

Abbreviated Resettlement Action Plan

KORCA ROUNDABOUT

Results Based Road maintenance and Safety Project (RRMSP)

Loan No: 8489-AL

Reference / Project No: P132982

IMPLEMENTING UNIT - ALBANIAN ROADS AUTHORITY (ARA)

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Abbreviations

WB	World Bank
PIU	Project Implementation Unit
MoTI	Ministry of Transport and Infrastructure
PAP	Project Affected Persons
RAP	Resettlement Action Plan
IPRO	Immovable Properties Registration Office
DCM	Decision of the Council of Ministers

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Executive Summary

The primary purpose of the ***Results Based Road maintenance and Safety Project (RRMP)*** is to develop and implement cost effective planning that supports the safe operation of the road and delivers maintenance to the required levels of service. Road maintenance is the result of a number of operations and activities aimed at preserving the structural and functional features of the road network. Under this Project, four PBC contracts will be used, averaging 350 km each, covering about 1,033km of the Primary (P) and Primary- Secondary (PS) national roads. The PBC contracts will include:

- Periodic maintenance, which under the Project, will include improvements and rehabilitation to restore the structural integrity and riding quality of severely deteriorated road sections, mainly through intensive pavement repair and ancillary works. Improvements will also address unsafe road conditions.
- Routine maintenance, aimed at preserving the road assets to the defined level of service (LoS). LoS will relate to aspects such as riding quality, comfort and safety, and will also include winter maintenance.
- Emergency works - to reinstate the roads after damage has occurred as a result of natural phenomena or accidents.

During the course of project implementation, there will be a need for some small-scale land acquisition (probably without need for resettlement of people) for some of the Improvement Works under the RRMSPP (large intersections to be converted to roundabouts, etc.), restriction or loss of access to economic assets and resources, leading ultimately to land acquisition and compensation. Actually, there are four specific cases: Korca Roundabout, Laknas Roundabout, Qafe-Thana Interchange and Pocem By-pass.

This document is site specific abbreviated RAP and it is prepared to address land expropriation for the case of Korca **Roundabout**. *Abbreviated* Resettlement Action plans were prepared because of the impacts are minor for the 15 families.

The designs for the phase one accommodated the need to minimize or avoid the land acquisition. To achieve this, the roundabout expansion is designed to be closer to the existing roundabout. No structures will be impacted for the investments covered with this abbreviated RAP.

Proposed compensation method for this expropriation procedure is cash which is acceptable based on the consultation with the affected persons. The reference prices to be decided after legislation analysis as well as analysis of the market prices in Korca. All Project Affected People - PAPs have accepted cash compensation as a method to compensate their expropriated land for public interest.

The methodology used on the preparation of the abbreviated Resettlement Action Plan is based on the requirements of the World Bank's operational policy on involuntary resettlement (OP4.12) and the Resettlement Policy Framework of the Road. These principles are considered in accordance with the laws and regulations of the Government of Albania.

Project Description and the impacts

The project respective road segment passes through a flat territory in the agricultural fields of the Korca region. The new roundabout is positioned at the beginning of the main road towards the city of Korca. The traffic flow in this crossroads is relatively high. The road links the traffic flow coming from Pogradec and Kapshtica custom. The existing crossroad has low visibility, due to the existing solution with centralized islands and separated islands, which are not equipped with the respective lanes of acceleration and deceleration.

The technical report shows that the existing edges of the islands have been damaged and not visible to all vehicle drivers passing through this intersection. Some of the vertical traffic signals are damaged. Surface drainage is not suitable, so the existing drainage system needs rehabilitation and maintenance. There is a lack of track and vertical / horizontal road signs. This is very problematic crossing is the road segment (SH3).

During the design of the project for the first phase, it was assessed the possibility to minimize or eliminate the land acquisition. The roundabout expansion is designed to be closer to the existing roundabout. During the course of project implementation, there will be a need for some small-scale land acquisition. There are 15 land owners identified, who will be affected from the project. It is predicted that nearly 7.09% of the land will be acquired for the implementation of this project. Precisely, the 15 impacted parcels amount to a total of 22724.5 m². From this surface only 1612 m² will be acquired for the needs of this project. (see table 1)

The map of the footprint is attached as Annex 1 to this document. The photos taken at the land (properties) subject to expropriation are attached as Annex 2 to this document.

