

# SOLID WASTE MANAGEMENT PROJECT ADJARA AUTONOMOUS REPUBLIC, GEORGIA

## *Livelihood Restoration and Resettlement Framework (LRRF)*



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## Abbreviations

ESIA –	Environmental and Social Impact Assessment
ESAP –	Environmental and Social Action Plan
SEP -	Stakeholder Engagement Plan
SIA -	Social Impact Assessment
LRF -	Livelihood Restoration Framework
LRRF	Livelihood Restoration and Resettlement Framework
PAP -	Project Affected Person(s)
RAP -	Resettlement Action Plan
MFE -	Ministry of Finance and Economy of Adjara Republic
EBRD -	European Bank for Reconstruction and Development
PIU -	Project Implementation Unit
GRC -	Grievance Redress Commission

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## 1. Project context

The establishment of a new regional sanitary landfill in the Autonomous Republic of Ajara (ARA), as well as the closure of the existing dumpsites in the main cities in the region, will result in resettlement and livelihood impacts over the lives of different social categories, including land owners and users, local communities and waste pickers.

The project was started in 2005, and an initial site location has been selected for the construction of the new sanitary landfill in Chakvi. This location has been abandoned in 2011 due to a series of issues, among which, the proximity to the new highway and strong social opposition. A new site location has been selected next to the village of Tsetskhlauri.

Since the geographical conditions of the area do not allow for a site location that is far from human settlements, the site in Tsetskhlauri is also in the proximity of human settlements and has already recorded actions of opposition coming from the local community. Local affected persons include those that will be resettled by the project (limited to two families), households that are living at the edge of the sanitary landfill, a large number of customary land users that will lose access to the land, and a general perception among the community that the landfill will constitute a risk for their agricultural activities and a disturbance in the day-to-day life of locals.

The Client is represented by the Ministry of Economy and Finance which has a good knowledge of the project and its implications. However, the process of mitigating resettlement and livelihood impacts will need the involvement of several public actors and technical assistance to implement the action plans and constantly engage with local communities.

## 2. Scope of report

Economic, social and environmental problems are often aggravated in the case of involuntary displacement of people caused by development projects. Displacement can sometimes result in disruption of commerce and industry, which is accompanied by loss of activities and income by the persons and households impacted by the project. Displaced people find themselves in a strange environment without proper preparation and without consideration of their adaptation to the receiving environment, which can have adverse results. Social and community systems often experience pressure which causes disassociation of related groups, destruction of traditional values and loss of cultural identity, which can result in conflicts, loss of social identity and function.

The Livelihood Restoration and Resettlement Framework (LRRF) has been prepared with the aim of laying out the principles for addressing the potential resettlement and economic impacts initiated by Ajara Solid Waste Management Project in conformance with Georgian laws and EBRD requirements.

This report focuses on presenting the general framework for a compensation process that should be implemented for all the affected persons. The report includes a brief description of the project area of influence and project-affected persons. There are two categories of activities that will have a direct or indirect impact on livelihood and resettlement of persons. The first activity is related to the closure of old landfills in Batumi and Kobuleti. The second activity focuses on construction of a new landfill in Tsetskhlauri.

### 3. Definitions/Terminology

- **Sanitary landfill** – a controlled disposal site for waste, designed in accordance with international best practices, with the purpose of avoiding, or at least maintaining, environmental and social impacts to a minimum;
- **Landfill body** - area of a landfill where waste is deposited. It is usually referring to the area within the landfill perimeter where waste cells are located;
- **Landfill perimeter** – total designated area of the landfill that is surrounded by a fence;
- **Sanitary protection zone** – area around a landfill body that is designated by the law or responsible authorities, in order to mitigate the landfill's impacts on public health. Certain restrictions are imposed in this area, such as construction. The area is usually defined by applying a certain distance (as defined by authorities) around the landfill borders;
- **Sanitary buffer zone** – area around the landfill perimeter that is usually restricted to any activities (agriculture, industrial, residential, etc.). The buffer zone refers to an area where vegetation is planted in order to mitigate the visual and odour impacts of the landfill. This area can be either inside or outside the landfill perimeter;
- **Land users** – persons who are working the land but do not have formal rights of ownership. The land users can **use the land based on a renting agreement** or they are **registered/customary users** (in the agricultural registry available at the municipality level). Beside these two categories, there are also **users who traditionally have used a land plot but they are not registered with the municipality** and **illegal/sporadic users**;
- **Land owners** - persons who possess legal documents over the land plots. They can be either **official landowners** or **legalizable landowners**. The last category includes the landowners who possess a house or a building on a land plot and have not yet officially registered the house and the land near the house. Only the land plots with houses and the ones near a house can be legalized;
- **Waste pickers** – people who are currently engaged in sorting recyclables on the existing landfills in Batumi and Kobuleti;
- **Project Affected Persons** – persons who are directly or indirectly impacted by the project activities;
- **Livelihood restoration** – set of measures that are needed in order to mitigate the impacts on the income level of affected persons;
- **Involuntary resettlement** – this refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources (EBRD ESP, 2014);
- **Vulnerable group** - refers to people who, by virtue of gender identity, sexual orientation, religion, ethnicity, indigenous status, age, disability, economic disadvantage or social status may be more adversely affected by project impacts than others and who may be limited in their ability to claim or take advantage of project benefits. Vulnerable individuals and/or groups may also include, but not be limited to, people living below the poverty line, the landless, the elderly, women and children headed households, refugees, internally displaced people, ethnic minorities, natural resource dependent communities or other displaced persons who may not be protected through national legislation and /or international law (EBRD ESP, 2014).

## 4. Legal framework

### 4.1. Georgian legislation applicable in cases of livelihood restoration and resettlement

In Georgia, the legislative acts given below regulate the issues of obtaining State ownership rights to privately owned land parcels based on the necessary public needs caused by project developments that have strategic importance:

- (i) The Constitution of Georgia, August 24, 1995;
- (ii) The Civil Code of Georgia, June 26, 1997;
- (iii) The Law of Georgia on Protection of Cultural Heritage, 2007;
- (iv) The Law of Georgia on Notary Actions, December 4, 2009;
- (v) The Law of Georgia on Ownership Rights to Agricultural Land, March 22, 1996(vii)
- (vi) The Law of Georgia on Recognition of the Property Ownership Rights Regarding the Land Plots Owned (Used) by Physical Persons or Legal entities, 2007;
- (vii) The Law of Georgia on Public Register (No820 –lis) December 19 of 2008;
- (viii) The Law of Georgia on the Rules for Expropriation of Ownership for Necessary Public Need, July 23, 1999;
- (ix) The Civil Procedural Code of Georgia, November 14, 1997;

The *Constitution of Georgia*, issued in 1995 establishes the basic principles that govern the resettlement process carried out for public interest projects. First of all, the organic law, sets the basis for private ownership of property and assigns the presumption of inviolability that governs the right. In cases of necessary public interest, the State can resort to expropriation of land and immovable property, with the decision ultimately taken by a Court of Law.

Other elements comprised in the Constitution include the consideration for information disclosure, public consultation, grievance mechanism, and protection of cultural heritage when carrying out a process of expropriation/resettlement.

The *Civil Code of Georgia* establishes the principles that form the basis for private civil relationships and include sections on private ownership rights, transfer of property for temporary use, construction rights, right of way and servitude. Temporary use of property can be granted to a person other than the land owner for a period of up to 59 years on the basis of an agreement.

The *Law of Georgia on Agricultural Land Ownership* states that the ownership of agricultural land can be granted to the State, physical persons, local communities and legal entities. The agricultural land plots are registered in the Public Register as land used for crop cultivation or livestock breeding and may also include facilities built on their territory. In rural areas, ownership of hay-fields, grazing lands or forestry areas may be the subject of shared property among community members (households/families).

