



# The Big Unknown: Who Grows Cannabis in Albania?—a Case-based Approach to the Cannabis Farmers in Albania

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RESEARCH



## ABSTRACT

This paper used publicly available data, such as the analysis of 103 court cases to make a profile of those convicted for cannabis cultivation in Albania. There are multiple reports on drugs and organized crime in Albania which provide information on the seizures of illicit substances, law enforcement operations and organized criminal groups. Reports position Albanian organized crime groups in the international drug market. However, there is little or no data on who the actual producers are. There are no household studies or crop monitoring surveys for Albania, resulting in a big data gap around drug crop cultivation. Despite the availability of public data on the prosecution of drug-related crimes, there is no sound analysis and profiling of cannabis growers, such as their educational level, employment status, income level, gender or living conditions. Where does illicit cannabis cultivation take place, indoors or outdoors, and to what extent? Is cultivation taking place in privately owned or public fields? How big is the area of land where cannabis is cultivated, and with how many plants?

The purpose of this paper is to identify the cannabis hotspots of Albania and the profile of those who illicitly cultivated cannabis between 2010–2020, taking into account their age, gender, civil status, educational level, income level etc. and conditions under which they cultivate. In order to understand the drug cultivation in Albania, a historical snapshot will be presented. For this paper, all publicly available data was used, together with analyses of 103 court cases, to gain a better understanding of the profile of those who cultivate cannabis, making this research unique for Albania. This paper presents new evidence for policy makers to address the root causes of illicit cultivation of cannabis in Albania.

This paper reconfirms the thesis that those involved in drug crop cultivation are driven by economic factors, lack of market access, lack of education and lack of access to social services.

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There are various reasons why Albania plays a role in the European drug market. The country is located in southeastern Europe, with land and sea borders to the EU Member States Greece and Italy, and land borders to North Macedonia, Montenegro and Kosovo, connecting east and west. With its Mediterranean climate and rich in water, Albania has the right conditions for the cultivation of cannabis. Its geographical location, climate, and the increased demand both in local and international markets create the conditions needed for the cultivation and trafficking of narcotics in and through Albania (Council of Ministers 2017).

The Albanian legal framework regulated drugs for the first time in 1995, before that cultivation and production of narcotic drugs were not recognized nor regulated by law in Albania, while the conventions on drugs were ratified in 2001.

Albania is a civil law country and drug related crimes are regulated by the Albanian Criminal Code and Criminal Procedural Code. Both cultivation of narcotics<sup>1</sup> and production and sales of narcotics<sup>2</sup> are considered crimes and subject to a penalty of three to twenty years in prison depending on whether the crime is committed in person or in collaboration. Drug related crimes conducted in collaboration are punished more than twice as heavily as crimes committed by individuals alone, while there is no difference in punishment based on the seizure size of the drugs subject to the charge. The same penalty applies for any seizure size, both for cultivation and for sales of narcotics. Punishment for cultivation of narcotics is lower than that for trafficking and sales. When it comes to consumption of narcotic substances for personal use, that is not punishable in Albania (Article 283 Criminal Code of The Republic of Albania).

## THE START OF CRIMINAL ACTIVITIES IN ALBANIA, EARLY 1990S

After the Second World War Albania entered one of the most severe communist regimes and was an isolated country until 1991, with no private property, very limited international relations and trade. During that time there is no evidence of illicit drug trafficking or cultivation of cannabis. After the fall of communism in 1991, Albania suffered a transitional period of high migration, instable economy, weak law enforcement, and a weak justice system. There was no democratic culture among Albanians or Albanian politicians, leaving the country in a development and identity chaos (Schmidt & Verbica 2009). The fall of the communist regime in 1991 was accompanied by a very rapid reduction of productivity in the agriculture sectors of 25–30%, due to massive destruction of plantations and cutting of fruit trees. More than 400,000 jobs were lost within one year, and the young male workforce migrated abroad (INSTAT 2004). Unemployment became the new standard, leaving many Albanians with no money and no skill to find a job. All of this made illegal activities very attractive. In the early 1990s the first cannabis cultivation was reported. With the first migrants leaving for Greece or Italy, knowledge from abroad was imported on illicit activities and cultivation of illegal cannabis for trade purposes soon started, along with a rapid increase in criminality and illegal activity (Zhillia & Lamallari 2016).

All the instability created from the change of the political, social, and economic system resulted in a collapse of the financial system and the collapse of the state in 1997, with civilians breaking into military warehouses robbing them of munitions and military equipment, and marking a new era for Albanian criminality. While the local environment was perfect for criminal activity to flourish, Albanian ethnic groups from ex-Yugoslav republics appeared in international reports

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1 Criminal Code of the Republic of Albania: Article 284 **Cultivation of narcotic plants:** Cultivation of plants that serve or are known to serve the production and extraction of narcotic and psychotropic substances, without permission and authorization by law, is punishable by imprisonment from three to seven years. The same act, when committed in complicity, or more than once, is punishable by imprisonment from five to ten years. Organizing, running or financing this activity is punishable by imprisonment from seven to fifteen years.

