

# **ALBANIA - VLORA BYPASS**

## **RESETTLEMENT ACTION PLAN REPORT**



**February 2013**

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## 1. INTRODUCTION AND SCOPE OF THE DOCUMENT

This document is the Resettlement Action Plan (RAP) for the Vlora Bypass Project; it also contains the Land Acquisition and Compensation Plan. It has been prepared in accordance with the laws of Albania as well as the requirements of the European Bank for Reconstruction and Development (EBRD), Environmental and Social Policy 2008 and its Performance Requirements (PRs), particularly PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement.

The RAP specifies the procedures to be followed by the Government of Albania through its General Roads Directorate (GRD), Ministry of Public Works and Transportation and the actions it will take to properly resettle and compensate affected people. The document provides a description of the land, households and businesses that will be affected by property acquisition. The objective of this RAP is to mitigate the negative impacts of land acquisition and displacement, and to set out the entitlements of the different categories of affected persons, paying particular attention to the most vulnerable ones.

The RAP applies to all affected persons regardless of the total number affected and whether or not they have a legally registered title to the land. The severity of the impact will however affect the nature of the compensation and other assistance provided.

This RAP document is the result of various phases of consultations, data collection and analyses. These analyses have been done by the Consultant EGIS in different moments and over the consultancy period of time. The last update of the census has been done by GRD in December 2012 to reflect the current situation in the field. A socio-economic survey was on-going at the moment of writing the present report; although the results will be integrated at a later stage in the RAP, all measures to protect the livelihood of affected people are envisaged here.

The requirements of this RAP are binding to both the Government, through GRD and the Contractors to be hired to undertake the construction and operation of the Project.

## 2. PROJECT DESCRIPTION

Vlorë Bypass consists of a 29,0 km long route composed of a new single carriageway highway, designed according to the Albanian Road Design Manual, contouring Vlorë to the East, numerous new bridges and 8 at grade junctions.

Vlorë is a strategically located city and port, situated 180 km south of Tirana that provides access to other Mediterranean ports and countries. It is one of the main entry points for tourists coming in ferries to visit regional amenities offered by the southern Albanian coast. Vlorë is also an important fishing port and will also in the future accommodate new strategic development such as power stations, etc.

North of Vlorë, the national road network is currently being developed with the construction of new dual two carriageway links. The closest section between Levan and Vlorë is currently under construction and will end close to the port in the northern part of the city.

On the south outskirts of Vlorë, the existing Coastal single lane route has been considerably upgraded, thanks to the important infrastructure spending of the last decade, not only to improve access to towns but also to contribute to the emergence of tourism by providing better access to beaches and coastal resorts.

The new Bypass will also provide an alternative itinerary to Sarandë which is at the moment best connected by a longer route via Tepelenë.

The Vlorë Bypass can be considered the “missing link” that remains to be constructed along this itinerary. Today all through traffic has to cross the centre of the city causing congestion, delays, costs, hazards, pollution and globally negative impacts on the environment and quality of life of Vlorë’s citizens.

In order to provide an easier access to the coastal road and to divert the through traffic away from the city and the seafront of Vlorë, which is under development at the moment, the Employer intends to build a Bypass for Vlorë that takes the through traffic away from the city centre.

Vlorë Bypass will be approximately 29,0 km in length and will be classified as a secondary road, with a single carriageway, according to Albanian Roads Design Manual (ARDM).

Expected benefices are: journey time savings, reduction of accidents, reduction of vehicle operating costs and contribution to the improvement of the link between Tirana, Northern Albania, other Balkan countries and the southern coast of Albania.



Figure 2.1: Project Location

### 3. POLICY AND REGULATORY BACKGROUND

#### 3.1. EXPROPRIATION LAW AND REGULATIONS IN ALBANIA

The current Expropriation Law of the Republic of Albania is **Law No. 8561 on “Expropriation and Temporary Takings of Private Property for a Public Interest”** (Official Gazette of 22 December 1999). This law is complemented by:

- Decision of Council of Ministers (DCM) No. 127 (23/03/2000) on the “Content and procedures of introducing the request and of initial announcement of expropriation and temporary takings of private property for a public interest”;
- DCM No. 138 (23/03/2000) on “The technical criteria for the assessment and calculation of the compensation amount of private properties that are going to be expropriated for a public interest, of properties that are devaluated and of the rights of the third parties” and amendments No 662 (18/12/2002), No 872 (12/12/2007) and No 136 (23/02/2011);
- DCM No. 257 (11/04/2007) on “The criteria and procedures for the physical compensation with state properties of expropriated subjects, in special cases”;
- Guideline No. 1 (05/10/2000) on the “Technical criteria to calculate the value of the fruit trees that are being expropriated for public interest, in the cases when indicators of declared purchase are missing”;
- Other laws on land tenure rights and registration and on social protection are to be considered and are mentioned below in the relative chapters.

##### 3.1.1. Public Interest

The law on expropriation focuses on properties (land and structures) which may be expropriated or temporarily occupied in the public interest; it concerns activities which cannot be realized in another way and which bring greater benefit to the public. The law mentions also compensation for acquired land even if it is temporary.

The law only recognizes those who have formal legal rights over properties. Those who have informal rights to properties (unregistered) are not included and/or mentioned in the law. Certain areas related to the expropriation procedure are further regulated through individual Decisions of the Council of Ministers, i.e. the documentation that is to accompany the application for expropriation, the setting up and functioning of the Expropriation Commission in the relevant ministry, the methodology for the valuation of properties and determining compensation, the procedure for notifying affected owners among others.

##### 3.1.2. Expropriation Process

In the transport sector, expropriation is initiated by the General Roads Directorate Expropriation Department (Republic) / Municipality/Commune Directorate for Expropriation (Municipality/Commune), who submits an

application for expropriation to the Ministry of Public Works and Transportation (relevant Ministry).

The application is prepared with information about ownership and other rights recorded in the Immovable Property Registration System (IPRS). In areas where the first registration has not been completed, the GRD Expropriation Department works with local authorities to collect ownership data from other sources at the local level (e.g. local property owners, village elders, notaries) and in cooperation with the IPRS seeks to complete the first registration of properties.

If the documentation (later on referred to as Expropriation Dossier) is in order, the Ministry accepts the application for expropriation and forms a Land Expropriation Committee consisting of at least 5 employees or independent experts (legal, economic and engineering field). At this moment, property owners and affected third parties are notified that an expropriation process has been initiated (information is also published).

The Land Expropriation Committee performs final valuations of properties. If the affected owners and third parties accept the compensation offer provided to them, the expropriation is deemed completed. If not, the affected owner and/or affected third party have the right to appeal (only with regard to the amount of compensation offered to them). Negotiated settlements before the initiation of the expropriation process are not envisaged.

The Ministry prepares and submits an expropriation proposal to the Council of Ministers; if the Expropriation Dossier is in order, the Council of Ministers passes a decision on expropriation. The GRD Expropriation Department / Municipality and Commune Directorate for Expropriation proceeds with compensating property owners / affected third parties.

### **3.2. LAND TENURE AND PROPERTY RIGHTS**

The Republic of Albania has been undergoing a land and property reform since 1991. The main elements of this reform include the transfer of rights in ownership of land, housing and other properties to citizens and juridical persons, the creation of an Immovable Property Registry System and the legalization of informal construction.

In July 1991, the Government of Albania enacted the Law No. 7501 (19/07/1991) "On the Land" that nullified old property claims and regulated the redistribution of expropriated farmlands given to collective farms after 1946. The law granted land ownership rights to members of the former collective farms and their households without requiring compensation. It also granted land-use rights of up to 0.4 ha to other qualifying residents of villages attached to collective farms.

Law no. 7843 (13/07/1994) on "Registration of Immovable Property" created the Immovable Property Registration System and the obligation for all immovable properties in Albania to be registered in the System. The process of first registration is still incomplete and some issues remain. Difficulties include a complex administrative procedure, high costs of legalization and a backlog of property disputes in the court system.

Albania is also faced with a significant amount of informal constructions, resulting from a massive influx of people from rural to urban areas in the last 20 years. Approximately two thirds of buildings in urban areas in Albania are informal developments. In an attempt to allow all existing occupiers to legalize their structures previously built without possessing a valid construction permit, the Government of Albania adopted the Law no. 9482 (03/04/2006) on "Legalization, Urban Planning and Integration of Unauthorized Buildings". The aim of this law is to formalize as much of the informal constructions as possible and further develop these areas with appropriate infrastructure. According to this law, all structures built after 2007 are not entitled to any kind of compensation.

The legalization process is progressing slower than expected, although the Government has tried to simplify the procedure.

### **3.3. RESETTLEMENT ASSISTANCE TO VULNERABLE PEOPLE**

The Albanian Government main social support program is the *Ndhima Ekonomika* (NE) supported by Law No. 9355 (10/03/2005) on "Social Assistance and Services" and its Decision No 787 (14/12/2005).

For social assistance services Law No. 9232 (13/05/2004) concerns "The Social Programs aimed at Housing the Inhabitants of Urban Areas". According to the Law No. 9355 on Social Assistance and Services, citizens of Albania are entitled to various forms of social welfare payments or a range of community based services (public and private). Community based services are still in the development stage and financial payments to beneficiaries largely prevail.

In the area of housing, the Law No. 9232 on Social Programs for the Housing of Inhabitants of Urban Zones establishes the legal framework for development of social housing programs in Albanian Municipalities. 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. The Council of Europe Development Bank is engaged with the Albanian Government in the development of a social housing program.

Albania has a set of laws under which vulnerable groups can be assisted to improve their living standards (health, education, employment, gender equality, free legal aid etc.) and these laws can be used as a basis for developing resettlement programs for vulnerable groups. In particular, relevant for the Vlora Bypass cases is Law No. 7995 (20/09/1995) "On Employment Promotion": through the Ministry of Labour, Social Affairs and Equal Opportunities, the law envisages support for unemployed people through measures such as employment mediation, training and retraining with subsidised attendance fees as well as programs for new job creations (promotion of small businesses).

### 3.4. COMPENSATION

The expropriation law states that compensation is to be provided on a final valuation of affected properties by the Ministry Commission for Expropriation, as defined by the Decision of the Council of Ministers (Law No. 8561, Articles 17 and 18). These articles state that depreciation of structures and assets is to be taken into account. Temporary occupation of property is also possible according to the Expropriation law, against a set compensation (Article 30). Until 2007, compensation rates were provided by the Property Restitution and Compensation Agency of the Republic of Albania, based on recent market transactions in neighbouring areas.

The current pricing methodology is based on the legal framework mentioned in Chapter 3.1.

Properties are categorized as:

- construction objects: (a) residential structures and (b) any other structures than residential (warehouse, shops, coffee shops, gasoline distributors, etc.);
- agriculture land;
- construction land.

For (a) **residential structures**, the valuation is set as the average of sales and purchases, determined by the Office of the Registry of Real Property (ORRP), following the same procedure as in the case of construction land<sup>1</sup>. Should indices of purchases and sales be lacking, the valuation is to be determined by the method of building costs, using as a basis the prices of the National Entity of Residences<sup>2</sup>.

For (b) **construction objects, industrial objects, agricultural objects etc.**, the valuation is determined by the method of building cost by the competent Ministry, specifically the prices taken as the market average and the depreciation deducted from the valuation. For simple constructions (e.g. coffee shop, alimentary shop, warehouses or agriculture objects) the compensation is based on construction works approved by the National Entity of Residences.

