

‘We have no other option’

Preparation of the Trans-Adriatic Pipeline in Albania Fact Finding Mission Report, July 2016

Summary overview and recommendations to potential financiers

Bankwatch undertook a Fact Finding Mission (FFM) – the basis of this report – in July (3-8) 2016 in order to understand how the preparation of the Trans-Adriatic Pipeline (TAP) project in Albania is advancing. We focused on the issue of involuntary resettlement due to the fact that in Albania the TAP project is set to interfere with a large number of small farmers. We conducted our FFM mindful of the fact that the TAP project is being proposed for finance to a number of publicly owned international financial institutions (IFIs) which should – if they are to provide finance – ensure that the project complies fully with their policies. We conducted interviews with more than 80 family representatives from 32 villages along the TAP in Korca, Berat and Fier regions.

Although TAP is considered to be a ‘project of common interest’ by the EU and its Energy Union, no public authority is currently involved to ensure the fair treatment of project affected people – and their ability to disagree and appeal to impartial bodies is – currently – highly limited if not non-existent. The process of involuntary resettlement has been established by the private TAP company, the project promoter, and livelihood restoration is based solely on its assessment: all agreements between the company and affected individuals are considered to be a matter for these two parties alone. The TAP grievance mechanism is not recognised by affected people, while the Albanian legal system seems to be considered by them to be too expensive and unreliable as a means of redress.

Based on interviews, during the course of the FFM we identified a number of issues which compliance with the respective IFI policies on involuntary resettlement is questionable. We therefore urge the Asian Development Bank (ADB), the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the World Bank’s International Finance Corporation (IFC) – the currently identified potential IFI lenders to the TAP project – as well as private investors who may be planning to finance the project to take the following steps:

- Establish a working group in order to review the methodology for Compensation for Land Easement and Acquisition so that it ensures that the TAP project does not lead to the loss of livelihood for all (or any) affected people and that it is duly in line with the relevant policies of involved financial institutions.
- Require Trans Adriatic Pipeline (TAP) AG (the company) to provide additional compensation in cases where the conducted compensation procedure has not ensured at least livelihood restoration.

- Require TAP AG to inform all people who have already been identified by TAP (or its contractors) as directly affected by Land Easement and Acquisition about their rights, and particularly about the possibility of using grievance mechanisms (both that of TAP as well as those in place at the respective IFIs).
- Review the sample Land Easement and Acquisition agreement to ensure that it is in line with their social standards.
- Require TAP AG to release information related both to grievances received and how they were dealt with on a regular basis (either via information updates on each case or through the publication of a monthly summary).
- Require TAP AG not to commence pipeline construction on land plots where compensation has not been fully settled – including the final transfer of all agreed compensation sums.

Methodology

The primary goal of the FFM was to map the ongoing situation around the TAP project in Albania from the perspective of affected families. The FFM visited some villages that were identified in Annex 4.5 – Socioeconomic Characteristics Map Statistics of the TAP project’s environmental and social impacts assessment, and identified affected families through asking neighbours for village representatives.

We were primarily trying to establish whether the process and level of compensation or expropriation is in line with the requirements of the respective IFIs which are considering financing the project – namely the ADB, the EBRD, the EIB and the IFC¹.

Our findings are based on interviews with more than 80 family representatives from 32 villages. The overall aim has been to identify issues which are relevant both for the local population and for the IFIs which might finance the project. Having identified a range of problematic issues, we believe that the IFIs involved should consider these in the course of their project due diligence.

Regions visited, and villages where interviews were conducted between the 3rd and 8th of July 2016

- Korce region: Turan, Kuc, Kapshticë, Bilisht, Cangonj, Manurisht, Ravonik, Trestenik, Vranisht, Zemblak.
- Berat region: Kutalli, Squepur, Poshnje, Pobrat, Konishbalte, Otlak, Fushe-Peshtan, Uznove, Vodice, Bregas, Ullinjas, Mbrakull, Vertop, Orizaj, Buzuq, Corovoda, Munushtir.
- Fier region: Strum, Kavaklli, Seman, Petove, Verri.

Economic displacement

During the conducted interviews we encountered a wide spectrum of opinions concerning the adequacy of compensation. The vast majority of impacted people we formally spoke with felt that the compensation being offered was not adequate to their losses, with most of them expressing sentiments to the effect that: “We have no other option”. This phrase reflected both a lack of understanding of their rights as well as the widely held view that it is impossible to negotiate a

1 IFC standards are referred to by the TAP company <http://www.tap-ag.com/our-commitment/to-the-environment/esia-albania>

different deal; this is being compounded by a lack of trust in the Albanian government and its institutions, namely bodies to which affected people ought to be able to appeal.

