

# RESETTLEMENT POLICY FRAMEWORK

## **Bridge Rehabilitation and Upgrade Project (BRUP)**

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## LIST OF ACRONYMS

ACER	Albanian Center for Economic Research
ARA	Albanian Road Authority
ARAP	Abbreviated Resettlement Action Plan
BRUP	Bridge rehabilitation and upgrade project
DCM	Decision of the Council of Ministers
EIA	Environmental Impact Assessment
EMMP	Environmental Management and Monitoring Plan
ESMF	Environmental and Social Management Framework
ESF	Environmental and Social Framework
ESS5	Environmental and Social standard 5 “On land acquisition, restriction on land use and involuntary resettlement”
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IoCM	Institute of the Cultural Monuments
SAC	(former)Immovable Properties Registration Office / State Agency of Cadastre
LGC	Local Grievance Committee
LGU	Local Government Unit
MoIE	Ministry of Infrastructure and Energy
MoUD	Ministry of Urban Development
SAE	State Agency of Expropriations
OMP	Operational Management Plan
PAP	Project Affected Persons
PMT	Project Management Team
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
WB	World Bank

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## Definitions

<i>Project in Brief</i>	<b>Definitions</b>
<i>Application file</i>	Set of documents prepared to support the request for expropriation submitted to the <b>SAE</b>
<i>Case file</i>	Set of documents that the Expropriation Commission, established within the <b>SAE</b> finalizes in support of proposal for expropriation to the Council of Ministers
<i>Census</i>	A field survey to identify people who are genuine owners/ occupants of the land to be acquired under the project and thus will be eligible for compensation and/ or rehabilitation support as provided in this RPF.
<i>Compensation</i>	Compensation is the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets, as well as other impacts resulting from project activities.
<i>Cut-off date</i>	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cutoff date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
<i>Expropriation Commission</i>	Special commission for application of the expropriation procedure in case of the sub activities.
<i>Expropriation Law</i>	Law No.8561/22/12/1999 ‘On Expropriation and Taking on Temporary Use of Private Property for Public Interest’ amended The expropriation Law No. 8561 date 22.12.1999, is amended by Law 11 date 12.02.2020. DCM 395 date 13.05.2020 “For the Organization and Operation way of Governmental Agency of Expropriation”
<i>Full replacement cost</i>	Method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets should not be taken into account. For agricultural land it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes
<i>Land</i>	It refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
<i>Land acquisition</i>	It means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.
<i>Local Grievances Committee</i>	Local committee composed of three representatives: PAPs, Project; neutral expert to handle all grievances procedures in the affected areas and address PAPs concerns.
<i>Local Government Unit</i>	The LGUs include Municipalities and Administrative Units as per the new territorial division in force since June 2015.
<i>Project</i>	Bridge Rehabilitation and Upgrade Project (BRUP)

<i>Project Affected Person (s) (PAPs)</i>	PAPs are persons affected by land use or acquisition needs of the RAP in the framework of the project. These persons(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.
<i>Region</i>	The Project has a national coverage starting from the North to the South of Albania, depending on the Bridges locations proposed to be part of the rehabilitation and upgrade under the project financing.
<i>Replacement cost</i>	It means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Albanian law for sale of land or property. In terms of land, this may be categorized as follows: (a) "Replacement cost for agriculture land" means the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.
<i>Resettlement Action Plan (RAP), Abbreviated Resettlement Action Plan (ARAP) or "Resettlement Plan"</i>	It is a resettlement instrument (document) prepared when projects locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAP is prepared by the party (Potential Developer) impacting on the people and their livelihoods. RAP contains specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. RAP is a site-specific report for the current known impacts and is prepared in conformity with the provisions of this RPF with the views of the PAPs.
<i>The Resettlement Policy Framework (RPF)</i>	It is an instrument to be used throughout the implementation of project activities as guidance tool. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.

# 1. Introduction

## 1.1 PROJECT OBJECTIVE

The Government of Albania through the Ministry of Finance and Economy and Ministry of Infrastructure and Energy seeks Funding for the Albanian Bridge Rehabilitation and Upgrade Project (BRUP) from the World Bank (the Bank). The Project for Bridge Rehabilitation and Upgrade Project (BRUP) aims to finance the rehabilitation or reconstruction of priority bridges and structure on the NRN to modern standards, in order to enhance their reliability, operational performance and resilience to future climate change and geological hazards events. In addition, to ensure sustainability of the investments, the project will finance softer components aimed at strengthening the capacity of Albanian Road Authority at managing the bridge and culvert assets.

The Project development objective is to enhance the reliability of the bridges and associated infrastructure along Albania's National Road Network through modernization and climate resilience.

## 1.2 PROJECT COMPONENTS

The Components of the Project are the following:

**Component 1:** Rehabilitation or reconstruction of priority bridges and culverts and associated structures (estimated total cost: US\$ 82 million)

**Component 2:** Institutional capacity building (estimated total cost: US\$ 13 million) consider to change this component for “Modernization of the BMS” including the full support to the ARA to build capacity and to deliver the instruments as BMS adjustments and SLA.

**Component 3:** Project management (estimated total cost: US\$ 5 million)

**Component 4:** Contingency Emergency Response Component (CERC) (estimated total cost: US\$0)

**Component 1:** Rehabilitation or reconstruction of priority bridges and culverts and associated structures (estimated total cost: US\$ 82 million). This component will finance the rehabilitation or reconstruction of priority bridge and culverts on the NRN. The priority bridges and culverts will be selected based on the following criteria: i) socio-economic importance due to their location along key economic and trade corridors, or connecting vulnerable populations to public services, jobs and market centers; and/or ii) vulnerability and risk of failure due to their deteriorated structural conditions or their location in areas of the country prone to natural disasters or climate change; and iii) requiring intervention within the next seven years period, until the project closing date. The civil works will be designed for new resilience norms to withstand future natural disasters and climate change (especially for Albania, earthquakes, windstorms, floods, extreme temperature events). The works will also be designed to a) increase the road capacity where needed to accommodate the current and future increase in traffic volumes and mix (heavy vehicles), and the needs of pedestrian rural and local populations; and b) improve road safety to ensure that the bridge superstructure, signage and geometrical characterizes, including at the approach roads are fully compliant with the Euro-codes, and address the shortcomings identified by the road safety audit.

**Component 2:** Institutional capacity building (estimated total cost: US\$ 13 million) consider to change this component for “Modernization of the BMS” including the full support to the ARA to build capacity and to deliver the instruments as BMS adjustments and SLA. To ensure sustainability of the investments under Component 1, this component will finance softer activities aimed at

strengthening the capacity of ARA at managing the bridge and culvert assets. This will include, aligning the Albanian bridge design codes with those of the EU (Eurocodes); the upgrade of the bridge management system (BMS); and the training of ARA’s staff to properly use it for future monitoring and the maintenance planning of the assets.

The procurement and installation of essential remote sensors on approximately 100 key bridges on the NRN will provide continuous monitoring data on the condition of bridges, levels of structural stress, wind speed and water level to enable ARA to optimize the maintenance planning and predict hazards and intervene in a timely manner. The information from the installed remote sensors will be automatically fed into the BMS and used for future planning and decision making.

**Component 3:** Project management (estimated total cost: US\$ 5 million). This component will finance the day to day project management activities by the Project Management Team (PMT) including the fiduciary activities of procurement and supervision of civil works and equipment contracts, and financial management, as well as the collection and analysis of M&E data. Finally, given the weak technical capacity of ARA and PMT on the bridges and culverts, this component will also finance the services of technical assistance of team of bridge experts to support them in the procurement and supervision of civil works as well as in the preparation of the technical specifications, procurement and reception of the office and onsite equipment

**Component 4:** Contingency Emergency Response Component (CERC) (estimated total cost: US\$0) This zero-dollar component is designed to provide a rapid response in the event of an eligible crisis or emergency, by enabling the GoA to request the World Bank to reallocate project funds to support emergency response and reconstruction where needed. A CERC annex will be prepared during the project preparation, specifying the implementation arrangements for the component, including its activation process, roles and responsibilities of implementing agencies, a list of activities that may be financed, environmental and social aspects, and fiduciary arrangements. When the GoA has determined that an eligible crisis or emergency has occurred and the World Bank agreeing with such determination, the government can request and seek agreement of the Bank to include relevant activities under the Project. In such situations, all environmental and social instruments, as may be required, for the added activities need to be prepared, disclosed and approved by the Bank.