The compensation for **construction and agriculture land**, fruit trees plants, forests, pastures, meadows, wooded lands and lands with permanent seedlings is based on prices set by Agency for Property Restitution and Compensation (APRC) based on the location area. When APRC has set no prices for that area, then compensation is based on ORRP average prices in the last 3 months. In cases when indices of purchases and sales, declared in

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<sup>1</sup> In cases when the average of sales and purchases, determined by the ORRP is used, ORRP is obligated to make a declaration of the average of purchases and sales within 5 days from the official submission of the application by the subjects interested in expropriation for a public interest. The time period for calculating the average cannot be longer than the 3 months proceeding the date when the application is made.

<sup>2</sup> In cases when the method of building cost is used, the evaluation is made based on approved prices for every construction work. The National Entity of Residences every year sends an approved list of process for every construction work. The current prices were approved in February 2011 and are based on 2010 prices.

writing by ORRP, are lacking, the subjects interested in the expropriation request the structures of the Agriculture and Food Ministry to make a technical evaluation and calculation of the compensation for the private property that is sought to be expropriated.

The criteria of technical valuation and calculation of the compensation of agricultural land are: (i) the category of the land, (ii) the status of irrigation requirement, and (iii) the distance from urban centres<sup>3</sup>.

The valuation for **fruit and trees** is prescribed to be made by using the cost method. The valuation is realized for the number of roots (fruit trees, olives, citrus fruit, grapes) and surface area for e.g., vineyards, nurseries and strawberry fields. The actual investments made and the totality of expenses are taken as the basis for the valuation, while reflecting the amounts of annual depreciation, health depreciation and other indices that are set by special Instruction of the Ministry of Food and Agriculture.

Valuation of **crops** is done on the basis of expected productivity valued at the market prices.

### 3.5. EBRD REQUIREMENTS

The EBRD applies its 2008 Environmental 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, while balancing environmental, social, and financial costs and benefits;
- adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and 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, through measures that can be enterprise-based, wage-based and/or enterprise based, so as to facilitate sustainable improvements to their socio-economic status;
- the living conditions among displaced persons should be improved through provision of adequate housing with security of tenure at resettlement sites;
- affected persons shall be given the opportunity to participate in the negotiation of the compensation packages, eligibility requirements, resettlement assistance, suitability of proposed resettlement sites and the proposed timing;

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<sup>3</sup> Specified according to the "Regulations of Urban Planning"

- 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.

### 3.6. GAP ANALYSIS

The gap analysis between the domestic legislation and the EBRD requirements has been previously prepared and is available in the document Capacity Building for Resettlement in Relation to Transport Projects in The Western Balkans - Legal Analyses and Capacity Building Programme (Link011, Replan and Inter Social Consulting for EBRD, January 2011): p. 19-33, provided for easy reference in Annex 1. Here below there are provided the main gaps as a summary:

- The law focuses on properties and assets which may be expropriated or temporarily occupied, in the public interest. The law recognizes only affected people who have formal legal rights.
- Restrictions that result in people experiencing loss of access to physical assets or natural resources are not covered by Albanian legislation.
- There are no legal requirements in Albanian legislation for avoiding or at least minimizing physical and / or economic displacement. However, in practice, resettlement and expropriation are avoided or minimized during project design, in the context of minimizing costs
- Albanian legislation does not require the development of specific resettlement / livelihood restoration plans, nor the implementation of a census / socio-economic survey. All affected persons are informed about the upcoming expropriation through the publication of the application for expropriation. However, there are no requirements for consultations with any affected persons or making special provisions for informing / consulting vulnerable groups.
- All persons who do not have formal legal rights on land and structures located in the project area are not eligible for compensation or resettlement assistance according to the Expropriation law and therefore there is no cut off date for eligibility.
- The law does not specifically mention compensation for the costs of any registration and transfer taxes.
- The Expropriation law does not specify whether compensation is provided in cash or in kind. Certain provisions of the law imply that compensation is provided in cash.
- The Expropriation law does not foresee compensation in kind and therefore the provision of adequate housing with security of tenure. The expropriation law does not include any provisions about resettlement sites.
- Provisions of relocation costs and specific resettlement assistance for vulnerable groups are not foreseen by the Expropriation law.

- Those who have a claim to land that is recognised or recognisable under the national laws (Category 2) and those who have no recognisable legal right or claim to the land (Category 3) are not recognised by the Expropriation law.
- The provisions of the Law No. 9232 on Social Programmes for the Housing of Inhabitants of Urban Zones should be used as a basis for ensuring that those who are adversely affected by resettlement (usually belonging to Category 3) receive appropriate accommodation. However it should be noted that the need for social apartments among the general population is great, while resources for constructing new apartments are scarce and as such law implementation is weak in reality.
- There are no special requirements in Albanian legislation for organising consultations and relocation assistance for vulnerable groups. However, persons who are homeless are entitled to social welfare assistance, which includes placement in shelters and access to other services available under national and local social welfare laws.
- Some municipalities have departments that provide free legal assistance to the most vulnerable citizens. Apart from that, there are a number of NGOs in Albania providing legal assistance, particularly to the most vulnerable groups of population, but this service facility is not able to cover all potential cases.
- There is no specific requirement in Albanian legislation for consulting affected communities regarding loss of public amenities.
- Those who belong to Category 2 and Category 3 are not entitled to any compensation or livelihood restoration assistance by the Expropriation law. In addition, all three categories are not entitled to costs of re-establishing commercial activities, lost net income, transitional support, transport of equipment or other targeted assistance. Assistance to off-set any loss of a community's commonly held resource is also not specifically regulated by Albanian legislation.
- In practice, those with formal legal rights become aware that expropriation is to take place, during the phase of field work and collection of ownership documentation, in preparation of the application for expropriation
- The Expropriation law does not require public consultations to be held with any categories of project affected people, prior to expropriation. Once the expropriation process is initiated, only those with formal legal rights are consulted through a one on one negotiation process.
- There are no requirements for monitoring the expropriation / resettlement / livelihoods restoration process, under Albanian legislation.

## **4. BASELINE INFORMATION**

### **4.1. CENSUS, SOCIO-ECONOMIC SURVEY AND CUT-OFF DATE**

According to the Environmental Impact Assessment (EIA)<sup>4</sup>, a census and a socio-economic survey were carried out in 2012 by GRD.

The Albanian law envisages publishing the list of owners and properties subject to land acquisition and resettlement after the official decision on the expropriation is made by the Council of Ministers. Therefore, for people in Category 1 and 2<sup>5</sup> of EBRD policy, the Cut-Off Date will be the day in which the list of owners is published in the newspapers.

All affected people identified in the census list will be entitled to compensation in accordance with the principles laid out in this document. The Cut-Off-Date will be relevant also for establishing the rights of informal users (Category 3).

The information gathered from the available documentation review and during the site visit carried out on the project areas during the due diligence indicates that the socio-economic survey is not complete; the EIA contains chapters with a general description of health, education, gender, agricultural processes and other socio-economic elements. However this description generally refers to the area but does not seem specific for the concerned PAPs.

### **4.2. STATE OF THE ART WITH RELATION TO LAND ACQUISITION AND RESETTLEMENT**

In accordance with the Law 7501 mentioned above, the vast majority of the occupiers of land in the Project area are either the legal owners or entitled to become private owners of the land, after completing the registration procedure. Currently the registration procedure is ongoing and could not be estimated how many people will remain informal after initiating construction works .

The list of owners has originally been prepared in 2011. The GRD updated the census list (Annex 2) in December 2012. The list takes into account the on-going process of land registration and buildings legalisation, started in 2011: this is a dynamic situation with PAPs in different stages of completion of the process due to bureaucratic difficulties and eventual problems of attribution of properties where more than one person claim rights over a specific piece of land.

Information collected during the due diligence indicates that:

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<sup>4</sup> Republic of Albania, Environmental Impact Assessment. Final Technical Report. 6 Draft, 07/02/2011. EGIS Route.

<sup>5</sup> According to the EBRD Policy, displaced persons may be classified as persons: (i) who have formal legal rights to the land (incl. customary and traditional rights recognised under national laws); (ii) who do not have formal legal rights to land at the time of the census, but who have a claim to land that is recognised or recognisable under the national laws; or (iii) who have no recognisable legal right or claim to the land they occupy.

- people in the affected communities have constructed after 2007 without the legal permit required by Law (these structures would not be entitled to any kind of compensation, according to Law 9482 mentioned above); however it is unlikely that PAPs along the envisaged Vlora Bypass road are concerned as the proposed road uses a new corridor across areas of mostly hilly and agricultural terrain with a very limited number of residents and businesses. However, few agricultural fields and crops, pasturelands, olive groves and private gardens will be negatively impacted or affected by the project. Should such buildings be present, for the purpose of this RAP they would still be entitled to compensation as a cut-off-date was never communicated to PAPs nor the census list has still been published;
- the current practice in Albania concerning expropriation for road construction envisages a fast track mechanism for land and properties registration/legalisation where PAPs are facilitated both in terms of speeding up the process as well as being exonerated from paying the relative fees.

As mentioned above, a socio-economic survey has been done during the elaboration of the EIA but only as a general study of the Project area. The EIA team has suggested GRD to conduct such survey including at least all affected households and a sample of people losing agricultural land, especially those losing high percentages of the property. To this end, the EIA team has provided support to GRD in developing an appropriate questionnaire (Annex 3). GRD is currently in the field to conduct the survey. In addition to socio-economic data, a main element of the survey concerns the way in which properties are being affected (partially versus totally or the different percentage of lost land with relation to the total property). Results will be available only after the presentation of the present report; nevertheless appropriate measures to protect the livelihood of affected PAPs are already envisaged here and the situation should not further prevent the implementation of the Project.

It is expected that the expropriation procedure will start by the end of July or in early August 2013, after the filing of the Expropriation Dossier to the Council of Ministers for final approval.

The census table will then be published in newspapers shortly after the Council decision for two weeks, followed by one month for receiving grievances from the PAPs. The GRD expects to complete the land acquisition and expropriation process prior to start of construction works envisaged for the beginning of 2014.

#### **4.3. DIRECTLY AFFECTED PROPERTIES AND PEOPLE**

The Vlora Bypass alignment is designed to cross mostly a hilly ridge area passing through olive grove sections, a cemetery, a reservoir, few houses and agricultural lands. After Kaninë, the road starts to climb again, on mountains covered with low Mediterranean vegetation, until it reaches its summit. Going down, the alignment encounters pastureland and younger olive groves. In the valley of Dukati, the alignment goes through agricultural

lands and two small rivers. It mainly traverses agricultural land, with minimal impact on residential and commercial properties.

Based on the information of the last census (December 2012), 224 properties are affected by land acquisition and resettlement and will qualify for compensation. It is estimated that approximately 1090 PAPs will be affected. All affected assets located along the proposed road which are entitled to compensation were inventoried. The data about the number and type of property is given in Tab. 1.

**Table 4.1: Properties affected by Land Acquisition and Involuntary Resettlement (Based on the December 2012 Census)**

Type of property	Number of property affected	Category 1	Category 2
Agricultural/residential/commercial land	218	58	160
Public infrastructures	1 (road)	1	0
Forestry	2	0	2
Pasture land	3	3	0
<b>Total</b>	<b>224</b>	<b>62</b>	<b>162</b>

#### 4.4. AGRICULTURAL LAND

Based on the 2012 information from the EIA, 100 % of agricultural plots were going to be affected less or equal to 50% of their total size (173 plots are yet described as unidentified owners).

