

Providing Technical Assistance on National Territorial Planning Legislation: The Albania Experience

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Albanian Context for Urban Land Management-1

- Transition economy with state land ownership and land management legacy
- GoA has carried out land and property administration reforms since 1991.
- Despite substantial progress, Albania faces continuing challenges—600,000 urban and 300,000 parcels are not formally registered
- Urban planning and land management capacity is limited



Albanian Context for Urban Land Management-2

- Weak national urban planning laws and enabling legislation
- Few urban areas have regulatory plans, zoning, subdivision controls or building codes
- Weak enforcement of development control regulations
- Significant urbanization since 1991 when internal migration controls were removed
- Widespread illegal subdivision of land and construction of properties



Albanian Context for Urban Land Management-3

- Significant threats to sustainable urban and village development
- Threats to pristine coastal environments in Southern Albania
- Conflict between devolution and local capacity
- Illegal unplanned development undermines infrastructure provision and options for sustainable municipal financial systems



Project Overview

- The Land Administration and Management Project (LAMP) was initiated in 2007
- IBRD-IDA-PHRD-SIDA-Local
- \$56 million
- Timeline 2007-2012



Project Components

- Component A: Security of Tenure and Registration of Immovable Property Rights
- Component B: Urban Land Management
- Component C: Municipal Infrastructure





Component B: Urban Land Management-1


- Objective: strengthen the capacity of municipalities in urban land management
 - Establish participatory, market-responsive urban planning and development controls and revise national law on Territorial Planning and prepare regulatory plans in 8 cities
 - Mobilize municipal revenues and correct property market distortions



Component B: Urban Land Management-2

- Sub-components
 - Municipal land management—support preparation of regulatory plans in 8 cities
 - Property valuation and taxation—introduce market based property valuation
 - Formulation of urban land management regulations—urban laws, implementing regulations, condominium laws, public land management
 - Training and capacity building
 - Provide support to the MPWTT





Moving across the river: piloting land management reforms in a complex environment

- Achieving legality requires five elements:
 - Property registration and titling
 - National urban planning enabling law
 - Urban planning and regulations to manage development
 - Building and construction codes
 - Enforcement



Unfortunately: Albania is deficient in all areas

- Property registration is inadequate
- National urban planning law is overly centralized and incomplete
- Local governments lack planning and regulatory capacity
- Building codes are outdated
- Limited enforcement
- Creates a vicious, “catch 22” cycle



National Territorial Planning Law

- Good prior work on establishing a policy framework for urban planning
- Initial efforts a drafting TP were overly general and inappropriately grounded in common law as opposed to civil legal framework
- LAMP needed to restart legal drafting process
- Drafting “fatigue” was a challenge to overcome



Drafting a Territorial Planning Law: legal and policy issues-1

- How much and what kind of public consultation process should be utilized?
- How to align decentralization goals with institutional capacity
- Should local plans be approved by central government?
- Should the law specify electronic posting of plans, planning decisions and planning activities on a national register?
- Should posting be a requirement for approval?
- How should the law enable horizontal coordination and consistency?



Drafting a Territorial Planning Law: legal and policy issues-2

- How should the law enable vertical coordination and consistency?
- How much consistency with EU spatial planning laws and practices is needed?
- How much specificity should the law contain?
- How much should the law rely on secondary legislation?
- How, when and in what form should public access and input be required by the law?
- Should the concept of “Silent Approval” be utilized in law and if so should it be limited in application?



Drafting a Territorial Planning Law: legal and policy issues-3

- How should the law address existing illegal construction and subdivision?
- How should the law address nonconforming development after the law becomes fully effective—compliance with the law?
- How realistic should timelines be for making the law effective?
- How realistic should timelines be for the adoption of local plans, development control regulations and building codes?
- Should the law set milestones as a condition for its effectiveness?



Balancing Technical Assistance with Political Agendas

- Central government wanted law “tomorrow”
 - Truncated public consultation
 - Hasty drafting and comprising
 - Limited time for inputs from experts
- Competing government actors pressed for alternative laws
 - Increased transaction costs
 - More time spent on mediation
- Donor coordination was important



Lessons Learned-1

- Projects need to be focused, but cross-cutting systemic issues are best addressed comprehensively
- Conditionality is critical for achieving desired policy reform results
- Brinksmanship and unrealistic timetables are threats to success
- Mediation of divergent viewpoints is a critical success factor



Lessons Learned-2

- In the Albanian case, a World Bank Inspection Panel was formed to address issues related to the demolition of illegal construction
- While we must all be vigilant to ensure that the rights of the poor and the disadvantaged are protected, urban planning is necessary to support the public interest and for achieving sustainable development
- Property rights are not absolute and they are socially constructed. Urban planning is one of many ways that community values are upheld and aligned with individual rights.
- Compensation for demolition may or may not be feasible, and there are other alternatives—amortization of illegal nonconforming uses, or grandfathering.
- How can social safeguard policies be better managed in urban planning and land management activities?



Conclusions

- The Albania experience, including LAMP and the ICZMCP, highlight the need for a serious conversation about how social safeguards can be better managed in the context of urban planning and land management.
- Climate change, adaptation and mitigation pressures suggest that this conversation needs to start immediately.
- The key policy question is: how should the World Bank structure urban planning activities to ensure social sustainable development and while promoting social equity goals and objectives?