2 Criminal Code of the Republic of Albania: Article 283: **Production and Sales of Narcotics:** The sale, offer for sale, giving or receiving, distribution, trading, transport, sending, delivering, and possession, apart from cases when it is for personal use and in small doses, of any form of narcotic and psychotropic substances and seeds of narcotic plants, in conflict with the law, is punishable by imprisonment of from five to ten years. The same offence, when committed in complicity, or more than once, is punishable by imprisonment of from seven to fifteen years. Organization, management or financing of this activity is punishable by imprisonment of from ten to twenty years.

as being settled in Europe and became increasingly known for their expanding role in the trafficking of heroin and other illicit drugs (EMCDDA 1998). It did not take long for Albania to make its mark as one of the major cannabis providers for Europe, using Italy and Greece as entry points (UNODC 2000). Since then, Albania continues to appear in international reports as a country of origin for cannabis, as well as a transit route for heroin and cocaine, again through Italy and Greece to Europe. Allegedly, these trafficking routes are channelled through an increasingly Albanian-speaking diaspora (EMCDDA 2002). Albanian criminal groups appear to be very diversified in their illegal activities (Saggers 2019; Ministero dell'Interno 2019). The same applies to the modes of transport they use to traffic and transit drugs (Zhillia & Lamallari 2015). There are very little statistics of cultivation in Albania during that time.

Albania followed the global trends of increased cannabis cultivation in the last 30 years (Potter, Bouchard & Decorte 2011), even if cannabis cultivation was not a tradition. As opposed to the tendencies in the neighbouring countries, cultivation was and still is mostly for export purposes.

There are multiple reports of drugs and organized crime in Albania which provide information on the seizures, law enforcement operations, and organized criminal groups. The reports referred to above place Albanian organized crime groups in the international drug market. However, there is little or no data on who the actual producers of cannabis are. There are no household studies or crop monitoring surveys for Albania. There is a big data gap around drug cultivation. Despite the availability of public data on the prosecution of drug-related crimes, there is no sound analysis and profiling of cannabis growers, such as educational level, employment status, income level, gender or living conditions. Where does cultivation take place, in the cultivation indoors or outdoors, and to what extent? Is cultivation taking place in privately owned or public fields? How big is the area of land where cannabis is cultivated, and with how many plants?

The purpose of this paper is to identify the profile of those who cultivate cannabis in Albania, taking into account their age, gender, civil status, educational level, income level etc., and also to establish key characteristics of the land used for cultivation. The first part will explain the methodology used to identify the hotspots of cannabis cultivation, the profile of the cannabis growers, and the limitations of the study.

The second part of the paper will give an overview of drug related crime and seizures size, trends and fluctuation from 2010 to 2019. The analyses will deepen in two historical moments of cannabis cultivation in Albania.

The third part will try to identify the cannabis cultivation hotspots, by drawing a map based on the number of criminal proceedings for the charges of cultivation of narcotics.

The fourth part will focus on drawing a profile of those charged for cannabis cultivation. The analyses will identify age groups, gender, family status, economic conditions, education, previous criminal records, and income.

The fifth part will focus on the characteristic of the cannabis farm, size, number of plants etc., together with information on deforestation.

The paper will close with recommendations and conclusions. Based on the conclusions, public policy interventions can be designed and built on evidence and increased knowledge in the future.

## 1. METHODOLOGY AND DATA SOURCES

To draw the profile of the people who are sentenced with the charges of cultivation of narcotic drugs, the research uses both qualitative and quantitative data, collected from primary and secondary sources in a descriptive form. The objective of the paper is to identify the profile of those who are involved in the cultivation of cannabis, typology of the cannabis farms, and cannabis cultivation hotspots.

Albanian institutions have not published an official map of cannabis cultivating areas. Therefore, to identify the cannabis hotspots, the paper will analyse all available data from prosecution offices of people charged with 'cultivation of narcotics'. After identifying the hotspots of cultivation, a profile of the cannabis grower will be drawn by a descriptive analysis of court

cases. The selection of the court cases was done by using purposive sampling, selecting court cases from the drug cultivating hotspots. The court cases are all public,<sup>3</sup> and were examined in compliance with data protection regulations.

## A. DATA PROCESSING

The information gained from the court cases will be analysed both with qualitative and quantitative research methods. The hotspots will be identified by checking which of the Albanian regions has the higher percentage of persons charged for cannabis cultivation charges. The information on persons charged for drug related crimes, both cultivation and trafficking, has been extracted from the General Prosecutor Office for the years 2010–2019 and has been processed with Microsoft Excel. The hotspots maps are designed with the chart function of Microsoft Excel.

The profile of the cannabis growers will be identified by examining court cases from 2011–2020. The total number of court cases throughout Albania that contain the charge of narcotics cultivation is  $N = 828$  (population) for the selected time period (General Prosecutor Office). The sample examined is  $n = 103$  cases with  $n_1 = 146$  accused. There are three extra cases ( $n_2 = 3$ ) examined for identifying the working relations in a cannabis farm. Two criteria were used for the selection of the court cases: a) the profile of the region, and b) availability of data. For the purpose of this paper the selection of the regions was determined by the role they play in the drugs market. Two of the regions were selected as hotspot regions (Shkodra and Vlora), those having the highest number of people charged with cultivation of narcotics, and one of the regions covers Tirana, the capital city. Tirana is chosen to check the consistency of the data. Not all district courts have uploaded their cases online for public viewing, so the selection of regions also depends on the available data. The selected regions have more cases publicly available, also due to the fact that drug related crimes play an important role in those regions. The selection of cases was done using purposive sampling, and even if the geographical coverage of all Albania is not ensured, due to limitations on availability of data, the sample is statistically representative with a confidence level of  $CI = 95\%$ ,  $\alpha = 5\%$  and a margin of error of  $E = 9.04$ .

