

THE IMPACT OF LAND REFORMS IN LAND USE CHANGES AND ENVIRONMENTAL SITUATION IN ALBANIA

NDIKIMI I REFORMES SE TOKES NE NDRYSHIMET E PERDORIMIT TE TOKES DHE SITUATEN MJEDISORE NE SHQIPERI

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Abstract: Albania faces many of the same environmental issues with which other countries in Eastern Europe are being confronted. Both air and water pollution is serious issues as a result of the lack of facilities and controls. Most of the environmental damage that occurred in rural areas during the socialist period has not been repaired. Large-scale cultivation destroyed field roads, water courses, vegetation belts and other landscape features suitable for individual farming. Environmental degradation has sometimes increased during the transition period, for example through deforestation of valuable species, inappropriate tillage of soils and a failure to maintain a balance of nutrients in the topsoil. The evidence, therefore, indicates that land privatization may not have been beneficial to the protection of environmental amenities of a common-pool or public good nature. As a way of conclusion, rural areas in Albania have experienced radical changes in land policy, land tenure, and land use.

Permbledhje: Shqipëria po ndesh te njejtat ceshtje mjedisore si dhe vendet e tjera ne Europen Lindore. Se bashku ndotja e ujit dhe ajrit jane ceshtje serioze si rezultat i mungese se paisjeve dhe masave te kontrollit. Pjesa me e madhe e demeve mjedisore te ndodhura ne zonat rurale gjate periudhes socialiste nuk jane riparuar. Kultivimi ne shkalle te gjere eshte shoqeruar me shkaterrimin e rrugeve ne fushe, sistemin e kanaleve ujites, si dhe karakteristikat e peisazhit per kultivimin normal bujqesor. Degradimi mjedisor eshte rritur shpesh here gjate periudhes tranzitore si pasoje e prerjes se pyjeve, mos punimin korrekt te tokes si dhe mos mirmbajtjen e nje bilanci normal te elementeve ushqyes ne toke.

Te dhenat tregojne qe privatizimi i tokes bujqesore nuk ka qene nje mase e dobishme persa i perket mbrojtjes se mjedisit. Si konkluzion, mund te thuhet qe zonat rurale ne Shqiperi po ndeshen me ndryshime radikale per sa i perket politikave te tokes, perdorimit dhe administrimit te saj.

Keywords: Land tenure, land cover, soil erosion, pasture, land reform, land ownership

Fjlet kyce: Mbulesa tokesore, erosion toke, kullota, reform toke, pronesi toke,

INTRODUCTION

The degradation of natural resources in Albania is an important long-term constraint to sector development. The main problems include: uncontrolled deforestation, large livestock numbers and consequent overgrazing of pasture land, particularly in mountain areas, soil erosion and degradation through production on marginal land, especially on steeply sloping land in hill and mountain areas and before the collapse of the old regime, loss of scarce and productive arable land through rapid urbanization, depletion of marine fishing resources, degradation of water resources and watersheds and increased vulnerability to flood damage (BOCKHEIM J, 1997).

Land reform policies undertaken by governments may be directed at altering existing rules governing access to land, whether customary or formal. One foundation for a democratic society with a market economy is the right to own property. The state owns and administers property in order to fulfill its obligations to the public and provide services ranging from national defense and essential infrastructure to education, health services and parks for public enjoyment. A property market functions best when title is clear and tenure rights are secure. Moreover, land rights are an integral part of social capital, giving people the foundation on which to assert self-determination within their society, culture, agro-ecosystem and economic context. In this space of 12 years, Albania has moved from being a predominately rural society to one where the majority of populations now live in urban areas. This population movement fuelled the rapid urban development and at the same time has led to absentee landownership in rural areas. The main objective of the proposed paper is to identify the relationship between land reforms, land tenure, and land use in the environmental impact in Albania during last decade. The paper provides a conceptual framework for understanding the relationship between land tenure, land use and land reform in the environmental impact in Albania during the post socialist period. A systems approach is used to describe land use changes in Albania, addressing the complex and dynamic nature of the relationships among the subject matter areas.