Census survey of affected persons, entitlements and evaluation of assets

This section elaborates the impacts per household for this phase of the Project. The concrete land expropriation for the roundabout project affected 15 households which are presented below.

List of affected households and the land use

All the PAPs involved in this abbreviated RAP own other agricultural land in the same administrative area. Overall ownership is presented in the table below. The agriculture is not the main/only source of incomes or source. Although *there is no official data*, site visits and meetings have shown that the affected families receive remittances, own businesses and have members of the families are employed in private and public sector. All the parcels affected are uncultivated land. Two of the lands are classified as residential lands but are not used for this purpose yet.

Based on data gathered in the field, it can be concluded that the expropriation of the land is not affecting PAP's source of income. This project, impacts presented with this abbreviated Resettlement Action Plan, does not have impacts on the livelihoods of the families of the affected persons. There is no need for restoration of the livelihoods due to impacts of this phase of the project. The use of affected land is presented in the table below.

The implementation of this abbreviated RAP does not require rehabilitation assistance or moving houses and/or other affected structures, but only cash compensation for expropriated agricultural land plots.

The following table - Table 1, presents affecting of PAPs separately:

Table 1:Data on PAPs property and their Assets Inventory

Nr	Municipality	Owner Full Name	No. of Parcel	No. Own-ers	Type of land	Surface (m2) total(m2)	Expropriated Land Surface (m2)	%	Factual situation Crops and Fruit Trees Assessment	Legal status at Immovable Property Registration Office- IPRO
1	Korçe		8/281	3	Residential land	1012	192	18.97%	Uncultivated	Unregistered
2	Korçe		9/45	2	Agricultural	2840	28	0.99%	Uncultivated	Registered
3	Korçe		9/46	4	Agricultural	2009	195	9.71%	Uncultivated	Registered
4	Korçe		9/47	1	Agricultural	950	91	9.58%	Uncultivated	Registered
5	Korçe		9/48	1	Agricultural	1300	121	9.31%	Uncultivated	Registered
6	Korçe		9/49	1	Agricultural	1100	106	9.64%	Uncultivated	Registered
7	Korçe		9/50	4	Agricultural	1503	178	11.84%	Uncultivated	Registered
8	Korçe		9/51	1	Agricultural	1637	120	7.33%	Uncultivated	Registered
9			9/52	1	Agricultural	994	69	6.94%	Uncultivated	Registered
10	Korçe		9/53	1	Agricultural	3049	125	4.10%	Uncultivated	Registered
11	Korçe		9/54	1	Agricultural	566	16	2.83%	Uncultivated	Registered
12			9/55	1	Agricultural	1000	20	2.00%	Uncultivated	Registered
13	Korçe		8/32	1	Residential land	2840	268	9.44%	Uncultivated	Registered

14	Korçe		8/64	3	Residential land	618.5	40	6.46%	Uncultivated	Registered
15	Korçe		8/288	1	Residential land	1310	43	3.28%	Uncultivated	Registered

Entitlements

Lack of title/ permits:

There is 1 person affected by the project with lack of title. This PAP is in the process of registration of the property and the total of the land is 1012 square meters. Lack of formal ownership shall not deprive the affected person from the compensation. Proper help and guidance shall be given to finish the registration process and be compensated as per the Loan Agreement.

The other PAPs have registered properties in the IPRO Office. There is a note on the certificates that refers to a *lawsuit* from 2001 claiming the property of =12 lands. The actual owners have presented a Court Decision (Nr. 2184 date 27.12.2001) returning the lawsuit without action.

Loss of Income:

There are no affected persons who suffer loss of income from the expropriation. The agricultural lands are not cultivated from any of the owners. It is confirmed by the municipality that the other part of land from the same owner will still have its function after the project is implemented and will be connected via secondary roads. (see annex 5)

Loss of Structures:

There will be no impact on any structure.

Loss of State Properties:

In the case of loss of state property, according to the Albanian legislation, no expropriation will take place. It will be transferred without payment to the Public Utility through a Decision of the Council of Ministers. There is no use of the state owned parcel by the private persons. The legal situation is regulated by several legal acts including the law no. 10 119, on 23.04.2009 “On Territorial Planning”.

The Section below represents the entitlements in the tabular format (*see Table 3*).

