

REPUBLIC OF ALBANIA · ALBANIAN ROAD AUTHORITY

**PLANNING AND PREPARATION OF THE RESULTS-BASED ROAD
MAINTENANCE AND SAFETY PROJECT (RRMSP)**

Grant No. P13982 · Contract No. 1

RESETTLEMENT ACTION PLAN (TEMPLATE)

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DKT

SUBMITTED BY:



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Acronyms

ARA	Albanian Road Authority
BAT	Best Available Techniques
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
ESFD	Environmental and Social Framework Document
ESMD	Environmental and Social Management Document
ESMF	Environmental and Social Management Framework
ESSD	Environmental and social Safeguard Document
ESIA	Environmental and Social Impact Assessment
GoA	Government of Albania
LAP	Land Acquisition Plan
MoTI	Ministry of Transport and Infrastructure
NGO	Non Governmental Organization
OP	Operational Procedure
OPRC	Output and Performance based Road Contracts
PR	Performance requirements
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
RRMSP	Results based Road Maintenance and Safety Project
RPF	Resettlement Polisy Framework
RRA	Regional Road Authority
RSC	Road Safety Council
SIA	Social Impact Assessment
TOR	Terms of References
WB	World Bank

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1 INTRODUCTION

A Resettlement Action Plan will be prepared for the Project on the basis of the Resettlement Policy Framework. A Resettlement Action Plan (RAP) will be drafted by the Project Implementing Agency (ARA). The legal department of ARA will specify the procedures and actions that will be taken to properly resettle and compensate affected people and communities. The RAP must identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would minimize or avoid displacement. The RAP outlines eligibility criteria for affected parties as per the Resettlement Policy Framework, establishes rates of compensation for lost assets, and describes levels of assistance for relocation and reconstruction of affected people, if there is any displacement.

The Resettlement Action Plan should:

- Contain record of any measures taken to reduce land acquisition and resettlement impacts through changes in the design of the project.
- Identify key stakeholders and conduct meaningful consultations with them about the project and resettlement effects. Identify any vulnerable groups who might require special assistance and consult with them.
- Conduct a census of the people affected and property affected. Establish a baseline of incomes and expenditures. Consult with the agencies (central as well as local-level) responsible for land acquisition, land replacement, valuation of assets, and compensation rates.
- Review laws, regulations and directives that apply to land acquisition, resettlement, and compensation. Prepare an entitlement matrix listing all effects of permanent as well as temporary land acquisition. Establish criteria for the eligibility of resettlement assistance and benefits of affected people if there will be any form of displacement.
- Prepare a framework for participation of PAPs. All PAPs should be meaningfully consulted when defining entitlements, the implementation of land acquisition and displacement, if any. Prepare an institutional framework that designates responsibilities to provide compensation, undertake relocation work for displacement, take responsibility for income restoration, supervise, manage and monitor the implementation of land acquisition, land replacement and resettlement activities.
- Prepare a monitoring and evaluation plan, identifying the responsibilities, time frame, and key indicators. Specify the time framework for monitoring and reporting.
- Prepare a time bound implementation schedule for land acquisition and resettlement in conjunction with the agreed implementation schedule for project components, showing how PAPs will be compensated before actual acquisition of the affected land, or before demolition of any affected structures.
- Prepare an individual budget. Prepare indicative land acquisition and resettlement costs (if any). Prepare budgetary allocation and timing. Specify sources of funding and approval process. Prepare an annual budget estimate for resettlement by major category of expenditures.

All above mentioned points of the RAPs shall be considered for investments during the project implementation, if land acquisition and displacement is expected.

1.1 Project description

The GoA seeks to provide the planning and preparation activities necessary to (a) obtain donor funding for implementation of RRMSP and (b) to prepare the documentation necessary to allow implementation of the project to commence immediately after approval is received for donor financing.

The components of the project will be as follows:

Component 1

- Assessment of the existing National Road Network inventory in order to develop the optimal arrangements for contracting out the maintenance activities on a performance basis of all national roads. Planning for the way in which the maintenance contracts will be specified (i.e. the area or corridor that will be included in each contract), will be based on actual physical conditions (accessibility, location, condition), socio-economic criteria and balanced geographical distribution. This component will include capacity support to ARA in planning and prioritization and in the expansion of performance-based maintenance contracting.
- Preparation of the bidding documents (BD) for all contracts. The BD will incorporate the recommendations of an independent road safety audit (see Component 2).