Following the revision of the census in 2012, there are now 224 property affected (approx. 1090 PAPs). The total size of land subject to acquisition should be available after the socio-economic survey, therefore providing information about the proportion of land lost by each single PAP with relation to their total property. The agricultural land is worked by their owners and according to the socio-economic survey there are not incomes of other peoples from this activity except the owners and their families.

If more than 80% of affected land is subject to land acquisition, the GRD offers expropriation of all land subject to occupier/title holder request for full expropriation.

#### 4.5. RESIDENTIAL AND NON RESIDENTIAL STRUCTURES

According to the latest information available and the information collected during the due diligence carried out in 2012, there are no reporting on expropriation of structures except mainly agricultural land, and few other cases of pasture land and forest.

Based on the EIA information, all PAPs prefer to stay close to their community and intend buying or constructing a new house in the locality with the money received from the compensation; most of them prefer to build a house on nearby land, not affected by the road construction.

Generally PAPs express the desire to continue living and continuing the same business in the area using the compensation money and believing in a revaluation of the land due to the future new presence of the road.

Further information about the residential and non-residential structures as well as on households and their economy is being collected through the socio-economic survey.

#### 4.6. VULNERABILITY

The 2012 census did not identify any Roma population as affected. This information has been confirmed during the last census update and during the due diligence: Roma population in Vlora lives in a well identified area which is not crossed by the alignment.

Vulnerable groups and the type of vulnerability in the Project area were not identified in 2012. Vulnerable groups and/or individuals are being identified with the current implementation of the socio-economic survey, especially in the case of resettlement, prior to submission of the Expropriation Dossier. The information will be later included in this document along with the specific type of assistance required and identified during the survey.

The following types of vulnerability may be present and should be further explored:

- households with no sources of income or under the threat of losing the income generation basis due to land acquisition; There are no data on informal activities/source of income.
- members of the households with mental and physical disability and chronic diseases;
- elderly/single;
- single parent headed households;
- other.

The following type of assistance, based on identified need for the vulnerable groups or individuals, should be provided:

- assistance in finding and buying a new home taking into account the special needs of PAPs with mental and physical disability and chronic diseases, as well as, assessing whether there is sufficient public transport to reach schools, workplaces and hospitals;
- assistance in relocating with special measures of transport;
- packing personal belongings;
- salvaging of material in the old dwelling and transport or sale thereof;
- assistance in the period after the payment of compensation;
- health and medical care;
- training to improve employment opportunities.

## **5. KEY RESETTLEMENT/COMPENSATION PRINCIPLES, DEFINITIONS AND ISSUES**

### **5.1. KEY PRINCIPLES**

The following principles of resettlement and compensation have been committed upon by the GRD and shall be adhered to in relation with the Project implementation:

1. Resettlement and compensation of affected households/businesses shall be carried out in compliance with the applicable Albanian legislation, the 2008 EBRD Environmental and Social Policy and policy requirement Number 5 and internationally accepted good practice.
2. All owners, occupants and users of affected structures and land at the time of the Cut-Off-Date, whether with or without fully recognized ownership rights, are eligible for compensation and/or assistance.
3. Both loss of shelter (physical displacement) and loss of livelihoods (economic loss, i.e. "economic displacement") shall be taken into account and mitigated.
4. Short-term impacts related to temporary occupation of land for construction purposes may also entail compensations or other assistance to affected persons.
5. Affected properties shall be compensated at full replacement value through provision of similar replacement property or cash compensation. Replacement value is calculated as the market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc. Depreciation of structures is not to be taken into account during valuations.
6. Livelihoods and standard of living of affected persons shall be improved or at least restored to the level prior to project related displacement, in as short a period as possible. Compensation shall be provided prior to relocation.
7. Vulnerable groups shall receive assistance in accordance with their specific needs. This should be done in cooperation with social service departments (municipal or state). At a minimum, vulnerable groups should have access to documentation, education, health and social services. Specific assistance shall be defined on a case by case basis.
8. A specific grievance management mechanism has been established for the Project, as described in this document.
9. Monitoring and evaluation of entitlements provision and other resettlement activities shall also involve independent parties.
10. Any displaced persons, as well as their new host communities shall be informed and consulted during the development, implementation and evaluation of the Resettlement Action Plan.

11. A Cut-Off-Date for eligibility will be defined as the date of the conducted census and socio-economic survey and publishing of the census list in the newspapers by the GRD (expected to be published in July 2013).
12. The GRD and Albanian Government will fund compensation and all resettlement activities described in this RAP.

## **5.2. ENTITLEMENT MATRIX**

The Entitlement Matrix is constructed based on EBRD procedures for eligibility criteria; all persons/families with or without a legal title to their property are eligible for compensation.

Compensation entitlements for different categories of eligible persons and assets (properties) are summarized below in Table 2.

Title-Holders are those in Category 1 of EBRD policy (owner possessing legal documents) or in Category 2 (owners entitled to obtain ownership by local legislation but who has not yet completed the legalisation or registration process).

Non-Title Holders are those in Category 3, not entitled to ownership (illegal or informal user).

Table 5.1: Specific Compensation Entitlements

Asset Acquired	Type of Project affected right or property or loss	Category of PAP	Entitlement	Implementation Modalities
Land	Loss of agricultural land less than 40%	Title Holder <sup>6</sup>	Registration of land parcels according to Albanian legislation, prior to expropriation, free of costs Cash compensation for affected land at replacement cost (equivalent to the market value of the property, sufficient to replace the lost assets and cover transaction costs)	Transfer of property right through amicable agreement or expropriation process.
	Loss of agricultural land more than 40%	Title Holder	Registration of land parcels according to Albanian legislation, prior to expropriation, free of costs Cash compensation for affected land at a replacement cost or Land plot of similar size and characteristics, with a secure tenure status + Livelihood restoration assistance including job trainings	Transfer of property right through amicable agreement or expropriation process.
		Occupant – Informal user <sup>7</sup>	Assistance in lease of alternative land/property to re-establish use	Finding alternative location of similar characteristics given for use with security of tenure (e.g., lease)
	Loss of construction land	Title Holder	Registration of land parcels according to Albanian legislation, prior to expropriation, free of costs Cash compensation for affected land at replacement cost	Transfer of property right through amicable agreement or expropriation process.
		Occupant – Informal user	Assistance in lease of alternative land/property to re-establish use	Finding alternative location of similar characteristics given for use with security of tenure (e.g., lease)
	Structures	Loss of residential structure	Title Holder with building permit or with the legal right to register the structure <sup>8</sup>	Registration/Legalisation of structure according to Albanian legislation, free of costs, prior to expropriation Cash compensation for residential structure at full replacement value + Moving allowance and compensation for other resettlement related expenses + Assistance to obtain a building permit for a new residential structure
Occupant			Cash compensation for residential structure at replacement value	Transfer of property right through

<sup>6</sup> Category 1 and 2 of displaced persons according to EBRD policy.

<sup>7</sup> Category 3 of displaced persons according to EBRD policy.

<sup>8</sup> In Accordance with Albanian law, all structures build prior the adoption of law in 2007 can be legally registered.

Asset Acquired	Type of Project affected right or property or loss	Category of PAP	Entitlement	Implementation Modalities
		without the legal right to register the structure/informal user	+ Moving allowance to structure owner	amicable agreement or expropriation process.
	Loss of non-residential structure (e.g., magazines, stales)	Title holder with building permit or with the legal right to register the structure <sup>9</sup>	Cash compensation for non-residential structure at replacement value + Moving allowance to structure owner	Transfer of property right and/or provision of compensation through amicable agreement.
		User without the legal right to register the structure/informal user	The right to tear down the structure and take away the materials or Cash compensation for non-residential structure at construction value	Compensation for informal non-residential structures not foreseen by the Albanian Law on Expropriation.
Commercial property	Loss of place of business	Owner	Same as for residential property	Transfer of property right through amicable agreement or expropriation process.
	Loss of business and/or rent	Owner	Compensation for cost of re-establishing commercial activities elsewhere, including costs of transfer/reinstallation of equipment + Compensation for loss of income incurred as a result of relocation including any discrepancies in livelihood	Compensation for loss of business/rent not foreseen by the Albanian Law on Expropriation.
Standing crops	Loss of annual crops	Owner /User	The right to harvest crops or Cash compensation for annual crops at replacement value	Cash compensation for the possible crops if the annual crops could not be harvested within the period of notice.
	Loss of perennials and non-fruit trees	Owner /User	The right to pick up the produce + Cash compensation for perennial trees, plants at replacement value based on type, age and productive value of affected trees	Cash compensation that take in consideration the yield of the crop over one year, the cost of re-establishing the plantation and lost income during the period needed to re-establish the crop.

<sup>9</sup> See note 1 above

### 5.3. KEY DEFINITIONS AND ISSUES

#### 5.3.1. Cut-Off Date

A Cut-Off-Date for the establishment of eligibility is defined as the date of the conducted Census and Socio-economic survey and publishing of a census list in the newspapers as required by the Albanian law on expropriation. Persons who settle in the Project area after the cut-off date are not eligible for any compensation or other resettlement assistance.

#### 5.3.2. Registration/Legalization of Properties

In 1991 the Law No. 7501 granted land ownership rights to members of the former collective farms and their households without requiring compensation. All titleholders of land can register their properties and become legal owners (Category 2 according to EBRD Policy). Structures built prior to 2007 without construction permit can be legalized based on the request for legalization (category ii according to EBRD policy). According to Albanian law, structures built without construction permits after 2007 cannot be legalized. Informal users (Category 3) of land and structures are entitled to compensation in accordance with the EBRD policy.

The current practice in Albania concerning expropriation for road construction envisages a fast track mechanism for land and properties registration/legalisation where PAPs are facilitated both in terms of speeding up the process as well as being exonerated from paying the relative fees.

#### 5.3.3. Valuation of Properties

The valuation of properties is carried out by GRD based on the fixed unit prices of several categories of land and the value of construction materials, depreciated.

Based on information collected and interviews conducted during the due diligence, the prescribed methodology does not appear to guarantee fair compensation as the methodology is outdated and would result in compensations quite below the market prices..

#### 5.3.4. Full Replacemnt Cost

The rate of compensation for lost assets should be calculated at full replacement cost, that is to say, the market value of the assets plus transaction costs. With regard to land and structures, replacement costs are defined as follows:

- Agricultural land: the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes;

- Land in urban areas<sup>10</sup>: the market value of land of equivalent area and use, with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes;
- Houses and other structures: the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and transaction costs such as registration and transfer taxes.

### 5.3.5. Payment of Cash Compensation

Issues related to payment of cash compensation will be discussed and agreed with owners and all affected members of the household. Cash compensation will be paid in full or in instalments as agreed with the owners and affected members of the households and as defined by contracts. Cash compensation will be paid in the bank accounts specified by the owners, with agreement of all affected members of the household. In the cases where there is more than one owner of property (i.e. co-ownership of married couples), compensation amounts will be divided and paid to the bank accounts they specify. Special attention is needed to avoid situations where the owner of a property is a married couple and only the husband's bank account is provided to receive the compensation. Women should be approached separately to get their details, so they will also be compensated for the property.