Table 2: Compensation data table

No	Commune/Village	Owner Name and Surname	No. of Plot	Surface (m ²)	Land for Compensation (m ²)	Price (ALL) ¹	Total Compensation (ALL)
1	Korçe		8/281	1012	192	8,537	██████
2	Korçe		9/45	2840	28	8,537	██████
3	Korçe		9/46	2009	195	8,537	██████
4	Korçe		9/47	950	91	8,537	██████
5	Korçe		9/48	1300	121	8,537	██████
6	Korçe		9/49	1100	106	8,537	██████
7	Korçe		9/50	1503	178	8,537	██████
8	Korçe		9/51	1637	120	8,537	██████
9	Korçe		9/52	994	69	8,537	██████
10	Korçe		9/53	3049	125	8,537	██████
11	Korçe		9/54	566	16	8,537	██████
12	Korçe		9/55	1000	20	8,537	██████
13	Korçe		8/32	2840	268	8,537	██████
14	Korçe		8/64	614.5	40	8,537	██████
15	Korçe		8/288	1310	43	8,537	██████
	¹ DCM no. 89 dated 03.0						
	Total			22724.5	1612		██████

Legal Criteria on the Evaluation of Properties

The Council of Ministers Decision no. 138, dated 23.03.2000, provides the legal criteria for the evaluation of properties affected by expropriation. DCM no. 89 dated 03.02.2016 provides the prices for the evaluation of properties.

- **Land:** The estimation of expropriated land shall be determined for urban lands, lands within the yellow line of the town and local units' properties according to the prices approved by Council of Ministers Decision deriving from Law No. 9235, on 29.07.2004 "On restitution and compensation of private properties".
- **Residential properties:** Value of expropriation compensation for **residential properties** is considered the average sales price according to the records of the Real Estate Registration Office (IPRO). N/A
- **Industrial and Agricultural properties:** The value of expropriation compensation for industrial and agricultural properties is considered the average sales price according to the records of the Ministry of Transport and Infrastructure or the Ministry of Agriculture, Rural Development and Water Administration. Depreciation of property must be subtracted from the price. N/A
- **Agricultural land, forested areas, etc.:** The estimated value of agricultural lands, forested areas and pastures is determined from the prices approved by the Decision of the Council of Ministers complementary to the Law No. 9235, on 29. 07. 2004 "On restitution and compensation of private properties". In cases where there are no prices approved for certain regions, the evaluation for agricultural lands, forested areas and pastures is determined by the average sales price available at Immovable Property Registration Office IPRO. N/A
- **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 (m² of vineyard etc.). The investment present in the land, the total expenses and different depreciation factors are foreseen by the Ministry of Agriculture, Rural Development and Water Administration. N/A
- **Crops:** For crops, the estimated value is calculated based on the expected yield and market unit price. N/A

Table 3: Entitlement Matrix

Category of PAP	Type of Loss	Entitlements				
		Compensation for loss of structures	Compensation for loss of assets	Compensation for loss of income	Application Guidelines	Other assistance
Property owners	Loss of land Agriculture Land/Residential Land: Affected from the project a fraction of the total land. PAP is not displaced.	Compensation in Cash at replacement value. All fees and property transfer costs covered by the project.	No loss of assets	No loss of income	Payment of cash compensation for lost assets when land taken for the project is less than 20% (WB OP 4.12)	N/A
Recognized owners with no property document	Loss of land Agriculture Land/Residential Land: Affected from the project a fraction of the total land. PAP is not displaced.	Compensation in Cash at replacement value. All fees and property transfer costs covered by the project .	No loss of assets	No loss of income	Payment of cash compensation for lost assets when land taken for the project is less than 20%	Assistance in registering the property

World Bank Criteria in the Evaluation of Properties

In this case the financial compensation will follow the Operational Policy for Involuntary Resettlement (OP 4.12):

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

In the Operational Policies of World Bank, it is also defined that when the domestic law does not meet the standard of compensation settled by the WB, at full replacement cost, compensation under domestic law is supplemented by additional measures in order to meet the determined standard.

Proposed compensation

Land Compensation

In determining the compensation per unit for the land in this project stage, the Project referred to the DCM and the Price Map of the GoA (*see figure 3*) for the Korca region.

To determine this price, the Project assessed data available for transactions of agricultural land sales, legal acts in force issued by the Albanian Government about the expropriations for public interest, price per unit of expropriation for public interest conducted in the respective area or near the areas to be expropriated, as well as informal information for the actual land sales.

