infrastructure. These processes are considered as a transitional phase and analyzed in this study. The multiform of their alternations can be described as land tactics, with a high impact on fragmentation and densification. The result illustrates and shows that not all the informal settlements are the same, although the same typology of the housing unit. Architects, landscapers, and social workers can contribute to the methodological solutions, starting from a single inhabitant and practices described and then enlarged to the regional scale of all 55 informal areas.

Keywords

Land tactics; transitional phase; territorial impact; informal growth; single housing unit.

The Development of Informal Settlements in Albania

Informal settlements in Albania are a phenomenon of the last 30 years. The phenomenon gained interest in Albania only in the beginning of the twenty-first century when the urban growth began to be relevant to decision-makers and international partners. With the Communist regime's decline a national centralized housing system collapsed a new phase of uncertainties, marked by high political tension and internal migration. Beyond this pushing factors, an institutional vacuum was coming out, a process that was unable to control the building permissions and the practices of construction.

Starting from the 2000s, the number of informal settlements has rapidly increased in both number and typology. According to the numbers, around 500,000 settlements have been informally built in Albania¹. Only the region of Durres and Tirana counts more than 400,000 applications in its legalization process covering a total of 8050 ha. From the administrative point of view, the informal areas are divided into 55 units, and only 33% have presently been legalized. While several studies reports the growing number of the informal settlements fewer are those studies and research on the settlements typology.

The urban agenda on legalization, urbanization, and the integration of informal settlements and areas in Albania exists from 2006 up to the present days. For this purpose, the national government created a regional agency, named A.L.U.I.Z.N.I², to deal with the following three objectives:

- the legalization of informal areas where possible;
- bringing urbanization to these areas - significantly meaning solving infrastructural issues;
- integration, which has never had specific priorities or projects focused on the informal areas.

From this perspective, we can say that the means of national planning are already defined. What remains important from the public policy analysis is the study of the impact on the real territory of these objectives. In most cases, this inability to act on time has created a situation of uncertainty between the inhabitants and public administration. Densification and development have been increased freely for more than 25 years. The latest attempt of the government to respond to this uncertainty is the National Cadastre Agency³. This is a centralized entity that is directly dependent on the Council of Ministers. It is disconnected from constitutional and parliamentary decisions. According to the new law that gave birth to the National Cadastre Agency, the administrative process of the legalization should pass through this new public entity. However, no methodology has been stated or sought. Here we have to mention the unresolved challenges of A.L.U.I.Z.N.I and if they really coincide with the new public entity.

These include the noncompliance of the mapping systems,

the delayed legalization process, and the missing revenue's reversibility from the legalization to infrastructure and integration priorities⁴.

The Growth of the Informal Settlements in Albania

Urban growth is characterized by two urban phenomena. The first is demographic growth and the second is by the physical growth of the city. While there are many studies on the demographic growth and its factors, there is a growing interest in studies focused on physical growth especially when referring to territories where the factors of territorial inequalities have caused an influx of residents towards the urban centers. High land fragmentation, the construction of settlements without a building permit and densification are the territorial results in Albania for more than 30 years. The physical expansion of cities like Tirana in Durres is almost three times larger than 30 years ago. The same goes for the number of residents.

According to local authors, (Aliaj, Shutina, & Dharmo, 2010), the process of building informally in Albania has passed through a consecutive line of actions: **i**) first by building and later by **ii**) occupying, parceling, the land portion that surrounds the structure raised informally. At the beginning of the '90, this process happened following the land sub-urban divisions, but later it started to grow also inside the agricultural land, without infrastructure, and in many cases following the irrigation canals - see the case of the former Wetland of Durres city, named Keneta neighborhood. The urbanization⁵ objective, **iii**) will be addressed only after 2006, when the first revenues came from the legalization process from the regional agency. These three territorial elements, the building, the land occupied and the in-

¹ (ALUIZNI Agency, 2016)

² A.L.U.I.Z.N.I are the acronyms of the Regional Agency for the Legalization of the Informal Areas and Settlements. It was created in 2006, and today the future of this agency is unclear since on 2018 the National Cadastral Office took the leading process for the legalization for the informal settlements.

³ Nr. 111/2018 ON CADASTRE. Pursuant to Articles 78 and 83, paragraph 1, of the Constitution upon the proposal of the Council of Ministers.

