

**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**  
Regional and Local Roads Connectivity Project" (RLRCP)  
Sub-project: Construction of the Connecting Road "Pogradec - Tushemisht" Lot - II



## **ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**

**Regional And Local Roads Connectivity Project" (RLRCP)**  
**Sub-Project: Construction of The Road "Pogradec-Tushemisht" Lot 2**  
**(Drilon-Tushemisht Bypass), Pogradec Municipality**

**Prepared by:**  
**Albanian Development Fund**

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## Abbreviations

ADF	Albanian Development Fund
ALL	Albanian Lek
ALUIZNI	Agency for Legalization and Integration of Informal Properties
AMTP	Land Ownership Acquisition Act
ARAP	Abbreviated Resettlement Action Plan
AU(s)	Administrative Unit/s
CoM	Council of Ministers
CZ	Cadastral Zone
DCM	Decision of the Council of Ministers
IPRO	Immovable Property Registration Office
GoA	Government of Albania
GRM	Grievance Redress Mechanism
LGU	Local Government Unit
NAPA	National Agency of Protected Areas
NEA	National Environment Agency
MoIE	Ministry of Infrastructure and Energy
MoTE	Ministry of Tourism and Environment
OP	Operational Policy
PAP(s)	Project Affected Person/s
PIU	Project Implementation Unit
RPF	Resettlement Policy Framework
RLRCP	Regional and Local Roads Connectivity Project
SAE	State Agency for Expropriations
SCA	State Cadaster Agency
WB	World Bank

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**DEFINITION OF RESETTLEMENT-RELATED TERMINOLOGY**

<b>PROJECT IN BRIEF</b>	<b>DEFINITIONS</b>
APPLICATION FILE	Set of documents prepared to support the Request for Expropriation submitted to the respective authority
CASE FILE	Set of documents that the Expropriation Commission finalizes in support of the proposal for expropriation to the Council of Ministers (CoM)
CENSUS	A field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement, and other measures stemming from consultations with affected communities.
COMPENSATION	Compensation is the payment in kind, cash or other assistance given in exchange for the acquisition of land, including fixed assets and other impact resulting from the project activities.
CUT-OFF DATE	Date of completion 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 date, will not be compensated.
EXPROPRIATION COMMISSION	Special commission for the execution of the expropriation procedure in case of sub activities.
EXPROPRIATION LAW	Law No. 8561, dated 22/12/1999 'On the Expropriation and Taking on Temporary Use of Private Property for Public Interest', as amended by the Law no. 11, dated 12.02.2020.  DCM no. 395, dated 13.05.2020 "On the organization and functioning of the State Agency for Expropriation"
FULL REPLACEMENT COST	Method for the valuation of assets that helps determining the amount needed for replacing lost assets and covering associated transaction costs. Depreciation of structures and assets should not be taken into account. For agricultural land, it is the pre-project or pre-displacement market value of land of equal productive potential or use, located in the vicinity of the affected land, whichever is higher, plus the costs of preparing the land to levels similar to those of the affected land, as well as the cost of any registration and transfer taxes.
LAND	It refers to agricultural and/or non-agricultural land and any structures thereon, whether temporary or permanent, which may be required for the project.
LAND ACQUISITION	It means the repossession or alienation of land, buildings or other assets thereon, for the purposes of the Project.
LOCAL GRIEVANCES COMMITTEE	The Local committee composed of three representatives: PAPs, Project and a neutral expert. This committee is responsible for handling all grievance

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	procedures in the affected area and addressing any concerns raised by the PAPs.
LOCAL GOVERNMENT UNIT (LGU)	The LGUs include Municipalities and Administrative Units (AU) as per the new territorial division in force since June 2015.
PROJECT/SUB-PROJECT	When used in this ARAP, the Project refers to Albanian Regional and Local Roads Connectivity Project/ When used in this Abbreviated Resettlement Action Plan (ARAP) refers to Construction of the Connecting Road "Pogradec - Tushemisht" Lot - II.
PROJECT AFFECTED PERSON(S) (PAPs)	PAPs are persons affected by the land use or acquisition requirements of the Resettlement Action Plan (RAP) in the framework of the project. These persons are affected because they may lose, be denied or restricted access to economic assets; lose shelter, sources of income or means of livelihood. These persons are affected whether or not they must move to another location.
REGION	The sub-project, of which this ARAP is prepared, is located in the Municipality of Pogradec.
REPLACEMENT COST	It means replacement of assets with an amount sufficient to cover the full cost of lost assets and related transaction costs. According to the Albanian law, the cost is to be based on market rate (known as commercial rate) for the sale of land or property. In terms of land, this may be categorized as follows: (a) "Replacement cost for agriculture land" which refers to 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.
RESETTLEMENT ACTION PLAN (RAP), ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) OR "RESETTLEMENT PLAN" LAND ACQUISITION RESETTLEMENT PLAN	It refers to a resettlement instrument (document) prepared when projects locations are identified and 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/ARAP is prepared by the party (Potential Developer) affecting the people and their livelihoods. This document contains specific and legal binding requirements to resettle and compensate the affected party before the implementation of the project activities. It is a site-specific report for the current known impact and is prepared in conformity with the provisions of the RPF with the views of the PAPs.
THE RESETTLEMENT POLICY FRAMEWORK (RPF)	It is an instrument to be used as guidance tool throughout the implementation of project activities. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied for meeting the needs of the people who may be affected by the project.

## EXECUTIVE SUMMARY

### Introduction

The Albanian Regional and Local Roads Connectivity Project (RLRCP) is one of the several large investment projects in infrastructure improvement, financed by the World Bank (WB) Group. Improving the poor quality of road infrastructure, among other constraints, has been identified as a priority in key strategic documents including the National Territorial Development Strategy and Coastal Management Strategy (2015–2030), and the five-year Strategy for Rural and Agriculture Development (2015-2020).

The proposed subproject "Construction of the Connecting Road "Pogradec - Tushemisht" Lot – II"" is one of the road segments to be rehabilitated in the framework of the Albanian RLRCP (under Component 1), expected to be financed by the Government of Albania (GoA) through a WB loan. The aim of the sub-project is the upgrading of the existing road that connects Pogradec to Tushemisht village, near the Ohrid Lake.

The sub-project is expected to generate a range of benefits, such as: improve urban infrastructure, support tourism development by strengthening institutional capacity in maximizing the potential impact from improved access on tourism potential, and improve economic development and living conditions in selected areas of Southeast Albania. It is anticipated that the RLRCP will act as a catalyst for development of the Southeastern region of Albania.

Therefore, the sub-project aims the full reconstruction of Pogradec - Tushemisht road. It will increase surrounding assets value, facilitate access to the area and tourism assets as well as ease mobility for local inhabitants.

This Abbreviated Resettlement Action Plan (ARAP) document prepared by Albanian Development Fund (ADF) for the sub-Project 'Construction of the Connecting Road "Pogradec - Tushemisht" Lot – II' is based on the Resettlement Policy Framework (RPF) of the RLRCP and the results from socio-economic surveys, inventory of losses and public consultation taken place so far. The ARAP contains detailed procedures to be followed by ADF and actions to properly resettle and compensate PAPs, in order to ensure the implementation of WB principles. It also presents eligibility criteria for compensation of land and assets affected by the subproject, implementation arrangement, implementation schedule, estimated cost, monitoring and assessment, participation in consultation of the community and Grievance Redress Mechanism (GRM).

**Policy framework and entitlement matrix.** A RPF was prepared for the project. This policy framework was based on the current laws and regulations of the GoA as well WB Operation Policy (OP) 4.12. The ARAP will be a guideline for the implementation of resettlement in the subproject area. In case of any inconsistency or conflict between the Albanian Law on Expropriation and WB OP 4.12, the latter will take precedence, or implementing agency will provide a solution in accordance with OP 4.12. The general objective of this abbreviated resettlement document is to ensure that all the people affected by the subproject receive fair compensation for their affected assets with replacement price and market price. Support will be provided to severely affected households, relocated households, households losing



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income sources and vulnerable households so they can restore their income level or living standard to at least pre-project level.

**Potential impacts and Mitigation measures.**

**Potential Impacts.** The construction of the new road under the Subproject "Construction of the Connecting Road Pogradec - Tushemisht Lot – II" causes the following impacts;

- **Permanent land acquisition:** The construction of the road Pogradec – Tushemisht Lot II causes impacts on 374 private and state-owned land plots, comprising agricultural land, forest, vineyards, pasture, barren land, fruit trees. State properties occupy only 60 of the total number of properties affected, 314 land plots are privately owned. The overall agricultural land surface permanently affected is estimated to be 48,781.62 m<sup>2</sup>. Out of the total urban land surface, 463,6 m<sup>2</sup> represent the residential building footprint, the footprint of the warehouses and garage, meanwhile the remaining part of 411m<sup>2</sup> represents surround's areas (registered as urban area) of the property structure. This land surface belongs to the owners of the residential structure that will be expropriated.
- **Permanently affected structures/Relocation of house;** One residential structure, 4 warehouses and one garage (adjacent to the residential structure), comprising in total 619.6 m<sup>2</sup> positioned in the location of planned road needs to be resettled for the purposes of the Project. The residential building consists of 3 houses owned by three households, composed of 17 people (adults and children) in total. The building plot around the house (411m<sup>2</sup>) will also be affected.
- **Loss of standing crops and/or trees;** The project will cause losses of trees planted on the affected land (the land around the residential structure of two households affected by resettlement) and about 33 trees will require relocation to the households involved and this will be covered under the project cost.
- **Loss of other assets/facilities:** the need for the demolition of fences, walls and gates has been identified. About 50 linear meters of walls/fences and gates will be relocated under the Project cost. Another structure (a cottage) is identified to be relocated and this will be covered under the project cost.
- **Impacts on Livelihood:** In addition to the residential building expropriation, the road construction will also impact households' livelihood, since they will need to potentially relocate the cattle they own. The households may face difficulties in housing the cattle and store their food. Moreover, the distance to the working place (the farm) may be increased, depending on the new location the households will resettle however, this will be covered under the project cost.

As regards to the urban land, this land surface belongs to the owners of the residential structure that will be expropriated. Out of the total urban land surface, 525.6m<sup>2</sup> represent the residential building area, 94 m<sup>2</sup> represent the footprint of 4 warehouses, 5 m<sup>2</sup> represent the footprint of a garage, meanwhile the remaining part (411m<sup>2</sup>) represents surround's areas (registered as urban area) of the property structure, which is also used for agricultural purposes and trees are also planted and used for self-consumption.

**Mitigation measures for impacts caused by land acquisition and compensation.** Several consultations were carried out with PAPs that need to be resettled in order to minimize adverse impacts caused by property/land acquisition and other negative impacts.

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Based also on the consultations and concerns raised from PAPs, the following mitigation measures have been proposed;

- The compensation of the land plots will be in cash. Municipality and ADF will provide assistance regarding the necessary documentation for those not registered. The construction machinery will start work immediately from the moment when the expropriation and compensation elements, as described in this ARAP has been approved by the Council of Ministers (CoM).
- The compensation of the residential structure will be in cash. The households will be compensated at full replacement cost. Apart the value of object compensation will be included also a monetary value to buy a land plot that is equal to the surface of the land the families own.
- In case the PAPs will decide to construct a new house by themselves rather than use the amount of compensation for the purchase of a new facility, ADF and Municipality will assist PAPs in covering all the documents preparation and application costs to successfully apply for the construction permit, as well as in obtaining the approval of the construction permit for the houses.
- When full compensation will be provided to the PAPs and the acquisition of the land and the object will take place, the PAPs might need to be placed by their own in a rented apartment, therefore eventual rental costs for the relevant period (4-6 months) shall be calculated in the project cost under provisional sum for the assistance of the implementation if the ARAP.
- Special assistance will be made available for families where disabled persons have been identified, such cost shall be calculated in the project cost under a provisional sum for the assistance of the implementation if the ARAP.
- The project will also provide assistance, in case other special assistance is needed to facilitate communication between PAPs and the commission for expropriation regarding the land acquisition procedures.
- For all PAPs affected by the demolition and relocation of walls, gates and fences, in case that in addition to these assets, part of the yard resulting in their ownership is affected, they will be compensated in cash. On the contrary, if the fences/walls of the yard are placed on state land and the owner placed the fences illegally, then he will not be compensated for the part of the yard, but will benefit only the new fences that will be relocated under the project cost.
- No users of state land are identified, but in case any informal user of state land will be identified, time will be given until they harvest the crops.
- A consensus must be reached with all PAPs so that fair and equitable compensation is made for land, houses, trees, etc., affected.

**Eligibility and Entitlements.** The categories of PAPs according to OP 4.12 in this specific ARAP consist of: PAPs with ownership title; PAPs in the process of legalization; PAPs without ownership titles (not registered).

As regards to land acquisition under this ARAP, there are 306 plots (agricultural land, vineyards, etc) out of 360 plots (urban land plot + 1 construction plot) for which landowners who will be expropriated have full legal rights, as they hold property titles. In the case of loss of state property, according to the Albanian legislation, where the owner and the user is the municipal or other publicly owned land, they will not be compensated as a private land because the municipality is the direct beneficiary of the project implementation. The properties will be transferred to the Public Utility through a Decision of the Council of Ministers (DCM). It is not identified any state land plot which is used by illegal users or gave for rent. In the event that plots of state land planted with crops by illegal users are identified, they will be allowed to

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harvest the crops. Compensation for the acquired land is to be provided for all identified and no-identified landowners. In addition, compensation of plants/trees and/or compensation for loss of crop's yield will be provided for the land.

As regards to building structure that will be expropriated and the land plot (urban land), the three owners of the houses have full legal rights in their property, including registration titles, except the extra surface space (90m<sup>2</sup>) of House 1 which is built without permit, but it is in the process of legalization. Household 1 will not be excluded from receiving full resettlement cost and will be supported regarding the necessary documentation for the property.

All the assets such as walls and fences are identified and assessed. The project's design has foreseen compensation in kind, by replacing of 50 linear meters with uniform fences as part of the road rehabilitation. If there is a situation when the fence/walls of house's yards that will be demolished and replaced from the project, but the track of the road affect also piece of land from the yard which is with ownership documents, the affected party will be compensated for that part of the yard. If the fences/walls of the yard are placed on state land and the owners usurped it, PAPs will not be eligible for compensation for the loss of that part of the yard, but PAPs will be eligible only for replacement of fences/walls that will be relocated by project-supplied ones. Another informal structure used as a cottage will be compensated in kind under project cost.

All PAPs who are identified in the subproject impacted area on the cut-off date of the Project will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore, living standards, incomes and production capacity relative to pre-project levels. The cut-off date is 03/03/2023, the final day of the detailed measurement and Census survey of the subproject. Those who encroach into the investment area or build new properties (renovate, build new house/structure, plant new crops and trees) after the cut-off date will not be entitled to compensation or any other assistance, if being affected. The entitlement matrix for the PAPs has been prepared, reflecting all categories of affected people and all types of losses associated with each category.

**Consultation and community participation.** Representative of the affected people that needs to be resettled by the Project was consulted and informed on the subproject and its impacts. Responses from the public consultation were taken into consideration and updated in this ARAP. Additional consultations based on the disclosed ARAP will be organized after the document has been cleared by the Bank and all PAPs identified in this ARAP will be invited by ADF and Municipality of Pogradec. A pre-disclosure phase is recommended for PAPs not identified.

**Grievance redress.** During the implementation process, any concerns or complaints raised by affected people will be resolved based on the regulated procedure in the resettlement plan of the subproject. A GRM for the sub-project set up by ADF is suggested for addressing potential legitimate concerns of PAPs who may consider themselves deprived of appropriate treatment under the Project. The mechanism will be maintained throughout the project implementation and monitored regularly by ADF. ADF and municipality staff will ensure that community members and in particular, PAPs are informed about the channels/avenues for grievance redress. The Grievance Channels and Contact information for enquiries and grievances are provided in this ARAP document. Those who file for complaints are not subjected to any administrative fees. The Local Grievance Committee established for the sub-Project will considerably

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facilitate any issues raised by the PAPs.