The PAPs have agreed on cash compensation based on the DCM, for the price of 8537 ALL/m² which is the referential price for residential land in Korça. Although 11 of the 15 lands affected are registered as agricultural land, they are not used as such. Based on the Cadastral Zone these lands are part of, is considered to be used as residential land. Also the owners have been paying land tax as it were registered residential land and not agricultural. The compensation price is proposed to be the same for all 15 PAPs, 8537 ALL/m² plus transaction costs.

In this case the PAPs will not purchase land as their livelihoods are not based on the land and the loss is only the fraction of all land.

Consultations with PAP s

The project had individual consultations with the PAPs, given the small number of PAPs. Based on the data obtained by the consultant, individual PAPs were identified. The process of identification and the consultation of the PAPs were conducted in 17 May 2019, in the municipality of Korça. The chairman of the committee on expropriation at Korca municipality, Mrs. Arjola Çela after explaining the present situation and the legal situation of the land owners, organized by the consultant's request a meeting with the affected people. Consultations were made with the affected Land owners and also was full filled a survey questionnaire.

The agreements with the PAPs are as following:

One PAP that is affected with 192 square meters has no formal ownership. The Project provides assistance to the PAP to acquire ownership certificate. Agriculture land is not in use. PAP claims compensation as a residential land based on the Cadastral Zone and the land tax paid as residential land.

14 PAPs that are affected with 1420 square meters in total, have formal ownership and have agreed on cash payment as form of compensation. Agriculture is land not in use. PAPs claim compensation as a residential land based on the Cadastral Zone and the land tax paid as residential land.

Institutional responsibility for implementation and the grievance redress mechanism

Institutional responsibility for project implementation

ARA has the ultimate responsibility for the implementation of all project components.

A committee composed of PAP-Project Authorities will be constituted to be responsible for overseeing the implementation of the RAP.

Korça Municipality is the final beneficiary of the project implementation. To the institution, it is required continuous assistance and presence during all the progress of the project.

Immovable Property Registration Office (IPRO). To the institution, it is required continuous assistance and presence during all the progress of the project.

The Municipality will be responsible for the coordination of the implementation procedures and execution of the compensation.

Grievance redress mechanism

Grievances are a common phenomenon in involuntary resettlement/expropriation which, if not amicably and timely resolved, invariably gives rise to local resistance, political tension and unnecessary delays in executing the project. A grievance redress mechanism for the project is suggested for addressing potential legitimate concerns of PAPs who may consider themselves deprived of appropriate treatment under the project.

Information for the Project Related Grievances will be available in the Project Site and the tables in the project site. Community members will be able to contact Korca Municipality, nominated person who will inform the PIU responsible person. There are regular meetings between Korca Municipality, PIU (engineers and the social specialist), contractors and the supervisors whereby the grievance will be reviewed. In case the grievance is not related to the land acquisition than the Project engineers, responsible professional from the contractor, supervisor and the representative from the Korca Municipality will meet the person who submitted the complain to address the problem, If the grievance is related to land acquisition than the Korca Municipality expropriation group and the PIU specialist will meet the affected person to address the grievance. In both cases the person submitted the complaint will be contacted in no more than two weeks to schedule a meeting to discuss and solve the problem. The nominated person from the Korca Municipality will monitor the grievance and keep the record.

The mechanism is created by the PIU and has representative from the project implementation, representative of Project Beneficiary and person from the community. The mechanism includes these main issues:

- recording and reporting system, including grievances filed both verbally and in writing,
- staff with responsibility at PIU and the Project Beneficiary the Korca Municipality
- A time frame to address the filed grievances.

The functioning of the grievance redress mechanism is monitored and evaluated by the PIU during project implementation and will be also subject to controls from Final External Monitoring. **The committee members to be named.**

The grievance mechanism is an easier approach, without costs, which includes people from the community, the project and the specific authorities to manage and solve issues before they pass in formal channels which require time and have costs.

The law “On Expropriation” provides an appeal process against the proposed decision for compensation. In addition, the Urban Planning and Construction Policies allow the expropriated party to demand for administrative appeals. Further appeals can be made to the

district courts. In addition, the Office of the Ombudsman in Tirana also receives complaints from citizens against government actions that affect their rights. The project staff will also play a role in raising awareness about PAPs and community rights, as well as resolving specific grievances.

