



RESETTLEMENT POLICY FRAMEWORK

For the

TRADE AND TRANSPORT FACILITATION PROJECT

ALBANIA

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LIST OF ACRONYMS

ADF	Albanian Development Fund
ARAP	Abbreviated Resettlement Action Plan
DCM	Decision of the Council of Ministers
EIA	Environmental Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IoCM	Institute of the Cultural Monuments
IPRO	Immovable Properties Registration Office
LGC	Local Grievance Committee
LGU	Local Government Unit
Lek	Albanian Currency
MFE	Ministry of Finance and Economy
MIE	Ministry of Infrastructure and Energy
OMP	Operational Management Plan
OP 4.12	Operation Policy 4.12
PAP	Project Affected Persons
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
TTFP	Trade and Transport Facilitation Project
WB	World Bank

LIST OF DEFINITIONS/GLOSSARY

COMPENSATION. Payment in cash or in kind for asset/s and/or resource/s acquired or affected by a project. Compensation will be paid prior to taking possession of the land and assets in all cases, including where this is not possible due to the absence of the owners. In the case of absence of owners, the money will be deposited to an escrow account, or account alike.

CUT-OFF DATE. Date of socio-economic Survey determining the number of PAPs and the extent of impact on their structures and other assets. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, fixed assets (such as structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated.

ECONOMIC DISPLACEMENT. Loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood.

EXPROPRIATION. The right of the Government by means of Eminent Domain to take or limit ownership rights over a property subject to compensation at replacement cost.

AD HOC EXPROPRIATION COMMISSION. Commission set up by the line Ministry i.e. the Ministry of Infrastructure and Energy under this project, to implement a certain Expropriation procedure to undertake land acquisition and resettlement, if any, for purposes of development of any of the components under the TTF Project

GRIEVANCE REDRESS MECHANISM. Project specific procedures and mechanism in place in parallel to official grievance panels, allowing affected people to lodge a complaint or a claim, related to direct or indirect impact from the Project, without cost and with the assurance of a timely and satisfactory resolution of that complaint or claim

INVOLUNTARY RESETTLEMENT. Resettlement is involuntary when land or non-land asset is acquired through the application of state powers. Actions may be taken without the displaced person's free prior informed consent or power of choice.

LIVELIHOOD RESTORATION. Measures aiming to assist physically and/or economically displaced persons to restore or improve their livelihoods and standards of living, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is to the benefit of the PAPs. Assistance must continue after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living.

MOVING ALLOWANCE. The moving allowance is a cash compensation for costs directly associated to moving/relocation of the household.

PAP. Project Affected Person is any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from assets (structures, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

PHYSICAL DISPLACEMENT. Loss of shelter or property caused by acquisition of land in connection with the project, which requires the physical relocation PAPs from their pre-project place or residence, place of work or business premises.

PROJECT PROMOTER = PROJECT IMPLEMENTATION UNIT (PIU). The Project Promoter and the PIU are the one and same entity, namely the Ministry of Finance and Economy, playing dual functions. The PIU is special unit, established and hosted by the Ministry of Finance and Economy, staffed with a Safeguards expert, with knowledge of the World Bank Group policies and the Albanian regulations, a Procurement Specialist, a Financial Management Specialist, a Transport/Trade Facilitation expert, and a dedicated Head/Manager of the PIU. The PIU has the overall responsibility for project implementation, compliance with this RPF, subsequent (A)RAPS and ensuring that financial resources are budgeted, disbursed, expended, accounted and audited. The term PIU will be used throughout the document to designate the entity responsible for overall implementation of this RPF, and any subsequent (A)RAP.

REPLACEMENT COST. For agricultural land, replacement cost is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not considered, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. It also includes costs for levelling or other preparation for new construction or use. Costs are calculated based on the time at which the asset is being replaced, if not, inflation is considered in calculating costs.

ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP). The document specifying the procedures to be followed and the Actions to be taken to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project in cases when less than 200 persons are affected by the Project and resettlement impacts are minor.

MINOR RESETTLEMENT IMPACTS. For resettlement to have minor impacts all of the following conditions have to be met: (a) Impacts are considered "minor" if the affected people are

not physically displaced and less than 10 percent of their productive assets are lost, b) the remainder of their land is economically viable.

RESETTLEMENT POLICY FRAMEWORK (RPF). RPF is a Project level resettlement instrument aiming to set forth resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation. It contains clear definitions of conditions under which the resettlement (for a specific project, a sector program or within a political entity like a state or a province) will be planned and implemented. It defines issues like entitlement, principles of compensation, grievance processes and other legal procedures. An RPF is required for projects with subprojects or multiple components that cannot be identified before project appraisal.

STAKEHOLDERS. Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

1.PROJECT BACKGROUND

The World Bank is considering to embark on the Trade and Transport Facilitation Project (TTFP), thus supporting the efforts of the Government of the Republic of Albania to stay aligned with the Connectivity Agenda and institutional efforts to foster regional integration, with an acknowledgement that trade and transport facilitation are key elements to deepening economic integration in the region and the EU. The project is part of a Multiphase Programmatic Approach covering in the first phase Serbia, Albania and Republic of Macedonia supporting a combination of investments, technical assistance and regulatory and institutional reforms.

A number of papers, studies, considering critical factors hindering economic growth have identified that Infrastructure gaps as well as high transport costs in a combination with regulatory and controlling agencies are responsible for to delays effecting transport and trade.

The Project will have a Project specific Environmental and Social Management Framework (ESMF) in place to serve as a guide for the initial screening of the proposed project activities for any negative environmental and social impacts, which would require attention prior to project implementation. The Project is unlikely to require massive land acquisition for development of the proposed components. Out of the Components only **Component 1, Facilitation cross-border movement of goods**, focusing but not limited to the improvements in border crossings in selected trade corridors, is the only component likely to require land acquisition. It is highly unlikely that physical displacement will be induced, however, this RPF presents provisions for physical relocation as a precaution.

Notwithstanding, the ESMF adopted for the Project has laid out a social screening procedure to identify adverse social impacts through a social screening form. If the screening results report back positively on adverse social impacts triggering OP. 4.12, the PIU shall proceed with mitigation measures as set forth in this RPF. The RPF provides guidance to preparation of site-specific resettlement instruments as a condition precedent to commencement of civil works under any such Sub-Project requiring land acquisition, involuntary resettlement and loss of livelihood as a direct or induced result of the Project. Relying on information and plans at the pre-appraisal stage, land acquisition may be required for the improvement of the Border Crossing Point of **Kajfasan/Qafe Thana at the Border crossing between Albania and the FYR Macedonia** This component will consist of improvements and repair of selected facilities and accesses, as well as provision of equipment to expedite inspection to speed up the flow of goods. These include but are not limited to new parking spaces, upgrade of administrative buildings, construction of one-way carriage ways exclusive for cargo and improvement of traffic flow through the Customs terminal. The construction of new roads is not envisaged.

1. PROJECT DESCRIPTION

The Project will consist of 4 Components all Facilitating trade and transport. Details are provided below.

Component 1: Facilitate cross-border movement of goods.