Residential buildings and other structures, processing facilities and equipment built or stationed on agricultural lands that are owned by a household need to be registered in the Real Estate Register, under the property of the family members that share the ownership right.

The *Law of Georgia on Legalization of Property*<sup>1</sup> provides the basis for legalization of “lawfully possessed (used) land” or “squatted land” by physical or legal persons. The legalization process applies only for land plots that have a residential or non-residential structure built on the land before the Law was erected, or to those land plots that are adjacent to, and smaller in area than, a land plot owned or lawfully possessed by a natural person or legal entity.

Most of the agricultural land is in the property of the State and regional/local public entities with the objective of preventing land fragmentation and irrational use of land and improving the agricultural structure

Public property and the roles of the authorities in the land management process are regulated by the *Law of Georgia on State Property* and the *Local Self-Government Code*. Municipalities have properties that they can privatize through public tender. These properties could be taken into account when considering replacement options for physical and economic displacement.

*The Law of Georgia on Social Assistance* (2006) sets the main principles that govern the social assistance process in Georgia by establishing who is entitled to social aid and what kind of support should be granted to these persons. The main categories identified by the law include poor persons (with socio-economic status lower than the minimum national value), persons in need of special care (e.g. orphans, persons with disabilities, etc.) and homeless persons who need to be registered with the authorities.

The legislation also defines the responsibilities within the administrative apparatus, and the sources of finance that are allocated at national and local level.

*The Law of Georgia on Social Protection of Disabled Persons* (1995) addresses the special programs that are made available for persons with disabilities, which include financial support, such as social pensions and allowances, as well as educational and professional support to assist these persons with social integration.

*The Law of Georgia on Internally Displaced Persons from Occupied Territories – Refugees*, 2014 The status of refugees is provided to those that are forced to leave their residence as occupation, armed conflict, communal violence and / or mass violations of human rights pose a threat over the wellbeing of a family. The legislation establishes the principles that will need to be respected when dislocating such families from an area where they have settled. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees is responsible for the assistance provided to internally displaced persons

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<sup>1</sup> The Law Of Georgia On Recognition Of Property Rights Of The Parcels Of Land Possessed (Used) By Natural Persons And Legal Entities Under Private Law, No. 5274, 2007



**Definition of terms as provided by the Legalization of Property Law**

**lawfully possessed (used) land** - a state-owned agricultural or non-agricultural parcel of land with or without fixed structures built upon it (built, under construction, or destroyed) for which a natural person or a legal entity under private law, or any other organisational structure provided for by law had acquired the right to lawful possession (of parcels of land or structures) before this Law entered into force, as well as land squatted before 1994, and registered in a technical inventory archive;

**squatted land** – a squatted state-owned agricultural or non-agricultural parcel of land with a residential house (built or destroyed) or a non-residential building (built) built upon it before entry into force of this Law, as well as a squatted parcel of land (with or without fixed structures built upon it) adjacent to and smaller in area than a parcel of land owned or lawfully possessed by an interested natural person, as well as, a squatted parcel of land with non-residential buildings (built) built upon it adjacent to and smaller in area than a parcel of land owned or lawfully possessed by a legal entity under private law, and which, at the moment of requesting recognition of the property right is not disposed of by the State, except for the cases provided for in paragraph (a) of this article (*that is the lawful possessed (used) land definition*);

**Expropriation process**

The legal framework in Georgia provides for the possibility to expropriate a private property in cases of public interest projects. In practice, the expropriation process is rarely applied (mostly because of the lengthy procedures) with this approach being used only as an extreme action, whenever negotiations with affected persons fail to achieve a mutual agreement. The expropriation is conducted on the basis of an order from Ministry of Economy and Development of Georgia and a court decision that establishes the recipient of the property (state, local authorities, public and private enterprise) and the land-take that will need expropriation.

Compensation is calculated for physical assets at a replacement cost that reflects current market prices without depreciation for losses or losses of income. No consideration is given to measures aimed at restoring the losses of income and livelihood, support to vulnerable affected persons or assistance and support for resettlement expenses.

The legislation provides the basis for compensation in kind in the form of replacement property. The information and communication process is outlined in the legal framework, and dissatisfied owners can address the court for greater compensation value.

**4.2. EBRD provisions for land acquisition, involuntary resettlement and economic displacement**

EBRD applies its 2008 Environmental and Social Policy to this Project. Involuntary Resettlement is covered by the Performance Requirement (PR) 5 of the Policy. The main points of PR 5 are the following:

- All feasible alternative project designs should be explored to avoid or at least minimise physical and/or economic displacement;
- Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly;
- Adverse social and economic impacts from land acquisition or restrictions on affected persons' use of/access to land should be mitigated by: (i) providing compensation for loss



of assets at replacement cost; and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;

- The livelihoods and standards of living of displaced persons should be improved or, at a minimum, restored to pre-project levels;
- PAPs who have no recognizable legal right or claim to the land they occupy are not entitled to compensation for land, however they should be compensated for the structures that they own and occupy and for any other improvements to land.
- All categories of affected people must be provided with resettlement assistance in accordance with their needs, particularly disadvantaged and vulnerable groups;
- A grievance mechanism must be established as early as possible in the process in order 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.

### 4.3. Gap analysis between Georgian legislation and EBRD provisions

The Georgian legal framework has an overall adequate approach towards resettlement aspects as compared to the EBRD policy. The most stringent aspects are those related to the recognition of informal/non-localizable users of land and those addressing the income/livelihood component of the process. The table below indicates the most important aspects that are different between the Georgian legal framework and the EBRD social provisions.

Table 4-1. Gap analysis between Georgian legislation and EBRD provisions

Analysed aspect	Provision of Georgian Law	Provision of EBRD	Gap	Solution
Development and implementation of a Resettlement Framework and Action Plan	According to the Law on Expropriation, the request for <b>determining public need/interest</b> and subsequently the proposal for expropriation, have to include a <b>detailed list of properties to be expropriated, their locations, information about individuals who have formal legal rights on these properties.</b>	EBRD's PR 5 requires that where involuntary resettlement is unavoidable, the client will engage a suitably qualified specialist to carry out a <b>census and a socio-economic baseline assessment</b> within a defined affected area, and assist in the preparation of the RAP or LRF.	No explicit requirement related to socio-economic studies or development of resettlement plans.	Preparation of a Livelihood restoration and resettlement action plan.
Eligibility for compensations	Only those that are <b>formal owners or legalizable users</b>	Consideration for compensation of <b>formal and informal owners and users</b> of land.	No consideration for unofficial / informal land users when	Official recognition for compensation of non-lawful

Analysed aspect	Provision of Georgian Law	Provision of EBRD	Gap	Solution
			defining compensation packages.	users of land (via a presidential decree or similar act)  Compensation for all losses incurred by any affected person, regardless of its status.
Communication and Consultation	<b>Negotiations only between landowners and authorities</b> are the basis of the acquisition process.  <b>Consultation process</b> is also included <b>in the EIA</b> procedure. This is only limited to one public debate.	<b>Consultation of entitlement matrix</b> , value for compensation, methodologies for valuation with the local authorities.	No clear provision for assuring meaningful consultation with all PAPs in preparation and implementation of RAP.	Stakeholder Engagement Plan and Resettlement Action Plan to include public consultations and information campaigns.
Loss of income/Livelihood	The only law that refers to compensation is the Expropriation law. There are provisions related to loss of income, and especially, the law refers only to cash compensations. These <b>provisions</b> are only applicable to <b>legal owners</b> .	<b>Provisions for</b> improving, or at least maintain, the levels of <b>livelihood/income</b> of affected persons/businesses	No provision for restoring income/livelihood levels prior to project implementation or special attention for vulnerable groups.	Address the components for loss of income/livelihood in the Resettlement Action Plans, based on entitlement and severity of impact, as defined under the current Framework.
Transaction and other expenses associated with displacement	The legal framework refers only to <b>compensation of property value</b> .	<b>All costs and expenses</b> incurred in the resettlement process should be covered by the project.	The national legal framework does not include compensation for associated expenses (transport, transaction cost for new lands)	Compensation and assistance will be provided to affected persons for activities that are consequences of the acquisition