MATERIAL AND METHODS

There are two outstanding characteristics of the development of land relations since 1991 in Albania. The first is the creation of a nation of smallholders-owners of small farms held in freehold tenure brought about by Law 7501. Whatever the deficiencies of the content and implementation of this law the fundamental socio-economic revolution brought about by this law can not underestimated. The second characteristic and one that is directly related to the first is the exuberant urban development and rapid growth of land market that has taken place. While this urban development has not been universal throughout the country-there has been more in Tirana and the south of the country than in the north-it is a striking testimony to the effect of private ownership of land, the existence of a market for land and access to the necessary financial resources to bring about urban development (WHEELER, 1998).

These two interrelated characteristics-widespread private ownership of land, rapid development and its corollary, development of a land market, must be seen in the context of a major social change in the country-the rapid movement of population to urban areas and overseas to find work. The main effect of land privatization has been a shift from mechanized to non-mechanized production because new owners face great difficulties in getting access to machinery which was taken over by local monopolies or which remains state property. Land ownership is a fundamental issue for any society. For five centuries (from 15th to 20th century), till the Declaration of Independence on November 28, 1912, Albania was part of the Ottoman Empire. In such conditions, the functioning of Albanian society in general, and the rural society in particular, obeyed to the same logic as that of the Ottomans. After the declaration of Independence the Agrarian questions was one of most acute problems that new Albania state had to face. About 90% of the population lived in the countryside and was working in agriculture, while most of the agricultural land was property of latifundia whose owners were state, religious institutions, feudalist and landowners. The land within the management functions of land administration and protection is state and private agricultural land; communal and private forests and pastures, state forests, riverside land, village urban land and unproductive land. After World War II the Communist Party, under the leadership of Enver Hoxha, embarked on a series of land reforms, beginning with the 1945 Agrarian Law. Within a

few years, most of the property of large land owners and religious institutions had been expropriated. The initial beneficiaries were small family farmers. The first radical land reform in Albania was implemented immediately after country's liberation in 1945-1946. In the end of War II, 3 percent of landowners had in possession 27 percent of the agricultural land, whereas 14 percent of peasant had an average of only 1.8 hectares of land (CIVICI, 1994, AGOLLI, 2000). The end of Agrarian Reform radically altered the land ownership structure. State owned land dropped from 18.2 percent to 5 percent, land owned by rich and middle landowners decreased from 52.3 percent to 16.4 percent, religious institutions from 1.3 percent to 0.2 percent. On the other hand, the number of small holders grew from 28.1 percent to 43.2 percent, while that of landless peasants was reduced from 34.6 percent to almost zero (CIVICI, 1994, AGOLLI, 2000). The land privatization process began in 1991 with the approval of Law 7501 (dated 19.07.1991), *On Land*. The law divided agricultural land among the inhabitants of the cooperatives and workers on the state farms according to quality and productivity of the soil and the number of people in the family registered in the civil registry in August, 1991. Using a per capita basis, each family received equal amounts of arable and non-arable land, fruit trees, vineyards and olive trees. Scarce amount of agricultural land in Albania (at average 0.22 hectares per capita of population) and high proportion of rural population (64 percent) were an argument in favor of the implementation of the land law. Another argument was the long time and great changes that had occurred in Albania during 1944-1990 which complicated the task of identifying old land boundaries, documentation on previous property ownership, etc. The most important point to make about this law, apart from its pivotal role in announcing the new legal regime of land tenure, management and use, is that there is scarcely one of the above topics on which further laws have not been enacted in the last 12 years which provide the detailed legal regime foreshadowed by these provisions (KELM ET AL 2000).

RESULTS AND DISCUSSION

The agricultural structure comprises some large farms and a millions of micro-farms, with an almost complete absence of intermediate-sized competitive, commercial farms. The larger farms, sometimes covering thousands of hectares, are operated by the state, commercial companies, private associations or cooperatives. In contrast, farms less than 1 hectares account for 70 percent or more of the total number of farms in Albania (KELM, 2000, AGOLLI, 2000). Most farms are subsistence farms that produce little for the market, but they are often an important source of income and food security for many rural residents. Assessing the effects of land privatization in Albania, it needs to be underlined that this process was associated with two negative phenomena. On one side privatization has limited the farm size, and on the other side it has increased land fragmentation.