### 1.3 PROPOSED PROJECT AREA

The proposed project is expected to have a national coverage, based on the locations of the proposed potential bridges as presented under the table 1 below:

**Table 1. Preliminary list of proposed Bridges, respective Locations and expected type of intervention.**

Bridge Name	Road section	Type of intervention
Orikum	Pusi Mesinit - Kryqëzim Palasë	Reconstruction
Selenice	Vlore	Reconstruction & Upgrade
Dragot	Tepelene	Reconstruction & Upgrade
Ura 1	Tirane - Ndroq - Plepa	Reconstruction & Upgrade
Ura e Drithasit U-101-01-02	Libonik- Plasë	Rehabilitation

Ura 2	Tirane - Ndroq - Plepa	Reconstruction & Upgrade
Ura e Lekrit km 39+435	Përmet - Carshovë	Reconstruction & Upgrade
Ura e Lekrit km 46+605	Përmet - Carshovë	Reconstruction & Upgrade
Ura e Lekrit km 47+538	Përmet - Carshovë	Reconstruction & Upgrade
Ura e Lekrit km 51+050	Përmet - Carshovë	Reconstruction & Upgrade
Ura e Lekrit km 36+426	Përmet - Carshovë	Reconstruction & Upgrade
Ura e Lekrit km 51+707	Përmet - Carshovë	Reconstruction & Upgrade
Ura Petran U-75-07-11	Përmet –Çarshovë	Rehabilitation
Ura e Lekrit km 25+815	Përmet - Carshovë	Reconstruction & Upgrade
Dodës U-31-02-01	Kukës – Peshkopi	Rehabilitation
Burrel – Klos	Skuraj – Burrel	Rehabilitation
Ura e Babanit U-03-08-01	Bilisht - Baban	Reconstruction
Ura e Zajës U-31-01-01	Kukës – Peshkopi	Rehabilitation
Ura e Topojanit U-06-06-01	Skuraj – Burrel	Rehabilitation
Ura e Kirit , U-05-01-01	Shkoder - Mjete	Rehabilitation
Kryqëzim Ulëz (Historic bridge?) U-06-02-02	Skuraj – Burrel	Rehabilitation
Ura e Lekrit km 28+375	Përmet - Carshovë	Reconstruction & Upgrade
Klosit U-06-03-05	Skuraj – Burrel	Rehabilitation
Valbonës U-22-04-01	Bajram Curri – Sopot	Rehabilitation
Ura km 13+723	Ersekë - Leskovik	Reconstruction & Upgrade
Ura km 5+000	Ersekë - Leskovik	Reconstruction & Upgrade
Qafë Mali – Fushë Arrez	Skuraj – Burrel	Rehabilitation
Burrel – Klos	Skuraj – Burrel	Rehabilitation
Ura e Karicës U-06-02-04	Skuraj – Burrel	Rehabilitation
Kryqëzim Ulëz – Burrel	Skuraj – Burrel	Rehabilitation
Klosit (dalje) U-06-04-01	Skuraj – Burrel	Reconstruction
Ura, 11+8 m	Skuraj – Burrel	Rehabilitation
Qafë Mali – Fushë Arrez	Skuraj – Burrel	Rehabilitation
Lajthizë	Qafë Shllak – Qafë Mali	Rehabilitation
Qafë Mali – Fushë Arrez	Skuraj – Burrel	Rehabilitation



Ura, 3x6.5	Skuraj – Burrel	Reconstruction
Qafë Mali – Fushë Arrez	Skuraj – Burrel	Rehabilitation
Ura, 1x14m	Burrel – Klos	Rehabilitation
Ura e Gojan U- 30-03-03	Hadroj – Gjegjan	Rehabilitation
Ura, 3+010	Fier - Kufi Tepelenë	Rehabilitation
Gjirokaster, 64+400	Kufi Mallakastër - Kakavijë	Rehabilitation
Ura Bahcallek, Km 37+000 U- 01-06-01	Lezhe – Shkoder	Rehabilitation
Lezhes, Km 1 + 800	Lezhe – Shkoder	Rehabilitation
Kakavie, 90+450	Kufi Mallakastër - Kakavijë	Rehabilitation
Ura e Zogut (historic bridge) U-06-01-01	Fushë Milot - Milot	Rehabilitation
Ura e Shkumbinit U-04-03-02	Rrogozhine - Lushnje	Rehabilitation
Ura, km 40+960.0	Durres - Fier, SH4-N	Rehabilitation
Ura, km 41+520.0	Durres - Fier, SH4-N	Rehabilitation
Ura e Lezhes, (mbikalimi i trenit km 2+700)	Lezhe – Shkoder	Rehabilitation
Ura e Peginit	Rrogozhine - Elbasan	Rehabilitation
Ura e Drinit te Bardhe	Kukes - Krum	Rehabilitation
Ura Plezhe, Km26+800 U- 01-06-02	Lezhe – Shkoder	Rehabilitation
Ura e Murrashit	Elbasan - Librazhd	Rehabilitation
Ura Gjadrit, Km 2+517 U-05-01- 07	Mjede-Kukes	Rehabilitation
Ura Fushe-Arrez 61+457	Mjede-Kukes	Rehabilitation
Ura e "Drinit te Zi" U-05-04-07	Kukes - Morine	Rehabilitation
Ura ne kryq. Velipoje, Km35+600	Lezhe – Shkoder	Rehabilitation
Ura pas Usekut 25+900	Lezhe – Shkoder	Rehabilitation
Ura e Baldrenit U-07-01-06	Lezhe – Shkoder	Rehabilitation
Ura (Kryqezim Hadroj)	Mjede-Kukes	Rehabilitation
Ura e Peshkatarit U-03-01-03	Tirane - Elbasan	Rehabilitation
Sagice, Km 4 + 500	Muriqan - Shkoder	Rehabilitation
Ura Spathari Nr.1	Shkoder - Mjede	Rehabilitation

U-05-01-03		
Ura e Zeze U-01-02-01	Fush Kruje - Thuman	Rehabilitation
Ura km 94+986	Mjede-Kukes	Rehabilitation
Ura e Spatharit Nr.2 U-05-01-04	Shkoder - Mjede	Rehabilitation
Ura Bicaj 57+673 U-05-03-06	Mjede-Kukes	Rehabilitation
Ura km 80+718	Mjede-Kukes	Rehabilitation
Ura e Oblikes Km 6+500 U-41-01-01	Muriqan - Shkoder	Rehabilitation
Ura km 82+098	Mjede-Kukes	Rehabilitation
Ura km 94+080	Mjede-Kukes	Rehabilitation
Ura Kthesa e Mjedes U-05-01-05	Shkoder - Mjede	Rehabilitation
Ura e Suçit U-06-03-03	Klos - Peshkopi	Rehabilitation
Ura, km 113+033	Mjede-Kukes	Rehabilitation
Ura Gomsiqes, Km 23+917	Mjede-Kukes	Rehabilitation
Ura, km 115+537 (near Kalimash)	Mjede-Kukes	Rehabilitation
Ura, km 66+243	Mjede-Kukes	Rehabilitation
Ura, km 63+600	Mjede-Kukes	Rehabilitation
Ura, km 67+110	Mjede-Kukes	Rehabilitation
Ura, km 67+368	Mjede-Kukes	Rehabilitation

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

The purpose of this RPF is to provide policy and procedures to mitigate loss of private lands and non-land assets, as well as the resultant loss of income, due to the implementation of the Project in line with the World Bank ESF standards, concretely ESS 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, as well as the applicable Laws and Regulations of GoA. The RPF is prepared because the footprint of investments to be financed under the Project, and thus the exact scale and scope of impact, can be known only during project implementation. A site-specific Resettlement Action Plan (RAP)/ Abbreviated Resettlement Action Plan (ARAP) will be prepared in line with the provisions of this RPF and submitted to the Bank for clearance, as and if relevant.

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

- i. **Consultation and participation of affected communities:** Local population including but not limited to people who may be directly and adversely affected by the project will be meaningfully consulted with and participate in the development and implementation subprojects financed under the Project. In particular, their views and perspectives will be incorporated in the RAPs to be developed for respective subprojects.

- ii. **Minimization of impact:** The Project will make every effort to avoid and minimize loss of land and non-land private assets by ensuring a meaningful consultation with and participation of local population throughout subprojects development and implementation processes.
- iii. **Compensation at replacement value:** where loss of land and non-land assets cannot be fully avoided, efforts will be made to fully compensate for such losses and restore pre-subproject level livelihoods by mitigation measures including but not limited to cash compensation at replacement value to be provided before such losses or impacts occur.
- iv. **Preparation of a Resettlement Action Plan (RAP/ARAP):** where losses of land or non-land private assets cannot be avoided and mitigation measures need to be provided, a RAP/ARAP will be prepared in line with the procedures provided in this RPF, and approved by the Bank, before implementation of such subprojects starts.
- v. **Negotiated compensation options:** Wherever possible, a consensus must be reached with affected people on the mitigation measures to be provided and compensation to be paid. All land conflicts shall be resolved in a transparent manner and in a manner that is not coercive. Attempts shall be made to resolve conflicts at each city. Where this is not possible, courts of law shall be consulted.
- vi. **Considerations on vulnerable social groups:** These are groups that include people from the population with minimal assets, illiterate, and/or aged who may need special help in re-establishing livelihoods. Gender differences should be monitored as female-headed households may lose out to more powerful households.