Component 2

- Introduction of Road Safety Audit Practices as part of operationalizing the Road Safety Action Plans, including conducting independent road safety audits and incorporation of road safety improvements and standards into the bidding documents;
- Identification and need assessment of capacity building requirements to enhance the operationalization of Road Safety within ARA and the Secretariat of the Inter ministerial Road Safety Council (RSC), and preparation of a TOR for additional Technical Assistance (TA) to address the identified requirements.

Component 3

- Review the requirements of the World Bank's Environmental and Social safeguards policies, and prepare the Environmental and Social Safeguards documents for the RRMSP, including: Environmental Management Framework (EMF), Environmental Management Plans (EMPs), Resettlement Policy Framework (RPF), and Resettlement Action Plans for the RRMSP (as applicable).
- Review and identify gaps / inconsistencies between regulations governing environmental and social safeguard policies of the Government and the guidelines of the World Bank.
- Provision of on-the-job training of ARA staff to prepare environmental and social safeguard documents.

Component 4

- Definition of the proposed Project Development Objectives (PDOs) for the RRMSP, Disbursement Linked Indicators (DLIs) related to the implementation of the road

repair/maintenance, the Results Framework, and establishing baseline values and annual targets;

- Preparation of the RRMSD project operation manual.

1.2 Scope of Services, Tasks (Components 3) and Expected Deliverables

The component 3 comprises subcomponents as follows:

Task 3.1 – Review Guidelines and Policies for Preparation of Environmental and Social Safeguards Documents

The Consultant shall review and identify gaps and/or inconsistencies between regulations governing environmental and social safeguard policies of the Government of Albania and guidelines and policies of the World Bank.

Task 3.2 – Prepare Environmental and Social Safeguards Documents

Requirements arising out of the environmental and social safeguards documents, along with rigorous requirements for the management of site safety, shall be included in the BD prepared under Component 1.

In preparing these documents, the Consultant shall provide on-the-job training of ARA staff to prepare and implement environmental and social safeguard documents.

For the purposes and needs of disclosure and public consultations, the Consultant shall prepare the safeguards documents in both Albanian and English languages.

Environmental Safeguards Documents

The project has been classified under World Bank policies as Category B, and as such requires an Environmental Management Framework with sample Environmental Management Plans (EMPs) for at least two types of activities that are anticipated under roads maintenance at this stage. The EMF will also include precautionary measures for the Protection of Cultural Heritage and for activities in the proximity or within specific Natural Habitats or any protected areas.

Social Safeguards Documents

The Consultant shall prepare the Land Acquisition and Resettlement Policy Framework (LARPF). The LARPF must reflect regulatory requirements of Albania as well as social safeguard policies and procedures of the World Bank Operational Policies on Involuntary Resettlement OP 4.12.

2 DESCRIPTION OF SUB-PROJECT SITE

In this Chapter a description of the area where the sub-project will be located (for example Paper area) will be done.

The data included in the description should be as follows:

Location details:

- Site Location, Name of the commune, county, village, prefecture.
- Nearest town
- Coordinates of road that will be reconstructed or maintained
- Technical data according to the designed project (length, width)
- A brief description on social data of project site, livelihood level, vulnerable groups, woman head of family, etc.
- A brief description on economic data, the incomes of affected people, employment, resources of incomes, etc.
- Number of private plots affected by rehabilitation and maintenance works
- The total size of private plots affected by rehabilitation and maintenance works.
- Number of private plots that will be temporary taken (rented).
- The total size of private plots that will be temporary taken (rented).

3 MAIN FINDINGS

The RAP is designed to comply with international best practices and provides a summary of key findings, based on data collected through several research instruments and a review of background information to identify potential impacts caused by the road reconstruction and maintenance works at a sub-project site.

The RAP has to ensure that every loss is addressed and that, as necessary, PAPs are assisted to restore their living standards and income. The abbreviated RAP findings have to suggest that the PAPs in sub-project site will not be in worse conditions from the ones they were before the project.

3.1 RAP Project Components

The RAP components essentially comprise:

- A **Census-baseline** survey to establish the number and identity of individuals, households, or communities to be affected by reconstruction or maintenance works, accompanied with an inventory of major assets (land, building plots, trees, houses, kiosks, selling tents) to be affected by project implementation.
- **Households Survey/Inventories** of all assets affected and methods to determine the impacts upon incomes and living standards.
- A **Resettlement Policy Framework**, which establishes the eligibility criteria for specific entitlements and other forms of assistance.