Land Fragmentation

Land fragmentation has been identified as one of the main obstacles to the development of the agricultural sector in Albania (LUSHO AND PAPA, 1998). Law 7501 was drafted in order to ensure a fair division of land amongst agricultural families. However, one of the ramifications of this policy is highly fragmented land plots. Families own several non-contiguous parcels spread over a wide territory which makes farming at an economic scale next to impossible. As a result of this process of privatization, over 90% of agricultural land is now in private ownership (MoAF, 2002). On ex-co-operative land, according to Ministry of Agriculture and Food figures of June 2000, 353,718 families owned 439,139 hectares of land divided up to 1.5 million parcels with over 90% granted via a *tapi*. On ex-state farm land, the figures are 91000 families owning 123.334 hectares of land divided into 300000 parcels. On

average each family owns 4 parcels of land, sometimes separated quite widely (LUSHO AND PAPA, 1998). A nation of family smallholding has been created. Farmers refused to accept around 130 000 ha of land as it was of a low quality, with limited fertility, without irrigation facilities, or located in the marginal areas. This refused land was given for administration to the forest and pasture state enterprises. Meanwhile, a small part of the land remained in the ownership of the agricultural state institutions, agricultural joint-venture enterprises, etc. From the point of view of land use management and regulation, it is clearly much more difficult to ensure sustainable land use and preservation of land when dealing with over 450,000 landowning families and 1.8 million parcels of land than when dealing with a small number of large farms, all under the same landowner. This point is so whether the large landowner (s) or private or public. In recognition of the problems of fragmentation, the World Bank is funding a project to consolidate parcels of land but this effort is limited to assisting owners to exchange parcels of land so that owners have all their land in one parcel and assisting families to do likewise so that different branches of a family can co-operate together in managing a larger farm unit. Consolidation in the sense of creating fewer and larger landholdings out of the many smallholdings is not being attempted; presumably because it would be strongly resisted by smallholders, although the same effect could be achieved by smallholders combining together in a company or partnership to farm their land as a large unit.

Illegal urban development

Under communist rule, the free movement of people was severely restricted. More than 60% of the population lived in rural areas. Beginning in 1990, as the restrictions on movement were no longer enforced and because the rural economy was so poor, massive migration from rural areas to urban centers occurred. The state did not have enough available urban housing and mechanisms to rapidly assign land for urban growth and approve building permits did not exist. As a result, informal settlements around Albania's largest cities are wide spread. Although it is impossible to state exact figures it is estimated that over 200,000 illegally occupied land parcels in peri-urban areas have been created (ALIAJ ET AL, 2003). The land is generally possessed without legal documents and buildings were constructed without the proper permission. The issues of illegal urban development cannot in practice be separated out from the issue of compensation but for purposes of exposition; an attempt must be made to do so.

Under the communist regime, movement within the country was very strictly controlled. There was no urban migration which so many countries in Europe and elsewhere experienced in the post-war period. Focusing just on Tirana, even after 12 years of immigration, the city is growing at a rate of around 9% per annum and its population has increased from 225,000 in 1991 to over 800,000 by 2003 (ÇABIRI, 2002). "Legal" Tirana is a compact city with relatively little land for major urban expansion. However, after 1991 migrants coming to the city found neither houses nor legal buildings sites available for their use. As happens in many other similar situations in other parts of the world, migrants occupied undeveloped and apparently vacant land on the outskirts of the city and began building their houses there. As is usually the case too, the land which is settled on tends to be good quality agricultural land and unplanned development tends not to make efficient use of the land. That is where the similarity between illegal and informal urban development in other parts of the world and in Albanian ceases. The "vacant" land was not vacant. If it was state land, as much of it was in Kamza, North-East of Tirana, then it was land which under Law 7698 was liable to be restituted to former landowners. Incoming occupiers were squatters. If it was agricultural land allocated under Law 7501 or under Law 8337, then it was outside the yellow line or urban boundary and so not available for building. In any event if the landowners who obtained land

under Law 7501 sold the land for building purposes, then, until 1998, such sales were invalid so the new “owners” had no valid title. The informal settlements in Albania are very problematic. First, the illegal occupiers have conflicts with the legal owners, whether private or state, resulting in substantial amounts of property that have no clear title. Informal settlements also pose a problem for registration. Although there is no legal basis for formal First Registration of the *de facto* possession rights in informal settlements, most people agree that there needs to be efforts to regularize ownership (KELM, 2000, AGOLLI, 2000). In addition, the government has made public statements promising a regularization scheme.

