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Authors: Bozgo, Shkelqim, Sinakoli, Xheni, and Spahia, Emin

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# Customary Law, Conflict, and Development in the Mountains of Albania

*Shkelqim Bozgo*
*Xheni Sinakoli*
*Emin Spahia*



*More than a decade after the breakdown of a very severe communist regime, Albania is still facing the challenges of a difficult transition to democracy. The lack of a democratic tradition and a rather inequitable redistribution of resources have enabled a minority—often politicians—to thrive, whereas the majority of Albanians are struggling to survive. This is particularly the case in the remote northern mountain areas, where people are dependent mainly on agricultural and other types of land. Poor infrastructure and very weak police and judicial systems have made the region vulnerable to the revival of a centuries-old tradition: the blood feud. This severely hampers development, particularly tourism, and is undermining the country's social fabric.*



## A lack of national cohesion inhibits potential

Seventy percent of Albania is covered by beautiful mountains that rise from the Adriatic and Ionian coasts to become high peaks in the north. This is a most attractive environment for tourism, a sector that could greatly contribute to the development of Albania's economy. Yet tourists shun the mountains, owing to security concerns and the lack of infrastructure, institutions, and amenities. New land tenure problems have generated many disputes. In the absence of an appropriate response from the state and the judicial system, people have reverted to an ancient code of law, the *Kanun of Lek Dukagjini*, and developed their own rules for problem solving. This form of self-administered justice is often tolerated by the police to divert attention from their own inefficiency (Figure 1).

### The blood feud: Part of an ancient legal canon

The blood feud system has existed in many nations around the world, most of which have banned it. In Albania, it dates back to the very early days of the country's history. It was thoroughly codified in the 15th century by Prince Lek Dukagjini in the *kanun* (or canon) of customary laws in the north of Albania. All Albanian princedoms at that time had their own legal canons to regulate social relationships and to indicate how disagreements were to be settled. These "constitutions" were transmitted orally from generation to generation until a century ago, when Monsignor Shtjefen Gjecovi, an Albanian priest, put Lek's *kanun* in writing. Gjergj Sinani of Tirana University has pointed out that in cultural terms, this *kanun* is one of the most interesting codes of law inherited from the late Middle Ages.

Blood feuds were one of the many issues addressed by the *kanun*. The blood feud ordained that the relatives of a person killed had to avenge the death by killing the perpetrator or 1 of his male relatives. To escape being killed, those endangered voluntarily remained under confinement until the problem was solved. Either somebody from the perpetrator's family was killed (thus avenging the spilt blood) or a ritual of forgiveness was enacted between the parties. Forgiveness and reconciliation were highly praised in Lek's *kanun*.

With the advent of King Zog, Albania was endowed with a modern democratic constitution for the first time, approved in 1928, and implemented by the government in stages. The number of blood feuds was gradually reduced. After World War II, a communist regime extended its dictatorial rule over the country and eliminated all existing *kanuns* because it could not tolerate any form of power other than its own. Hence, blood feuds were almost totally eliminated until the radical transition to democracy in 1991.

### Democracy without the rule of law

Unfortunately, the return of individual freedom also brought about the revival of blood feuds, particularly in the north of the country, where mountain people are highly dependent on land resources and maintain close ties with their extended families, clans, and tribes, thus relying on a traditional community network where the state fails them. Among the causes of this revival are:

- The resurgence of very old feuds that continued to smolder during the communist regime.



**FIGURE 1** Victims of a blood feud across 3 generations. Self-administered justice is once again claiming lives in the mountains of Albania. (Photo courtesy of Cafod Albania)



**FIGURE 2** A potential victim of blood feud builds a "prison" to protect his own and his family's life. (Photo courtesy of Cafod Albania)

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*"A 12-year-old boy was killed as a result of a blood feud. Whose responsibility is this? The state's? Yes. But society must take greater responsibility in fighting this phenomenon. We are in the 21st century, and this is an unacceptable situation." (Emin Spahia, Head of the League of Peace Missionaries, in an interview with a journalist)*

- New land ownership conflicts caused by the inequitable redistribution of land after 45 years of communism.
- The power of established tradition: communities pressure individuals to take up unresolved feuds and act according to old *kanun* rules, even when these individuals prefer to forget past wrongs.
- The lack of a competent national police and judicial system, which paves the way for self-administered justice and unlawful executions.
- Increasing poverty and a general lack of security.
- Thriving illegal activities and organized crime, including forced prostitution of women and trafficking in organs.

As a consequence, many people have become the victims of old and new blood feuds and not just in remote mountain areas. The practice has even spread to the lowlands because many people have migrated to the cities in search of a livelihood and continue to act in accordance with old customs. A great number of people are thus affected by blood feuds today, particularly in the city of Shkodra.

### Self-imprisonment for protection paralyzes society

*"If I die let my blood be forgiven and my father's life be saved." (11-year-old girl wounded in a blood feud ambush with her father)*

To escape deadly retaliation, the male members of nonreconciled families place themselves under self-imposed house arrest and suffer the unbearable consequences of isolation (Figure 2). Moreover, the country is beset by other pressing problems such as a high rate of unemployment, low national productivity, deficient public services, and organized crime. The economic situation of self-imprisoned families quickly deteriorates. Although the old law exempted females from acts of revenge, this does not spare them from suffering because they have to earn a living for the entire family. Children no longer attend school: this largely affects boys because many girls are not sent to school in the first place, as their parents fear that they will be kidnapped for trafficking. The result is increased illiteracy and a growing propensity to take revenge.