Analysed aspect	Provision of Georgian Law	Provision of EBRD	Gap	Solution
				process.
Grievance mechanism	The law confers rights on affected citizens (those with formal rights) to appeal at many stages of the <b>expropriation procedure</b> to relevant courts.	<p>The grievance mechanism to be established by the Client will 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, including a recourse mechanism designed to resolve disputes in an impartial manner.</p> <p>A summary of complaints and the measures taken to resolve them shall be made public on a regular basis.</p>	There is no specific requirement for establishing an independent grievance mechanism, according to the Georgian Law on Expropriation.	Define a project specific grievance mechanism in the RAP/LRF depending on the scale of the project and/or the general vulnerability status of affected families; involve any relevant available institution in the process.
Monitoring and evaluation of RAP implementation	Monitoring procedures are prescribed <b>only for expropriation processes</b> .	Resettlement plans and policies shall establish procedures to <b>monitor and evaluate the implementation of resettlement plans</b> and take corrective actions as necessary.	There are no requirements for monitoring the expropriation / resettlement / livelihoods restoration process, under Georgian legislation.	Monitoring arrangements are defined in the Resettlement and Compensation Framework (Chapter 8) and shall be further developed and incorporated in detail in RAP/LRF.

## 5. Project area of influence and affected persons

### 5.1. Project area of influence

During the current mission, the Consultant has worked closely with the Client in order to define the area of influence of the project. Based on the existing documentation, our observations and the client's opinion, the following aspects determine the project area of influence:

a) **Closure of existing landfills in Batumi and Kobuleti** – in this case, the affected zones are limited to the existing landfill perimeters and, depending on the closure methods, to an adjacent zone of up to 5 - 10 meters that will be temporarily affected due to construction works.

#### **Batumi landfill**

Batumi landfill has 2 parts, the north part – currently in operation and the south part – that is not in use since 2002. According to the official documents provided by the client on Closure of Batumi landfill, the following activities will be performed for closure of the landfill:

- reshaping of the landfill body;
- coverage of waste with an impermeable layer of minimum 1 m depth;
- coverage with 10 cm of fertile soil;
- installation of gas drainage and gas oxidation bio filters.



Figure 5-1. Batumi Landfill

Based on the client's declaration, the north part of the landfill was already closed in 2002. No future reshaping of coverage of waste with impermeable layer will be applied in this area. Only the current operational area will be closed when the new landfill commences operation.

## Kobuleti old landfill



Figure 5-2. Kobuleti old landfill

## Kobuleti temporary landfill

The landfill is located in a remote area, and there are around 5 houses outside the landfill area on the road that connects the main road with the landfill. The landfill is relatively small and well organized. No fence is available at present. Several cows were on the landfill at the time of the visit and one family was waste picking. At the houses located at the entrance of the landfill, we observed that there are also recyclable materials. This indicated that they are also sorting materials on the landfill.

b) **Construction of new landfill (including associated facilities) in Tsetskhlauri.** This will include the landfill perimeter, landfill sanitary zone and land impacted by associated facilities (access road, electricity, gas). The map below presents the impacted area. Unfortunately, at the time of developing this document, a map with the access road was not yet made available. As soon as this is elaborated and approved by authorities, it can be included in the impacted area mapping.

The landfill perimeter (fenced area) has a total surface of 27.7 ha. Out of this, 15.7 is the landfill body (blue and white area on the map below). The purple area around the landfill perimeter represents the buffer zone. This has a total surface of 11.6 ha. The blue part on the map represents the sanitary zone of the landfill (500 m around the landfill body). The total landfill area, including the sanitary zone and buffer zone is 176.6 ha.

The land acquisition process will have to cover the following elements:

- acquisition of ownership/rights of use for all the land under the landfill perimeter and buffer zone,
- restrictions for construction works for all the land in the sanitary zone.



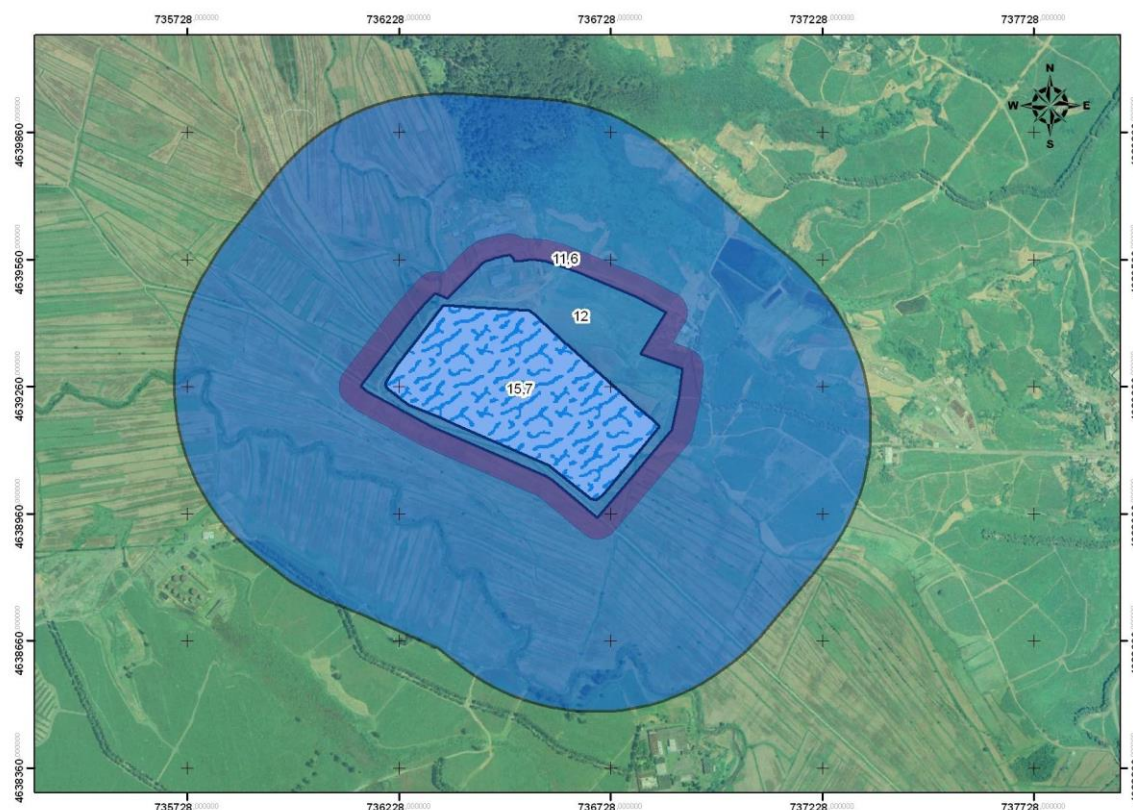


Figure 5-3. Location of the new landfill in Tsetskhlauri

## 5.2. Assessment of the social impacts that trigger the LRRF development

Based on the discussions with the team of experts who are currently performing the Social Impact Assessment for the Solid Waste Management Project in Adjara and based on our observations, the following potential negative impacts can be defined:

- Demolition of existing structure on the landfill which might lead to loss of permanent living improvised households or loss of temporary shelters (9 shelters on the north part of Batumi landfill, 1 shelter in the south part, 1 household at entrance of Kobuleti landfill);
- Loss of income for the waste pickers who are currently working at Batumi and Kobuleti landfills due to landfill closure (Waste pickers – between 30 – 70 at Batumi landfill and around 10 at Kobuleti operating landfill, no waste pickers at old Kobuleti landfill);
- Loss of land for the land owners/users that are currently working land in the area of the new landfill;
- Loss of households for the persons/families currently living in the sanitary zone of the new landfill;
- Loss of crops and trees;
- Loss of grazing areas;
- Restriction for construction on properties situated in the proximity of the landfill.