### 5.3.6. Compensation Packages and Resettlement assistance

Below are provided details on how compensation packages and resettlement assistance will be determined for: (i) land, (ii) structures (residential and non-residential), (iii) improvements to the land (crops, orchards, etc.), (iv) moving allowance, (v) assistance to vulnerable groups, and (vi) livelihood restoration.

**Agricultural land.** Compensation for land will wherever feasible be in the form of a replacement property allowing the owner approximately the same conditions of use. Where replacement property cannot be offered to the affected landowner because suitable agricultural land is not available at reasonable distance or is not acceptable to the landowner, the expropriating authority will establish written evidence of its unsuccessful efforts to identify such similar land.

In situations of partial expropriation where it is determined that the expropriation of a part of the owner's property would result in the owner having no economic interest in using or not being able to use the remainder of the property (e.g., in situations of 80% and more of land plots being affected), the remaining part of the property will also be expropriated, at his request. Such situations are to be assessed on an individual basis by the

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<sup>10</sup> This category of land should also refer to the category of construction land.

expropriating authority, and the following criteria will be used to assess the suitability for further agricultural use: (i) size of the remaining part of the parcel, (ii) agricultural potential of the remaining part of the parcel compared to that of the expropriated part, and (iii) possibility to operate mechanized agricultural equipment on the remaining part (accessibility).

**Construction Land.** In terms of compensation for residential land with a residential structure to be expropriated, the options will be provision of replacement land and structure or cash compensation at replacement value. If construction land is affected but the residential structure on the land is not, compensation for land will usually be in the form of cash. Cash compensation will be provided at replacement value.

**Residential / Business Structures.** Similarly to land, compensation for residential and business structures subject to expropriation will be the provision of replacement properties or cash compensation. When assessing the replacement properties, the following criteria should be applied to the extent possible: (i) parcel on which the structures are located should have approximately the same size, (ii) structures should have similar size and standards, including access to utilities, and (iii) structures should be located at a reasonable distance and be with a similar potential from the livelihood point of view (access to employment or agriculture). If replacement structures smaller in size or of favourable characteristics are proposed to affected persons, the difference in value should be paid to the affected owner. Cash compensation will be provided at replacement value.

PAPs whose household or business structure is affected and intend to build a new house in the same village, shall be provided with a construction permit in the shorter period of time either within their remaining agricultural land or on a new land area, indicated by the Government.

For covering of costs of alternative accommodation in the transition period (from expropriation to building or purchasing new residential structure) or providing alternative accommodation, the PAPs shall be consulted about the option they prefer.

**Crops, Orchards, Trees.** To the extent possible, land acquisition and land entry will be scheduled so that any standing annual crop, regardless of its development stage, can be harvested before the land is taken from the landowner or land user. Annual crops that are harvested before land entry by the beneficiary agency shall not be compensated for. Annual crops that cannot be harvested prior to land entry or that are damaged by construction works shall be compensated for at full market value. Recent agricultural produce prices at local level should be applied.

The determination of the full replacement value requires consideration not only of the yield of the crop over one year, but also of the cost of re-establishing the plantation (seedlings, soil preparation, fertilizers, etc.), as well as of the lost income during the period needed to re-establish the crop.

Compensation rates should be calculated in compliance with the full replacement value principle, whereby the compensation rate C for one tree is determined by application of the following formula:

$$C = V \times D + C_P + C_L$$

Where:

**V** - average market value of the produce of one tree for one year

**D** - average period of time required to re-establish the tree to an adult production level, in years

**C<sub>P</sub>** - cost of planting (seedling, soil preparation, initial fertilization)

**C<sub>L</sub>** - cost of the labour required to maintain the crop during the period of time needed to re-establish it to its previous production level

The calculated unit rate C is then applied to the whole parcel assuming either an average density or based on the precise count of all standing trees. The weather conditions are considered based on average long term climate data and not those registered per each year; the same for other external factors, but should be taken into account that the average market value of the product is adjusted regularly by the National Institute of Statistics.

**Moving Assistance.** Moving assistance will be provided by the GRD in the form of physical assistance (moving trucks hired by the Government). Moving assistance will cover the cost of moving furniture and other personal belongings. This cost can be calculated as either:

- i) a fixed amount corresponding to the cost of the move of 5 cubic meters goods per household regardless of the household size, or
- ii) a variable amount corresponding to the actual household size, covering the cost of moving 2 cubic meters goods per household member.

Where applicable, the moving assistance should also include support to cover the cost of identifying and securing a new dwelling, as well as other relocation costs such as the cost of transferring utilities to the new address.

**Livelihood Restoration - Businesses.** In case when a business is affected, livelihood restoration assistance will be provided as compensation for income lost during the period required to re-establish the business elsewhere as well as any other transitional costs, to be assessed on a case-by-case basis (i.e. based on accounting reports or other applicable documents / receipts). Assistance package for livelihood restoration shall be negotiated with PAPs for each individual case.

**Livelihood Restoration - Agricultural production.** The loss of large parcels of agricultural land used for production of food for the household or sales of agricultural products will require livelihood restoration assistance

proved as compensation for the loss of livelihood in the period required to re-establish agricultural production and will be assessed on the case-by-case basis. Assistance package for livelihood restoration shall be negotiated with PAPs for each individual case.

### **5.3.7. Vulnerable Groups and Specific Assistance**

Vulnerable households will be consulted on the type of assistance they need for resettlement (e.g. special transport measures for persons with physical disabilities, assistance to identify and buy new apartments, assistance to access self employment programs, etc.). This assistance will be provided by the GRD through the involvement of the Government Department of Social Assistance and Labour Offices.

For the purpose of informing the identified vulnerable groups, the Department for Social Assistance at the Commune level will appoint an officer who will act on behalf of the GRD and hold individual meetings with each vulnerable person and determine their needs concerning resettlement as well as the manner of meeting the identified needs.

Vulnerable households will be provided with specific resettlement assistance. Assistance for vulnerable groups will include assistance during the compensation and resettlement process, assistance in moving, and assistance during the post-resettlement period and any other specific assistance evaluated on the case-by-case basis after identifying vulnerable groups.

## 6. PUBLIC CONSULTATION PROCEDURES

### 6.1. CONSULTATIONS HELD TO DATE

The public were invited to take part in a preliminary consultation exercise to assist with the preparation of the EIA for the Vlora By-pass Project. One initial public consultation was held on the 23<sup>rd</sup> of November 2011 in Vlora<sup>11</sup>. The aim of the consultation exercise was to inform the public of the road scheme under preparation and to collect feedback from members of the public and from the representatives of the local Communes. The consultation was advertised in the press and on display in public venues in the locality.

The latest consultations took place on the 17<sup>th</sup> of January 2013, in the premises of the Vlora University Dormitory<sup>12</sup>.

The aim of the consultations was to inform the public of the road scheme revision and of other developments under preparation as well as to collect feedback from members of the public and from representatives of the local Communes.

It appears that these meetings were organised especially with local governments and official representatives; direct information to PAPs appears to have been limited and eventually done through head of villages.

However meeting announcement information took care to reach PAPs and different stakeholders, it could be noted that:

- many PAPs are not adequately informed;
- the main worries of PAPs are the price they will receive as compensation: either because it is not envisaged to be in line with the market price or because of the differences in land valuation between sites;
- PAPs want to have an idea of the planning of the works; the delays do not encourage local investments in agriculture and in other fields;
- the process of land/buildings registration and legalisation is long and sometimes difficult: technical data from the cadastre is not accurate and discrepancies may become very time consuming to solve.

### 6.2. FUTURE CONSULTATIONS

The first Project public meeting will take place in August 2013, while the exact date and place of venue will be announced to the public at least two weeks in advance. All information on the Project will be disclosed to the public prior to the first public meeting.

It is envisaged that the second Project public meeting will take place prior to the commencement of construction activities that are expected to start at the beginning of 2014.

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<sup>11</sup> Apparently the information collected during the public consultation is integrated in the EIA; and minutes of the meeting are available. Public opinion surveys and interviews with groups of affected individuals are also reported.

<sup>12</sup> Minutes of the meeting are reported as Appendix 1 of the EIA Report.

Prior to the commencement of the Project, all affected groups will be informed about the Project's scope and contact information which they can address for further information. They will be informed about the availability of the publicly available information on the GRD website as well as Commune offices and Villages. This type of informing will be carried out by using the Project Information Sheet delivered to the Communes and Villages and placed on the bulletin boards. Neighbourhood meetings at Villages will take place on the need basis and every 4 months after the project effectiveness until the completion of the Project.

In addition, to address special needs of PAPs for the land acquisition and resettlement issues, the GRD will name a contact person responsible for communication with PAPs in order to provide quick and timely information and answer any queries.

**Table 6.1: Timetable of Main Consultation/Information Activities**

Activity	Expected Dates	Responsibility
First Project public meeting	August 2013	GRD
Second Project public meeting	Prior to commencement of construction activities (end of 2013 or beginning of 2014)	GRD
Project information/documents made available to the public	July 2013 (prior to the first meeting)	GRD
Placement of the project information sheet on GRD website and Communes and Villages bulletin boards	Prior to the start of the Project	GRD
Regular neighbourhood meetings	Every 4 months, and on a need basis	GRD and Contractors

## **7. GRIEVANCE REDRESS MECHANISMS**

### **7.1. OVERVIEW**

Grievance redress procedures envisaged in the Albanian legislation include the negotiation of settlements encouraged by the Expropriation Law (Art.6); if an agreement is not reached when a decision on expropriation is passed by the Council of Ministers, the affected owner has the right to appeal to the Court. This right concerns only the amount of compensation offered and not the decision of expropriation itself.

According to information collected on the ground, GRD common practice is to continue receiving complains, even after the expropriation is done, if people can demonstrate they effectively are owners.

To comply with EBRD requirements, a more inclusive Grievance Redress Mechanism must be established. This is laid down here, according to the following principles which must be adhered to:

- grievances concern both PAPs in their quality of owners of land and properties as well the specific requirements of farmers in their needs for irrigation schemes to be maintained as much as possible during the road construction and re-established as soon as possible when interruptions of irrigation channels are unavoidable;
- any grievance related to land acquisition or to any other matter will be registered, acknowledged receipt of within 7 working days, and tracked until it is closed;
- the grievance management system will include at least one level of extra-judicial review, in view of amicable settlement wherever possible without resorting to Justice;
- grievances will be processed and replied in a written form to within 25 working days.

### **7.2. GRIEVANCE MANAGEMENT**

Registers of grievances will be established in locations close to PAPs.

The GRD will be responsible for handling the grievances in a timely fashion.

The GRD will be able to register grievances in its respective headquarters, municipalities and communes, and websites. The existence of these registers, as well as avenues and procedures to lodge a complaint (where, when, to whom, etc.), will be broadly communicated to the public.

For each grievance, a relevant file will be opened, including the following elements:

- initial grievance sheet (including the description of the grievance), with an acknowledgement of receipt handed back to the complainant when the complaint is registered;
- grievance monitoring sheet, mentioning actions taken (investigation, corrective measures);

- closure sheet, one copy of which will be handed to the complainant after he/she has agreed to the resolution and signed-off.

The grievance review will typically include the following steps:

- allocation of the grievance to a designated officer for review and resolution proposal;
- review of their expropriation/compensation files by GRD;
- review of disputed properties, disputed boundaries, or property characteristics in the field, as applicable, and hearing of interested parties (the complainant and third parties as need be);
- review of disputes related to irrigation interruptions and/or bad functioning due to road construction;
- drafting of a response letter to complainant.