**Resolution of gaps between Albanian laws and the Bank’s ESS 5:** In case of any gap or misalignment between the Albanian legal framework and World Bank’s Standards on Involuntary Resettlement, provisions of this RPF, as part of the international agreement signed between the Republic of Albania and the World Bank, will apply based on the expropriation Law No. 8561 date 22.12.1999, amended by Law 11/2020 date 12.02.2020.

### 3. Legal Framework

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

On Article 41/4 of the Albanian Constitution<sup>1</sup> it is provided: *“The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation”*

Furthermore, on the European Convention on Human Rights, it’s provided in the Art. 1 “Right to property” of the Protocol 1<sup>2</sup>: *“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by the law and by the general principles of international law...”*

In this spirit it’s in power Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”<sup>3</sup> amended. The mentioned law provides the entire procedure how an expropriation procedure begins, for which reason, from which subject and the right of the owners to contest the evaluation of the property made unilaterally from the state institutions.

Anyway, an international agreement ratified by law has priority on application in front of a common

<sup>1</sup> Albanian Constitution, Article 41/4, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

<sup>2</sup> European Convention on Human Rights, Article 1 “Right to property”, [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>3</sup> Law No. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, [http://www.energjia.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-\\_8561.pdf](http://www.energjia.gov.al/files/userfiles/Koncesione_2/2015/Ligji-_8561.pdf)

law. (Art. 122 point 2 of the Albanian Constitution<sup>4</sup>) Furthermore, if a law creates a collision with an international agreement ratified by law, it will be applied the international agreement. This principle provides a guarantee that the international loan agreement signed between the Albanian Government and World Bank, has priority on application in front of the common law, especially in front of the mentioned law “On expropriation....”.

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

This amendment is published on the Albanian Official Journal on 10th of March 2020, and has entered into force on date 25 of March 2020 (15 days after the law has been published).

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

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

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

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

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

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

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

<sup>4</sup> Albanian Constitution, Article 116, [http://www.pp.gov.al/web/kushtetuta\\_perditesuar\\_822.pdf](http://www.pp.gov.al/web/kushtetuta_perditesuar_822.pdf)

development, which regarding the actual structure of the Government, refers to the minister of the infrastructure and energy.

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

- The project aims public interest (Art. 8/ç of Law “On Expropriation...”)”<sup>5</sup>;
- The beneficiary subject in the expropriation process will be *the relevant Municipality of each city* (Art. 9 of the Law “On Expropriation...”)”<sup>6</sup>
- The Municipality needs to submit the request with a list of necessary documents to the State Agency for Expropriations;
- The State Agency for Expropriations has to follow the legal procedure, on publishing the request for expropriation, collecting the complaints of the affected owners, and preparing the draft of the sub legal act for the Council of Ministers;
- The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the GoA;
- The proposal in the Council of Ministers for the approval of the request for expropriation is done by the minister responsible for the urban development.
- The decision for the expropriation (for the owners that do not agree with the expropriation) will be approved by the Council of Ministers and will enter into force immediately, also it will be published in the Official Journal;
- The owners affected have the right of complaint to the Court for the compensation and if they don’t follow this procedure, the decision of the Council of Ministers will be an executive title.

Two other legal considerations are to be emphasized:

– ***The devaluation of property***<sup>7</sup>

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

– ***The provisional taken on possession of the property***<sup>8</sup>

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

<sup>5</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 8ç , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>6</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 9 , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>7</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 18 , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

<sup>8</sup> Law no. 8561, dated 22. 12. 1999 “On Expropriations and Temporary Takings of the Private Property for Public Interest”, Article 27-37 , [http://www.energija.gov.al/files/userfiles/Koncesione\\_2/2015/Ligji-8561.pdf](http://www.energija.gov.al/files/userfiles/Koncesione_2/2015/Ligji-8561.pdf)

court against such decision.

The Council of Ministers Decision No. 138 dated 23. 3. 2000<sup>9</sup> provides the legal criteria for the evaluation of properties affected by expropriation.

- **Land:** The estimation of expropriated of urban lands, lands within the yellow line town and administrative unit properties shall be determined according to the prices approved by Council of Ministers Decision deriving from Law No. 133 date 2015 “On the treatment of property and finalization of the process of compensation of property”.
- **Residential properties:** Value of expropriation compensation for residential properties shall be based on the average sales price according to the records of the State Agency of Cadaster.
- **Industrial and Agricultural properties:** The value of expropriation compensation for industrial and agricultural properties shall be based on the average sales price according to the records of the Ministry of Infrastructure and Energy / State Agency for Expropriations. Depreciation of property must be subtracted from the price.
- **Agricultural land, forested areas, etc:** The estimate value of compensation for agricultural lands, forested areas, pastures and grasslands shall be determined based on the prices approved by Council of Ministers Decision complementary to the Law No. 133/2015 On the treatment of property and finalization of the process of compensation of property”. In cases where there are no prices approved for certain regions, the evaluation for agricultural lands, forested areas, pastures and grasslands is determined based on the average sales price available at State Agency of Cadastre
- **Fruit trees:** For fruit trees the estimated value is calculated considering costs of investment and expenses. This value is calculated per unit (number of fruit trees) or unit per land surface (m<sup>2</sup> of vineyard, nursery etc.). The investment present in the land, the total expenses and different amortization factors are foreseen by special Ministry of Agriculture directives.<sup>10</sup>
- **Crops:** For crops the estimated value is calculated based on the expected yield and market unit price.<sup>11</sup>
- **Illegal constructions:** For investments made by property owners who are not registered at the former IPRO State Agency of Cadastre (without a title), the entity which initiates the expropriation has the right to complete the procedure if: the owners of the property have either (i) started an administrative process at the former Agency for Legalization and Integration of Informal Properties (ALUIZNI) according to Law No. 9482, dated 3.4.2006 "On legalization, urbanization and integration of informal properties (updated)"<sup>12</sup>; in case the illegal building (or additional works on the existing building) have been previously declared and have been qualified later for legalization permit from former ALUIZNI, based on the criteria set in the Council of Ministers Decision No.438, dated 28.6.2006 "On the criteria, procedures and required documentation that determine legalization of informal properties"<sup>13</sup>; or (ii) are in the process of taking a legalization permit, etc.

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<sup>9</sup> The Council of Ministers Decision No. 138 dated 23. 3. 2000,  
[http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM\\_138\\_date\\_23\\_03\\_2000.doc](http://www.transporti.gov.al/files/userfiles/Shpronesimet/VKM_138_date_23_03_2000.doc)

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

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

<sup>12</sup> For more, please refer to the Full Version of the Law:  
[http://www.planifikimi.gov.al/sites/default/files/Ligji\\_nr.9482\\_per\\_legalizimin,\\_urbanizimin\\_dhe\\_integrimin\\_e\\_ndertimeve\\_pa\\_leje,%20i%20ndryshuar\\_1.pdf](http://www.planifikimi.gov.al/sites/default/files/Ligji_nr.9482_per_legalizimin,_urbanizimin_dhe_integrimin_e_ndertimeve_pa_leje,%20i%20ndryshuar_1.pdf)

<sup>13</sup> For more, please refer to: <http://www.aluizni.gov.al/vendim-nr-438-per-percaktimin-e-kritereve-te-procedurave-dhe-dokumentacionit-te-zbatueshem-per-te-kualifikuar-objektet-ne-ndertim-qe-legalizohen-ose-jo/>

### **3.2 WORLD BANK’S STANDARDS ON LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT (ESS 5)**

The World Bank’s ESS5 on land acquisition, restriction on land use and involuntary resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement

The World Bank standards also require the application of the local laws for the valuation and compensation of losses as far as they fit the principles of the WB (Achieving the replacement cost for lost assets). For all losses of assets attributable directly to the project, the ESS5 requires that full compensation at replacement value needs to be provided.

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

As extensively described in the following table, the gap analysis between Albanian framework on land easement and acquisition and WB standards, are mainly related to the following aspects:

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

Based on the recently updated article 8, point 2 of the Law No. 11/2020, dated 12.02.2020, which has amended the Law No. 8561 date 22.12.1999 “On expropriation ...”, provisions of this RPF, which forms part of the international agreement between the Republic of Albania and the World Bank, will apply where gaps exist.