The 103 court cases have been examined and the information collected is entered, coded and processed in Microsoft Excel. The geography of the 103 cases is as follows: 27 cases are from Tirana, 11 from Vlora and 65 cases from Shkodra. All publicly available cases on the courts' website up to December 2020 have been examined.

There are different sets of variables examined for the purpose of the paper based on previous studies with the same focus (Alvarez, Gamella & Parra 2016). Demographic variables were the first set used to draw the cannabis growers' profiles: age, gender, educational level, civil status, urban vs. rural location, previous criminal record, family relations with other people charged in the same court case and if there are family member who takes all the guilt on themselves. Other sets of data are those related to the characteristics of the cannabis plantation, such as: size of seizure, number of plants eradicated, size of the parcel, indoor vs outdoor cultivation, cultivation in protected area, deforestation connected with the creation of the parcel, land ownership, etc. The last set of data is related to court charges and other crimes such as: cost for the court procedure, mitigation measures, other charges in the same court process, final court decision whether declared innocent or guilty, length of sentence, or probation service sentence.

## B. LIMITATIONS OF THE STUDY

The selection of the cases was restricted by the availability of the cases. Even if all Albanian courts have a digital database, not all of the court cases are published online regularly. This restricts the results of the study to be applicable to only those cases part of the sample.

The study examines the profiles of those who are charged for the cannabis cultivation but does not study those who do cultivate but do not end up in court. As shown also by the statistics of the Prosecutors Office, those who end up in court are the cannabis farmers and not those who provide the seed or organize the trafficking.

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<sup>3</sup> All cases have been accessed: [www.gjykata.gov.al](http://www.gjykata.gov.al).

The information given on the court cases is limited, due to the fact that the accused in 71% of the cases accept the guilt to benefit from abbreviated trial procedure. For that, it is not possible from the examined court cases to get information on the other parts of the chain, neither involvement of women nor of other groups.

A limitation of the method used to draw the cultivation map is that more arrests in one area do not necessarily mean more cultivation takes place there, but only that more law enforcement is being carried out in that area.

One of the limitations in processing the court cases is that the information is not standardized. Therefore, only the available information is processed, and the average is extrapolated from the available data for the specific variable. Table 1 shows the available data for each of the selected variables.

CASES WITH INFORMATION	NUMBER OF ACCUSED	AGE	GENDER	EDUCATION	CIVIL STATUS	CRIMINAL RECORDS	NUMBER OF PLANTS SEIZED	SIZE OF THE PARCEL	OWNERSHIP
	146	99	141	134	108	119	88	11	35

## 2. OVERVIEW OF DRUG-RELATED CRIME IN ALBANIA

Table 1 Available data.

### A. DRUG RELATED CRIMES

Drug-related crimes play an important part in the criminal activity in Albania, being the most or the second most common crime in the last decade. The most common crime offence related to drugs is production and sales of narcotics, followed by cultivation of narcotics (Figure 1).

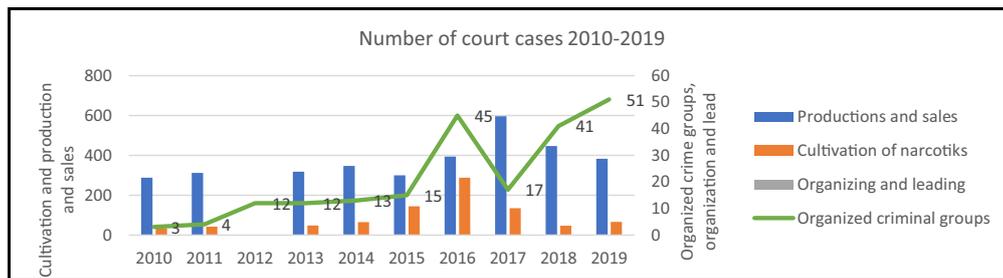


Figure 1 Number of court cases 2010–2019 Criminal Code Art: 384, 283, 284/a. Source: (General Prosecutor Office of Albania yearly report 2011–2020), interpreted by the author.

Both crimes related to cultivation and sales of narcotics follow the same trend ( $r = 0.76$ ) till 2016, which is the year with the most seizures in Albania, which means that cannabis was not only cultivated in Albania, but it was processed and transformed in other forms such as oil and part of it sold in the country together with other drugs. As seen in the graph, there is a decline in charges of cultivation of narcotics after 2016, but not those on production and sales.

The third most common crime related to drugs is participation in organized crime groups,<sup>4</sup> which is strongly correlated until 2016, both with cultivation of narcotics crime ( $r = 0.96$ ) and its production and sale ( $r = 0.89$ ), showing that there is an increasing trend of organizing in more structured groups. Yet the charges for participation in organized crime groups are very small compared to the charges for cultivation and sales, with a maximum of 11% in 2019, and a minimum of 1% in 2010 of the totals accused of drug-related crimes. This reconfirms that the burden of drug-related crimes remained with the person who was arrested, but also might explain that the cultivation and trafficking is done by individuals who get involved in illegal activity in no organized way. The same presumption is used also in the Albanian legal framework, where the cultivator has the lower punishment, with the presumption that those who cultivate are farmers driven by economic factors. The examination of the court cases shows that 97% of those accused for the cultivation in the selected cases had no previous criminal records.

