

# RESETTLEMENT POLICY FRAMEWORK

PROJECT FOR INTEGRATED URBAN AND TOURISM DEVELOPMENT

## LIST OF ACRONYMS

ACER	Albanian Center for Economic Research
ADF	Albanian Development Fund
DCM	Decision of the Council of Ministers
EIA	Environmental Impact Assessment
EMMP	Environmental Management and Monitoring Plan
ESMF	Environmental and Social Management Framework
ESSF	Environmental and Social Safeguards Framework
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IoCM	Institute of the Cultural Monuments
SAC	(former)Immovable Properties Registration Office / State Agency of Cadastre
LGC	Local Grievance Committee
LGU	Local Government Unit
MIE	(former)Ministry of Infrastructure and Energy /
SAE	State Agency of Expropriations
OMP	Operational Management Plan
OP 4.12	Operation Policy 4.12
PAP	Project Affected Persons
PCU	Project Coordination Unit
PIUTD	Project for Integrated Urban and Tourism Development
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
WB	World Bank

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## Definitions

<i>Project in Brief</i>	<b>Definitions</b>
<i>Application file</i>	Set of documents prepared to support the request for expropriation submitted to the SAE
<i>Case file</i>	Set of documents that the Expropriation Commission, established within the SAE finalizes in support of proposal for expropriation to the Council of Ministers
<i>Census</i>	A field survey to identify people who are genuine owners/ occupants of the land to be acquired under the project and thus will be eligible for compensation and/ or rehabilitation support as provided in this RPF.
<i>Compensation</i>	Compensation is the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets, as well as other impacts resulting from project activities.
<i>Cut-off date</i>	Date of commencement of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cutoff date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
<i>Encroachers</i>	Encroachers are persons who have extended their building, agricultural lands, business premises or work places into state/ municipal/communal lands.
<i>Expropriation Commission</i>	Special commission for application of the expropriation procedure in case of the sub activities.
<i>Expropriation Law</i>	Law No.8561/22/12/1999 ‘On Expropriation and Taking on Temporary Use of Private Property for Public Interest’ amended The expropriation Law No. 8561 date 22.12.1999, is amended by Law 11 date 12.02.2020. DCM 395 date 13.05.2020 “For the Organization and Operation way of Governmental Agency of Expropriation”
<i>Full replacement cost</i>	Method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets should not be taken into account. For agricultural land it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes
<i>Informal land users</i>	Are those who have occupied state/municipal/communal lands without formal permission for residential, business and or other purposes.
<i>Land</i>	It refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
<i>Land acquisition</i>	It means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.

<i>Local Grievances Committee</i>	Local committee composed of three representatives: PAPs, Project; neutral expert to handle all grievances procedures in the affected areas and address PAPs concerns.
<i>Local Government Unit</i>	The LGUs include Municipalities and Administrative Units as per the new territorial division in force since June 2015.
<i>Project</i>	Project for Integrated Urban and Tourism Development
<i>Project Affected Person (s) (PAPs)</i>	PAPs are persons affected by land use or acquisition needs of the RAP in the framework of the project. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.
<i>Private land Owners</i>	Are those who have legal title to land, structure and other assets
<i>Region</i>	Southern Region including the Municipality of Saranda, Berat, Gjirokastër and other locations along the Riviera
<i>Replacement cost</i>	It means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Albanian law for sale of land or property. In terms of land, this may be categorized as follows: (a) "Replacement cost for agriculture land" means the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.
<i>Resettlement Action Plan (RAP), Abbreviated Resettlement Action Plan (ARAP) or "Resettlement Plan"</i>	It is a resettlement instrument (document) prepared when projects locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAP is prepared by the party (Potential Developer) impacting on the people and their livelihoods. RAP contains specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. RAP is a site specific report for the current known impacts and is prepared in conformity with the provisions of this RPF with the views of the PAPs.
<i>The Resettlement Policy Framework (RPF)</i>	It is an instrument to be used throughout the implementation of project activities as guidance tool. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.
<i>Tenants</i>	Tenants are those persons having tenancy agreements, written or unwritten, with a private property owner with clear property titles, to occupy a structure or land for residence, business or other purposes.

# 1. Introduction

## 1.1 PROJECT OBJECTIVE

### 1.2 PROJECT COMPONENTS

#### *Component 1. Urban upgrading and infrastructure improvement.*

This component is expected to finance design and implementation of urban upgrading and municipal infrastructure improvements in selected primary, specialized urban centers and their surrounding areas. This component is divided in two complementary subcomponents: Subcomponent 1A, which will focus on selected primary and specialized centers with urban upgrading and infrastructure improvement investments; and Subcomponent 2A, which will focus on enhancing cultural heritage assets and touristic sites along corridors connecting primary and specialized centers. Urban upgrading and infrastructure improvement investments (Subcomponent 1A) are expected to include the upgrading of public spaces (i.e. parks), street networks and associated infrastructure (i.e. sidewalks, streetlights), the rehabilitation of basic municipal infrastructure (i.e. water supply networks), and the restoration of facades and roofs of historical buildings. Subcomponent A2 is expected to finance the enhancement of cultural assets through the restoration of selected assets (i.e. museums, bazaars, touristic sites) and the improvement of supporting infrastructure such as last mile access, visitor centers and signage. This component will also finance preparation of required feasibility studies, engineering designs, construction supervision and monitoring and evaluation activities of the project.

#### *Component 2. Touristic sites upgrading.*

This Component will finance investments aimed at improving selected touristic sites along the south of Albania touristic corridor. Investments would include restoration of selected heritage and cultural assets; improving supporting infrastructure such as last mile access, pedestrian pathways, visitors' centers and signage in selected touristic sites and; the creation of rest stops or viewpoints along the south of Albania touristic corridor. This Component will also finance preparation of required feasibility studies, site management plans, engineering designs, and construction supervision.

#### *Component 3. Tourism market and product development & Institutional capacity building.*

This component is expected to finance capacity building activities for improved municipal management, service delivery and local economic development. These activities will build upon assessments carried out under the Bank-managed and Austrian Government-financed Urban Partnership Program<sup>1</sup> in the proposed project area. In addition, in recognition of the role that local government units play in supporting economic development this component will also finance activities aimed at leveraging local growth drivers such as tourism. These could include the design and implementation of destination planning and management, promotion, local outreach and awareness raising campaigns; marketing and promotion activities; skilled work-force development; and performance monitoring & evaluation activities. This component could also support activities aimed at strengthening the product and market linkages between the tourism sector and the local economy. The Project is not expected to include activities affecting land use planning such as the development of local territorial plans or investments that have significant environmental impacts.

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<sup>1</sup> The Urban Partnership Program (UPP) – funded by the Austrian Government and managed by the Bank - aims to strengthen the capacity of local governments in the South Eastern Europe region – including Albania -, and to equip local city administrators with practical tools for decision-making. As part of the UPP, and in support to the proposed project, Municipal Finance Self-Assessments (MFSA) and Urban Audits (UA) are already being conducted in Berat and Fier. A second cohort of municipalities to be included as part of the UPP include Gjirokaster, Vlora, Permet, Saranda and Himara. The MFSA helps local governments to assess their financial health and identify specific actions to improve mobilization of local resources. UA provides a snapshot of the level of services and infrastructure in the municipality, identifies and quantifies gaps, and defines a coherent set of priority sub-projects that fits the demand as expressed at the local level.

#### *Component 4: Implementation Support.*

This component will support overall project implementation including: (i) contracting of local experts to assist the implementation unit and participating municipalities in the implementation of sub-projects; (ii) the maintenance of the project Monitoring and Evaluation System M&E; (iii) the project related operating costs of the implementing unit including consulting fees, in-country travel expenditure; (iv) training of staff and other persons associated with project implementation; and (v) annual audit of project accounts.

#### ***Additional Financing***

*Component 1.* The AF will be used to support scale-up of investments on urban upgrading and infrastructure improvement into two new locations in the south of Albania, namely Ksamil and Orikum, which are closely connected to the municipalities and tourism sites supported by the parent Project. The indicative additional investments in these municipalities will fit the current scope of Component 1 under the parent Project and are similar to the ongoing investments under Component 1 of the Project, including a combination of upgrading of vehicular, pedestrian and multimodal accesses to the city and tourism attractions, strengthening of pedestrian connections and trails systems, integrated street upgrading, upgrading of recreational areas/parks and adaptive reuse of selected structures.

*Component 3.* The AF will also be used to support municipalities to adapt to changing market conditions (related to COVID-19) in both the promotion (more targeted) and presentation (considerations of social and physical distancing, personal protective equipment (PPE) requirements, contactless entry and exit to tourist sites, etc. ) of tourism experiences. Ksamil and Orikum, the two new locations, are closely connected to the municipalities supported by the parent project. The indicative additional activities in these municipalities will fit the current scope of Component 3 under the parent Project and are similar to the ongoing investments under Component 3, including development of new tourism products, adding value to existing products, strengthening tourism value chains, adapting to COVID-19 protocols, and targeting and connecting products to markets.

*Component 4.* The AF will also be used to add funding to the operating costs, given the extension of the loan closing date of the AF. All incremental operating costs in support of the day-to-day management of the project to be carried out by the implementing agency will be financed under the project. These expenses comprise the salaries (including social charges) of the ADF staff in charge of project implementation as well as customary office expenses, including costs for communications and travel.

AF consists of:

- Improved urban landscape through the implementation of urban regeneration activities in primary and specialized urban centers;
- Improved quality of municipal infrastructure and services (i.e. increased hours per day of piped water delivery, improved sidewalks-street lighting and increased access to all-season roads);
- Improved quality of supporting infrastructure in selected touristic sites;
- Increased number of tourists visiting selected primary and specialized centers, increased levels of private sector investment in goods and service providers in an around those primary and specialized centers, increased expenditure and length of stay by visitors;
- Increased capacity of municipality, tourism agencies and key government institutions to plan, manage and promote growth and investment in tourism related services.

The environment matters greatly to people living in these areas since it affects their daily activity and can increase their vulnerability to RPF externalities. Unmitigated resettlement arising from these kind of projects often cause severe social, economic and environmental impacts. Regarding livelihoods, poor people tend to be most dependent upon the environment and the direct use of natural resources. They are therefore the most severely affected when the environment is



degraded or their access to natural resources is limited or denied. The environment is important for the health of the people, which in situation of projects implementation may suffer most when water, land, and the air are polluted, being in this manner vulnerable and exposed to this environmental hazards. Another negative impact is the fact that people may be relocated to environments where their community institutions and social networks are weakened. Taking in consideration the aforementioned problems, RPF ensure as well safeguards against severe impacts of the proposed project activities. In this line, against potential externalities of the projects, RPF proposes mitigation measures, aiming to reduce their impacts through:

- avoiding displacement of people in the first place ;
- minimizing the number of project affected persons or;
- adequately compensating the project affected persons for losses incurred or;
- adequately addressing adverse impacts of the intended interventions.