3.2 Methodology

The methodology that will be used to design the RAP includes a participatory approach, where public meetings will be organized and key stakeholders will be interviewed. The methodology that will be used is described below:

- Consultation with the PAP that would be affected by road upgrading and maintenance will be undertaken as part of the participatory approach.
- Socioeconomic surveys of all the direct and indirect affected people will be undertaken. This includes the development of a comprehensive questionnaire for data collection which comprises the following information: household bio-data, livelihoods and infrastructure inventories including land, properties, and social services infrastructure, with a major focus on improving indicators of road construction and maintenance at sub-project site.
- Cadastral and Orthographic maps will be scrutinized to identify features such as population settlement, infrastructure and land use patterns.
- Further analysis of the survey data and studies to establish adequate compensation parameters, and to enable appropriate income restoration.

3.3 Results of Survey

During the field study, the consultants must ascertain that the proposed project is likely to positively impact on economical indicators and generally on the development of rural areas. In the table below is shown the socio-economic data of the affected sub-project areas where a RAP is required.

Socio-Economic Data

Table 1 and Table 2 below provide the principal socio-economic data relevant for the sub-project area (commune).

Table 1: Sub-project site. Social Indicators

Item Description	Total
Total Inhabitants	
Total Households	
Number of Households with Economic Aid	
From these, Women Head of HH	
Number of individuals with Economic Aid	
Number of Health Centres	
Number of Schools	
Incomes of Family or Individuals	
Sources of Income	

Affected Properties at sub-project site

The Consultants have to collect information about the families, number of members and individuals affected by the project, the size of affected land (arable land and building plots), households, number of trees, state of ownership and other indicators according to specific sites.

If the land is planted, the consultant will gather information on the sorts of plants, expected yield, and other similar data.

Table 2: Sub-project site. Affected Properties

Nr	Sub Project Site	Name of Commune (village) with Affected Properties	Size of land area Affected (m ²)	No of trees	No of Households Affected
1					

Table 3 below shows full details of the ownership and occupier status of the land.

Table 3: Sub-project site. Detailed data of Affected Properties

Name of Family Head	Cadastral zone No	Registered No of Parcels	Legal status of land parcels	Size of land parcels (m ²)	Area By sub-project (m ²)	Cultivated plants	
						Maize (Corn) (m ²)	wheat (m ²)
TOTAL							

Errore. L'origine riferimento non è stata trovata. provides data of the compensation required for land and crops loss.

Table 4: Sub-project site – Calculation of Compensation

Item	Quantity	Average Unit rate of Compensation ALL and USD (1 USD = 103 ALL)	Total Compensation ALL and USD (1 USD = 103 ALL)
Private Land Area Affected	m ²	ALL/m ²	ALL
		USD/ m ²	USD
Expected loss of production	kg	ALL/kg	ALL
		USD/kg	USD
TOTAL COST of compensation			ALL USD

Note. The Consultant can add the data of other properties as building plots, houses, kiosks, selling tents and everything, subject to RAP. The Consultant must comment data collected.

The incomes of all PAPs families and other data related to affected families are given in Table 5.

Table 5: Sub-project site Data on PAP Livelihoods and % of affected assets.

Name of representative of the family	Total land in use or owned by them (ha)	Planted species in total	Other activities	Lands or others objects of RAP			Yearly Incomes by total land owned or in use ALL and USD*	Yearly incomes by lands or products subject of RAP ALL and USD	% of incomes affected by project	Proposed Compensation in ALL and USD 1USD =100 ALL
				ALL expropriated land value	Plants					
					Corn	W.bean				
		Wheat, Corn, W.bean, olives vegetable,	Emigration				ALL USD	ALL USD		ALL USD
		Wheat, Corn, W.bean, olives vegetable,	employment in state				200000 ALL 2000 USD	6450 ALL 64.5 USD		ALL USD

3.4 Entitlement Matrix

The entitlement matrix (Table 6) is the expropriation table filled out with the owners name for each property, the size area to be expropriated and necessary compensation, on the assumption that the RRMSP will affect the properties and economical activities.

The data in **Errore. L'origine riferimento non è stata trovata.** 6 have to be provided from the local authorities and the Census Survey completed by the Consultant with the respective owners.

Note: The Consultant has to check the updated prices according to directives or government decisions of all property types.