<sup>4</sup> Criminal Code of the Republic of Albania: Article 333/a **The structured criminal group:** The establishment, the organization or the leading of a structured criminal group with the purpose of committing crimes, is sentenced with imprisonment for a term of from three to eight years. Participation in the structured criminal group is punished with imprisonment for a term of from two to five years.

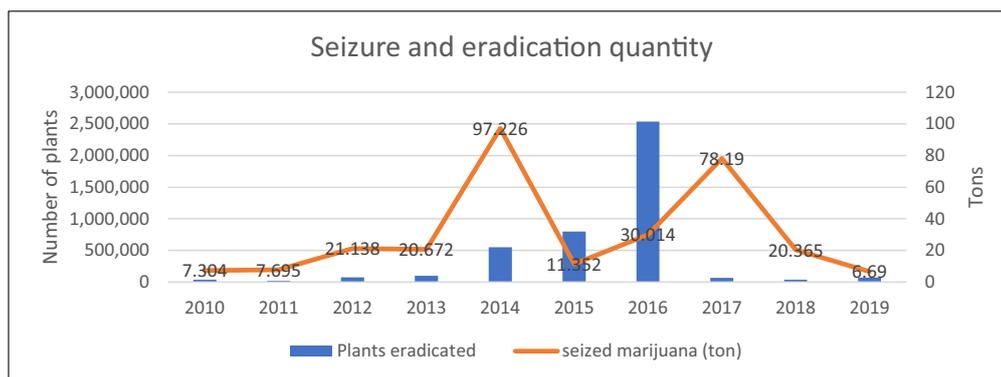
For the selected time period there is no one convicted for the charge of organizing and leading a criminal organization,<sup>5</sup> putting the farmer and the salespersons to carry the burden of all drug-related crimes in Albania.

There is a strong correlation of the crime frequency and the court cases related to that crime. The eradication of cannabis plants is strongly correlated with the number of court cases on cultivation of narcotics ( $r = 0.91$ ) for the same time period, showing that the police interventions associate the cannabis seized with persons in charge for the cultivation, who then are prosecuted.

## B. CANNABIS IN ALBANIA AFTER 2010

Twenty years after the fall of communism, Albania became a known hotspot of cannabis cultivation. In early 2010, the European Union’s annual progress report recognized Albania as the main producer of cannabis in the region (European Commission 2011). In 2013, the Italian Guardia di Finanzia, using air supervision, satellites and desk research, estimated that the main cannabis hotspot of the time, the village of Lazarat (in the Gjirokastra region) alone had the capacity to produce 900 tons of cannabis a year, with a market value of 4.5 billion euros (Mero 2013). Compared to that, the Albanian GDP in 2014 was 10 billion euros (INSTAT 2015). If that capacity had been fully used the village would potentially have produced the equivalent of 45% of the Albanian GDP. However, there is no real evidence of how much cannabis was produced and processed in Lazarat before police entered the village in 2014 and stopped the cultivation and production of narcotics.

In 2014 the Albanian police undertook major eradication interventions, destroying all over Albania a total of 551,414 plants. Police operations were mostly focused in the two main areas known for cannabis cultivation, Lazarat and Dukagjin (in the Shkodra region). As a result of the operations, 71 tons of cannabis were seized in Lazarat alone, 133,567 cannabis plants were destroyed, and 16.8 kg of cannabis oil was found (Ministria e Punëve të Brendshme 2014). meanwhile in Dukagjin, 136,000 plants were destroyed (Ministria e Punëve të Brendshme 2014; European Commission 2014). Everyone living in the village of Lazarat was dependent on the cannabis economy. After the police intervention, there was no economic or development interventions in the village. In search for income and with limited knowledge other than cannabis cultivation, people from Lazarat moved to other parts of Albania and also abroad and started cultivating cannabis in remote territories. As a result, in 2016, the highest-ever amount of cannabis plantations were seized in Albania (Council of Ministers 2017) (see Figure 2).



**Figure 2** Seizure and eradication quantity Source: Ministry of Interior Annual reports 2014–2019, EU progress Report Council of Ministers 2017, interpreted by the author.

The total value of the drug market in 2016 was estimated at 2.6% of GDP, compared to 0.07–0.19% for countries such as France, Germany, Italy and the United Kingdom (European Commission 2016).

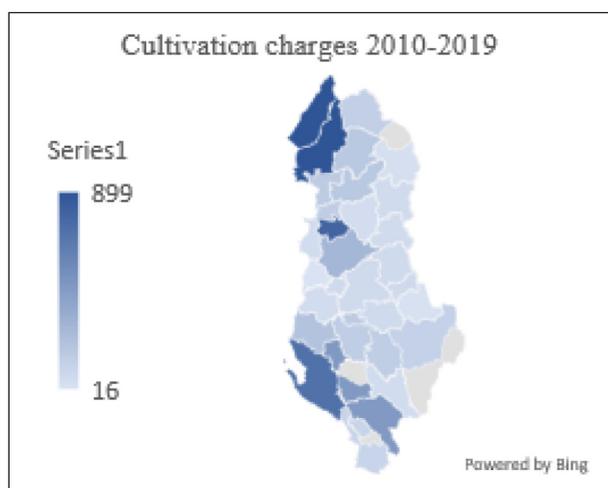
In 2017, the fight against cultivation of cannabis became an increasingly important part of the agenda of the government, with the adoption of the Action Plan on the Fight of Cultivation and

<sup>5</sup> Criminal Code of the Republic of Albania: Article 284/a **Organizing and leading criminal organizations:** Organizing, leading and financing criminal organizations with the goal of cultivating, producing, fabricating or illegal trafficking of the narcotics is punishable by imprisonment of ten up to twenty years. Creating conditions or facilities for such activities by persons holding state functions is punishable by imprisonment from five to fifteen years.

