

**Albania: Education, Excellence and Equity Project  
Abbreviated Resettlement Action Plan for Shkodra Site**

**A. Background details and description of alternative sites considered**

1. This note concerns a parcel of land in the Municipality of Shkodra on which the city government plans to construct a new school building with support from the Education Excellence and Equity Project (the “Project”). In May 2008, in preparation for school construction, the Municipality of Shkodra demolished the existing improvements on the parcel and removed the agricultural activities being conducted by a local resident.

2. Displacement resulting from the taking of land under a World Bank-financed project must be done in a manner that complies with the Bank’s Operational Policy on Involuntary Resettlement (OP 4.12). As originally designed, the Project did not involve application of OP 4.12 because no new school construction had been contemplated during Project preparation. The Government of Albania has since requested restructuring of the Project in order to include the construction of new schools at several sites, including the aforementioned site in Shkodra. In preparation for this Project restructuring, a Resettlement Policy Framework (RPF) has been completed.

3. The RPF will govern the application of OP 4.12 to all future activities related to school construction under the Project as well as retroactively to the actions already taken in Shkodra. The RPF requires the preparation, submission and implementation of an Abbreviated Resettlement Action Plan (ARAP) for each proposed new school construction site, including the one in Shkodra. The evaluation of each proposed school site typically includes the assessment of alternative sites based on the proposed catchment area of the new school, the security and appropriateness of alternative sites and cost considerations. In this case, the proposed site is the only public land available in the catchment area for the proposed new school.

**B. Legal status of the selected parcel**

4. According to the Local Office for the Registration of Immovable Property of Shkodra, the land in question is designated as Properties 10/279 and 10/18 located in Cadastral Zone 8594, the Mark Lula neighborhood in the Municipality of Shkodra, Albania. **The land parcel in question appears in local records as State Land<sup>1</sup>.**

5. Since the 1990’s, a local resident, Mr. X<sup>2</sup> has used the site as a garden for growing fruit and grapes. Mr. X claims to have inherited the property from his father. However, in preparing this ARAP it has not been possible to obtain evidence to support this claim, either from Mr. X (from whom it has been requested) or from government records. According to available evidence:

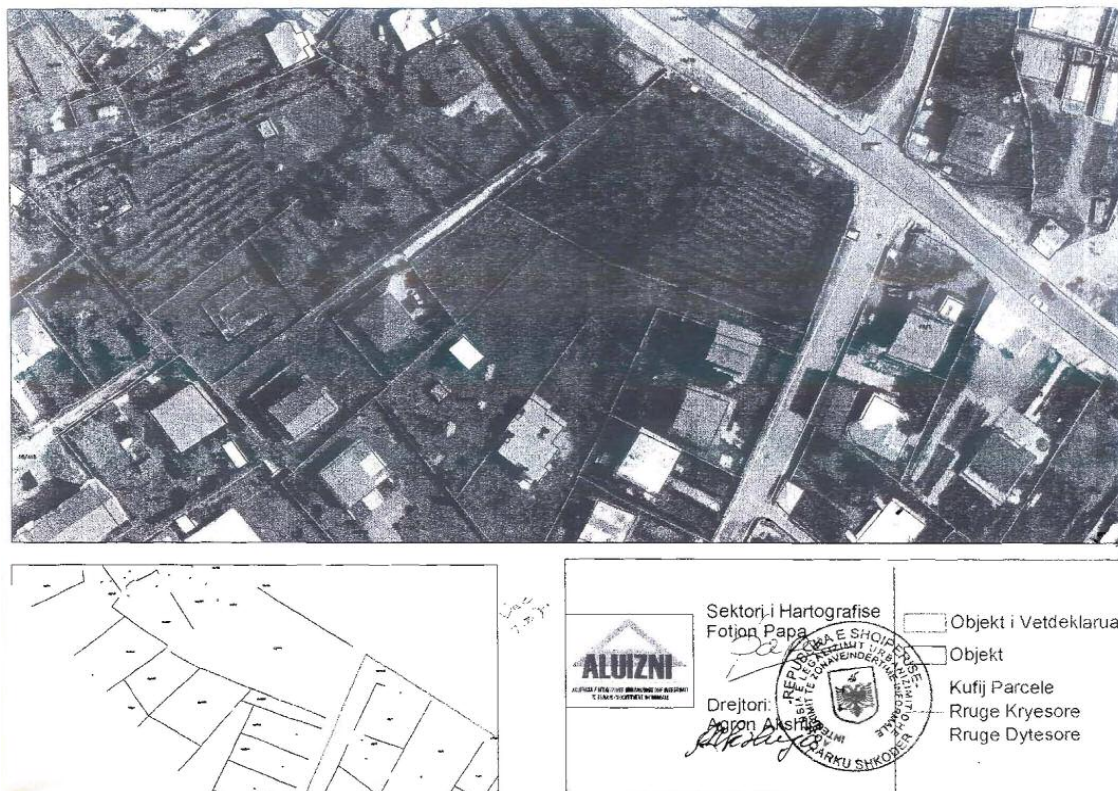
- The parcel is not registered as privately owned in the IPRO.
- A document on which Mr. X relies to show the legitimacy of his occupation of the parcel, issued by the Shkoder Cadastre Office in 1993, apparently refers to land located in some other part of Shkodra.