### **1.3 PROPOSED PROJECT AREA**

The proposed project is expected to focus on the south of Albania comprising the area between Vlora and Saranda and covering both the Coast and hinterland (Including Berat, Permet and Gjirokaster). The proposed project is expected to support primary, specialized urban centers in the south of Albania and their surrounding areas. Investments are expected to focus on urban infrastructure upgrading in selected urban areas in the south of Albania and on selected cultural heritage and touristic sites enhancement along connecting corridors.

## **2. Purpose and Principles of the Resettlement Policy Framework**

The purpose of this RPF is to provide policy and procedures to mitigate loss of private lands and non-land assets, as well as the resultant loss of income, due to the implementation of the Project in line with the World Bank's OP 4.12 on Involuntary Resettlement, as well as the applicable Laws and Regulations of GoA. The RPF is prepared because the footprint of investments to be financed under the Project, and thus the exact scale and scope of impact, can be known only during project implementation. A Resettlement Action Plan (RAP) will be prepared in line with the provisions of this RPF and submitted to the Bank for clearance, as and if relevant.

Overall, subprojects should be designed and implemented in such a way to avoid and minimize loss of private assets. Unavoidable impacts should be addressed with mitigation measures that will sufficient to restore pre-subproject level livelihoods. Affected people should be adequately consulted with and meaningfully participate in the development and implementation of mitigation measures. The following is a summary of the key policies and principles applicable under the PIUTD:

- i. **Consultation and participation of affected communities:** Local population including but not limited to people who may be directly and adversely affected by the project will be meaningfully consulted with and participate in the development and implementation subprojects financed under the Project. In particular, their views and perspectives will be incorporated in the RAPs to be developed for respective subprojects.
- ii. **Minimization of impact:** The Project will make every effort to avoid and minimize loss of land and non-land private assets by ensuring a meaningful consultation with and participation of local population throughout subprojects development and implementation processes.
- iii. **Compensation at replacement value:** where loss of land and non-land assets cannot be fully avoided, efforts will be made to fully compensate for such losses and restore pre-subproject level livelihoods by mitigation measures including but not limited to cash compensation at replacement value to be provided before such losses or impacts occur.
- iv. **Preparation of a Resettlement Action Plan (RAP):** where losses of land or non-land private assets cannot be avoided and mitigation measures need to be provided, a RAP will be prepared

in line with the policies and procedures provided in this RPF, and approved by the Bank, before implementation of such subprojects starts.

- v. **Negotiated compensation options:** Wherever possible, a consensus must be reached with affected people on the mitigation measures to be provided and compensation to be paid. All land conflicts shall be resolved in a transparent manner and in a manner that is not coercive. Attempts shall be made to resolve conflicts at each city. Where this is not possible, courts of law shall be consulted.
- vi. **Considerations on vulnerable social groups:** These are groups that include people from the population with minimal assets, illiterate, and/or aged who may need special help in re-establishing livelihoods. Gender differences should be monitored as female-headed households may lose out to more powerful households.

**Resolution of gaps between Albanian laws and the Bank's OP 4.12:** In case of any gap or misalignment between the Albanian legal framework and World Bank's Operational Policy on Involuntary Resettlement, provisions of this RPF, as part of the international agreement signed between the Republic of Albania and the World Bank, will apply based on the expropriation Law No. 8561 date 22.12.1999, amended by Law 11/2020 date 12.02.2020.

### 3. Legal Framework

#### **3.1 ALBANIAN LEGAL FRAMEWORK ON LAND ACQUISITION AND EXPROPRIATION**

On Article 41/4 of the Albanian Constitution<sup>2</sup> it is provided: *“The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation”*

Furthermore, on the European Convention on Human Rights, it's provided in the Art. 1 “Right to property” of the Protocol 1<sup>3</sup>: *“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law...”*

In this spirit it's in power Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”<sup>4</sup> amended. The mentioned law provides the entire procedure how an expropriation procedure begins, for which reason, from which subject and the right of the owners to contest the evaluation of the property made unilaterally from the state institutions.

Anyway, an international agreement ratified by law has priority on application in front of a common law. (Art. 122 point 2 of the Albanian Constitution<sup>5</sup>) Furthermore, if a law creates a collision with an international agreement ratified by law, it will be applied the international agreement. This principle provides a guarantee that the international loan agreement signed between the Albanian Government and World Bank, has priority on application in front of the common law, especially in front of the mentioned law “On expropriation....”.

At this moment the law that is in force for the regulation of expropriation in Albania is the Law no.8561 date 22.12.1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, which has been recently amended by the Law 11/2020 date 12.02.2020 “For some changes and additions to the law no.8561...”.

This amendment is published on the Albanian Official Journal on 10th of March 2020, and has

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<sup>2</sup> Albanian Constitution, Article 41/4, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

<sup>3</sup> European Convention on Human Rights, Article 1 “Right to property”,

[http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>4</sup> Law No. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>5</sup> Albanian Constitution, Article 116, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

entered into force on date 25th of March 2020(15 days after the law has been published).

The basic changes that have been approved on the law “On expropriation” through the amendment - the law no. 11/2020 date 12.02.2020, are described as follows:

**First**, for the very first time it recognizes the right to define and calculate the compensation of the properties under private ownership, expropriated for public interest, based on the stipulations of the international agreement rectified by law for the realization of projects. Specifically, provisions in this RPF will govern compensation of private properties affected under the Project, as part of the international agreement between the Republic of Albania and the World Bank on the Project.

**Second**, a new agency is being established that is called State Agency for Expropriations and referring to the article 11, point 5 of the Law 8561, dated 22.12.1999, amended by law no.11/2020, dated 12.02.2020, it is an institution under the dependency of the minister responsible for the urban development, and has the main responsibilities as follows:

- a) **Plan and administer the requests for expropriation** from the respective institutions;
- b) **calculate the value of the compensation** for each property affected by the expropriation;
- c) **supervises** the progress of the expropriation procedures;
- d) **create a data base** for all the expropriation procedures and the payment of each expropriation cost;
- e) **is entitled to enter in negotiations with the subjects that will be expropriated, regarding the value of the expropriation compensation** and the time limit for the liquidation of this value, recise rules for the manner of handling the negotiations with the expropriated subjects are defined by the Council of Ministers, based on the proposal of the minister responsible for the urban development.

In the context of this project, preparation of an expropriation plan including calculation of compensation, as well as supervision of expropriation process and negotiations with people affected by expropriation, will be carried out by the ADF, or competent consultants hired by the ADF, in line with this RPF (See Section 3.3 below).

At this point it is important to emphasise that all the expropriation procedures initiated before the establishment of “State Agency for Expropriations” shall continue to be executed by the competent ministries assigned to be responsible for expropriation under the law, according the provisions that have been in force at the moment of commencement of procedures.

The Council of Ministers by Decision no.395, dated 13.05.2020 has defined the manner of organization and functioning of the State Agency for Expropriation.

Another change is that, the request for expropriation shall be submitted to the State Agency for Expropriations, and not to the competent ministry as was foreseen before the approval of the amendment - Law no.11/2020, dated 22.12.1999. Meanwhile the proposal in the Council of Ministers for the approval of the request for expropriation is done by the minister responsible for the urban development, which regarding the actual structure of the Government, refers to the minister of the infrastructure and energy.

A short resume of the principles provide by law no. 8561, dated 22.12.1999 “On expropriation...”, amended by Law no. 11, dated 12.02.2020 is provided below:

- The project aims public interest (Art. 8/ç of Law “On Expropriation...”)”<sup>6</sup>;

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<sup>6</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 8ç , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

- The beneficiary subject in the expropriation process will be *the relevant Municipality of each city* (Art. 9 of the Law “On Expropriation...”) <sup>7</sup>
- The Municipality needs to submit the request with a list of necessary documents to the State Agency for Expropriations, ;
- The State Agency for Expropriations has to follow the legal procedure, on publishing the request for expropriation, collecting the complaints of the affected owners, and preparing the draft of the sub legal act for the Council of Ministers;
- The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the GoA;
- The proposal in the Council of Ministers for the approval of the request for expropriation is done by the minister responsible for the urban development.
- The decision for the expropriation (for the owners that do not agree with the expropriation) will be approved by the Council of Ministers and will enter into force immediately, also it will be published in the Official Journal;
- The owners affected have the right of complaint to the Court for the compensation and if they don’t follow this procedure, the decision of the Council of Ministers will be an executive title.

Two other legal considerations are to be emphasized:

– ***The devaluation of property*** <sup>8</sup>

During the land acquisition for public interest it might happen that some properties will not be necessary to be taken from the owner, but in the same time the owner will not be able to enjoy the property like earlier and thus he has the right to be compensated for the devaluation of his property. Such as the case of two plots which are affected to the extent of more than 80%, but not entirely. This instrument is not applied so often in practice, but it is provided by law 8561,, and as per article 18 is stated “Compensation is given for the value of the depreciation of the property in cases when the expropriation for public interest is accompanied by the depreciation of the part of the property that has not been expropriated or of the property located near the one that is expropriated. The cases, ways and calculations of the amount of compensation are determined by the instruction of the Council of Ministers. ”

– ***The provisional taken on possession of the property*** <sup>9</sup>

During the land acquisition it might happen that certain properties are needed to be taken in possession for temporary use, such as the case for expansion of the village road to allow large vehicles to pass during the works for the implementation of the project. In such cases, the part of private land needed will be temporarily acquired and returned to the original owners after the project, but on payment of rent. The request on a temporary possession of a property needs to be addressed to the State Agency for Expropriations , describing the property, the reason, the term and the compensation for the owner. The owner has the right to raise a complaint to the court against such decision.

The Council of Ministers Decision No. 138 dated 23. 3. 2000<sup>10</sup> provides the legal criteria for the evaluation of properties affected by expropriation.

- ***Land:*** The estimation of expropriated of urban lands, lands within the yellow line town and administrative unit properties shall be determined according to the prices approved by Council

<sup>7</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 9 , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-\\_8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-_8561.pdf)

<sup>8</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 18 , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-\\_8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-_8561.pdf)

<sup>9</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 27-37 , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-\\_8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-_8561.pdf)

<sup>10</sup> The Council of Ministers Decision No. 138 dated 23. 3. 2000, [http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM\\_138\\_date\\_23\\_03\\_2000.doc](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

of Ministers Decision deriving from Law No. 133 date 2015 “On the treatment of property and finalization of the process of compensation of property”.