Among those who cultivate crops there was a higher level of satisfaction with compensation, reflecting the fact that after the pipeline construction they will be able to continue with the cultivation of crops without major problems. At the same time, though, the vast majority of those who cultivate trees on their land found compensation to be inadequate. This is in part because it takes longer to grow trees to productive age, and also because part of the land (the 8 metre wide pipeline corridor) will not be usable for the cultivation of trees.

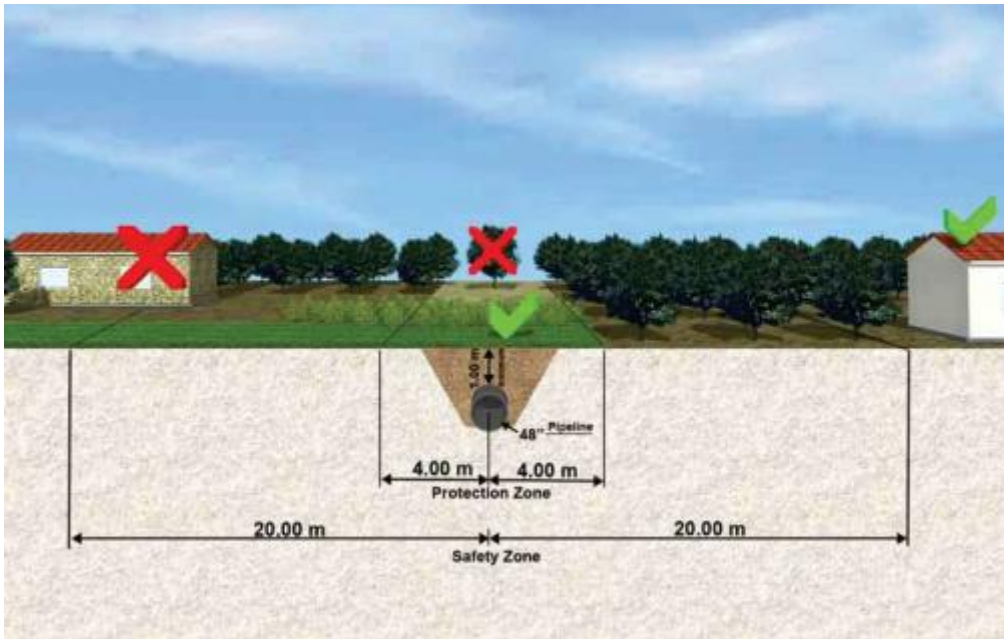


Illustration taken from Guide for Land Easement and Acquisition in Albania²

In some cases this loss is rather substantial – one of the farmers in Korce region we interviewed, who has already signed a compensation agreement, has 640 trees (primarily apples of the age from 12-20 years) on two strips of land. Due to the pipeline construction he is set to lose 1/3 of these trees, part of which cannot be replanted. As farming is the main source of income for the family (two family elders do have pensions), this will substantially reduce income for the family. The farmer also disclosed that currently in the region no one is selling their land and thus it would not be possible for him to buy land that would allow him to replace part of the land where he will not be able to replant trees.

In another case, a farmer from Fushe-Peshtan will lose 230 olive trees which are 18 years old. In his view the compensation does not cover the investment he has made so far to plant and cultivate these trees, including the purchase of agricultural equipment.

In the village of Otllek, one family (two brothers and a father) are going to lose one hundred olive trees which are around 80 years old. In addition, their peach and grape trees will be affected. They feel the compensation is unfair and does not cover the loss of their only income. The family has not agreed with the offer and has not yet signed the contract, however they believe they will have to do so in order to avoid the state expropriation procedure.

Another set of issues which we observed relate to recognition of the type of production. For example, in the villages of Ullinjas and Poshnje several farmers replanted olives in place of vineyards, yet the compensation was offered only for vineyards and not for olive trees. In Munushtir, a number of farmers reported that their land was put into category III (in which land has rental value of EUR 0.25 per m²), while in reality they have highly productive land, using irrigation from the nearby river

² http://www.tap-ag.com/assets/03.land_access/english/LEA%20Albania_EN_A5.pdf

with a wide variety of trees growing on the land including olives, which corresponds to category I – such land would have rental value of EUR 0.39 per m².



Munushtir, a valley full of orchards that might not be recognised in official papers

In Munushtir, moreover, a number of farmers who we interviewed (some have signed contracts fearing that they will not get compensation, while others are still demanding that a new offer be provided to them) reported that their land has been evaluated as agricultural land without trees, and thus tree value has not been included in the compensation.