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Table 6: Sub-Project site Entitlement Matrix

Name Family Head	Sub Project Area	Cadastral zone	Nr of Parcels	Legal status of parcels	Legal Status at IPRO	Total Size of Parcels (m ²)	Area occupied (m ²)	Cultivated plant areas/number			Estimated value (ALL and USD)			
								Maize (corn) (m ²)	White Bean (m ²)	No. olive trees	Land	Maize	White Bean	Olive trees
												ALL USD	ALL USD	ALL USD
Total											ALL USD	ALL USD	ALL USD	ALL USD

Note: The consultant can add the data of other properties as building plots, houses, kiosks, tends and other typologies subject of RAP

4 VALUATION AND COMPENSATION

4.1 Definitions

4.1.1 Affected persons

Project affected persons (PAPs) are persons affected by land and other assets loss as a result of EASP activities. These persons may lose, or have denied/restricted access to economic assets, and be deprived of shelter, income sources and means of livelihood.

The definition of type of properties affected by the rehabilitation works are described in the previous chapter. This section outlines the compensation package entitlement for the project affected persons.

When there is a situation with “lack of title” the expropriation could involve the loss of land, shelter or other sources of income. Design is not yet available, so the actual extent of the rehabilitation and maintenance works are not known; this RAP Template therefore includes consideration of possible adverse impacts from loss of land, as well as loss of assets and/or income. As indicated below in the criteria for eligibility, in order to receive compensation affected people will need to show that they are occupying or using the affected land, but may not carry documentation indicating formal or recognizable legal rights to the land.

4.1.2 Economic Rehabilitation

Projects leading to inconveniences to the society within which the project is located require adequate economic rehabilitation of the affected people with due vetting of their entitlements. The project proponent will compensate affected people for loss of physical assets, revenue, and income resulting from reconstruction and maintenance works. The project proponent will establish transparent methods for the valuation of all assets affected by the project as required under the Albanian laws. These methods include consultation with the affected individuals together with their representatives, to assess the adequacy and acceptability of the proposed compensation to ensure the economic rehabilitation of all the affected people.

4.1.3 Compensation Rates

Adequate compensation rates will be drawn by the proponent based on the prevailing market rates regarding the affected facility. The established compensation rates will be applied throughout the project components, consistently with the respective project phases and with allowances for adjustment in case of staggered compensation payments.

4.1.4 Land-based Compensation

The Consultant must inform and share opinions with PAPs and Local Authorities regarding the way of compensation and the requirements of the Albanian Legislation and WB policies. The Consultant has to find out whether there are free state resources or local properties to use for compensation of PAPs. The consultant has also to explore if there are persons willing to sell their property.

Cash compensation remains probably the best way for PAPs compensation, which ensures replacement of the lost properties in such a manner that will satisfy PAPs requirement. The concrete situation from the census carried out by the consultant will show anyway what type of compensation will be used.

4.1.5 Cash Compensation

The cash compensation option is provided under Albanian Law and under World Bank policy. The following are the World Bank guiding principles for cash compensation option:

“Compensation rates should be calculated in consultation with representatives of affected populations to ensure that rates are fair and adequate;

Compensation for land, crops, and trees, should be sufficient to enable affected people to restore their standard of living after resettlement;

Compensation payments should be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites”

4.1.6 Risks of impoverishment

To ensure the affected persons are not in any way rendered poor by the proposed project, all categories of affected people, including property owners and land right holders, squatters, and other natural resources users, are identified. All types of loss associated with each category above are factored in. All types of compensation and assistance to which each category is entitled, including compensation or replacement of land and natural resources, are included.

4.1.7 Estimated Cost of RAP

As mentioned above, according to the regulatory framework in Albania, the defined prices from the Government of Albania are considered as a reference for the calculation of land expropriation for the public interest. The value of the agricultural land determined by the Government Act is an average value for all village lands; meanwhile these lands have different agricultural productivity qualities and as consequence different values. Prices of different properties will be calculated according to the appropriate values from prices of Government Acts, market values or the particular features that the plot offers (“calculating method”).

As the market value tends to increase every year, there is currently a gap between market and official values. The Consultant has to try to minimize this gap, considering the features of properties, the opinions of neighbors and local officials, the transactions at the registration offices, etc. According to the loss of agricultural production, which is the item that will be compensated, the expected yield and the average wholesale selling price will be taken into account, based on the market investigations. The total cost of expropriations of the affected properties is given in the tables below.