- **Residential properties:** Value of expropriation compensation for residential properties shall be based on the average sales price according to the records of the State Agency of Cadastre .
- **Industrial and Agricultural properties:** The value of expropriation compensation for industrial and agricultural properties shall be based on the average sales price according to the records of the Ministry of Infrastructure and Energy / State Agency for Expropriations . Depreciation of property must be subtracted from the price.
- **Agricultural land, forested areas, etc:** The estimate value of compensation for agricultural lands, forested areas, pastures and grasslands shall be determined based on the prices approved by Council of Ministers Decision complementary to the Law No. 133/2015 On the treatment of property and finalization of the process of compensation of property” . In cases where there are no prices approved for certain regions, the evaluation for agricultural lands, forested areas, pastures and grasslands is determined based on the average sales price available at State Agency of Cadastre
- **Fruit trees:** For fruit trees the estimated value is calculated considering costs of investment and expenses. This value is calculated per unit (number of fruit trees) or unit per land surface (m<sup>2</sup> of vineyard, nursery etc.). The investment present in the land, the total expenses and different amortization factors are foreseen by special Ministry of Agriculture directives.<sup>11</sup>
- **Crops:** For crops the estimated value is calculated based on the expected yield and market unit price.<sup>12</sup>
- **Illegal constructions:** For investments made by property owners who are not registered at the former IPRO State Agency of Cadastre(without a title), the entity which initiates the expropriation has the right to complete the procedure if: the owners of the property have either (i) started an administrative process at the former Agency for Legalization and Integration of Informal Properties (ALUIZNI) according to Law No. 9482, dated 3.4.2006 "On legalization, urbanization and integration of informal properties (updated"<sup>13</sup>; in case the illegal building (or additional works on the existing building) have been previously declared and have been qualified later for legalization permit from formerALUIZNI, based on the criteria set in the Council of Ministers Decision No.438, dated 28.6.2006 "On the criteria, procedures and required documentation that determine legalization of informal properties"<sup>14</sup>; or (ii) are in the process of taking a legalization permit, etc.

### 3.2 WORLD BANK’S OPERATIONAL POLICY ON INVOLUNTARY RESETTLEMENT (OP 4.12)

The World Bank’s operational policy 4.12 on involuntary resettlement requires that involuntary resettlement is avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as *sustainable development programs*, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be *meaningfully consulted* and should have *opportunities to participate* in planning and implementing resettlement programs. They should *also be assisted in their efforts to improve their livelihoods* and standards of living or at least to

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<sup>11</sup> The Council of Ministers Decision No. 138 dated 23. 3. 2000,  
[http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM\\_138\\_date\\_23\\_03\\_2000.doc](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>12</sup> The Council of Ministers Decision No. 138 dated 23. 3. 2000,  
[http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM\\_138\\_date\\_23\\_03\\_2000.doc](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

<sup>13</sup> For more, please refer to the Full Version of the Law:  
[http://www.planifikimi.gov.al/sites/default/files/Ligji\\_nr.9482\\_per\\_legalizimin,\\_urbanizimin\\_dhe\\_integrimin\\_e\\_ndertimeve\\_pa\\_leje,%20i%20ndryshuar\\_1.pdf](http://www.planifikimi.gov.al/sites/default/files/Ligji_nr.9482_per_legalizimin,_urbanizimin_dhe_integrimin_e_ndertimeve_pa_leje,%20i%20ndryshuar_1.pdf)

<sup>14</sup> For more, please refer to: <http://www.aluizni.gov.al/vendim-nr-438-per-percaktimin-e-kritereve-te-procedurave-dhe-dokumentacionit-te-zbatueshem-per-te-kualifikuar-objektet-ne-ndertim-qe-legalizohen-ose-jo/>

restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is higher.

The World Bank policies also require the application of the local laws for the valuation and compensation of losses as far as they fit the principles of the WB (Achieving the replacement cost for lost assets). For all losses of assets attributable directly to the project, the Operational Policy 4.12 requires that full compensation at replacement value needs to be provided, as below:

*“With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. “*

### **3.3 GAPS BETWEEN ALBANIAN LAWS AND WORLD BANK POLICIES**

The Table 4 below shows the gaps between the Albanian national law and the Bank's OP 4.12, and how the gaps will be bridged under the Project. Based on article 8, point 2 of the Law no. 11/2020, dated 12.02.2020 which has amended the Law No. 8561 date 22.12.1999 “On expropriation ...”, provisions of this RPF, which forms part of the international agreement between the Republic of Albania and the World Bank, will apply where gaps exist.



**Table 1. Table of GAPS of Albanian Legislation and World Bank Policies**

<b>Category</b>	<b>ALBANIAN LEGISLATION</b>	<b>WORLD BANK POLICY</b>	<b>GAP BRIDGING MEASURES</b>
<b>A. Loss of land for non-title holders</b>	– No compensation provided	– Resettlement assistance in lieu of compensation for land to restore their livelihoods and standards of living to pre-displacement levels.	– Resettlement assistance to restore pre-displacement level livelihoods in line with Entitlement Matrix (Section 6).
<b>B. Loss of structures for non-title holders</b>	– No compensation provided	– Compensation at full replacement cost.	– Compensation at full replacement cost in line with Entitlement Matrix (Section 6).
<b>C. Loss of Income</b>	– No provision for income/livelihood rehabilitation, allowances for severely affected or vulnerable people, or resettlement expenses	– Rehabilitation for income/ livelihood, severe losses, and for expenses incurred by affected people during relocation process.	– Rehabilitation assistance for lost or diminished livelihoods in line with Entitlement Matrix (Section 6).
<b>E. Loss of Community Resources</b>	– Compensation by the Government with market value.	– Measures to assist impacted communities to re-establish or re-develop lost Community resources.	– Reestablishment or reconstruction of lost community resources. – Restore partially affected structures.
<b>F. Consultations</b>	– The EIA Act features some consultative activities to be carried out with impacted populations	– Systems for comprehensive consultations and full documentation to be in place	– Comprehensive consultations with full documentation to be in place.
<b>G. Grievance procedure</b>	– Grievance procedures as stipulated in WB OP4.12 are not addressed in the laws.	– An adequate grievance redress mechanism for affected entities is required as early as possible.	– A grievance redress mechanism and procedures should be established per this RPF

## 4. Expected project impact and eligibility criteria

In the implementation of the Project, several social impacts could affect the community and population in the areas of the projects, depending on the type and scale of subproject to be implemented.

**Table 2. Categories of losses and their impacts on project affected persons**

Loss Category	Social Impacts
Physical relocation	Highly unlikely to occur, especially on a large scale, and such an impact will be avoided and minimized to the extent possible. If it happens, the following impact may occur: impoverishment, disturbance of production systems, loss of sources of income <sup>15</sup>
Loss of land and non-land assets without physical relocation	Impoverishment, loss of sources of income and means of livelihood, Loss of assets or access to assets, increased time to access resources.

In line with the OP 4.12 of the World Bank<sup>16</sup>, following groups of people are eligible for compensations and/ or other types of mitigation measures, if they are found to occupy or use the land on cut-off date (which is the date of the commencement of the Census):

- a. those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- b. those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- c. those who have no recognizable legal right or claim to the land they are occupying.

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project in accordance with the provisions of this RPF. Persons covered under sub-section (c) above are entitled for compensation for the loss of non-land assets they have built on the land that will be acquired by the Project, and resettlement assistance in lieu of compensation for the land they occupy.<sup>17</sup>

Communities including districts, towns, wards and villages permanently losing land, resources and/or access to assets shall be eligible for compensation. Compensation measures shall ensure that pre-resettlement socio-economic status of the communities are restored and maintained.

**Table 3. General Typologies of Project Affected Groups**

General Typology	Definition
<b>Private land Owners</b>	Are those who have legal title to land, structure and other assets
<b>Informal land users</b>	Are those who have occupied state/municipal/communal lands without formal permission for residential, business and or other purposes.
<b>Encroachers</b>	Encroachers are persons who have extended their building, agricultural lands, business premises or work places into state/ municipal/communal lands.
<b>Tenants</b>	Tenants are those persons having tenancy agreements, written or unwritten, with a private property owner with clear property titles, to

<sup>15</sup> Experience under the original Project shows that such impacts as loss or weakening of community system and social networks; loss of access to social amenities such as hospitals, schools and water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, and emotional stress, would not occur given the type and scale of the subprojects.

<sup>16</sup> OP 4.12 of the World Bank,

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0..contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

<sup>17</sup> OP 4.12 of the World Bank



	occupy a structure or land for residence, business or other purposes.
<b>Business owners</b>	Those owners of commercial entities who will need to close their businesses, temporarily or permanently, due to the implementation of the project.
<b>Vulnerable groups:</b>	Are those groups such as those who are under social assistance schemes, women-headed households, handicapped/disabled and landless families, who will be dealt with on a case to case basis.

## 5. Land Acquisition Planning Process

Implementation of the project activities, (According to the components), will include improvement of urban infrastructure and expansion/rehabilitation of the existing civil structures. These activities may require land acquisition, leading to people's denial or restriction of access to land resources, services and social amenities. In this case, Resettlement Action Plans (RAP) must be prepared in accordance with this Resettlement Policy Framework (RPF), through the following steps:

### 5.1 SOCIAL SCREENING

When a subproject is identified, it will be screened to identify if it may impact land and/ or non-land private assets against the screening checklist which is attached in Annex 2 of this RPF.

Social screening will be conducted by ADF's social safeguards specialist in partnership with beneficiary municipalities. Specifically, ADF social safeguards specialist will send to the relevant beneficiary municipalities the concept of the subproject identified and the social screening checklist and procedures, and request organizing a consultation meeting with local population. Beneficiary municipalities will be requested to inform local population of prospective consultation meetings early on and distribute the project concept broadly so local population can participate in consultations meaningfully. The ADF social specialists will fill the social screening checklist together with relevant officials of beneficiary municipalities, and participate in consultation meetings and prepare minutes. Based on the result, the ADF social specialists will determine if land or non-land private asset may occur under the subproject identified. When no land or non-land private asset is found to be affected by the subproject, no further action needs to be conducted, except that grievance mechanisms should be set up and local population continue to be consulted throughout the life of the subproject.

If social screening indicates that land and/ or non-land private assets may be affected, the ADF social specialists will inform the ADF's relevant staff in charge of the engineering design of the subproject of the potential impact, and seek measures to avoid or minimize such an impact.

If it is found that impact on land and/ or non-land private assets cannot be fully avoided, the ADF's social safeguards specialist will start the process to prepare a Resettlement Action Plan (RAP).

### 5.2 CENSUS, CUT-OFF DATE, AND SOCIOECONOMIC SURVEY

Once it is confirmed that land or non-land private assets are to be affected under a sub-project, a census will be taken. Census is a field-based survey to identify genuine owners/ occupants of the land to be affected by the project and thus will be eligible for compensation and/ or rehabilitation support as provided in this RPF. Compensation eligibility will be set for each subproject on the day of the beginning of the PAP Census (Cut-off date). The Cut-off date will be announced to local population well in advance through local media and other appropriate means.

PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however will be given sufficient advance notice, requested to vacate premises and dismantle

affected structures prior to subproject implementation. Their dismantled structures materials will not be confiscated and they will not pay any fine or suffer any sanction.