Furthermore, in a number of affected locations people were promised by TAP or ABKons staff (people do not distinguish between TAP and ABKons, who is preparing contracts on behalf of TAP) that they will be compensated for orphaned land (land which is temporarily inaccessible due to pipeline construction), but we found a number of issues related to this:

- orphaned land is not compensated, while for other parts of land compensation has already been transferred
- orphaned land is not being recognised
- farmers are being compensated for parts of land which are smaller than the actual scale of land they believe will be affected.

A further issue which influences the level of compensation is the width of the corridor. In the villages of Cangonj and Manurisht, people informed us that the company has granted compensation for a 26 metre (or 28 metre) wide corridor, while in the village of Ullinjas the corridor was calculated as 38 metres wide – as described in the Guide for Land Easement and Acquisition in Albania. This has obvious implications for the level of compensation.

Additionally, in some areas TAP or ABKons has used the calculation that one apple tree in extensive production is equivalent to two apple trees in intensive production – however, such methodology is not reflected in the Guide for Land Easement and Acquisition in Albania. Furthermore in some places the calculations were made not on the basis of number of trees destroyed but according to the size of the land surface involved; the farmers estimate that under a calculation per tree assessment they would receive higher compensation.

Several landowners also reported that they were not present while company staff was conducting an inventory of their property (including the counting of and classification of type of trees).



Apple orchard in Korca region impacted by the TAP construction

A farmer in the village of Uznove noted that he filed a complaint for not being compensated for agricultural infrastructure including a net fence and irrigation infrastructure. He said that the company refused compensation for this infrastructure, explaining that he would have to remove this infrastructure on his own to avoid damage.

In one village in the Berat region, the village leader reported that initially TAP or ABKons representatives claimed that trees would be valued according to categories depending on their age. Now, he said, olive trees which are less than 20 years old are valued the same as those which are 80 years old, which he found to be unfair. In the villages of Qurizaj and Fushe-Peshtan, farmers disclosed to us that the level of compensation changes over time, with the initial assessment being higher than what they eventually received.

These various examples above show that the process has left a lot of space for interpretation by ABKons or TAP staff in their assessment and making of offers, and this has created a widespread feeling of injustice as a result.

Equally, the process has apparently not ensured that resettlement measures were designed and implemented via a participatory process – we did not encounter any person who was aware of any discussion about how the resettlement ought to be organised. Affected people reported that they were merely informed about the project at community meetings and the mechanism was designed by the company. Furthermore, when they received compensation offers, a number of them were of the impression that their only option was to accept the offer made or face expropriation.

Threats of expropriation and the process of land lease and acquisition contracting

The majority of those interviewed confirmed that the project promoter's representatives conducted community meetings to inform about the planned construction. However, as some inhabitants live in other places in Albania (in bigger cities) or abroad (Albania has one of the highest emigration rates in the world, and seasonal work abroad is a common form of income³), they were not able to participate in these meetings and were absent during the assessment of property value.

The majority of those interviewed claimed that land measurement and assessment of the level of due compensation had been conducted solely by the promoter's representatives, after which they were presented with individual offers stating the compensation for land and crops. In a majority of cases interviewed inhabitants stated they signed contracts and accepted the offer received since they felt that they had no other option to negotiate or appeal the offer.

A farmer in the village of Trestenik who cultivates fruit trees and other crops said it was a "supreme power" which had determined the price for land and trees, and this was not negotiable. Another person, a leader of a village in the Berat region, reported that although the community will be highly impacted by the construction the families only received individual offers, with the level of compensation determined by TAP.

In several cases we did encounter inhabitants who rejected the offers made due to dissatisfaction with the level of compensation – as a result they had declined to sign the contract. However they were uncertain about the further steps involved, and expressed the conviction that they would be compelled to sign the documents in the near future.

The single common reason for interviewed inhabitants agreeing with the offer presented by the promoter's representatives was their fear of the Albanian state. This was a widespread opinion found among those interviewed – they said they had been told by TAP or ABKons representatives that should they refuse their contracts the Albanian state would intervene with the formal expropriation process which would worsen their situation. We were also alerted to the fact that the ABKons company is closely linked to the Socialist Party of Albania⁴ which was interpreted to be an indication of the close links between TAP and the state. Those who resisted signing their contracts reported that they had been visited several times by company representatives and eventually agreed, under pressure they felt was exerted on them, with the offer.

A farmer in the village of Zemblak, who has refused to sign a contract due to disagreement with the company's measuring of land size, told us that it had been suggested to him that he should sign the agreement in order to avoid bigger problems with the state. Another farmer in the village of Uznove, facing impacts to his grape vines, 35 fruit trees of various kinds and vegetables, openly said that after refusing on several occasions to sign his contract he had received threats that the state would come and take his land.