Table 7: Sub-project site. Total Cost Estimate of RAP

Item No	Budget items	Estimated cost ALL and USD
I	Compensation of land loss	
II	Lost agricultural production payment	
III	NGO contracting costs for RAP implementation	
	Total cost estimated of RAP	

Table 8: Sub-project site. Detailed Cost Estimate of RAP

Settlement Item	Agricultural Land		
	Size	Price/m ²	Value ALL and USD
Land loss			
Sub-Total I			
Damage of agricultural production	Expected yield/kg	Price ALL /kg	Value ALL and USD
Maize			
White bean			
Sub-Total II			
NGO contracting costs - RAP implementation			
Sub-Total III			
Total I+II+III			

Note: The tables are indicative and can be completed with other items such as building plots, houses, kiosks, tents and everything, subject of RAP

5 COMMUNITY PARTICIPATION-GRIEVANCE PROCEDURE

5.1 Consultation with Affected Populations

To ensure that the interests of the affected persons are fully entrenched in the RAP process and income restoration, the implementing agency (ARA) has to adopt a thorough consultation with the affected persons, representatives of any affected group, and the various administrative employees of communes all through the project area. Communication with the affected persons, as well as with other communities members who express interest in the project, will be maintained throughout the implementation phase up until project closure. The meetings with the PAPs are recorded in minutes and these are presented in Annex 1 of the RAP report.

5.2 Monitoring of Income Restoration

The income restoration strategies aim at ensuring that the affected persons are reinstated to their prevailing state at the beginning of the project and adequate measures are in place to assist them progress further. The monitoring process and the responsible parties are as described in the Monitoring and Evaluation section of RAP document.

The key indicators of the performance of the income restoration measures within the restoration strategies adopted are:

- Measurement of income / poverty variation among the affected persons;
- Social, political conflicts within the affected persons.

5.3 Mechanisms of consultations

In addition to documenting the expropriation procedures indicated above, once the tentative arrangement of the civil works is identified, the sub-project proponent (i.e. the Commune) will hold public consultations to discuss the expropriation and its implications. All land owners or occupiers of land that will be affected by the expropriation will be invited to these consultations, in which they will be offered choices about their options and rights pertaining to compensation and provided with technically and economically feasible alternatives.

5.4 Description of the implementation process

The implementation of expropriation activities will be linked to the implementation of the project, to ensure that loss of assets does not occur before the necessary mitigation measures and resources are in place. In particular, land and related assets will be taken only after compensation has been paid.

The PAP's have to be informed about the project and impact to their land, plants, etc. The methodology that will be applied is based on national legislation and WB Guidelines.

- Firstly, the consultant has to inform the project affected persons about the project implementation and impacts, and receives feedback from them, so as to choose the best alternative to minimize the negative effect of the project in their livelihood. Secondly, the authority in favor of which it will be done the expropriation will negotiate with affected people for an agreement on expropriation.
- The PAP's will be informed on the legal framework to be applied. The base principles will be the Article 41/4 of the Albanian Constitution that provides: *"The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation"*, and Art. 1 "Right to property" of the European Convention on Human Rights: *"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law"*. In this spirit, the Law in power no. 8561, dated 22. 12. 1999 "On Expropriations and Temporary Takings of the Private Property for Public Interest" provides the entire procedure on how an expropriation procedure begins, for which reason, from which subject and the right of the owners to contest the evaluation of the property made unilaterally from the state institutions.
- The PAP's have to be informed that permanent expropriation of land are requested when the owners are deprived totally of their land, or the possibility to use it. The prices of permanent expropriations for specific regions are specified with a map approved by the Council of Ministers. Land values must be current market prices; real estate agents should be consulted on actual land prices in the area of sub-project. These prices should be actual amounts paid, not reduced amounts used to reduce taxes on land sales. Essential is that the values are objectively established; use of the zoning map can only be done if the values correspond to actual current values for land sales. For crops, the estimated value have to be calculated based on the expected yield and market unit price according to Statistical yearbook of MAFCP.
- During the consultations with PAP's, the Consultant has to explain the legal procedures and institutional responsibility. Positively, MoTI has to follow the legal procedure, on publishing the request for expropriation, informing on the complaints of the affected owners, and preparing the draft of the sub legal act for the Council of Ministers.
- The procedure will be considered complete, when the owners agree, through a signed agreement by both parts, for changes on land use and compensations;
- The decision for the expropriation will be approved by the Council of Ministers and will enter into force immediately, also it will be published in the Official Journal;
- The owners affected have the right of complaint to the Court for the compensation and if they don't follow this procedure, the decision of the Council of Ministers will be an executive title.