In the case of absentee owners (e.g. people with legal rights to the land but who are living elsewhere), they are eligible for compensation and the ADF should make, and document, good faith efforts to find them and inform them about the process. These efforts may include efforts to reach them through their neighbors, publication of an ad in newspapers informing about the process, etc. If they cannot be found, and in accordance with local requirements, the compensation amount must be allocated in an escrow account and be made available to absentee owners when they reappear.

Once the Cut-off date is set, a socioeconomic survey will be conducted for each sub-project. It should address the following, at minimum:

- Baseline socioeconomic information of affected people including: demographic information of affected people, land use and ownership types; sources of income and vulnerability, etc.
- Inventory of assets owned by affected people, scale and scope of impact and asset loss, leading to the development of the Inventory of Loss.
- List of businesses that may be affected, including those with and without formalities to run the business.
- List of vulnerable people.
- Cadastral data to determine the boundary of land ownership.
- List of people without formal ownership or recognizable rights to using the land and/or building structures on the land, and the description of legality of ownership.
- Community assets or cultural resources that may be affected by the project.
- Summary of consultations conducted with affected people.
- All other relevant information.

### **5.3 RAP PREPARATION**

Once data on socioeconomic profile of affected people and the scale and scope of impact and loss have been collected, the Resettlement Action Plan (RAP) will be prepared for the subproject. When less than 200 people are expected to be affected, and abbreviated RAP may be prepared.

A Resettlement Action Plan (RAP) should address, at minimum:

- Description of the subproject. General description of the subproject
- Potential impacts Identification of:
  - Subproject components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
  - Zone of impact of such components or activities;
  - Scope and scale of land acquisition and impacts on structures and other fixed assets;
  - Any project-imposed restrictions on use of, or access to, land or natural resources;
  - Alternatives considered to avoid or minimize displacement and why those were rejected; and
  - Mechanisms established to minimize displacement, to the extent possible, during project implementation
- Objectives. The main objectives of the resettlement program
- Census survey and baseline socioeconomic studies:
  - Characteristics of affected households (production systems, labor, household organization; and livelihoods derived from both formal and informal economic activities; standards of living; etc.);
  - Information on vulnerable people;
  - Public or community infrastructure, property or services that may be affected;
  - Affected people eligible for compensation and rehabilitation support; and
  - Baseline conditions for monitoring and evaluation purposes

- Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
- Socioeconomic and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities, to the extent that is relevant.
- Legal framework.
  - Scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
  - Applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
  - Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
  - Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and OP 4.12, and the mechanisms to bridge such gaps
- Institutional framework:
  - Agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
  - Capacity of implementation agency(es) in implementing land acquisition and resettlement in line with this RPF, including possible capacity development measures.
- Eligibility. Criteria to determine eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
- Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.
- Resettlement assistance. If a subproject requires the physical relocation of households or businesses, the assistance to be provided them including arrangements to secure adequate housing or business structures and transitional support.
- Community participation and consultation:
  - Strategy for consultation with, and participation of, affected people in the design and implementation of the resettlement activities;
  - Summary of views expressed by affected people and how they are taken into account in preparing the resettlement plan;
- Institutionalized arrangements by which affected people can communicate their concerns to project authorities throughout planning and implementation.
- Implementation schedule. Anticipated dates of displacement, compensation payments and other activities to clear lands for purposes of, and linked to, subproject preparation and implementation.
- Grievance redress mechanism. Affordable and accessible processes and procedures including responsible parties and budget to allow those who believe have been adversely affected by the project to air their concerns.

- Monitoring and evaluation. Arrangements to monitor RAP implementation processes and evaluate outcomes of RAP implementation.
- Costs and budget. Estimated cost of RAP implementation.

Abbreviated Resettlement Action Plan should address the following, at minimum:

- Census survey of displaced persons and valuation of assets: (List of affected people and how they are affected. What are they losing concretely and valuation?)
- Description of compensation and other resettlement assistance to be provided: (self-explanatory: what is being given and how they are helped)
- Consultations with project affected persons (PAP) about acceptable alternatives: (report on consultation)
- Institutional responsibility for implementation and procedures for grievance redress: (who does what? and when?)
- Arrangements for monitoring and evaluation of ARAP implementation
- Time table and budget: (timing for each step and the costs)

The ADF will verify at the time of subproject implementation, if any of the residents has ownership claims on the property in case where this is a public land. If someone has such ownership claims, the LGU and MIE must assist them to obtain property titles and compensate them for the expropriated property.

#### **5.4 RAP APPROVAL**

The ADF will submit the draft RAP or ARAP to the Bank for clearance. No physical works should start where a draft RAP/ ARAP has not been cleared by the Bank, or till the cleared RAP/ ARAP has been fully implemented and affected people have received their entitlements fully.

#### **5.5 RAP IMPLEMENTATION**

The State Agency for Expropriations (SAE) by public notice, precisely by the publication in the Official Journal and publication in the official web page of the SAE should inform the public of its intention to land acquisition for the sub projects. A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable.

The notice shall clearly state the below mentioned information:

- Government's proposal to acquire the land;
- The public purpose for which the land is requested;
- Proposal or plan that may be inspected at the SAE or in the Office of the LGUs/ADF Project Unit, during working hours; and
- Guidance to any person affected who may, by written notice, object to expropriation, land acquisition or resettlement.

Compensation payments should be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites. The overall responsibility for payments on expropriation claims for the Project is under the Council of Ministers. The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required. The land acquisition transfer must be fully completed, and payment made, before any Works can be executed on the expropriated property. Each PAP will receive the compensation payable into a bank account opened by the owner for purposes of the expropriation. Such sums will be approved by a DCM and the funds will be passed to the bank account of each PAP(s), according to the

banking documentation provided by them. The PAPs should be individually informed by the bank within upon the transfer of compensation into the account. Any cost associated with account opening and maintenance will be covered by will be covered by the Ministry and the banking service will be offered free of costs to each PAPs.

The transfer of payment will be made after the publication in the Official Gazette of the Decision of Expropriation. The Decision of the Council of Ministers for expropriation is effective (enter into power) immediately and is published in the Official Gazette. In the event of an appeal in the Court, when no agreement is reached, if the compensation payable is not agreed upon between the government and the land owner, such compensation shall be determined by the Court. In these conditions the person gets the money from the bank, but depending on judicial decision he is entitled to receive an additional benefit.

## 6. Entitlement Matrix

Types of Impact	Eligible people	The right of compensation
<b>Expropriation of lands</b>	Owner/Holder of the property title	Compensation in cash or in-kind for affected land equivalent to the market value of the property, enough to replace lost assets and cover transaction costs. If remaining land becomes economically unviable, such lands will also be acquired and compensation at replacement values be paid.
<b>Land use restrictions</b>	Owner/Holder of the property title	Compensation in cash or in-kind equivalent to the loss of land value as a result of land use restrictions. Where affected people are no longer able to maintain their assets (buildings, trees, etc.) as a result of land use restriction, including for income generation, compensation at replacement value will be provided.
<b>Loss of buildings</b>	Owner of the building, without regard to legal status of the land where the building is built	Compensation in cash or in-kind for structures partially or completely affected without depreciation. Salvage materials will be handled over to affected persons.
<b>Loss of standing crops</b>	Owner of the crop without regard to legal status of the land where lost standing crops are planted	Compensation in cash equal to the fair market value of the affected crops. Efforts will be made so construction will start after farming season to avoid loss of standing crops.
<b>Loss of trees</b>	Owner of the tree without regard to legal status of the land where lost trees are planted	Compensation in cash based on the type, age and production value of affected trees.
<b>Temporary loss of and/or access to land</b>	Occupants of the land	Fees agreeable to affected occupants of the land. Any damage to assets will be compensated by responsible agency (ADF or the contractor, as relevant) at replacement value.
<b>Loss of income</b>	Affected people with or without full formalities	If permanent loss of sources of income (including as a result of land use restriction), payment of cash equivalent to income over six months; if temporary loss of income, payment of cash equivalent for income during the stoppage time, based past year average income/ turnover.

<b>Physical relocation</b>	Residents, business owners/ employees	Physical relocation of households and businesses will be avoided to the extent possible, but if unavoidable, provision of sufficient allowance to cover net transport expenses and living expenses/ salary/ rent for three months (as relevant); and support to search alternative residence/ business sites.
<b>Vulnerable people</b>	PAP below poverty line, elderly, disabled, female headed HH	Subsistence grants equal to 3 months of minimum wage to displace poor /vulnerable families. Employment priority in project-related jobs.
<b>Public utilities/ buildings/ cultural heritage</b>	Municipalities, communities	Replacement or restoration of damaged or lost public utilities, parks, cultural heritage or other tangible assets of communal or social value to local communities.

## 7. Valuation methodology

**Land:** The evaluation method for estimating the compensation should consider all the available sources of information in order for the proposed value for compensation to reflect the market value / replacement value of the land. Main assumptions to be taken into consideration in the methodology frame could be related with the current regulatory framework for land expropriation and its recent amendments; financial analysis on net income stream on the sites and its neighborhoods; eventual transactions (sales and leasing) on the region. Below you can find the auxiliary overview tables to be used in the phase of compensation.

**Buildings:** Value of residential dwellings, commercial structures, and other affected structures (such as barns, fences, and outdoor cooking facilities) will be valued at replacement value based on construction type, cost of materials, type of construction, labor, transport and other construction costs. No deduction for depreciation and transaction costs will be applied. For the partial impact (if the loss is less than 15%), compensation is paid for the replacement value of impacted structures. Valuation also shall include the cost of access to water supply if the displaced structure had access or if the replacement location does not provide access. Estimated costs shall be sought from PAPs and other local residents and from contractors and suppliers in the affected areas. These estimates do not include the cost of land. Incomplete dwelling units or units that have collapsed shall be valued based on replacement cost of materials.

**Standing crops and trees:** Compensation for standing crops will be based on farm gate rate. Trees will be valued according to different methodologies depending whether the tree lost is a wood tree or a productive tree.

Wood trees will be valued based on age category (a. seedling; b. medium age tree and c. fully grown trees), their timber value and volume. Fruit/productive trees will be valued based on age (a. seedling; b. adult-not fruit bearing; and c. fruit bearing). Stage (a) and (b) trees will be compensated based on the value of the investment made; stage (c) trees will be compensated at net market value of 1 year income x number of years needed to grow a new fully productive tree. The unit compensation rates will be assessed by Project consultants or by the authorized independent evaluator based on clear and transparent methodologies acceptable to WB.



## 8. Consultation with Affected Populations

To ensure the interests of the affected persons are fully included in the RAP process and income restoration, a thorough consultation with the affected persons, representatives of any affected group, any interested group and the various administrative and government departments will be conducted throughout subproject preparation and implementation processes.