The interviewed inhabitants feared that the state would at least significantly lower the level of compensation or even that they would be deprived of any compensation whatsoever as well as their land, crops and other property. Those who had hesitated, and were still rejecting the offer when the FFM spoke with them, claimed that they were told the company would initiate a formal expropriation procedure with the Ministry of Energy and Industry – this they found to be a threat coming directly from the project promoter's representatives.

3 For more information see 'Embracing Emigration: The Migration-Development Nexus in Albania': <http://www.migrationpolicy.org/article/embracing-emigration-migration-development-nexus-albania>

4 Mr. Besnik Leskaj, one of the managing partners of ABKons, is the son of the Vice-Speaker of the Albanian Parliament, Mrs. Valentina Leskaj.

In one of the cases which ended with expropriation, the FFM saw documentation where the first offer (according to the owner⁵) was on the level of 161,000 LEK, with a subsequent offer arriving of 364,000 LEK. As these offers were not accepted, the Ministry of Energy and Industry issued an expropriation notice for 230,000 LEK. This instance seems to contradict the declaration which TAP made in response to one of the complaints by another person, containing the Annex 1 Description of Expropriation process: “[...] The value of compensation in expropriation cases is the same value if PAP-s would have been compensated through a voluntary agreement process.”

A number of villagers reported that they had raised concerns related to the level of compensation with TAP or ABKons staff which had visited them, and had been assured that the issue would be addressed. However, they subsequently failed to receive a response.

Land ownership and registration

The FFM observed a number of issues related to land registration. Some of these are related to historical issues, some to poor administration of the land registry as well as a lack of documentation held by affected families and the complicated land sharing system within families. Private ownership of land was not possible during the communist regime in Albania. In 1991 land was divided among people living in villages. In the villages we visited, every person obtained approximately 800 m² to 2500 m². They usually held on to the land, so the land is still divided in these rather small portions.

The ownership of the land is managed by the “head of family”, namely the oldest man in the whole family. His name is written in the register, he signs contracts and is responsible for dealing with the land.


The process of land registration

In the beginning (1991) cadastral maps did not exist for Albania as a whole, so the land was registered only in written files. In recent years the process of electronic registration of all land has been under way, and this has two parts:


1. Cadastral maps
2. File (kartel) of immovable property.

As this process is ongoing and is in fact running in parallel with the TAP preparation, it is increasingly confusing for farmers as there can be different – and conflicting – measurements originating from ABKons staff as well as the staff of local Immovable Property Registration Offices.


5 The timing of this offer has been impossible to verify as it is missing a date and a signature.


 REPUBLIKA E SHQIPËRISE
 MINISTRIA E DREJTËSISË
 ZYRA QËNDRORE E REGJISTRIMIT TË PASURIVE TË PALUAJTSHME

**PËRMIRËSIMI/PËRDITËSIMI I TË DHËNAVE TË REGJISTRIT
 TË PASURIVE TË PALUAJTSHME NË ZK. 3032, POSHNJE, BERAT**



Zona kadastrale nr. 3032, Poshnje, Berat.
 Procesi i matjeve/verifikimit në terren do të zhvillohet në datat
11 Gusht 2016 - 17 Gusht 2016.



PRONARE DHE PRONARË!

JEPINI VLERËN E VËRTETË PRONËS SUAJ, REGJISTROJENI ATË!

Përmirësimi/Përditësimi kryhet **FALAS!**

Përgatitni dokumentat e pronësisë.

Vendosni në terren shenjat dalluese të kufirit të pronës suaj.

Paraqitni dokumentacionin e pronës që dispononi, grupeve të punës që do të kryejnë përmirësim/përditësimin.

Verifikoni përmirësimin/përditësimin e pronës suaj, gjatë procesit të afishimit publik 45-ditor.

.....


Gra dhe të reja, merrni pjesë në procesin e afishimit publik! Edhe ju jeni pronarë!

Pas përfundimit të procesit të përmirësim përditësimit, ju keni të drejtë të aplikoni në Zyrën e Regjistrimit për të marrë Çertifikatën e Pronësisë.

PRONAR/E, PËR ÇDO SQARIM KONTAKTONI:


Procesi i Përmirësim/Përditësim i të dhënave të regjistrit të pasurive të paluajtshme;

Zyra e Regjistrimit të Pasurive të Paluajtshme.



Shoqëria e autorizuar nga ZQRPP, për të kryer procesin e përmirësim/përditësimit është ABKONS shpk.

www.abkons.com
info@abkons.com
 +355 4 22 58326



Announcement about the cadaster update, Poshnje village, Berat region.

