

## ABBREVIATED RESETTLEMENT PLAN LEZHA MUNICIPALITY

### Abbreviated Resettlement Action Plan

#### Project Background

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.**

Project priority areas are:

- **Priority:** Strengthening leadership, management and governance of the education system,
- **Priority 2:** Improving conditions for teaching and learning,
- **Prioriteti 3:** Improving and rationalizing education infrastructure, especially in secondary education and,
- **Prioriteti 4:** Setting the stage for higher education reform.

The project supports implementation of the above priorities through a Specific Investment Loan (SIL) using a sector-wide approach (SWAP). Annual Reform Programs (ARP) are developed annually within the framework of the National Education Strategy (NES). The EEE-P pools funds from the MOES annual reform program budget together with other donors, namely the European Investment Bank (EIB), the Council of Europe Development Bank (CEDB), and the World Bank.

#### Resettlement Policy Framework

The Resettlement Policy Framework (RPF) adopted by MOES sets out the process for expropriation of land acquired in connection to the aforementioned EEE-P. Each specific expropriation requires preparation of a Resettlement Action Plan (RAP) or an Abbreviated Resettlement Plan (ARAP) consistent with the RPF that lays out the specific steps to be taken in each case.

#### Background

After being informed by the World Bank, on 15 June, 2010, of a land ownership complaint at the site of the extension of the Beselidhja school by z. Hafizi, MoES sent to Lezha a high level team to gather information and clarification regarding the situation. The MoES team met with a representative of the land owners and from this meeting and from the preliminary documentation presented, concluded that the Hafizi family owns a portion of land where the school is built (873 m<sup>2</sup> all). MoES also asked the

Municipality of Lezha to make available to the MoES all the available documentation, and reviewed those documents as well. Details from the legal review are included in Annex 2 of this document.

### **Number of people who would be affected, type and value of assets to be provided**

The following people would be affected by the expropriation of this land. There are no other persons involved who have legal claims to the land. At the present time, none of the legal owners of the land to be expropriated reside on it. Additionally, they do not have any construction on it nor have cultivated the land. Thus, the land does not support the livelihood of any of its legal owners.

The price for m<sup>2</sup> is defined referring to the Decision of Council of Ministers (DCM) No.1620, date 26.11.2008, “For approval of the land price, that are located in all municipalities and some communes”, for the affected area, in Lezha city. This price reflects the market price. For this area the price is 20’000 ALL/ m<sup>2</sup>.

Please find attached the DCM for this issue.

<b>Nr.</b>	<b>Name, surname</b>	<b>Address, contact no.</b>	<b>Part of propriety</b>	<b>Area</b>	<b>Price m<sup>2</sup></b>	<b>Value</b>
1	Adlie Rexhep Hafizi	Perfaqesohet me prokure nga Genc Ramiz Hafizi	1/12	72.75 m <sup>2</sup>	20 000	<b>1 455 000</b>
2	Hasan Ramiz Hafizi	Perfaqesohet me prokure nga Genc Ramiz Hafizi	1/12	72.75 m <sup>2</sup>	20 000	<b>1 455 000</b>
3	Remzie Kamber Hafizi	Perfaqesohet me prokure nga Arjan Bahri Hafizi	1/6	145.5 m <sup>2</sup>	20 000	<b>2 910 000</b>
4	Remzie Isa Hafizi	Edmond Mirsini Rr. Myslym Shyri, Pall. (matriks) Kulla. 9 , Ap. 46 (Perfaqesues me prokure)	1/3	291.0 m <sup>2</sup>	20 000	<b>5 820 000</b>
5	Arjan Bahri Hafizi	L. Partizani, Rr.Fahri Ramadani, Ap. 1228, Shkoder Cel. 0682250387 (Perfaqesues me prokure)	1/6	145.5 m <sup>2</sup>	20 000	<b>2 910 000</b>
6	Violeta Ramiz Hafizi	Perfaqesohet me prokure nga Genc Ramiz Hafizi	1/12	72.75 m <sup>2</sup>	20 000	<b>1 455 000</b>
7	Genci Ramiz Hafizi	L. Vasil Shanto, Rr.Qemal Ndraqini. Ap. “Tek dollari”, Shkoder. Cel. 0692087555 (Perfaqesues me prokure)	1/12	72.75 m <sup>2</sup>	20 000	<b>1 455 000</b>
	<b>Total</b>			<b>873 m<sup>2</sup></b>		<b>17 460 000</b>

The value of the expropriation currently is preliminarily assessed at 17,460,000 ALL.

## **Summary of consultations with affected party(ies)**

On November 01, 2010, a signed agreement between the Municipality of Lezha, MoES and affected parties, represented by Mr. Genc Hafizi who has been equipped with special power of attorney, was signed. The agreement (i) recognized the Hafizi land ownership rights on plots nr.4/44 and nr.4/25, Cadastral Zone nr.8632, part of which (area of 873 m<sup>2</sup>) is affected by the construction of the "School 9-year Beselidhja, Lezhe;" (ii) agree that the expropriation proceedings for said affected area would proceed according to Albanian law; and (iii) given the above, allowed for resuming the civil works for the school extension.