### 8.1 MECHANISMS FOR CONSULTATIONS

In addition to documenting the expropriation procedures indicated above, once the tentative arrangement of the civil works is identified, each sub-project beneficiary (LGUs) in cooperation with the ADF will hold public consultations to discuss land acquisition processes. All those who own or occupy lands to be affected by respective subprojects will be invited to consultation meetings, in which they will be explained about the project and the expected impact, and their entitlements for compensation and other mitigation measures.

The aim of consultations at this stage is to ensure all people who may be potentially affected by respective subprojects become aware of the nature of the subproject, potential impacts, their entitlements, and avenues to air grievances. A leaflet will be prepared that will describe the nature of the subproject, potential benefits and impacts, as well as contact information of persons responsible for the subprojects including public relations officers of relevant LGUs and social safeguards staff of the ADF, which will be shared with participants of consultation meetings and notified to local population broadly at relevant public places. The leaflet will also describe Grievance Redress Mechanisms for respective subprojects. Consultations will continue into the detailed designs and implementation of subprojects, in order to ensure that the views of potentially affected people are adequately addressed in line with this RPF.

### 8.2 GRIEVANCE REDRESS MECHANISMS

**Grievance Redress Committee (GRC).** A Grievance Redress Committee will be established for each subproject to address complaints and grievances including those that may be related to loss of land and non-land assets as well as negative impacts on income and livelihoods. The Committee will include relevant LGU staff and ADF staff. The ADF will also set up an ad hoc Grievance Handling Committee that will be organized when grievances cannot be addressed at the municipal level.

**Procedure:** Under the guidance of the ADF social safeguards specialist, the GRC will make every effort to achieve an amicable settlement of all grievances raised for respective subprojects. Complainants may send their grievances through emails, letters or phone calls. Anonymous submission of complaints is allowed. The GRC will respond to the complainants in writing within 10 days of the receipt of the grievance. If this attempt fails, the ADF will organize the Grievance Handling Committee to discuss grievances and identify solutions that are consistent with national laws and this RPF. A response will be sent to complainants, in writing, within 10 days of the receipt of the grievance. If complainants are still not satisfied, they are free to lodge a court case to seek a remedy.

Local population of municipalities where a subproject will be implemented will be informed of the Grievance Redress Mechanism during consultation meetings. The leaflet of subprojects to be prepared will also describe the Grievance mechanisms and disseminated widely within the municipality.

Detailed processes and procedures to handle grievances will be provided in the Operations Manual. The functioning of the GRM will be regularly monitored and evaluated by the ADF social safeguards specialists and reported to the Bank through regular progress report.

## **9. Cost and Funding Arrangement**

The cost of RAP implementation will be covered by the Project. The cost of RAP implementation in particular cost of compensation can only be estimated when respective subprojects are identified, however, all subprojects will require cost of (i) ADF staff in managing social impacts of respective subprojects and (ii) developing a RAP for respective subprojects, if relevant. The ADF has already hired a social safeguards staff in house and will maintain the capacity throughout project implementation. Regarding the cost of RAP preparation, the total cost will depend on the number as well as complexities of RAPs to be prepared, but it will be included in the cost of subproject preparation and covered from the Project budget. The budget for compensation will be provided by the Government of Albania based on the subproject specific RAP based on the expropriation Law No. 8561 date 22.12.1999, amended by Law 11/2020 date 12.02.2020.

## **10. Institutional and Implementation Arrangements**

### **10.1 INSTITUTIONAL RESPONSIBILITY FOR PROJECT IMPLEMENTATION**

The former Ministry of Urban Development, currently Ministry of Infrastructure and Economy has ultimate responsibility for the implementation of all project components along with the ADF. A committee composed of PAP-Project Authorities will be constituted to be responsible for overseeing the implementation of the RAP. The ADF will prepare the RAP/ARAP based on data received from the LGU and other institutions. The ADF will also cooperate with all local institutions to provide a successful implementation of the RAP. The RAP will be submitted to the WBG for clearance prior to implementation. A property evaluation study, an integral part of the design, will serve as the basis for the preparation of the RAP/ARAP.

The LGUs (Municipalities, Administrative Units) are the final beneficiaries of the project implementation. From the institution it is required continuous assistance and presence during all the progress of the project.

Former Immovable Property Registration Office / State Agency of Cadastre for each District in the Project area, under the authority of the Central Registration Office, which are responsible for identifying and verifying property boundaries and ownership.

Land Administration and Protection Offices (formerly Cadastre Offices) under the Region, which will clarify land allotment certificates for agricultural land that has not been formally registered and transferred to the Immovable Property Registration Offices.

The Regions and the Municipalities will be responsible for the coordination of the implementing procedures and execution of the compensation.

## 10.2 INSTITUTIONAL ARRANGEMENTS FOR THE LAND ACQUISITION AND RESETTLEMENT PROCESS IMPLEMENTATION

**Table 4. Institutional Arrangements for Implementation**

Steps	Institution	Description of responsibilities	Timing	Remarks
<b>RAP Planning</b>				
<b>Step I</b>	ADF / LGU / or Consultant on behalf of ADF	Identification of PAPs, calculation of RAP value conform the WB OP 4.12	During project design phase	Information on project effects, needs for RAP/ARAP, evaluation and verification of PAPs
<b>Step II</b>	ADF / LGU / or Consultant on behalf of ADF	PAP Consultation	Project design, prior to final design preparation	Explanation on assets to be affected, identification of the best way for compensation, explanation of time of compensation, main actors on implementation process, procedures to be undertaken and the rights for Grievance. The information must have been available to PAPs 20 days prior to the meeting.
<b>Step III</b>	ADF	Grievance Committee Creation		The Grievance Committee needs to be formalized and specific contacts need to be given to the PAPs.
<b>Step IV</b>	ADF / LGU /or Consultant on behalf of ADF	Preparation of draft RAP report	During project design	Preparation of draft RAP/ARAP Report compliant with OP 4.12
<b>Step V</b>	ADF/LGU/or Consultant on behalf of ADF	Consultation of draft RAP with PAP	During project design	Consultation of draft RAP/ARAP with affected communities and allowing time for receiving grievances
<b>Step VI</b>	ADF / LGU /or Consultant on behalf of ADF	Preparation of final RAP report	Prior to start of works	Preparation of final RAP/ARAP Report considering comments of WB and MoUD
<b>Step VII</b>	WBG	Approval of final RAP/ARAP report	Prior to start of works	The WBG must provide No Objection to the RAP prior to initiation of its formalization process
<b>Step VIII</b>	LGU/ State Agency for Expropriations (SAE)	Request for expropriation for public interest	Prior to start of works	Fulfill of criteria provided by law, especially the necessary documents that prove the expropriation needs
<b>Step IX</b>	and State Agency of Expropriation	Expropriation Commission at ( State Agency of	Prior to start of works	Raising of Expropriation Commission, verification of documentation on properties, calculation and verification of compensation value

		Expropriation has to examine the request and documents		
		If the legal criteria are fulfilled the SAE starts the expropriation procedures.		
		If not, the request will be rejected.		
<b>Step X</b>	Local authority/ADF/ SAE /PAPs	Compile the agreement considering pretends of any parts and legislation	Prior to start of works	Give solution and incite agreements supporting PAPs requests upon legislation
<b>Step XI</b>	/ ADF/SAE	Formalization and execution of RAP/ARAP to enable compensation of PAP's	Prior to start of works	A decision of the Council of Ministers for compensation will be issued, in line with the Resettlement Policy Framework and WB Operation Policy 4.12, based on the approved RAP/ARAP
<b>Step XII</b>	Council of Ministers	Approve the decision of the expropriation for public interest;	Prior to start of works	DCM shall be implemented 1 month after declaiming on official newspaper
<b>Step XIII</b>	ADF / Grievance Committee	Ensure that the Expropriation Commission decisions are based in Albanian Legislation and WB guidelines and considers PAPs requests	Prior to start of works	Evaluation of compliance between interested part requests
<b>Step XIV</b>	MIE/ SAE	Agreement with PAP's about expropriation.	tbd	Important: the fair evaluation of the properties
		Publication of the notice for the expropriation - Declamation		The procedure must be followed carefully and respecting the right of the third persons to prevent the complaint to the Court
		Examine the suggestions and the complaints of		The expropriation it will be done for the persons who will accept to be compensated with the conditions published.

		persons affected by the process		
		Prepare the draft decision for Council of Ministers.		Preparation of DCM on PAP compensation
		Or		
		Reject the proposal to MIE with the suggestion to review, if it is not in conformity with the law. Pay the compensation to persons affected by the project		
<b>Step XV</b>	ADF (or Consultant on behalf of ADF)/Grievance Committee	Assistance on relationship between PAPs and Local and Governmental authorities, verifications, and supervision of RAP implementation	tbd	Verification of compatibility of the agreement between interested parts.
<b>Step XVI</b>	ADF	Issuing of clearance memo	Prior to start of works	ADF provides a clearance memo for start of works that ensures that compensation / mitigation measures are implemented before any impacts related to land acquisition take place
<b>RAP Implementation</b>				
<b>Step XVII</b>	ADF (or Consultant on behalf of ADF)/Grievance Committee	If needed, assistance of PAPs on grievance procedures for administrative bodies, RAP procedures, compensation values etc and support PAPs grievances on the Court	tbd	If PAPs will have grievances
<b>Step XVIII</b>	PAPs	Opening a Bank Account and reporting it at the MIE	tbd	Institutional support of the compensation process

<b>Step XIX</b>	MIE / LGU	Pay the compensation to persons affected by the expropriation before the civil works begin	tbd	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties and before starting the project implementation
<b>Step XX</b>	ADF (or Consultant on behalf of ADF)	Ensure that the process implementation has considered all pretends by both interested parties	tbd	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties
<b>Step XXI</b>	ADF	Prepare the final report on RAP implementation	tbd	Considering that compensations should be finished before starting the project implementation.
<b>Step XXII</b>	MIE, PAP, ADF / LGU	Assignment of the disclosure process according the interested parties demands and in respect of DCM	tbd	Ensure a signed document that shows the RAP is finished and the compensation is done.
			tbd	This document also will verify that in the future the expropriate lands are ownership of MIE

## 11. Monitoring Program

The ADF is overall responsible for the monitoring and evaluation of the implementation of this RPF and of respective RAPs at the subproject level.

The main objective of RPF is to improve or at least restore the social and livelihood resources of people affected by respective subprojects. The process of implementation should ensure that this objective is achieved over a reasonable time with allocated resources. Therefore, the monitoring of RPF implementation processes and the delivery of institutional and financial assistance to affected people are designed as an integral part of the overall functioning and management of the Project. RPF implementation will be regularly supervised and monitored by ADF's social safeguards specialist at the project level and responsible persons of the LGU at the subproject level. The beneficiary LGU will monitor land acquisition processes using the monitoring and evaluation indicators (process, delivery and impact indicators). The purpose of the monitoring and evaluation is to provide feedback to all stakeholders on progress made in view of a timely and comprehensive implementation of respective RAPs and to identify problems as early as possible to facilitate well-timed adjustment of implementation arrangements. The objectives are to:

- a) Ensure that the standard of living of affected people is restored or improved;
- b) Ascertain whether activities are in progress as per schedule and the timelines are being met;
- c) Assess whether the compensation, rehabilitation measures are sufficient;
- d) Identify problems or potential issues; and
- e) Identify methods to rapidly mitigate problems.