## The will to put an end to killing

Under these circumstances, many people of goodwill are trying to slay the "dragon" of blood feuds. A number of associations to promote peace and reconciliation have emerged during the past decade, aiming to reduce and, if possible, to eliminate the blood feud tradition. One of these organizations is the League of Peace Missionaries (LPM), a local Albanian association created in November 1991, with branches in all the northern districts and in some parts of the south. LPM members are wise elders who enjoy high status within the community. Some have lost a brother or son in a blood feud and want to make sure that others will not be exposed to such bereavement and ensuing blood law.

According to the information provided by the League, during the first half of 2002, 29 murders were committed in Shkodra prefecture, which has a population of 291,000 inhabitants. Eighteen of these murders were acts of revenge and resulted in 54 new families being affected by a blood feud. During the same period, the peace missionaries succeeded in liberating 124 families from the menace of further acts of revenge.

The peace missionaries mediate in the case of misunderstandings, try to stop conflicts from emerging and being transformed into blood feuds, attempt to reconcile parties involved in a blood feud (Figure 3), and try to convince people to abandon wrongful (and illegal) traditions. They are not part of the official system of justice; they work within the community to promote sounder traditions. The peace missionaries coordinate many of their activities with representatives of local authorities, the Church, the police, the judicial system, students, and others. They also collaborate with Cafod Albania, an initiative of the Catholic Agency For Overseas Development of England and Wales. Cafod Albania, which has been in existence since 1993, aims to alleviate poverty and suffering in Albania.

With the help of the LPM as a local partner, Cafod Albania has increasingly supported initiatives to end the blood feud tradition and help build a peaceful social climate within Albanian society.

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**FIGURE 3** Parties that have agreed on reconciliation meet in Kelmend to swear the formal oath of forgiveness. (Photo courtesy of Cafod Albania)

The LPM is directly involved in reconciliation processes, whereas Cafod Albania assists these processes by offering expertise and basic equipment to facilitate the work of the League.

### The LPM and CAFOD take action

One aspect of this common effort was a widespread campaign to raise public awareness of the need to give up blood feuds. Many open community meetings were organized featuring appeals to abandon "self-imprisonment" of the innocent relatives of people who commit crimes and arguments that justice needs to be left in the hands of the state, the police, and the legal system.

A meeting organized by the LPM in the village of Kelmend in March 2002 was attended by representatives of the local authorities, police, clerics, the media, Cafod Albania, and members of the community. This meeting aimed to raise awareness among community members and other actors about the importance of law enforcement, as well as the need to abandon ancient practices and help build a peaceful future. Members of the community directly asked representatives of the police to take immediate measures against criminals.

A march through the streets of Shkodra was organized on the occasion of the 10th anniversary of the foundation of the LPM. Thousands of children and adults demonstrated their opposition to blood feuds and their support for the work done by the peace missionaries to address the problem throughout Albania (Figure 4). Four reconciliations took place directly after this march, and 20 families were liberated from their self-imprisonment.

Pretending that blood feuds in all of Albania, particularly in the northern part, can come to an end soon would be unrealistic. However, things would take a definite turn for the better if all state institutions and citizens—and not just peace missionaries—could be made adequately aware of the problem. According to the Albanian Constitution, those guilty of murder must go to jail, but the rule of law does not always apply. Those who kill go free after a period of some weeks. This means that the state must assume greater responsibility in the implementation of existing law. It is unacceptable to create orphans and imprison children for the sake of an outmoded custom and the lack of a proper response on the part of the state.

***"All the pupils in our school and all the other schools in the city are here today—it's for the good of the Albanian people. The blood feud problem shouldn't exist at all because we are people with good traditions. The Albanian people must be united and live in peace, and peace must be protected." (Miriona Ademi, 11 years old, during the December 2001 march in Shkodra)***




**FIGURE 4** "More love for our children!" "Children are our future!" read the placards carried in the march organized by the LPM in Shkodra in December 2001. (Photo courtesy of LPM)

**AUTHORS**

***Shkelqim Bozgo and Xheni Sinakoli***
Cafod Albania, Rruga e Dibres Nr 139, Tirana, Albania.
contact@cafodalbania.org
*Shkelqim Bozgo has been Executive Director of Cafod Albania since January 1999. Xheni Sinakoli has served on the staff of Cafod Albania since 1999. Cafod Albania's mission is to help people who are trapped in poverty, deprived of resources, and suffer from disability, social stress, and injustice. Xheni also serves as a volunteer for women's and youth organizations in Albania.*

***Emin Spahia***
Lidhja e Misionareve te Paqes se Shqiperise, Selia Qendrore, Rr. 13 Dhjetori, prane Hotel Coloseu, Shkoder, Albania.
espahia@albnet.net
*Emin Spahia is Head of the League of Peace Missionaries (LPM).*

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