**Implementation arrangement.** ADF as the implementing agency and the Project Management Team (PMT) have ultimate responsibility to follow up implementation of all project components along with other institutions of the GoA. During the implementation process, there should be close coordination between the implementing agency – ADF and PMT, the beneficiary – the municipality together with local government unit staffs and people affected by the subproject. The committee composed of PAPs– Municipality and LGU–ADF established for the Project is responsible for overseeing the implementation of the ARAP. ADF will work with other institutions to ensure the successful implementation of the ARAP.

**Cost estimate.** It is estimated that the total cost for the ARAP is **49,873,442.74 Albanian Lek (ALL)**. This cost comprises of: the compensation value for 306 land plots (agricultural lands) the compensation value for residential land (urban land) and building (1 structure comprised of 3 houses owned by three households) and warehouses/garage. The compensation value for tress and support for livelihood restoration; the compensation value for relocation and resettlement, eventual transaction costs, documents preparation and assistance in obtaining the construction permit (if applicable) for the new residential building. This cost will be covered by the project. A relevant Provisional sum shall be forseen in the contract for construction as assistance for the implementation of the ARAP.

**Monitoring and evaluation.** ADF will coordinate all monitoring activities to ensure that activities in the implementation schedule, timelines and principles of this ARAP are implemented. The internal monitoring and supervision will verify the following whether the valuation of assets lost or damaged, and the provision of compensation, resettlement, and other rehabilitation entitlements, has been carried out following the resettlement policies. It will also and verify whether the funds for the implementation of the ARAP are provided by the Project authorities in a timely manner and amounts sufficient for their purposes.

## 1 INTRODUCTION

The RLRCP is one of the several large investment projects in infrastructure improvement financed by the WB Group. Improving the poor quality of road infrastructure, among other constraints, has been identified as a priority in key strategic documents including the National Territorial Development Strategy and Coastal Management Strategy (2015–2030), and the five-year Strategy for Rural and Agriculture Development (2015-2020).

In this context, the RLRCP seeks to develop an overall investment framework as well as a policy and implementation framework for the development, rehabilitation and maintenance of regional and local roads. The RLRCP will focus on the role that improved roads can play in enabling connectivity-driven economic gains, particularly in the agricultural and tourism sectors.

The proposed sub-project "Construction of the Connecting Road "Pogradec - Tushemisht" Lot – II"" is one of the road segments to be rehabilitated in the framework of the Albanian RLRCP, expected to be financed by the GoA through a WB loan. The aim of this sub-project is to upgrade the existing road that connects Pogradec to Tushemisht village, near the Ohrid Lake.

The Agency responsible for implementing the Project on behalf of the GoA is the ADF. The mission of the Agency is to encourage sustainable, balanced and cohesive socio-economic development at local and regional levels.

The sub-project is expected to generate a range of benefits, such as: improve urban infrastructure, support tourism development by strengthening institutional capacity in maximizing the potential impact from improved access on tourism potential and improve economic development and living conditions in selected areas of Southeast Albania. It is anticipated that the RLRCP will act as a catalyst for development of the Southeastern region of Albania.

The foreseen construction period for the project is 8 months. According to the WB OP 4.12 and project loan agreement, no works may commence under the project, that entail land acquisition restriction on land use and involuntary resettlement, unless a Resettlement Action Plan (RAP) or ARAP has been prepared and fully implemented. ARAP<sup>1</sup> document has been prepared for this sub-project.

The ARAP document is prepared based on RLRCP RPF, the results from census surveys, assets inventory and losses, and public consultation taken so far.

### 1.1 SUB-PROJECT DESCRIPTION

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<sup>1</sup> According to O.P. 4.12. Resettlement Instruments, Article 25: Where impact on the entire displaced population is minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower.

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Regional and Local Roads Connectivity Project" (RLRCP)  
Sub-project: Construction of the Connecting Road "Pogradec - Tushemisht" Lot - II

The sub-project "Construction of the Connecting Road "Pogradec - Tushemisht" (Lot - II)" will be financed under the Component 1 of the RLRCP.

The existing road experiences significant traffic due to passenger and vehicle movement to and from North Macedonia. Although the road is paved, in the current condition it requires more than superficial repairs, because it has been damaged by underground water. Furthermore, difficulties are faced in vehicular and pedestrian movements due to the lack of sidewalks. Therefore, the sub-project aims the full reconstruction of Pogradec - Tushemisht road. It will increase surrounding asset value, facilitate access to the area and tourism assets as well as ease mobility for local inhabitants.

The sub-project comprises several investment schemes including:

- Road construction and road reconstruction;
- Construction of culverts, retaining walls or reception as appropriate;
- Works for road layers;
- Works for the treatment of residential areas with sidewalks, bicycle lanes;
- Construction of parking areas;
- Lighting, greenery and signage works.

The sub-project site is situated entirely within the administrative borders of Bucimas AU, under the jurisdiction of Pogradec Municipality.

The road axis passes mainly through a plain terrain and the road alignment has no geometrical particularities. The total length of the main road that will be reconstructed is of 4.08 km. It starts at the end of the road Pogradec - Tushemisht (Lot I), near the village of Bucimas (on the East side) proceeding with the new bypass with a length of 1.60km (indicated with a blue line in Figure 1-1). Then, after passing through some houses in the outskirts of Gurras village, the road runs through the hills around the springs of Drilon and heads toward the Customs, in Tushemisht village, with a length of 2.48 km.

In addition to the main axis, two secondary roads are also foreseen. The construction of the new bypass will divert the traffic from the beach and Drilon area and will improve the connectivity of Gurras village with the road system. Additionally, the secondary road of 0.73km (indicated as Rruga Sekondare 02 in the map below) will connect the village of Gurras with Tushemisht.

The map of the Project area, the main road and secondary roads is provided below:

Figure 1-1. General map of the main road and secondary roads

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As mentioned above, the project design foresees a new bypass for the diversion of vehicles in Tushemisht. Considering the road diversion, and its required width to make space for two buses to run in parallel, the project entails several land impact and relocation issues, for which this ARAP is prepared. Based on the project design and site visits in the project area, it is evidenced that the reconstruction of the road will affect 360 land plots, one residential structure and one other informal structure. All the properties affected (land plots and one building structure) are located in the territory of the villages of Buçimas, Gurras and Tushemisht. Other assets, such as walls, fences and gates are also affected. The figures below indicate the locations where the road passes through, as well as the agricultural land, structures and assets that will be affected due to the construction.

Figure 1-2. Photo taken in Tushemisht area from the location where the road will pass





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Figure 1-3. Walls, fences and gate to be relocated by the project in Gurras village



## 1.2 SCOPE AND PURPOSE OF ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)

The ADF has prepared this ARAP for the sub-project 'Construction of the Connecting Road "Pogradec - Tushemisht" Lot – II' consistent with:

- The laws and regulations in force of the GoA, and
- WB OP 4.12 on Involuntary Resettlement.

The ARAP document has been prepared in line with the RLRCP Resettlement Policy Framework, which includes disclosure and meaningful consultation with PAPs, in a form and substance acceptable to the Bank. It outlines: (i) the key land acquisition and resettlement principles and objectives to be followed; (ii) the eligibility criteria for compensation of land and assets affected by the subproject; (iii) implementation



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arrangement and implementation schedule to be applied for ensuring adequate management of land acquisition required for the Project.

The ARAP contains detailed procedures to be followed by ADF and actions to properly resettle and compensate PAPs, thus ensuring the implementation of WB principles.

The document provides baseline census survey information and an inventory dataset which defines the number of project PAPs. Different categories of expected project impact are identified, including loss of property and assets, but no significant negative impact on livelihoods are anticipated due to adjusted designs, mitigation measures and the positive impact of project interventions. Mitigation measures are proposed for the identified impacts. ARAP document also specifies compensation rates and standards, cost estimates, monitoring and evaluation, participation and consultation with affected communities and PAPs and a GRM.

This ARAP is in line with the local legislation and OP 4.12, and the OP 4.12 requirement will prevail in case of collision. The resettlement procedures for the sub-project will follow the key principles of respecting the best practices and achieving the project's objectives without harming citizens and, more specifically, PAPs.

The PAPs should be meaningfully consulted and should have opportunities to participate in the planning and implementation of compensation programs. They should also be assisted in their efforts to restore or improve their livelihoods.

This ARAP will be updated after the public disclosure as appropriate.

## 2 LEGISLATIVE FRAMEWORK

### 2.1 ALBANIAN LEGISLATIVE FRAMEWORK, LEGAL REQUIREMENTS REGARDING LAND ACQUISITION

On Article 41/4 of the Albanian Constitution, it is provided: *"The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation"*.

In this spirit, the law no. 8561, dated 22. 12. 1999, *"On Expropriations and Temporary Takings of the Private Property for Public Interest"*, as amended by the Law no. 11/2020, dated 12.02.2020 *"For some changes and additions to the law no.8561..."* is in force.<sup>2</sup>

The mentioned law provides the entire procedure how an expropriation procedure begins, for what reason, from which subject and the right of the owners to contest the evaluation of the property made unilaterally by the state institutions.

This law is generally in line with international standards of human rights and property protection, and guarantees a fair and transparent process that generally complies with international policy requirements. Its main aspects are the following:

- Expropriation is subject to public interest "in accordance with general principles of international law";
- Expropriation is subject to "fair compensation"; and,
- Expropriation can be adopted only by the CoM as an initiative of a central/local public agency.

However, an international agreement ratified by law takes priority in application over a common law. (Art. 122, point 2, of the Albanian Constitution). Furthermore, if a law conflicts with an international agreement ratified by law, the international agreement will be applied. This principle provides a guarantee that the international loan agreement signed between the GoA and WB, takes priority in application over the common law, especially over the mentioned law "On expropriation....".

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

**First** - 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 the compensation of private properties affected under the Project, as part of the international agreement between the Republic of Albania and the WB on the Project.

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<sup>2</sup> <https://ashsh.gov.al/ligj-nr-8561-perditesuar-2020/>

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**Second** - a new agency is established, State Agency for Expropriations (SAE), under the minister responsible for the urban development. According to the DCM no. 395, dated 13.05.2020 'On the organization and functioning of the SAE'<sup>3</sup>, the main responsibilities of the Agency are as follows:

- I. Organizes the work for the planning and handling of the requests for expropriation from respective institutions and organize the work for following up and carrying out the supervision on the progress of the procedures related to the expropriation process;
- II. Carries out the procedures of expropriation or temporary use, for public interest, of the assets of private, physical or legal persons, throughout the territory of the Republic of Albania;
- III. Calculates the value of the compensation for each property affected by the expropriation;
- IV. Supervises the progress of the expropriation procedures;
- V. Creates a database for all the expropriation procedures and the payment of each expropriation cost;
- VI. Enters 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. Precise rules for the manner how negotiations with the expropriated subjects re handled are defined by the CoM, based on the proposal of the minister responsible for the urban development.

In the context of this project, competent consultant/s hired by ADF carried out the preparation of the expropriation plan, including the calculation of compensation. ADF supervises the expropriation plan, as well as the expropriation process and negotiations with people affected by expropriation.

The proposal to the CoM for the approval of the request for expropriation is presented by the minister responsible for the urban development, which, regarding the current structure of the Government, refers to the Minister of the Infrastructure and Energy.

### 2.1.1 Expropriation Procedure

Article 8 of the law provides an exhaustive list of what is considered expropriation for public interest; point ç) stipulates that expropriation for public interest is also carried out for the realization of projects and investments of national or local territorial interest or expansion in the field of transport of any kind, energy, telecommunications, water supply of any kind.

The expropriation process shall be carried out in accordance with the steps listed below;

- The beneficiary subject should submit the request for expropriation to the SAE. The request is accompanied by a list of documents as stipulated in article 10 of the Law on Expropriation.
- With the submission of the request for expropriation for public interest, the SAE orders the establishment of a special commission to follow-up and carry out the expropriation procedures. The agency examines and verifies the information indicated in the application and relevant documents attached therein. If the application meets the required criteria, the SAE accepts the application for expropriation by notifying the investor.

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<sup>3</sup> <https://ashsh.gov.al/vkm-nr-395-date-13-05-2020-per-menyren-e-organizimit-e-te-funksionimit-te-agjencise-shteterore-per-shpronesimin/>

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- Within ten days after the acceptance notice, the beneficiary subject and SAE enter into an agreement providing for the rights and conditions of expropriation.
- Within 10 days from the date of signing the agreement, the SAE notifies directly each owner or co-owner of the private property assets that are requested to be expropriated. Along with the notification procedures, the SAE also publishes the request for expropriation in the Official Journal.
- Upon completion of the preliminary expropriation procedures, the SAE submits the expropriation proposal to the minister responsible for urban development, accompanied by the following documentation.
- The minister submits to the CoM the draft decision for approval of the expropriation. The decision for the expropriation will be approved by the CoM and will enter into force immediately; it will also be published in the Official Journal.
- The affected owners have the right of complaint to the Court for the compensation and, if they don't follow this procedure, the DCM will be an executive title.

Almost the same procedure "mutatis mutandis", will also be followed for:

1. The devaluation of property; (Art 18, of the Law 8561 "On Expropriation....")
2. The provisional taken on possession of the property; (Art. 27- 37 of the Law 8561 "On Expropriation.")

*The devaluation of property:* During the construction for public interest, it might happen that some properties will not be necessary to be taken from the owner, but at the same time the owner will not be able to enjoy the property as previously and thus he has the right to be compensated for the devaluation of his property. Although this institution is not applied so often in practice, it is mandated by the law if owners are affected in this manner during the project implementation.

*The provisional taking on possession of the property:* It may happen that certain properties will need to be temporarily taken into possession during the construction works. In such cases, the part of private land needed for temporary use should be returned to the original owners after the project, but on payment of rent. The request for a temporary possession of a property needs to be addressed to the SAE, 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.

### 2.1.2 Legal Acts on Assets Evaluation

According to the law 8651/1999 "On the expropriation and temporary use of private property for public interest" the value of the property to be compensated is calculated based on the market value according to the methodology proposed by the State Committee for Restitution and Compensation of Property.

According to the article 8 of the Law no. 133/2015 'On the treatment of property and finalization of the process of compensation of the property'<sup>4</sup>, the base indicators of the property value are assigned separately for land and buildings/facilities. When a property is a merger of the land and the

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<sup>4</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)049-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)049-e)

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building/facility, its value is calculated per unit, as the summary of the values of the facility and the land on which it is built.

The DCM No. 138, dated 23.3.2000 provides the legal criteria for the evaluation of properties affected by expropriation.

- **Land:** the estimation of expropriated for urban lands, lands of town and commune properties within the yellow line, shall be determined according to the prices approved by the DCM deriving from Law No. 9235, dated 29.7.2004 "On restitution and compensation of private properties".
- **Residential properties:** The value of expropriation compensation for residential properties is considered the average of sales price according to the records of the Immovable Property Registration Office (IPRO).
- **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 (MoIE)/SAE. Property depreciation 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 DCM 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 Cadaster Agency (SCA).
- **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 Special Instruction of the Ministry of Agriculture (MoA) foresees the investment present in the land, the total expenses and different amortization factors.
- **Crops:** For crops, the estimated value is calculated based on the expected yield and market unit price.
- **Illegal constructions:** For investments made by property owners who are not registered (without a title) at the former IPRO – currently the SCA, the entity which initiates the expropriation has the right to complete the procedure if the owners of the property have:
  - 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 the legalization, urbanization and integration of informal properties (amended)<sup>5</sup>;
  - ii. 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 former ALUIZNI, based on the criteria set in the DCM No.438, dated 28.6.2006 "On the criteria, procedures and required documentation that determine legalization of informal properties"; or
  - iii. are in the process of taking a legalization permit, etc.

**The value of land affected by expropriation procedures is defined (in ALL/m<sup>2</sup>) by the DCM approving the reference value list established in accordance with the Restitution and Compensation Law.**

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<sup>5</sup> <https://qbz.gov.al/preview/3798772f-34ab-4cac-bc5d-d3f9ef54cafd>

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### 2.1.3 Legal Acts on Land Valuation

DCM No. 168, of 27.3.2019 "On the Approval of the Land Value Map in the Republic of Albania" and Directive No. 3, dated 28.12.2016 "On the approval of the medium-term building cost" determine the value of land and buildings in different districts of the country. Values determined therein are the average values of transaction of property, registered in the IPROs.