Problems with proving land ownership

Some of the people we interviewed have been experiencing problems with obtaining a land ownership certificate, and there are various reasons for this:

- Some of them started the process of certification late as they were afraid of fees that have to be paid for registration, and for some of them the process is confusing: they are not clear which parts of the process are being handled by ABKons on behalf of TAP and which parts they need to carry out themselves; they also pointed out that the process in the cadaster office could be lengthy (one woman reported having to wait for two days to get in line).
- In some cases, they had incomplete documentation – certificates issued in the early 1990s were little more than copies of handwritten sheets, and they were transferred within families when the heads of family died.

- On several occasions we came across situations where the person that is noted in the land registry is working abroad and thus they were not available to follow the land registration and compensation process.

Moreover, there are additional problems related to the structure of registration via the head of family. For example, the daughter-in-law of one registered landowner complained to us that she and her husband had planted olive trees and took care of them. Yet it was her father-in-law who received the compensation, and although he has shared part of the compensation with them, they do not know whether this is a fair amount as he did not share details of the contract. They are now set to lose a substantial part of their income as their olives provided income of 250,000 LEK (EUR 1800) last year.

Determination of the bank, fees and late payment

The majority of inhabitants interviewed indicated that it was the TAP company which determined the bank in which they would have to establish an account in order to receive compensation. In all of these cases, the people interviewed indicated that the designated bank was Intesa Sanpaolo Bank.

Several interviewees informed that initially they expressed to TAP a preference to receive their compensation on the bank account which they already held. However this option was not accepted by the company and in the end they felt compelled to set up new accounts. One family reported that they received compensation in the bank where they already had an account. A considerable number of interviewees reported that they needed to pay commission when withdrawing their compensation, which resulted in their compensation being reduced by between 7 to 12 euros. Several people complained that they were having to pay a monthly fee for an account although they were still to receive compensation due to some delays.

Partial payment of compensation was also mentioned by a number of interviewees. They complained about receiving only part of the contracted compensation, however they were not able to state the reasons for this and were not aware if this is in line with the contract which they signed.

A farmer from Fushe-Peshtan complained that his family was astonished when it received a different amount on the bank account than was stated in the contract. He expects to receive the missing amount but he did not know when this would happen. Another person in this village was also compensated only partially and was unable to explain why.

Several other people informed the FFM that they had not received compensation despite signing the contract and they were unaware when they would be receiving the compensation transfer. One person in the village of Trestenik reported that he had contacted the TAP company to get an explanation about a delayed transfer in his case but was not provided with a response. Instead he was just ordered to wait until the money was transferred, which he would be notified about with a message to his mobile phone number.

Also cropping up were cases in which affected people were notified about the start of construction although they had yet to receive compensation. They expressed uncertainty as to whether they should block the construction site or patiently wait for the compensation.

Clarity of the land lease and acquisition process, pipeline construction and appeal possibilities

Pipeline construction process, compensation procedure and the rights of affected people to complain

A significant number of inhabitants interviewed reported that there was at least one community meeting conducted by the promoter's representatives during which the project was presented. In many cases it was also reported that the company's employees (TAP or ABKons) visited villages on several occasions. However the majority of inhabitants expressed a lack of clarity about the compensation procedure, the possibility to appeal and about the project timeline. In a number of cases they were unaware when they would receive compensation although they had already signed the contract. In particular, concerns about the timeline for the pipeline construction were raised by those who cultivate crops such as grapes or vegetables, which was related to uncertainty over whether or not they would be able to continue cultivation until the maturity of crops.

When asked about their rights, those interviewees unsatisfied with the project expressed the opinion that they rather did not have any particular rights and they were not informed about any rights. Only a few interviewees who had signed contracts informed that they could appeal within two weeks of the contract signing, however they indicated different instances (TAP, Albanian court) or were unsure about the further procedure involved. In these cases it was often emphasised that it would have been better for them not to appeal due to the risk of state intervention which could lead to compensation being reduced through expropriation or that this would cause delays in the transfer of compensation.

In Fushe-Peshtan a young farmer informed the FFM that although he considered himself to be educated, having graduated from agricultural university, he was uncertain what to do and who to approach with complaints. He said his father had gone to the TAP office in Berat to complain about unfair compensation but to no avail. Another farmer from the same village, facing impacts to grape trees, fruits and 20 nut trees on 70% of his land, felt that there was no other option for him than to sign everything.

In another village in the Berat region, the village leader openly stated that he was frustrated by the lack of clarity related to the land lease and acquisition procedure which, in his view, had apparently changed over time. He indicated that initially TAP or ABKons representatives had claimed trees would be valued differently in three age thresholds, while in the end all trees from age 11-100 are valued the same. In addition he complained that TAP or ABKons were supposed to notify him about the opening of the Berat office to field complaints from people from July 2016, yet he was still to receive any message from TAP and was unable to respond to questions from villagers.