**Table 2. Gap Analysis between Albanian Framework on Easement and Acquisition and WB Standards (ESS 5)**



Topic / Issue	WB International Standards	Albanian Law Provisions	Gaps	Measures for bridging the gaps
Involuntary resettlement – Physical and economic displacement	<p>“Involuntary resettlement” as per the ESS5 refers to resettlement, physical displacement (loss of shelter) and economic displacement (loss of livelihood). The ESS5 covers both: 1. Land acquisition, which includes: (a) resettlement of PAPs (b) purchases of property; (c) purchases of property rights (i.e. easements; rights of way) 2. Imposition of restrictions that result in people experiencing loss of access to physical assets or natural resources.</p>	<p>Albanian legislation, including the Expropriation Law, does not recognize “involuntary resettlement”. Issues related to land acquisition in the public interest are regulated by Expropriation Law. The law regulates the right of the state to expropriate properties of natural or juridical persons in the public interest versus compensation. In addition, compensation is to be provided for the devaluation of properties which are not the object of expropriation. The law regulates temporary occupation of land (e.g. for construction works, setting up construction sites, etc.), for up to 2 years, against compensation.</p>	<p>The key gap is that Albanian legislation does not recognize resettlement or loss of livelihoods associated to land acquisition. The law recognizes affected persons who have formal legal rights only. Restrictions that result in people experiencing loss of access to physical assets or natural resources are not addressed explicitly by Albanian legislation.</p>	<p>Conducting, site specific RAP/ARAP which shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap. PAPs informal owners of buildings shall receive cash compensation. PAP is entitled to cash compensation at replacement cost for construction of similar quality construction with additional moving and transitional allowances</p>
Planning process	<p>Standards requires to prepare a Resettlement Action Plan (or Livelihood Restoration Framework if no physical displacement is anticipated). The RAP includes a census and detailed socioeconomic baseline. Affected persons are to be informed and consulted during the planning process. Special provisions have to be made in respect of consultation with vulnerable groups.</p>	<p>The application for expropriation in the public interest should include a detailed list of properties to be expropriated, based on the ACA register. However, it does not deal with socioeconomic issues. Affected owners are to be notified of the application for expropriation</p>	<p>Albanian legislation does not set out any requirements for the preparation of resettlement or livelihood restoration plans. In addition, there are no requirements in respect of consultation with persons affected or for special attention to vulnerable groups.</p>	<p>RAPs, Census Survey and Socio-economic impact assessments shall be prepared in addition to national requirements</p>



Public consultations	Meaningful consultations with affected persons and communities, local authorities, and, as appropriate, non-governmental organizations needs to be carried out	The PAPs are contacted in the very process of expropriation, but there is no public discussion.	National legislation does not require public consultation with affected persons and communities.	The Project promoter shall consult publicly on this and every other individual resettlement instrument
Cut-off date	in the absence of national government procedures, the date of completion of the census and assets inventory represents the cut-off date for eligibility. Individuals who move into the project affected area after the cut-off date are not eligible for compensation and other types of assistance. Information regarding the cut-off date should be well-documented and disseminated throughout the project area.	It is understood that the date of the Council of Ministers decision on expropriation is the cutoff date.	No gap	The Project promoter shall consult publicly on this topic and explain its importance.

<p>Negotiated settlements</p>	<p>Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly.</p>	<p>Negotiated settlements are encouraged by the Expropriation Law. Art. 6 of the Expropriation Law provides that when the owner agrees to transfer his/her property to the state, under conditions (compensation) offered by the competent ministry, expropriation is considered completed. The owner has to inform the competent ministry within 15 days from being notified (publication) whether accepts the offer (art.16). If an agreement is not reached, after a decision on expropriation is passed by the Council of Ministers, the affected owner has the right to appeal to the court regarding the amount of compensation (art.24)</p>	<p>No gap</p>	
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<p>Compensation Value and Timing</p>	<p>Compensation for lost assets to be provided at replacement cost, usually calculated as the market value of the assets plus transaction costs related to restoring such assets (registration and transfer taxes). Depreciation of structures and assets should not be taken into account. Compensation (alternative housing and/or cash compensation) has to be provided prior to relocation.</p>	<p>Per Expropriation Law, compensation value to be based on assessment of affected properties by the Expropriation Committee and confirmed by COM Decision. This provision explicitly states that depreciation of structures and assets is to be taken into account. If agreement on compensation is reached, transfer of property and payment of compensation to take place within 15 days from notification by affected owner that he/she accepts the offer (art.16). If not, compensation is provided based on a decision on expropriation of the Council of Ministers, within a period of three months, or after the court decision (art.23).</p>	<p>Albanian legislation does not take account of transaction cost, and provides that depreciation is to be taken into account, which does not meet the Standards “replacement value” requirement</p>	<p>The Project promoter shall calculate the transaction cost in the total budget</p>
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<p>Provision of adequate housing / shelter with security of tenure</p>	<p>Adequate housing is measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility and location characteristics, including access to infrastructure and services. Security of tenure means that resettled persons are protected from forced evictions, to the greatest extent possible. New resettlement sites built for displaced persons should offer improved living conditions with security of tenure.</p>	<p>Law on Social Programmes for the Housing of Inhabitants of Urban Zones sets out the criteria for housing requirements (minimum living areas in sqm/person)</p>	<p>The Expropriation Law does not foresee compensation in kind and therefore there are no provisions of adequate housing with security of tenure. The Expropriation Law does not include any provisions about resettlement requirements.</p>	<p>Physical displacement is not anticipated, and this requirement is therefore unlikely to apply. However, for each individual RAP, referring to the specific project, this shall be taken in consideration if there will be foreseen physical displacement.</p>
<p>Vulnerable groups</p>	<p>Specific assistance for vulnerable groups.</p>	<p>According to law no. 9355, dated 10.03.2005 "On social assistance and services", vulnerable persons are entitled to various forms of social welfare payments or a range of community-based services.</p>	<p>Specific assistance for vulnerable groups is not part of the expropriation process in Albania. However, legal tools exist outside of the expropriation process to provide assistance.</p>	<p>The Project promoter shall provide legal and resettlement assistance</p>

<p>Eligibility for compensation / resettlement and entitlements in case of physical displacement</p>	<p>ESS5 distinguishes three main categories of affected people: 1- those who have formal legal rights to affected assets are eligible to full compensation at replacement cost for land and structures as applicable; 2- those who have no formal rights to affected assets at the time of the census, but who have a claim to land that is recognized or recognizable under national laws, are eligible to similar compensation as those in Category 1; 3- those who have no recognizable legal right or claim to the land they occupy are not necessarily eligible to compensation for land but should receive: (i) compensation for structures that they own and occupy and for any other improvements to land at full replacement cost; and (ii) in case of physical displacement, a choice of options for adequate housing with security of tenure and resettlement assistance.</p>	<p>The Expropriation Law addresses people in Category 1. The Cadaster Law addresses people in Category 2. The law no. 9232, dated 13.05.2004 “On social programs for the housing of inhabitants of urban areas” establishes a legal framework for the development of social housing programs in Albanian municipalities, which may apply to people in Category 3. The law defines the administrative regulations and procedures that will ensure the planning, management and distribution of social housing to vulnerable people, in line with their income and the level of state support.</p>	<p>Gaps for people in Category 3.</p>	<p>Specific measures to be devised in RAPs</p>
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Grievance mechanism	<p>A grievance mechanism should be set up as early as possible in the process, to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner. The grievance mechanism, process, or procedure should address concerns promptly and effectively, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, at no cost and without retribution.</p>	<p>Expropriation Law provides for the right of the affected persons to bring actions before the courts for seeking higher compensation from that defined in the decision on expropriation enacted by the Council of Ministers, but affected people cannot challenge the expropriation process per se. Claims do not cause suspension of the expropriation process, though they may result in a higher compensation to be paid if so decided by the competent court.</p>	<p>While there is no requirement in Albanian law to establish an extra-judicial grievance mechanism, this does not contradict the process outlined in Albanian law as long as affected people can keep on enjoying their constitutional right to address any claim to the competent court as they see fit.</p>	<p>The Project promoter shall set up a grievance mechanism for two tiers, including internal one and external, before PAPs resort to Justice, the last resort of the grievance mechanism.</p>
Additional assistance to PAPs	<p>It is necessary to provide assistance either during construction. Particular attention is to be paid to the needs of poor and vulnerable individuals and groups. Either for the expropriated PAPs the client should support technically the PAPs in order to take the compensation.</p>	<p>No particular legal provision</p>	<p>It is necessary to provide assistance either during construction. Particular attention to vulnerable individuals and groups</p>	<p>Support during construction. Support after expropriation</p>