The ADF will report to the Bank, on a quarterly basis, the RPF implementation performance through regular project progress report. Specific monitoring benchmarks will be:

- Information campaign and consultation conducted (or not);
- % of affected people who have received land compensation;
- \$ of affected people who have received compensation for structures and other assets;
- Number of physically resettled people, if any;
- % of affected people who have received compensation for loss of income; and
- Grievances and their resolution.

The above information will be collected by the ADF social safeguards specialists through their regular communication with the LGU and day-to-day monitoring of resettlement activities of subprojects through the following means:

- Review of census information for all PAPs;
- Consultation and informal interviews with PAPs;
- In-depth case studies;
- Sample survey of PAPs;
- Key informant interviews; and
- Community public meetings.

For each RAP or ARAP to be prepared, the ADF will prepare a RAP/ ARAP completion report and report the delivery of entitlements and outcomes of RAP/ ARAP implementation.

Annex 1. Blue Eye social impact mitigation plan.

**Background:** In October 2018, the National Inspectorate of Territory Protection (NITP) concluded that the three cafés operating at the Blue Eye touristic area had unauthorized construction works with building materials in violation with the lease contract terms. After inspection, the NITP made a decision to demolish them. Demolition took place in October 11, 2018. Subsequently, two of three affected cafés owners took a legal action at Gjirokastra Judicial District Court which determined that they be compensated for the loss incurred due to demolition. The NITP subsequently appealed to the higher court of which the decision is currently pending. The third café owner did not lodge a legal action. It is not clear if the decision of Gjirokastra Judicial District Court apply to the third café owner too.

Separately, the ADF hired an independent consultant not affiliated with the demolition case to assess the demolition in light of the Project RPF. The independent consultant determined that the demolition was conducted in violation of the Project RPF, and affected café owners be compensated for the loss of assets and income. The replacement value of affected cafés assessed by independent consultant is provided below in Table 2.

In October, 2019, employees of the affected cafés informed the ADF that the cafés had reopened before tourist season in 2019. According to them, some removable assets and structures of the café such as wooden accommodation structures (cabins), bar-restaurant and relaxation tents were taken away just before demolition, and eventually be brought back when café owners reconstructed their cafés at the same locations. Some of the unremovable objects such as stone pavement were demolished and then reconstructed by café owners, at their own cost, before tourist season in 2019, partially using the debris of the original objects. Since they managed to reopen the cafés before tourist season started in 2019, they effectively avoided income loss during the latest tourist season.

**Table 5. Replacement value for each business**

		Fatmir Gjoka	Migena Beqiraj	Deshira Lulo
		(ALL)	(ALL)	(ALL)
<b>1</b>	Evaluation of Investments – Assets <sup>18</sup>	4,854,324 ALL <sup>19</sup> <b>44,575 USD</b>	5,609,442 <sup>20</sup> <b>51,510 USD</b>	8,530,594 <sup>21</sup> <b>78,334 USD</b>
<b>2</b>	Net Profit <sup>22</sup>	1,150,100 ALL <sup>23</sup> <b>10,561 USD</b>	964,760 <sup>24</sup> <b>8,860 USD</b>	1,005,000 <sup>25</sup> <b>9,228 USD</b>

**Mitigation measures:** The National Agency of Protected Areas (NAPA) has initiated the process to develop the Management Plan of the "Blue Eye" protected site since the end of 2019. The Management Plan will designate areas within the "Blue Eye" protected site into zones, including where potential tourism activities that would not cause harm to the integrity of the protected site, including refreshment services for tourists, will be allowed. The draft Management Plan is prepared and delivered on February, 2020. The Management Plan is presented to the affected people, who has

<sup>18</sup> Includes only those investments made by private entities

<sup>19</sup> Calculated by multiplying the area of 120m<sup>2</sup> with the cost of investment/m<sup>2</sup> (Cost of investment per m<sup>2</sup> was calculated by using Deshira Lulo as comparative basis).

<sup>20</sup> Bill of Quantity January 2019 – Migena Beqiraj

<sup>21</sup> Bill of Quantity January 2019 – Deshira Lulo

<sup>22</sup> Net profit = Revenues – Expenses (declared in the Albanian Tax System). This category does not include the informal business transactions of the entities.

<sup>23</sup> This number was extracted from the Income Statement submitted at the General Tax Directorate – Fatmir Gjoka

<sup>24</sup> This number was extracted from the Income Statement submitted at the General Tax Directorate – Migena Beqiraj

<sup>25</sup> Approximation by using the two other businesses as comparative basis



agreed with the plan. The Management Plan was expected to be approved by Ministers of Tourism and Environment in February, 2020, however, the approval has been delayed due to COVID-19.

As a short term solution to mitigate the impact of the demolition, the Management Plan would allow all three affected café owners to continue to run their businesses at the current locations where they re-established their cafés, so that they would not lose their income.

In a mid-term term, the Management Plan will designate some areas where refreshment activities for tourists are allowed and a cafeteria or an equivalent facility would be built. In order to ensure sustainability of income and as a form of in-kind compensation, affected café owners would be allowed to run cafés, or other refreshment activities that they will agree, in the facility to be built, on a long-term lease basis. Such café or facilities would be built with the government budget, at no cost to the affected café operators, except the lease fees that would be set based on a prevailing market rate.

Valuation of mitigation measures: As is shown in the Table 5 above, it is estimated that the value of physical assets owned by the three affected café owners before demolition is between \$44,000 and \$80,000. Specifically, the independent consultant estimated that the value of physical assets before demolition was ALL4,854,324 (\$44,575) for Fatmir Gjoka, ALL5,609,442 (\$51,510) for Migena Beqiraj and ALL8,530,594 (\$78,334) for Dëshira Lulo, respectively. Actual loss they experienced as a result of demolition is expected to be less, since they reportedly took away some removable assets such as structures affixed to land with steel pipes, refrigerators and cooking and dining equipment. The ADF has calculated a rough estimation of the actual loss based on the review of the bill of quantities (BoQ), by taking out the estimated value of removable assets from the estimated total value of their entire physical assets. It results that the actual asset loss for Fatmir Gjoka is about ALL336,600, ALL1,185,750 for Migena Beqiri, and ALL512,418 for Dëshira Lulo. This estimation should not by any means be considered accurate, since determining exactly what had been demolished and what had not retroactively is extremely difficult.

Regardless of the size of the actual loss, the café facilities to be built by the government and offered to affected café owners on a long-term lease basis will at least be equivalent in value to the cafés they owned before demolitions, and more than offset the actual loss experienced by them. This will be verified by the ADF when the designs and BoQ of the cafeteria are prepared, and reported to the Bank, before the construction of the cafeteria starts. The designs and BoQs will also be consulted with affected café owners and their perspectives will be taken into account in the final design of cafeteria to obtain their informed consent.

The cost of building such a cafeteria will be borne by the Government, based on the approved Management Plan. Based on the experience of building similar structures in Albania, the cost of building café facilities of similar quality and scale is estimated at about EUR50k – 60k (about EUR10-12k unit, multiplied by 5-6 building units that constitute one café).

According to the data received from NAPA, the number of tourists who visit Blue Eye site during touristic season is approximately 100,000, based on the registration book. It is expected that a lot more tourists actually visit Blue Eye site without registration. Assuming that each registered tourist spends Euro 10 for refreshment per visit, they spend approximately Euro 1 million in total, or about Euro 330, 000/ business. Even if only half the officially registered visitors (e.g. 50,000 people/ year) actually visit their cafés for refreshment, they will spend EUR 0.5 million in total, giving each café owner EUR 166,000 revenue annually, which is three times the value of their asset, and also significantly higher than their declared income. It is thus expected that this in-kind compensation will more than offset the loss of asset and income that may be caused directly by the demolition.

Consultation, implementation plan, and monitoring and evaluation:



# Minutes of Consultation

**Topic: Requesting stakeholders feedback on the updated Resettlement Policy Frame Work (RPF) and Environmental and Social Management Framework (ESMF) for the PIUTD project.**

After the approval of WB for the updated RPF and ESMF, on 11<sup>th</sup> of August 2020, ADF has done the publication of the revised documents on the official website, both in English and Albanian language and an email was sent to the listed stakeholders for comments, together with the attached documents (RPF and ESMF) asking all relevant stakeholders to read the documents and give their feedback, until 25<sup>th</sup> of August 2020.

List of contacted stakeholders is as per below:

- Municipality of Vlore
- Municipality of Sarande
- National Agency of Protected Areas
- Local Agency of Protected Areas in Vlore
- Local Agency of Protected Areas in Sarande
- Project Coordinator Unit
- NGOs that operate in area of Vlora and Sarand, 49 in total as follow:
  - ✓ Conservation and protection of natural environment Association
  - ✓ Organisation for Environmental Education - SEEP NGO
  - ✓ Center for Research, Cooperation and Development NGO
  - ✓ Auleda Center, NGO
  - ✓ Aarhus Organisation, NGO
  - ✓ "PineFlag" NGO
  - ✓ Association of Responsible Fishermen Oriku
  - ✓ Agrobusiness NGO
  - ✓ Himara's Intellectuals Organisation, NGO
  - ✓ Institute for Nature Conservation in Albania - INCA
  - ✓ "Ekspedita Blu" Diving NGO
  - ✓ Association for Protection of Aquatic Wildlife of Albania - APAWA
  - ✓ Vlora Youth Center NGO
  - ✓ Adriatic Center NGO
  - ✓ Royal Albania Foundation (RAF) - NGO
  - ✓ Agjencia e Demokracisë Vendore në Shqipëri
  - ✓ AULEDA - Agjencia e Zhvillimit Ekonomik Lokal Vlorë
  - ✓ Edukim për të Ardhmen (EPA)
  - ✓ Edukimi Social dhe Mbrojtja e Mjedisit (SEEP)
  - ✓ Fondacioni "Agjencia Rajonale Zhvillimit Vlorë" (ARZHV)
  - ✓ Fondacioni "Autizmi Flet Shqip" - Vlorë
  - ✓ Fondacioni Lidia
  - ✓ Fondacioni PELOD
  - ✓ Gjelbërimi 2000
  - ✓ Instituti Ndërkombëtar për Zhvillimin e Qëndrueshëm Ekonomik të Shqipërisë
  - ✓ Intelektualët e Pavarësisë për Shqipëri Ekologjike Turistike Karbon Neutral
  - ✓ Këshilli Rajonal i Prindërve Vlorë