Representatives of the affected parties, the Ministry of Education and Science and the Municipality of Lezha agreed and signed the agreement with their free will.

## **Institutional responsibility of various actors**

The **Municipality of Lezha** is responsible for submitting to the MoES the request for expropriation, accompanied by the relevant legal documentation. The Municipality will be the beneficiaries of the expropriated land.

The **MOES** is the competent ministry to follow up on the expropriation procedures, the completion of the documentation, and forwarding the proposal for carrying out the expropriation to the Council of Ministers. MoES is also responsible for the payment of the expropriation with funds from the state budget of 2011, deposited directly into the affected parties' bank accounts.

The **Council of Ministers** is the body responsible for making a final decision on the expropriation of these assets.

- For this expropriation case, consultations took place between the Municipality Lezha and MoES and the affected party(ies). The affected party(ies) was informed of the expropriation through a notified letter no. \_\_\_\_\_ /, dated \_\_\_\_\_.2011<sup>i</sup> about his/her right to appeal in case of dissatisfaction, to the Ministry of Education and Science, before the case goes to court.

The affected party agreed with the expropriation, by notary agreement no. 3455 rep. and 3021 kol., dated 01.11.2010, for the area 873 m<sup>2</sup> with the price per m<sup>2</sup> (square meters), equal with the price set out by the Council of Ministers.

Any complaints about administrative disputes and related to private property requested to be expropriated will be resolved by the appropriate judicial authorities.

- MoES will make the expropriation payment available to the Municipality of Lezha, which is responsible for making the payment to the affected party(ies) through a direct transfer into their bank account. To ensure that the expropriation payment is made in a timely manner and for the correct amount, MoES will remain responsible for monitoring

it. Approximately one year after the expropriation takes place, MoES will review the situation of affected parties to provide access in the implementation, effectiveness of this process

### **Grievance Mechanisms**

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.

MoES will 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 in collaboration with project consultants in order to find technical solutions that exclude or minimize the need for land expropriation. 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.

### **Timeline of land expropriation and date of compensation payment**

MoES expects that this process will be completed by March 2011. The timeline for the land expropriation is linked with the entrance into force of the decision of the Council of Ministers (CMD). Once the CMD approves the expropriation, the MoES will make the corresponding transfer to the Municipality of Lezha so that it can immediately pay the affected party(ies).

The expropriation will be paid out of the 2011 MoES budget, according to the value to be defined by the decision of the Council of Ministers. The expropriation will cost an estimated 17’460’000 ALL. The expropriation process will be completed once the land is registered under the ownership of the Municipality of Lezha in the Local Registration Office of Immovable Property of Lezha.

### **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	MoES & Lezha Municipality	Not required. Checklist EMP

consulted		prepared.
Procurement of construction works	MoES & Lezha Municipality	Completed on November 09, 2009
Construction works	Contractors	Suspended on June 22, 2010

7. Table of Asset Inventory and Compensation based on (ii) Framework of eligible persons according to the following list

## 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 Land						ground		Agricultural or Marketable Land
	<70%	>70%	CV	Partially	Totally	CV	Partially	Totally	CV	Trees / crops	Others	CV			
Co-owned Hafizi, in Annex 1 below.	873 m2			873 m2									17.460.000 leke		

## The framework of eligible persons

Acquired Asset	TYPE OF IMPACT	PERSON WHO HAS THE RIGHT	The right to compensation
Agricultural or Marketable Land	<ul style="list-style-type: none"> <li>• Damage to less than 70% of owned land</li> <li>• Remains Land that has economic value</li> </ul>	Owner [Farmer / title holder)	Cash compensation for affected land, the equivalent market value
	<ul style="list-style-type: none"> <li>• lose over 70% of land owned</li> <li>• Remaining Land hasn't no economic value and the owner prefers getting the entire land</li> </ul>	Owner [Farmer / title holder)	<ul style="list-style-type: none"> <li>• Compensation in cash for all ownership of the land at market value</li> <li>• Opportunity cost compensation, equivalent to 2 months net income based on family net income</li> </ul>
Residential land	<p><b>No shifting:</b> Land used for housing is partly damaged, loss of land remains limited and is valid for current use</p>	Owner [Farmer / title holder	<ul style="list-style-type: none"> <li>• Compensation in cash for the damaged land, equivalent at market value</li> </ul>
	<p><b>Shifting:</b> Land used for housing is severely damaged, the remaining area is insufficient for ongoing use</p>	Owner [Farmer / title holder	<ul style="list-style-type: none"> <li>• Compensation in cash for equivalent at market value</li> <li>• Support for removal</li> <li>• Opportunity cost compensation, equivalent to 2 months net income based on family net income .</li> </ul>
<b>BUILDING AND STRUCTURE</b>	The structure is partly damaged	The owner or illegal resident for building	<ul style="list-style-type: none"> <li>• Compensation in cash for the damaged asset equivalent at market value without depreciation</li> </ul>
	The structure is totally damaged	The owner or illegal resident for building	<ul style="list-style-type: none"> <li>• Compensation in cash for all structure and other fixed assets without depreciation</li> <li>• The right to save materials without deduction from compensation.</li> <li>• If the structure is flat <ul style="list-style-type: none"> <li>○ Support for removal</li> <li>○ Opportunity cost compensation, equivalent to 2 months net income based on family net income . [only for owners].</li> </ul> </li> </ul>
<b>Permanent Crops</b>	Crops affected by land acquisition	The owner or illegal resident	<ul style="list-style-type: none"> <li>• Compensation in cash equivalent at the value estimated by the Department of Agriculture in Region</li> </ul>
<b>TREES</b>	Trees loose	The owner	<ul style="list-style-type: none"> <li>• Compensation in cash equivalent at the value estimated by the Department of Agriculture in Region</li> </ul>