Trafficking of Cannabis, and that resulted in decreasing cultivation all over the country, and also a decrease in the prosecutions related to the cultivation of cannabis (General Prosecutor Office of Albania 2018). The increase in seizure of marijuana in 2017 (Figure 2) could be explained in that many people stored the cannabis from the years before, or that Albania was being used as a transit country for cannabis from other countries (Saggers 2019), or that police operations did not result in full eradication or took place later in the year.<sup>6</sup>

### 3. CANNABIS CULTIVATION HOTSPOTS CULTIVATION HOTSPOTS

Data for charges related to cultivation show that most of the people accused of drug cultivation in Albania in the years 2010–2019<sup>7</sup> were prosecuted by the prosecution office<sup>8</sup> in Shkodra, making the region a hotspot of cannabis cultivation in Albania. The second highest rate was in Kruja, Vlora, followed by Gjirokastra (Figure 3). Several studies also confirmed these areas as crime hotspots (Mejdini & Amerhauser 2019; Zhilla & Lamallari 2015; GIATOC 2019). These four hotspots remain the same throughout the years.



**Figure 3** Cultivation charges, Source Prosecution office, Authors calculations.

To understand the reason why these areas turned into hotspots, it is important to understand the socio-economic conditions of those areas. The area of Dukagjini (a cultivation hotspot since 1990s) is a mountainous area of the Albanian Alps, part of the Municipality of Shkodra. The region is characterized by a very low employment rate and low population density (4.4 inhabitant/ Km<sup>2</sup>).

The total surface of the area is 432 km<sup>2</sup>. People living in the areas commute mostly by walking or animals, making it very difficult to access the limited services which are provided by the municipality. The health service in the region is poor; there are ambulances in each village, but with limited or no medical staff. Access to education is restricted to elementary one and there is only one high school in the territory of Dukagjin, so that not all of the citizens have access to education beyond elementary school. There were only seven registered businesses in the area in 2014, and due to the transport costs, access to its markets is very difficult. There is no cultural or social centre in the whole area. All of the above makes the population of the areas vulnerable to get involve in illicit activities (ALCDF 2015; Municipality of Shkodra 2019).

### 4. PROFILE OF THOSE INVOLVED IN DRUG RELATED CRIMES A) DEMOGRAPHICS

Different studies divide the profiles of those who cultivate for personal use, for medical use, for social use (cultivate to share with friends) and those who cultivate for trade purposes (Wiecko

<sup>6</sup> Due to the fact that most of the cultivation is outdoor, police operations are more intense when the plan is planned (June to September).

<sup>7</sup> Data missing for the year 2012–2013.

<sup>8</sup> The court jurisdiction over a case is defined by the place where the case took place, or was supposed to take place, or the place where the consequences of the case accrued (Criminal Procedure Code, Art 76).

& Thompson 2014; Kirby & Peal 2015; Potter & Klein 2020; Spapens 2011). This clear distinction is difficult in the case of Albania, as most people charged for cannabis cultivation, declare to cultivate due to economic reasons, which classifies as trade.

Data from the cases in the three selected regions show that the average age of those under investigation for cannabis cultivation is 36.5 years old at the time they were accused. Only 6% of those accused are minors, while the age group 18-25 represent 34% of the total accused. The youngest person accused of cultivation is 16 and the oldest 73 (Table 2), with Tirana having the youngest average age at around 31 years old, while Vlora has the oldest average age of 54 for cultivation charges. The same data are also reflected at the national level. What can be noted is a decrease in the percentage of minors involved in drug-related crimes, starting in 2011 with 8.6% of all accused, and dwindling to 2% in 2019 (author's calculations from the General Prosecutor Office reports 2014–2020).

	N	% OF THE TOTAL	MEAN	SD	MAX	MIN	MODE	MEDIAN
Total Sample	99		36.5	17.1	73	16	20	32
minor	6	6%	16.5	0.5	17	16	16	16.5
18–25	34	34%	21.9	2.1	25	18	20	22
31–40	27	27%	33.4	4.4	40	26	34	34
41–50	6	6%	42.7	2.7	48	41	41	41.5
50–60	7	7%	54.9	2.7	59	52	52	54
above 60	19	19%	64.8	4.1	73	60	63	63

**Table 2** classification of cultivators by age groups.

It seems that the civil status is not significant for the engagement into cultivation, as among the total accused, the share of those who are single or divorced is almost equal to those who are married, this seems to be the cases also in Finland (Hakkarainen & Perälä 2011).

The majority (85%) of those accused of cultivation live in rural areas. The educational status among those who are accused of cannabis cultivation is relatively low: 61.5% of the total accused of drug-related crimes have a very low educational level of up to only middle school,<sup>9</sup> comprising seven to nine years of basic education depending on their age,<sup>10</sup> while only 2.88% of the total accused hold a university degree. In the earlier years, the accused with middle school education (more than 70%) dominated, but after 2014 there was an increase in those charged with drug-related crimes who held a high school certificate (up to 45% in 2019) or a university degree (up to 5% in 2019) (author's calculations General Prosecutor Office 2014–2020).