⁴ As the three objectives of the Urban Agenda expressed by ALUIZNI.

⁵ Urbanization is described directly as the second objective by the regional agency, and is used to bring in infrastructure. It is an essential element that has shaped the urban morphology of informal settlements and the buildings therein. Meanwhile, infrastructure for the inhabitant in the periphery of Tirana or Durres is more than a road, it means access to water and sewage system, energy and other fundamental housing rights. Here it is important to underline that not all informal areas have applied this objective and that many areas have no infrastructure at all. This inability to manage the informal areas and to bring in the infrastructure needed has had further effects on the territory strictly related to mobility.

⁶ (Ligji 9482, 03.04.2006) This law defines the legal constraints for the legalization process from the regional agency. Buildings raised informally in a land parcel that does not have an open access to a primary urbanization works, such are roads, cannot get the legalization.

frastructure constitute the full rights to get the legalization, see (Ligji 9482, 03.04.2006)⁶.

Land Occupation Tactics and the Territorial Impact

For the legalization of the informal settlements, the regional agency for the legalization considers the **1**) land position, if there are natural or physical and legal restrictions or other forms and, if **2**) the building meets municipal standards or not (shanties or formal buildings). In other words, this legal statement, the legalization, constitutes different financial revenues such as the land fee and building fee. For this purpose, the national government has created various regulations related to the land fee⁷ which vary from 25euro/m² to 100euro/m². Municipalities from the other side collect revenues, the building fee⁸, based on housing or economic activities. From this perspective, the total public revenues are limited and determined, by the number of land subdivided and the number of the settlements in a given informal area, the size of the land occupied, and the kind of activity, such as either housing or economic. Moreover, all of these circumstances have different and additional costs for the inhabitants.

Many inhabitants have answered to additional, and unforeseen costs, by developing tactics to re-shape the land occupied, or by un-finishing the building process. Some land tactics are when inhabitants, even though they have managed to legalize a part of the land where they have built the building, they actually claim for more land, because the costs might be un-affordable⁹. This process creates a high land fragmentation and consequently an impact on the urbanization process, put in infrastructure, and on the mobility in general. Other cases are where the double fences and walls are raised from the front street to hide the building raised for economic purposes. In some circumstances, there are secondary settlements built on the same land parcel for economic activities registered as housing units. This last physical condition may also result in an informal labor market. Other circumstances include when the applications consist of semi-built settlements and fences, in most of the cases with no inhabitants inside.

The land tactic of informal settlements has happened and taken place in order to avoid unwanted effects. The reasons for this are both internal and external. The internal reasons are strongly connected to the social, economic, and family structure. It is also related to the economic projection that each resident has in a neighborhood. There are many cases where desire exceeds the economic opportunity available, leaving the building or floors unfinished. The external reasons are related to legal pressure and the pending administrative proceedings of legalization. This is tied to constantly changing the cartographic system of measurements¹⁰ and the taxation system¹¹. Land tactic for the legalization is also a transitional phase to obtain or not the requirements expressed by law.

«The first lesson is that informal constructions are not simply a legal problem, even when it is recognized that this phenomenon has considerable implications and takes on different legal forms. The constructions may be illegal for a number of reasons: they are built on land that is public or property belonging to someone else, there are problems of marking or registration, inheritance, marriage, property claims or compensation, disregarding urban norms, or having obtained construction permits, the latter which may not comply with de facto implementation. The constructions do not respect the environmental conditions or they are built in a protected historical area. They may be located in areas of low durability and pose a danger to the safety of people, such as being built on agricultural land etc». (Aliaj, 2008. Translation from the author).

Objectives of the Research

This research aims to explore and illustrate, from recent theories on the forms of urban development in order to create a tactical matrix of the multiple forms of the practices in the different phases of informal development. There is a need to identify these tactics on the map and, to open an irrevocable professional debate on the matter that not all informal settlements are the same throughout the territory. The primary objective of this research is to investigate one typology¹² of urban growth and its multiform in the territory. The typology of the urban growth is given by the theoretical description of the informal settlement developed on agricultural land over the last 30 years in Albania¹³.