Besides compensation for land, we also identified damage to properties, where the owners were not clear how to proceed. During the construction of an access road near the village of Seman, heavy machinery movement had damaged a house (cracks on the house were visible), as well as damaging water pipes of the public water system. This was reported to an engineer from the company that constructed the road, who took pictures, but nothing happened subsequently. According to the house owner involved, similar cracks had appeared on at least five other houses.

A general lack of awareness on the part of affected people about their rights and perceived repercussions are probably the main factors behind why we met only a few people who had lodged a formal complaint with the TAP grievance mechanism.

Lack of clarity about the role of different actors

In all villages visited by the FFM, people had been finding it difficult to distinguish between TAP, ABKons, the staff of the Land Registration Office and the local municipality, and their respective roles and responsibilities. There is a lack of a culture of collecting and requiring written information and keeping written evidence. In numerous cases, people informed the FFM that they had complained about compensation, but this was done orally, and to staff who they are now not able to identify. In some instances they reported that the staff (presumably from ABKons or TAP) had collected information in a complaint form, but they were not provided with a copy of their complaint.

One of the farmers interviewed from the Korca region reported that he travelled to Korca to complain at the TAP office about having received a lower level of compensation than his neighbour had received – his complaint was taken to a computer, he did not receive a copy of this, but he was promised an answer within a few days. When he later urged an answer by phone, he was directed to Bilisht. In Bilisht he spoke with staff, who also recorded his complaint. When we identified the staff member involved, it turned out that he was municipality staff (a former employee of ABKons) who has the task of assisting villagers with their issues related to the TAP pipeline. Nevertheless the municipality does not have any system for registering grievances or complaints, and they are not able to provide any written material that would describe the steps that affected people could take.

Low quality of documentation

The official, original offers which were shown to us by inhabitants were lacking in such information as dates, identification of the company (name, logo, address), the responsible person, contact details and signature. These documents also lack a precise justification and calculation of the compensation level (e.g. references to the type and age of trees, land categorisation etc.) which would allow the farmers to compare the calculation with specific sections of the Guide for Land Easement and Acquisition in Albania. They are also missing a detailed description of the steps which affected persons could take if they are not satisfied with the offer, including the possibility of using the grievance mechanism.

Safety zone

In several villages (e.g. Cangonj, Ullinjas) people raised concerns about the pipeline's safety zones and their interference with plans for the construction of buildings – including either some business facilities (such as cool storage for fruits) or the possibility of building houses for family members.

**NJOFTIM
PREZANTIMI I OFERTËS**

I nderuar [REDACTED]

Sic jeni bërë me dije nëpërmjet takimeve dhe komunikimeve tona së fundmi, Trans Adriatic Pipeline AG (TAP) është një tubacion i gazit natyror, që do të fillojë në Greqi dhe më pas do të përshkojë Shqipërinë, dhe do të mbërrijë në rrjetin e gazit në Itali.

Ju jeni identifikuar si, Person i Prekur nga Projekti (PAP) dhe për këtë arsye jeni kontaktuar nga ekipe të ndryshme të Projektit për mbledhjen e të dhënave dhe marrjen e gjithë informacionit të nevojshëm në lidhje me pasuritë dhe personat e prekur nga projekti TAP.

Përpara fillimit të procesit të negociatave me pronarët e tokës, ekipet mbështetëse të projektit TAP Ju kanë ndihmuar në lidhje me përgatitjen e dokumentacionit të nevojshëm për transaksionet në lidhje me pasuritë e paluajtëshme, të prekura nga Projekti.

Nëpërmjet këtij njoftimi Ju informojmë që Paketa e Ofertës mbi pasurinë në pronësinë tuaj përmban:

1. Kontratën e Qirase për pasurinë Nr. [REDACTED]
2. Deklaratën e Kompensimit për pasurinë Nr. [REDACTED]
3. Shprehjen e Interesit

Me qëllimin që të realizojmë këto transaksione jeni të lutur të informoheni mbi listën e dokumentacionit që nevojitet për nënshkrimin e Kontratave / Deklaratave dhe statusin e tyre ligjor.