Sub-component 1a): Design and Installation of the National Single Window (NSW)

There are two phases to implementing a NSW – a preparation and design phase and an installation phase – that will generally take 4 to 5 years to complete (corresponding to one Phase under the proposed program). The installation phase involves installing the ICT systems that will help to provide more transparency and predictability to traders.

Sub-component 1b): Improvements in Border Crossings in Selected Trade Corridors

The project will improve physical capacity and working conditions at key border crossings. This component will consist of improvements and repair of selected facilities and accesses on above corridors, as well as provision of equipment to expedite inspection to speed up the flow of goods. These include but are not limited to new parking spaces, upgrade of administrative buildings, construction of one-way carriage ways exclusive for cargo and improvement of traffic flow through the Customs terminal. The construction of new roads is not envisaged.

Component 2: Enhancing transport efficiency and predictability.

The component will focus on:

- (a) the adoption of an Intelligent Transport System (ITS) and corridor performance monitoring, (,
- and (b) deployment of a Vessel Traffic Management Information System (VTMIS)

Sub-component 2a): Intelligent Transport System (ITS)

The project will introduce ITS on selected road corridors and will integrate the existing ITS elements in an overall ITS architecture deployment. ITS equipment that can be carried out within the first phase is the following: a) a system for collecting data on traffic flow in the form of inductive loops that are positioned into the carriageway; b) Weight in Motion (WIM); c) Elements to control the height of vehicles that access highway; d) A system to collect data on weather conditions along the route of the highway (weather stations).
Sub-component 2 c): Vessel Traffic Management Information System (VTMIS)

In Albania, the deployment of a Vessel Traffic Management Information System (VTMIS) would be key to the monitoring of vessel traffic. VTMIS is as an extension of the Vessel Traffic Service (VTS), in the form of an Integrated Maritime Surveillance, which incorporates other telematics resources to allow allied services and other interested agencies in the direct sharing of VTS data or access to certain subsystems to increase the effectiveness of port or maritime activity operations.

Component 3: Enhancing Market Access for Trade in Services and Investments.

This component will support the implementation of commitments to improve market access in services and foster regional investments through technical assistance and support for the implementation of regulatory and institutional reforms.

Component 4: Supporting project management and policy coordination.

This component will support project implementation units and provide additional technical support, including for policy coordination, and monitoring and evaluation of the project.

2. PROJECT ACTIVITIES THAT CAUSE LAND ACQUISITION AND ASSET LOSS, AND EXPECTED SCOPE OF SUCH IMPACT

Only under Sub-component 1b can land acquisition be expected as it envisages physical capacity key border crossings. The impacts will be limited to land acquisition and are highly unlikely to require resettlement of residential structures or impact business. This component will consist of improvements and repair of selected facilities and accesses on above corridors, as well as provision of equipment to expedite inspection to speed up the flow of goods. These include but are not limited to new parking spaces, upgrade of administrative buildings, construction of one-way carriage ways exclusive for cargo and improvement of traffic flow through the Customs terminal. The construction of new roads is not envisaged.

3. JUSTIFICATIONS TO DEVELOP A RESETTLEMENT POLICY FRAMEWORK

Because of the nature and design of the project and specific components and subcomponents the scale and scope and the zone of impact of subprojects cannot be determined during project preparation, which is why a Resettlement Action Plan (RAP) could not be prepared. Once the site allotment is completed and the designs are ready, individual RAPs will be prepared in line with the processes as defined in this Resettlement Policy Framework (RPF). RPF is prepared to guide potential land acquisition and resettlement for the improvement of the Border Crossing Points in accordance to the requirements of the World Bank (WB) and its Operational Policy 4.12 and fit with the national legislation.

WB OP 4.12 indicates that a Resettlement Policy Framework (RPF) needs to be prepared at appraisal if the project may involve involuntary resettlement. The objective of this document is to provide guiding principles for the TTF Project implementation intended to ensure timely, adequate and efficient actions, specified by priority, in order to avoid, minimize and compensate all adverse impacts during resettlement. RPF is prepared in accordance with the legal system, laws and procedures of Republic of Albania, in conformity with WB resettlement policies and good international practice. RPF also provides the mandatory basis for developing site specific resettlement instruments; RAP, ARAP , to be developed as appropriate during Project implementation that lead to resettlement.

1.4. FUNDAMENTAL PRINCIPLES GUIDING RESETTLEMENT

During implementation of the Project, the need for land acquisition and involuntary resettlement might occur as a result of civil works planned under a limited number of components of the Project.

This document provides overarching and binding principles to be applied in all cases of physical resettlement, economic displacement and all other adverse social impact caused by Project implementation. These principles shall govern all actions of the PIU hosted by the Ministry of Finance and Economy, and its representatives, their subsidiaries if any, contractors, all other state and local institutions involved in the Project implementation.

The fundamental principles guiding resettlement in this Project are:

- If possible, all resettlement should be avoided by exploring all viable alternatives during Project design and selection of alternatives.
- If avoidance is not possible, adverse effects should be rendered to the bare unavoidable minimum.
- When unavoidable adverse effects and social impact occurs, all loss of property shall be compensated at the value of replacement costs and PAPs livelihood restored at least to the level before the start of investments that cause such losses, or improved.
- PAPs will be assisted in all phases of the Project in their effort in livelihood restoration and living standards in real terms to level prior to start of investments that cause such losses.
- All resettlement needs to be managed in accordance with national laws, OP 4.12 and accepted international good practices. Where gaps exist between them, provisions of this RPF, or more stringent one between them based on the agreement between the Bank and the Government of Albania, will prevail. As a fundamental rule, under this RPF, during implementation of the Project, policy that is most beneficial to the PAPs among them will always prevail.
- Project PIU will be involved in all resettlement activities and at the earliest stage possible in the project design, in order to provide cost-effective, efficient and timely implementation of principles and objectives set by this RPF, as well to promote innovative approaches for improving the livelihoods and standards of living of those affected by involuntary resettlement.
- Special support will be provided to vulnerable groups during resettlement process, as well as during implementation of all phases of the Project, according to their specific vulnerability.
- The Project will ensure a gender sensitive approach by inclusion of women, part of affected households, in all public consultation and discussions on specific mitigation measures. All activities in this RPF will aim to be gender tailored, with the goal to empower women and provide with the possibility to participate in mitigation measures provided for resettlement impact. The documentation for ownership or occupancy, such as title deeds and lease agreements (including the bank accounts established for payment of compensation), will be issued in the names of both spouses, if the expropriated assets are part of marital property of both spouses. Other resettlement assistance, such as skills training, access to

credit and job opportunities will be made equally available to men and women and adapted to their needs.

- In accordance with this RPF, Resettlement Action Plans (RAP)s, or Abbreviated RAP (ARAP) as appropriate, will be prepared. RPF and the RAP(s) and/or ARAPs, will be publicly disclosed prior to public consultations and before the start of works that cause physical or economic displacement, to allow affected persons and stakeholders to participate in Project development, planning and implementation of resettlement programs.
- As part of the preparation of site-specific RAP or ARAP and before civil works that cause relevant physical or economic displacement, a Grievance Redress Mechanism (GRM) accessible to affected people will be developed per this RPF. During the Project implementation and resettlement cycle, stakeholders will be provided with full information about their grievance rights, possibilities and procedures. All grievances will be considered during Project implementation and resettlement activities.
- All resettlement activities should be conceived and conducted as sustainable projects by providing sufficient investment resources to enable principles and goals of resettlement defined by this RPF to be fully achieved.