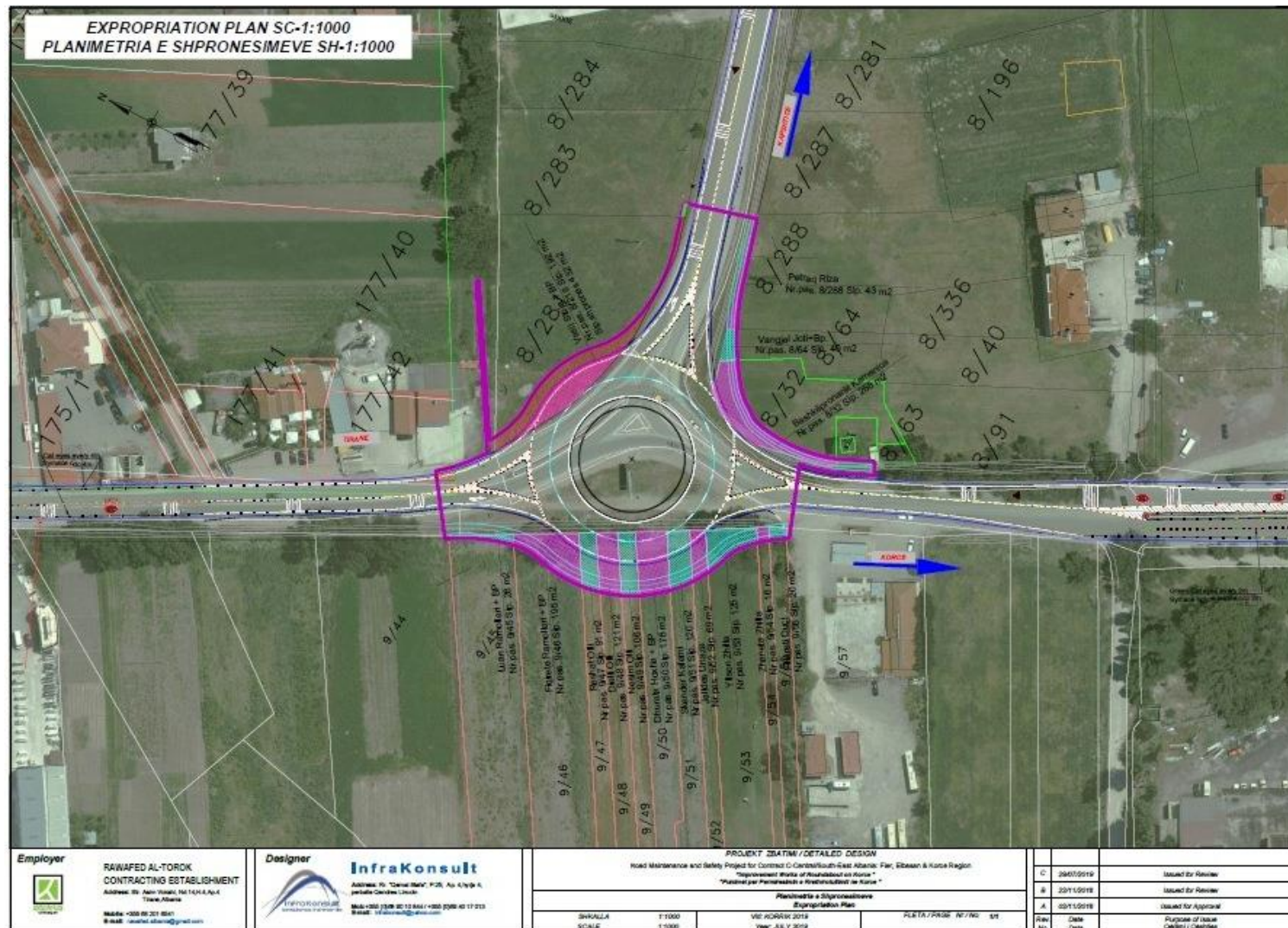
Table - 4 Time table and budget

Steps	Weeks														
	W 1	W 2	W 3	W 4	W 5	W 6	W 7	W 8	W 9	W 10	W 11	W 12	W 13	W 14	W 15
RAP activities															
- Site visits															
-CENSUS															
- Consultations															
All PAPs informed															
Last Steps to RAP Finalization															
Disclosure of RAP															
Preparing the Notification Letter from the PIU, Municipality, to PAPs for expropriation															
Expropriation Procedures Initiated															
PAPs Expropriation and Payment															
Grievance Redress Measures															
Start of works															

The abbreviated RAP preparation and assistance of the implementation will be carried by the full time Specialist employed in the Project Implementation Unit. Thus, the preparation and the support of the implementation will be financed by the operation costs of the project.