## Annex 1

<b>Nr.</b>	<b>Name, surname</b>	<b>Address, contact no</b>	<b>Part of propriety</b>	<b>Area</b>	<b>Price m<sup>2</sup></b>	<b>Value</b>
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	<b>TOTAL</b>			<b>873 m<sup>2</sup></b>		<b>17 460 000</b>



## **Annex 2: Summary of legal review of land ownership**

The review highlighted the following conclusions:

- According to the Decision of the Council of Ministers nr.414, dated 11.07.2007, results that the property with no. 4 / 44 is transferred owned to the Municipality of Lezha. This decision imposes Municipality of Lezha to make the property registration at the Local Office of Registration of Immovable Property (ZVRPP), but the Municipality has not been any action relating to registration of property
- With the decision nr.46, dated 03.03.2009 the Municipality of Lezha has approved the construction site for construction of the school extension
- Approved building site along with property 4 / 44, includes property 4 / 25 for which the municipality Lezhë does not have any ownership documentation.
- On 15.01.2009 Hafiz family received a new certificate of ownership of assets 4 / 44 and 4 / 25 from ZVRPP after redistribution of the winning wealth based on the opening of the testimony of Heritage
- Upon the complaint of Mr.Hafizi to the World Bank, the Municipality Lezha, on 25.06.2010, has asked ZVRPP availability of documentation on which the registration was made in order to appeal through the judicial process. At the same time has asked limiting property 4 / 44 and 4 / 25, arguing that results superposition property for these assets.
- With communication nr.2240 / 2 prot. dated 01.07.2010 ZVRPP shall notify the co-owner Hafizi and Municipality Lezha for placing limitations on orders no.31, dated 30.06.2010 of Lezha ZVRPP recorders.
- Municipality Lezha with the request nr.368, 369 and 370 dated 14.07.2010 has requested to the ZVRPP the registration of property 4 / 44, 4 / 10 and 4 / 24 on which place schools on behalf of the Municipality Lezhë
- ZVRPP with communication no.1396 prot. dated 20.07.2010 sent Municipality Lezhë 1) An order for registration refusing of property 4 / 44, arguing that this property is registered in the name of co-Hafiz and 2) certification mortgage for property 4 / 10. From the verbal information we have from the Municipality Lezhë results that ZVRPP is in the process of property registration 4 / 24.
- On date 01.11.2010 between Municipality Lezha, MoES and co-Hafizi, was signed the agreement with the object: Recommencement of work for the construction of the building " School 9-year Beselidhja, Lezhe; Recognition of the Municipality Lezha ownership of property "land" with nr.4/44 and nr.4/25, Cadastral Zone nr.8632, part of which (area of 873 m<sup>2</sup>) affected by the construction of the facility " School 9-year Beselidhja, Lezhe ", co-owned assets Hafiz; beginning of the expropriation proceedings, according to Albanian law, the Municipality Lezha and Ministry of Education and Science, after expression of the court.

- Municipality Lezha has initially submitted to the MoES the request no. 2106/1 prot., dated 09.12.2010, with the subject: "Request for expropriation of land for construction of the 9-year school, Beselidhja, that will be built in Lezha with funds of the World Bank.

Ministry of Education by letter no. 7506/2 prot., dated 15.12.2010 has requested the Municipality Lezha, presentation of the necessary documents to initiate expropriation procedures for school building project under the CBA. Municipality Lezha, has consistently presented the necessary documentation to perform the procedures of expropriation.

Facility that will be expropriated land is land with an area 873 m<sup>2</sup> and is located in the Beselidhja quarter, opposite electrical substation, cadastral area Lezhë 8632, the number of property 4 / 44 and 4 / 25. Municipality of Lezha studied a considerable number of countries for construction but each of them was inadequate compared with the country selected for the school yard or the environment was considered sporty facility, state ground (in fact most of the expansion project is on state land), had a significant number of inhabitants resident in them, the way to go in these countries was limited; or building construction for other countries bring a higher considerably cost.

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<sup>i</sup> This date will be inserted once the notification letter goes out