1.5 OBJECTIVES OF THE RPF

The main objective of this RPF is to define overarching principles, procedures, actions, organizational structures and capacity requirements during resettlement, if such should be required, and its impact attributable to Project implementation. It provides the framework for individual RAPs under the Project.

RPF specific objectives are to:

- classify the national legal solutions in all events of involuntary resettlement, relocation and loss of assets, including legal and administrative procedures and compensation paid for loss of assets;
- compare them to WB resettlement policies and international good practices; and provide the way to bridge the gaps, if any;
- identify key institutions, besides the PIU, involved during the TTF Project implementation, including especially legally authorized state institutions implementing the procedures and safeguards of involuntary resettlement process;
- design monitoring and evaluation criteria in order to provide compliance with OP 4.12 international good practices, this RPF and any subsequent (A)RAP;

- present PAPs' eligibility criteria and compensation entitlement matrix according to type of loss assets;
- define the process of identification and evaluation of affected assets and the value of compensation to replace the loss of assets;
- provide procedures allowing prompt and effective compensation at full replacement cost for loss of assets or access to assets;
- describe mitigation measures including procedures in order to minimize impacts on PAPs during Project implementation, including specific mitigation measures provided for vulnerable groups and women;
- define grievance and complaint rights, process, bodies and procedures available to PAPs during the whole course of Project implementation, including feedback reporting;
- describe and provide directions to preparation, approval procedure, outlines and implementation process of RAP or (A)RAP, as relevant;
- specify requirement of public disclosure, disclosure of documents, public and local community involvement in all phases of the Project preparation, including RPF and RAPs;
- especially include public consultation in the PAP community during process of involuntary resettlement and Project implementation that may result in loss of assets;
- establish a gender-sensitive framework for resettlement in order to determine differential impacts since economic and social disruption do not result in equal hardship for women and men;
- specify internal monitoring activities during all phases of Project implementation, especially regarding resettlement issues, safeguarding legal and under this RPF defined process, including evaluation of the resettlement process and external monitoring and evaluation;
- present a Project Grievance Redress Mechanism (GRM) to provide people who believe are adversely affected by the project an avenue to raise issues and concerns.

2. LEGAL FRAMEWORK

2.1 NATIONAL LEGAL FRAMEWORK INFLUENCING RESETTLEMENT

The following comprise the legal, policy and regulatory basis for this Resettlement Policy

Framework

- The Constitution of Albania¹
- Law No. 10 428, passed in 2011 on the Private International Law i.e. the Law on supremacy of International agreements²
- The Law no. 8561 “On Expropriations and Temporary Takings of the Private Property for Public Interest passed in 1999 and amended in 20/2016)³,
- The Council of Ministers Decision No. 138 dated 23. 3. 2013 providing the legal criteria for the evaluation of properties affected by expropriation⁴, and

General Background of The Republic of Albania Law on Expropriation and Temporary Takings of the Private Property for Public Interest (as Amended in 2016)

The Republic of Albania Law on Expropriation and Temporary Takings of the Private Property for Public Interest (passed in 1999, amended in 2016) guides land acquisition and serves as a general framework for expropriation in the Republic of Albania.

The Law does not use the term „involuntary resettlement“, which is used in the relevant World Bank policy documents, but instead uses the term expropriation.

This law enables government institutions, and to a certain extent private legal person to acquire private property for projects that are deemed to be of national and/or local interest, while protecting the interests of all project affected persons with legal title, whose assets are to be expropriated. The law also enshrines the principle of fair compensation.

The most important features of the Law on Expropriation are:

- The Law provides an exhaustive list of what is deemed as public interest (Art. 8/ç of Law “On Expropriation...”);
- The beneficiary subject in the expropriation process will be the relevant Municipality of each city (Art. 9 of the Law “On Expropriation...”)
- The Municipality needs to submit the request with a list of necessary documents to the line Ministry i.e. the Ministry of Infrastructure and Energy and to the Institute of Cultural Monuments, in this case (with the structure of actual government);
- The line Ministry publishes the request for expropriation, collects the complaints of the affected owners, and prepares the draft of the sub legal act for the Council of Ministers;

¹ The Constitution of Albania - http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf

² Law no.10 428, dated 2.6.2011, “On the private international law”,
http://www.pp.gov.al/web/ligji_drejte_nderkombetare_private_1_571.pdf

³ [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)

⁴ <https://euralius.eu/index.php/en/library/albanian-legislation/send/117-property/55-law-no-133-treatment-of-property-and-compensation-en>

- The line Ministry establishes a special purpose ad hoc expropriation commission to supervise and execute the expropriation procedure
- The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the Government;
- The decision of expropriation (for owners not agreeing to the expropriation) will be approved by the Council of Ministers and will enter into force immediately, and published in the Official Journal;
- The affected owners have access to judicial procedures if amicable settlement on the compensation is not reached. However, if there is no contest, the decision of the Council of Ministers will be final and binding.
- The devaluation of property. Compensation is due in cases when, although there is no land take but the assets or access to assets, and livelihood is affected (land is devaluated and the livelihood has deteriorated as a result of the project).
- For unviable parts of land (orphan land) the PAP is eligible to receive compensation regardless whether the unviable land is need for purposes of development or not;
- Temporary occupation of land. During implementation of a certain projects land may be required on a temporary basis. For such land rent/lease shall be paid and the land shall be reinstated to the conditions prior to the project interventions and returned to the owner. Such a request shall be addressed to the Ministry of Urban Development, describing the property required, justification, the term and the offered compensation. Against such decision the owner is entitled to seek legal remedy with the Court.

2.2 THE WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT (OP/BP 4.12)

All WB financed projects involving involuntary resettlement are subject to OP 4.12⁵. The policy describes the procedures and instruments for eliminating negative economic, social and environmental issues that may arise OP 4.12 is triggered not only in cases of physical relocation, but any loss of land resulting in relocation or loss of shelter, loss of assets or access to assets and loss of access to 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

⁵ <https://policies.worldbank.org/sites/ppf3/PPFDocuments/090224bo822f89db.pdf>

- 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 to improve their former 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.
- OP 4.12 distinguishes the following three categories of persons for eligibility for compensation and assistance:
- (a) Persons with formal rights to land (including customary and traditional rights recognized under the laws of the country).
 - (b) Persons who do not have formal rights to land at the time the census begins but have a claim to such land and assets - provided that such claims are recognized under the country laws or become recognized through a process identified in the specific resettlement plans.
 - (c) Persons without recognizable legal right or claim to the land they are occupying.