The majority of the accused for drug-related crimes are registered as unemployed (80.1%).<sup>11</sup> Only 0.34% of the total accused for drug-related crimes in the years examined were working for public administration with the highest record in 2019 (with 2.2% of all the accused) (author's calculations General Prosecutor Office 2014–2020).

Most of the cannabis growers that are prosecuted by the police are men. While men represent 95% of the total accused under the selected sample, men and boys represent more than 98% of the total accused for drug-related crimes for the selected years at country level following the general trend of those involved in cannabis cultivation (Alvarez, Gamella & Parra 2016; Hakkarainen & Perälä 2011; Kirby & Peal 2015). The percentage of women involved does not fluctuate throughout the years (author's calculations from the General Prosecutor Office reports 2014–2020).

Even though at the national level only 2% of women were charged for drug-related crimes, in the selected sample of cases women represent 5% of the total accused. They have an average age of 49 years old. The higher percentage of women involved in cultivation compared with

<sup>9</sup> In Albania primary and middle school education are obligatory.

<sup>10</sup> Over the years, educations reforms have brought an increase from seven academic years obligatory education to eight and nine academic years.

<sup>11</sup> In Albanian law, everyone who has been actively looking for a job in the previous four weeks is considered unemployed. A farmer who owns a plot of land and produces his/her own food is not classified as unemployed. There is no evidence of whether the prosecution statistics use the same definition of unemployment.

women involved in drug-related crime (2% both cultivation and trafficking) could be justified by how cultivation occurs in family settings and the entire family is involved (Afsahi 2011; Alvarez, Gamella & Parra 2016; Bouchard & Nguyen 2011). Despite the fact that women are prosecuted less for cultivation charges, this does not mean that there is no involvement of women in drug cultivation. Journalists' investigations have brought testimonies of women involved in cannabis cultivation, mostly at the moment of harvesting and cleaning (Ziaj 2021). Further research needs to be conducted with a focus on women and their involvement in drug-related crimes.

## **B) FAMILY RELATION IN CULTIVATION**

Albanian family structure is very strong and complex, and this is visible even in the examined cases. In 13% of the cases, family members are involved in cultivation, with a total of twenty-nine accused. In 83% of those cases, one of the family members takes on responsibility for the crime. The family member who takes on all the responsibility for the cultivation has higher chances of getting a lighter sentence or probation service (Case 1 2011),<sup>12</sup> for being either a student or the oldest member of the family. When the family member who takes on the responsibility for cultivation is a student, the reasoning for the crime is that the person is driven by economic factors, and cultivation took place to generate income for finishing their studies; all of those arguments are also used when requesting probation under Article 59 of the Criminal Code (Case 7 2017). Where the eldest member of the family takes on all the responsibility for cultivation, the accused's age and the low risk that the person represents are given as reasons for applying for probation (Case 8 2016).

## **C) CRIMINAL RECORDS OF THE ACCUSED**

International studies have shown a connection between the size of the plantation and the level of criminal behaviour of those involved in cultivation. As more cultivation has moved to family settings, less involvement of criminal hierarchies have been noticed (Hakkarainen & Perälä 2011; Wiecko & Thompson 2014; Potter & Klein 2020; Kirby & Peal 2015). However, in the literature, there is a division between cultivation for non-profit purposes and profit purposes. There is no evidence in Albania of cultivation for non-profit purposes. In the cases examined for Albania, there are only two cases, where the accused declares to have cultivated for the purpose of personal use.

Those involved in cultivation do not have previous criminal records, with 97% of the individuals charged with cultivation of narcotics in the cases examined having no previous criminal record, which can be an indication that cultivation is the work of farmers, and not a repeated crime. Only 4% of individuals have previous criminal charges in Albania or abroad. When examining other charges in the same selection of cases, the most common charge is complicity in cultivation, which occurred in 41% of the cases; this is the case when more than one person is involved in the cultivation. The second most common accompanying charge is 'manufacture and illegal possession of firearms and ammunition' in 17% of cases; this can be explained by the fact that the cannabis fields are secured by armed guards. In 15% of cases there is an associated charge of production and sales of narcotics. This last charge occurs when dried or processed plants are found in addition to plantations of cannabis plants. There is only one case of other related crimes such as domestic violence, murder, disobeying police forces and directing the organization, reinforcing the thesis that those cultivating cannabis are farmers not involved in other criminal activities.

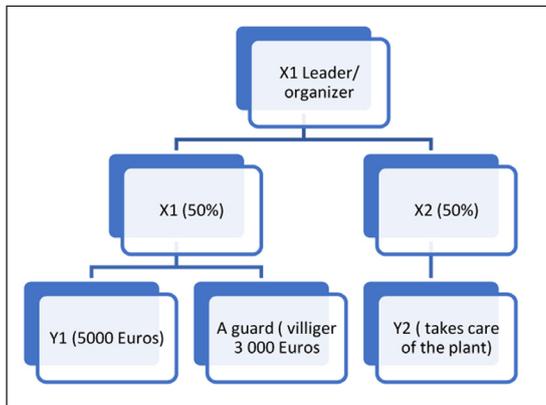
## **D) THE CANNABIS WORKER**

In the cases examined there is no information about how the farmers obtain the plants and to whom they sell the product. In 71% of cases there is an abbreviated trial procedure, with no further investigation other than the preliminary one, as the accused accepts all the charges. That makes it difficult to collect information on the trafficking process from these court cases. There are three cases where contracted labour is mentioned. Based on those cases, there are three types of workers: the armed guard, the cannabis worker who takes care of the plants and waters them, and the person responsible (like a manager) who provides the seeds and takes

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care of the cannabis after harvesting. In one case ([Case Labour 3 2016](#)) seeds are provided by one person, whom we will call  $X_1$ , who does not live in the village, who recruits a partner  $X_2$  to whom he promises 50% of the profit for taking care of the plantation.  $X_2$  recruits a close relative  $Y_2$  to take care of the plants, water them and help with the work, and gives  $Y_2$  part of his/her profit. On the other side,  $X_1$  recruits a close relative  $Y_1$ , to take care of the others in the field, cook, clean etc. for a total payment of 5,000 euros.  $X_1$  also recruits a guard from the village and pays him/her 3,000 ALL (25 euros) a day. That work would normally be for a maximum of four months, a total of 3,000 euros a year.



