

**ABBREVIATED RESETTLEMENT PLAN  
KAMZA MUNICIPALITY**

**Bathore 5  
Abbreviated Resettlement Plan**

**Project Background**

1. The Albania Education Excellence and Equity Project (EEE-P) supports the Government of Albania in the implementation of the first phase of Albania's National Education Strategy (NES). The objective of EEE-P is improved quality-of-learning conditions for all students and increased enrollment in general secondary education, especially for the poor. Priority areas are: (i) strengthening leadership, management and governance of the education system, (ii) improving conditions for teaching and learning, (iii) improving and rationalizing education infrastructure, especially in secondary education and (iv) setting the stage for higher education reform. While not foreseen at appraisal, Priority iii would include school rehabilitation, expansion and new construction.<sup>1</sup> The project supports implementation of the priority areas of the NES during 2006-2010 through a Specific Investment Loan (SIL) using a sector-wide approach (SWAP). Annual reform programs (ARP) are developed within the framework of the NES. The EEE-P pools funds with MOES annual reform program budget together with other donors, namely the European Investment Bank (EIB) and the Council of Europe Development Bank (CEDB).

**Resettlement Policy Framework**

2. The RPF adopted by MOES (MOES) sets out the process for expropriation of land acquired in connection to the aforementioned EEEP. Each specific expropriation requires preparation of a plan (RAP or ARAP) consistent with the RPF that lays out the specific steps to be taken in each case.

**Summary:**

3. The Municipality of Kamza, has submitted a request to MOES<sup>2</sup>, for authorization for expropriation of a plot of land for the construction of nine-year school MOES responded,<sup>3</sup> whereupon it requests from the Kamza Municipality the commencement of the expropriation procedures for the construction of a 9 year school at the Quarters "Bathore 5" of the Kamza Municipality, in the frame of EEE-Project. Subsequently, the Kamza Municipality has provided the documentation needed for carrying out the expropriation procedures.

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<sup>1</sup> The project originally aimed at financing design work only; however, at the request of the Borrower, and having verified the need for such investments, the Bank has agreed to finance construction costs as well. This would be formalized in an amendment to the Financing Agreement to be finalized by June 2009.

<sup>2</sup> Protocol 2369., dated 16.10.2007 and 2465 prot., dated 26.10.2007

<sup>3</sup> Protocol 6490/1 prot, dated 17.09.2007

4. The object that will be expropriated is a 5000 m<sup>2</sup> area of arable land which is situated at Quarters 5, Bathore, Kamëz, at the cadastre zone 2066, with property number 189/30. The municipality of Kamza has investigated a number of alternative sites for the proposed school, but each of them was found to be inferior to the selected site because there were people residing on these sites, access to these sites was limited or because the cost of construction on other sites would have been considerably higher.

5. Only one person is affected by expropriation, Mr. X<sup>4</sup>, the landowner, and there are no other claimants on this land. The property to be expropriated is a free, uncultivated privately held lot land, with no standing crops or constructed structures. The expropriation value has been set \$\$\$<sup>5</sup>. [Please refer to the attached table]

### **Consultations Held**

6. Initially, the Kamza Municipality, held consultations with Mr. X, prior to the submission of the request on expropriation to MOES, whereby this person was informed of the plan to build a school on his land. Kamza Municipality and MOES held consultations with Mr. X and he was informed in writing of his right to address any grievances in case of dissatisfaction, to the Ministry of Education, The affected person agree upon the land value that would be provided to him by the expropriation. The plot in question was originally classified and evaluated as urban land hence the low price. This compensation reflects the market price of land. MOES is making all the necessity efforts in order that the offer price is reviewed by the Council of Ministers so that the affected person receives the expropriation value according to the market price of land. After consultations carried out by the Kamza Municipality, this process was finalized with a formal -agreement<sup>6</sup> between Kamza Municipality and Mr. X, whereby Mr. X agreed to the purchase of his land. Mr. X will be paid compensation at the market price of land.

7. Following the expropriation procedure, after the submission of the relevant documents by the Kamza Municipality, to MOES, on May 21, 2008 agreement was reached, between MOES and the Kamza Municipality regarding the expropriation for public purposes, of the private property which will be affected by the construction of a 9-year school in the in **Bathore 5** Quarter, Kamza Municipality.

### **Institutional Responsibilities**

8. The Municipality of Kamza is the beneficiary for the expropriation and the land in question will be transferred officially to the Municipality prior to commencing construction. The Municipality Kamza has the responsibility to submit to MOES, the request for expropriation, accompanied by the relevant legal documentation. MOES is the competent ministry, which follows the expropriation procedures, the completion of the

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<sup>4</sup> Name withheld to protect affected party's privacy.

<sup>5</sup> Amount withheld to protect affected party's privacy.

<sup>6</sup> Protocol No.1025 prot, dated on 29/04/2009,

documentation, and it forwards the proposal for carrying out the expropriation, to the Council of Ministers. The Council of Ministers is the body that makes a final decision on the expropriation of these assets.