2.3 GAP ANALYSIS BETWEEN RELEVANT NATIONAL LEGISLATION AND WORLD BANK OP. 4.12

The objectives of OP. 4.12 are clear in their aim to avoid involuntary resettlement caused by land acquisition measures wherever feasible and if not possible to apply such compensation principles for impacts on all PAPs and to restore their livelihoods at least to pre-project level. In general, the institutional framework for expropriation in Albania is not completely in compliance with the OP. 4.12, and the most evident differences relate to the requirements to compensate at replacement cost for land vis-à-vis the national requirement of compensating land at market value without payment of taxes and fees as part of compensation package. Additionally, the national law does not recognize informal users, occupiers and settlements. It does not require a project specific grievance redress mechanism, a social impact assessment, gender disaggregated data and assistance to vulnerable persons.

The table below provides an overview of specific gaps between the national expropriation law vis-à-vis OP 4.12 and the recommendations for remedy and/or mitigation in order to comply with the OP 4.12 requirements.

Table 1: Gap analysis

ISSUE	REQUIREMENTS OF ALBANIAN LEGISLATION	WORLD BANK OP 4.12 REQUIREMENTS	GAPS AND MEASURES FOR BRIDGING THE GAPS
Resettlement instruments, census and social impact assessment	No explicit requirement related with socio-economic studies or development of any kind of resettlement instrument regardless of the extent of impact. Nevertheless, the Law requires an inventory of affected persons and assets without socio-economic baseline and indicators.	Resettlement plans such as RPF or RAP should be prepared. Census and socioeconomic survey should be conducted to identify (i) PAP, (ii) their demographic and socioeconomic characteristics, (iii) magnitude of losses and extent of displacement, and (iv) information on vulnerable groups or persons.	This RPF and a site-specific RAP, if necessary, will be developed per WB OP 4.12, in addition to national legal requirements. Census will be conducted to identify persons who will be affected by the project and assess their characteristics, including standard of living, level of vulnerability, establishing baseline conditions for monitoring and evaluation purposes, and to set a cut-off date.
Avoidance and minimization of involuntary resettlement	There are no specific requirements to minimize involuntary resettlement	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. The Borrower will consider feasible alternative project designs to avoid or at least minimize displacement	The PIU will seek to minimize physical and/or economic displacement. All alternatives and measures explored to avoid or minimize negative impact will be recorded in the internal periodical (monthly or quarterly) report required by
Public consultations	The formal owners are contacted only at the very process of expropriation there is no requirements for public consultation apart from the spatial planning phase under the Planning and construction law.	Meaningful consultations with affected persons and communities, local authorities, and other stakeholders need to be carried out during the preparation and implementation of resettlement instruments.	National legislation does not require public consultation with affected persons and communities at the extent and reach of those envisaged by WB OP 4. 12.. The PIU shall disclose RPF and RAP (if applicable) to PAPs and stakeholders and conduct consultation meetings as described in the according chapter of this RPF.
Cut-off Date for Eligibility	The cut-off date for the value of affected properties is not directly defined by the Expropriation law, however investments into properties made after the date of the final valuation carried out by the Expropriation Committee will not be considered for compensation.	Normally, the cut-off date is when census begins but could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx	The cut-off will be date of beginning of the census. This will be publicly announced and published by the BoE in local newspapers, informing all owners and users of the initiation of the expropriation process, the cut-off date and the contact persons who may be contacted by PAPs for further information

Eligibility for Compensation	The Law only recognizes formal ownership and persons without formal right but have a claim to such land and assets - provided that such claims are recognized under the country laws or become recognized.	WB OP 4.12 also recognizes those who have no recognizable legal right or claim to the land they are occupying on Cut-off-Date are also eligible for rehabilitation assistance and compensation for loss of non-land assets at replacement value.	Compensation and assistance to PAPs without legal right or claims will be made per principles and entitlements provided in the entitlement matrix of this RPF, if they are present in the project affected area at the time of the cut-off date. Asset inventory and valuations of their affected properties will be conducted and all measures will be recorded in the internal periodical (monthly or quarterly) project progress report. their affected properties
Public consultations	The formal owners are contacted only at the very process of expropriation there is no requirements for public consultation apart from the spatial planning phase under the Planning and construction law.	Meaningful consultations with affected persons and communities, local authorities, and other stakeholders need to be carried out during the preparation and implementation of resettlement instruments.	National legislation does not require public consultation with affected persons and communities at the extent and reach of those envisaged by WB OP 4. 12.. The PIU shall disclose RPF and RAP (if applicable) to PAPs and stakeholders and conduct consultation meetings as described in the according chapter of this RPF.
Valuation methodology for compensation for property	Valuation is at the prevailing market price of the affected property/asset	Compensation should be equal to full replacement cost without depreciation.	Compensation and assistance to PAPs will be at least equal to replacement value as provided in the entitlement matrix of this RPF
Escrow accounts	The law envisages the compensation to be deposited in an account in case of an absent or deceased owner. If the owner is unknown, the relevant minister submits a request to the court to transfer ownership to the state	If there are significant difficulties related to the payment of compensation to particular affected persons, on an exceptional basis, with prior agreement of the Bank, the compensation may be deposited (plus contingencies) into an interest-bearing escrow or other deposit account.	Compensation funds as required by the RAP/RPF including contingencies, can be deposited into interest-bearing accounts, if necessary, however only under exceptional circumstances and with prior approval from the WB.
Transitional Support	No legal requirements.	Displaced persons should be receiving support after physical displacement for a reasonable duration of time likely to be needed to restore their livelihood and standards of living.	In a highly unlikely event that physical displacement is unavoidable. the PIU will ensure that displaced persons receive transitional support per entitlement of this RPF.
Loss of benefits and income for workers and employees	No particular legal provision	In addition to compensation at full replacement cost, displaced persons must be assisted in their efforts to improve, or at least restore, their livelihoods and living standards.	Each site-specific RAP/ARAP shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap, and all measures must be demonstrated and documented to the satisfaction of the WB.

Gender aspects	Men and women have equal rights in the Albania including the possibility to have formal legal rights on properties and the law assumes assets are shared equally between spouses if acquired during marriage.	Women's perspectives must be obtained through consultation and their interests factored into all aspects. Documentation of ownership or occupancy and compensation should be issued in the names of both spouses wherever possible.	Particularly in some rural areas, women's participation in consultations may be limited. Women only consultation may be held as relevant. Documentation of ownership or occupancy and compensation should be issued in the names of both spouses
Grievance Redress Mechanism (GRM)	There is no requirement to have grievance redress mechanism apart from the institutional ones	Appropriate, affordable and accessible procedures to address concerns and grievances must be established; such grievance mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms.	The PIU will establish a Project specific and impact commensurate Grievance mechanism as described in the RPF.
Monitoring & Evaluation	No specific monitoring procedures are required	The Borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instruments.	The Borrower will be responsible for monitoring in line with the requirements set out in this RPF and any subsequent RAP/ ARAP.

3. RESETTLEMENT COMPENSATION STRATEGIES APPLICABLE TO THE TTF PROJECT

3.1 KEY PRINCIPLES

This RPF commits to key principles which will govern all resettlement activities by the PIU and will be incorporated into all site-specific RAP/ARAP. The principles for the impacts identified could be briefly summarized as follows:

- Resettlement and compensation of Project-Affected People will be carried out in compliance with Albanian legislation and World Bank's Policies and Procedures on involuntary resettlement OP 4.12. Where gaps exist, the more stringent requirement will take precedence,
- All Project Affected People (PAP) will be compensated for their losses at replacement cost to allow restoration at pre-displacement level,
- The RAP/ARAP implementation and outcomes will be monitored and evaluated by the PIU, and all measures must be demonstrated and documented to the satisfaction of the WB, and be recorded in the internal periodical (monthly or quarterly) report required by the financing institution.