⁷ The land fee for the legalization process is defined by the National Council for the Territory and collected by ALUIZNI. The land fee in Albania is the price that the inhabitant buys the land from the state. It is made only once and the fee may vary by the activity and by the dimensions of the land occupied

⁸ The building fee is the price that the inhabitant makes only once at the municipality and it corresponds to the building permit.

⁹ According to the national regulations for the land fee, when the land size is larger than 300 square meters, every meter, in addition, is purchased by the inhabitant as the real estate market value - this may result in a fee that is four times higher than the price given by ALUIZNI, approximately 25€/m².

¹⁰ Nowadays, in 2019 in Albania, not all of the cadastral maps are digitalized. Even the cadastral maps that have been digitized are not up-to-date with reality. There are many cases where different parcels overlap. This creates an unclear situation for citizens on the steps that they need to take to obtain legalization.

¹¹ For the taxation of the informal settlements in Albania, we should consider only the fee that each householder should pay for the land purchase and cadastral registration, including the fee for the infrastructure impact, which is less than 10% of the total cost.

¹² The typology of the informal growth analyzed in this research is the one that follows the consecutive process: 1) setting a building, 2) parceling and 3) putting in an infrastructure. This is (S)>(P)>(U) as described by local authors.

¹³ See (Aliaj, Shutina, & Dhamo, 2010)

Although the forms of informality are diverse, such as touristic resorts and housing blocks, the research will focus only on one form, that of the single family¹⁴. The importance of the research is to read anew the legalization constraints. The hindering factors, the constraints, of the legalization might be an administrative matter, related to economic, social or human behavior. What they have in common is the territorial dimension and the tactical actions related to it. The understanding of the multiform of this informality is not only crucial for the public revenue but also for the territorial impact that it has generated. High land fragmentation is one of these impacts. Other effects are related to the institutional capability to deal transparently with the applicants. The roles of the director and gatekeeper¹⁵ of ALUIZNI, and the National Cadastre Agency, has generated a conflicting practice with the inhabitants that in many cases has created privileges for certain informal conditions and others not, such as where the legal restrictions are not explicit by law¹⁶. Inhabitants, being under uncertainties have developed their way of shaping the land and building. For these reasons, of the need to address specific conditions to the decision making, the objective of the research is to offer a pair of new lenses on the tactical description of building informally.

Methodology

For a better understanding of the multiform that a single family housing unit may change during its transitional phases till to the legalization, the methodology starts from previous introduction of the informal practice described in three processes¹⁷. Each process may pass through transitional phases where informal practices and tactics has happened. The tactical phases are of two big sorts, or to “get back” or “forward”¹⁸. Starting from this assumption the methodology answers what it means to make “a step back”, and a “step forward”, on the transitional phase **i**) Building, **ii**) Parceling, and **iii**) in the Urbanization phase. For the first transitional phase **i**), a “step back” means or to live in a house that due to the un-affordability costs of

constructions it does not fulfill the Municipal standards¹⁹ or do to the housing emergency need, inhabitants have built on land violating or the private ownership or the environmental or urban restrictions. On the contrary “a step forward” in the building transitional phase means to advance on the territory with developments that aims the future occupation of the land by raising un-finished buildings or only walls to reclaim the development right.

For the second transitional phase, **ii**) parceling, a “step back” means land reduction, fragmentation, which has occurred or when the land fee was un-affordable to the inhabitant, or when the intention was to preserve the land occupied and make the future development on the existing building densification.

Making a “step forward” on the second transitional phase, **ii**) parceling, means to get to the other land, fragmentation, by making a further expansion, or by sub-diving the land for future land densification. For the third transitional phase, **iii**) urbanization, a “step back” means that the parceling phase has got the land expansion/fragmentation and the urbanization cannot occur in a proper network. Or, when due to a compact urbanization process there’s more possibility for future developments and the building densification is the only possibility. Making a “step forward” on the third transitional phase, **iii**) urbanization, means bringing infrastructure beyond the parcel²⁰ or inside it²¹.

¹² The typology of the informal growth analyzed in this research is the one that follows the consecutive process: 1) setting a building, 2) parceling and 3) putting in an infrastructure. This is (S)>(P)>(U) as described by local authors.