<p>Information disclosure and public information</p>	<p>The client should summarize the information contained in the Resettlement Action Plan or Livelihood Restoration Framework 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 an offer will be made to them, how long they will have to respond, grievance procedures, legal procedures to be followed if negotiations fail). Consultations will continue during the implementation, monitoring and evaluation of compensation payment and resettlement</p>	<p>The Expropriation Law obliges the Ministry to notify persons affected directly (either by registered mail or other means of notification having confirmation that notice is received by the addressee; in case the addressee resides abroad, the notification will be made through publication in the administrative unit/municipality where the land subject to expropriation is located) and to publish during an entire week the application for expropriation in the Official Journal as well as in national and local newspapers. Within fifteen days after the last date of the publication, the persons subject to expropriation should inform the ministry on their claims related to the properties affected by the expropriation.</p>	<p>Apart from notifications to affected people, there is no requirement in Albanian law to consult and to disclose documentation publicly. However, such consultation and disclosure are not prohibited and can be accommodated as a specific measure.</p>	<p>Such consultation and disclosure are not prohibited and can/should be accommodated as a specific measure.</p>
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## 4. Expected project impact and eligibility criteria

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

**Table 3. Categories of losses and their impacts on project affected persons**

Loss Category	Social Impacts
Physical relocation	Highly unlikely to occur, especially on a large scale, and such an impact will be avoided and minimized to the extent possible. If it happens the impacts could be in one to maximum ten facilities and this could less likely be homes and more likely business related, support facilities. In this case, the following impact may occur: impoverishment, disturbance of production systems, loss of sources of income <sup>14</sup>
Loss of land and non-land assets without physical relocation	Loss of assets or access to assets, increased time to access resources, impacts on the livelihoods

In line with the ESS5 of the World Bank, following groups of people are eligible for compensations and/ or other types of mitigation measures, if they are found to occupy or use the land on cut-off date (which is the date of the commencement of the Census):

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

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

Communities including villages permanently losing land, resources and/or access to assets is highly unlikely.

**Table 4. General Typologies of Project Affected Groups for the Bridge Rehabilitation and Upgrade Project**

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

<sup>14</sup> Impacts such as loss or weakening of community system and social networks; loss of access to social amenities such as hospitals, schools and water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, and emotional stress, would not occur given the type and scale of the subprojects.



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

## 5. Land Acquisition Planning Process

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

### 5.1 SOCIAL SCREENING

When a subproject is identified, it will be screened to identify if it may impact land and/ or non-land private assets against the screening checklist which is attached in Annex 1 of this RPF.

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

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

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

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

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

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

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

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

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

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

### **5.3 RAP PREPARATION**

Once data on socioeconomic profile of affected people and the scale and scope of impact and loss have been collected, the Resettlement Action Plan (RAP) will be prepared for the subproject. When less than 100 people are expected to be affected, abbreviated RAP may be prepared.

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

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

- Public or community infrastructure, property or services that may be affected;
- Affected people eligible for compensation and rehabilitation support; and
- Baseline conditions for monitoring and evaluation purposes
- Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;(however, there will be no case where all communities will be resettled)
- Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
- Socioeconomic and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities, to the extent that is relevant. (there will be no cases where whole communities will be displaced)
- Legal framework.
  - Scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
  - Applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
  - Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
  - Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps
- Institutional framework:
  - Agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
  - Capacity of implementation agency(ies) in implementing land acquisition and resettlement in line with this RPF, including possible capacity development measures.
- Eligibility. Criteria to determine eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
- Valuation and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.
- Resettlement assistance. If a subproject requires the physical relocation of households or businesses, the assistance to be provided them including arrangements to secure adequate housing or business structures and transitional support.
- Community participation and consultation:
  - Strategy for consultation with, and participation of, affected people in the design and implementation of the resettlement activities;
  - Summary of views expressed by affected people and how they are taken into account in preparing the resettlement plan;
- Institutionalized arrangements by which affected people can communicate their concerns to project authorities throughout planning and implementation.

- Implementation schedule. Anticipated dates of displacement, compensation payments and other activities to clear lands for purposes of, and linked to, subproject preparation and implementation.
- Grievance redress mechanism. Affordable and accessible processes and procedures including responsible parties and budget to allow those who believe have been adversely affected by the project to air their concerns.
- Monitoring and evaluation. Arrangements to monitor RAP implementation processes and evaluate outcomes of RAP implementation.
- Costs and budget. Estimated cost of RAP implementation.

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

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

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

#### **5.4 RAP APPROVAL**

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

#### **5.5 RAP IMPLEMENTATION**

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

The notice shall clearly state the below mentioned information:

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

Compensation payments should be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites. The overall responsibility for payments on expropriation claims for the Project is under the

Council of Ministers. The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required. The land acquisition transfer must be fully completed, and payment made, before any Works can be executed on the expropriated property. Each PAP will receive the compensation payable into a bank account opened by the owner for purposes of the expropriation. Such sums will be approved by a DCM and the funds will be passed to the bank account of each PAP(s), according to the banking documentation provided by them. The PAPs should be individually informed by the bank within upon the transfer of compensation into the account. Any cost associated with account opening and maintenance will be covered by the Ministry and the banking service will be offered free of costs to each PAPs.

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

## 6. Entitlement Matrix

Types of Impact	Eligible people	The right of compensation
<b>Expropriation of lands</b>	Owner/Holder of the property title	Compensation in cash or in-kind for affected land equivalent to the market value of the property, enough to replace lost assets and cover transaction costs. If remaining land becomes economically unviable, such lands will also be acquired and compensation at replacement values be paid.
<b>Land use restrictions</b>	Owner/Holder of the property title	Compensation in cash or in-kind equivalent to the loss of land value as a result of land use restrictions. Where affected people are no longer able to maintain their assets (buildings, trees, etc.) as a result of land use restriction, including for income generation, compensation at replacement value will be provided.
<b>Loss of buildings</b>	Owner of the building, without regard to legal status of the land where the building is built	Compensation in cash or in-kind for structures partially or completely affected without depreciation. Salvage materials will be handled over to affected persons.
<b>Los of illegal building in own land</b>		Land and building will be compensated same as the legal building
<b>Los of illegal building in public land</b>		Materials will be compensated. Not for the land
<b>Loss of standing crops</b>	Owner of the crop without regard to legal status of the land where lost standing crops are planted	Compensation in cash equal to the fair market value of the affected crops. Efforts will be made so construction will start after farming season to avoid loss of standing crops.
<b>Loss of trees</b>	Owner of the tree without regard to legal status of the land where lost trees are planted	Compensation in cash based on the type, age and production value of affected trees.
<b>Temporary loss of and/ or access to land</b>	Occupants of the land	Fees agreeable to affected occupants of the land. Any damage to assets will be compensated by responsible agency (ARA or the contractor, as relevant) at replacement value.
<b>Loss of income</b>	Affected people with or without full formalities	If permanent loss of sources of income (including as a result of land use restriction), payment of cash equivalent to income over six months; if temporary loss of income, payment of cash equivalent for income during the stoppage time, based past year average income/ turnover.

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

## 7. Valuation methodology

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

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

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

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



## 8. Consultation with Affected Populations

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

### 8.1 MECHANISMS FOR CONSULTATIONS

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

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

### 8.2 GRIEVANCE REDRESS MECHANISMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Table 5. Institutional Arrangements for Implementation**