- During the interviews, the PAP's will be informed about Grievance Procedure and compensation modalities. Any PAP who is dissatisfied with the compensation amount may seek redress through the Grievance Redress mechanism for which a local NGO is suggested to be contacted to handle all issues related to grievances before running for official channels to address concerns. If a PAP still has an issue, he or she may initiate litigation in Courts.
- The Consultant has to explain in principle to the PAP's that the procedures of expropriations and compensations will be completed before starting of works of the project.
- At last, after meetings, consultations and interviews of the PAP's an agreement has been reached to compensate with ALL for affected land, plants will be inundated and the amount for compensation will be calculated.

5.5 Arrangements for funding resettlement

The overall responsibility for resettlement and expropriation of land and commodities falls under the Council of Ministers. The financial responsibility for the expropriation procedures, including the compensation to be paid, resettlement costs, etc., lies with the MoTI. The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required for compensation.

5.6 Responsible Institutions and/or Agencies

The following agencies and institution are responsible for the coordination and delivery of each activity in the land entitlement policy:

- Immovable Property Registration Offices under the authority of the Central Registration Office, which are responsible for identifying and verifying property boundaries and ownership.
- Land Administration and Protection Offices (formerly Cadastre Offices) under the Region, which will clarify land allotment certificates for agricultural land that has not been formally registered and transferred to the Immovable Property Registration Offices.

5.7 Grievance Redress mechanisms

Grievances are a common phenomenon in involuntary resettlement, 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. The mechanism will be developed and would include:

- i) A recording and reporting system, including grievances filed both verbally and in writing,
- ii) Staff with responsibility at various levels of governments, and
- iii) A time frame to address the filed grievances.

The functioning of the grievance redress mechanism should be regularly monitored and evaluated during project implementation. For the purposes of the RAP, it is suggested to initially involve a local NGO to assist people with any grievances, fixing problems during implementation, etc., before the need to go to authorities.

The following are the main criteria for NGO selection:

- Good experience in public relationship
- Good knowledge of assets values and compensations
- Familiarity with Albanian Legislation on Compensation and with WB Guidelines
- Good experience on procedures for grievances to Administrative bodies
- Satisfactory experience on grievances in Court.

The procedures for selection of the NGOs should be in accordance with Public Procurement Law, and WB requirements. The grievance mechanism should be an operation of easy access, at no or low cost, which involves people from the community, the proponent and the relevant authorities to manage and fix problems before official channels of redress are involved, which might take time and have a considerable cost. The NGOs would help organize this through setting up a PAP-Proponent-Authorities group to handle problems during implementation.

5.7.1 NGO Scope of Work

The objectives of the local NGO to be appointed for the implementation of the RAP should be:

- Provide the capacities for field activity in the implementation of the RAP;
- Educate the identified PAP regarding their entitlements and obligations under the RAP and ensure PAP obtain their entitlements;
- Assist the PAP in the redress of grievances through the system implemented as part of the RAP

5.7.2 NGO tasks

The NGO will be responsible for assisting the PAPs during the resettlement and shall ensure that the RAP, with regard to the wellbeing of the affected persons, is implemented appropriately and effectively. The NGO will:

- Develop relations between the PAPs and the project authorities through regular meetings. All meetings and decisions taken are to be documented.
- Assist PAPs in getting the compensation for their land and properties acquired for the Project.
- The NGO will determine the entitlements of each affected person and compare it to the offer being made by the Project. If there is a discrepancy, between the two, the NGO will be responsible for assisting the PAPs in coming to some agreement and, if necessary, pursuing the matter through the grievance redresses mechanism.

5.7.3 Methodology

In order to carry out the tasks described above, employees of NGOs are to be stationed in the project area. Besides contacting PAPs on an individual basis to regularly update the baseline information, group meetings should be conducted by the NGOs on a regular basis. The frequency of such meetings will depend on the requirements of the PAPs, but should occur at least once a month, to allow the PAPs to remain up to date on project developments.

The NGO should encourage participation of individual PAPs in such meetings by discussing their problems and other aspects relating to their socio economic lives. Such participation will make it easier to find a solution acceptable to all involved.