¹³ See (Aliaj, Shutina, & Dhamo, 2010)

¹⁴ Firstly, there is where the informal settlements are self-build. They are composed of a single family living in settlements between two and three floors. They are located on the periphery and on agricultural land without urbanization and infrastructure. This form of urban growth represents the most diffused typology of informal settlements in Albania. In the beginning, the informal settlements came as a result of the need for a primary house close to the urban areas, to the working places and to the opportunities that the city offers. Later, the first settlement typology has been diffused among other practices of building informally for secondary houses such as those in Velipojë, Shëngjin, Lalëz, Golem, Palasë, and in other areas with a high environmental impact. At the same time, the self-build settlement is raised inside the urban blocks

¹⁵ In public policy analysis studies, (Dente, 2014), the gatekeeper is the role that one actor may have in a decision making process, such is the judge court, or the external expertise in evaluations. The methodology used by ALUIZNI regional agency is based on satisfactory criteria, on a limited rationality of decision making model (Kacani A., 2016). Till 2009, the methodology was to use the informal areas as a planning process as a participatory process; 1) to stop further informal building practices, 2) start of process of collecting the land and building fee, 3) and invest immediately on the urbanization process (Aliaj, Shutina, & Dhamo, 2010), (Co-Plan, 2000). From that moment, the law on legalization of the informal settlements follows a centralized system of revenue’s reversibility to the single informal areas, approximately 30% of the total revenues from the land fee. (nr.50/2014, Ligji). There’s a clear need for an independent evaluation system able to open a dialogue between those informal housing practices that cannot get the legalization process and the public authorities. (Beyond the building technical matter, the householders may need a social and economic assistance).

¹⁶ (Ligji 9482, 03.04.2006).

¹⁷ See (Aliaj, Shutina, & Dhamo, 2010).

¹⁸ See (Sawyer, 2014). Between 36 stratagems, the half is in defensive situation and the other in offensive, divided into a symmetric axis where the first and the last are the most opposite reactions, “retreat” or “advance”. Sun Tzu explains why the tactics are all a decisive matter, the same matters when inhabitants decides to get into transitional phases for the legalization process or not.

¹⁹ (Law 107/2014)

²⁰ Example are when the legalization has occurred correctly and from the land fee and building fee the revenue’s reversibility has covered the informal area with a infrastructural network.

²¹ Examples are when urbanization has taken land portions from parcel shaped on the second transitional phase.

Results

In some cases, *Building* and *Parceling* have occurred but not *Urbanization*. In some circumstances, this process has left a space for a second a *Parceling* process. This research focuses on the identification of the diversities that happens during the transitional phases of growth from the first informal practice starting from the regular informality²². The transitional phases are a good tool to use to understand the different forms of urban tactics, both in terms of land fragmentation and the densification processes.

The first transition phase comes via the process of setting a building as the first process of the regular informality. Four land tactics occur as a result of fragmentation and densification. As a result, the settlements may vary in different conditions. It may be only a land occupation, which is an abusive practice, see (I.1) in Figure 1, or a hazardous building - half-build with or without inhabitants in it (see I.2, I.3 and I.4 in Figures 1). These land tactics are the most precarious forms²³ from all the other informal practices. In some cases, these tactics have occurred as part of an immediate need for a shelter or just to occupy land. Many are the cases where the residents have migrated abroad, leaving behind a half-built settlement (see I.3 in Figures 1). Other cases consist only where there is an occupation of the land abusively, and it represents the latest way to claim future ownership²⁴ (see I.1 in Figures 1). What characterizes all of these tactics is that no one can get legalization from the Urban Agenda.

The second transition phase in the informal urban growth occurs in the land with fragmentation and densification²⁵. Four tactical conditions are produced if fragmentation and densification occur; land expansion, land reduction, settlement densification and land densification. Land expansion, or reduction, is one of the most widespread tactics in missing urbanization areas. Many are cases when the declared parcel is smaller or bigger than the one claimed in the territory²⁶. In the territory, these cases of informal settlements are surrounded by two or more borders. This land fragmentation has also left

space for a second process of setting a settlement and consequently, land densification²⁷. The most typical case is when residents from the same family or their relatives build a new settlement²⁸ in the existing occupied parcel. Meanwhile, other forms of densification take place in the same informal settlement. All of these urban growth tactics are widespread and have occurred mainly where urbanization has been lacking.