Guideline No. 1, dated 05.10.2000, determines the technical criteria for calculating the value of the fruit trees that are expropriated for public interest.

The Decision of the Albanian Assembly No. 183, dated 20.04.2005 "On the approval of the method for the evaluation of the immovable property that is compensated and that will serve for compensation" provides methods to be used in cases of lack of transactions representing market value.

### 2.1.4 Legal Acts on Stakeholder Engagement

Two main categories are identified as stakeholders to be engaged during the expropriation process:

- Public stakeholders (Local or central Government); and
- Private stakeholders (including landowner or claimant of affected property; private investor).

Methods for stakeholder engagement when the government carries out expropriation are defined in the Law on Expropriation<sup>6</sup>, such as publication of the request for expropriation for public interest in the Official Journal and website of SAE (Article 15). As specified in this article, third parties have the right to submit their claims, accompanied by the respective documents, to the SAE no later than 15 days from the date of publication deadline, according to this article.

Albania has ratified several regulations concerning access to information and community participation in decision-making. While the legislation does not explicitly define the level and nature of "participation", it suggests that members of local communities should collaborate with local authorities to achieve an optimal outcome in local decision-making and policy development.

### 2.1.5 Legal Acts related to Grievances

The Law on Expropriation does not establish a detailed Grievance Mechanism. According to the law, there are only two phases during which the PAPs may submit a complaint:

- All PAPs have the chance to submit a complaint (on the price, area, ownership title) to the SAE no later than 15 days from the notification for expropriation. This form of complaint can be submitted during the preparatory phase (the final decision on expropriation is not published); and

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<sup>6</sup> Law 8651/1999 amended by Law 11/2020 dated 12.02.2020 "For some changes and additions to the law no.8561 "On expropriations and temporary use of the private property for public interest".

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- Claim to the competent court regarding the amount of compensation within 30 days from receiving the notification of the Decision for Expropriation. Such claims do not cause suspension of the expropriation process.

According to the Article 18 of Law No. 9235/2004 'On restitution and compensation of property', the expropriated subject has the right to appeal to the Judicial District Court within 30 days from the announcement of the decision on the financial compensation.

## 2.2 APPLICABLE WORLD BANK POLICY

All WB financed projects involving resettlement are subject to OP 4.12, which describe the instruments and procedures for eliminating negative economic, social and environmental issues that may arise. OP 4.12 is triggered with not only physical relocation, but also any loss of land resulting in relocation or loss of shelter, loss of assets or access to assets and loss of income sources and means of livelihood. The overall objectives of OP 4.12 are the following:

- a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- b) 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.
- c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

According to the WB OP 4.12, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, shall be based on the following:

- 1) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- 2) 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;
- 3) those who have no recognizable legal right or claim to the land they are occupying.

The compensation shall be in accordance with the provisions of this framework and if affected persons occupied the project area prior to the cut-off date (date of commencement of the Census). Persons covered under sub-section (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy.

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The WB policies 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, full compensation needs to be made.

In case the Albanian Law on Expropriation does not meet the standard of compensation settled by the WB OP 4.12, the latter will be applied or the implementing agency will provide additional measures to meet the replacement cost standard, following the gap-filling measures outlined in the RPF developed for the project.

### 2.3 GAPS OF ALBANIAN LEGISLATION AND WORLD BANK POLICIES

The main gaps between the Albanian legislation and WB requirements for land acquisition are mainly related to the following aspects:

- compensation value during expropriation is not defined according to a specific study on compensation values that takes into account the replacement cost at market value; consultation and disclosure process is not defined and there are no specific requirements in the Albanian legislation;
- no requirement for any participatory planning process as per Albanian legislation;
- legislation does not recognize the rights of informal possessors, owners/users therefore not eligible for resettlement and livelihood restoration support; and
- grievance management and resolution is applicable only during the two-week public notice of the expropriated file.

Provisions of the RPF and this ARAP, which forms part of the international agreement between the Republic of Albania and the WB, will apply where gaps exist.

Table 2-1 below provides the gaps between the Albanian national laws and the Bank's OP 4.12 and measures for bridging the gaps.



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Table 2-1. GAPS between Albanian Legislation and WB OP 4.12

Issue	Albanian Legislation	WB Policy	Gaps	Recommended measures to bridge the GAPS
Involuntary resettlement – Physical and economic displacement (i) loss of shelter (ii) loss of assets or access (iii) loss of income source	Albanian legislation, including the Expropriation Law, does not recognize “involuntary resettlement”. Expropriation Law regulates issues related to land acquisition in the public interest. The law regulates the right of the state to expropriate properties of physical or legal persons in the public interest versus compensation. In addition, compensation is to be provided for the devaluation of properties, which are not the object of expropriation. The law regulates temporary occupation of land (e.g. for construction works, setting up construction sites, etc.), for up to 2 years, against compensation.	According to the OP 4.12 “Involuntary resettlement” results in: relocation or loss of shelter; loss of assets or access; and loss of income source/ means of livelihood. The OP 4.12 covers both: 1. Land acquisition, which includes: (a) resettlement of PAPs (b) purchases of property; (c) purchases of property rights (i.e. easements; rights of way); 2. Imposition of restrictions that result in people experiencing loss of access to physical assets or natural resources. Include strategies for displaced persons whose livelihoods are land-based.	Albanian legislation does not recognize resettlement or loss of livelihoods associated to land acquisition. The law recognizes affected persons who have formal legal rights only. Albanian legislation does not explicitly address restrictions that result in the loss of access to physical assets or natural resources.	Conducting site specific RAP/ARAP which shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap. PAPs - informal owners of buildings shall receive cash compensation. PAP is entitled to cash compensation at replacement cost for construction of similar quality construction with additional moving and transitional allowances. Rehabilitation assistance for lost or diminished livelihoods. – In the case of landless families who suffer partial or total loss of livelihood, provide income generating options and support mechanisms.
<b>Planning process</b>	The application for expropriation in the public interest should include the list of owners of private property to be expropriated, as well as the list of third parties who must be compensated for their rights over the private property that is requested to be expropriated, and the necessary	According to the OP.4.12, a RAP or ARAP is required for all operations that entail involuntary resettlement unless otherwise specified. The RAP includes a census and detailed socioeconomic baseline. Potentially displaced persons should be informed at an early stage about the resettlement aspects of the	No requirement for any participatory planning process as per Albanian legislation. Additionally, there are no requirements for special consideration of vulnerable groups or for dialogue with those impacted.	RAPs, Census Survey and Socio-economic impact assessments shall be prepared in addition to national requirements.

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Issue	Albanian Legislation	WB Policy	Gaps	Recommended measures to bridge the GAPS
	explanations and data for each of them. However, it does not deal with socioeconomic issues. Affected owners must be notified on the application for expropriation.	project and their views taken into account in the design of the project. Special provisions should be adopted regarding consultation with vulnerable groups.		
<b>Public Consultations</b>	The PAPs are contacted in the very process of expropriation, but there is no public discussion	Meaningful consultations need to be carried out with affected persons and communities, local authorities, and non-governmental organizations as appropriate.	Consultation and disclosure process is not defined and there are no specific requirements in the Albanian legislation. National legislation does not require public consultation with affected persons and communities.	The Project promoter shall consult publicly on this and every other individual resettlement instrument
<b>Cut-off date</b>	The date of the DCM on expropriation is the cut-off date.	The date of completion of the census and assets inventory represents the cut-off date for eligibility. Individuals who move into the project affected area after the cut-off date are not eligible for compensation and other types of assistance. Information regarding the cut-off date should be well-documented and disseminated throughout the project area.	No gap	The Project promoter shall consult publicly on this topic and explain its importance.
<b>Eligibility for compensation/ resettlement and entitlements in case of physical displacement</b>	The Expropriation Law addresses people in Category 1. The Cadaster Law addresses people in Category 2. The law no. 9232, dated 13.05.2004 "On social programs for housing of inhabitants of urban areas" establishes a legal framework for the development of social housing programs in Albanian municipalities, which may	WB policy distinguishes three main categories of affected people: 1- those who have formal legal rights to affected assets are eligible to full compensation at replacement cost for land and structures as applicable; 2- those who have no formal rights to affected assets at the time of the census, but who have a claim to land that is recognized or recognizable	Informal or unregistered ownership and usufruct rights - legislation does not recognize the rights of informal possessors, owners/users therefore not eligible for resettlement and livelihood restoration support.	Specific measures, to compensate the informals, to be included in RAP.

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Issue	Albanian Legislation	WB Policy	Gaps	Recommended measures to bridge the GAPS
	<p>apply to people in Category 3. The law defines the administrative regulations and procedures that will ensure the planning, management and distribution of social housing to vulnerable people, in line with their income and the level of state support.</p>	<p>under national laws, are eligible to similar compensation as those in Category 1; 3- those who have no recognizable legal right or claim to the land they occupy are not necessarily eligible to compensation for land but should receive:                      (i) compensation for structures that they own and occupy and for any other improvements to land at full replacement cost; and (ii) in case of physical displacement, a choice of options for adequate housing with security of tenure and resettlement assistance.</p>		
<p><b>Compensation Value and Timing</b></p>	<p>According to Expropriation Law, compensation value to be based on assessment of affected properties by the Expropriation Committee and confirmed by DCM. This provision explicitly states that depreciation of structures and assets has to be taken into account. If an agreement for compensation is reached, the transfer of the property and the payment of the compensation must be made within 15 days of the notification of the affected owner that he/she accepts the offer (Article 16). If not, compensation is provided based on a decision on expropriation of the CoM, within a period of three</p>	<p>Compensation for lost assets to be provided at full replacement cost, usually calculated as the market value of the assets plus transaction costs related to restoring such assets (registration and transfer taxes). Depreciation of structures and assets should not be taken into account. Compensation (alternative housing and/or cash compensation) has to be provided prior to relocation.</p> <p>Include measure to assist affected people in improving their former living standards, income earning capacity and production levels, or at least restoring them - replacement</p>	<p>Albanian legislation does not take into account the transaction cost, and provides that depreciation is to be taken into account, which does not meet the Standard requirement for "replacement value".</p> <p>No provisions on loss of income source in Albanian legislation.</p>	<p>The Project promoter shall calculate the transaction cost in the total budget</p> <p>Rehabilitation assistance for lost or diminished livelihoods. In the case of landless families who suffer partial or total loss of livelihood, provide income generating options and support mechanisms. Resettlement assistance to those most</p>

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Issue	Albanian Legislation	WB Policy	Gaps	Recommended measures to bridge the GAPS
	months, or after the court decision (art. 23). Compensation for the structure without ownership title with the condition to have applied before for legalization at the Legalization Agency.	land of equivalent productive potential.		vulnerable <sup>7</sup> non-title holder to restore pre-displacement level livelihoods.
<b>Provision of adequate housing / shelter with security of tenure</b>	Law on Social Programs for the Housing of Inhabitants of Urban Zones sets out the criteria for housing requirements (minimum living areas in sqm/person). The Expropriation Law does not foresee compensation in kind and therefore there are no provisions of adequate housing with security of tenure.	Security of tenure means that resettled persons are protected from forced evictions, to the greatest extent possible. New resettlement sites built for displaced persons should offer improved living conditions with security of tenure.	The Expropriation Law does not foresee compensation in kind and therefore there are no provisions of adequate housing with security of tenure. The Expropriation Law does not include any provisions about resettlement requirements.	This should be taken into account in the case of physical displacement.
<b>Vulnerable groups</b>	According to the law no. 9355, dated 10.03.2005 "On social assistance and services", vulnerable persons are entitled to various forms of social welfare payments or a range of community-based services.	Specific assistance for vulnerable groups.	Specific assistance for vulnerable groups is not part of the expropriation process in Albania. However, there are other legal tools outside of the expropriation process to provide assistance.	The Project promoter shall provide legal and resettlement assistance.
<b>Additional assistance to PAPs</b>	No particular legal provision.	It is necessary to provide assistance also during construction. Particular attention should be paid to the needs of poor and vulnerable individuals and groups. As regards the expropriated PAPs, the client should support them technically in order to take the compensation.	It is necessary to provide assistance also during construction. Particular attention to vulnerable individuals and groups.	Support during construction. Support after expropriation.

<sup>7</sup> Vulnerable groups may include but not be limited to: poor or landless, women headed households, disabled and elderly.

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<b>Grievance procedure</b>	Expropriation Law provides for the right of the affected persons to appeal to the court on the compensation amount defined by DCM within 30 days from the receipt of the notice. Claims do not cause suspension of the expropriation process, though they may result in a higher compensation to be paid, if so decided by the competent court.	An adequate GRM for affected entities is required as early as possible in the process to receive and address in a timely fashion specific concerns about compensation and relocation, including a recourse mechanism designed to resolve disputes in an impartial manner. Grievance procedure should address concerns promptly and effectively, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, at no cost and without retribution.	Grievance procedures as stipulated in the WB OP4.12 are not addressed in the laws. Grievance management and resolution is applicable only during the two-week public notice of the expropriated file. While there is no requirement in the Albanian law to establish an extra-judicial grievance mechanism, this does not contradict the process outlined in the Albanian law, as long as affected people can keep on enjoying their constitutional right to address any claim to the competent court as they see fit.	The Project promoter shall set up a GRM in order for the PAPs to address concerns promptly and effectively, using an understandable and transparent process, culturally appropriate and readily accessible, at no cost and without retribution.
<b>Information disclosure and public information</b>	The Expropriation Law obliges the SAE to notify persons affected directly and to publish during an entire week the application for expropriation in the Official Journal and SAE website. Within fifteen days after the last date of the publication, the persons subject to expropriation should inform the SAE on their claims related to the properties affected by the expropriation.	The client should summarize the information contained in the RAP for public disclosure to ensure that: a) affected people understand the compensation procedures; and b) know what to expect at the various stages of the project (for example, when an offer will be made to them, how long they will have to respond, grievance procedures, legal procedures to be followed if negotiations fail). Consultations will continue during the implementation, monitoring and evaluation of compensation payment and resettlement.	Apart from notifications to affected people, there is no requirement in Albanian law to consult and to disclose documentation publicly. However, such consultation and disclosure are not prohibited and can be accommodated as a specific measure.	Such consultation and disclosure are not prohibited and can/should be accommodated as a specific measure.

## 3 PROJECT IMPACTS, IDENTIFICATION OF PAPS AND PROPOSED MITIGATIONS

### 3.1 INVENTORY DATABASE OF AFFECTED ASSETS AND PEOPLE

An Inventory Database (The census of partial land acquisitions) of all PAPS was developed in order to gather and analyze data and information required to identify all categories of impact, the PAPS directly affected by land acquisition (owner/users of affected land plots) and the expected loss of assets within the Project area.

The Inventory table was prepared on the basis of data available to date to the affected population and land plots were identified based on the available digitized cadastral map of the area. The Cadastral Office of Pogradec provided data on the ownership of private properties. The ownership number of each property has been verified in order to match the cadastral map's property number, which is defined in the expropriation plan. Except for the identification of PAPS, the Inventory Database (Table 11-1 in ANNEX 2 –INVENTORY OF PAPS AND THEIR AFFECTED ASSETS - RESETTLEMENT MATRIX) includes also other detailed data for each PAP and categories of properties affected. Compensation costs are included in the same table. Filling of the Inventory Database started since 06.10.2021 and was revised upon final road design.

The Inventory Database contains data on the following:

1. Location (city/village),
2. Cadastral zone (CZ),
3. Land plot number,
4. Type of Assets (agricultural land/construction land),
5. Name of PAP (owner or user),
6. Total area of land plot (m<sup>2</sup>),
7. % of surface affected by land acquisition against the total surface,
8. Compensation rates,
9. Expropriation values.

### 3.2 CENSUS SURVEY FOR THE PAPS TO BE RESETTLED

A census survey was conducted to gather specific socio-economic data, such as: demographic data and identification of vulnerable categories of PAPS, current livelihood and living conditions, economic activity of individuals and average monthly incomes and access to services. The Census Survey Form provided also information regarding the opinions of the PAPS about the Project impacts and the method of compensation. The later was made known to the PAPS at a later stage, after the evaluation process. ADF social specialists and engineers visited the identified properties several times. Besides completing the Survey Form the ADF specialists and engineers used specific techniques to provide more detailed information about the properties. Such techniques included: obtaining copies of ownership documents to

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verify the legal status of the building; measurement of the houses to verify the size, counting of trees by investigation in the field to define the number and identify by types; consultation on market orientation; taking photos of each house, etc.