5.7.4 Reporting

The NGO shall submit an inception report, detailing plan of action, manpower deployment, time schedule, and detailed methodology within 30 days of the commencement of the assignment. The NGO should also submit monthly progress reports on the activities carried out and proposed activities for the coming month including data on indicators as required.

On completion of the assignment the NGO shall submit a final report summarizing the actions taken during the project implementation, the methodology and manpower used to carry out the work and a summary of assistance given to each PAP.

5.7.5 Time Schedule

It is estimated that the NGO services will be required some months before the implementation of RAP. However, this may be rescheduled based on the exact nature of the activity. If the involvement of a local NGO does not satisfy the grievance, then recourse to official administrative channels is made.

The Expropriation Law provides for an appeals process against the proposed award for compensation. Further appeals can be made to the district courts. The Office of the Ombudsman in Tirana receives complaints from citizens against government actions that affect their rights. The Project's staff will also play a role in resolving grievances.

Table 9: Sub-project site. Description of Expropriation Procedure Steps according to Albanian Legislation

Steps	Institution	Description of responsibilities	Timing	Remarks
RAP Planning				
Step I	ARA (or Consultant on behalf of ARA)	Identification of PAPs, public information, calculation of RAP value		Information on project effects, needs on RAP, evaluation and verification of PAPs

Step II	ARA (or Consultant on behalf of ARA)	PAP Consultation		Explanation on assets to be affected, identification of the best way for compensation, explanation of time of compensation, main actors on implementation process, procedures to be undertaken and the rights for Grievances
Step III	ARA (or Consultant on behalf of ARA)	Preparation of final RAP report		Preparation of RAP Report considering comments of WB and MoTI
Step IV	MoTI	Approval of final report		Formalizing the RAP report and including at project implementation ToR
RAP Implementation				
Step V	ARA MoTI	Request for expropriation for public interest	1 week – after RAP approval	Fulfill of criteria provided by law, especially the necessary documents that prove the expropriation needs
Step VI	MoTI	Commission of expropriation at MoTI has to examine the request and documents If the legal criteria are fulfilled the MoTI starts the expropriation procedures. If not, the request will be rejected.	2 weeks after RAP approval, requests for expropriation	Raising of Commission of expropriation, verification of documentation on properties, calculation and verification of compensation value
Step VII	NGO	Ensure that the Commission of expropriation decisions are based in Albanian Legislation and WB guidelines and considers	3 weeks after RAP approval	Evaluation of compliance between interested part requests

		PAPs requests		
Step VIII	MoTI/PAPs/NGO	Compile the agreement considering pretends of any parts and legislation	4 weeks after approval of RAP	Give solution and incite agreements supporting PAPs requests upon legislation
Step IX	MoTI/NGO	<p>Agreement with PAP's about expropriation.</p> <p>Publication of the notice for the expropriation - Declamation</p> <p>Examine the suggestions and the complaints of persons affect by the process</p> <p>Prepare the draft decision for Council of Ministers.</p>	5 weeks after approval of RAP	<p>Important: the fair evaluation of the properties</p> <p>The procedure must be followed carefully and respecting the right of the third persons to prevent the complaint to the Court</p> <p>The expropriation it will be done for the persons which will accept to be compensated with the conditions published.</p> <p>Preparation of DCM on PAP compensation</p>
Step X	Council of Ministers	<p>Approve the decision of the expropriation for public interest;</p> <p>OR</p> <p>Reject the proposal to MoTI with the suggestion to review, if it is not in conformity with the law. Pay the compensation to persons affected by the project</p>	9 weeks after approval of RAP	DCM shall be implemented 1 month after declaiming on official newspaper
Step XI	NGO	Assistance on relationship between PAPs and Local and	10 weeks after approval of	Verification of compatibility of the agreement between interested

		Governmental authorities, verifications, and supervision of RAP implementation	RAP	parts.
Step XII	NGO	If needed, assistance of PAPs on grievance procedures for administrative bodies, RAP procedures, compensation values etc and support PAPs grievances on the Court	11 weeks after approval of RAP	If PAPs will have grievances
Step XIII	ARA	Prepare the final report on RAP implementation	12 weeks after approval of RAP	Considering that compensations should be finished before starting the project implementation
Step XIV	PAPs	Opening a Bank Account and reporting it at the MoTI	13weeks after approval of RAP	Institutional support of the compensation process
Step XV	MoTI	Pay the compensation to persons affected by the expropriation before the civil works begin	14weeks after approval of RAP	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties and before starting the project implementation
Step XVI	NGO	Ensure that the process implementation has considered all pretends by both interested parties	14weeks after approval of RAP	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties
Step XVII	MoTI, PAP, ARA and NGO	Assignment of the disclosure process according the interested parties demands and in respect of DCM	15 weeks after approval of RAP RAP finalization	Ensure a signed document that shows the RAP is finished and the compensation are done. This document also will verify that in the future the expropriate lands are ownership of MoTI