## 5.3. Project Affected Persons (PAPs)

According to national legislation and national practices, the following criteria are used for defining PAPs:

**Table 5-1. Project affected persons – Georgian legislation**

Impacted aspect	Criteria	Legal provision
Land property/usage rights	Legal ownership and existing users (who are able to register their customary rights at a public notary)	- compensation for value of land
Houses / shelters	Legal ownership, users	- compensation for value of house and all the assets belonging to the household
Crops/Trees	Damaged crops – permanent or temporary	- compensation for temporary losses (depending on the time framework of project construction) - compensation for permanent trees (depending on type of crop)

Based on the above criteria the following PAPs are defined in the context of the project:

- legal owners of land that will be needed for the construction of the new landfill;
- legal owners of land situated in the sanitary zone of the new landfill;
- land users registered with local municipalities that use land plots in the landfill perimeter (fenced area of the future landfill, that includes the landfill body and the associated facilities – appr. 32ha);
- land users registered with local municipalities that use land plots situated in the sanitary zone of the new landfill;
- household owners that are situated in the landfill perimeter and the sanitary zone.

According to EBRD policy, the following additional criteria for defining PAPs have been analysed:

**Table 5-2. Project affected persons – EBRD provisions**

Impacted aspects	Criteria	EBRD provisions
Livelihood	- reductions in income due to the landfill closure / lack of access to recyclables	- all persons whose livelihood is impacted by the closure / opening of a landfill are entitled to compensation based on the magnitude of the impact and their socio-economic conditions; - at least 2 options should be presented to PAPs; - consultation process with PAPs should start as soon as possible , preferably during the design stage; - public disclosure of entitlement matrix; - fair compensation;
Economic activities	- documented losses due to landfill closure	- compensation for all losses incurred;
Land and households	Land owners/land users	- compensation for all losses as for the legal users
Crops	Land owners/land users	- compensation for temporary losses (depending on the time framework of project construction)



		- compensation for permanent crops (depending on the type of crop)
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Based on the above mentioned criteria, the following PAPs can be defined:

- a) waste pickers at Batumi and Kobuleti landfills;
- b) illegal/informal land users from project area of influence;
- c) owners of houses /shelters situated in the project area of influence, irrespective of their legal status (legal or illegal)

## 6. Key livelihood restoration and resettlement principles

The following principles of resettlement and compensation shall be committed and adhered to in relation to Project implementation:

- Land acquisition and other involuntary resettlement impacts shall be avoided or minimized with consideration of possible and viable alternative ways of the project design;
- Where these cannot be avoided, a Resettlement Action Plan/Livelihood Restoration Framework shall be developed and the project-affected persons assisted to improve their living standards, or, at least, the restoration of conditions existing prior to launching of the project;
- Resettlement and compensation of affected households and persons shall be carried out in compliance with the applicable Georgian legislation, particularly the Expropriation Law, and the 2008 EBRD Environmental and Social Policy;
- Land shall be acquired through a contract agreement to the extent possible. Expropriation will be sought only as the last resort after all possibilities of negotiation have failed;
- Consultations shall be conducted with the project-affected persons, information related to resettlement issues shall be published, and they shall be offered options and technically and economically appropriate resettlement variants;
- Vulnerable and most significantly project-affected persons shall receive special assistance;
- Illegal land occupants shall not receive compensation for the lost land, but they will receive a livelihood allowance in lieu of land compensation and will be fully compensated for losses other than land, such as assets;
- A Resettlement Action Plan for people affected by the project shall be published in the local language, which is Georgian;
- For legal land owners, who haven't registered the land plot, support to register and legalize the land shall be provided and they shall be fully reimbursed for the damage related to the loss of the land, ensuring restoration of income and rehabilitation;
- Compensation activities shall be completed prior to the beginning of specific construction activities, which create the need for resettlement;
- Payment of compensation, resettlement-related assistance and rehabilitation shall be completed before the physical acquisition of land by the contractor and the commencement of any kind of construction activities;
- A fair and available grievance mechanism shall be developed and established.

## **7. Entitlements matrix and description of livelihood alternatives/compensation options**

### **7.1. Entitlement matrix**

Two entitlement matrixes have been designed. One for the PAPs from closure of landfills in Kobuleti and Batumi and one for the PAPs from the land acquisition process for the new landfill.

Table 7-1. Entitlement matrix for waste pickers

Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
<b>RESIDENTIAL/ACCOMODATION RELATED LOSSES</b>				
Owners of informal houses with alternative housing	Loss of improvised shelters (temporary and/or permanent) and assets	EBRD Policy	Assistance and compensation for transport costs for assets owned by waste pickers at the landfill (shelters, annexes, equipment, etc.) when moved to their home village/registered address + Cash compensation or construction materials for lost assets	Conduct a census on all PAPs living/working on the existing landfill in Batumi. Based on the outcomes of the census define a preferred option.
Owners of informal houses with no alternative housing	Loss of improvised shelters (temporary and/or permanent) and assets	Georgian Social Assistance Legislation and EBRD Policy	Assistance to gain access to social housing for those who do not have other shelter + Assistance and compensation with transport costs for assets owned by waste pickers at the landfill (shelters, annexes, equipment, etc.)  <b>OR</b> Provide an agricultural land plot where they could move their shelters (to those who do not have nor house nor plot and prefer farming) + cover transport costs for moving the shelters and assets + provide access to temporary night shelters available in Batumi	Establish a cooperation agreement with municipal authorities for identifying social housing options available and also for identifying possible land plots that could be provided to PAPs that have no alternative shelters.  Priority should be given to families with children and pregnant women.

Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
<b>INCOME LOSSES</b>				
Waste pickers	Loss of access to resources leading to displacement of income	Georgian Social Assistance Legislation and EBRD Policy	<p>Provide access to materials till closure of landfills + Offer official employment at Hygiene 2009 (may also include training if skills are required)</p> <p><b>OR</b></p> <p>Offer official employment as part of the collection crew or to take up other suitable waste management related job</p> <p><b>OR</b></p> <p>Provide access to vocational trainings and support in identification of new jobs + Provide assistance in accessing available social benefits and services</p>	<p>Timely engagement with waste collection company for provision of jobs.</p> <p>Specific provisions for enabling waste pickers to access social services should be included in the cooperation agreement with local municipality mentioned above.</p>

Table 7-2. Entitlement matrix for land acquisition for new landfill in Tsetskhlauri

Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
<b>LAND RELATED LOSSES</b>				
Land owners	Loss of residential/agricultural land plot	Expropriation Law of Georgia and EBRD Policy	<p>Provide a replacement land plot of similar size in a location acceptable to PAP + compensation for land registration and other similar costs</p> <p><b>OR</b></p> <p>Cash compensation based on market value (evaluation done by an independent expert)</p> <p><b>OR</b></p> <p>Replacement property of smaller size + employment with Hygiene 2009 , if possible and desirable for the PAP</p>	<p>The options address owners in the landfill perimeter, buffer zone and sanitary zone as well as those situated in the access road area (access road + 10 m corridor)</p> <p>It applies to persons that are not registered as owners but can become owners if they undergo the legalization process.</p> <p>Preference for mutual agreement but in case this is not possible, then apply expropriation law.</p>
Land users (registered/traditional users)	Loss of customary rights of land use	EBRD Policy	<p>Provide a replacement land plot of similar size in a location acceptable to PAP</p> <p><b>OR</b></p> <p>Cash compensation based on market value (evaluation done by an independent expert)</p>	<p>Options apply to registered, non-registered, traditional and illegal land users in the landfill perimeter and buffer zone, access road area</p> <p>For PAPs that are included in the vulnerable group category, preference will be for replacement of land plot</p>

Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
				with another plot of similar size
				Identify all land users in the project area of influence based on: existing records at village level, public notary decisions, discussion with local people (key stakeholders).  Obtain legal recognition for the right of compensating land users
<b>LOSS OF RESIDENTIAL ASSETS, OTHER STRUCTURES AND VALUE OF PROPERTY</b>				
Legal and informal owners	Loss of residential and other structures	Expropriation Law of Georgia and EBRD Policy	<p>Provide a house of same size in a place acceptable to PAPs – either to be constructed or bought by the project + assistance (payment) for transport of all the assets to new location + 1 month allowance for relocation (minimum 1 average salary as established by national statistical institute for the year of relocation)</p> <p><b>OR</b></p> <p>Cash compensation for the value of the house + cash compensation for costs of structures that cannot be moved to the new location +</p>	Provide support for legalizing the residential structures and then transfer the property rights via mutual agreement.

Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
			<p>assistance (or payment for) transfer of all assets to the new location + 1 month allowance for relocation (minimum 1 average salary as established by national statistical institute for the year of relocation)</p> <p><b>OR</b></p> <p>Cash compensation for a new house identified by the PAP – payment directly to seller + cash compensation for transfer costs for all structures that cannot be moved to the new location + assistance (or payment for) transfer of all assets to the new location + 1 month allowance for relocation (minimum 1 average salary as established by national statistical institute for the year of relocation)</p>	
Legal owners with part of their properties in the sanitary zone of the landfill	Restrictions imposed on the land within the sanitary zone	EBRD policy	<p>Cash compensation at a minimum level of 10% of the market value of the property + Provide access to another land for construction, where applicable</p> <p><b>OR</b></p> <p>Cash compensation at a minimum level of 30% of the market value of the property <b>OR</b></p>	<p>Conduct field measurements to establish affected properties</p> <p>Individual discussions with each owner</p> <p>Mutual agreements</p>



Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
			<p>Employment at Hygiene</p> <p><b>OR</b></p> <p>Provide same options as for PAPs losing a house or structures (as described above). This will be applicable only if options above are not acceptable to PAPs.</p>	
<b>LOSS OF AGRICULTURAL PRODUCT AND ACCESS TO NATURAL RESOURCES</b>				
Land owners/users	Loss of agricultural product (permanent or temporary)	Expropriation Law of Georgia and EBRD Policy	<p>In kind compensation for the affected crops – provide minimum one year average production quantity for the damaged crop</p> <p><b>OR</b></p> <p>Cash compensation for affected crop – assess the value for one-year's production. Assessment should be performed by an independent evaluator.</p>	<p>The entitled persons include all owners/users of land situated in the landfill perimeter and buffer zone and access road area who have their crops affected by the development of the project. Compensation will also include subsidies that are lost.</p>
Orchard owner/users	Loss of trees and income from annual product	Expropriation Law of Georgia and EBRD Policy	<p>If allocation of a new land plot, then assistance with establishing a new plantation (buying the trees, covering planting costs)</p> <p>+</p> <p>Cash or in kind compensation for the expected crop (if there is no possibility to wait for harvesting for the year when the construction occurs)</p> <p>+</p> <p>Cash compensations for all crops until trees reach the same age as the lost ones</p> <p>+</p> <p>Cash compensation for any kind of</p>	Same as above

Category of PAP	Type of Project affected right or property or loss	Applicable legal/policy framework	Entitlement	Process and specific conditions
			<p>improvements made to the land / trees (e.g. irrigation system), where applicable</p> <p><b>OR</b></p> <p>Cash compensation for lost trees at replacement value. The estimation costs should be done based on an independent evaluation that should consider the age, type, productivity and years of production of trees.</p> <p>+</p> <p>Cash compensation for any kind of improvements made to the land / trees (e.g. irrigation system), where applicable.</p>	
Users of grazing area	Loss of access to natural resources	EBRD Policy	<p>Provide access to another grazing area</p> <p>+</p> <p>Provide in kind compensation (hay or fodder) or cash compensation proportional to the land plot area and the number of animals that are grazing there. This should be done until access to new grazing area is secured.</p>	<p>Census of population in the project area of influence will include also information on cattle and the grazing patterns.</p> <p>Based on this, compensation should be provided to owners of cattle who are using the land plots only for grazing areas and who do not have an alternative land plot for this.</p>

## 7.2. Description of livelihood alternatives/compensation options

### Options for waste pickers

The closure of the landfill in Batumi will have an impact on a limited number of informal houses that will need to be demolished as part of the closure procedure. These houses are located near to the operational part of the landfill and are most probably inhabited by waste pickers working in informal recycling.

During the site visit to the landfills in Batumi, it has been revealed that many of the waste pickers are residents of nearby villages and perform seasonal work at the landfill in order to complement their agricultural incomes. For those persons who have a permanent address, but have also built an improvised shelter at the landfill, transport costs for their assets and compensation for any assets lost in the process of demolition will be provided.

In the case of owners of informal houses who do not have other housing alternatives, two options have been envisioned:

- Assistance to gain access to social housing;
  - provide support to fill in applications to gain access to social housing in Batumi;
  - assistance and /or compensation with transport costs for assets owned by waste pickers at the landfill (shelters, annexes, equipment, etc.). The assets might be moved to another location if PAPs and local authorities can identify a new location where they can stay.
- Provision of agricultural land plot and temporary housing;
  - Provide an agricultural land plot where they could move their shelters (for those who have neither a house nor a plot and prefer farming);
  - cover transport costs for moving the shelters and assets;
  - provide access to temporary night shelters available in Batumi.

The table below provides an analysis of the two options, highlighting the advantages and disadvantages for each of them.

Option	Advantages	Disadvantages
Assistance to gain Social Housing	<ul style="list-style-type: none"> <li>- Provides adequate housing conditions</li> <li>- Security of tenure by rental contract</li> <li>- Access to social and municipal infrastructure</li> <li>- Opportunities for children to receive education</li> </ul>	<ul style="list-style-type: none"> <li>- Limited number of social housing units</li> <li>- Small average size of social housing units (problem for accommodating large families)</li> <li>- Expenses with rent, utilities and other costs may be high and tenants might need some assistance with these.</li> </ul>
Provision of agricultural land plots	<ul style="list-style-type: none"> <li>- Creates the basis for livelihood from small-scale agricultural activity</li> <li>- Provides security of tenure</li> <li>- Shelter/house can be customized to respond to the needs of the household</li> </ul>	<ul style="list-style-type: none"> <li>- Limited land availability</li> <li>- Available lands may be far from employment opportunities, social services</li> </ul>

With regard to the impact on the livelihood of waste pickers, there are three options that can be applied to mitigate this impact:

- Employment at Hygiene 2009 and access to recyclable materials:
  - provide access to materials until closure of landfills – waste pickers will be monitored for a minimum of 6 months and their names will be registered each day. After 6 months, only those who are registered can continue to work on the landfill until it is closed completely. Continuation of work on the landfill will be permitted following some minimum safety requirements. The waste pickers should have gloves, masks and protective equipment for the entire period when working on the landfill.
  - offer official employment at Hygiene 2009 (may also include training if skills are required).
- Employment in waste management:
  - Offer official employment as part of the collection crew or to take up other suitable waste management related job.
- Access to vocational training and social services:
  - Provide access to vocational training and support in identification of new jobs
  - Provide support to access social benefits and other related services

The options presented above are all focusing on minimizing the economic impacts of landfill closure in Batumi and Kobuleti on the waste pickers. They also take into account the need of the project developer to comply with international performance requirements that are focusing on economic displacement and livelihood restoration of impacted persons. The table below presents a brief analysis of each option which could help the project developer and other stakeholders, including PAPs, to decide on the preferred option for mitigation. The list of advantages and disadvantages is not exhaustive and can include also other elements.