The compensation of the PAPs will be financed by the Government of Albania. The estimated total value of the compensation for this phase of project is calculated at the amount of XXXXXXXXXX ALL plus transaction costs, valid for a total expropriated surface of 1612 m² of private property affected by the expropriation in this abbreviated RAP of the Project.

Korça Roundabout – Project Path



Annex -2

Korça Roundabout – Site Visit Pictures









Annex - 3

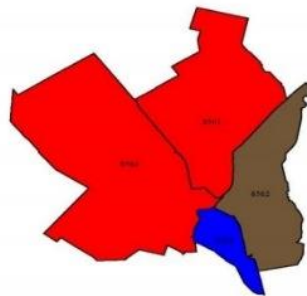
Property price as per DCM no. 89 dated 03.02.2016

Fletorja Zyrtare



Viti 2016 – Numri 14

**VLERA E PASURISE SE PALUAJTSHME TE LLOJIT TOKE TRUALL
QYTETI KORÇË
2014**

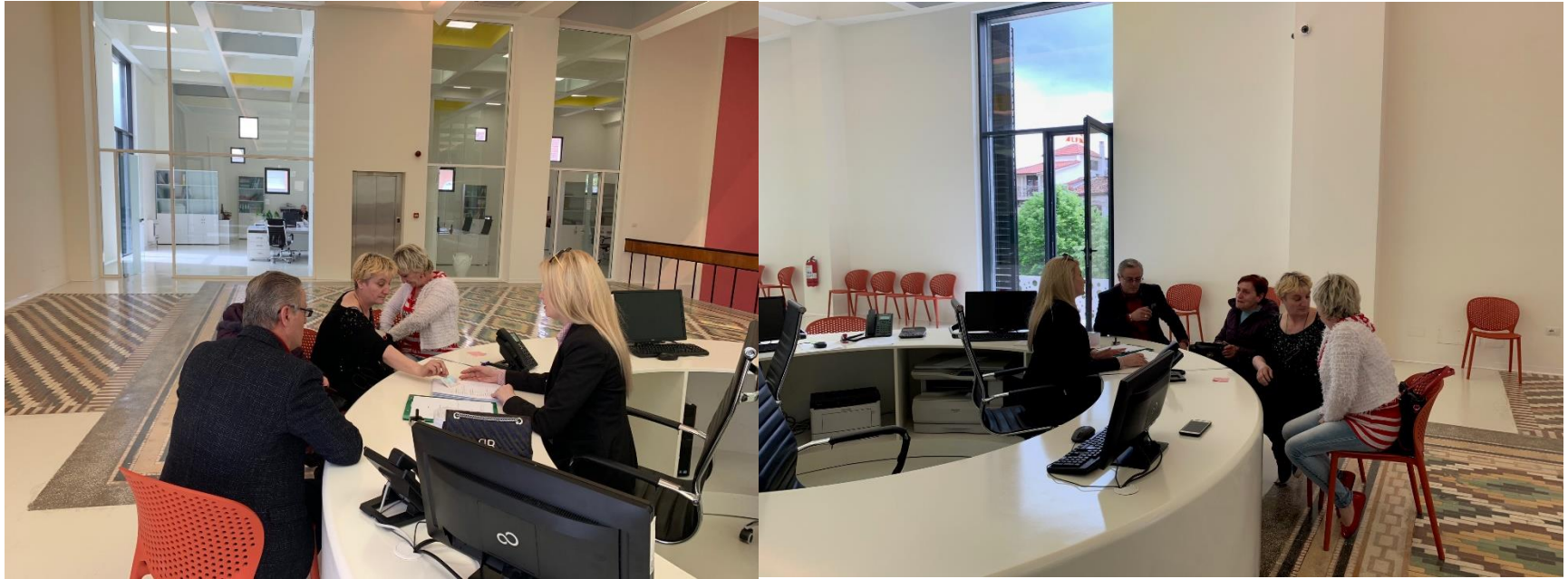


	Nr.	QYTETI, FSHATI	NUMRI I ZONES KADASTRALE	TOKE TRUALL (leke/m ²) 2014
	1	KORÇE 1	8561	8537
	2	KORÇE 2	8562	9055
	3	KORÇE 3	8563	7535
	4	KORÇE 4	8564	8537

Annex – 4

Documentation of PAPs Consultation 17 May 2019





Annex 5

Road infrastructure project that connects the remaining parcels of the PAPs