The close out at the level of the first tier will be sanctioned by a document, whereby the complainant acknowledges receipt of the proposed resolution and mentions whether he/she is satisfied or not.

In case of processing grievances that the first tier is unable to resolve, a second tier of grievance management, based on a third party independent mediator, who could be selected amongst the following:

- representatives of the local “civil society”, well regarded individuals (local cultural or religious organizations);
- a professional lawyer in private practice in the area;
- a representative of a nationally established Human Rights NGO.

Resorting to the amicable mechanism of grievance management does not preclude the aggrieved person to resort to Justice at any point in the process.

## 8. IMPLEMENTATION OF THE RAP

### 8.1. ROLES AND RESPONSIBILITIES

All parties involved in implementation of the Project including the Contractors are required to implement the requirements of this document.

Responsibilities will be shared between the GRD and the Contractor, according to the following table:

**Table 8.1: Roles and Responsibilities**

Task	Responsible Entity
Main expropriation exercise prior to construction commencement	GRD
Supplemental land acquisition required for construction or operation needs	GRD
Temporary land occupation required for construction or operation needs, if required	Contractors
Grievance management	GRD
Monitoring and reporting in respect of expropriation carried out prior to construction commencement	GRD
Monitoring and reporting in respect of land acquisition and/or temporary land occupation carried out after construction commencement, if required	Contractors

### 8.2. MONITORING

Monitoring measures should be designed to endure that at a minimum livelihood and standard of living of displaced persons are restored to pre-project levels. The following table presents a list of indicators to be gathered during the life of the Project.

**Table 8.2: Monitoring Indicators**

Indicator	Source of Information	Frequency
<b>Input indicators</b>		
Overall spending on expropriation and compensation	Financial records	Quarterly
Number of PAPs by categories	Census and grievance management	Quarterly
<b>Output indicators</b>		
Number of PAPs having moved into their new dwelling in the period	Data management system	Monthly
Number of PAPs having moved from their previous dwelling in the period	Data management system	Monthly
Number of people having received cash compensation in the period with distribution by compensation type and by classes of amounts	Data management system	Monthly
Number of individual compensation agreements signed in the period	Data management system	Monthly
Number of households harvesting agricultural products for personal consumption in the post resettlement situation against the pre resettlement situation	Data management system	Quarterly
Average households income in the post resettlement situation against the pre resettlement situation	Data management system	Quarterly
Number of businesses re-established in the period, with distribution as relevant, as well as their income restoration	Data management system	Quarterly

**8.3. REPORTING**

GRD shall provide an Initial Monitoring Report on the implementation of the RAP at the time of the Loan condition effectiveness and periodical Monitoring Reports annually thereafter during the life of the project as part of the Annual Reporting to EBRD.

GRD will also report annually to the EBRD on any similar issues falling under its responsibility. It should be noted that GRD may need to publicize some of the above mentioned indicators as a response to a formal information request filed in line with the relevant information access legislation.

## Annex 1 – Legislative Framework Gap Analysis

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
Involuntary resettlement	The term involuntary resettlement refers to physical displacement and economic displacement. Displacement can be full, partial, permanent or temporary.	Albanian legislation in general, including the Expropriation Law of the Republic of Albania, does not recognize the term involuntary resettlement. Issues related to land acquisition in the public interest are regulated by Law No. 8561 on Expropriation.	The law focuses on properties and assets which may be expropriated or temporarily occupied, in the public interest. The law recognizes affected people who have formal legal rights.	Gaps regarding physical and economic displacement, as well as displacement of those who do not have formal legal rights to the land and structures which they occupy are discussed further in the table.
Land acquisition / restriction of access	Involuntary resettlement occurs as a result of: 1. Land acquisition, which includes: <input type="checkbox"/> outright purchases of property <input type="checkbox"/> purchases of property rights (i.e. rights of way) 2. Imposition of restrictions that result in people experiencing loss of access to physical assets or natural resources.	The law regulates the right of the state to expropriate properties of natural or juridical persons in the public interest, (Article 1), against fair compensation (Article 2). In addition, compensation is to be provided for the devaluation of properties which are not the object of expropriation (Article 4). The law regulates temporary occupation of land in Articles 27 and 28 (e.g. for construction works, setting up construction sites, etc.), for up to 2 years (Article 33), against set compensation (Article 30).	Restrictions that result in people experiencing loss of access to physical assets or natural resources are not covered by Albanian legislation.	Solutions for overcoming restrictions that result in loss of access to physical assets or natural resources, have to be considered and defined, on a case by case basis, for a particular project.
Scope of impact (project design)	Consideration of feasible alternative project designs to avoid or at least minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits.		There are no legal requirements in Albanian legislation for avoiding or at least minimizing physical and / or economic displacement. However, in practice, resettlement and expropriation are avoided or minimized during project design, in the context of minimizing costs	Ensure that minimization of physical and /or economic displacement is investigated during project design and maximized to the extent practically possible. Whenever possible, integrate the consideration of resettlement issues in the EIA process.

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
Planning process	Implementation of a census and a socio-economic baseline assessment within a defined affected area, to identify the persons who will be displaced and determine who will be eligible for compensation and assistance. Preparation of the Resettlement Action Plan or Livelihood Restoration Framework. During the development of the RAP/LRF, affected persons (including host communities) should be informed and consulted on the development of compensation packages, eligibility requirements, resettlement assistance, suitability of proposed resettlement sites and the proposed timing. Special provisions should be made for consultations with vulnerable groups.	According to the Expropriation Law, the application for expropriation in the public interest, submitted by the expropriation beneficiary to the competent ministry, has to include a detailed list of properties to be expropriated and which are affected by devaluation, their location, information about individuals who have formal legal rights on these properties, including owners and third persons (Article 10). Ownership or other formal legal rights on land and structures are recorded in the Immovable Property Registration Office (Law on Registration of Immovable property -7843), through the Albanian Immovable Property Registration System. All issues regarding property rights have to be resolved before the expropriation payment is made; in case of disputes, the affected parties turn to the court to decide who will receive compensation, which has been deposited into a special account (Article 16). Those with formal legal rights are informed about the expropriation process through direct notification and publication of the application of expropriation (Articles 14 and 15). Third persons can submit their claims on affected properties, within a period of 15 days from the last day of the publication (Article 15).	Albanian legislation does not require the development of specific resettlement / livelihood restoration plans, nor the implementation of a census / socio-economic survey. All affected persons are informed about the upcoming expropriation through the publication of the application for expropriation. However, there are no requirements for consultations with any affected persons or making special provisions for informing / consulting vulnerable groups.  All persons who do not have formal legal rights on land and structures located in the project area are not eligible for compensation or resettlement assistance according to the Expropriation law and therefore there is no cut off date for eligibility.	The implementation of a census / survey and development of a RAP/LRF for each project which requires land acquisition (physical or economic displacement) is necessary. This process needs to ensure all categories of affected people (not only those with formal legal rights) are informed and consulted in a meaningful way. If vulnerable groups are identified during the survey, it may be necessary to make special provisions to include them in the consultation process.
Cut off date	In the absence of national government procedures, the date of completion of the census and assets inventory represents the <b>cut-off date for eligibility</b> . Individuals who move into the project affected area <b>after the cut-off date will not be eligible</b> for compensation and other types of assistance. Information regarding the cut-off date will be <b>well-documented and disseminated</b> throughout the project area.	Persons who have formal legal rights on land and structures, as registered by the Immovable Property Registration System, are entitled to compensation <sup>13</sup> . Preliminary valuations (inventory) of properties / assets, take place before the application for expropriation is submitted to the relevant Ministry (Article 10). Final valuations are performed by the Ministry commission (Article 17) and submitted		The date when the census is carried out should be agreed with the implementing agency and specified in the RAP/LRF as the cut off date for eligibility for compensation and resettlement for all persons who do not have formal legal rights on land and structures located in the project area. Affected people must be

<sup>13</sup> First registration of properties in the IPRS have not been completed throughout Albania. In cases when properties to be acquired for a project have not been registered, this process has to be completed before compensation to owners can be provided.

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
		with the proposal for expropriation to the Council of Ministers.		informed about the cut off date.
Negotiated settlements	Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly.	Negotiated settlements are encouraged by the Expropriation Law. Article 6, states 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 he/she accepts the offer (Article 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 (Article 24).		Negotiated settlements, even before the expropriation process is initiated (before the application for expropriation is made public), should be explicitly encouraged in the RAP/LRF.
Compensation at replacement cost	Compensation for lost assets will be provided at replacement cost, usually calculated as the market value of the assets plus the transaction costs related to restoring such assets (registration and transfer taxes). Depreciation of structures and assets should not be taken into account.	The Expropriation law states that compensation is to be provided based on a final valuation of affected properties by the Ministry Commission for Expropriation, as defined by the Decision of the Council of Ministers (Article 17 and 18). This article explicitly states that depreciation of structures and assets is to be taken into account. Temporary occupation of property is also possible according to the Expropriation law, against a set compensation (Article 30). Compensation rates are provided by the Property Restitution and Compensation Agency of the Republic of Albania, based on recent market transactions in neighbouring areas.	The law does not specifically mention compensation for the costs of any registration and transfer taxes.	THE RAP/LRF must describe the valuation method in detail and specify that compensation will include the registration cost in the Immovable Property Registration System, or other relevant register, any administrative fees, and/or transfer taxes. Depreciation of structures and assets should not be taken into account during valuations.
Compensation in kind / cash	Compensation in kind will be offered in lieu of cash compensation where feasible.		The Expropriation law does not specify whether compensation is provided in cash or in kind. Certain provisions of the law imply that compensation is provided in cash.	Affected people should be able to receive in kind compensation whenever it is feasible and when this form of compensation is their preferred choice.

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
Provision of adequate housing / shelter with security of tenure	Adequate housing is measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility and locational characteristics. Should offer access to infrastructure and services. Security of tenure exists if resettled persons are protected from forced evictions, to the greatest extent possible.  New resettlement sites built for displaced persons will offer improved living conditions with security of tenure.	Decree no. 814/2004, adopted based on the Law on Social Programmes for the Housing of Inhabitants of Urban Zones, establishes housing norms/standards and the minimum living area per person <sup>14</sup> .	The Expropriation law does not foresee compensation in kind and therefore the provision of adequate housing with security of tenure. The expropriation law does not include any provisions about resettlement sites.	During the development of the RAP, when compensation is provided in the form of replacement housing, affected people should be consulted in defining standards for adequate housing. Those that do not have formal legal rights to properties have to be resettled to appropriate accommodation and have to have security of tenure, i.e. through signed contracts. Such contracts must include all members of the affected household, to ensure that they are all protected from forced evictions.
Other resettlement assistance	Relocation costs (moving allowances). Specific resettlement assistance for vulnerable groups.	According to Law no. 9355 on social assistance and services vulnerable citizens of Albania are entitled to various forms of social welfare payments or a range of community based services (public and private).	Provision of relocation costs and specific resettlement assistance for vulnerable groups are not foreseen by the Expropriation law.	Arrange for relocation costs to be compensated in cash or organise transport for people and all of their belongings / assets (specify in the RAP). Vulnerable groups should receive assistance in accordance with their specific needs. This should be done in cooperation with social service departments (municipal or state). At a minimum, vulnerable groups should have access to documentation, education, health and social services. Specific assistance has to be defined on a case by case basis for a particular project.
Eligibility for compensation / resettlement and entitlements in case of physical displacement	<b>Category 1</b> - those who have formal legal rights to the land <b>Category 2</b> - those who do not have formal legal rights to land at the time of the census, but who have a claim to land that is recognised or recognisable under the national laws should receive: <input type="checkbox"/> Compensation for land at full replacement cost <input type="checkbox"/> in the case of physical displacement, replacement property of equal or higher value, with	The Expropriation law foresees compensation to be paid to those who have formal legal rights (Category 1) for land, buildings of every kind of a permanent nature (Article 8), against fair compensation (Article 2). The Law No. 9232 on Social Programmes for the Housing of Inhabitants of Urban Zones establishes the legal framework for development of social housing	Those who have a claim to land that is recognised or recognisable under the national laws (Category 2) and those who have no recognisable legal right or claim to the land (Category 3) are not recognised by the Expropriation law. The provisions of the Law	Provide assistance to persons in Category 2 to acquire a formal legal status before expropriation (over land and structures), in which case they move into Category 1 and are entitled to compensation as per the Expropriation law. The applicable law is: <input type="checkbox"/> Law no. 9482 on legalisation,

<sup>14</sup> 12.5 m<sup>2</sup> per person; each additional member of the household older than 10 years is entitled to 7.5 m<sup>2</sup>, while members 10 years old or less are entitled to 3.75 m<sup>2</sup>.