- ✓ Legambiente Vlorë (Albania)
- ✓ Me Komunitetin për Ndryshim (MKPN)
- ✓ Protect Me
- ✓ Qendra "Agjencia Joniane e Mjedisit, Medias dhe Informacionit" (AJMMI)
- ✓ Qendra e Informacionit Aarhus - Vlorë
- ✓ Qendra e Zhvillimit të Shoqërisë Civile (CSDC) - Vlorë
- ✓ Qendra JOBIS
- ✓ Qendra Kulturore "AULONA"
- ✓ Qendra Ndryshimi
- ✓ Qendra për Kërkim, Bashkëpunim dhe Zhvillim (CRCD)
- ✓ Qendra Psiko - Sociale Vatra
- ✓ Qendra Rinore e Vlorës (VYC)
- ✓ Qendra Shqiptare për Demokraci dhe Zhvillim
- ✓ Shoqata "Shqipëria" - Vlorë
- ✓ Shoqata e Logopedistëve Shqiptarë
- ✓ Shoqata Historiko - Kulturore Amantia
- ✓ Shoqata Historiko - Kulturore Arkeologjike (Oriku)
- ✓ Shoqata Kulturore - Mjedisore BORSHI
- ✓ Shpresë për Ne
- ✓ South Soul Center
- ✓ TID Vlora
- ✓ Vizioni i Gjelbër (Green Vision)

On 17<sup>th</sup> August 2020 the Director of NAPA submitted his response as follow:

**Zamir Dedej:**

Thanks for the materials and information delivered. I do not have any specific comment or suggestion for the documents but I hope that the identified potential areas, since they are part of the system of national protected areas, as part of the development project will also receive the appropriate requirements for their preservation. For this I have confidence that we will be in touch.

Further Updates were done on the ESMF and RPF during the month of September 2020, and both documents were sent for feedback and published again at the same link on September 04,2020.

No other feedback was received for the documents

# Minutes of Meetings

MoM Date 26.02.2020

BLUE EYE

## Minutes of Meeting

Date 26<sup>th</sup> February 2020

Location (Saranda )	Syri i Kalter (Blue Eye) Area
Affected Person ( name )	Mr. Fatmir Gjoka
ADF/ (name)	Dritan Pistoli, Genti Cupi
Municipality / (name )	
NAPA representatives	

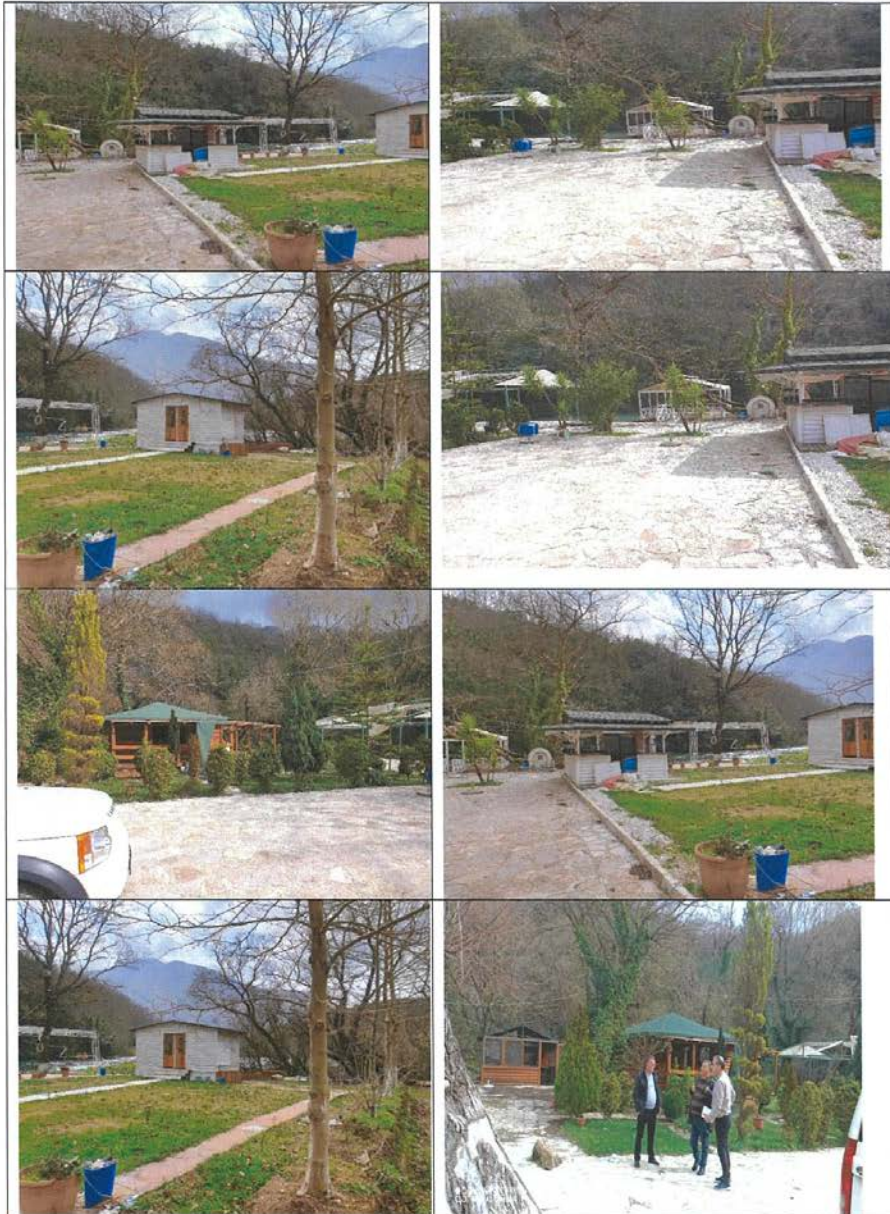
Subject: - Monitoring Activities of realization of proposed mitigation measures

Following the Social Impact Assessment Report Blue Eye Touristic Site, on date 26.02.2020, it was done the monitoring and assessment of social impact at Blue Eye site, from ADF Social Inspector and Environmental Specialist.

<p>The reason of this assessment was:</p> <p>1. The assessment of existing structures owned by the subjects that have activity in the Syri I Kalter Area.</p>	<p>Mr. Fatmir Gjoka, continues his activity at the same place with the same structure at Blue Eye. His business activity has the Active status, with only one person declared as administrator. This is not a touristic season and has no activity on site. Mr. Gjoka is in continuous contact with the Ministry of Economy and Finance for the renew of the Contract for leasing of the structures for economic activity. Mr. Gjoka did not submit any complain for exercising its activity.</p> <p>The subject "Migena Beqiri" with administrator Mrs. Dëshira Lulo, continues her activity in the area, using the existing structures (6 wooden structures and 3 tents). Representatives of this subject, declared that they are preparing for the upcoming touristic season to start the activity on 01 April 2020. For the moment the activity, results with passive status. The subject Migena Beqiri, is under court procedure with IKMT. The case is at Administrative Court of Appeal-Tirane, initiated with the Claiming Request from IKMT on 29.03.2019.</p>
<p>2. Meeting with private subjects that were present on site and filling of check lists with information. There were met mr. Fatmir Gjoka and relatives of Migena Beqiri.</p>	<p>See attached Check lists</p>
<p><b>As a Conclusion, can be confirmed that:</b></p>	<p>Two private subjects continue to be in the same location at Blue Eye, and are being prepared for the new touristic season 2020.</p> <p>The most favourite solution from the side of these subjects, is to continue their activities. Based on the Option 1 - Continue the activity in the same area (Blue Eye), in line with the Management Plan.</p>

Pictures

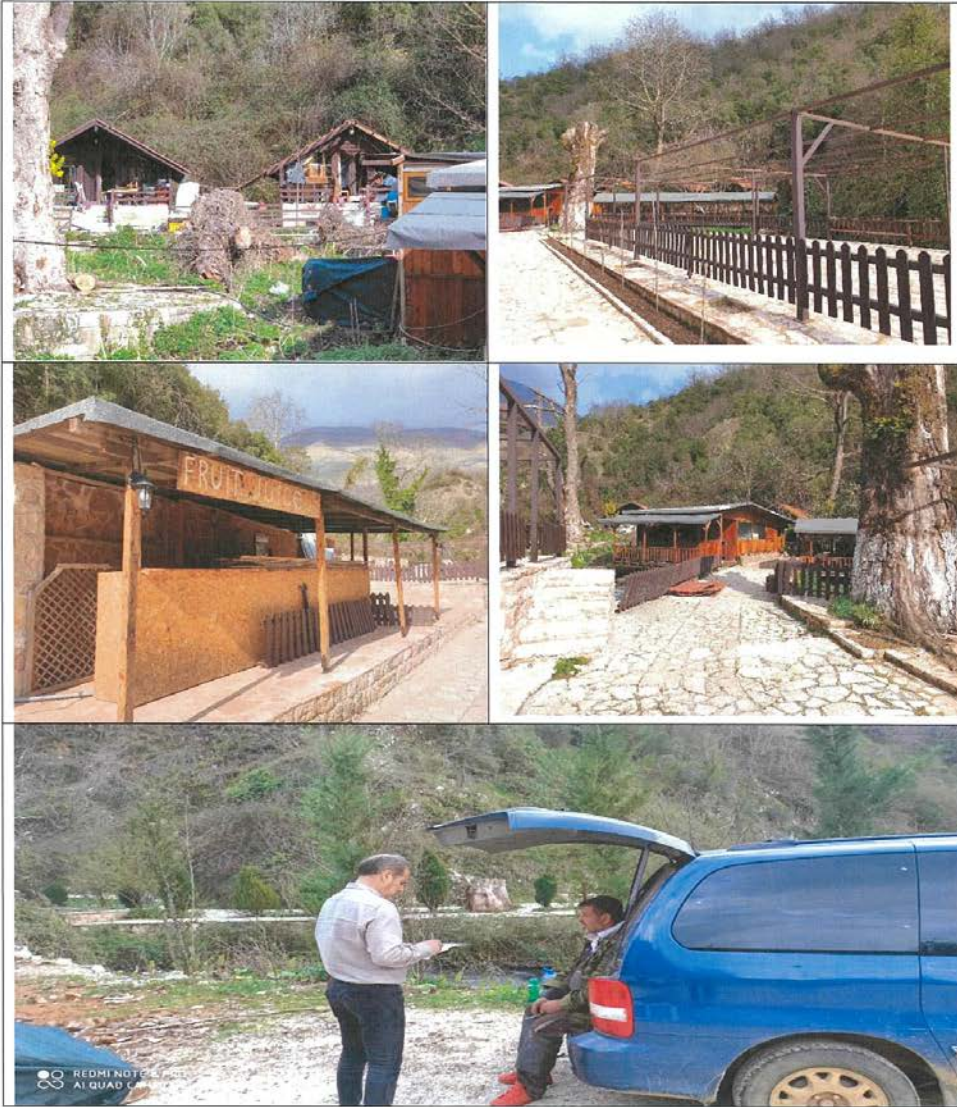
Premises of subjects Migena Beqiri and Deshira Lulo, 26 February, 2020





BLUE EYE

Premises of Subject Fatmir Gjoka, 26 February, 2020



Issued:           Dritan Pistoli – Social Inspector  
                      Genti Cupi – Environmental Inspector

Handwritten signatures in blue ink, corresponding to the names listed in the text block above.