6 DISCLOSURE, REPORTING, MONITORING AND EVALUATION

6.1 Disclosure

Disclosure will be the end of the RAP implementation. This process should be ended before starting the project implementation. After finalization of compensation, the area taken will be registered in local cadastral office and in MoTI as state land owned by MoTI under administration of ARA. The disclosure should be strictly correct with DCM related to the RAP under consideration and the interested parties (PAPs, NGOs, MoTI and local authorities) should have one copy of the signed agreements for RAP, PAPs compensation and assigned document of RAP disclosure with agreement of all parts.

6.2 Reporting

The selected NGO should prepare time reports for each phase of RAP and report it to WB and MoTI as well as at PAPs.

In the following table is given the reporting procedures according to timing after RAP approval and in respect of "Steps" represented in the 9.

Table 10: Sub-project site. Reporting procedures

Steps	Institution	Description of responsibilities	Timing	Remarks
RAP Planning				
Step I	Consultant	Identification of PAPs, public information, calculation of RAP value – First Draft Report	Three month after project starting	Information on project effects, needs on RAP, evaluation and verification of PAPs
Step II	Consultant	PAP Consultation and verification of assets and subject affected – Second Draft Report	Four month after project starting	Explanation on assets to be affected, identification of the best way for compensation, explanation of time of compensation, main actors on implementation process, procedures to be undertaken and the rights for Grievances
Step III	Consultant	Preparation of final RAP report	Five month after project starting	Preparation of ARAP Report considering comments of WB and MoTI
RAP Implementation				
Step VII	NGO	Inception Report	3 weeks after RAP approval	Evaluation of compliance between interested part

				requests
Step VIII	MoTI/PAPs/NGO	First Draft Report	4 weeks after approval of RAP	Give solution and incite agreements supporting PAPs requests upon legislation
Step IX	MoTI/NGO	Second Draft Report.	5 weeks after approval of RAP	Important: the fair evaluation of the properties The procedure must be followed carefully and respecting the right of the third persons to prevent the complaint to the Court The expropriation it will be done for the persons who will accept to be compensated with the conditions published. Preparation of DCM on PAP compensation
Step XIII	NGO	Draft Final Report	12 weeks after approval of RAP	Considering that compensations should be finished before starting the project implementation
Step XIV	NGO	Final Report	14weeks after approval of RAP	Ensure that compensation are done in respect (amount and time) of agreements signed by interested parties

6.3 Monitoring and Evaluation

Monitoring and evaluation procedures have their crucial importance in an appropriate RAP implementation. The monitoring of RAP implementation will be focused on the following elements:

- Respecting of RAP planned
- Verification of findings and results
- Respecting of Albanian Legislation and WB guidelines for Resettlement policies
- Compatibility and agreements between interested parts
- Avoiding PAPs grievance

6.4 Monitoring program

Internal monitoring will be carried out routinely by ARA either directly or through the services of a consultant. The results will be communicated to WB through the quarterly project implementation reports. Indicators for the internal monitoring will be those related to process and immediate outputs and results. This information will be collected directly by ARA to assess the progress and results of RAP implementation, and to adjust the work program, if necessary. The monthly reports will be quarterly consolidated in the standard supervision reports to WB. Specific monitoring benchmarks will be:

- (i) Information campaign and consultation with APs;
- (ii) Status of land acquisition and payments on land compensation;
- (iii) Compensation for affected structures and other assets; if any
- (iv) Relocation of APs; if any
- (v) Payments for loss of income; if there is such impact
- (vi) Selection and distribution of replacement land areas; if compensation is land based
- (vii) Income restoration activities ; in case of loss of impact

Annexes

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7 ANNEX 1: MINUTES OF MEETING WITH PROJECT AFFECTED PERSONS

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8 ANNEX 2: PHOTOS OF MEETING WITH PROJECT AFFECTED PERSONS

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9 ANNEX 3: SIGNED QUESTIONNAIRES BY PAPS

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10 ANNEX 4: SA QUALITATIVE QUESTIONNAIRE USED

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