**Table 7-3. Analysis of options for waste pickers**

Option	Advantages	Disadvantages
Employment at Hygiene 2009 and access to landfill until closure	<ul style="list-style-type: none"> <li>- No extra costs for the project developer, other than the ones already planned by the project</li> <li>- Income generation for Hygiene 2009</li> <li>- assured access to improved working conditions for waste pickers (health and safety provisions)</li> <li>- regular income for waste pickers</li> </ul>	<ul style="list-style-type: none"> <li>- Reluctance of waste pickers towards employment, loss of autonomy</li> <li>- Difficulty in adapting to monthly payments rather than daily earnings</li> <li>- Limited number of waste pickers can be hired by Hygiene 2009</li> </ul>
Employment in waste management	<ul style="list-style-type: none"> <li>- no costs for project developer</li> <li>- assured access to improved working conditions for waste pickers</li> <li>- regular income for waste pickers</li> </ul>	<ul style="list-style-type: none"> <li>- Lengthy implementation process for coordinating among different stakeholders</li> <li>- Reluctance of companies to hire former waste pickers</li> </ul>
Access to vocational training and social services	<ul style="list-style-type: none"> <li>- creates the pre-conditions for alternative livelihood</li> <li>- assured access to improved working conditions for waste pickers</li> </ul>	<ul style="list-style-type: none"> <li>- costs for project developer and other stakeholders</li> <li>- time to assure effective coordination among different stakeholders</li> </ul>

Option	Advantages	Disadvantages
	<ul style="list-style-type: none"> <li>- support the waste pickers to overcome poverty</li> </ul>	<ul style="list-style-type: none"> <li>- might generate dependency on social protection system</li> <li>- risks associated with lack of job availability</li> </ul>

All the above mentioned options are subject to negotiation with PAPs and the relevant local authorities. Some of the options and items within an option might be used in combination with others from different packages. This will depend on the social conditions of the waste picker. Social protection departments from local government and the health care system could contribute towards improving the livelihood of the waste pickers. The compensation package should be discussed with representatives of the Ministry of Health and Social Protection and, based on existing facilities and protection programmes, new options might be defined.

Options will have to be refined based on the following aspects:

- age of waste pickers
- gender of waste pickers
- education level
- number, age and social condition of family members supported by the waste pickers
- sources of income
- history of waste picking activity.

All these aspects should be included in a monitoring programme for waste pickers that should be run over a minimum period of 6 months (including summer time). After the monitoring process, a census should be conducted and data should be collected about the waste pickers and their families.

### Option analysis for land acquisition

The above options are usually following two approaches. One is focused towards offering in kind compensation and the other is focusing on cash compensation. The table below presents a brief analysis of both approaches which could help the project developer and other stakeholder, including PAPs , to decide on the preferred option or combination of options. The list of advantages and disadvantages is not exhaustive and can include also other elements.

**Table 7-4. Option analysis for PAPs within the land acquisition process**

Option	Advantages	Disadvantages
In kind compensation	<ul style="list-style-type: none"> <li>- lower risk for fraud</li> <li>- diminishes the risks associated with increasing the vulnerability of affected families</li> <li>- reduces the risks of deepening the social problems (there are no guarantees that the cash provided to a poor family as compensation for losing a land plot, will be used for buying a similar land plot. Moreover, the land market is not very developed and there are limited land plots available).</li> </ul>	<ul style="list-style-type: none"> <li>- Additional costs with logistics for distribution of in kind compensation</li> <li>- timely activity</li> </ul>
Cash compensation	<ul style="list-style-type: none"> <li>- reduces the time needed for land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>- high risks for social conflicts due to level and compensation</li> </ul>

Option	Advantages	Disadvantages
	- people are usually inclined to accept cash compensation more readily than in kind compensation	methodology

## 8. Implementation setup

### 8.1. Roles and responsibilities

The Ministry of Finance and Economy of ARA is the owner of the Project. The Ministry and PIU established by the Ministry shall be totally responsible for the project implementation, which includes among other tasks preparation, implementation, funding and coordination of land acquisition and resettlement tasks. The PIU shall be responsible for the implementation of the LRRF in close partnership with local self-governance authorities, namely the municipalities of Batumi and Kobuleti. The PIU shall assist the project-affected persons in protecting their rights and preparation of the documents required for the registration of the land to be acquired, agreement on land use and agreement on easement. Compensation/rehabilitation activities shall be implemented prior to the beginning of construction.

Once the LRRF has been adopted by the Ministry of Finance and Economy of ARA, all parties involved in the Project, including the PIU and the Contractor, are obliged to implement the requirements of this document. Responsibilities will be shared between the Ministry of Finance and Economy of ARA, the PIU, the Contractor and other involved agencies, according to the following table:

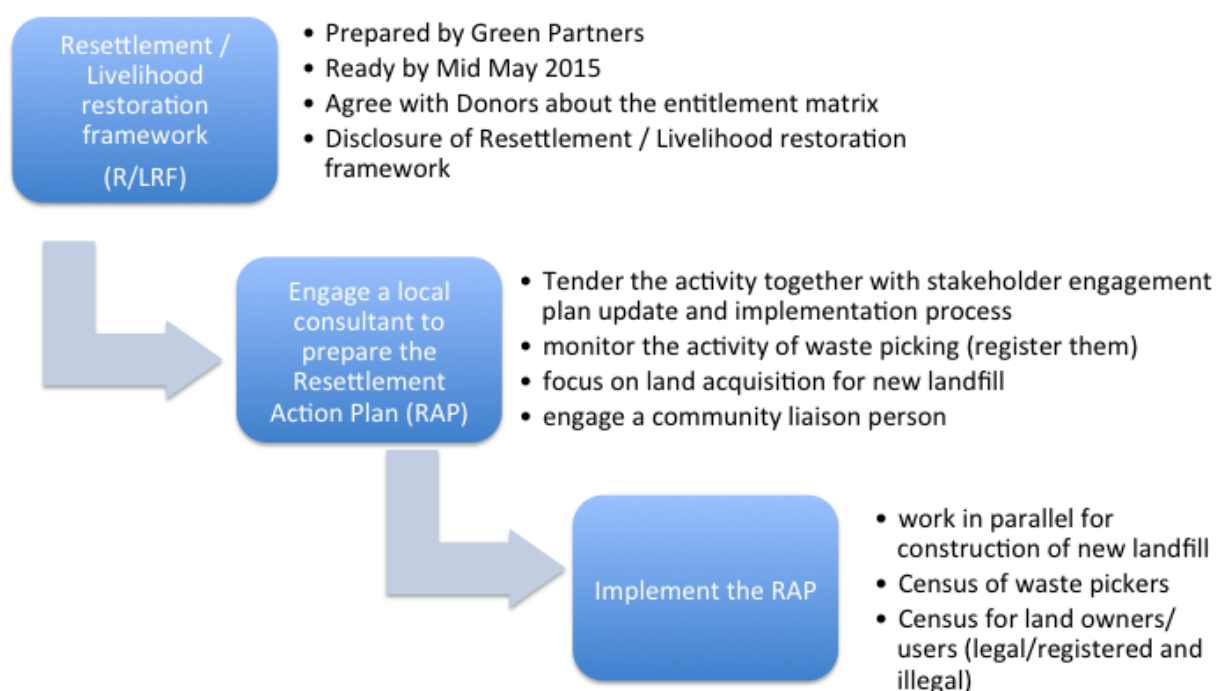
**Table 8-1. Responsible entities for implementation of LRRF**