The Census was conducted during the period from 23 January to 3 March 2023, in collaboration with the local registration office.

### 3.3 AFFECTED PEOPLE AND PROPERTIES

The project footprint passes through the CZ No. 1903 in Gurras village, CZ No.1298 in Buçimas, and CZ No. 3664 in Tushemisht. While a significant number of citizens will be directly affected by the project through the partial expropriation of land and three families will be affected through impacts of residential properties, overall community in Gurras village, Bucimas and Tushemisht will benefit from this road. These benefits include improvements in tourism, agriculture and accessibility between the two areas and between the rural areas. Those affected by the expropriation scheme will be compensated as described in ANNEX 1 – P and ANNEX 2 –INVENTORY OF PAPS AND THEIR AFFECTED ASSETS - RESETTLEMENT MATRIX.

#### **Overview of Project Impact**

There are different categories of expected impact as result of the sub-project implementation, as follows:

- Permanent land acquisition: for the purposes of the Project, it will be necessary to carry out permanent acquisition of land plots positioned in the location of the planned road.
- Temporary land occupation during construction works: a number of private and/or state-owned land plots may be temporarily occupied for the purpose of construction of the road and placement of staff, machines and materials during construction works. The temporary land acquisition required for the purpose of construction has been significantly reduced. The exact locations of such plots will be identified by the Contractors to be engaged in civil works. The land plots identified for purposes of temporary occupation will be included in the Expropriation Study.
- Permanently affected structures/Relocation of houses: for the purposes of the Project, it will be necessary to carry out resettlement of one residential structure positioned in the location of the planned road. 4 warehouses and one garage at the same location with the house will need to be resettled. One other informal structure, which serves as a cottage will be relocated.
- Loss of standing crops and/or trees: a number of trees and standing crops will be necessary to be compensated at the replacement value, since they are located at the project site.
- Loss of other assets/facilities: the need for the demolition of fences, walls and gates has been identified.
- Impact on livelihood: in addition to the residential building expropriation, the road construction will also impact households' livelihood, since they will need to potentially relocate the cattle they own. The households may face difficulties in housing the cattle and store their food. Moreover, the distance to the working place (the farm) may be increased, depending on the new location the households will resettle.

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The project does not impact any businesses. An overview of Project impacts is presented in the table below.

Table 3-1. Overview of Project impacts

Expropriation								Other impacts (Difficulties to continue farm activities, risk to loss of livelihood means)
Residential building	Other building structure	Land Plots				Other assets	Fruit trees	
		Agriculture, vineyard, forest, fruit trees, pasture			Urban Land			
		Private land	State Land	Un-identified				
1 residential building (3 houses)	4 warehouses and 1 garage and 1 cottage	314	60	7	One construction plot (owned by 3 households)	50 linear meters	33	2 households

The list of properties for expropriation, the surfaces of objects or sites and the plans of the objects, the calculations of surfaces for the expropriation, along with the expropriation plan, are already described clearly and in detail in the respective annexes.

Project impacts are described in more details in the following paragraphs.

### 3.3.1 Land acquisition impact

The construction of the road Pogradec – Tushemisht Lot II causes impacts on 369 private and state-owned land plots comprising agricultural land, and urban land. State properties occupy only 58 of the total number of properties affected, 311 land plots are privately owned. The overall land surface permanently affected is estimated to be of 48,977 m<sup>2</sup>, situated on each side of the new road footprint. No illegal users of state land, nor users of state land with a lease contract have been identified<sup>8</sup>.

The assessment carried out during the preparation of the ARAP indicates that, apart from the land subject to expropriation, the rest of the land remains economically usable. Most of the PAPs are primarily affected on a relatively small scale with most cases involving less than 20% loss of their individual plots (refer to Table 11-1 - % of affected area against the total surface). The PAPs livelihoods will not be affected after

<sup>8</sup> According to the information provided from the municipality of Pogradec



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the implementation of the project and they can benefit from financial compensation for the expropriated land portion.

There are some particular plots affected more than 20%, which will be more significantly affected by land acquisition with respect to the rest of the plots, as is the case with 47 out of 369 plots. However, the landowners of these plots also possess other land, which is not affected by the road construction, resulting in a total land loss of less than 10% for them.

As regards to the urban land, this land surface belongs to the owners of the residential structure that will be expropriated. Out of the total urban land surface, 525.6m<sup>2</sup> represent the residential building footprint, 94 m<sup>2</sup> represent the footprint of 4 warehouses, 5 m<sup>2</sup> represent the footprint of a garage, meanwhile the remaining part (411m<sup>2</sup>) represents surround's areas (registered as urban area) of the property structure, which is also used for agricultural purposes and trees are also planted and used for self-consumption.

### 3.3.2 Permanently affected Structures/Residential buildings

There is only one residential structure identified - a two-story private building with a surface 525.6m<sup>2</sup> - that need to be displaced. 4 warehouses and 1 garage with a surface of 94 m<sup>2</sup> need also to be displaced. The residential building belongs to three households. The owners of the houses hold the certificate of ownership for their respective properties. One of the households lives abroad. The house of this family is not completely built, only the walls of the building have been constructed. Therefore, 2 out of 3 households will need to be physically relocated due to the reconstruction of the road Pogradec-Tushemisht. The heads of all these households have been interviewed. For the household who was not present, one of the owners of the others properties gave information during the Census survey.

Details of the Census results are given below:

#### *Surface of Property*

The details of the properties for the three households, according to the data provided from Census Survey and field investigations, are given in the following tables.

Table 3-2. Assets/properties surface per each household

Name of property	Assets/properties		
	Residential house (m <sup>2</sup> )	Land plot <sup>9</sup> (building plot)	Warehouse
<b>House 1</b>	Ground floor 105 m <sup>2</sup> + first floor 115m <sup>2</sup>	183	Warehouse of 17.6 m <sup>2</sup>
<b>House 2</b>	92.8 m <sup>2</sup> ground floor + 92.8 m <sup>2</sup> first floor	200 m <sup>2</sup>	Warehouses of 13.8 m <sup>2</sup>
<b>House 3</b>	60m <sup>2</sup> on the ground floor + 60 m <sup>2</sup> first floor	28	-

<sup>9</sup> The surface consists of a building plot

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<b>Total</b>	<b>525.6 m2</b>	<b>411 m2</b>	<b>31.4 m2</b>
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Table 3-3. Details on the plan of each house

Property	Description
House Household 1	2-story house 5 rooms 2 bathrooms 1 warehouse 2 families, one on each floor
House Household 2	2-story house 4 rooms 3 bathrooms 2 warehouses 1 garage 2 families, one on each floor
House Household 3	2-story house 4 rooms 2 bathrooms No one lives in the house

*Legality of land and houses*

All the affected households are legal owners of the land.

*Condition of the houses*

The year of construction of the residential building is 1990. House 1 and House 2 are in good condition, while House 3 is not yet fully constructed, there are only walls of the house.

*Household income and source of income*

The households rely mainly on farming and remittances (money sent by their children who are emigrants). The average monthly income is not properly defined, as it varies depending on farming, emigration and other works.

*Vulnerability*

In one of the three households, 2 family members are person with disabilities.

*Infrastructure*

The infrastructure available for the houses is shown in the following table. There is a water supply line, but the households used to buy water for drinking, while they used the water from the well to irrigate the land. Below is a summary table describing the infrastructure, with (+) indicating available infrastructure and (-) indicating unavailability.

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Table 3-4. Available infrastructure for the houses

Infrastructure	+/-
Water supply infrastructure	+
Energy supply infrastructure	+
Telephone infrastructure	+
Public transport	+
Inland road	-

*Compensation preferences*

As regards compensation, 1 household stated that agrees with the project and would require cash compensation (household 1); household 2 did not agree with the expropriation, and the household 3 will agree with the compensation.

*Impacts on Trees and Crops*

During the census, among other activities, the trees and crops have been identified. The project will cause losses of crops grown on the affected land and about 33 trees will require relocation. The table below presents the inventory of trees and crops in the yards of the houses on the cut-off date.

Table 3-5. Inventory of trees planted in the yard of the House 1 and House 2

Description of corps found on land				Total	
		Name of the tree	Household 1	Household 2	
Trees	Fruit Tree 33:	Grapes	15	10	33
		Kiwi	1	-	
		Cherry	-	1	
		Almond	1	-	
		Nuts	1	-	
		Plums	4	-	
		Total:	22	11	
Shadoof <sup>10</sup>			1		
Land			Irrigated land Ground used as agricultural land for: 1. Legumes 2. Potatoes 3. Vegetables		

<sup>10</sup> This shadoof is an artificial, shallow shadoof, supplied with water from the source of Gurras (Gurras canal) and for this reason no compensation value has been calculated

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Since the trees and crops have been mainly used for family consumption purposes and did not generate incomes, the impact is assessed as insignificant.

*Impact on livelihood*

As mentioned above, the households rely mainly on farming activity (livestock production). The following table gives an inventory of cattle the households keep on their farm, disaggregated by each household.

Table 3-6. Inventory of cattle for each household

Cattle	Household 1	Household 2
Sheep	-	10
Cow	-	1
Calf	-	1
Chicken	30	14
Horse	1	-
Goat	4	-

One of the main concerns the households raised during the Census was about where to house the cattle and their food at the time of relocation. The demand of the households was to get compensation for the warehouse they own and also rent payment for a shelter to house the cattle and store cattle food.

### 3.3.3 Loss of other assets/facilities

The project design has identified about 50 linear meters of assets, such as walls/gates and fences that need to be replaced. This has been foreseen to be included in the project costs. Another structure (a cottage) is identified to be relocated and this will be covered under the project costs.

## 3.4 MITIGATION MEASURES FOR ADVERSE IMPACTS

The project design and site investigations at the Project initiation phase identified the need for expropriation of land, trees, crops and structures which are necessary for the sub-project. The need for expropriation/relocation of 3 residential structures and one structure used by the Water and Sanitation Enterprise (UKT) was identified, but later the design of the road track was improved to avoid any relocation if it is not strictly necessary and 3 of the 4 buildings initially affected were avoided.

The Consultant conducted several consultations with the PAPs that need to be resettled in order to minimize the adverse impact caused by the property/land acquisition and other negative impact.

Based also on the consultations and concerns raised from PAPs, the following mitigation measures have been proposed:

- The compensation of the land plots will be in cash. The Municipality will provide assistance regarding the necessary documentation for those not registered. The construction machinery will

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start the work immediately from the moment when the expropriation and compensation elements, as described in this ARAP, would be approved by the CoM.

- The compensation of the residential structure will be in cash. The households will be compensated at full replacement cost.
- The ADF and Municipality will assist PAPs in covering all costs in relation to the preparation of documents and application, to successfully apply for the construction permit if requested.
- When full compensation will be provided to the PAPs and the acquisition of the land and the object will take place, the PAPs will be placed on their own in a rented apartment, therefore the rental cost needs to be covered by the project cost during the implementation of the works.
- Special assistance will be made available for families where disabled persons have been identified.
- The project will also provide assistance in case other special assistance is needed to facilitate communication between PAPs and the commission for expropriation regarding the land acquisition procedures.
- For all PAPs affected by the demolition and relocation of walls, gates and fences, in case that in addition to these assets, part of the yard resulting in their ownership is affected, they will be compensated in cash. On the contrary, if the fences/walls of the yard are placed on state land and the owner placed the fences illegally, then no compensation will be given for the part of the yard, but only for the new fences that will be relocated, covered under the project costs.
- No users of state land are identified, but in case any informal user of state land will be identified, time will be given until they harvest the crops.
- A consensus must be reached with all PAPs so that fair and equitable compensation is made for the affected land, houses, trees, etc.

## 4 ELIGIBILITY AND ENTITLEMENTS

### 4.1. OBJECTIVES AND PRINCIPLES OF ARAP

The RLRCP for the construction of the road from Pogradec to Tushemisht, Lot II (the main road from km 0+000 to km 4+080 and secondary road from km 0+000 to km 0.730) will adhere to the following principles, in accordance with international practices for resettlement. In general, if relocation or loss of shelter occurs, the policy requires implementation of measures to assist the displaced persons following the resettlement and compensation action plan (Entitlement Matrix).

#### 1. Compliance with local legislation and WB requirements

Any involuntary acquisition of property, restriction of access to assets or resettlement will be conducted in compliance with the applicable Albanian legislation (in particular, the Law on Expropriation) and the requirements set by WB's Involuntary Resettlement Policy (OP 4.12). In case of any inconsistency or conflict between the Albanian Law on Expropriation<sup>11</sup> and WB OP 4.12, the latter will take precedence, or implementing agencies will provide a solution in accordance with OP 4.12, following the gap-filling measures outlined in the RPF developed for the project.

#### 2. Avoiding or minimizing resettlement

Involuntary resettlement will be avoided where feasible, or minimized, exploring all viable alternative project designs. To the possible extent, amicable negotiations and agreements with PAPs will be sought, in order to avoid or minimize the extent of involuntary resettlement. 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. In the specific case the impacts have been minimized to three households, living in one residential building.

#### 3. Cut-off date

In order to establish a cut-off date to determine the eligibility of PAPs for resettlement compensation and assistance, a census of persons and inventory of assets has been carried out in order to enumerate all potential categories of impact.

Persons encroaching into the Project area after the Cut-off date will not be eligible for compensation or for any other mode of resettlement assistance. Also, any investments in fixed assets (such as structures, crops, fruit, trees, etc.) as a result of activities commencing after the cut-off date will not be eligible for compensation.

#### 4. Improving livelihoods and standards of living

Displaced persons should be assisted in their efforts to improve their livelihoods and living standards or

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<sup>11</sup> <https://ashsh.gov.al/ligi-nr-8561-perditesuar-2020/>

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at least to restore them, in real terms, to pre-displacement levels or levels prevailing before the beginning of project implementation, whichever is higher. If, at the end of the project, livelihoods are not restored to the pre-project levels, additional measures should be considered. Resettlement activities of the project cannot be considered as completed if the objectives of this Resettlement Plan have not been obtained.

5. Information Disclosure and Consultations

All affected persons will be informed, meaningfully consulted and encouraged to participate throughout the land acquisition process, in accordance with the information disclosure and consultation requirements set out in Chapter 5 of this ARAP. Outreach of a pre-disclosure phase is recommended when PAPs are not identified as they might no longer reside in the expropriated areas (migrated to another region of the country or emigrated abroad). The LGU should notify through the publication of the PAP's name in the city/village and at least in two newspapers with a nationwide and local distribution for one month (every Sunday).

A special provision should be taken, before the disclosure phase, on publishing the names and contacts of the landowners to be expropriated. Based on the Albanian legislation "On personal data" privacy should be maintained for PAP's names and contacts during the disclosure of the ARAP. In this regard, ADF should keep constant contacts with PAPs and ask them in advance if they accept to have their full name published in the newspaper. Otherwise, the names will be hidden or will not appear.

6. Compensation

All owners, occupants and users of affected properties at the time of the cut-off date, whether with or without fully recognized ownership rights, are eligible for certain types of compensation or assistance as outlined in the Entitlements Matrix (Table 4-1) of this document. Both loss of shelter (physical displacement) and loss of livelihoods (economic loss, i.e. "economic displacement") shall be taken into account and mitigated. No acquisition of property or start of construction shall take place prior to the provision of all types of required compensation to affected people. In the case of absentee owners (e.g. people with legal rights to the land but who are living elsewhere), they will still be eligible for compensation and the efforts will be made (and documented) to trace them and inform them about the process. If such absentee owners cannot be found, in accordance with local requirements, an escrow account will be foreseen for those owners that have not made available respective legal documentation on ownership. Cash compensation will be provided at replacement cost. Compensation for residential structure will be paid at replacement cost without deduction and depreciation for salvage materials. The replacement cost includes the amount sufficient to replace lost assets and cover transaction costs (e.g. administrative, registration, transaction fees, transfer taxes, legalization fees, etc.). Affected people will be provided with full assistance (including transportation allowances) to transport their belongings, apart from the compensation at replacement cost for house, land and other structures. An expropriation reserve fund of 10% of the total compensation amount should be included for any unexpected claim on land compensation from PAPs, who may require additional compensation and win the case in the court.

