

**ABBREVIATED RESETTLEMENT PLAN
BAJRAM CURRI MUNICIPALITY**

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.¹ 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 the 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 the Ministry of Education and Science (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 Bajram Curri, has submitted to the MOES², a request for funds for expropriation of a plot of land for the construction of nine-year school This request was followed by a letter dated 18.10.2007³, in which the Municipality requests the commencement of the expropriation procedures. Subsequently, the Bajram Curri Municipality provided the necessary documentation for carrying out the expropriation procedures.

4. The object that will be expropriated is a 3945 m2 area of land situated at Quarter "16 Tetori", (Dardania), Bajram Curri, Tropoja District, in the cadastral zone 1347, with

¹ 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.

² Protocol 510., dated 30.05.2007

³ Protocol 980

property number 38/1/18 and 38/1/19. The municipality of Bajram Curri 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 not as good, or because the cost of construction on the other sites would have been considerably higher.

5. Two parties are affected by this procedure, Mr. X and Mr. Y⁴. There are no other claimants on this land. We hereby that the private property to be expropriated, is a free, uncultivated land, with no standing crops or constructed structures. The expropriation value is \$\$\$⁵. [Please see attached table].

Consultations Held

6/ Prior to the submission of requests to the MOES, Bajram Curri Municipality, held consultations with Mr. X and Mr. Y, in which these persons were informed on the plan to build a school on their property, as well as to inform them on their right to address their grievances to the Bajram Curri Municipality and the MOES, in case of dissatisfaction. After discussions carried out by the Bajram Curri Municipality, the process was finalized with an agreement dated 11.10.2007 between the parties (Bajram Curri Municipality and the affected individuals), in which the affected individuals Mr. X and Mr. Y gave their approval to put at the disposal of the Bajram Curri Municipality, the 3945m² land area.

7. Following the expropriation procedure, after the submission of the relevant documents by the Bajram Curri Municipality, to the MOES, on 22.05.2008 agreement was reached, between the MOES and the Bajram Curri Municipality regarding the expropriation for public purposes, of the private property which will be affected by the construction of a school in the quarters "16 tetori" (Dardania), Bajram Curri.

Institutional Responsibilities

8. The Municipality Bajram Curri is the requesting subject for which benefit the expropriation is conducted. The Municipality Bajram Curri has the responsibility to submit to the MOES, the request for expropriation, accompanied by the relevant legal documentation. The MOES is the competent ministry, which follows the expropriation procedures, the completion of the 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 beneficiary of the land is the Bajram Curri Municipality. Regarding the concrete expropriation case, the Bajram Curri Municipality and the MOES have held consultations and with the letter 3426/1, dated 30.05.2008, as well as the letter 3426/2, dated 30.05.2008, the affected parties have been informed about the right to address the grievances in case of dissatisfaction, to the MOES, prior to filing a lawsuit to the court. The affected persons have presented their approval for carrying on with the expropriation

⁴ Names withheld to protect affected parties' privacy.

⁵ Amount withheld to protect affected parties' privacy.

procedures on their private properties, and on the price defined for this expropriation, through the declarations dated 24.06.2008, submitted to the MOES.

10. The expropriation is paid by the MOES from state budget. 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 RFP. No property expropriated without following the provisions of the RFP. Where there is a discrepancy between the RFP and national law, the RFP shall prevail.

11. The expropriation payment will be monitored by the 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 parties to assess the effectiveness of the process.

Grievance Mechanisms

12. 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.

13. 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.

14. 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.1394, dated on the October 17, 2008 has made the expropriation of Mr. X and Mr. Y.

15. Initially, the payment for the benefit of the affected individual is carried out. The Municipality of Bajram Curri is the beneficiary for the expropriation and the land in question and has transferred officially the fund of expropriation referring the Sales Contract, with no.4545 rep, and no.654 kol. dated on December 17, 2008 with Mr. X and the Sales Contract, with no.4544 rep, and no.653 kol. dated on December 17, 2008, with Mr. Y. 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

16. The budget defined for this procedure is the budget planned for the Ministry of Education and Science, for 2008, 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(Sales Contract, application form in Registration Office), from the Local Registration Office of Immovable Property of Tropoja, the land figures registered in the name of Tropoja Municipality.

Timetable (correlated with the construction timetable)

Next steps	Responsible bodies	Estimated dates
Approved Environmental Impact Assessment (EIA) is publicly disclosed and consulted	MoES & Bajram Curri Municipality	05 May -20 June 2010
Procurement of construction works	MoES & Bajram Curri 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			Total Value of compensation			
	<70%	>70%	CV	Partially	Totally	CV	Partially	Totally	CV	Trees / crops	Others	CV				
Mr. X		1482 m2											\$\$\$			
Mr. Y		2463 m2											\$\$\$			