Steps	Institution	Description of responsibilities	Timing	Remarks
<b>RAP Planning</b>				
<b>Step I</b>	ARA/PMT / LGU / or Consultant on behalf of ARA	Identification of PAPs, calculation of RAP value conform the WB ESS5	During project design phase	Information on project effects, needs for RAP/ARAP, evaluation and verification of PAPs
<b>Step II</b>	ARA/PMT / LGU / or Consultant on behalf of ARA	PAP Consultation	Project design, prior to final design preparation	Explanation on assets to be affected, identification of the best way for compensation, explanation of time of compensation, main actors on implementation process, procedures to be undertaken and the rights for Grievance. The information must have been available to PAPs 20 days prior to the meeting.
<b>Step III</b>	ARA/PMT/ or Consultant on behalf of ARA	Grievance Committee Creation	Since the early stage of project planning	The Grievance Committee needs to be formalized and specific contacts need to be given to the PAPs.
<b>Step IV</b>	ARA/PMT /or Consultant on behalf of ARA	Preparation of draft RAP report	During project design	Preparation of draft RAP/ARAP Report compliant with ESS5
<b>Step V</b>	ARA/LGU/or Consultant on behalf of ARA	Consultation of draft RAP with PAP	During project design	Consultation of draft RAP/ARAP with affected communities and allowing time for receiving grievances
<b>Step VI</b>	ARA / LGU /or Consultant on behalf of ARA	Preparation of final RAP report	Prior to start of works	Preparation of final RAP/ARAP Report considering comments of WB and MoIE
<b>Step VII</b>	WBG	Approval of final RAP/ARAP report	Prior to start of works	The WBG must provide No Objection to the RAP prior to initiation of its formalization process
<b>Step VIII</b>	ARA/LGU/ State Agency for Expropriations (SAE)	Request for expropriation for public interest	Prior to start of works	Fulfill of criteria provided by law, especially the necessary documents that prove the expropriation needs
<b>Step IX</b>	State Agency of Expropriation	Expropriation Commission at (State Agency of Expropriation) has to examine the request and documents	Prior to start of works	Raising of Expropriation Commission, verification of documentation on proprieties, calculation and verification of compensation value
		If the legal criteria are fulfilled the SAE starts the expropriation		

		procedures. If not, the request will be rejected.		
<b>Step X</b>	Local authority/ARA/SAE /PAPs	Compile the agreement considering pretends of any parts and legislation	Prior to start of works	Give solution and incite agreements supporting PAPs requests upon legislation
<b>Step XI</b>	/ ARA/SAE	Formalization and execution of RAP/ARAP to enable compensation of PAP's	Prior to start of works	A decision of the Council of Ministers for compensation will be issued, in line with the Resettlement Policy Framework and WB ESS5, based on the approved RAP/ARAP
<b>Step XII</b>	Council of Ministers	Approve the decision of the expropriation for public interest;	Prior to start of works	DCM shall be implemented 1 month after declaiming on official newspaper
<b>Step XIII</b>	ARA / Grievance Committee	Ensure that the Expropriation Commission decisions are based in Albanian Legislation and WB E&S standards and considers PAPs requests	Prior to start of works	Evaluation of compliance between interested part requests
<b>Step XIV</b>	MoIE/ SAE	Agreement with PAP's about expropriation.	tbd	Important: the fair evaluation of the properties
		Publication of the notice for the expropriation - Declamation		The procedure must be followed carefully and respecting the right of the third persons to prevent the complaint to the Court
		Examine the suggestions and the complaints of persons affected by the process		The expropriation it will be done for the persons who will accept to be compensated with the conditions published.
		Prepare the draft decision for Council of Ministers.		Preparation of DCM on PAP compensation
		Or		
		Reject the proposal to MoIE with the suggestion to		

		review, if it is not in conformity with the law. Pay the compensation to persons affected by the project		
<b>Step XV</b>	ARA (or Consultant on behalf of ARA)/Grievance Committee	Assistance on relationship between PAPs and Local and Governmental authorities, verifications, and supervision of RAP implementation	tbd	Verification of compatibility of the agreement between interested parts.
<b>Step XVI</b>	ARA/PMT	Issuing of clearance memo	Prior to start of works	ARA/PMT provides a clearance memo for start of works that ensures that compensation / mitigation measures are implemented before any impacts related to land acquisition take place
<b>RAP Implementation</b>				
<b>Step XVII</b>	ARA (or Consultant on behalf of ARA/PMT)/Grievance Committee	If needed, assistance of PAPs on grievance procedures for administrative bodies, RAP procedures, compensation values etc and support PAPs grievances on the Court	tbd	If PAPs will have grievances
<b>Step XVIII</b>	PAPs	Opening a Bank Account and reporting it at the MoIE	tbd	Institutional support of the compensation process
<b>Step XIX</b>	MoIE / LGU	Pay the compensation to persons affected by the expropriation before the civil works begin	tbd	Ensure that compensations are done in respect (amount and time) of agreements signed by interested parties and before starting the project implementation
<b>Step XX</b>	ARA (or Consultant on behalf of ARA/PMT)	Ensure that the process implementation has considered all pretends by both interested parties	tbd	Ensure that compensations are done in respect (amount and time) of agreements signed by interested parties
<b>Step XXI</b>	ARA/PMT	Prepare the final report on RAP	tbd	Considering that compensations should be finished before starting the project implementation.

		implementation		
<b>Step XXII</b>	MoIE, PAP, ARA/ LGU	Assignment of the disclosure process according the interested parties demands and in respect of DCM	tbd	Ensure a signed document that shows the RAP is finished and the compensation is done.
			tbd	This document also will verify that in the future the expropriate lands are ownership of MoIE

## 11. Monitoring Program

ARA/PMT is overall responsible for the monitoring and evaluation of the implementation of this RPF and of respective RAPs/ARAPs at the subproject level.

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

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

ARA will report to the Bank the RPF implementation performance through regular project progress report. Specific monitoring benchmarks will be:

- Information campaign and consultation conducted;
- Status of land acquisition and payments on land compensation;
- Compensation for affected structures and other assets;
- Relocation of affected people, if any;
- Payments for loss of income;
- Selection and distribution of replacement land areas, if relevant;
- Income restoration activities, and
- Grievances and their resolution.

The above information will be collected by ARA through regular communication with the LGU and the monitoring activities conducted by ARA/PMT social specialist who is responsible for monitoring the day-to-day resettlement activities of subprojects through the following means:

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

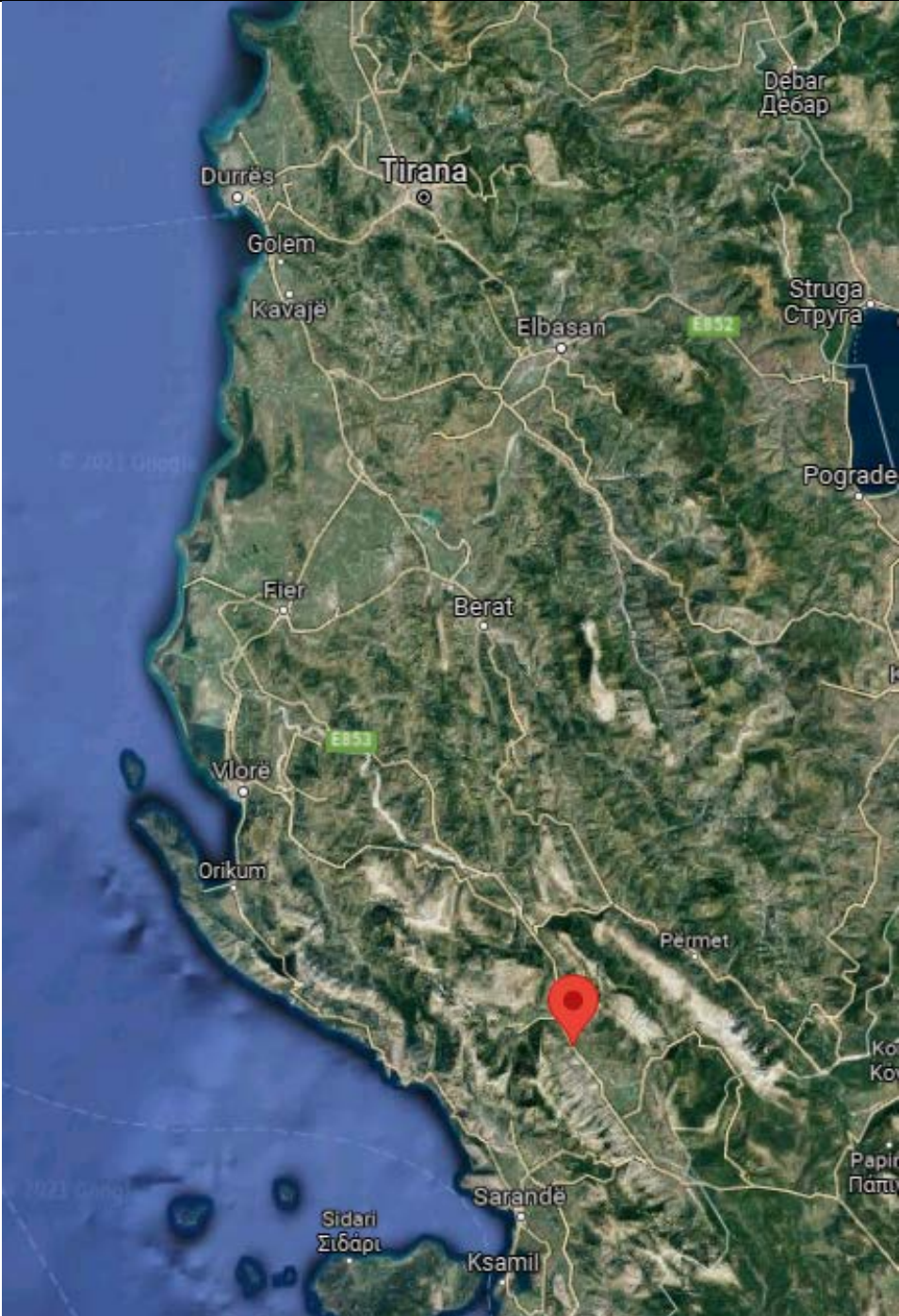
For each RAP or ARAP to be prepared, ARA will prepare a RAP/ ARAP completion report and report the delivery of entitlements and outcomes of RAP/ ARAP implementation.