Organization of labour in a Cannabis farm.

Upon reading through the court cases, there are two facts are to be noted: the organizer is not from the village, but he is partnering with a local person, and both the organizer and the partner need a trusted person in the field, a relative whom they pay either a share or a fixed amount. The existence of this structure of organization has been highlighted also by the informal discussions with farmers in the villages.

The payment for labour varies. In Shkodra in 2016, the daily fee for cannabis field work was 1,500 ALL (or 12 euros) or 360 euros a month ([Case Labour 1 2016](#)), an amount confirmed by journalist investigations ([Ziaj 2021](#)). As this is seasonal work for a maximum of four months would result of an income of 1,440 euros a year for the person involved. In Tropoja (another city in Albania), in the same year the monthly payment for the cultivation of cannabis is 90,000 ALL or 720 euros a month ([Case Labour 2 2016](#)). Taking the maximum period of work as four months comes to an income of 2,880 euros a year. In the same case, it is mentioned that expertise in cannabis cultivation was provided by people from southern Albania. The workers are those who are prosecuted and not the managers.

## E) COSTS FOR THE COURT CASES

The court expenses for the cases examined vary from a minimum of 1000 ALL (8 Euros) ([Case 2 2016](#)) to a maximum of 431,520 ALL (3,400 Euros) ([Case 3 2016](#)), and the average court expenses are 280 euros, to be paid by the accused. These costs exclude all other costs generated outside the court, such as the attorney contracted (if the accused can afford one; if not he/she can benefit from the free legal aid service), or other costs that might be generated. The court expenses are more than five times higher than the average social benefit and almost the same as the minimum wage (the minimum wage in Albania in 2020 was 200 euros ([General Tax Authority 2021](#))).

Various sources confirmed that the farmers who cultivate cannabis are driven by economic factors, substituting their less productive crops for a quick income ([Council of Ministers 2017](#); [Mejdini & Amerhauser 2019](#)); the cases examined here also confirm these facts. In 23% of cases, the judge explicitly mentions the fact that the person accused of cultivation has become involved because of very difficult economic conditions, as the social services prove. In other cases, too, it is clear from the description that the accused's living conditions were very poor.

Examining the related charges for the cultivation, bring to the conclusion that most of those involved in the cultivation of cannabis are farmers who take the burden of cultivation, and that they do not associate themselves with other criminal activities, but are mostly involved in the agriculture work of the cannabis cultivation.

## F) CONVICTION FOR CULTIVATION OF CANNABIS

No matter the size of the seizure, the final sentence is almost always two years and four months, as abbreviated trial procedures apply,<sup>13</sup> reducing the sentence in 71% of cases. In 34% of cases, the accused are sentenced to probation services as an alternative judgement.<sup>14</sup> This alternative sentence is justified by economic conditions, age, health or dependency of family members. Fifteen percent of the accused are declared not guilty of cultivation of narcotics. As the cases examined were held in a court of first instance, the reported data are not the final convictions.

## 5. SIZE OF THE CANNABIS FARMS

This session will give a picture of the size and the typology of the cannabis farms in the three selected regions. Based on the examined court cases, the number of plants eradicated varies from 1 plant in Shkodra (Case 4 2015) to 14,134 (Case 5 2016) in Dibër (a case examined for the purpose of the cannabis workers). The average seizure is 370 cannabis plants per case.

As shown in Table 3, 60% of the plantations have more than 50 plants, showing once more that cultivation is taking place for trade purposes. Albanian legal system does not make any differentiation based on the size of the seizure. Hence, individuals who choose to cultivate could tend to have bigger sizes as the profit would be higher for the same risk level.

SIZE OF THE PLANTATION	PLANTATIONS		PLANTS					
	N	% OF THE TOTAL	MEAN	SD	MEDIAN	MODE	MIN	MAX
less than 10	12	14%	4.3	2.8	2.5	2	2	9
10-50	20	23%	29.2	13.3	25.5	15	15	50
50-100	16	18%	69.2	14.1	61.5	58	55	97
100-500	25	28%	257.1	134.4	193	300	100	486
500-1000	8	9%	811.2	105.7	832.5	#N/A	609	950
more than 1000	7	8%	2556.8	1687.6	2000	1100	1100	6000

**Table 3** Size of the plantations.  
Source: Author calculation based on the cases studied.

There are only 11 cases where information on the size of the parcel of land is available. The parcels are fragmented in small plots next to each other. From the available data, the biggest area cultivated is located in Pult, Shkodra. The cultivation site is composed of seven smaller parcels, of which the biggest plot is 5,000 m<sup>2</sup>, and the seven plots together have an area of 7,203 m<sup>2</sup> (Case 6 2011). The average size of the parcels cultivated is 1,851 m<sup>2</sup> while the average farm size in Albania is 0.5 ha or 5,000 m<sup>2</sup> (FAO 2018). This brings to the assumption that farmers cultivate cannabis as a supplement to other traditional crops.