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
	<p>equivalent or better characteristics and advantages of location or cash compensation at full replacement value and relocation assistance.</p> <p><b>Category 3</b> - those who have no recognisable legal right or claim to the land they occupy should receive:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Compensation for structures that they own and occupy and for any other improvements to land at full replacement cost</li> <li><input type="checkbox"/> In case of physical displacement, a choice of options for adequate housing with security of tenure and resettlement assistance</li> </ul>	<p>programmes in Albanian municipalities. 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>No. 9232 on Social Programmes for the Housing of Inhabitants of Urban Zones should be used as a basis for ensuring that those who are adversely affected by resettlement (usually belonging to Category 3) receive appropriate accommodation. However it should be noted that the need for social apartments among the general population is great, while resources for constructing new apartments are scarce.</p>	<p>urban planning and integration of unauthorised buildings (legalisation of structures erected on untitled land, except when the land in question is for public purposes)</p> <p>In the case of legalisation of structures, the previous registered owners are entitled to compensation for land as per Law No. 9235 on Property return and compensation.</p> <p>In case of physical displacement, at a minimum, provide some form of social (low rent) housing for Category 3. Calculate the construction value of their structures and reduce their rent to correspond to the value of the structure they owned or pay cash compensation. This category is typically the most vulnerable, therefore resettlement assistance must be provided (see below).</p>
Vulnerable groups	<p>The RAP should specifically take into account any individuals or groups that may be disadvantaged or vulnerable – consultations and relocation assistance. Vulnerable or ‘at-risk’ groups include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Special measures in terms of consultation and development assistance may be needed to allow such groups to participate in resettlement planning meaningfully and to benefit from development opportunities.</p>	<p>Article 5 of the Law on Social Programmes for the Housing of Inhabitants of Urban Zones specifies categories of vulnerable groups that are entitled to social housing, i.e. those who have not benefitted from buying state owned apartments (privatisation); where heads of household are divorced woman or widows; single parent families; retired elderly people who do not receive state assistance; various groups of disabled individuals; families with many children; young couples whose combined age is no greater than 55; families who relocated for employment reasons; orphans under 30 years of age.</p>	<p>There are no special requirements in Albanian legislation for organising consultations and relocation assistance for vulnerable groups. However, persons who are homeless are entitled to social welfare assistance, which includes placement in shelters and access to other services available under national and local social welfare laws.</p>	<p>During the census, it is necessary to identify vulnerable groups and assess their needs related to resettlement and relocation assistance, including access to specific services. Consultations can be held in the form of focus groups to consult with and address the needs of specific groups. Social welfare and other appropriate services should be involved in resettlement planning and implementation to ensure that vulnerable groups have access to all services available to them under the laws of Albania (social welfare, education, health care).</p>

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
Joint property	Ensure that the documentation for ownership or occupancy and compensation is issued in the names of both spouses or women single head of households, as relevant to each situation, and that other resettlement assistance, such as skills training, access to credit and job opportunities are equally available to women and adapted to their needs.	Men and women have equal rights in the Republic of Albania (Article 18 of the Constitution of the Republic of Albania and the Law no. 9198 on Gender Equality in Society), including the possibility to have formal legal rights on properties. According to the Family Code of Albania, if formal legal rights over properties / assets have been acquired during the marriage, the law assumes they are shared equally between the spouses, unless a different agreement is formally registered with the court (Articles 73-76).		Specify in the RAP/LRF that compensation must be shared between spouses according to title documentation or the Family Code in the silence of title documentation. Ensure that all programmes, including those related to livelihoods restoration are equally accessible to both men and women (specify in the RAP/LRF).
Legal assistance	Displaced people should be provided, where possible, with legal assistance to enable them to complete administrative requirements prior to land acquisition and, if needed, to seek redress from the courts.	There is no requirement for providing free legal assistance to persons affected by expropriation or resettlement, under the Expropriation law. The Government of the Republic of Albania adopted a Law on the provision of free legal aid, which entered into force in April 2009, however not much progress has been made regarding its implementation.	Some municipalities have departments that provide free legal assistance to the most vulnerable citizens. Apart from that, there are a number of NGOs in Albania providing legal assistance, particularly to the most vulnerable groups of population.	Affected people should be informed about and provided with access to free legal assistance, either through municipal departments or through NGOs (specified in the RAP/LRF).
Timing of compensation	Compensation (alternative housing and/or cash compensation) has to be provided prior to relocation.	If an agreement on compensation has been reached, the transfer of property and payment / provision of compensation is executed within 15 days from the notification of the affected owner that he/she accepts the offer (Article 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 (Article 23).		The RAP should specify that compensation is provided prior to relocation of affected people.
Loss of public amenities	Where a project involves the loss of public amenities, the client shall undertake meaningful consultation with the locally affected community to identify and agree upon a suitable alternative where possible.		There is no specific requirement in Albanian legislation for consulting affected communities regarding loss of public amenities.	The institutions tasked with setting up and maintaining specific public amenities which are affected by land acquisition, should consult local communities on how to replace them (specify in the RAP).
Eligibility for compensation /	If land acquisition causes loss of income or livelihood Category 1 <sup>15</sup> and Category 2, should	The Expropriation law foresees compensation to be paid to those who	Those who belong to Category 2 and Category 3	Provide assistance to persons in Category 2 to acquire a formal

<sup>15</sup> For definitions of Category 1, 2 and 3, see "Eligibility for compensation / resettlement and entitlements in case of physical displacement", earlier in the table.

Issue	EBRD policy requirements	Provisions of Albanian law	Gap / Comment	Proposed response
livelihood restoration and entitlements in case of economic displacement	<p>receive:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> compensation for loss of assets or access to assets, at full replacement cost</li> <li><input type="checkbox"/> replacement property of equal or greater value, or cash compensation at full replacement cost</li> </ul> <p>Category 3, should receive:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Loss of assets, other than land, at full replacement cost</li> </ul> <p>All three categories should receive:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> compensation for the cost of re-establishing commercial activities elsewhere</li> <li><input type="checkbox"/> compensation for lost net income during the period of transition</li> <li><input type="checkbox"/> compensation for the costs of the transfer and reinstallation of the plant, machinery or other equipment</li> <li><input type="checkbox"/> transitional support based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living</li> <li><input type="checkbox"/> additional targeted assistance (credit facilities, training, or job opportunities) and opportunities to affected persons whose livelihoods or income levels are adversely affected (owners of businesses and employees are eligible)</li> </ul>	<p>have formal legal rights (Category 1) for land, buildings of every kind of a permanent nature (Article 8), against fair compensation (Article 2).</p>	<p>are not entitled to any compensation or livelihood restoration assistance by the Expropriation law. In addition, all three categories are not entitled to costs of re-establishing commercial activities, lost net income, transitional support, transport of equipment or other targeted assistance. Assistance to off-set any loss of a community's commonly held resource is also not specifically regulated by Albanian legislation.</p>	<p>legal status before expropriation (over land and structures), in which case they move into Category 1 and are entitled to compensation as per the Expropriation law. The applicable law is:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Law no. 9482 on legalisation, urban planning and integration of unauthorised buildings (legalisation of structures erected on untitled land, except when the land in question is for public purposes)</li> </ul> <p>In the case of legalisation of structures, the previous registered owners are entitled to compensation for land as per Law No. 9235 on Property return and compensation. In case of economic displacement, provide those belonging to Category 3 with access to adequate commercial space, with security of tenure, to restore their economic activities and livelihoods. Ensure that all categories are promptly compensated in cash or in kind (before they loose access to their properties / assets), so that lost net income and the need for transitional support are minimized / avoided. Arrange for relocation costs to be compensated in cash or organise transport of equipment and other assets. Facilitate access to existing services which could assist the affected persons whose livelihoods or income levels are adversely affected to restore their living standards. This could be done in cooperation with the Albanian National Employment Service.</p>

<b>Issue</b>	<b>EBRD policy requirements</b>	<b>Provisions of Albanian law</b>	<b>Gap / Comment</b>	<b>Proposed response</b>
Grievance procedure	The grievance mechanism 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 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.	There is no specific requirement for establishing an independent grievance mechanism, according to the Expropriation Law or other Albanian legislation. The law does foresee rights of affected citizens (those with formal legal rights) to appeal to courts against the decision on expropriation passed by the Council of Ministers, however only with regard to level of compensation they are entitled to (Article 24).	In practice, those with formal legal rights become aware that expropriation is to take place, during the phase of field work and collection of ownership documentation, in preparation of the application for expropriation.	Define a project specific grievance mechanism in the RAP/LRF. Depending on the scale of the project or the general vulnerability status of affected families, involve any available institutions in the process, e.g. the ombudsman, human rights groups, etc.
Information disclosure and public consultation	The client should summarize the information contained in the RAP and/or the LRF 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.	According to Article 14 of the Expropriation law, those who have formal legal rights are directly notified about the acceptance of the application for expropriation by the competent Ministry (within 10 days) and invited to negotiate the compensation package. According to Article 15, the application is also published in the Official Journal, in a newspaper with national circulation and in a local newspaper for a period of one week.	The Expropriation law does not require public consultations to be held with any categories of project affected people, prior to expropriation. Once the expropriation process is initiated, only those with formal legal rights are consulted through a one on one negotiation process.	Plans for consultations with all project affected people, including host communities, should be agreed with them and incorporated in the RAP/LRF.
Monitoring	Monitoring of the RAP / LRF will be carried out in accordance with PR 1.		There are no requirements for monitoring the expropriation / resettlement / livelihoods restoration process, under Albanian legislation.	Define indicators and monitoring mechanisms in the RAP / LRF.