## Annex 1: Screening Checklist

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



**Annex 2: BRIDGES IDENTIFICATION: VIROI BRIDGE AND CULVERT AND TIRANE-NDROQ-PLEPA ROAD BRIDGE (AT PK3 +233)**

VIROI BRIDGE AND CULVERT	
<b>Location</b>	
<b>Description</b>	<ul style="list-style-type: none"><li>- Viroi is an artificial lake near Gjirokastra where the national road of Tepelene – Gjirokastra – Kakavije crosses. The road follows the crown of the dam that created the lake and one of the greatest problems this section presents is the elevation of the dam crown. Due to harsh climate changes across all the region and major changes in the amount of rain / snow in the area, this 350-m section is subject to flooding every year. One of the causes of the floods, despite the</li></ul>

elevation of the dam, is also the discharge capacity of the existing culvert and bridge. ARA has taken measures to complete the design for a proper solution to the situation, which involves creating a new alignment in this road section by constructing one new box culvert battery (4x4m) and one new bridge (2x17m).

- This bridge and road section is very important to the national network because of the connection with the Kakavija border crossing point, which is the main road connection corridor to Greece. A considerable amount of goods is traded through Kakavija and crosses this particular road section. From the experience of previous years, the area is flooded very frequently (sometimes twice a year) due to heavy rain, causing the blockage of the traffic for several hours, which translates into significant additional charges and financial costs. Despite this, being one of the busiest segments in the national network (approx. 5000 vpd), the interventions will result in a huge impact to road users and the transport of goods.

The current proposal includes:

- The existing culvert/bridge is planned for total reconstruction,
- The existing road is straightened and a new bridge is planned for this purpose.

The objectives of the works according to the ARA's FS and Designs are:

- to reconstruct approx. 400 m of road while creating engineering measures to protect the new road from the river floods;
- to increase the width of the road to 2x3.5m of asphalt pavements, 2x1.5 paved shoulders and 2x1.5 unpaved shoulders;
- to increase traffic safety and divert non motorized traffic, pedestrians and cyclists to the existing road section;
- to create better conditions for people to visit the lake.

#### Viroi culvert

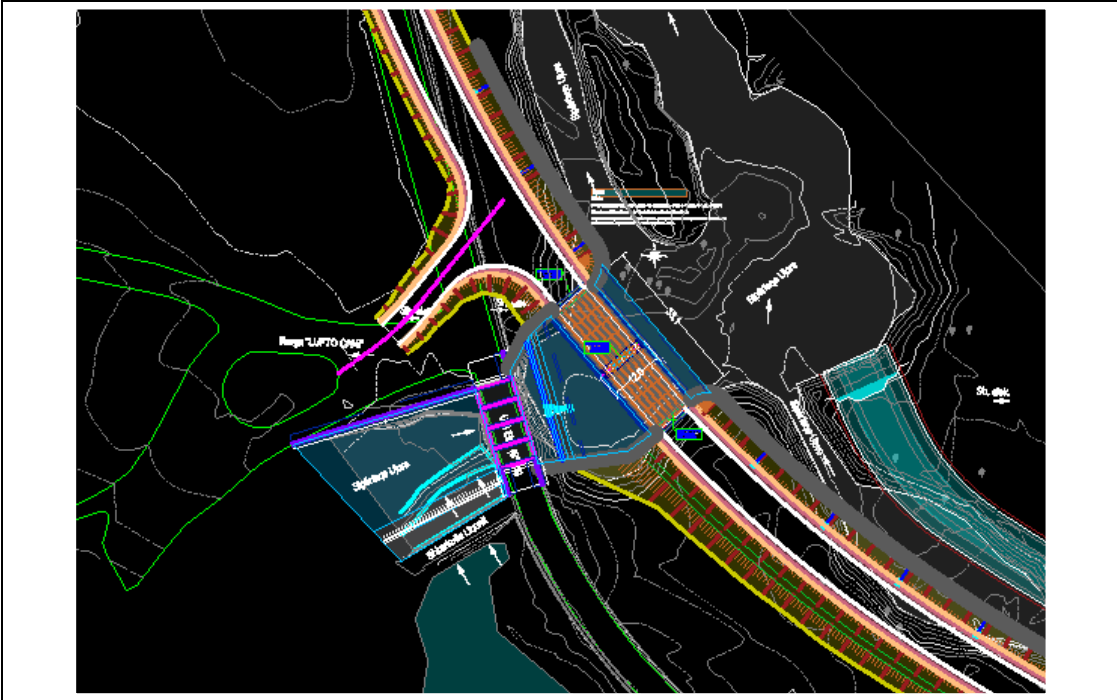
- total length: 26.6 m,
- 4 openings 4x3 m,
- total width 8 m,
- level of details indicate the completion of design for construction.



#### Viroi bridge

- total length: 33.1 m,
- 2 spans of ~16.5 m,
- total width 12 m,
- 2 sidewalks, 2x1.0 m,
- level of details indicate the completion of construction.