3.2 CUT-OFF DATE

The date of beginning of the Census serves as the Cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) constructed after the cut-off date will not be compensated.

A Moratorium notice informing the general public of the declaration shall be made to serve as the cut –off date for eligibility to entitlements.

In addition, at the beginning of the Census, every individual surveyed shall be informed about the moratorium date and the respective consequences of commencing activities after the date of Census.

3.2 ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX

The unit of entitlement is any individual eligible to receive compensation or rehabilitation benefits. Determination of unit of entitlement is in lieu with developing and identifying the census and inventory of all assets impacted by the Project to allow full compensation in line with the Entitlement Matrix. All PAPs identified prior to the cut-off date shall be entitled to compensation, according to the compensation principles of the law, this RPF and OP 4.12 whereas the more stringent in requirements shall prevail where gaps exist between them.

Project affected persons are defined to include the following categories:

- Project affected persons, with formal title, who lose all or part of their land;
- Project affected persons, with formal title, who have immovable property with or without building permissions on the land to be expropriated;

- Project affected persons with formal title over businesses that are affected by the loss of all or part of the land on which businesses are located;
- Project affected persons with formal title over animal husbandries and agricultural processors that are affected by the loss of all or part of the land on which they are based;
- Project affected persons with formal title of tenancy on private or public land;
- Project affected persons with formal title over land that will be needed during construction on a temporary basis;
- Project affected persons without formal title on affected land or businesses but their livelihoods are directly dependent on the affected land or businesses (e.g., those who live on the affected land, those who work on affected agricultural land or those who own/ are employed by the affected businesses);
- Project affected persons without formal title of ownership or use but who have established usage of public or private land by investing in immovable objects, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them; and
- Any affected community facilities will also be reconstructed or necessary support will be provided for their relation to the community losing access to such common facilities

3.3. ENTITLEMENTS

The entitlements for different categories of impact and PAPs shall be as per the Entitlement Matrix as adopted in this RPF

Affected Categories	Eligible people	Entitlement
Loss of land holding (partial or whole) -	Owners with full legal ownership; owners with recognizable claim to the land they occupy on cut-off-date	Cash compensation based on replacement cost including all taxes
Unviable, redundant parcels of land/structures	Owners with full legal ownership; owners with recognizable claim to the land they occupy on cut-off-date	If a remaining parcel of land after expropriation is not economically viable, it will be acquired and compensated
Structures and installations on the land (barns, shacks, fences, etc.)	All affected people without regard to legal status of asset ownership	The replacement cost for any investment made, and the value of time invested in construction, without depreciation. Salvage materials will be provided to affected people
Residential Houses	All affected people without regard to legal status of asset ownership	Partial demolition without physical relocation: cash compensation at replacement cost. Salvage materials will be given to affected people. If physical relocation (highly unlikely) is necessary, cash compensation sufficient to restore a comparable residential structure plus moving cost, administrative taxes, and transition allowance. Transitional allowance shall be a one-time cash compensation
Crops (inc. nursery)	All affected people without regard to legal status of asset ownership	Compensation for lost crop or nursery plants at replacement value
Fruit plants, vineyards, and orchards (without regard to age)	All affected people without regard to legal status of asset ownership	Compensation equivalent to the cost to raise a replacement vineyard or orchards, including the value of time needed to reproduce replacement vineyard or orchards, and compensation for lost yields till trees reach full productivity

Affected Categories	Eligible people	Entitlement
Temporary land occupation	Owners with full legal ownership; owners with recognizable claim to the land they occupy on cut-off-date	The market rental price for the duration of the lease. The land should be returned to the project affected person, in the same condition as it was taken and improvements should remain
Lessees of Public or State-owned properties	Owners of Public or State-owned properties	Provision of the use of other corresponding Public or State-owned equivalent property with the rights of a lessee for an equivalent period of time
Loss of job or non-agricultural income	All affected people	Temporary loss of income will be compensated as a one-time cash compensation equal to net income for 6 months based on tax report. In case if tax report is not available, equivalent to the sum of minimum wage over six months. In case of permanent income loss, transitional allowance on one-time basis will be paid to assessed on reasonable time needed to restore livelihood means + Training for alternative jobs if possible + Priority in employment on the Project, if possible and on a case by case basis (In accordance with social assessment processed in (A)RAPs)
Illegal users of public and private land or property squatters	Illegal/ non-formal land users	Compensation at market price for improvements + labour and time to install improvements at market price + costs of equipment relocation and installation, if any + transitional allowance And Replacement land for lease, if possible, of similar state-owned property

Affected Categories	Eligible people	Entitlement
Vulnerable groups (affected households with many dependents, household with unemployed head, households with disabled, poor households)	Vulnerable groups	For this group, they will be given additional financial assistance to ensure that they will be no worse off after the project and can maintain and restore their livelihoods.

4. PREPARATION OF INDIVIDUAL RESETTLEMENT INSTRUMENTS

4.1. SOCIAL SCREENING AND RAP DEVELOPMENT

Preparation of individual resettlement instruments will follow after the screening has been completed to determine whether the subproject would have the potential to cause significant adverse impacts on the society, consequently the appropriate safeguard instruments and mitigation measures to manage those impacts.

Safeguards screening usually consists of checking and identifying social impacts/ risks/ opportunities, as well as identification of measures to mitigate adverse impacts, if any, associated with the proposed sub projects, (The Social Screening Form is provided in Annex 2).

While preparing any operations or projects for financing, screening will be conducted to screen for social impacts and plan any required mitigation measures. The screening process and its findings as well as the proposed mitigation measures will be documented as part of the project/subproject package. The following guidelines, codes of practice and requirements will be followed in the selection, design and implementation of any operations financed under the activities of the Project. Screening of activities will be carried out by the Environmental & Social Specialist to be employed at PIU-level. The screening reports will be endorsed by the Head of the PIU and submitted to the World Bank.

The screening will rely on the following criteria and will aim to faithfully identify whether the proposed Sub-Project will have adverse impacts on:

- (i) shelter;
- (ii) assets or access to assets;
- (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location;
- (iv) land
- (v) business
- (vi) access to education and health
- (vi) vulnerable persons and households
- (vii) community health and safety

The screening will identify Persons with formal rights to land and assets (including customary and traditional rights recognized under the laws of the country). The screening will also identify Persons who do not have formal rights to land but have a claim to such land and assets at the time of the cut-off date. The Screening will not rely on the use and analysis of secondary data readily available, but will require a walk-over survey as a validation that the secondary data provide true, reliable and accurate accounting of the social environment. In cases when after the walkover survey still no conclusive decisions can be made further efforts will be made through key informant interviews, focus group

discussions and other adequate methodology. If the screening has found that such Persons as describe above are present on project affected land, a Resettlement Action Plan (RAP) or an abbreviated RAP, as applicable, will be prepare per Resettlement Policy Framework (RPF).