<sup>1</sup> See Decision of the Council of Ministers, nr.366, dated 27 March.2008, page 2375“On approval of the preliminary list of immovable property, public and state ones, which will be transferred under the ownership or in use, the Municipality of Shkodra of Shkodra District.”

<sup>2</sup> Name withheld to protect affected party’s privacy.

- No request has been received from Mr. X by the Agency of Property Restitution and Compensation for any land.
- Mr. X states that he received a document from the “neighborhood administrator” in 1991 giving him use rights over the parcel, but he was not in possession of this document.
- In 2008, Mr. X filed a court case in Shkodra District Court to request a ruling that his property includes the parcel in question. The District Court decided in his favor, but the Appeals Court overturned this decision in April 2009 on the grounds that the documentation presented by Mr. X did not indicate ownership of the property but instead referred to land in a different neighborhood. No further appeal by Mr. X has been filed.

**C. Location and description of proposed site with a sketch of the proposed works drawn on a map or sketch of the affected area**



**D. Census survey of affected households and valuation of assets**

6. **The sole affected person is Mr. X.** During the 1990s, it appears Mr. X built an enclosure around the parcel consisting of a concrete-block wall about 2m tall with an iron gate on the north side. The enclosed area apparently covered some 4000m<sup>2</sup> within which about 3600m<sup>2</sup> was planted to grapes and 400m<sup>2</sup> to cherries. Mr. X reportedly used the fruits for the production of raki and for sale. The

grapevines were supported by trellises hung from concrete poles. There was also a small toolshed on a concrete platform which has also been described as a pump house.

7. Mr. X's residence is not located on the parcel but is instead situated across an alleyway facing the iron gate. It was not affected by the demolitions.

8. Available evidence shows that the site is owned by the Government of Albania and that Mr. X does not have a legal or legalizable claim to the land in question. Therefore, **OP 4.12 does not require compensation for the value of the land itself.**

9. According to OP 4.12 and the RPF, however, absence of legal rights to the land does not disqualify the user of the land from **receiving compensation for lost assets**. An estimate of the compensation due to Mr. X takes into account the investment and recurrent cost and income for five years from the production and sale of fruit and raki (see para. 12, below).

#### **E. Documented consultations with affected people**

10. The main point of contact between the affected individual and the Mayor's office has been Mr. Pal Pepaj, Local Government Unit Administrator. Mr. Pepaj has met on several occasions between July – December 2008 with Mr. X to discuss the school construction and details about the valuation procedures. Mr. Hektor Buza, then-General Director of the MOES and Ms. Shpresa Noka, the Investment Chief /MoES has also met with the affected person on several occasions to review the compensation offer and arrangements for payment. **Final consultations were held with Mr. X on October 03, 2008.**

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

<b>Next steps</b>	<b>Responsible bodies</b>	<b>Estimated dates</b>
EEE-P restructuring presented to World Bank Board of Executive Directors for approval	WB	Mid Feb 2010
Agreed Shkodra ARAP is implemented, disclosed and affected party is compensated	MoF & MoES	End April 2010
Approved Environmental Impact Assessment (EIA) is publicly disclosed and consulted	MoES & Shkodra Municipality	05 May -20 June 2010
Procurement of construction works	MoES & Shkodra Municipality	20 June –30 Aug 2010
Construction works	Contractors	Sept 2010 – Sept 2011

#### **G. Budget and source of funds**

11. **Compensation will be paid out of national budget** from the allocation for the Ministry of Education and Science, 2010 budget.

#### **H. Description of compensation and other resettlement assistance to be provided**

12. **The proposed amount of compensation is US\$ XXX<sup>3</sup>.** The non-land assets which were removed include: grapevines trees, fruit bearing trees, cement surrounding wall, iron fence and a storage shed. The valuation of the compensation is based on existing market rates for commercially produced grapes and fruit and estimated net present value of the production over the lifetime of the trees and vines. This methodology presumes that the market rate covers (i) the cost of production – which would include related infrastructure such as a surrounding wall, tool-shed, as well as consumables such as irrigation and fertilizer, and (ii) the loss of access to one source of his livelihood for five years<sup>4</sup> and is set forth in Annex A, attached.

## **I. Arrangements for monitoring and evaluation**

13. Ministry of Education and Science will be responsible for documenting compensation to the affected party, who, in turn, will be expected to sign the attached receipt upon receiving the payment ( see Annex B). Payment will be documented by the transfer document (Annex C).

## **J. Grievance mechanism**

14. Mr. X has been notified of the right to file a complaint or appeal against the decision on the assistance to be provided. Between July 2008 and December 2009, he has made several arguments in favor of his right to the land, but these have been duly considered and rejected by the Ministry of Education and Science (see para 5 and 8). No complaint has been filed with respect to the compensation amount.

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<sup>3</sup> Information withheld to protect affected person's privacy.

<sup>4</sup> Judging from information regarding Mr. X's current assets, and the estimates of his income from the garden he formerly operated, it can be estimated that Mr. X did not earn more than 5-10% of his annual income from the garden. It should be noted that, Mr. X still operates a large garden at the site adjacent to his home, a few meters away from the site of the demolished garden. It may also be noted that the income estimates from grapes and fruit were based on the assumption that Mr. X received full retail value for these products when anecdotal evidence suggests that, in fact, he personally consumed or gave as gifts a substantial share of these products.