7. Temporary occupation of land

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Short-term impact related to the temporary occupation of land for construction purposes will be compensated in accordance with the Law on Expropriation of Albania, as well as in accordance with the requirements of the OP 4.12 for any informal owner/user affected by such temporary land occupation.

8. Negotiated compensation options

A consensus must be reached with those affected, so that fair and equitable compensation is made for the affected land, houses, trees, etc., and paid according to the prevailing market rates of the local areas.

9. Grievance mechanism

An effective grievance mechanism will be in place for receiving and addressing in a timely manner specific concerns about compensation and relocation raised by displaced persons, as described in more detail in the Chapter 6 of this ARAP (Grievance Mechanism). The GRM is in place for the respective aRAP

10. Monitoring and evaluation

ADF will monitor and evaluate the implementation of the ARAP through internal, official institutional arrangements, as described in more detail in the Chapter 10 of this ARAP (Monitoring and Evaluation).

In case of any event during the implementation of the project, any unpredicted impact will be handled using the same arrangements as the previous impact management. The same resettlement policy framework will be applied if there is unanticipated impact on people later during the project implementation. The ARAP will document alternatives considered and selected in this regard.

## 4.2. METHODOLOGY

The methodology employed by the ADF environment and social team involved a participatory approach to gather qualitative baseline data, where meetings were organized and key informants were interviewed.

Below is described the methodology used for the preparation of this ARAP:

- **Consultations** with affected individuals along the proposed segment were conducted as part of the participatory approach.
- **Preparation of the Property Evaluation Report** - submitted to ADF from the Property Evaluation Expert, which identifies the PAPs, prepares the Property Files for each Registered Property affected by Project. Pogradec IPRO office identified all PAPs, including not registered landowners and informal users of land, etc.
- **Asset inventory database** was utilized to show lost and affected assets, their use and size at the household, enterprise and community levels, needed to determine fair and reasonable compensation levels or other mitigation measures agreed upon by the affected person(s).
- **A Census survey** was carried out with all the individuals directly affected by the Project (3 PAPs), whose residential building will be expropriated. The Census Form was developed to collect data on



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household demographics, livelihoods and infrastructure inventories, including land, properties and social services infrastructure, income levels, economic activity and other data related to properties.

- **Cadastral and Orthographic** maps were used to identify features such as population settlements, infrastructure and land use patterns.
- **Analysis of surveys and studies** was conducted to determine compensation parameters and design appropriate income restoration.
- **Field investigations and observations** to clarify and describe clearly and in detail the list of properties for expropriation, the surfaces of objects or sites affected.
- **Frequent site visits** to communicate and consult with PAPs who need to be resettled.

Before engaging with the PAPs, the ADF and its social expert were familiarized with the WB policies and procedures on involuntary resettlement.

#### 4.3. ELIGIBILITY TO COMPENSATION

**Eligibility:** All PAPs who suffer a complete or partial loss of assets or access to assets, including social and cultural networks, shall be eligible for support or assistance, according to their legal rights to the land, if it can be proven that they occupied the land before the cut-off date.

All PAPs shall be entitled to compensation, according to the compensation principles of the Law on Expropriation of Albania and OP 4.12 requirements.

In line with OP 4.12 of the WB, the 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 the cut-off date (which is the final day of the Census Survey and measurement survey - 03/03/2023):

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

This means that except for those who have legal rights, those who do not have proper legal rights to land or other assets at the time of inventory and the census survey, but claim to such legal rights by virtue of occupation or use of assets, can still receive compensation. PAPs 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. According to the information received from the municipality, it is not identified any state land plot which is used by illegal users or given for rent.

Where municipal or other publicly owned land is used by a private person, this land user will receive a compensation based on the following criteria:

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**Permanently acquired land:**

- Compensation for any structures or developments on land that the land user can demonstrate ownership of,
- Compensation for restriction, for the time of the lease contract with the publicly owned land.

**Temporarily occupied land:**

- Compensation for restriction, for the time of the lease contract with the publicly owned land

In the event that plots of state land planted with crops by illegal users are identified, they will be allowed to harvest their crops before the construction works start. For the respective aRAP no cases of illegal use of public land have been identified

However, the ADF should verify, at the time of project implementation, if any of the residents have legitimate ownership claims on the Property, in case the property affected by the project is public land. If someone has such ownership claims, the LGU and Relevant Central Authorities must assist them in obtaining property titles and compensate them for the expropriated Property.

As regards to building structures that will be expropriated, the three owners of the houses have full legal rights in their property, including registration titles, except the extra surface space (90m<sup>2</sup>) of House 1 which is built without a permit, but is in the process of legalization. Household 1 will not be excluded from receiving full resettlement cost and will be supported regarding the necessary documentation for the property.

All the assets such as walls and fences are identified and assessed. The project design has foreseen replacing of 50 linear meters with uniform fences as part of the road rehabilitation. If there is a situation when, besides the fence/walls of houses yards that will be demolished and replaced from the project, the track of the road affects also pieces of land from the yard with ownership documents, the affected party will be compensated for that part of the yard. If the fences/walls of the yard are placed on state land and the owners usurped it, PAPs will not be eligible for compensation for the loss of that part of the yard, but only for replacement of fences/walls that will be relocated by project-supplied ones.

The categories of PAPs according to OP 4.12 in this specific ARAP consist of:

- PAPs with ownership title
- PAPs in the process of legalization
- PAP without ownership titles (not registered)

All PAPs who are identified in the sub-project impacted area on the cut-off date of the Project will be entitled to compensation for their affected assets and rehabilitation measures sufficient to enhance, or at least restore living standards, incomes and production capacity relative to pre-project levels. The cut-off date is 03/03/2023, the final day of the detailed measurement and Census survey of the sub-project. Those who encroach into the investment area or build new properties (renovate, build new

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house/structure, plant new crops and trees) after the cut-off date will not be entitled to compensation or any other assistance, if being affected.

#### 4.4. ENTITLEMENT MATRIX

The entitlement matrix for the PAPs has been prepared, reflecting all categories of affected people and all types of losses associated with each category. It is based on the premise that resettlement, rehabilitation and compensation programs should improve or, at a minimum, maintain the PAPs pre-project living standards and ensure their participation in project benefits. Land acquisition and resettlement are implemented according to a compensation and entitlements framework in line with Albanian laws and regulations and WB OP 4.12. Where they differ, the entitlements most favorable to the PAPs shall be applied, as set out in the Entitlements Matrix below.

A summary of the compensation package for each of the affected people is presented below.

**Lack of title/permits:** Where it occurs, expropriation could involve the loss of land, shelter or other sources of income. Since not all sub-projects and any consequent impact are known at project preparation stage, this ARAP includes consideration of possible adverse impact from loss of shelter and relocation, as well as loss of assets and/or income (livelihood). Until now, and according to the Assets Inventory and data of IPRO, the land of 7 PAPs results as not registered. Another PAP (the household 1 living in the residential structure that will be expropriated) also lacks the property title, which is under the process of legalization. Lack of formal ownership shall not deprive the PAPs from the compensation.

**Loss of Structures:** Loss of structures will be related with the two-story residential building, where three households live. Another informal structure will be demolished and it will be compensated in kind under the project cost. "Depreciation" will not be used while calculating the compensation payable for affected structures and affected people will be able to replace their structures with the compensated amount.

**Loss of Income:** If less than 10-20% of an individual's land holding is adversely affected by the land acquisition process for a particular sub-project, no significant loss of income is expected and impact can be generally considered to be minor. In these cases, compensation will be provided as detailed in the following table. However, if affected people suffer loss of income through loss of more than 20% of their land, income reduction is likely and income restoration assistance will be provided. About 47 owners will suffer loss of more than 20% of their land, but they possess other land. Means of livelihood for two households may be affected as the shelter used for their cattle should be replaced and household will need to find solutions to relocate and house the cattle and find other places to store their food.

**Loss of State Properties:** As it is mentioned, there are some land parcels which are municipality/state properties and which have to be expropriated and put at the disposal of the project. In the case of loss of state property, according to the Albanian legislation, where the owner and the user is the Municipality or in case of other publicly owned land, they will not be compensated as a private land because the municipality is the direct beneficiary of the project implementation. The land will be transferred to the Public Utility through a DCM. The legal situation is regulated by several legal acts including the law no. 10

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119, of 23.04.2009 "On Territorial Planning". According to the data provided from the Municipality, there is no use of the state-owned parcels by private persons.

The whole land to be expropriated for the Construction of the Road Pogradec-Tushemisht Lot II is registered as "agriculture land", "urban land", "forest", "vineyard" and "barren land". In total, 314 landowners will be expropriated. 366 landowners who possess **48,781.62 m<sup>2</sup>** agricultural land and 3 landowners who possess **411 m<sup>2</sup>** urban land. Compensation for the acquired land is to be provided for all identified and non-identified landowners. In addition, compensation of plants/trees and/or compensation for loss of crop's yield will be provided for the land.

Also, 1 residential structure, a two-story building placed on the surface of the urban land mentioned in the paragraph above will be expropriated for the project. Compensation will be provided at full replacement cost.

Compensation for the assets (walls, fences and gates) is foreseen to be in kind, due to the intervention of the Project for their unification. All existing fences and walls are foreseen to be replaced with uniform fence/wall and the costs are included in the Project. Another informal structure, used as a cottage, will be compensated in kind under project costs.

According to the methodology of the ARAP compilation, the entitlement matrix shown in the following table shall be applied for the sub-project 'Construction of the Road Pogradec-Tushemisht, Lot II'. The matrix has considered all type of losses, rights of individuals and compensation policy.

Table 4-1. Entitlements Matrix

Property	Category of PAP	Type of impact/loss	Entitlement to compensation
Land	Owner	The parcel remains viable despite the loss of a portion of agricultural land.	Cash compensation for all the affected land calculated at market price/value, including transactional costs.
		Loss of a fraction of agricultural land. The remaining portion of the parcel requires improved usability.	Cash compensation for all the affected land calculated at market price/value, including transactional costs.
		Unavailable land	In case the remaining area of land is not viable, it can be expropriated upon PAPs request.

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Living quarters	Owner	Loss of structure	Cash compensation for the affected structure at market price. Depreciation is not considered, plus transactional costs.
		Loss of infrastructure	The construction of new infrastructure will replace the previous function and be available to the local population as the one being acquired.
		Loss of home	Construction of a new house/home or cash at market price and land plot provided.
		Loss of non-arable land	Cash compensation for all affected land at market price.
Standing Crops	Owner	Loss of annual crops	Cash compensation for lost annual crops at market value.
	Illegal users of state land	Loss of crops	The right to harvest crops before construction
Trees	Owner	Trees affected	Cash compensation at market value is based on the trees type, age and production value (Revenue method)
Land	Claim to Ownership	Loss of land	Cash compensation for affected land at market price plus transactional costs.
Other assets/other structure	Owners	Loss of assets/informal structure (cottage)	Compensation in kind, relocation of assets/cottage
Livelihood means	Owner	Loss of shelter for animals, increase distance to the workplace (farm)	Cash compensation at market price for warehouses and additional assistance to restore livelihood to its previous condition (restoration strategies).

The Table 11-2 in ANNEX 5 – ENTITLEMENT MATRIX of this ARAP provides additional information on the entitlement categories for the unilateral expropriation for the public interest regarding the sub-project.

#### 4.5. COMPENSATION RATES

Adequate compensation rates have been drawn as regards to urban land, structures and crops/trees based on the real estate transactions along the road axis. For the evaluation of building structures, the Direct Comparison Method was used and carried out according to the European Standards of Evaluation. For agricultural land, the compensation rates are based on the income determination approach, as such the value of land is determined by the profit the land can generate<sup>12</sup>. The use of comparison methodology for transactions collected for similar lands was not suitable due to the fact that SCA in Pogradec had no references on sales of agricultural land for the last three months, but even where there are transactions, they declared low values to avoid paying property taxes. For more details on the methodology used and criteria considered to determine compensation rates for agricultural land, please refer to Point A - **Error! Reference source not found.** in ANNEX 1 – P.

The following table gives the proposals on compensation rates for the land classified as urban land (construction plot) and for land classified as agriculture land. The transaction cost, which includes the cost of registration and any taxes, fees, rights, potential rights for subsidies that may be lost as a result of the change in land use, is also evaluated and presented in the table. The established compensation rates have been applied throughout the project.

Table 4-2. Price for compensation unit

No.	Category of Land	Price ALL/ m <sup>2</sup>
1	The price for Compensation of Land in Urban Areas:	8059.00
2	The price for Compensation of Land in Agriculture Areas:	366.00

#### 4.6. RESTORATION STRATEGIES AND CHANGE IN LIVELIHOODS

The restoration strategies applied by the proponent to ensure income restorations to the affected communities revolves around compensation. Except the compensation of the structures used for housing the cattle and their food, the ARAP proposes that properties of households that own cattle will remain intact till the households receive the compensation, in order to house the cattle until they find another solution. This means that construction works and machineries works will start only after the family receives financial compensation. This proposed strategy is to ensure no negative change in the livelihood of the affected persons and their respective activity.

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<sup>12</sup> According to the Evaluation Report for the Compensation of Assets affected by the Construction of the road Pogradec – Tushemisht, Lot II, prepared by the licensed property evaluation expert.

#### 4.7. CASH COMPENSATION

The cash compensation option is provided by the Albanian Law. PAPs due to permanent acquisition of structure were consulted and they preferred cash compensation so that after being expropriated they could build or buy a new residential building. The cash compensation for agriculture land and construction land, as well as structures, will be as follow:

- Compensation rates are calculated in consultation with representatives of affected people to ensure that rates are fair and adequate.
- Compensation for the land is sufficient to enable affected people to restore their livelihoods and acquire land with the same use anywhere in the local government unit area;
- Compensation for the structure/houses is sufficient to enable affected people to replace the current dwelling with at least of same quality and quantity. The structure will be compensated at full replacement cost, exclusive of depreciation and inclusive of all fees such as construction permits and title charges and labor costs, land and trees and crops.
- Compensation payments must 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.
- Compensation for dismantled infrastructure or disrupted services must be paid to affected communities or local institutions, as appropriate, at total replacement cost, before civil works begin;
- Compensation for lost earnings must be paid to owners and employees for work interruption duration resulting from the relocation of enterprises.

As mentioned, the compensation value for agricultural land is determined using the income determination approach, so it includes the profit it can generate.

The Project will also provide for relocation of walls/fences and gates.

For more details on cash compensation values refer to ANNEX 1 – P and ANNEX 2 –INVENTORY OF PAPs AND THEIR AFFECTED ASSETS - RESETTLEMENT MATRIX .

#### 4.8. IN-KIND COMPENSATION

The project design has foreseen the replacement of 50 linear meters of walls/fences with uniform fences as part of the road rehabilitation. The ADF specialists and Municipality staff consulted with PAPs during site visits and explained them on project's expectations on this matter. During the next disclosure of ARAP, it will be necessary for all affected PAPs to agree in writing for the replacement of their wall/fences by the project itself, according to the agreement proposed in this ARAP. A template of the agreement between ADF and landowners, to agree with the works and improvements, is presented in ANNEX 6 – TEMPLATE OF AGREEMENT WITH THE LANDOWNER.

**Error! Reference source not found.** shows the photo of the informal structure that need to be removed, which currently serves as a cottage. This structure will be compensated in kind. The cost of removal is included under the project costs.

#### 4.9. LAND BASED COMPENSATION

Land-based compensation option is not provided according to the Albanian legislation in force. Based on on-site observations, inventory of PAPs and their Assets and surveys conducted with 3 households, results show that the majority of PAPs are not losing more than 20% of their land plot and it will be compensated. Only 13 % of the total affected land parcel or 47 out of 369 plots will lose more than 20% of the actual parcel. These cases will be compensated in cash, while the rest of the parcel will be left on the possession of the PAP and the use of the land plot will be viable for farming and agriculture activities as soon as construction works are completed. Out of 47 land plots, only 14 will lose more than 50% of the total surface and these land plots are in a small surface. The PAPs own other land plots; therefore, no land-for-land choice is needed or applicable for this ARAP and PAPs will be compensated by cash. In the next phase (ARAP disclosure) all PAPs will be consulted and a consensus should be reached upon the cash compensation.