Based on this RPF, considering the extent of impact identified during the screening in terms of land acquisition and resettlement, site specific Resettlement Action Plans (RAP) or Abbreviated Resettlement Action Plans (ARAP) will be prepared. An ARAP can be considered to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project in cases when less than 200 persons are affected by the Project and resettlement impacts are minor.

The objective of the (A)RAP shall be to specify procedures to follow and actions to take to acquire land and compensate affected people in line with this RPF. Any site-specific RAP shall be based on up-to-date and reliable information about (a) expected impacts, and (b) the legal issues involved in resettlement. In respective of the complexity of project circumstances the site-specific RAP or ARAP shall include at minimum the following:

- Description of project activities that cause physical or economic displacement,
- Identification of the project area and activities that cause physical or economic displacement
- Alternatives considered to avoid or minimize resettlement,
- Socio-economic baseline assessment including census, demographic and socioeconomic characteristics of affected people
- Expected scale and scope of impact.
- Entitlements
- Legal and institutional arrangements
- Implementation procedures including monitoring mechanisms
- Grievance Redress Mechanism
- Consultations with affected people during preparation and implementation of RAP/ ARAP
- Cost and budget.

4.2. RAP APPROVAL

Activities on the preparation of site-specific RAPs will be disclosed in the way to enable significant participation of PAPs. That assumes the phase of preliminary preparations, disclosure of preparations for population census, disclosure of census results while respecting privacy of personal information, disclosure of socio-economic baseline assessment, as well as disclosure of RAP drafts. The purpose of public disclosure and discussions is to ensure meaningful participation of PAPs in the process of preparation, implementation and monitoring of resettlement instruments.

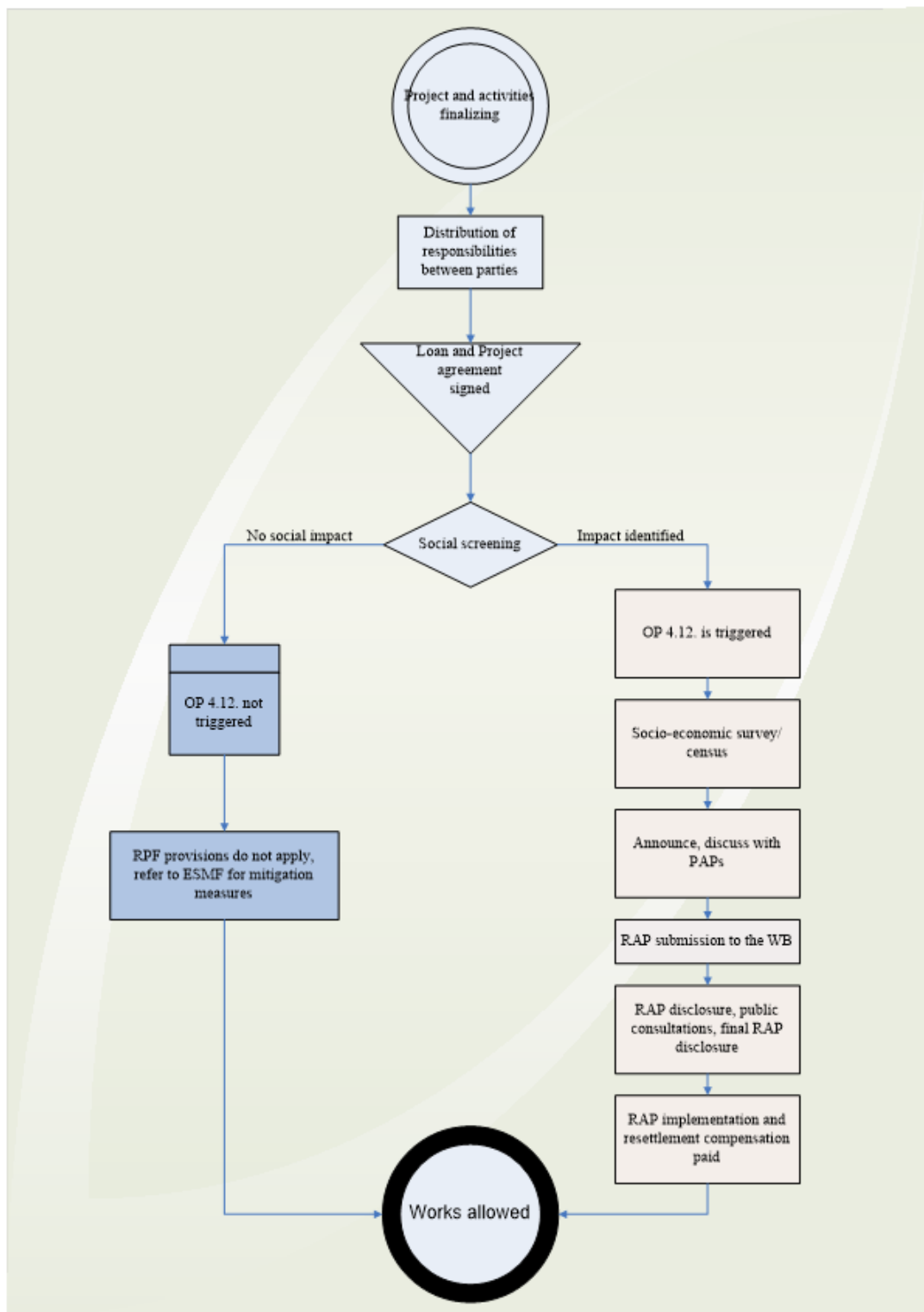
The first draft of RAP shall be submitted to the World Bank for review and clearance. After it has been cleared, it will be disclosed (in English in Albanian language) by the PIU in areas accessible to affected people and on the website, followed by public consultation with local communities and stakeholders. PIU shall also issue a summarized information contained in the RAP for public disclosure to ensure that affected people understand the compensation procedures and know what to expect at the various stages of the project (for example, when compensation will be offered to them, how long they will have to respond, grievance procedures, legal procedures to be followed if negotiations fail). Public consultation outcome shall be documented and reported with the final document of the RAP and sent to WB for "No Objection". Upon receiving the "No Objection", final RAP will be again disclosed in areas accessible to affected people and on internet portal of the PIU, and made available throughout the Project, RAP implementation and process of resettlement.

4.3. RAP IMPLEMENTATION

No activities on construction works can commence until and unless compensation has been paid, appropriate compensation set aside on an escrow or similar account, replacement property provided to PAPs in line with applicable (A)RAP, or court procedure completed to determine and make payment of the compensation in case no amicable settlement is reached

Implementation of RAPs is an obligation of the PIU. The PIU shall monitor overall implementation, collaborate with the municipalities in which territory the constructions are taking place, collaborate with contractors and disclose information to PAPs and communities.

Figure 1: Steps in (A)RAP preparation



5. CONSULTATION AND DISCLOSURE

5.1. PUBLIC CONSULTATION

The PIU will establish an ongoing relationship with the affected communities from as early as possible in the project planning process and throughout the life of the Project. The engagement process will ensure their meaningful consultation in order to facilitate a common understanding of the nature and duration of the impacts; informed participation on matters that affect them directly; proposed mitigation measures; the sharing of development benefits and opportunities; and implementation issues. Individual meetings may be held with PAPs regarding specific cases, included when needed upon request by PAPs.