#	Dokumentat e Kontratave	Disponueshme <i>Ose jo</i>
1	Certifikata për Vërtetimin e Pronësisë	
2	Harta e Pasurisë	
3	Kartela e Pasurisë	
4	Letërnjoftim për të gjithë Personat e Prekur të Projektit	
5	Konfirmimi i Llogarisë Bankare	
6	Certifikate Familjare	
7	Vërtetim nga Komuna për Përbërjen e Familjes Bujqësore (Për tjetërsimin e tokës bujqësore)	
8	Prokurë Përfaqësimi	

Ju lutemi të jeni të informuar që dokumentat që nuk janë të disponueshme duhen përgatitur në mënyrë që të nënshkruhen Kontratat dhe Deklaratat Noteriale të përfshira në Paktetën e Ofertës Tuaj.

Përmbushja e këtij detyrimi do të jetë thelbësor për procesin e regjistrimit të pasurisë së paluajtëshme në pronësinë tuaj pranë ZVRPP si edhe për realizimin e gjithë transaksioneve të nevojshme në lidhje me projektin.

Vlera e kompensimit për pasurinë Nr. [REDACTED]

- Për qirane e sipërfaqes [REDACTED] LEK
- Për kompensimin e të mjetave për sipërfaqen [REDACTED] LEK
- Vlera në Total e llogaritur për pasurinë Nr. [REDACTED] LEK
- Vlera në Total e përfituar është [REDACTED] LEK

A picture of an offer from TAP AG

A summary of the EIB standard on involuntary resettlement

The EIB applies a human rights based approach⁶ in its social standards, one of which is related to involuntary resettlement⁷.

The standard states that

“people whose livelihoods are negatively affected by a project should have their livelihoods improved or at minimum restored and/or adequately compensated for any losses incurred. As such, where physical or economic displacement is unavoidable, the Bank requires the promoter to develop an acceptable Resettlement Action Plan. The plan should incorporate and follow the right to due process, and to meaningful and culturally appropriate consultation and participation, including that of host communities.”

The EIB Environmental and Social Handbook⁸ describes operational practices for the implementation of the involuntary resettlement standard. This standard applies when a project necessitates land acquisition, expropriation and/or restrictions on land use, resulting in the temporary or permanent resettlement of people from their original places of residence or their economic activities or subsistence practices. When affected persons and communities do not have the choice to refuse such displacement, this process is known as involuntary resettlement.

The complexity of displacement must be duly appreciated and its impact and remedy carefully analysed, planned and delivered as it may negatively affect the economic and social well-being of affected people and provoke severe economic and social problems in the origin and host communities. If the involuntary resettlement is unavoidable, the promoter, with full involvement in the decision-making process of all stakeholders, and in particular the affected people, should adopt adequate steps to minimise and mitigate its adverse impacts from an early stage. Resettlement is thus a process to assist those displaced to replace their housing, assets, livelihoods, land, access to resources and services and to improve or at least restore their socioeconomic and cultural conditions to those levels existing prior to the project⁹. The process should pay particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted¹⁰.

According to the EIB standard, project-affected persons (PAPs) refers to all persons impacted by the involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the case of extended households); the owner and employees of a business; members of an ethnic minority group; tenants; people with formal land title, land use rights, customary or traditional rights to the land as well as those who occupy/use the land but have no formal title for objective reasons are eligible for compensation for land¹¹.

According to the EIB standard, it is a promoter who is required to conduct a resettlement process according to the EIB standard and provide compensation and cover all cost of resettlement.

6 This approach is based on EU human rights law which refers to the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the Charter of the Fundamental Rights of the European Union (2000), the UN Basic Principles and Guidelines on Development-based Displacement and Evictions, the UN Guiding Principles on Business and Human Rights and the UN Guiding Principles on Internal Displacement

7 The EIB Statement of Environmental and Social Principles and Standards, 2009

http://www.eib.org/attachments/strategies/eib_statement_esps_en.pdf

8 The EIB Environmental and Social Handbook, 2013

http://www.eib.org/attachments/strategies/environmental_and_social_practices_handbook_en.pdf

9 The EIB Environmental and Social Handbook, 2013, page 52

10 Ibid, page 53

11 Ibid, pages 54-55

In case of cash compensation, it should be paid in its entirety and in a timely manner to enable affected persons to make productive use if it¹².

A summary of the EBRD standard on Land Acquisition, Involuntary Resettlement and Economic Displacement

The EBRD applies the Land Acquisition, Involuntary Resettlement and Economic Displacement Performance Requirement (PR) in the case of involuntary resettlement related to projects it finances¹³.

This PR applies to physical or economic displacement, that can be full, partial permanent, or temporary resulting from the following types of transactions: (1) land rights or land use rights for a project acquired through expropriation or other compulsory procedures; (2) land rights for a project acquired through negotiated resettlements with property owners or those with legal rights to land, including customary or traditional rights recognised or recognisable under the laws of the country, if expropriation or other compulsory process would have resulted in the failure of negotiation, and; (3) the imposition of restrictions that result in people experiencing loss of access to physical assets or natural resources irrespective of whether such rights of restriction are acquired through negotiation, expropriation, compulsory purchase, or by means of government regulation¹⁴.