The World Bank and other donor agencies are supporting projects that work on local government strengthening, urban development and community organization. There are currently two pilot areas near Tirana where infrastructure and development plans are being implemented that include efforts to regularize the tenure status for some parts of the informal settlements.

Land cover

Nationwide land use in Albania changed little since the distribution of agricultural land to farm households in 1991. According to the MOAF (2002) the broad categories of arable land (24%), forests (36%), pastures and meadows (15%) and of other land (25%) remained stable between 1991 and 2000. According to preliminary results of the Albanian National Forest Inventory (ANFI), the first nationwide analysis of remote sensing data for the years 1991 and 2001, broad land-cover categories indeed changed relatively little. ANFI results for 2001 show cultivated area at 21% and forests cover at 32% (see figure 1 in the appendix).¹

However, a significant amount of land-cover modifications are observed as manifested in a change from forest to woodland of 2.8% and from forest and woodland into bush, shrubs, and grassland of 1.4%. This amounts to a significant degradation of forest cover of 4.2% between 1991 and 2001 with a corresponding decrease in tree density. The spatial representation of selected major land-cover modification show a significant decrease and degradation of forest in the Northern mountainous areas and, to a lesser extent, in the Southeast (figure 2 in the appendix). Agricultural land area increased by 1.4% according to ANFI data in this period, without pronounced hot spots of change across the country. Another major land-cover change factor in this period is the expansion of urban areas on former agricultural land by almost 1%, mostly around Tirana city.

Soil Erosion

Approximately 20% of Albania is prone to high rates of soil erosion, and the annual soil loss is calculated at 20-90 tons/ha/year and in some cases is exceeds 100 tons/ha/year (KOVACI, 2000). Seventy per cent of the country has an average erosion rate of 30 tons/ha/year and only 10% of the total land area has an erosion rate of less than 15 tons/ha/year. Erosion has caused the loss of the thin and fertile layer of topsoil and its nutritive values. Extreme forms of erosion including landslides, of which there are currently 150, 000 ha prone of this phenomenon, constitute a real threat of unpredictable consequences.

Much of the eroded area and areas prone to erosion are as a result of deforestation over the past 50 years. Each year the sea receives some 60 million tons of solid matter is eroded from the erosion process. This matter includes 1.2 million tons of hums, 100,000 tons of nitrates, 60,000 tons of phosphorus salts and 16,000 tons of potassium salts (KOVACI, 2000).

¹ As ANFI is a land-cover data set no land use assessments are involved. Therefore, it is not possible to calculate pastures and meadows. Major parts of the bush, shrub and macchia areas reported by the ANFI project are possibly used to graze livestock.

Further contribution to the loss of productive agricultural land is made through the desertification process where currently 100 000 ha of arable and tilled land are in the process of being lost through this process as a result of the lack of vegetation and appropriate land management. The scientific data shows that degradation and destruction are even greater, when about 100 thousand ha of agricultural land currently in the process of desertification caused by low vegetation and lack of owners is taken into account.