## Annex 2 – Census list updated to December 2012 by GRD

**MINISTRIA E PUNEVE PUBLIKE DHE TRANSPORTIT**  
**DREJTORIA E PERGJITHSHME E RRUGEVE**  
**DREJTORIA SHPRONESIMEVE**

**Lista e pasurive qe shpronsohen nga ndertimi i By-Pass Vlore**

Nr.	Pronari			Zona kad.	Nr /pas	Sip. m2	Lloji Pasurise	Çmimi	Vlera	Shenime
	Emri	Atesia	Mbiemri							
1	I paidentifikuar			8605	6/146	1400				
2	I paidentifikuar			8605	6/147	1070				
3	I paidentifikuar			8605	6/192	1815				
4	I paidentifikuar			8605	6/193	905				
5	I paidentifikuar			8605	6/8	715				
6	I paidentifikuar			8605	8/71	3590				
7	I paidentifikuar			2765	56/19	1665				
8	I paidentifikuar			2765	56/11	5415				
9	I paidentifikuar			2765	56/10	1070				
10	I paidentifikuar			2765	56/9	1575				
11	I paidentifikuar			2765	---	58955				
12	I paidentifikuar			2765	71/4	1000				
13	I paidentifikuar			2765	71/2	940				
14	I paidentifikuar			2765	71/1	285				
15	I paidentifikuar			2765	---	35700				

16	I paidentifikuar			1060	99/1	450				
17	I paidentifikuar			1060	99/2	575				
18	I paidentifikuar			1060	99/3	810				
19	I paidentifikuar			1060	99/4	990				
20	I paidentifikuar			1060	99/5	1047				
21	I paidentifikuar			1060	99/6	682				
22	I paidentifikuar			1060	99/7	637				
23	I paidentifikuar			1060	99/8	1262				
24	I paidentifikuar			1060	118/1	557				
25	I paidentifikuar			1060	118/2	762				
26	I paidentifikuar			1060	118/3	900				
27	I paidentifikuar			1060	118/4	332				
28	I paidentifikuar			1060	118/5	133				
29	I paidentifikuar			1060	118/6	386				
30	I paidentifikuar			1060	122/1	244				
31	I paidentifikuar			1060	122/2	253				
32	I paidentifikuar			1060	122/3	120				
33	I paidentifikuar			1060	119/16	87				
34	I paidentifikuar			1060	119/17	165				
35	I paidentifikuar			1060	119/18	553				
36	I paidentifikuar			1060	119/19	939				
37	I paidentifikuar			1060	119/20	675				

38	I paidentifikuar			1060	119/21	571				
39	I paidentifikuar			1060	119/22	669				
40	I paidentifikuar			1060	119/23	571				
41	I paidentifikuar			1060	132/1	1316				
42	I paidentifikuar			1060	132/2	801				
43	I paidentifikuar			1060	132/3	941				
44	I paidentifikuar			1060	132/4	74				
45	I paidentifikuar			3858	328/2	734				
46	I paidentifikuar			3858	328/3	839				
47	I paidentifikuar			3858	328/4	1102				
48	I paidentifikuar			3858	327/5	651				
49	I paidentifikuar			3858	327/6	1940				
50	I paidentifikuar			3858	327/7	1457				
51	I paidentifikuar			3858	327/8	267				
52	I paidentifikuar			3858	323/4	69				
53	I paidentifikuar			3858	323/5	624				
54	I paidentifikuar			3858	323/6	500				
55	I paidentifikuar			3858	323/7	820				
56	I paidentifikuar			3858	323/8	950				
57	I paidentifikuar			3858	321	902				
58	I paidentifikuar			3858	320	780				
59	I paidentifikuar			3858	311/30	1026				

60	I paidentifikuar			3858	311/31	935				
61	I paidentifikuar			3858	311/18	170				
62	I paidentifikuar			3858	311/17	86				
63	I paidentifikuar			3858	311/24	333				
64	I paidentifikuar			3858	311/14	151				
65	I paidentifikuar			3858	311/15	132				
66	I paidentifikuar			3858	311/16	83				
67	I paidentifikuar			3858	311/13	51				
68	I paidentifikuar			3858	314	1662				
69	I paidentifikuar			3858	313	1230				
70	I paidentifikuar			3858	311/2	1369				
71	I paidentifikuar			3362	---	165				
72	I paidentifikuar			3362	160/1	21880				
73	I paidentifikuar			3362	162/1	3605				
74	I paidentifikuar			3362	372/1	5355				
75	I paidentifikuar			3362	373/3	10280				
76	I paidentifikuar			2074	---	1480				
77	I paidentifikuar			2074	364/7	910				
78	I paidentifikuar			2074	364/10	700				
79	I paidentifikuar			2074	364/9	635				
80	I paidentifikuar			2074	364/8	1175				
81	I paidentifikuar			2074	---	4855				

82	I paidentifikuar			2074	716	925				
83	I paidentifikuar			2074	718	3930				
84	I paidentifikuar			2074	718/1	2830				
85	I paidentifikuar			2074	727	8780				
86	I paidentifikuar			2074	723	4595				
87	I paidentifikuar			2074	724	800				
88	I paidentifikuar			2074	889	2795				
89	I paidentifikuar			2074	888	750				
90	I paidentifikuar			2074	1015	1350				
91	I paidentifikuar			2074	887	4445				
92	I paidentifikuar			2074	891	710				
93	I paidentifikuar			2074	897	820				
94	I paidentifikuar			2074	898	820				
95	I paidentifikuar			2074	891	880				
96	I paidentifikuar			2074	932	400				
97	I paidentifikuar			2074	934	140				
98	I paidentifikuar			2074	933	5300				
99	I paidentifikuar			2074	107	1180				
100	I paidentifikuar			2074	---	190				
101	I paidentifikuar			2074	---	255				
102	I paidentifikuar			2074	---	40				
103	I paidentifikuar			2074	956	560				
104	I paidentifikuar			2074	---	300				

105	I paidentifikuar			2074	---	490				
106	I paidentifikuar			2074	1018	480				
107	I paidentifikuar			2074	1019	740				
108	I paidentifikuar			2074	1017	315				
109	I paidentifikuar			2074	1016	970				
110	I paidentifikuar			2074	---	145920				pyll (pa HTR)
111	I paidentifikuar			2074	23	1725				
112	I paidentifikuar			2074	376/3	5760				
113	I paidentifikuar			2074	378	7080				
114	I paidentifikuar			2074	376/3	5150				
115	I paidentifikuar			2074	---	154405				pyll (pa HTR)
116	I paidentifikuar		ORIKUM	2832	119/11	338				
117	I paidentifikuar		ORIKUM	2832	119/12	131				
118	I paidentifikuar		ORIKUM	2832	119/13	187				
119	I paidentifikuar		ORIKUM	2832	119/14	286				
120	I paidentifikuar		ORIKUM	2832	119/15	146				
121	I paidentifikuar		ORIKUM	2832	119/16	317				
122	I paidentifikuar		ORIKUM	2832	119/17	286				
123	I paidentifikuar		ORIKUM	2832	119/7	104				
124	I paidentifikuar		ORIKUM	2832	119/8	319				
125	I paidentifikuar		ORIKUM	2832	119/9	402				
126	I paidentifikuar		ORIKUM	2832	119/10	83				
127	I paidentifikuar		ORIKUM	2832	121/1	41				
128	I paidentifikuar		ORIKUM	2832	182/2	7				
129	I paidentifikuar		ORIKUM	2832	693	1771				
130	I paidentifikuar		ORIKUM	2832	643	505				

131	I paidentifikuar		ORIKUM	2832	693	1371				
132	BEHARE GJONZENELI		TRAGJAS	3621	642/12	476	are			konfirmuar
133	SHTET		TRAGJAS	3621	642/11	617				konfirmuar
134	SHTET		TRAGJAS	3621	642/10	508				konfirmuar
135	BARDHO GJONZENELI		TRAGJAS	3621	642/9	352	are			konfirmuar
136	QEMAL BITRI		TRAGJAS	3621	642/21	9				
137	ALEM ALEMI		TRAGJAS	3621	641/20	516	are			konfirmuar
138	NEXHET BACO		TRAGJAS	3621	641/19	681	are			konfirmuar
139	TEKI BACO		TRAGJAS	3621	641/18	964				
	SHTET		TRAGJAS	3621	641/31	178	are			konfirmuar
140	MILO BACO		TRAGJAS	3621	641/30	1140	are			konfirmuar
141	FTBARDHA ALEMI		TRAGJAS	3621	641/16	1096				
142	SULO SELFO SULO		TRAGJAS	3621	641/15	877	are			konfirmuar
143	SULO SELFO SULO		TRAGJAS	3621	641/15	261	are			konfirmuar
144	MIFTAR SULO		TRAGJAS	3621	641/14	108	are			konfirmuar
145	DILE RAMOHITAJ		TRAGJAS	3621	174/9	937				konfirmuar
146	ELAM MUCO		TRAGJAS	3621	176/5	4480	are			konfirmuar
147	ABAS KABELLO		TRAGJAS	3621	176/4	1038				
148	ABAS KABELLO		TRAGJAS	3621	177/4	4168	are			konfirmuar
149	DINO RAMOHITO		TRAGJAS	3621	181/3	2446	are			konfirmuar
150	SHTET		TRAGJAS	3621	544	604	rruge			konfirmuar
151	SHTET		TRAGJAS	3621	642/13	445	are			konfirmuar
152	ESAT RAMOHITO		TRAGJAS	3621	181/4	1008	are			konfirmuar
153	SELIM GJOMEMO		TRAGJAS	3621	180/6	1627				
154	QAZIM RAMOHITO		TRAGJAS	3621	180/7	2011	are			konfirmuar
155	DREJTOI RAMOHITO		TRAGJAS	3621	180/8	624				rikonfirmim
156	DREJTOI RAMOHITO		TRAGJAS	3621	180/8	53				rikonfirmim
157	SELIM GJOMEMO		TRAGJAS	3621	180/6	280				rikonfirmim

158	BASTRI GJONI		TRAGJAS	3621	130/3	492	are			konfirmuar
159	BEXHET GJONI		TRAGJAS	3621	130/4	2408	are			konfirmuar
160	SHTET		TRAGJAS	3621	564	315				konfirmuar
161	XHUMEDI GJOMEMO		TRAGJAS	3621	123/3	527	are			konfirmuar
	BKT		TRAGJAS	3621	121/5	57	are			konfirmuar
	BESNIK CANER		TRAGJAS	3621	121/10	91	are			konfirmuar
162	REXHEP DANO		TRAGJAS	3621	121/9	187	are			konfirmuar
163	SHTET		TRAGJAS	3621	565	240				
164	BESNIK CANER		TRAGJAS	3621	122/1	637	are			konfirmuar
165	SHTET		TRAGJAS	3621	122/2	275	kullote			konfirmuar
166	SHTET		TRAGJAS	3621	124	197	kullote			konfirmuar
167	SHTET		TRAGJAS	3621	526	98				konfirmuar
168	S'ka informacion		TRAGJAS	3621	121/3	3245				
169	SHTET		TRAGJAS	3621	512	5059				
170	SHTET		TRAGJAS	3621	6	553	kullote			konfirmuar
171	QANO HODAJ		TRAGJAS	3621	55//7	1644	are			rikonfirmim
172	IMET TROQE		TRAGJAS	3621	55//1	1589	are			konfirmuar
173	ZYKE SINANI		TRAGJAS	3621	55//2	1187	are			konfirmuar
174	DELO SINANI		TRAGJAS	3621	55//3	1081	are			konfirmuar
175	SERVET SINANI		TRAGJAS	3621	55//4	1120	are			konfirmuar
176	ZYBER SINANI		TRAGJAS	3621	55//5	919	are			
177	HYSEN BITRI		TRAGJAS	3621	55//6	86				
178	S'ka informacion		TRAGJAS	3621	321	386				
179	GJERGJI REXHEPI		TRAGJAS	3621	52//3	190	are			konfirmuar
180	DINO RAMOHITO		TRAGJAS	3621	52//4	896	are			konfirmuar
181	RUSTEM REXHEPI		TRAGJAS	3621	52//5	76	are			konfirmuar
182	HAKI RAMOHITO		TRAGJAS	3621	52//6	1630	are			konfirmuar
183			TRAGJAS	3621	321	87				