#### 4.10. STRUCTURE-BASED COMPENSATION

Compensation for only one structure (a two-story residential building) is foreseen for this ARAP and is applicable for three households. During the preparation of the ARAP, full replacement cost excluding of depreciation and including of all fees such as: construction permits and title charges and labor costs have been covered. During preliminary consultations, this have been made present to the identified PAPs. The PAPs affected by permanently structure/land acquisition (Household 1 & 2) stated that they would need land plots of at least 400 m<sup>2</sup> for the building of new houses. The preferred option for both families was to build a new residential building on land plots that they could buy after being expropriated and compensated. The third family has requested only compensation.



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The complete compensation details are available in Annex 1 and a summary of the total compensation amount calculated for the three households which houses will be expropriated are given at point IV of this annex (page **Error! Bookmark not defined.**).

#### 4.11. RISKS OF IMPOVERISHMENT

To ensure the affected persons are not in any way rendered poor by the proposed project, all categories of affected people, including property owners and their household members, with special regard to vulnerable groups, such as female head of household, family headed by persons with disabilities or Families with Special Needs Dependent (more than one), have been identified. All types of loss associated with each category above were factored in. The Census Survey results concluded that one Household with Special Needs Dependent (more than one) will be affected. The project will provide support for these two individuals with Special Needs (House 1-Household 1) so that the family will not lose their livelihoods<sup>13</sup> and rendered poor as result of relocation. The project will also provide support in case other special assistance is needed to facilitate communication between PAPs and the commission for expropriation regarding the land acquisition procedures.

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<sup>13</sup> The head of the household need to take care of the animals and may need travel from either Tushemisht village or Pogradec, depending on the location of the rented house

## 5. PUBLIC CONSULTATION AND FEEDBACK

The ADF Project Implementation Unit (PIU), together with the representatives of the Municipality, are responsible for communicating with the affected communities, Project PAPs and representatives of AU(s). The PIU will assist the Municipality in understanding the requirements set out in this ARAP. Once approved, the ARAP will be disclosed in local languages and English on the ADF website and Municipality website, as well as printed copies will be available at the premises of the involved Municipality (Pogradec) and the premises of the ADF at the following address:

ALBANIAN DEVELOPMENT FUND

Address: Street Sami Frashëri 10, Tirana 1001

MUNICIPALITY OF POGRADEC

7890, Pogradec, Albania

In addition, once the official land acquisition procedure is initiated, and in accordance with the law 'On Expropriation' and ARAP Implementation Schedule provided in page 63 of this ARAP, each owner or co-owner of the private property assets that are requested to be expropriated will be directly notified. The agreement with PAPs on the expropriation, the publication of the expropriation notice and consideration of suggestions and complaints of PAPs must be carried out prior to the start of works for the sub-project. Access to information for vulnerable groups will be facilitated by the PIU, as appropriate for each person/household according to their specific needs and/or situation, in cooperation with municipal departments of social affairs.

Additional assistance will be provided to the affected people in accordance with this ARAP policy before, during and after the works are taken up. Public disclosure of the final ARAP version can only be done after the document has been cleared by the Bank and all PAPs identified in this ARAP will be invited by ADF and Municipality of Pogradec. Additional consultations based on the disclosed ARAP will be organized and compensation will be agreed. A pre-disclosure phase is recommended when PAPs are not identified as they can no longer reside in the expropriated areas (migrated to another region of the country or emigrated abroad). The LGU should notify through the publication of the PAP's name in the city/village and at least in two newspapers with a nationwide and local distribution for one month (every Sunday).

### 5.1. DISCLOSURE AND CONSULTATION ACTIVITIES UNDERTAKEN FOR THE PROJECT AND FOR THE PREPARATION OF THE ARAP

For the purpose of the Project and development of ARAP, several meetings were organized by ADF and Municipality of Pogradec with the PAPs. The meetings started early in June 2017 and have continuously been held until March 2023.

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The 'Construction of the Connecting Road Pogradec-Tushemisht Lot II' project has been publicly discussed during disclosure meetings (June 2017 – Roundtable for Drilon-Tushemisht Strategic Planning and December 2021 – public disclosure on ESIA for the 'Reconstruction of Road Pogradec-Tushemisht' (Figure 5-1 below).

The first meeting was held with the representatives of local government units and Municipality of Pogradec and other interested parties to present the RLRCP Project and its benefits. Representatives of the ADF, partner ministries and agencies, such as the Ministry of Tourism and the Environment (MoTE), the National Agency of Protected Areas (NAPA) and the National Environment Agency (NEA) were present in the meeting.

In the second meeting, the detailed design and ESIA was disclosed to the public. Groups of interest, local representatives, residents, businesses, etc., participated in the meeting. The project's environmental, social and economic impact and expectations were discussed and feedback was received. The PAPs were encouraged to provide continuous feedback and express any requests that would increase their benefits from the project.

Figure 5-1. Stakeholder's round table. Pogradec, 14th of June, 2017



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Figure 5-2. Public discussion 21.12.2021



Minutes of the public disclosure meeting and stakeholder's roundtable can be found in Figure 11-2 Annex 11.

#### 5.1.1. Communication and Engagement with PAPs

The meetings for the purpose of the ARAP started in 2021 and have continuously been organized by ADF, also in collaboration with the Municipality to meet the PAPs.

Several site visits were carried out with the affected population to verify the land ownership for the identified owners and prepare the current inventory of PAPs (reviewed upon final road rehabilitation design).

Meetings were held with PAPs of the residential structure (2 families, the other one lives outside the country) identified for expropriation. The meetings started in 23 January 2023 and continued till the first week of March 2023. A Census survey and Census measurements as well as other consultative meetings was carried out with the aim to:

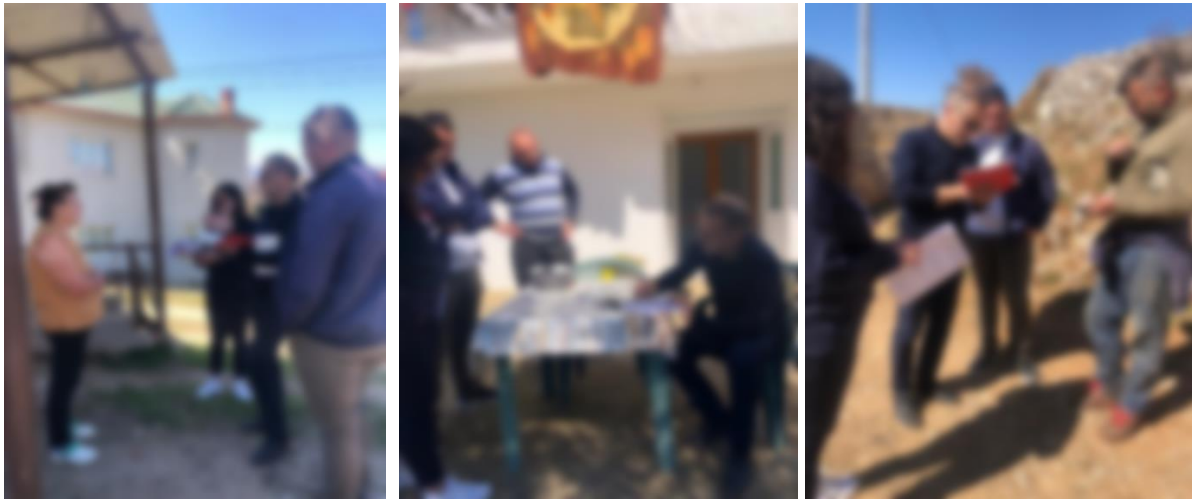
- inform the affected parties on the project and the level of project impact to their properties,
- collect preliminary data at the project site,
- fill out the Census Form for each PAP,

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- explain the scope of land acquisition and property,
- identify legal status of property,
- identify vulnerable persons/households,
- define main sources of income for the families,
- perform measurements needed for the evaluation of the houses,
- evidence all the trees for the evaluation,
- explain the WB policies and procedures in relation to resettlement.

The following figure shows photos taken during the Census.

Figure 5-3. Photos taken during the Census



During February, another meeting was held between the ADF team, the Municipality and the property evaluation experts to discuss WB policies and requirements. Additionally, during the meeting the ADF team requested the Municipality to publish the resettlement plan and the list of PAPs affected from the project.

Another meeting with PAPs, (Figure 5-4 below) whose houses will be expropriated was conducted in March 2023. The main issues raised from the PAPs during the meeting were whether they would be adequately compensated and about where to house the cattle during the resettlement. The ADF specialists informed them on the relocation cost, explained the WB resettlement policies and procedures and asked for requirements/expectations the families had.

The families expressed concerns about obtaining the construction permit from the Municipality of Pogradec. The ADF staff explained that they will provide support and facilitate the process, in order for the families to return to their normal conditions as soon as possible after the relocation is completed.



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Figure 5-4. Engagement with PAPs



For more details (dates/location; type of engagement; participants and key issue discussed) on the consultation activities and meetings held for the preparation of the ARAP, please refer to the ANNEX 8 – SUMMARY OF CONSULTATION ACTIVITIES AND DISCLOSURE - ATTENDANCE LIST.

## 6. GRIEVANCE REDRESS MECHANISM

Grievances are a common phenomenon in involuntary resettlements, which, if not amicably and timely resolved, inevitably gives rise to local resistance, political tension and unnecessary delays in executing the project.

Therefore, a GRM for the sub-project is suggested for addressing potential legitimate concerns of PAPs who may consider themselves deprived of appropriate treatment under the project as regards to compensation or construction phase impact on their property.

The mechanism is set up by the ADF and will be maintained throughout the RLRCP project implementation, including:

1. a recording and reporting system, including grievances, filed both verbally and in writing;
2. staff with responsibility at various levels of Government; and
3. time frame to address the filed grievances.

The GRM is responsible for receiving and responding to grievances and comments from the following two groups:

- i. Individuals or legal bodies that are directly affected by the project, as well as potential project beneficiaries;
- ii. Stakeholders who are interested in and want to be part of the project, including residents and communities interested and/or affected by the initiative.

The ADF will regularly monitor and evaluate the functioning of the GRM during the project implementation. Essentially, the grievance mechanism is easy to access and cost-free, involving people from the community, the project, and the relevant authorities to manage and fix problems before they escalate to official channels of redress, which could be time consuming and costly.

The GRM will serve as both a project-level information center and a grievance mechanism for people affected by the implementation of all Project sub-components. It will apply to all Project activities and be relevant to all local communities affected by them. The GRM will be authorized to accept inquiries and complaints about the eligibility criteria, the appropriateness of women's support, stakeholder participation and environmental and social performance. Legal remedies allowed under the national legislation will also be accessible in addition to the GM (courts, inspections, administrative authorities, etc.). The ADF staff will ensure that community members, PAPs in particular, are informed about the channels/avenues for grievance redress.

The temporary land acquisition required for sufficient working space during the road construction has been significantly reduced. The owners to whom the houses will be expropriated have been consulted and compensation modalities have been explained. However, the grievance mechanism will be reminded and made clear to all PAPs.

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**Grievance Channels**

The GRM must be established before the start of the program to manage and effectively respond to complaints as they arise during the program's various phases. The MoIE is responsible for establishing a functioning GM and informing stakeholders about the GM's role, function, contact persons and complaint procedures in the impacted areas. The information about the GRM will be available through the following channels:

- The website of the MoIE (<https://www.infrastruktura.gov.al>)
- The website of the ADF: <https://www.albaniandf.org>
- Public notice boards and municipal website (<https://bashkiapogradec.gov.al/>)
- MoIE's social media accounts (<https://twitter.com/energjiagoval>) and <https://www.facebook.com/ministriaeinfrastrukturesdheenergjise>

Project Grievance Form (ANNEX 9 – GRIEVANCE SUBMISSION FORM) used for the Project will be available on the ADF website and project dedicated website. The GRM needs to be maintained and strengthened throughout the project lifecycle.

Contact information for enquiries and grievances is provided below:

Description	Contact Details
Implementing Agencies	The Albanian Development Fund
Main Contact	Mr. Mustafa Zenelhasani
Address	Street "Sami Frashëri", No 10 Tirana - Albania
Email	<a href="mailto:adf@albaniandf.org">adf@albaniandf.org</a>
Website	<a href="https://www.albaniandf.org">https://www.albaniandf.org</a>
Telephone	<a href="tel:+35520422355978">+355 (0)4 22 35 597/8</a>

All grievances will be registered in the Project Grievance Registry (ANNEX 10 – GRIEVANCE REGISTER FORM) to keep track of any complaints raised. The grievance register will include the following information: description of grievance, date of receipt, description of actions taken and date of resolution.

**Local Grievance Committee**

For the purposes of ARAP, an Informal Grievance Mechanism is set up by ADF, which aims to avoid the need to proceed to formal official authorities. This mechanism is established by ADF and includes a neutral person from the affected area (such as a local government or district official), the PAP, and the ADF's Social Manager.

This *sui generis* committee aims to considerably facilitate any issues raised by the PAPs and reduce their administrative costs, considering that the affected areas are distant from Tirana while all the proceedings of their complaints are held in Tirana. The committee is composed of four members;

1. one representative from the Municipality of Pogradec or the local government AU (depending on the location of the raised grievance);



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2. one representative from ADF;
3. one representative from the PAPs;
4. one representative of the local government administrative unit.

Please, see ANNEX 7 – COMPOSITION OF THE LOCAL GRIEVANCE COMMITTEE for more information on the Local Grievance Committee.

A representative of ADF will chair the committee and will assist in resolving grievances that can't be resolved by the resettlement expert. The resettlement planner will keep a record of grievances received and the outcome of attempts to resolve them, which will be included in the monitoring and evaluation report.

The Expropriation Law allows for an appeal process against the proposed compensation award. Moreover, the Urban Planning and Construction Police laws permit administrative appeals against a decision to demolish illegal constructions. Further appeals can be made to the district courts. The Office of the Ombudsman in Tirana and its regional offices (the regional office in Pogradec) accept complaints from citizens against government actions that impact their rights. The project staff will also be involved in resolving grievances.

In order to achieve one of the Project objectives, which is the achievement of an amicable resolution with the complainants (PAPs) and avoiding the need to proceed to the official authorities (courts), two levels have been proposed for addressing the complaint:

- I. The complainants may initiate the grievance cycle by submitting a complaint about any difficulties they are experiencing. The first level of grievances will be addressed by the Project Manager (on site), Eng. \_\_\_\_\_. The issue will be discussed with the project manager at the beginning of the process and, if resolved, the process will not need to be repeated. The first-tier process is necessary to prevent project-affected organizations from having a direct line of communication, which could delay conflict resolution, adversely affecting both the PAPs and the project.
- II. In case the issue is not resolved, a remedial process will be implemented. The remedial approach should be discussed with the complainant and a decision should be made on whether it should be addressed through short-term or long-term procedures, depending on the situation.

Each site's Project Manager is also responsible for ensuring that the GRM method is widely publicized and thoroughly explained locally. Additionally, they will follow up on the complaint until it is resolved. The response/resolution period should be a maximum of 30 days, and the person handling the complaint should inform the complainant on the conclusion of the grievance.

If the complainants don't agree with the resolution of the grievance system or the complaint has not been resolved, the complainant has the right to seek other legal remedies in accordance with the legal framework of Albania, including complaining to the courts.

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## 6.1. MONITORING OF GRIEVANCE OPERATIONS

All grievance operations need to be monitored to ensure that the procedure is followed correctly. The ADF will regularly monitor and evaluate the functioning of the GRM during the project implementation and prepare semi-annually Grievance Monitoring Reports (every 6 months).