Check Lists

Monitoring check list		Benchmarks	Note
Subject : Fatmir Gjoka NIPT : K0303000T Date : 28 February 2020 Period : First Q. 2020			
1	Business monitoring - Fatmiri	Active Status	F. Gjoka did not miss the June-September 2019 tourist season
2 Compensation of affected assets			
	Lost Value		BoQ under Calculation
	Replaced Value	4,386,720,00 Lek*	
	Café operation at the Current Location	Yes	No business activities before the tourist season 2020
	In kind compensation / Construction of Cafeteria	NA	F. Gjoka doesn't claim any compensation, subject Declaration
3	Mitigation of Income		
	Lease contract with affected people	Pending	Waiting for the renovation of existing one
	No. of employees	1	
4 Implementation of Action Plan			
	Litigation Monitoring	NA	F. Gjoka doesn't claim any compensation
	Coordination with Napa	Yes	Information for the draft Management Plan of protected area. Negotiation with NAPA
	Complaint Monitoring	Yes	No claim

Monitoring check list		Benchmarks	Note
Subject : Migona Boqin NIPT : L17011F.01F Date : 26 February 2020 Period : First Q. 2020			
1	Business monitoring - Migena	Passiv Status	No business activities before the tourist season 2020
2 Compensation of Affeted Assets			
	Lost Value		BoQ under Calculation
	Replaced Value	5,048,498.00 Lek*	The value claimed in Court
	Café operation at the Current Location	YES	
	In kind compensation / Construction of Cafeteria	NA	
3	Mitigation of Income		
	Lease contract with affected people	NO	Negotiation with NAPA
	No of employees	0	
4 Implementation of Action Plan			
	Litigation Monitoring	YES	In process
	Coordination with Napa	Yes	Information for the draft Management Plan of protected area. Negotiation with NAPA
	Complaint Monitoring	0	Litigation process

Monitoring check list		Benchmarks	Note
Subjekti : Deshira Lulo NIPT : Unidentifiable Date : 28 February 2020 Period : First Q. 2020			
1	Business monitoring - Deshira	Passiv Status	No business activities before the tourist season 2020
2 Compensation of Affeted Assets			
	Lost Value		BoQ under Calculation
	Replaced Value	7,677,535.00 Lek	The value claimed in Court
	Café operation at the Current Location	YES	
	In kind compensation / Construction of Cafeteria	NA	
3	Mitigation of Income		
	Lease contract with affected people	Pending	Negotiation with NAPA
	No of employees	0	
4 Implementation of Action Plan			
	Litigation Monitoring	YES	In process
	Coordination with Napa		Information for the draft Management Plan of protected area. Negotiation with NAPA
	Complaint Monitoring	0	Litigation process



## Minutes of the Meeting

Date: 10<sup>th</sup> of March 2020

Location (Saranda)	Syri i Kalter (Blue Eye)
PAP's	Fatmir Gjoka, Baftjar Beqiraj (Representative of Migena Beqiraj and Deshira Lulo)
ADF/	Dritan Pistoli, Genti Cupi
Municipality	
NAPA Representatives	Refer to the list of participants

Subject: - NAPA Presentation of the Management Plan to PAPs

<p>In the framework of NAPA initiative on the revision of the status and drafting of the management plan for Blue Eye, on January 10, 2020, the team conducted a field visit in the area, as well as a series of meetings with representatives of Finiq Municipality, as well as other local stakeholders.</p>	
<p>On March 3, 2020, a consultative meeting with PAPs was held in Blue Eye to discuss the draft Management Plan and implications for Blue Eye. Draft Management Plan in a document prepared by NAPA, in collaboration with PAPs.</p>	<p>A copy of the draft Management Plan was handed to the private entities/subjects. The private entities/subject are expected to review the plan, fill out the related documentation and lay out their requests.</p>
<p>The entities/subjects requested implementation of the draft Management Plan after 2020 touristic season.</p>	<p>It was explained to PAPs that in order for the Management Plan to be effective, it should first be approved by CoM decision. Such procedure usually takes some time. Until the Management Plan is approved and becomes effective, the owners of the entities/subjects will continue their activity undisturbed.</p>
<p>The entities/subjects requested to have a say in the approval of the final draft Management Plan.</p>	<p>Parties agreed to continue further collaboration.</p>
<p>The Management Plan, in long-term, is designed in three preservation and administration sub-zones/areas, including</p> <ol style="list-style-type: none"> <li>1. Central sub-zone/area, 140,07 ha (one hundred forty point seven), marked as ZQ in the map, where the maximum protection is applied.</li> <li>2. Traditional use and Sustainable Development sub-zone/area, 118,48 ha (one hundred eighteen point forty-eight), marked as ZPT/ZZHQ in the map, where second degree protection is applied. dhe ku zbatohet shkalla e dytë e mbrojtjes.</li> <li>3. Recreation sub-zone/area, 34.54 ha (thirty-five point fifty-four), marked as ZR in the map, and where third-degree protection is applied.</li> </ol>	

<p>It was explained to the PAPs what activities are allowed and not allowed in the respective sub-zones/areas.</p> <p>It was explained to the PAPs that NAPA stands ready to offer insurance, as part of the Social and Environmental Safeguards/Plan, and that in line with the Management Plan, it will accommodate the owners of the three subjects by offering them the possibility to give their assets vis-à-vis a new lease/contract between responsible authorities and PAPs, in order to secure their business continuity.</p>	<p>The entities/subjects have clarity on the zone/area where the construction of service and activity structures can be constructed according to the Management Plan.</p> <p>The entities/subjects are aware on the solutions provided by the Management Plan and they are satisfied that they are the first to be offered the opportunity of signing contracts with authorities to perform their activities in the allowed zone/area.</p> <p>.</p>
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List of Participants

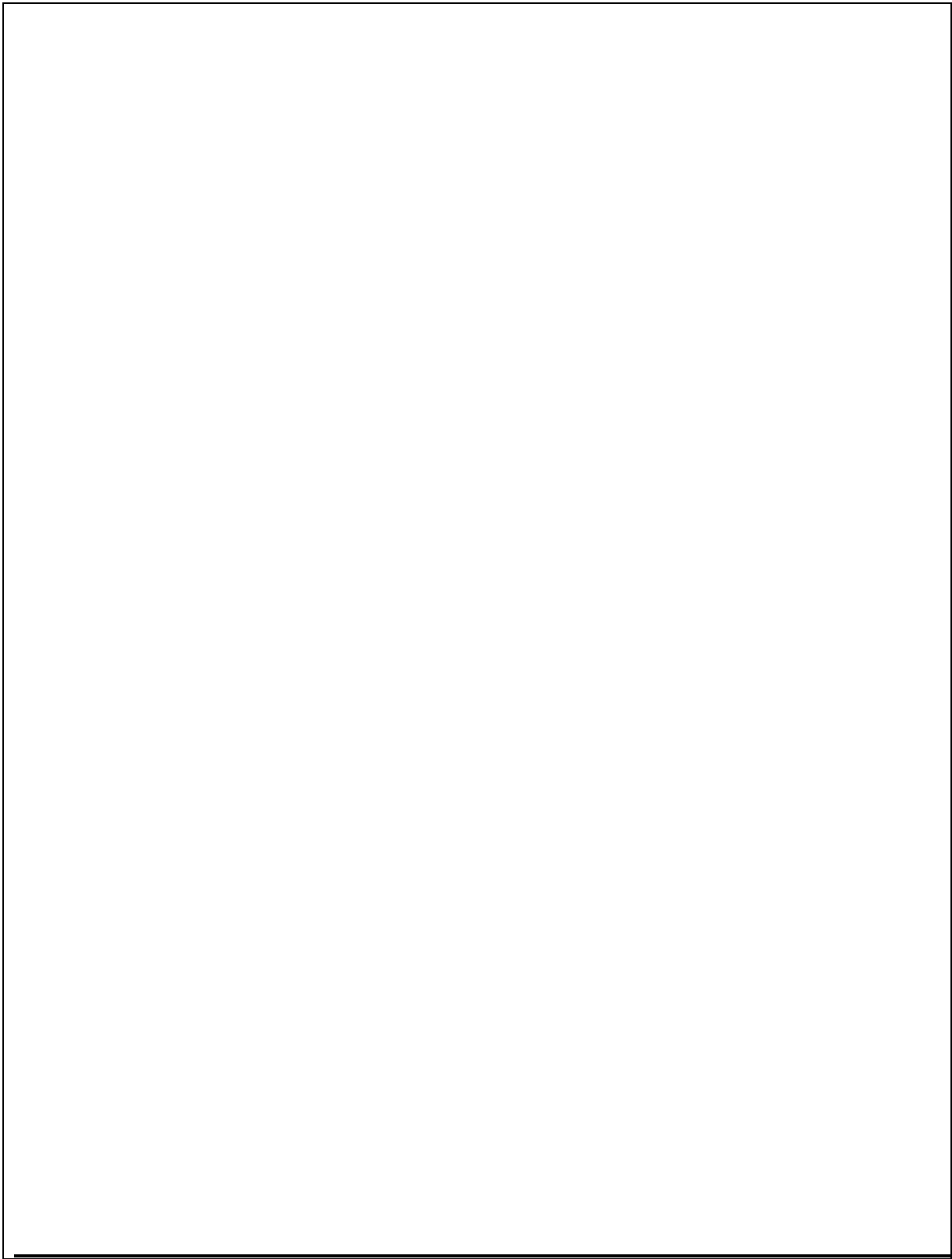


Foto nga Takimi – Syri i Kalter




**Table 8. Annex 2 - SOCIAL SCREENING CHECK LIST**

No.	Screening question	Identification Phase of Sub-Project			Remarks
		Yes	No	Significance of the effect (low, moderate, high)	
1	Has the project been conceived based on sufficient stakeholders participation?				
2	Does the project affect any private property?				
3	Does the project foresee any relocation?				
4	Does the project foresee loss of land but no relocation?				
5	Does the project foresee any alienation due to neighbours being relocated?				
6	Will the project affect businesses or livelihoods?				
7	Does the project foresee any negative effect on hosting PAPs (such as impoverishment, loss of sources of income, reduced access to resources such as hospitals and schools, water, increased time to access resources)?				
8	Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?				
9	Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?				
10	Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project -affected communities and individuals?				
11	Any informal land users/ occupants to be affected?				