184	PELLUMB RAMOHITO		TRAGJAS	3621	47//6	1932	are			konfirmuar
185	HAKI RAMOHITO		TRAGJAS	3621	47//5	525	are			konfirmuar
186	NAMIR GJONI		TRAGJAS	3621	47//4	572	are			konfirmuar
187	RAMIZ GJONI		TRAGJAS	3621	47//3	872	are			konfirmuar
188	SHTET		TRAGJAS	3621	47//8	527				
189	S'ka informacion		TRAGJAS	3621	43	270				
190	S'ka informacion		TRAGJAS	3621	43	238				
191	SHTET		TRAGJAS	3621	46	900				
192	SHTET		TRAGJAS	3621		17836				
193	SHTET		RADHIME	3140	233	1595				
194	BASHKPRONESI		RADHIME	3140	232/1	2278				
195	SHTET		RADHIME	3140	347	193				
196	I paidentifikuar		RADHIME	3140	175	6299				
197	I paidentifikuar		RADHIME	3140	198/1	1869				
198	I paidentifikuar		RADHIME	3140	341	99				
199	I paidentifikuar		RADHIME	3140	191	4842				
200	I paidentifikuar		RADHIME	3140	343	295				
201	I paidentifikuar		RADHIME	3140	189	45				
202	I paidentifikuar		RADHIME	3140	343	1552				
203	I paidentifikuar		RADHIME	3140	190	1544				
204	I paidentifikuar		RADHIME	3140	189	193				
205	I paidentifikuar		RADHIME	3140	343	246				
206	I paidentifikuar		RADHIME	3140	184/6	2168				
207	I paidentifikuar		RADHIME	3140	343	229				
208	I paidentifikuar		RADHIME	3140	343	107				
209	I paidentifikuar		RADHIME	3140	183	4018				
210	I paidentifikuar		RADHIME	3140	175	4225				
211	I paidentifikuar		RADHIME	3140	177	5682				

212	I paidentifikuar		RADHIME	3140	176/6	524			
213	I paidentifikuar		RADHIME	3140	343	200			
214	I paidentifikuar		RADHIME	3140	119	645			
215	I paidentifikuar		RADHIME	3140	120/2	448			
216	I paidentifikuar		RADHIME	3140	120/3	6836			
217	I paidentifikuar		RADHIME	3140	115	1664			
218	I paidentifikuar		RADHIME	3140	114/9	1964			
219	I paidentifikuar		RADHIME	3140	114/10	1370			
220	I paidentifikuar		RADHIME	3140	114/11	101			
221	I paidentifikuar		RADHIME	3140	114/3	14			
222	I paidentifikuar		RADHIME	3140		986			
223	I paidentifikuar		RADHIME	3140		1717			
224	I paidentifikuar		RADHIME	3140	114/2	2538			
	<b>SHUMA</b>					<b>708563</b>			

**Specialiste**

**Leonora HOXHA**

**Najada DERVISHI**

### Annex 3 – Questionnaire for the 2012 Socio-Economic Survey

Questionnaire number	
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#### Introduction

#### Section 1 DATA ON AFFECTED HOUSEHOLD

1.1 First and last name of household head \_\_\_\_\_

1.2 Identity Card Number \_\_\_\_\_

1.3 Commune \_\_\_\_\_ 1.4 Village \_\_\_\_\_

1.5 Ethnic group: Albanian  Roma/Egyptian  Other  (Specify) \_\_\_\_\_

1.6 Phone contact number \_\_\_\_\_

1.7 Information on household

	Full name	Relationship with HH head	Age at last birthday	Gender F=female M=male	Main Occupation	Number of schooling years	Actually living in Albania Yes/ No	Actually living in village Yes/No
1								
2								
3								
4								
5								
6								
7								
8								
9								

## 1.8 Vulnerability

1.8.1 Is anyone from this household suffering from:	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Physical/mental disability	Yes <input type="checkbox"/> No <input type="checkbox"/>	Write names
Chronic diseases requiring regular medical attention	Yes <input type="checkbox"/> No <input type="checkbox"/>	Write names
1.8.2 Does this household is single parent	Yes <input type="checkbox"/> No <input type="checkbox"/>	
1.8.3 Other problems (specify)		
Only for interviewer Observation and Comments		

## Section 2. DATA ON AFFECTED PROPERTY

## 2.1 Type of property in ownership or in use (tick applicable box)

Agriculture land Yes  No  if Yes, fill section 2.2Residential house Yes  No  if Yes, fill section 2.3Business structure Yes  No  if Yes, fill section 2.3Other  (specify) \_\_\_\_\_

## 2.2. Affected agriculture land

2.2.1 Total area of agriculture land in use or in ownership of household (in Dy<sup>16</sup>)  
\_\_\_\_\_

2.2.1.1 Out of which how many Dy in ownership regime \_\_\_\_\_

2.2.1.2 Out of which how many Dy in use regime \_\_\_\_\_

Data on affected agriculture land

2.2.2 Location (village name) :	
2.2.3 Cadastral references of plot:	
2.2.4 Reference in existing expropriation documents	
2.2.5 Is agriculture land	
2.2.5.1 With legal ownership status	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.2.5.2 If NO, is the agriculture land in legalisation process	Yes <input type="checkbox"/> NO <input type="checkbox"/>

<sup>16</sup> Dy is one tenth of Hectare

2.2.5.3 If in legalisation process, describe shortly stage of legalisation	
_____	
2.2.5.4 If fully informal, in what circumstances household did come to occupy agriculture land under expropriation?	
_____	
2.2.6 Surface in meter squares of agriculture land under expropriation	_____ sq m
Note if respondent do not know which part of agriculture land is under expropriation, the interviewer help him/her by using a map or describing the location.	
2.2.6.1 Out of which in property	
2.2.6.2 Out of which in use	
2.2.7 Actual use of expropriated area/s	
2.2.7.1 Predominantly arable land	
2.2.7.2 Predominantly orchard	
2.2.7.3 Predominantly vineyard	
2.2.7.4 Other (specify)	
2.2.8 Cropping patterns of expropriated agriculture land	Surface area in dy
Plant 1	
Plant 2	
Plant 3	
Plant 4	
Other (specify)	
2.2.9 Is the expropriated land the basic source of household of living means or income.	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.2.10 Do you sell crops from this part of agriculture land ?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.2.11 What percentage of entire crops, you sold in the last year and how much you annually earned from sales?	
Percentage sold	% _____
Annual revenue from sales in ALL	

## 2.3 Data on affected construction structures (living residence, business premises)

Description of affected living residence	
2.3.1 Is construction structure an living residence	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.3.2 If Yes, surface of :	
Living areas ( inside size)	_____ square meter
Garden	_____ square meter
2.3.4 Construction year of living residence	

2.3.5 General condition of living residence ( tick the appropriate box)	
New or very good	<input type="checkbox"/>
Fair	<input type="checkbox"/>
Poor	<input type="checkbox"/>
Ruined/unusable	<input type="checkbox"/>
2.3.6 The followings exist in living residence?	
Kitchen	<input type="checkbox"/>
Bathroom	<input type="checkbox"/>
Connection to water supply/pneumatic pump station	<input type="checkbox"/>
Connection to sewer system/outfitted with septic tank or hole	<input type="checkbox"/>
Connection to electric power network	<input type="checkbox"/>
Affected auxiliary structures	
2.3.7.1 Garage	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.3.7.2 Storage warehouse	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.3.7.3 Animal stable	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.3.7.4 Other ( specify )	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Affected business premises	
2.3.8. Type of business	_____
2.3.9 Year of establishment	_____
2.3.10 Number of employees	
Out of them how many household member	_____
Out of them how many employees with part time work	_____
Out of them how many females	_____
2.3.11 Total monthly net salaries paid for employees ( in ALL)	_____
2.3.12 Total yearly net income from business ( in ALL) ( sales-expenses- tax obligations = net income)	_____
2.3.13 Total monthly turnover	_____
Legal aspects of business	
2.3.14 Is business formally registered?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
2.3.15 If Yes, what percentage of ownership shares your household?	_____

## Section 3 ECONOMIC DATA OF AFFECTED HOUSEHOLD

Livelihood data	
3.1 Total yearly income from permanent wage employment	_____ ALL
3.2 Total yearly income from occasional/seasonal wage employment	_____ ALL
3.3 Total yearly income from retire and any other form of pensions	_____ ALL
3.4 Total yearly income from permanent employment	_____ ALL
3.5 Total yearly income from sales of agriculture products	_____ ALL
3.6 Total yearly income from other sources	_____ ALL
3.7 Total yearly value in ALL of agriculture/diary products used for self consumption?	_____ ALL

3.8 Total yearly income from rents/leases ( house, agriculture land)	_____ ALL
Indebtedness	
3.9 Does you household have any obligation to repay credit/loans?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
3.10 If Yes, monthly payment and total amount of remained credit/loan indebtedness	
monthly repayment	_____ ALL
total amount of remained credit/loan indebtedness	_____ ALL

## Section 4 RESETTLEMENT AND COMPENSATION

4.1 Which of following problems your household member will encounter if you end up of being affected?	
4.2 Loss of livelihoods	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Number of household males affected	
Number of household males affected	
4.3 Loss of social networks	Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.4 Loss of property	Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.5 Other (specify)	
4.6 Other (specify)	
4.7 Other (specify)	—
4.8 How you (as household) intent to solve do mentioned above problems? Describe shortly main actions for males and females separately	
Only for interviewer Observation and Comments	
Compensation preferences	
4.9 If the project goes ahead and you household ends up of being affected, what do you prefer as compensation? (assuming you are eligible)	
household	4.9.1 Resettlement of Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.9.2 If Yes, where , (describe here)	

4.9.3 If No, why? (describe here)	
4.9.2 Resettlement of business activity in another location?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.9.2.1 What is the most important for you in the selection of new business location:	
Proximity to current location	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Adequate infrastructure	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Other ( specify)	
Other ( specify)	
Other ( specify)	
4.9.3 Do you accept of being compensated in Cash	Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.9.4 Do you have another house that you could reallocate?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.9.5 If, No, would you purchase another house or build a new one?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Purchase another house	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Build another one	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Only for interviewer Observation and Comments	
4.9.6 In case of compensation in cash, how do you plan to spent money received from expropriation?	
Purchasing of new agriculture land	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Purchasing of house appliances and equipments	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Purchasing a car	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Purchasing agriculture machineries/equipments (tractor, truck, etc.)	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Purchasing of new agriculture land	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Use them for current living	Yes <input type="checkbox"/> NO <input type="checkbox"/>
Other ( specify)	
Other ( specify)	
Other ( specify)	
4.9.7 Is any household member interested in some kind of additional training and acquisition of new knowledge's or vocational skills?	Yes <input type="checkbox"/> NO <input type="checkbox"/>
4.9.8 If Yes , in what kind of training? Please describe.	

4.9.9 If No. Why? Please describe.

Thank you for your cooperation!

For interviewer onl:
Questionnaire filled by _____
Date of interview: date / ____ / ____
Time length of interview ( in hours) _____