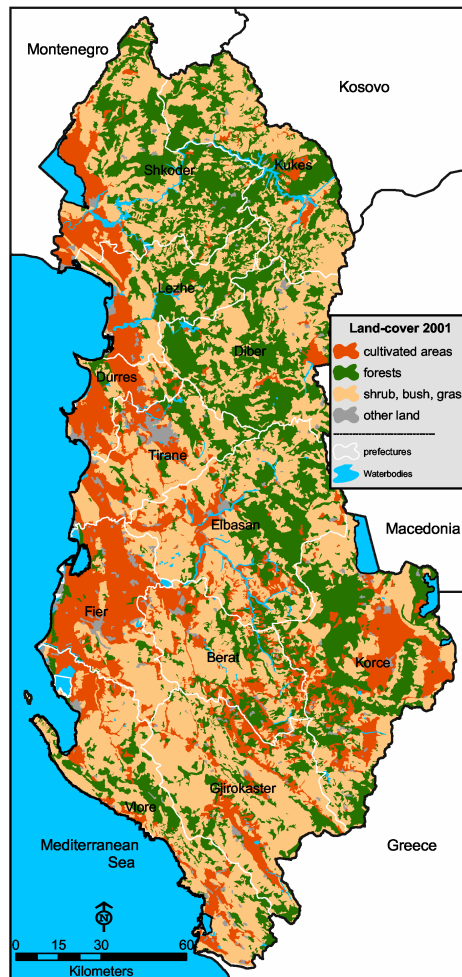


Figure 1: Major land-cover modification, 1991 to 2001

The land reforms applied in Albania, has affected very much the soil erosion rate. Soil erosion has increased, particularly for the less fertile soils and in the hilly and mountainous areas and appears as surface erosion, as coastal erosion, as rive bank erosion, in the transportation of silt and in the impoverishment of soil fertility. The main factors causing erosion are geo-climatic and human, including deforestation, irrigation with flow, considerable decrease of investments to maintain agricultural land, fires in pastures and forests (AGOLLI, 2000).

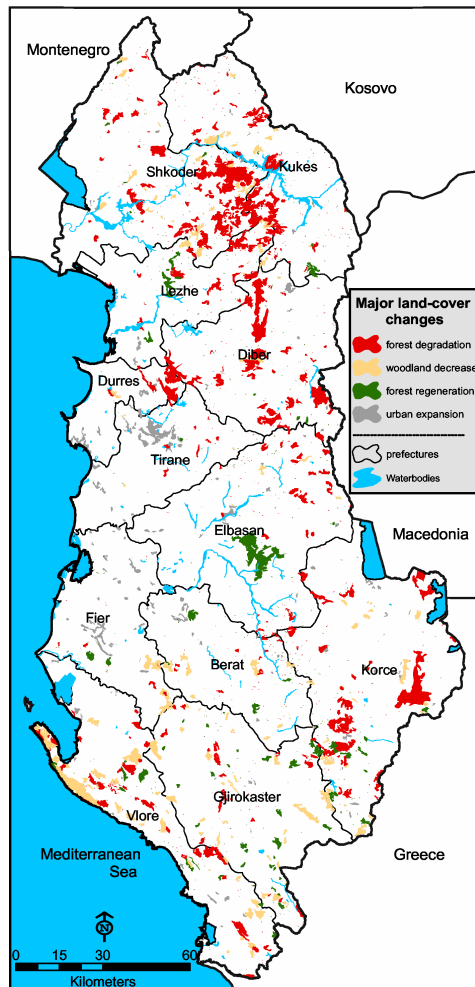


Figure 2: Major land-cover modifications, 1991 to 2001

Forest Degradation

Forests, pastures, agricultural land and coastal areas are undergoing degradation due to poorly defined private responsibility and a lack of public oversight and enforcement. The emphasis on privatization of property has neglected the need to define the responsibilities of private owners, particularly concerning the protection of and resources. Forest resources are comprised of State, local and private forests. Local forests are those under the state ownership but allocated to villages for common use by the permanent residents thereof who have the right to take from the local forest a surface area from 0.4 up to 1 hectare per family. Private forests include all groups of trees and forests that are created or exist within the boundaries of private immovable property. State and public forest resources are administered, developed and protected by the Ministry of Agriculture and Food's Directorate of Forestry and Pastures through the Directorate of Forest Service and the Forest police at the district level. The law provided a wide range of management tools to protect and preserve forest resources and