The PR implies the development and implementation of Livelihood Restoration Framework (LRF). The entitlements of affected persons and communities have to be provided in a transparent, consistent and equitable manner¹⁵.

In the cases of temporary or permanent loss of income or livelihood through interruption or elimination of a person's access to his/her employment or productive assets, the Bank requires the promoter to:

1. Promptly compensate economically displaced persons for loss of assets or access to.
2. Compensate, in cases where land acquisition affects commercial structures, the affected business owner for: (i) the cost of re-establishing commercial activities elsewhere, (ii) lost income during the period of transition and (iii) the costs of the transfer and reinstallation of the plant, machinery or other equipment, as applicable.
3. Provide replacement property of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognised or recognisable under the national laws. Displaced persons may be classified as persons who have formal legal rights to the land (including customary and traditional rights recognised under national laws), 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 national laws.
4. Provide assistance that will offset any loss of a community's commonly held resources.
5. Compensate economically displaced persons who are without legally recognisable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost.
6. Provide additional targeted assistance and opportunities to restore, and where possible improve, their income-earning capacity, production levels and standards of living. In the case

12 Ibid, page 58

13 <http://www.ebrd.com/who-we-are/our-values/environmental-and-social-policy/performance-requirements.html>

14 EBRD Performance Requirements 5 (Land Acquisition, Involuntary Resettlement and Economic Displacement), page 2

15 Ibid, page 6

of businesses experiencing temporary losses or having to close as a result of project-related displacement, both the owner of the business and employees losing pay or employment are eligible for such assistance.

7. Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels and standards of living.

A summary of the ADB standard on Displaced Persons and Economic Displacement

The ADB applies its Safeguard Policy Statement (SPS)¹⁶.

Displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of: (1) involuntary acquisition of land, or (2) involuntary restrictions on land use or on access to legally designated parks and protected areas. Economic Displacement means the loss of land, assets, access to assets, income sources, or means of livelihoods as a result of: (1) involuntary acquisition of land, or (2) involuntary restrictions on land use or on access to legally designated parks and protected areas.

The Involuntary Resettlement requirement defines that displaced persons in a project area could be of three types: (1) persons with formal legal rights to land lost in its entirety or in part; (2) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (3) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of displaced persons¹⁷.

In case of project implementation the company has to provide adequate and appropriate replacement of land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable.

A summary of the IFC standard on Land Acquisition, and Involuntary Resettlement

The IFC applies the Performance Standard on Land Acquisition and Involuntary Resettlement¹⁸.

The standard states that involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition. Involuntary resettlement should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities¹⁹.

The IFC defines the standard objectives:

1. To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs.

¹⁶ <http://www.adb.org/site/safeguards/policy-statement>

¹⁷ ADB Safeguard Policy Statement, 2009, page 50

¹⁸ http://www.ifc.org/wps/wcm/connect/115482804a0255db96bffd1a5d13d27/PS_English_2012_Full-Documents.pdf?MOD=AJPERES

¹⁹ IFC Performance Standard 5 "Land Acquisition and Involuntary Resettlement", page 1

2. To avoid forced eviction.
3. To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by providing compensation for loss of assets at replacement cost.
4. Ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.
5. To improve, or restore, the livelihoods and standards of living of displaced persons.
6. To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites²⁰.

In the case of projects involving economic displacement only, the company has to develop a Livelihood Restoration Plan to compensate affected persons and/or communities and offer other assistance that meets the objectives of the Performance Standard. The Livelihood Restoration Plan has to establish the entitlements of affected persons and/or communities and has to ensure that these are provided in a transparent, consistent, and equitable manner. The mitigation of economic displacement has to be considered complete when affected persons or communities have received compensation and other assistance according to the requirements of the Livelihood Restoration Plan and this Performance Standard, and are deemed to have been provided with adequate opportunity to reestablish their livelihoods²¹.

Economically displaced persons who face loss of assets or access to assets have to be compensated for such loss at full replacement cost. In cases where land acquisition or restrictions on land use affect commercial structures, affected business owners have to be compensated for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery, or other equipment²².

Economically displaced persons who are without legally recognizable claims to land have to be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at full replacement cost. The company is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date for eligibility. In addition to compensation for lost assets, economically displaced persons whose livelihoods or income levels are adversely affected will have to be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living. For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost should be offered as a matter of priority²³.

20 Ibid, page 1

21 Ibid, page 6

22 Ibid, page 7

23 Ibid, page 7