The third transition phase corresponds to the development of infrastructure. This process is primarily conditioned by the impact of parcel fragmentation. Where this parcel is expanded, the infrastructure has failed to offer transit²⁹. This kind of tactic has its consequences in the territory by directly impacting on city mobility and its management. Urban public transport, urban waste management, and other city functions are disadvantaged by this process of land extension as related to the roads and infrastructure spaces. Other cases of parcel fragmentation in the urbanization process consist of parcel reduction tactics³⁰. This parcel reduction may have come as a necessity to avoid additional legalization costs after the cost of over 300 square meters has been determined by the legalization office in 2014. It can also be a process used to give place to the new infrastructure. In the same transitional phase is the densification of land and settlement where the process of urbanization has occurred. The best example is the last land tactic, where due to the urbanization that is done on time, there is the process of setting a building and the parcel that comes with the urbanization process³¹.

Conclusions

The land tactics described above, from the Albanian theory of the development of the single informal practices through to the methodological analysis up to the territorial reclaiming impact, should not be seen as a weakness of the territory but rather as an opportunity to explore more and to give answers to those who live in territories where laws and plans have not arrived yet. Learning from the 'informal' land tactics can open up future opportunities for public services or other forms of investment that might occur from private actors willing to invest in the territory. The case of II.2, for example, shows a clear distinction in the land fragmentation by reducing the size that is occupied. This fractal opportunity, related to the land not occupied, is present in almost all of the informal areas and it shows its diversity even where the urbanization occurs. Sometimes the

²² According to the theory as described by the (Aliaj, Shutina, & Dharmo, 2010), the informal growth of the single families in Albania has followed three phases: (B) setting a building, (P) Parceling and last (U) Urbanization.

²³ Scare materials and use of them in the building process. In many cases the raw materials are taken abusively from the natural resources – out from the regular market.

²⁴ In addition, informal settlements can be a form of real estate speculation for all income levels of urban residents, affluent and poor alike (UN-Habitat, 22 – INFORMAL SETTLEMENTS, 2015)

²⁵ See II.1, II.2, II.3, II.4 in Figure 4

²⁶ The land reduction tactic may happen also where the land is informally reshaped in order to avoid extra fees for land bigger than 300 m² as defined by law. In such conditions, the inhabitants have made a second process of parceling or reshaping after, or before, the urbanization process, ii.2, in Figure 4.

²⁷ Densification of the same land, II.4 in Figure 4.

²⁸ Settlement Densification, III.3 in Figure 4.

²⁹ Land Expansion before urbanization, iii.1. Examples are when the land expansion has occupied the future network where urbanization was thought to pass by. Informal areas in Albania has a complex networks. In many cases, this complex network is interrupted or curved following the form of parcel shaped informally