prevent deforestation. Albania has got a forestry and pastoral area which occupies more than half of the whole territory. Although this area is a considerable one, its stock situation suffers from the point of view of the dynamic development rate where degraded territories predominate. The Albanian relief is noticeably hilly and mountains. It is distinguished by its morphological form diversity, genetic sort. Types of slopes which are shown in the verticality of the forestry are widespread pastoral vegetation. The climate is varied enough, though our country is small and is situated within the Mediterranean climate. Forest degradation is occurring for three major reasons. First, oak forests are being degraded mainly by excessive fuel collection, overgrazing, and over harvesting of tree fodder. Second, productive high forests suffer from illegal logging for commercial wood, accompanied by considerable waste of quality timber, particularly since the early 1990s. Third, in the 1960s the state converted forests into agriculture land, most of which is unproductive marginal land today. The current situation is characterized by rapid deforestation (or harvesting) of standing timber stocks and degradation in the productive potential of the forest and pastoral ecosystems. Forest resources have decreased significantly over the last 10 years as a consequence of the country's transition to a market economy. In some areas, the total forest cover has decreased by an average of 15 percent over a period of five years, with varying degrees of reduction in the different forest types (MOAF, 2001). This resources degradation, which includes uncontrolled woodcutting and overgrazing, is particularly intense in areas near villages and communities, making human pressure in forest resources the major cause of their deterioration. In parallel with degradation of forests and pastures, investments in forest management diminished considerable after mid 1980s and were eventually discontinued in the 1990 due to dwindling resources allocated to the forest administration. Since the early years of the transition period, considerable quantities of wood have been illegally harvested. The impact of such illegal activities has caused and continues to cause serious economic and environmental damage.

Irrigation

Socio-economic changes that occurred in Albania during the last decade had negative impacts on the irrigation and drainage system. During the gradual decline of economy in the last period, many irrigation and drainage systems entered into a viscous cycle of inadequate budget allocation, deferred maintenance, system deterioration and unreliable water delivery, which was exacerbated by the massive destruction of public property. As a result many irrigation and drainage schemes ceased operations and by 1993 only 80,000 hectares were irrigated (MOAF, 2002, AGOLLI, 2000). In addition to the damages of the existing irrigation and drainage system, construction of new structures was interrupted for several years as result of a lack of financial means. As a final result, reconstruction of the system became a necessity. The first project for the rehabilitation of the irrigation system began at the end of 1993, funded by the World Bank and the European Community. As a result of this project, about 91,000 ha of irrigable land were rehabilitated in the 7 districts mentioned and the drainage system was improved on about 110,000 ha of agricultural land. About 100,000 farmer families have benefited from the project by having a direct increase in their agricultural and livestock production.

During this period, about 180 Water Users' Associations were established covering an area about 75,000 ha owned by 63,000 households (MOAF, 2002). Future developments with regard to the irrigation sector will be focused on the stabilization and sustainable development of this sector. The specific actions, on which these developments will be based, consist in: (i) sustainable development of water users' associations; (ii) restructuring of state irrigation and drainage enterprises; and (iii) rehabilitation of priority irrigation and drainage systems. Water users' associations will be developed and transferred to Water Federations, which will take on

all responsibilities with regard to provision of water for irrigation. Being financially independent, these federations will perform all duties related to irrigation like planning, regulation of relations among their members, definition of water tariffs, etc. The legal framework for these Federations will be also developed in order to define them as public institutions under the supervision of the Ministry of Agriculture and Food.

CONCLUSIONS

Although Albania is faced with political, economic and social problems, important steps have been achieved. The commitment by the Albanians to abandon five decades of state ownership and control and the steady progress made in completing substantive and procedural privatization laws are laudable. Nevertheless, impediments to a fully functioning land market remain. Issues such as restitution and compensation, illegal occupation of land and other land disputes continue to cloud legal title.

Rural condition throughout the region in Albania, have deteriorated during the transition period. There is growing inequality between rural and urban areas, with most of the poor now living in rural areas. These areas are characterized by declining populations that are increasingly represented by women and the elderly. Rural infrastructure has often deteriorated considerably and many rural roads, irrigation systems and erosion control measures are in poor condition. The roads and irrigation and drainage systems that were originally designed to suit the cultivation of large tracts of land have often not been reconstructed to suit the new smaller family farms. Power and water systems are prone to breakdown and other rural public and cultural facilities have also suffered from lack of attention.

An effective incentive to production and conservation of land and water resources in Albania is the right to secure tenure to land and other natural resources. Security of tenure is a major concern of the land user in deciding whether or not to invest in measures to promote conservation or sustainable production on a long-term basis. Land rights must be robust, allowing the user effective control over the resource, and the right to exclude others who might adversely affect its management. An important part of Albanian government policy should be to reduce disparities between urban and rural areas by improving the rural situation. Upgrading conditions in rural areas requires sustained programmes and projects that lead to the development of farms, villages and small towns, and the rural space in which they exist.

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