This RPF and any subsequent (A) RAP shall be disclosed and available for a public insight no later than 14 days prior to public consultations and sufficient time shall be left for submitting remarks after public consultations. All public consultations shall be announced through local newspaper and on internet portal of the PIU.

Project information, and Information about the GRM will be disseminated in Albanian and English.

5.2. DISCLOSURE OF DOCUMENTS

All documents will be disclosed in Albanian and English language. Documents must be available to the public throughout duration of the Project including its evaluation. Versions in Albanian (or/and additional languages of the local community) will be published on the web-site of the PIU and of relevant local municipalities. All documents shall be presented to PAPs in the process of land acquisition, particularly to vulnerable groups, and project impact on their property and their rights must be explained. Hard copies of the documentation shall be available in the affected municipalities. The PIU is responsible for all disclosures of the documents.

6. GRIEVANCE REDRESS MECHANISM

6.1 PROJECT GRIEVANCE MECHANISM

The project will have a Specific Grievance Mechanism applicable for all sub-projects. Central Grievance Desk (CGD) will be with the PIU as the main implementing entity. The CGD shall serve as both Project level information center and a grievance mechanism, available to those affected by implementation of all Project sub-components throughout the Project Cycle. The CGD will be responsible to address grievance received from residents living in the affected municipalities and persons who believe are directly or indirectly affected by the project.

The CGD shall be established prior to commencement of any activities under the Project. The PIU will be responsible that there is a transparent disclosure of information of the grievance mechanism by communicating the role and existence of the CGD and its function, the

contact persons and the procedures to submit a complaint in the affected areas. The PIU shall inform local communities during the preparation of specific investments of the role and existence of the CGD, its function, the contact persons and the procedures to submit a complaint in the affected areas through the following means:

- distribution of brochures to affected communities, and
- distribution of notices to be placed at notice boards and frequently visited places of the project areas on the notice boards and websites of respective municipalities once exact location have been identified.

Efforts will be made to adequately inform any vulnerable group or persons ensuring the CGD if needed is easily accessible to such persons.

The CGD shall be designed to be accessible, without cost to the complaint, effective, efficient and not precluding any official administrative or judicial legal remedy available under the law.

Whether adequate dissemination of information has been made will be verified by the Environmental & Social Consultant hired by the PIU through simple feedback questionnaires. The aim of the survey is to assess the effectiveness of information sharing and propose mitigation measures if the results should not show full transparency and accessibility to the CGD.

Any grievance can be brought to the attention of the CGD anonymously, personally or by telephone or in writing by filling in the grievance form by phone, e-mail, post, fax or personal delivery to the address of the PIU which will be known once established. The access points and details on entry points shall be publicized and shall be part of the awareness building once the location of impact has been known and once the PIU has been established. The access points and details on entry points shall be publicized and shall be part of the awareness building process.

The Grievance registration form is provided in Annex 1.

6.2 GRIEVANCE ADMINISTRATION BY THE PROJECT

Any grievance shall follow the path of the following mandatory 7 steps: Receive, Assess and assign, Acknowledge, Investigate, Respond, follow up and close out.

Once logged the CGD shall conduct a rapid assessment to verify the nature of grievances and determine on the severity. Within 3 days from logging it will acknowledge that the case is registered and provide the complainant with the basic next step information. It will then investigate by trying to understand the issue from the perspective of the complainant and understand what action he/she requires. The CGD will investigate by looking into the facts and circumstances through interviews with all parties involved and confer with relevant stakeholders. Once investigated, and depending on the severity and type of grievance, the provisional decision shall be discussed with the complainant in the timeframe of 10 days after logging the grievance. Reaching and issuing a decision without conferring with the grievant shall be an exception. The final agreement, once reached through consultation with grievant, should be issued and grievant be informed about the final decision not later than 20 days after the logging of the grievance. Closing out the grievance occurs after the implementation of the resolution has been verified. Even when an agreement is not reached, or the grievance was rejected it is important to document the result, actions and effort put into the resolution, close out the case. If the grievance could not be resolved in amicable endeavor, the grievant can resort to the formal judicial procedures, as made available

under the Albanian national legal framework. Any grievance can be taken to the authority of the judicial bodies at any time after logging. Logging a grievance with the CGD does not preclude or prevent seeking resolution from an official authority, judicial or other, as provided by the Albanian legal framework.

In case of anonymous grievance, after acknowledgment of the grievance within three days from logging, the CGD will investigate the grievance and within 20 days from logging the grievance, issue final decision that will be disclosed on the website of the MIE. Closing out the grievance occurs after the implementation of the resolution has been verified. The flowchart below shows usual grievance life-cycle:

Figure 2: Grievance flowchart

DAY S	ACTIONS
0	Receive Grievance
3	Acknowledge Receipt
5	Assess and Assign
10	Investigate and discuss with Claimant
20	Decide and inform Claimant
30	Follow up and verify implementation of resolution
32	Close out
At any time	Access to judicial procedures if final agreement cannot be reached amicably

The CGD shall keep a grievance register log that will have all necessary elements to disaggregate the grievance by gender of the person logging it as well as by type of grievance. Each grievance will be recorded in the register with the following information at minimum:

- description of grievance,
- date of receipt acknowledgement returned to the complainant,
- description of actions taken (investigation, corrective measures), and
- date of resolution and closure / provision of feedback to the complainant

The role of the CGD, in addition to addressing grievances, shall be to keep and store comments/grievances received and keep the Central grievance log administered by the Project

promoter. In order to allow full knowledge of this tool and its results, quarterly updates from the CGD shall be available on the MIE website.

The updates shall be disaggregated by gender, type of grievances /complaints. In order to have continuous dialogue, quarterly public meetings shall be held to discuss the outcomes of grievances, in general, discuss the grievance/complaints report and inform the community about current Project activities.

7. MONITORING AND EVALUATION

7.1. Monitoring of resettlement process

The PIU shall monitor the implementation of the resettlement process both through internal, official institutional arrangements. The external monitoring and evaluation consultant may be appointed during RAP/ ARAP preparation, if necessary, based on consultation with the World Bank. A RAP/ ARAP completion report will be prepared and submitted to the World Bank within 2 months of the RAP/ ARAP completion. The report should verify that all entitlements have been delivered in line with site-specific (A)RAPs. In addition, the report should evaluate whether the mitigation actions prescribed have had the desired effect. The socioeconomic status of the affected population should be measured against the baseline conditions of the population before displacement, as established through the census and socioeconomic baseline studies.

Indicators to monitor RPF implementation are as follows:

- Number of public discussions and consultations on the RAP;
- Number of completed land acquisition cases compared to expected total number;
- Number of PAPs compensated compared to the expected total;
- Amount of compensation paid compared to the expected total;
- Number and type of assistances provided to vulnerable groups; and
- Number and type of grievances, including legal actions arising from expropriation (submitted cases, resolved cases, time needed for their resolution).