³⁰ Land Reduction after urbanization, III.2

³¹ Densification of new land after the urbanization process, III.4

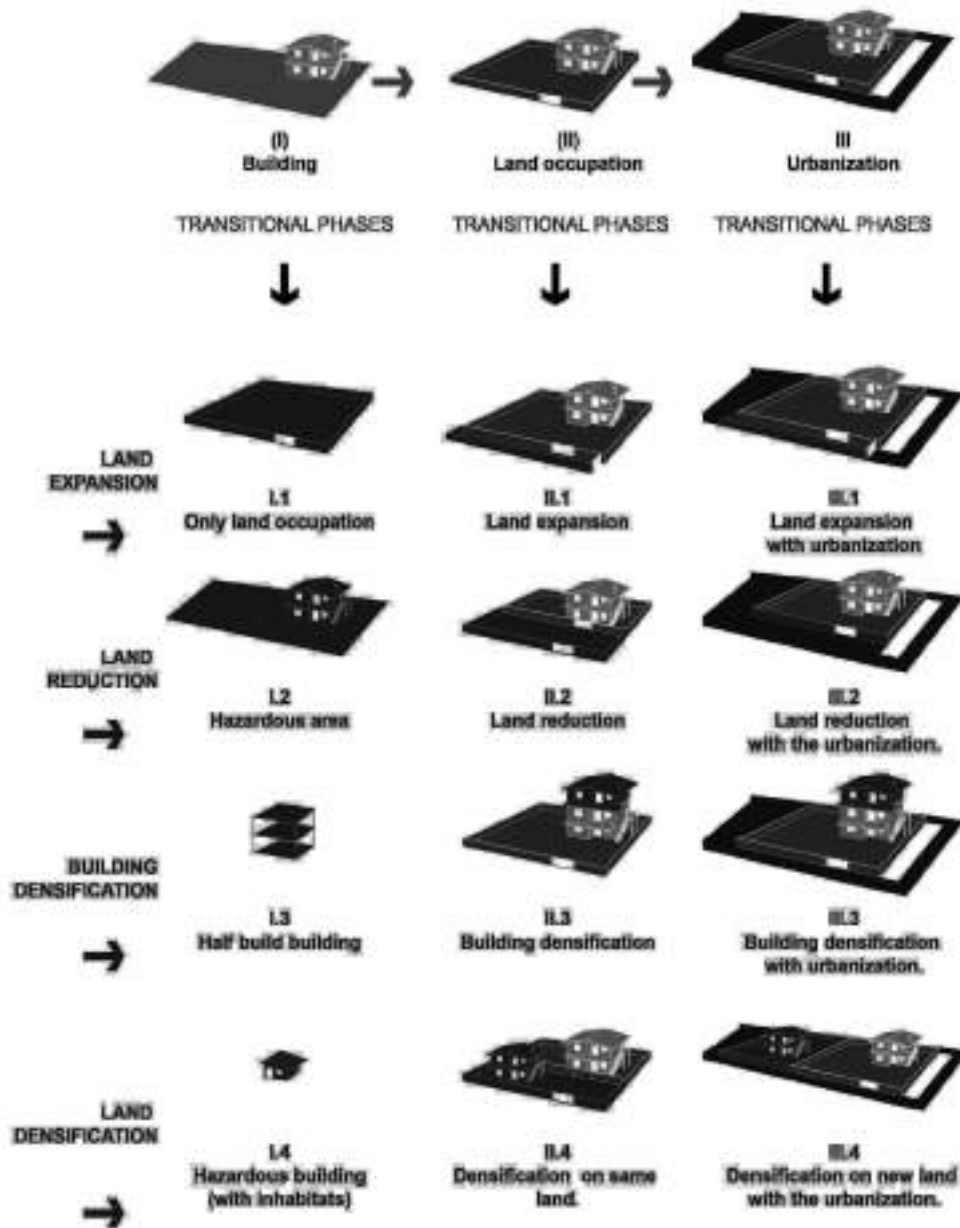


Figure 1. Transitional phases of the informal urban growth in Albania. Twelve tactics for land and settlement as a product of fragmentation and densification. Illustration by the author.

urbanization process is takes time, and the primary building inhabitants have left a big land lot isolated from public access.

Another lesson from the transition of the three transition phases is the fragmentation from land expansion. This should be seen as a determinant in the future investments in the informal area. A major part of these tactics involves hindering factors and legal constraints related to the legalization tenure. There are also the hindering factors: for example the less revenue there is, less return there is to the urbanization. In this territorial circumstance and land tactic context, ALUIZNI and the future National Cadastre Agency should be un-

equivocal and open up a dialogue with single applicants, independent landscapers, and architects. The hindering factor and the territorial circumstances that bring in legal constraints are of public interest. The role of the director and gatekeeper³² of ALUIZNI should be separated from the the various public actors in order to avoid expansion onto land that belongs to other public intuitions in the urbanization processes.

For better policy responsiveness, the future National Cadastre Agency can declare the land tactics which hinders the legalization tenure, identify the applicants and open up a dialogue with legally recognized parties. Direct policies and

urban agendas can address various actors in the mid-process in order to meet formal legalization. Architects, landscapers and social workers can contribute to the methodological solutions, starting from a single settlement and then enlarge to the regional scale of all 55 informal areas. Beyond the tactical solutions given above, it is important to maintain a research frame at the regional scale to measure and evaluate continuously the land fragmentation due to expansion or densification. The focus is the extensive land consumption with high consequences on mobility and the land market.

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³²In public policies analysis, see (Dente, 2014), the gatekeeper is the actor that has the right to judge and take a decision after or during the decisional context. The ALUIZNI gatekeeper role consists in assuming that there's only one actor who has the right to say "yes" or "no" to the future legalization practices. This practice should be extended to other institutions and to various professionals by reclaiming what's wrong and how it can be fixed.

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