Forty percent of the cases examined include information on the ownership of the property where cultivation takes place. In 68% of those cases, cultivation took place on land which belonged to the accused either legally or by tradition. From the available data, 15% of cultivation takes

<sup>13</sup> Criminal Procedural Code **Article 403**: Request for abbreviated trial (Amended by Law No. 35/2017 of 30.03.2017, article 224) 1. The request for an abbreviated trial shall be submitted by the defendant or his/her defence lawyer upon special power of attorney during the preliminary hearing or the court hearing pursuant to Article 400, paragraph 3 and article 406/ç of this Code, otherwise it shall not be admitted. 2. The request for an abbreviated trial for criminal offences punishable with life imprisonment shall not be allowed.

<sup>14</sup> Criminal Code **Article 59/a**: Home confinement (Added by law no 10 023, dated 27/11/2008, Article 4; Added second paragraph by law no. 144, dated 02/05/2013, Article 10) For prison sentences of up to two years or when only two years of the sentence remain, according to a decision pertaining to a longer time of imprisonment, the court may decide that the convict may serve the punishment at home, in another private house or a center of public health care, when the following circumstances exist: a) for pregnant women or mothers with children under ten, living with them, b) for fathers who have parental custody over a child under ten, living with him, when the mother has died or is unable to take care of the child; c) for persons with serious health issues requiring continuous care from the medical service outside of the prison; ç) for persons over sixty years old, whose health situation renders them incapable; d) for young adults under twenty one, with established medical, study, work or family responsibilities or needs. Under the circumstances foreseen in letter 'a' and 'b' of first paragraph of this Article, the court cannot decide that the sentence be served in home confinement for persons who have committed a criminal offence against their spouse, cohabitant or child.

Criminal Code Article 205 Unlawful cutting of forests: Cutting or damaging forests without authorization or when it is undertaken at a prohibited time or place, when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

place on the land of owners living abroad. Only 10% of the cases dealt with indoor cultivation, which is in the form of a green house and not artificial lights are installed.

## THE ENVIRONMENTAL IMPACT OF CULTIVATION

Protected areas are used to cultivate in 7% of the cases where the information on land ownership is available. Public reports state that narcotics are mostly cultivated in publicly owned forest and pastures in remote areas, or land with no registered owner (Council of Ministers 2017). Based on these facts, the presumption is that the police can easily assign a cultivation to an individual if there is evidence of land ownership, and can therefore make an arrest, while when the cultivation takes place in public forests, it is not possible to associate it with an individual, and that case might not end up in court.

The examination of the cases show that deforestation is also taking place due to cultivation, as is also the case in Morocco (Afsahi 2011). That is related to the fact that cultivation happens outdoors. In 29% of the cases examined, there is information about deforestation taking place. Despite the fact that deforestation and cultivation in protected areas have taken place, there are no charges<sup>10</sup> for deforestation in any of the cases examined.

## 6. CONCLUSIONS AND RECOMMENDATIONS

Albania is not a traditional producer of cannabis, yet it has the same drivers for cannabis cultivation as the traditional producing nations such as Morocco and the Caribbean, where cannabis cultivation takes place in family settings, in the outdoors, and provides clear economic and social benefits (Afsahi 2011; Klein 2011).

The burden of drug crimes in Albania is carried by those who cultivate narcotics and those who are involved in the production and sales. There are no criminal charges for organization and lead of criminal activity.

The profile of the cannabis growers in Albania is: a man, living in a rural area, in his mid-thirties, with a low educational level, not previously involved in criminal activities, and living in poverty. These people cultivate cannabis together with other agricultural products they traditionally grow. In 41% of the cases there is more than one person involved in cultivation.

The cannabis workers in Albania get paid from 1,440 to 5,000 euros a year, and for that they risk a prison sentence of two years and four months and paying an average of 280 euros of court expenses.

This paper reconfirms the thesis that those involved in illicit drug crop cultivation are driven by economic factors, lack of market access, lack of education and lack of access to social services. This is why development programs that give opportunities to people living in poverty are crucial to prevent farmers from paying the price for drug crimes. For this reason, an inter-institutional approach is needed to address the root causes of cultivation: poverty, marginalisation, and lack of education and other means of earning a decent income. Such an approach would lead to cross-cutting drug policies with an orientation on sustainable development. UNGASS 2016 set the stage for development-oriented drug policies, advising states to address all parts of the drug supply. Yet, at country level, its implementation needs a broad and comprehensive approach. Development should be seen in full, and development indicators need to be considered when designing drug policies (Brombacher & Westerbarkei 2019).

Furthermore, the environmental impact of drugs is one aspect of drug policies not considered in Albania, but which demands increasing attention. From the cases examined, it was clear that deforestation was taking place, but no environmental charges were associated with drug cultivation. Therefore, law enforcement agents should also consider environmental crimes when investigating drug-related crimes. More detailed research is needed to better understand the link between drugs and the environment in Albania, not only the link with deforestation, but also with other environmental problems.

Further research is needed on involvement of different groups (such as women, youth and minorities) in the cultivation of narcotics.

To properly assess the drug cultivation, crop monitoring surveys need to be conducted and data needs to be available for designing targeted interventions.

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