9. The expropriation is paid by MOES from state budget 2009. MOES shall inform the affected party of their right to file a grievance. MOES will designate an official competent to hear grievances. The procedures to be followed are outlined in the RPF. No property expropriated without following the provisions of the RPF. Where there is a discrepancy between the RPF and national law, the RPF shall prevail.

10. The expropriation payment will be monitored by MOES. MOES will monitor the expropriation procedures as they are carried out. Approximately one year after the expropriation takes place; MOES will review the situation of the affected party to assess the effectiveness of the process.

### **Grievance Mechanisms**

11. The law “On expropriation and temporary use of the private property for public interest” has foreseen grievances process on the proposed value for expropriation. Besides this law even the laws “On urban planning” and “On the Construction Inspectorate” allow for administrative grievances against the decisions on demolitions. No demolition of private property or evictions of residents shall take place at least until a public hearing on a grievance has been held. Likewise, the Institution of the Ombudsman receives the grievances of the individuals on actions undertaken by the administration that affect their rights. For further grievances, the subjects may appeal to the justice system.

12. MOES will likewise contribute to the redress of the grievances during the expropriation process. The first level redress of grievances regarding the impact of land expropriation will be carried out at the level of the local government, supported, if necessary, by MOES staff. Redress of grievances, regarding the expropriation value and the delay in the payment of the expropriation will be attended by MoES by making sure that the affected individuals are informed of alternative means for redress the grievances. MOES will keep a register on the grievances submitted as well as for the results of the efforts undertaken for redress these grievances. The expropriation payment will be monitored by MOES.

13. The timeline for the land expropriation is linked with the entrance into force of the decision of the Council of Ministers on the concrete case of expropriation. For this case the decision of the Council of Ministers no.781, dated on July 15, 2009 has made the expropriation of Mr. X.

14. Initially, the payment for the benefit of the affected individual is carried out. The Municipality of Kamza is the beneficiary for the expropriation of the land in question and has transferred officially the fund of expropriation with the payment order no.514, dated on December 07, 2009. Later, the assets are taken from the affected individual and the construction works begin after the expropriation payment is provided to the affected

person. The expropriation payment provided to the affected person reflects the market value.

### **Budget**

15. The budget defined for this procedure is the budget planned for MOES, for 2009, according to the value to be defined by the relevant decision of the Council of Ministers. This expropriation has finished and as it's clarified as follows with the scanned documents, from the Local Registration Office of Immovable Property of Tirana, the land figures registered in the name of Kamza Municipality, the Letter with protocol no.877/1, dated on February 05, 2010.

### **Timetable (correlated with the construction timetable)**

<b>Next steps</b>	<b>Responsible bodies</b>	<b>Estimated dates</b>
Approved Environmental Impact Assessment (EIA) is publicly disclosed and consulted	MoES & Kamza Municipality	05 May -20 June 2010
Procurement of construction works	MoES & Kamza Municipality	20 June –30 Aug 2010
Construction works	Contractors	Sept 2010 – Sept 2011

## Briefing form on the inventory of lost assets and payment of compensation

Name of the affected individual	Inventory of the Assets acquired by land acquisition and value of the compensation given												Compensation		
	Agricultural or Marketable Land			Residential land						Agricultural or Marketable Land					
	<70%	>70%	CV	Partially	Totally	CV	Partially	Totally	CV	Trees / crops	Others	CV			
Mr. X	5000 m2														\$\$\$

**DECISION [OF THE COUNCIL OF MINISTERS]  
No.781, dated 15.7.2009**

On expropriation for public interests of the proprietor of immobile property, privately-owned property, which is to be affected by the construction of the 9-year school, in Kamez Municipality ( **Bathore 5**), Tirane.

Pursuant to Article 100 of the Constitution, Articles 5, items 1, 20 and 21 of law no.8561, dated 22.12.1999 "For the expropriation and adopting temporary use of property , private property, for public interest "and in accordance with the law No.10025, dated 27.11.2008 " For the 2009 budget", acting upon the proposal of the Minister of Education and Science, the Council of Ministers

**DECIDED**

1. Expropriation for public interest, of the owner of real estate, private property, which is affected by the construction of 9-year school, in the municipality of Kamez, (Bathore 5), Tirana.
  2. Expropriation to be done in favor of Municipality of Kamez
  3. The owner of real estate, private property, to be expropriated, should be compensated for the full value, according to the relevant extent, which appears in the table attached to this decision, as an integral part of it, for the area of 5000 (five thousand) m2, construction land, \$\$\$ Lek per m2, with total value of expropriation at \$\$\$ Lek.
  4. The procedural costs, at the amount of \$\$\$ leks, are to be borne by the municipality of Kamez.
  - 5.. The overall value of expropriation, \$\$\$ lek, is to be borne by the budget of 2009, approved for the Ministry of Education and Science.
  6. Expropriation should start and be completed within August 2009.
  7. Municipality of Kamez makes full payment to the owner, within the period as provided for under item 6 of this decision.
  8. Ministry of Education and Science and Kamez municipality are charged for the implementation of this decision.
- This decision shall enter into force immediately upon its publication in the Official Gazette.

**Prime Minister**

**Sali Berisha**