The following indicators should guide the monitoring process:

- ✓ The number of grievances received per month (including the channel used to submit the grievance, gender, age and primary economic status of the complainants, actions taken, result of resolution)
- ✓ The type of complaint received (categorized according to the topic of the complaint)
- ✓ The number of complaints that have been resolved
- ✓ The level of satisfaction with the resolution of grievances
- ✓ The efficiency of documentation
- ✓ Dissemination activities carried out
- ✓ The effectiveness of the grievance response (including efficiency in time and action taken)

## 7. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION TEAM

### 7.1. INSTITUTIONAL RESPONSIBILITIES

ADF as the implementing agency has the ultimate responsibility to follow up implementation of all project components along with other institutions of the GoA. The Municipality of Pogradec is the final beneficiary of the project implementation. A committee composed of PAPs, Municipality and LGU, ADF was constituted and is responsible for overseeing the implementation of the ARAP. ADF will work with other institutions to ensure the successful implementation of the ARAP. A licensed Property Evaluation Expert hired by ADF, calculated the compensation value for each category of PAPs. The ARAP is prepared by the ADF PIU and revised from an experienced social expert contracted from the WB to make sure that the procedures, evaluation and expropriation/displacement costs will be adequately applied as per the WB policy requirements. After the preparation, the ARAP document will be submitted to the WB for clearance.

The following agencies and institutions are responsible for the coordination and delivery of all activities in relation to land entitlement policy:

- IPRO for the Project area, under the authority of the Central Registration Office, which is responsible for identifying and verifying property boundaries and ownership;
- Land Administration and Protection Offices (formerly Cadaster Offices) in the Region, which clarify land allotment certificates for agricultural land that have not been formally registered and transferred to the State Cadastral Offices;
- Other Ministries and Agencies that will coordinate the implementing procedures include:
  - MoIE, which has the financial responsibility for the expropriation procedures;
  - SAE, which is responsible for the execution of all expropriation procedures and the Minister responsible for urban development;
  - The Municipality, which coordinates the implementing procedures and execution of the compensation;
  - The Office for the Protection of Human Rights in Pogradec and Tirana, People's Advocate, regional office in Pogradec and the office in Tirana;
  - Juridical Court System of the Region, responsible for the judicial review of claims related to private property required to be expropriated, the decision made about the amount to be paid as compensation for assets devalued by expropriation, etc.

## 7.2. DESCRIPTION OF THE IMPLEMENTATION PROCESS

The expropriation activities will be coordinated with the implementation of the sub-project to ensure that loss of assets and/or displacement occurs only after adequate mitigation measures and resources are in place. Specifically, land and associated assets will be taken only after compensation has been paid. The land acquisition transfer must be fully completed and payment given before any works can be executed on the expropriated property. The implementation of expropriation activities will follow the steps described below:

- 1) The beneficiary subject of the expropriation process will be the Municipality of Pogradec (Art. 9 of the Law "On Expropriation...");
- 2) The Municipality of Pogradec will submit the request with a list of necessary documents to the SAE, which is under the responsibility of the minister responsible for urban development (list of documents according to Article 10 of the law 'On Expropriation');
- 3) By the time the SAE accepts the request of the entity (Pogradec Municipality), the SAE and Pogradec Municipality sign an agreement on mutual rights and obligations related to the expropriation procedure (Article 13);
- 4) Within ten days from the date of conclusion of the agreement with the entity applying for expropriation (Pogradec Municipality), the SAE starts the direct notification procedure to each owner of private property to be expropriated and publishes the Request for Expropriation for public interest. Notification of the request for expropriation will be done in the Official Journal and on the SAE website (Article 14).
- 5) A pre-disclosure to all affected landowners could follow in case not all PAPs are identified, so that non-residents or emigrants who are not contacted directly could be notified on their land acquisition, compensation method and amount, and procedures.
- 6) In case any of the identified PAPs is no longer residing in the expropriation zone after the cut-off date but has moved to another area, municipality or region, a notification procedure will follow up to ensure these PAPs are notified and compensated as per the ARAP entitlements. It is recommended that an official letter sent by ADF to affected parties should be drafted, stating how the SAE will treat such cases by using an escrow account to provide them with specific information on receiving their entitlements. However, according to the article 6 of the law 'On Expropriation', the SAE relies only on the publication of the expropriated landowners list. For those PAPs who even after the publication of list are still not identified, the SAE continues the expropriation procedures and deposits in a bank account the respective compensation amount for each expropriated landowner on his/her name.
- 7) PAPs affected by the expropriation have the right to complain to the Expropriation Commission of the SAE within 15 days from the end of the term of the public notice.
- 8) Complaints of the affected owners will be collected and a draft sub-legal act for the CoM will be prepared.
- 9) The commission receive complaints that are based on supporting documents.
- 10) The procedure will be considered complete when the owners of private property assets, through a written statement, approve the transaction of the property in favor of the State in accordance with the conditions provided by the SAE through direct notification and publication of the request for

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expropriation of public interest (Article 6, point 5). By confirming their acceptance, the landowners pass their property to the state ownership and receive the corresponding value of compensation through their bank account (Article 16, point 4).

- 11) For other landowners (PAPs) who do not agree with the expropriation and compensation amount, the Expropriation Commission at the SAE prepares a draft Decision for Expropriation and submits it for approval to the CoM.
- 12) This Decision of the SAE will be submitted to the CoM for approval and, upon approval, it will enter into force immediately. It will also be published in the Official Journal.
- 13) The affected owners have the right to complain to the court within 30 days from the notification of the Decision in the Official Journal. If they don't follow this procedure, the DCM will be an executive title (Article 24).
- 14) The compensation amount is given or made available to the expropriated landowners from the day the decision enters into force, but no later than three months from the deadline established by the decision (Article 23).

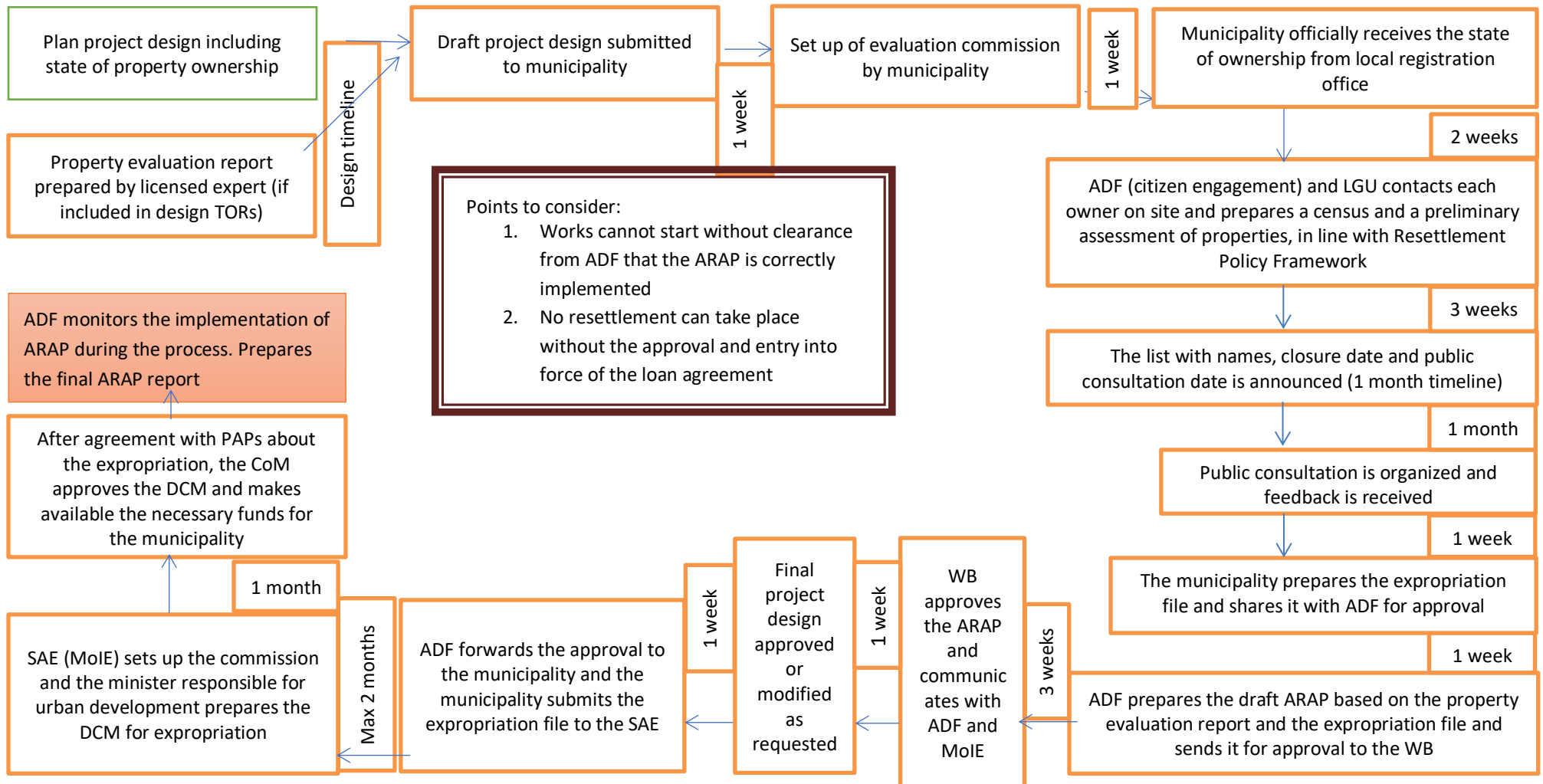
Although the Article 19 of the Law "On Expropriation..." foresees that "the total expropriation value results from the final evaluation of expropriated objects" and does not make reference to any potential additions of compensation value, which could result from the eventual Court decision in favor of landowners, this ARAP recommends that a reserve fund is to be provided. The reserve fund, of at least 10% addition to the total fund, is to be provided to ensure that additional funds are available to respond to any grievances, which could result in a higher compensation amount for land expropriation if a court decision is made in favor of a landowner.

## 8. ARAP IMPLEMENTATION SCHEDULE

The implementation schedule for major activities has been prepared. The schedule includes timeframes from disclosure of the ARAP to the monitoring and evaluation of project implementation. Before these processes, the draft ARAP will be reviewed and approved by the WB. An ARAP implementation flowchart is presented in the figure below.

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Figure 8-1. Flowchart of ARAP Implementation schedule (7,5 months)



## 9. BUDGET AND FUNDING ARRANGEMENT

Table 9-1 below provides the total compensation costs for the sub-project according to categories of properties/assets affected.

Table 9-1. Total Compensation Value

<b>Category</b>	<b>Compensation Total Value (All)</b>
Urban Land	<b>3,731,800.54</b> <sup>14</sup>
Agricultural Land	<b>17,925,582.00</b> <sup>15</sup>
Warehouse	<b>723,016.40</b>
Structure	<b>27,493,044.00</b> <sup>16</sup>
Total	<b>49,873,442.94</b>

A breakdown of the budget is given in ANNEX 1 – P and ANNEX 2 –INVENTORY OF PAPS AND THEIR AFFECTED ASSETS - RESETTLEMENT MATRIX .

The GoA will cover the implementation cost of this ARAP. The overall responsibility for the resettlement and expropriation for the Project is under the CoM. The CoM is responsible for issuing the expropriation decision and authorizing the funds required. The financial responsibility for the expropriation procedures, including the compensation to be paid, resettlement costs, etc., lies within the MoIE. The land acquisition transfer must be fully completed, and payment made before any works can be executed on the expropriated property.

<sup>14</sup> The price per m2 is 70EURO=8,059.0 ALL)

<sup>15</sup> Includes the total compensation value of the agricultural plots as identified in the inventory database. The price per m<sup>2</sup> land is evaluated 366 ALL.

<sup>16</sup> The total value includes all compensation cost evaluated for the structure, except for the value calculated for the urban land (given separately in the table as construction plot) and the compensation value for the trees. The value includes; cost of the building (houses), warehouses, garage



## 10. MONITORING AND EVALUATION

ADF will coordinate all monitoring activities to ensure that activities in the implementation schedule and principles of this ARAP are implemented.

Considering the situation after the evaluation of the Census and ARAP, the internal monitoring and supervision must consider the following:

- To ascertain whether activities are in progress as per the schedule and whether the timelines are being met;
- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out following the resettlement policies;
- To oversee that ARAP is implemented as designed and approved;
- To verify that funds for the implementation of the ARAP are provided by the Project authorities in a timely manner and amounts sufficient for their purposes and that such funds are used under the provisions of the ARAP.

The main internal indicators to be regularly monitored are:

- I. The entitlements follow the approved policy and the assessment of compensation is carried out in accordance with the agreed procedures;
- II. The payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the ARAP;
- III. Public information, public consultation, and grievance procedures are followed as described in the ARAP;
- IV. Relocation and payment of subsistence and shifting allowances are made in a timely manner.
- V. Restoration of affected public facilities and infrastructure are completed before construction.

The following table indicates some proposed indicators that can be used to monitor and evaluate activities held during and after the ARAP implementation.

Table 10-1. Indicators used to track activities during and after the ARAP implementation

<b>Quantitative and qualitative indicators to be monitored during the ARAP implementation</b>	<b>Indicators to be monitored for post-implementation evaluation</b>
1. The number of people who have been reimbursed for a) home c) crops, d) trees and so on.	1. Compared to the baseline information provided in the RAP, the total number of people compensated for a) house c) crops, d) trees.
2. Number of people who have not yet been reimbursed (by type of loss)	2. The number of people who have been left without compensation (by type of loss) and the reasons.
3. The number of meetings held	3. Number of consultations held (a thorough evaluation of the participants' characteristics, the

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<ul style="list-style-type: none"> <li>• Number of people who participated (according to the communication channel)</li> <li>• The gender of the participants is an important factor to consider</li> <li>• Participants' ages</li> <li>• Participants' occupations</li> <li>• Their feedback</li> </ul>	<p>reason for holding the consultation, remarks and the locations where they held separate consultations)</p>
<p>4. The quantity of complaints received (by type)</p> <ul style="list-style-type: none"> <li>• Number of complainants</li> <li>• Gender of complainants</li> <li>• Main grievances made</li> <li>• Number of resolved grievances</li> <li>• Number of unresolved grievances (reasons should be reported)</li> </ul>	<p>4. Number of complaints received (by type). How were they handled?</p>
<p>5. The number of grievances that have been resolved</p>	<p>5. The number of grievances that have been resolved</p>
<p>6. The number of pending complaints</p>	<p>6. The number of grievances not resolved</p>
<p>7. PAPs level of satisfaction with the remuneration</p>	<p>7. Land purchase must have resulted in change of incomes.</p>
<p>8. Amount of public awareness sessions held</p>	<p>8. Application of the entitlement matrix in the proper way</p>

## 11. ANNEXES

### ANNEX 1 – PROPERTY EVALUATION

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ANNEX 2 –INVENTORY OF PAPS AND THEIR AFFECTED ASSETS - RESETTLEMENT  
MATRIX

Table 11-1. Resettlement Matrix, Inventory of PAPs

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ANNEX 3 – CENSUS FORMS COMPLETED WITH PAPS TO BE RESETTLED

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ANNEX 4 – LAND ACQUISITION DATA SHEET

Date of Survey: \_\_\_\_\_

Project Investment / Sub-project: \_\_\_\_\_  
 Location /Town / Municipality: \_\_\_\_\_  
 Project Staff Member: \_\_\_\_\_

<b>ID / Case Number</b>	
-------------------------	--

Landowner name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Contact / telephone number of landowner: \_\_\_\_\_  
 Other co-owners / land users: \_\_\_\_\_  
 Occupation of landowner: \_\_\_\_\_  
 Does land acquisition affect landowner's income? Yes / No

<b>Data on Affected Property (Plot):</b>	
Plot coordinates	
Cadastral reference number	
Cadastral Status Land title: <i>Yes/No/Disputed</i>	
Land use: <i>Residential, Agricultural, Business, Other</i>	
Land type: <i>Urban/rural (use correct Albanian classifications)</i>	
Total size of plot to be affected ( $m^2$ ):	
Area and percentage of plot to be taken for project ( $m^2 / \%$ ):	
Structures or immovable assets (Fences, walls, gates, etc.) to be affected? <i>Y/N.</i>	
Is financial compensation needed for loss of economic benefits? ( <i>Y/N</i> )	

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***Note: Documentation for each affected person should include/verify the following:***