TASK	RESPONSIBLE ENTITY
Information disclosure to all Project Affected People	Ministry of Finance and Economy of ARA and PIU
Development of RAP	External consultants together with PIU
Assistance to waste pickers	PIU together with representatives of Ministry of Health and Social Protection
Assistance to affected population to legalize their properties	PIU and Municipality of Kobuleti
Negotiations and expropriation activities, prior to construction commencement	Ministry of Finance and Economy of ARA, PIU and Municipality of Kobuleti
Payment/provision of compensation packages	Ministry of Finance and Economy of ARA
Provision of resettlement assistance	PIU and municipality of Kobuleti
Grievance management	Grievance Redress Committee and PIU
Monitoring and reporting of expropriation carried out prior to construction commencement	Grievance Redress Committee and PIU

Monitoring and reporting in respect of land acquisition and/or temporary land occupation carried out after construction commencement	Contractor
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## 8.2. Time framework

After approval, the LRRF should be disclosed to the public at large and especially to PAPs. After this, the PIU should prepare Terms of Reference for preparation and implementation of the RAP. The figure below presents the logical steps which have to be taken in order to assure that all LRRF provisions will be fully implemented.



**Figure 8-1. LRRF implementation steps**

The below table indicates the estimated timeline for activities associated with implementation of LRRF:

**Table 8-2. Estimated timeline for implementation of LRRF**

Activity	Estimated Starting date	Duration
Disclosure of LRRF , including consultation with PAPs	June 2015	2 months
Monitoring of waste pickers in Batumi and Kobuleti	May 2015	6 months
Identification of land plot users /owners in Tsetskhlauri	May 2015	1 month
Census for waste pickers	October 2015	1 week
Preparation of RAP	October 2015	2 months



### 8.3. Estimated budget

The budget estimations have been calculated based on the statistical data retrieved from the National Statistical Bureau and data provided by other authorities or which have been used in other similar projects in the region.

The budget estimations are to be confirmed, adjusted and /or amended according to the data collected during the preparation phase of the Livelihood Restoration and Resettlement Action Plan and in line with the local and national policies and regulations.

#### ***Assumptions and limitations used for financial estimations of compensation***

- Programs for social assistance provided to waste pickers have been considered as cost neutral since they can be implemented by local authorities (access to social assistance, access to social housing, jobs in the waste management sector);
- The estimation of total land area considered for compensations has been made based on preliminary lists of customary users, provided by the Kobuleti Municipality, and the latest calculations based on mapping data;
- Cost of compensation (both land and structures) from Kobuleti Bypass has been taken into account, since this is a recent project and its location is in the proximity of the affected area.
- For houses that are located on the edge of the sanitary zone, with their back gardens situated in the sanitary zone, compensation for diminishing the value of their property has been estimated (50% for their house and 25% for their land);
- In relation to losses affecting crops and trees, there was no data available to make any estimations of the associated impacts.

Based on the above, the following estimations have been made:

**Table 8-3. Estimated budget for compensation**

Claim	Options	Unit	No of units	Estimated unit costs (GEL)	Total costs (GEL)
<b>Compensation packages for waste pickers</b>					
Displacement of income	Access to vocational training for supporting them to find a new job - 1 vocational training	no	30	1,000	30,000
Loss of improvised shelter (temporary and /or permanent)	Transport costs for assets when moved to their home village/registered address	no	10	200	2,000
	Cash compensation for losses during the moving period	no	5	200	1,000
				<b>SUBTOTAL</b>	<b>33,000</b>
<b>Compensation for land acquisition in Tsetskhlauri</b>					
Loss of land	Cash compensation at replacement	sqm	200,000	7.8	1,560,000

for the land owners/ registered users/ tenants	costs				
	Assistance with costs related to land registration and transaction	no	100	50	5,000
Loss of house and structures	Cash compensation for house value and structures	sqm	600	350	210,000
	Assistance with transport of assets to new house and subsistence allowance for 1 month	no	2	500	1,000
Diminish property value	Value of house	sqm	1,500	105	157,500
	Cash compensation for restrictions applied to the property - value of land property adjacent to house	sqm	15,000	2.3	35,100
				SUBTOTAL	2,068,500

The total estimated budget for this is about 2,5 million GEL (approx. 1 mil EURO). This amount includes also a 20% unexpected costs (about 413,000 GEL) related to allowances, income restoration and associated costs, such as labour costs for those who will implement the RAP.

## 9. Grievance mechanism

In order to enable the project-affected persons to submit complaints about decisions, actions and activities related to compensation for land and other assets, a complaint mechanism shall be put in place. The project-affected persons shall receive complete information related to their rights and complaint procedures for the purpose of enabling them to submit their complaints, orally or in writing, during the period of consultations, interviewing and issue of compensation. But, in order to prevent delays due to long and formal procedures related to submission of complaints and compensation of damage, we shall try initially to avoid these complaints. This will be achieved by full openness in development and implementation of the RAP and by involvement of project-affected persons in these processes.

In Georgia, there is no specific legislative requirement for establishing an independent grievance mechanism. A project specific grievance mechanism should be established and this should be culturally appropriate and transparent to promptly and effectively receive and address specific concerns about compensation and relocation that are raised by project affected people.

However, expropriation laws and administrative codes in Georgia do outline the rights of affected citizens (those with formal legal rights) to appeal to courts on various occasions during the expropriation procedure. Experience so far also shows that project affected people usually communicate with the expropriation beneficiary, in connection with their specific grievances and with the aim of reaching a compensation agreement, before filing appeals with the relevant administrative authorities or courts. In some cases, these existing procedures could be built on, to develop an appropriate grievance mechanism, as required by EBRD.

A grievance mechanism will be available to allow a PAP appealing any decision, practice or activity arising from land or other assets compensation. PAPs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and at the time of compensation. Care will always be taken to prevent grievances rather than going through a redress process. This can be obtained through careful LAR design and implementation, by ensuring full participation and consultation with the PAPs, and by establishing extensive communication and coordination between the affected communities, the EA, and local governments in general.

It is important to ensure that affected people are informed about:

- How and where to submit grievances;
- The grievance process and specific information which is needed from the person with the grievance;
- When and where to expect a response;
- If they are unsatisfied with the response, what is the next available channel for submitting a grievance.

In most cases, questions and grievances can be answered by staff involved in projects. However, in larger scale resettlement/livelihood restoration programmes, it is also necessary

to develop a second level of grievance resolution, which would involve the participation of impartial persons. Experience shows that the most effective way of organizing such a mechanism is to form a committee which would include a representative of the owner of the project, representative of project implementing agency/institution, representatives of relevant local authorities, various stakeholders including project affected people and independent agencies/organizations, e.g. NGOs, ombudsman offices. Grievance mechanisms must not impede access to existing judicial and administrative remedies.