8. INSTITUTIONAL ARRANGEMENTS

8.1. Institutions responsible for Project implementation

For this Project, a Project implementation unit (PIU) will be established hosted within the Ministry of Finance and Economy, with the overall responsibility for project implementation and ensuring that financial resources are budgeted, disbursed, expended, accounted and audited. This is one and the same entity with dual functions. In addition to the project specific arrangements, implementation will also be supported by existing inter-ministerial coordination mechanisms,

namely the National Trade Facilitation Committees (NTFCs) established in line with regional (CEFTA) and multilateral (WTO) trade facilitation commitments. The PIU will be staffed with a Safeguards expert, with knowledge of the World Bank Group policies and the Albanian regulations, a Procurement Specialist, a Financial Management Specialist, a Transport/Trade Facilitation expert, and a dedicated Head/Manager of the PIU. The PIU will work in close liaison and coordination with the technical teams of the Ministries and agencies involved in the project.

8.2. KEY INSTITUTIONS IN PROCESS OF RESETTLEMENT

In line with the Albanian Law the resettlement process involves the Council of Ministers, the Ministry of Infrastructure and Energy (as the line Ministry), the ad hoc expropriation commission, accredited valuation experts, the local Governments and the Relevant Courts in cases there is a dispute.

The Ministry of Infrastructure and Energy is responsible to receive the proposals for expropriations, and upon receipt of such proposal submit the request for declaration the public interest to the Council of Ministers and to establish the special ad hoc expropriation commission comprising of officials or experts independent, impartial and with no conflict of interest.

An overview of all institutions is presented below. Responsibilities and arrangements for implementing this RPF and each site-specific RAP/ARAP shall be described in detail in the RAP/ARAP itself.

Table 4: Institutional responsibilities overview

Institutions	Key responsibilities during resettlement/expropriation
Council of Ministers	Declaration of public interest
Ministry of Infrastructure and Energy	Setting up of ad hoc Expropriation Commission, verification of documentation on proprieties, calculation and verification of compensation. Issuing the Decision on Expropriation
Ministry of Finance and Economy	Borrower to the Loan Agreement; Responsible to set up the PIU (Subsumes the PIU and as such, MoFE and PIU are legally one and the same entity Allocates budget for compensation
PIU	Overall responsibility for project implementation, set up at the MoFE
Ad hoc Expropriation Commission	The ad hoc Expropriation Commission, set up by the MIE to conduct the expropriation will supervise and conduct of the expropriation procedure.
Immovable Property Registration Office	For each District in the Project area, under the authority of the Central Registration Office, which are responsible for identifying and verifying property boundaries and ownership
Relevant courts	Determines compensation if amicable agreement has not been reached and the Decision on Expropriation to the administrative court of first instance and after that, the Administrative Court of Appeal. The Expropriation Decision enters into force immediately, which means that appeals against it do not delay its implementation.

9. BUDGETARY IMPLICATIONS AND FUNDING

In general, the cost burden of compensation will be borne by the Government of Albania and budget allocated by the MoFE within the Budget for the upcoming fiscal years. Costs for the implementation of this RPF include three categories: (a) administrative costs including cost associated with expropriation (if necessary), and (b) compensation for land acquisition and asset loss including transitional and any other allowance as necessary.

The rough estimated cost is 5.212.500 (Lek) or 48.874,82 (USD equivalent) which includes all categories of cost.

The overall responsibility for implementation of the Project lies within the PIU. The resettlement and expropriation administratively lie with the Ministry of Infrastructure and Energy and the Council of Ministers. The financial responsibility for land acquisition, including the compensation to be paid, etc., lies with the Albanian Government, based on this RPF subject to enforcement of the Loan Agreement signed between the IBRD and the Government of Albania. This RPF and the Agreement stands above the law on expropriations and will define measures that will be applied when there exist gaps between the Bank's OP 4.12 and relevant national laws.

ANNEX 1 GRIEVANCE REGISTRATION FORM

Reference No: _____

Full Name

Note: you can remain anonymous if you prefer or request not to disclose your identity to the third parties without your consent

First name _____

Last name _____

- ☐ I wish to raise my grievance anonymously
☐ I request not to disclose my identity without my consent

Contact Information

Please mark how you wish to be contacted (mail, telephone, e-mail).

- ☐ By Post: Please provide mailing address:

- ☐ By Telephone: _____

- ☐ By E-mail: _____

Preferred Language for communication

- ☐ Albanian
☐ Other indicate _____

Description of Incident or Grievance:

What happened? Where did it happen? Who did it happen to? What is the result of the problem?

Date of Incident/ Grievance

- ☐ One time incident/grievance (date _____)
☐ Happened more than once (how many times? _____)
☐ On-going (currently experiencing problem)

What would you like to see happen to resolve the problem?

Signature: _____

Date: _____

Please return this form to: [name], [company name],
Address _____: Tel.: _____ or E-mail: _____@_____.com .

ANNEX 2 SCREENING FORM

SOCIAL SCREENING FORM AND TRIGGERS FOR SUB PROJECTS			
This screening report shall comprise of the screening form, ownership evidence and pictures from the walkover survey.			
Name of Sub project:			
Location:			
Type of Activity and Procurement Package as assigned in the Procurement Plan:			
Nature of Project:			
Size/Scale:			
Project Implementing Agency:			
Description of Project Surroundings:			
Screening indicators related to Land acquisition, assets and access to resources			
		YES	NO
	Type of activity – Will the sub project:		
1	Require that land (private) to be acquired (temporarily or permanently) for its development		
2	Affect more than 200 persons		
3	Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests		
4	Physically displace individuals, families or businesses		
5	Result in the temporary or permanent loss of crops, fruit trees or household infrastructure		
6	Result in the involuntary restriction of access by people to legally designated parks and protected areas		
7	Result in loss of livelihood		
8	Have negative impact to any vulnerable individuals or groups		
9	Have negative impact to informal side road shops, traders or any nomadic type of commercial activity		

SOCIAL SCREENING FORM AND TRIGGERS FOR SUB PROJECTS			
10	Provide the opportunities to improve the informal side road shops, traders or nomadic type of commercial activity		
11	Impact to community Health & Safety		
12	Impact internally displaced persons or refugees		
13	Disrupt access to health care and education		

If any of the boxes 1 through 9 are ticked YES the OP.BP 4.12 will be triggered and site specific instruments in line with the RPF will be prepared.

If any of the boxes 10 through 13 are ticked YES commensurate mitigation measures shall be designed through the site specific ESMP

CERTIFICATION

The applicant, in signing this form proves that the project activity will not involve land acquisition, any form of construction, or will promote any activities on the World Bank Group IFC exclusion list. In addition, the applicant is aware of the EIA requirements as per the Albanian Law and certifies that there are no Full Environmental Impact Assessment reports required.

We hereby certify that we have thoroughly examined all the potential adverse effects of this sub project. To the best of our knowledge, the sub project does not avoid /avoids all adverse social impacts (in case the Sub project Does Not Avoid adverse social impacts list at least two excluding the Sub projects eligibility).

Form filled out by (Applicant):	
Date:	
Name:	
Title:	
Sign:	
Stamp:	

Form checked by (Environmental and Social Expert):	
Date:	
Name:	
Title:	
Sign:	