1. The landowner (or landowner's proxy) was:
  - invited in a timely manner to participate in the survey;
  - present/not present to observe the measurement of the affected area and to discuss any related impact on access or use of the remaining property.
2. The Project social specialist followed up with the affected person or party to prepare a brief dossier that includes a list of all remedial actions and items to be reinstated, replaced and any items to be compensated. This could include the construction of new walls, replacement of gates, paving and landscaping needed to facilitate access and restore aesthetics, compensation for trees, etc.;
3. The landowner has confirmed by signing a written statement that affected land area measurements and the list of reinstatement items and actions are clear, and that the amount of compensation for trees or any economic or productive assets is confirmed as mutually acceptable to the project and the PAPs;

*As per the LARF: Payment of any monetary compensation, such as for trees or crops, must be provided to affected persons before the land is taken for project use.*

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ANNEX 5 – ENTITLEMENT MATRIX

Table 11-2. Entitlement Matrix according to each category of PAPs and type of loss

CATEGORY OF PAP		TYPE OF LOSS			ENTITLMENTS		
	Definition	Type of Impact		Entitled Person	Compensation for loss of Assets		Compensation for loss of Structures
<b>Private Property Owners</b>	Directly Affected by Project Land Needs	Agricultural Land	Physical Assets loss	379 registered Title holders 6 unidentified, unregistered	Cash compensation for affected land equivalent to the best price for the PAP. The compensation value of agricultural land includes the profit the land can generate	<b>Total value</b>	Not expected. However, in any case compensation at full replacement value not depreciated with assistance for removal of structure into the area will be provided.
		Urban Land	Physical Assets loss	3 registered Title holders	Cash compensation for affected land equivalent to the best price for the PAP.	<b>Total Value</b>	Compensation at full replacement value not depreciated for 3 households living in the residential structure placed on the urban land is expected (see below)
		Loss of standing crops and trees	Trees	33 trees identified	Compensation at full Replacement value	<b>Evaluated in the price market of the property</b>	Not expected. However, in any case compensation at full replacement value not depreciated compensation with assistance for removal



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							of structure into the area will be provided.
		Loss of houses, business or structure	Walls, fence, gates	See BoQ (50 linear meters)	Compensation in kind (relocation of assets) based on a written agreement between owners and ADF	Cost of relocation under project cost	Not expected. However, in any compensation with assistance for removal of structure into the area will be provided
			Structure	One structure has been identified	Compensation at full replacement value not depreciated	<b>Total Value</b> (Refer to ANNEX 1 – P point <b>Error! Reference source not found.</b> )	The value of compensation for 3 families in total for the Home compensation + warehouse + worker+ rent + removal + procedures
<b>Informal assets users</b>	Are those who have no legal title on land ownership (resident living on site)	Loss of shelters or place of business	Structure loss	1 informal structure	Compensation in kind at full replacement of structure.	Cost of Removal under project cost	Compensation at full replacement value not depreciated

## ANNEX 6 – TEMPLATE OF AGREEMENT WITH THE LANDOWNER

### AGREEMENT WITH THE LANDOWNER

**Investment for Sub-project:** \_\_\_\_\_

I, the undersigned, Mr. \_\_\_\_\_, resident in \_\_\_\_\_  
Certify that I am the owner of the land / building in \_\_\_\_\_

\_\_\_\_\_  
[Determine whether this is related to land transfer, or whether there are property changes and land compensation], as indicated in the attached plan. I also certify that I have consulted the Final version of the Project with Project Design Supervisor and the member of the Grievance Committee and verified that the Project affects my land/ property/asset. I confirm that I am pleased with the measures proposed to mitigate the impacts and I fully agree as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Determine the type of agreement accepted by the Parties]

For more:

- I authorize the Contractor and his staff to have the right to operate on my land/property only for the purpose of implementation of works as detailed and accepted, and in accordance with the approved program of works, except for any emergency related to works.
- I authorize the Municipality \_\_\_\_\_ and its official representatives, as well as the responsible staff of ADF to have the right to act on my land/property in order to track and monitor progress of works and their realization according to the Project accepted.
- I agree not to prevent the entry of any person, or to delay the progress of the works, provided that the works are performed in accordance with this Agreement.
- I agree to inform the Grievance Committee of any concerns I may have regarding the execution of the works and will not obstruct the Contractor or enter into any formal or informal agreement with him regarding the execution of the works.
- I have the right to ask at any time that there are changes to the project, but I agree not to unreasonably object to these changes, provided that the changes do not materially modify the scope and objectives of the Works and/or their impact on my land/property.

*Sincerely*  
The owner:

\_\_\_\_\_

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Name, Surname, Signature

Project Design Supervisor

Member of the Grievance Committee

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Name, Surname, Signature

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Name, Surname, Signature

Approved by LGU

---

Name, Surname, Signature

**Note:** Copies of this document are sent to the owner, GC, Design-Supervisor, Contractor, upon approval of the Works Contract.

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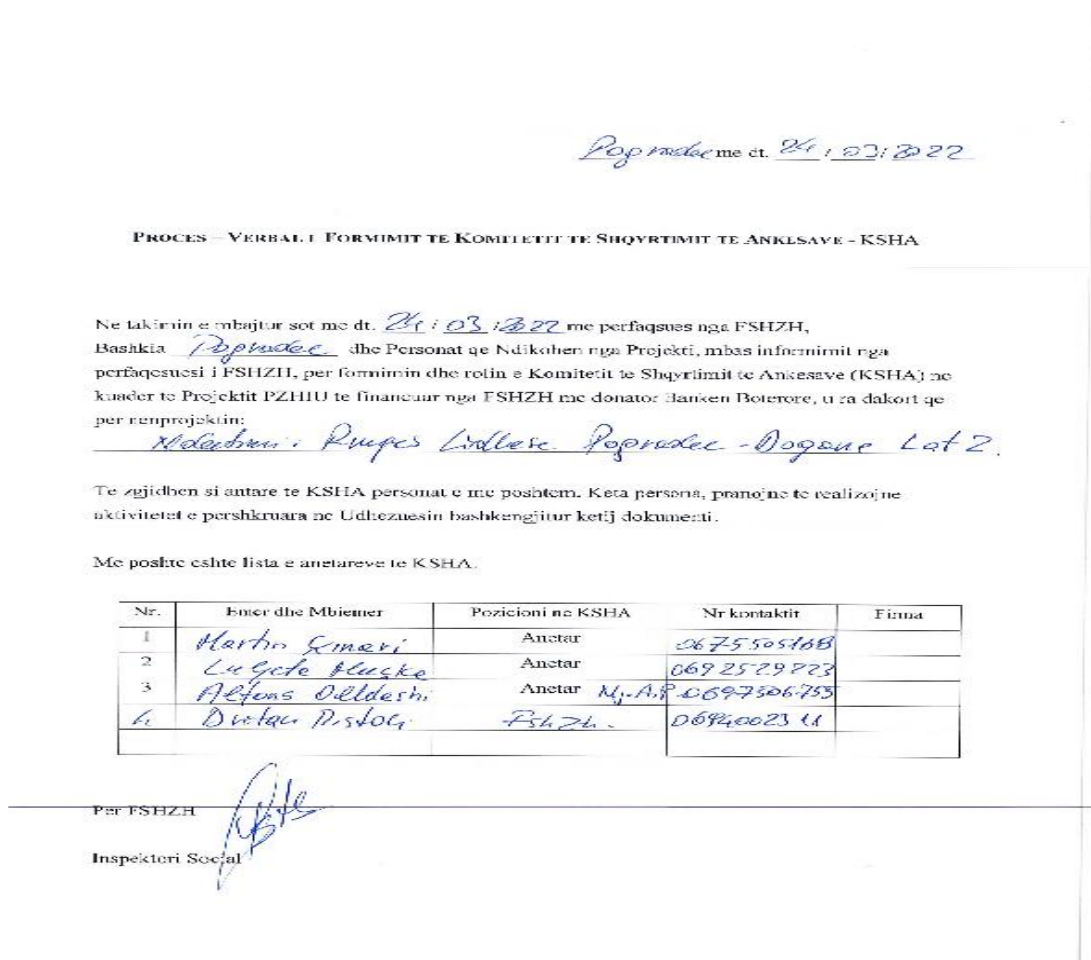
**ANNEX 7 – COMPOSITION OF THE LOCAL GRIEVANCE COMMITTEE**

This Committee is composed of four members:

- 1) one representative from the Municipality of Pogradec (depending on the location of the raised grievance);
- 2) one representative from ADF;
- 3) one representative from the PAPs;
- 4) one representative from the local government AU.

The following figure indicates a screenshot of the records kept during the meeting organized for establishment of Local Grievance Committee.

Figure 11-1. Records from setting up the Grievance Committee



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## ANNEX 8 – SUMMARY OF CONSULTATION ACTIVITIES AND DISCLOSURE - ATTENDANCE LIST

The following table indicates details of the consultation and engagement activities with PAPs (type of engagement; date of activities, number of participants and key issues discussed) held during preparation of ARAP.

Table 11-3. Summary of the consultation meetings with PAPs

<b>Type of engagement/ consultation</b>	<b>Data collection tools</b>	<b>Time and location</b>	<b>Participants/ Number of people consulted</b>	<b>Key issues consulted</b>
Census Survey during ARAP preparation	Census survey form	Project site, Gurras village 23 Jan 2023	2 ADF representatives and the social expert. 5 people consulted; 2 females, 3 males	Preliminary data collection on the project and surrounding areas. Conducting the census with PAPs whose houses will be affected, scope of land and property acquisition.
Census	Census survey form	Project site, Gurras village 24 Feb 2023	ADF specialists. 4 people consulted; 2 females 2 males	Evidencing all the trees and the incomes of the persons affected by the project.
Measurement survey	Measurements, survey of the residential structure/houses, take photos	Project site, Gurras village 7 Feb 2023	ADF specialists. 5 people consulted; 2 females 3 males	Making the measurements needed for the evaluation of the houses.
Census Trees	Site observation	Project site, Gurras village 7 Feb 2023	ADF specialists. 4 people consulted; 2 females 2 males	Counting the trees and defining the type of trees.
Consultation meeting	Consultation	Project site, Pogradec municipality 7 February 2023	8 participants; ADF specialist, representatives from municipality and PAPs	Consultation with stakeholders and PAPs. Information on the project and project impacts on their respective private properties; Explaining the WB policies and procedures regarding resettlement
Consultation meeting	Interview/ Consultation	Project site, Gurras village 3 Mar 2023	ADF specialists. 3 people: 1 male 2 female	Consultation with PAP on the price of relocation in order to understand the requirements

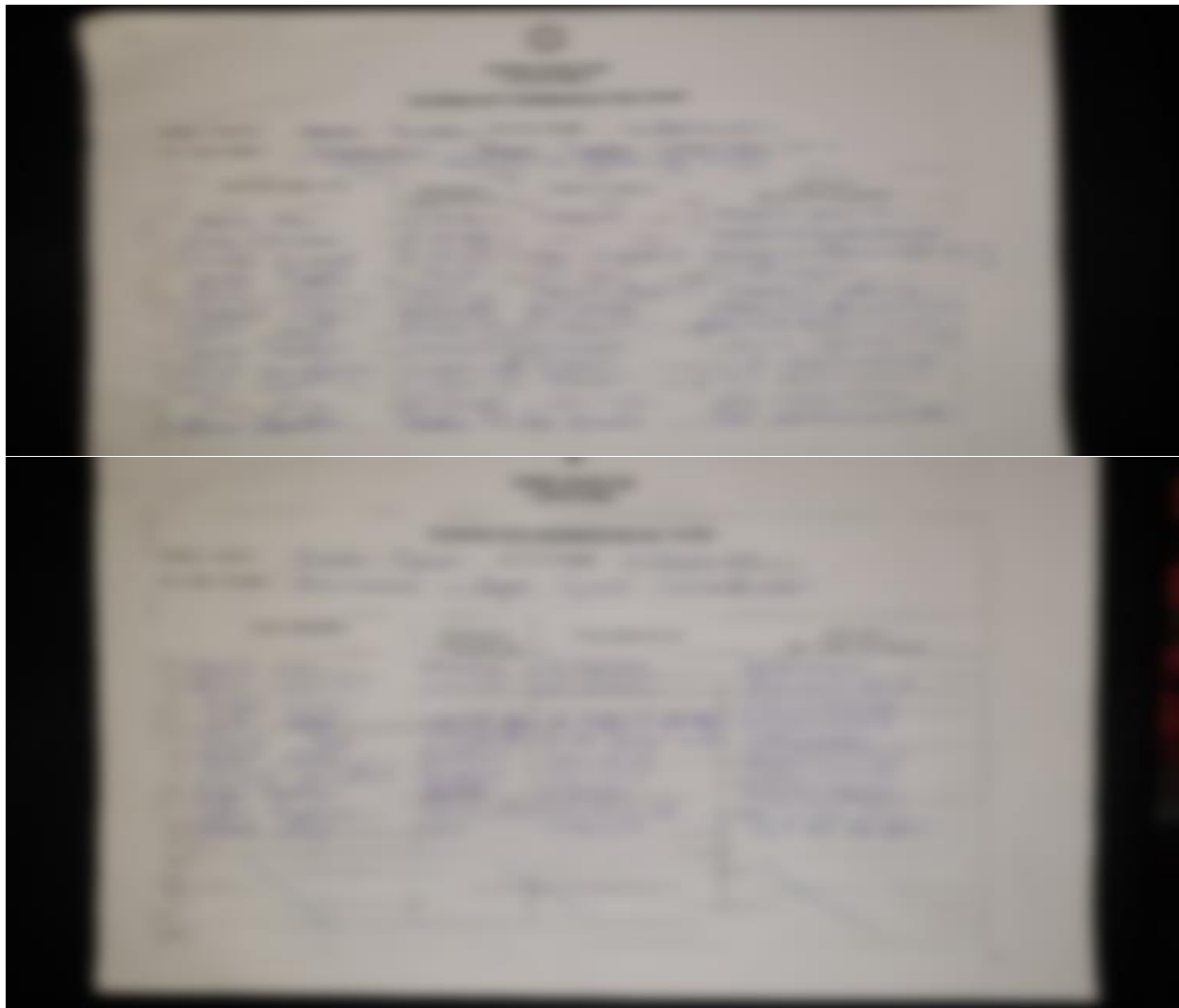
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				of the families regarding the relocation
--	--	--	--	--

*Note: Census survey and measurement survey were carried out with 3 households living in the residential building that will be expropriated for the project.*

Figure 11-2. Public stakeholders round table. Pogradec, 14.06. 2017

Figure 11-3. Public discussion 21.12.2021



The figure below indicates the participants of the consultation meeting with affected parties.

Figure 11-4. Consultation meeting with stakeholders and project's PAPs, held on 07.02.23, in Pogradec

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Regional and Local Roads Connectivity Project" (RLRCP)  
Sub-project: Construction of the Connecting Road "Pogradec - Tushemisht" Lot - II



Table with 4 columns and multiple rows, containing project details and financial data. The text is heavily blurred and illegible.

**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**  
 Regional and Local Roads Connectivity Project" (RLRCP)  
 Sub-project: Construction of the Connecting Road "Pogradec - Tushemisht" Lot - II

ANNEX 9 – GRIEVANCE SUBMISSION FORM

<b>Reference Number</b>	
<b>Date of Incident</b>	(dd-mm-yyyy)
<b>Grievance ID #</b>	
<b>Time:</b>	<input type="checkbox"/> am <input type="checkbox"/> pm
<b>Contact information</b>	<input type="checkbox"/> By Post: <i>Please provide mailing address:</i> _____ <input type="checkbox"/> By telephone: _____ <input type="checkbox"/> By E-mail: _____
<b>Please mark how you wish to be contacted (mail, telephone, e-mail).</b>	
<b>Preferred language of communication</b>	<input type="checkbox"/> Albanian <input type="checkbox"/> English <input type="checkbox"/> Other: _____
<b>Description of Incident for Grievance</b>	
	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
<b>Status of occurrence</b>	<input type="checkbox"/> One-time incident/grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
<b>What would you like to see happen?</b>	
<i>Contact information for enquiries and grievances:</i> <b>Attention: Name &amp; Surname</b> Albanian Development Fund <b>Address:</b> Street " Rruga Sami Frashëri 10, Tirana, Albania <b>Tel:</b> +355 4 223 5597 <b>E-mail:</b> <a href="mailto:adf@albaniandf.org">adf@albaniandf.org</a>	Signature: _____ Date: _____