In order to mitigate the possible disputes and conflicts during the RAP implementation process a Grievance Redress Committee (GRC) will be established by the PIU at municipal levels. The GRC shall comprise the following members:

- Authorized representative of Kobuleti municipality;
- Authorized representative of the Ministry of Finance and Economy of ARA;
- Head of PIU or other authorized representative of PIU;
- Designated informal leaders of project affected communities - 2 persons;
- Representative of local NGOs or local (community level) society, if available;
- Representative of state-wide NGOs, if available.

Registers of grievances will be established in locations close to potentially affected people, e.g. the administrative building of Kobuleti local authority. The GRC will be responsible for handling the grievances in a timely fashion. It should be possible to register grievances in the PIU's head office and at the local authority level. The grievance is managed by a two tier system as described below:

I	Complaints resolution will be attempted at village level with the involvement of village authorities, the assisting NGO and informal mediators.
II	If still unresolved, a grievance can then be lodged to the GRC. The PAP will be invited by the GRC two weeks after the complaints had been filed to hear the case. Two days after the hearing the GRC will inform the PAP whether the case is to be dismissed or whether a recommendation has been made to PIU for settling the case.
III	If after the GRC intervention no solution has been reached, a grievance can be directly lodged with the PIU. The PAP must lodge the complaint within 2 weeks after receiving a response on the original complaint from the GRC and must produce documents supporting his/her claim. The PIU will provide a response within 2 weeks of registering the complaint. The PIU decision must be in compliance with the LARF provisions.
IV	Should the grievance redress system fail to satisfy the PAP, they can pursue further action by submitting their case to the appropriate court of law.

Beside this grievance mechanism used for the land acquisition process, the following simplified mechanism will be used in case waste pickers will have suggestions/complaints:

- a simple template will be available at the Batumi landfill and any waste picker could address his/her grievance directly to the landfill operator (person who is at the entrance gate). A template is presented in annex 1 to this document;

- a local community liaison person or vulnerable group liaison will be appointed and he/she will keep constant contact with the waste pickers. They could address their grievances directly to the liaison person;
- the liaison person should report weekly about the grievances address by waste pickers to PIU;
- focus group meeting with waste pickers should be held at least two times per year in order to understand their needs and answer to their complaints directly. These focus group meetings should be organized at the landfill and if possible, considering gender balance and age balance.

## **10. Monitoring and evaluation**

The objective of monitoring is to provide the Government of Adjara and the EBRD with feedback on LRRF implementation and to identify problems and successes as early as possible to allow timely adjustment of implementation arrangements.

The PIU will monitor and report on the effectiveness of LRRF in two ways. One will focus on livelihood restoration of waste pickers. For this, the following aspects will be monitored:

- Implementation, including the occupational and health and safety improvements;
- The consultation of PAP in the process of developing a waste management strategy for the area, in the near future;
- Project impact on livelihoods and levels of income;
- RAP agreements in place as project impact on livelihood occurs;
- Implementation of income and livelihood restoration;
- Availability of and participation in training for alternative livelihoods;
- Efforts for placement in alternative livelihoods;
- Improvement and benefits provided by the Project to the PAP.

The monitoring plan in the table below identifies the methodology, organizational responsibility and the schedule for monitoring and reporting on compensation packages for waste pickers. The two critical components of the monitoring plan are performance monitoring and impact monitoring.

**Table 10-1. Monitoring indicators for livelihood restoration measures (for waste pickers)**

Activity	Information Collected/ Indicators for monitoring	Indicator	Source of Information	Responsibility	Frequency
Performance monitoring	Number employed	Employment of PAP	Questionnaire and interviews with PAP Field observation notes through direct interaction	PIU and external consultant	Annual monitoring report
	Number of complaints received and redressed	Handling complaints	Notification issued by PMT on open waste trading for those holding a license Interviews with implementing institutions		
Impact monitoring	Verification of PAP’s livelihood restoration and improvement		Interviews/ observation notes	PIU and external consultant	Annual monitoring report
	Level of any other skill development	Number and type of training courses for alternative livelihoods	Observation notes		
	Level of perception of health benefits/risks	Number of visits to doctor/medical clinics	Focus group discussion notes		
	Level of income		Data from waste buyers/ traders		
	Number of PAPs moving to social shelters or houses in Batumi		Data from official reports from Ministry of Health and Social Protection		
	Number of PAPs accessing social protection system and number of social services accessed by them				
	Transfer of assets to new location/ Compensation level for transport costs/ financial support	Money or time spent	Data from official financial statement of Hygiene 2009		
	Positioning of PAP in the waste trading scheme	Free trading rights on recovered materials	No of training conducted and number of participants from PAP		
	Number and type of training courses made available to PAP	Participation at alternative livelihood training			
	Number of training courses completed by PAP				
	Training adequacy to qualification	Courses offered through state aid and completed			
	New competencies acquired by PAP at waste management company or Hygiene 2009	Alternative livelihoods chosen			
	Positioning of PAP into Hygiene 2009 organizational framework				

The other means of monitoring is related to the land acquisition process. For this, the PIU should focus on the following aspects:

- *Indicators for performance monitoring will include, but not be limited to:*
  - Allocation of adequate housing
  - The transfer of assets
  - Payment of agreed cash compensation, if any
  - Employment level
  - Restoration of income and benefits to the 2015 October level or better
  - Health status of PAPs.
- *Indicators for impact monitoring will include, but not be limited to:*
  - Perception of standard of living
  - Perceived level of health impacts from work place
  - Perceived level of health impacts at place of living
  - Level of income per family

The table below presents the monitoring indicators:

**Table 10-2. Monitoring indicators for resettlement and livelihood restoration of PAPs – land acquisition in Tsetskhlauri**

Activity	Type of information collected / Indicators for monitoring RAP	Source of information	Responsibility	Indicators	Frequency
Performance monitoring	-Allocation of housing - Allocation of land -transfer of assets	Questionnaire and interviews with PAP  Observation notes Interviews with implementing institutions  Biannual /annual narrative and financial report of implementing institutions	PIU with external consultant	Number of houses allocated to PAPs (size, location, etc)  Asset transfer	Biannual monitoring report
	Number of complaints received and redressed	Official records	Commission for Grievance Mechanism	Number of complaints	Biannual report
	Employment at Hygiene 2009	Official records	PIU	Number of PAPs employed	Annual report
Impact monitoring	-level of perception of health benefits/risks -level of standard of living -level of income	Interviews/ Observation notes Focus group discussion notes	PIU with external consultant	Health check-up report	Annual monitoring report



## Annex 1. PUBLIC GRIEVANCE FORM

Reference No:	
Full Name	
<b>Contact Information</b>  Please mark how you wish to be contacted (mail, telephone, e-mail).	<input type="checkbox"/> <b>By Post:</b> Please provide mailing address: _____ _____ _____  <input type="checkbox"/> <b>By Telephone:</b> _____  <input type="checkbox"/> <b>By E-mail</b> _____
Preferred Language for communication	<input type="checkbox"/> <b>GEORGIAN</b> <input type="checkbox"/> <b>ENGLISH</b>
<b>Description of Incident or Grievance:</b> <div style="float: right; text-align: right;">           What happened? Where did it happen? Who did it happen to?            What is the result of the problem?         </div>	
Date of Incident/Grievance	
	<input type="checkbox"/> <b>One time incident/grievance</b> (date _____) <input type="checkbox"/> <b>Happened more than once</b> (how many times? _____) <input type="checkbox"/> <b>On-going</b> (currently experiencing problem)
<b>What would you like to see happen to resolve the problem?</b>	

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please return this form to:** [name], Community Liaison Officer, COMPANY

Address \_\_\_\_\_: Tel.: \_\_\_\_\_

or E-mail: \_\_\_\_\_@\_\_\_\_\_.com