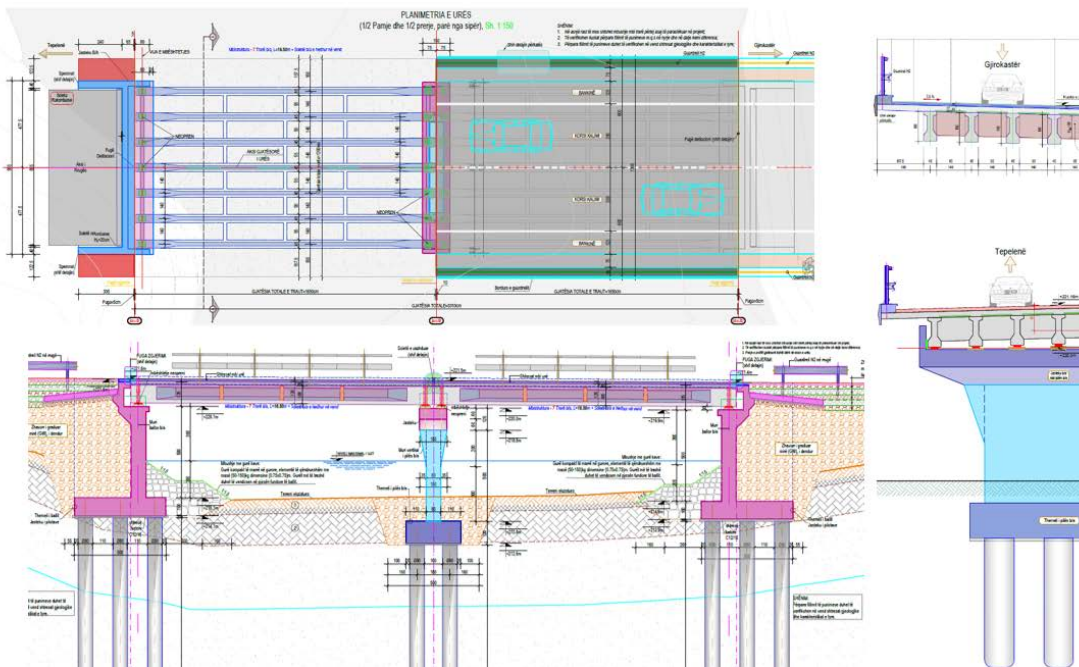
Traffic and connections



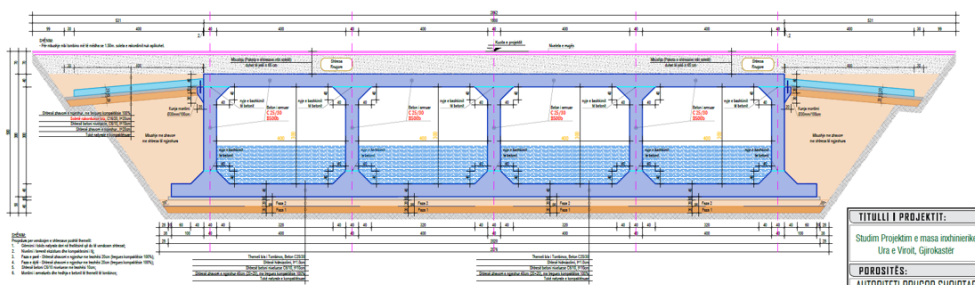
Technical designs



## Viroi bridge

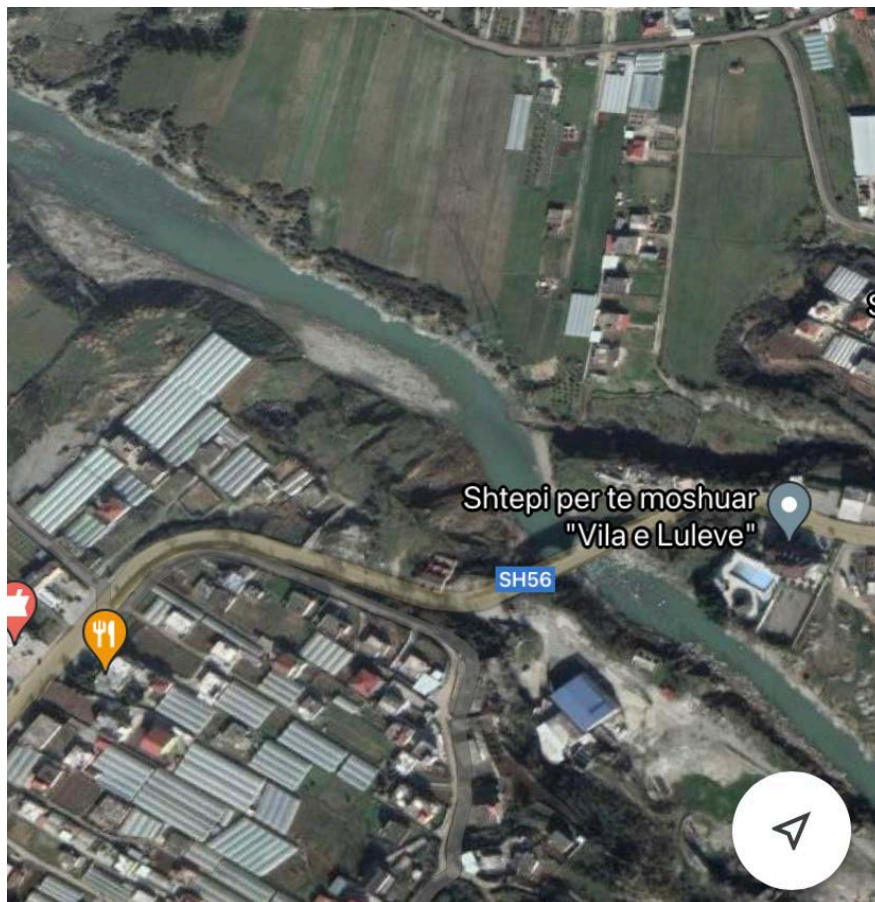
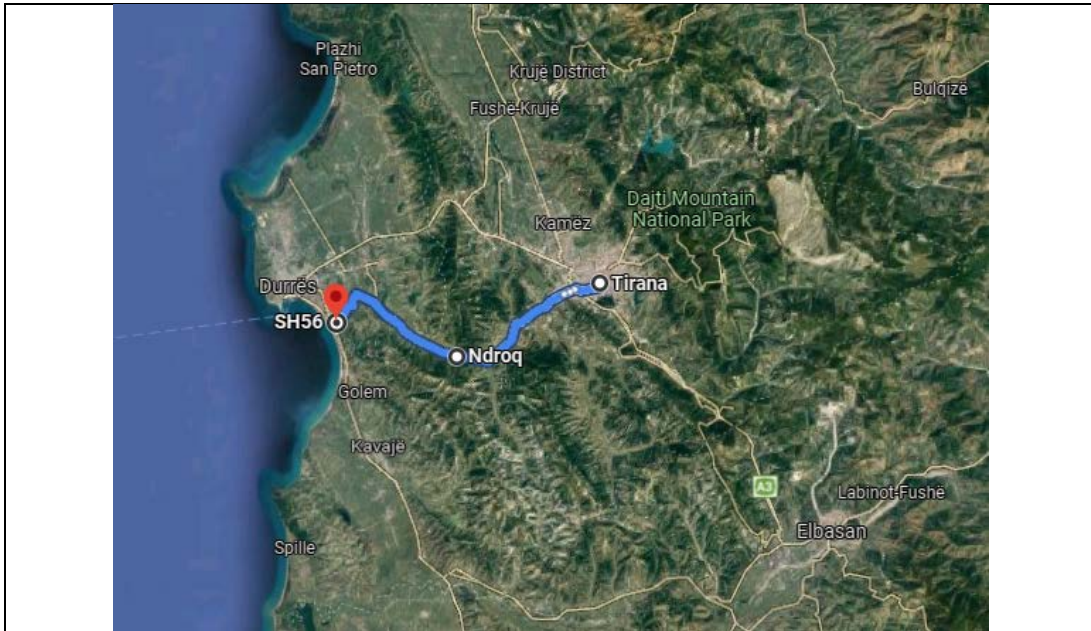


## Viroi culvert



BESHIRI BRIDGE AT THE TIRANE – NDROQ – PLEPA ROAD (PK 3+233)

Location



**Description**

***Beshiri Bridge km 3+233***

This bridge is located in the Tirane-Ndroq-Plepa road segment and crosses the Erzeni River. The new structure will significantly improve the existing road alignment and safety of non-motorized traffic and pedestrians. The new bridge is also crucial, as the existing one and the road itself are very old (constructed before WWII and reconstructed in the 1960s) and with heavy damage due to age, traffic and poor maintenance. The regulation of river banks and interventions related to climate change risks would provide protection to the new structure and the facilities on both



sides of the river.

According to the hydrological study, the Erzeni River, in this crossing, turns out to have a flow of 1270 m<sup>3</sup> / sec for 1% safety. Then, a geological study was conducted at the crossing, where it was found that the riverbed of Erzeni on both sides of Tirana and Ndroq was narrowed because of land reclamation and construction waste dumped in the riverbanks at both sides of the existing bridge.

The basic formation in the riverbed is located at a depth of about 4 m and consists of gray to blue marl (semi-rock formation). Layers of gravel are placed on the base formation.

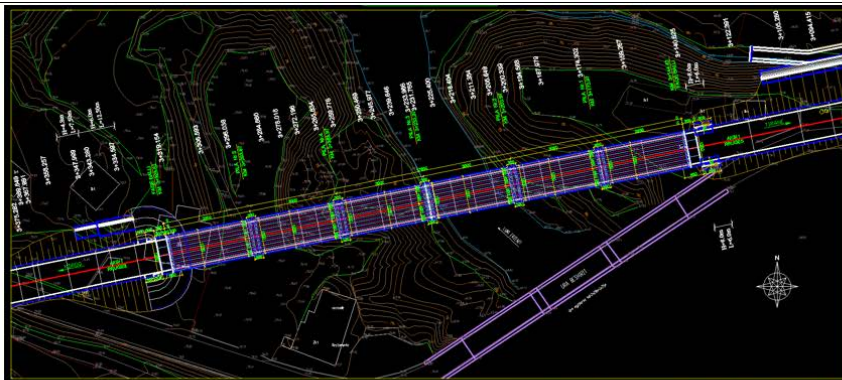
Main characteristics:

- Bridge substructure: the piles are built with foundations with poured reinforced concrete pillars with a diameter of  $\Phi$  1.2 m, 6 pieces for each pile with a length of 12.0 m, which are inserted in the basic semi-rock formation.
- On the pillars of the foundation, the concrete cushion is built of connecting weapons on which three round columns are erected, with a diameter  $D = 170$  cm on which the superstructure supporting cushion is placed.
- Both fronts of the bridge are made of reinforced concrete with massive foundations placed in the basic formation.
- The superstructure of the bridge is foreseen to be realised with a pretensioned beam with a length  $L = 29.0$  m, T-section and pretensioning before concreting, weighing about 38 Tons.
- After placing the beams on the piles and the fronts, a monolithic slab with a thickness of 25 cm will be constructed.

#### Construction of the bridge 01, km 3+233.97, total length: 179 m,

The objectives of the works according to the FS are:

- to construct a road at the closest possible distance to the existing road, also using its segments, as well as taking into account the contemporary interventions and other projects,
- to achieve an optimal techno-economic project and the road that is in accordance with the modern technical standards of road construction,
- to minimize the environmental impact of the works, land occupation, possible expropriations and/or social impacts of the road construction.



#### Bridge 01, km 3+233.97

- total length: 179 m,
- 7 spans of 29 m,
- road width 10.5 m,
- 2 sidewalks, width 2x1.0 m,
- level of details indicate the completion of design for construction.





**Traffic and connections**

