



# **RESETTLEMENT POLICY FRAMEWORK**

**Third Regional Development Project**

**February 19, 2015**

## PREFACE

This Resettlement Policy Framework (RPF), covering **involuntary resettlement and land acquisition issues** has been prepared by the Municipal Development Fund of Georgia. It is one of key safeguard documents for the Regional Development Project supported by the World Bank. The other safeguards are reflected in the Operational Manual (OM). The present RPF is supplementary document to the OM and should be considered an essential part of it. The screening tools mentioned in the RPF are found in the OM.

The present document takes into account the approaches and policies for land acquisition and resettlement required by the Government of Georgia and the World Bank, and best international practices. The document prepared by the MDF provides the framework for ensuring compliance with the requirements of all parties, with the understanding that the most stringent requirements of any party would be applied.

This Resettlement Policy Framework is elaborated for the Regional Development Project III financed by the WB. The Regional Development Project III has multiple components (project with financial intermediaries) focused on support for local municipalities in rehabilitation of existing and development of new municipal infrastructure systems, like water supply and wastewater systems, local roads, waste management facilities, etc., along with investments in Tourism related infrastructure (signage, roads, visitor centers, parking facilities) and Cultural Heritage Sites. The organization accomplishing Regional Development project and concrete subprojects is the Municipal Development Fund of Georgia.

The Municipal Development Fund of Georgia is a Legal entity under public law with the aim to promote the institutional and financial strengthening of the local self-governing bodies, investments in the local infrastructure and services, sustainable progress of the principal economic and social services for the local population.

The Fund is responsible for managing the finances received from the central and local budgets, international financial institutions and other donors and proceeds gained through the Fund loans as principal and interest amounts used to finance local and regional infrastructure and investment projects and appropriate technical assistance in the field of service.

The Municipal Development Fund of Georgia, within the limits of the programs accomplished by it, is responsible for purchasing the projects/plans and EIA research, as well as construction and rehabilitation works of the municipal infrastructural object. During purchases, the Fund is obliged to follow the legislation of Georgia under the established rule and by observing the environmental and social requirements of donor organizations. The Municipal Development Fund of Georgia is responsible for proper application of the environmental and social safeguards of donor organizations.

Projects similar to the Regional Development Project III are implemented by MDF in cooperation with different multilateral donor organizations, including EBRD, ADB as well as bilateral donors such as USAID, SIDA, the Netherlands, etc. The present Resettlement Policy Framework builds on the Frameworks elaborated specifically for the Regional Development Projects financed by the WB. However, it may serve as guiding document for implementation of similar projects financed by other donors.

## TABLE OF CONTENTS

	<b>Preface</b>	<b>2</b>
	<b>Abbreviations</b>	<b>5</b>
	<b>Glossary</b>	<b>6</b>
<b>1</b>	<b>Project Objective and Anticipated Project Impacts</b>	<b>9</b>
<b>2</b>	<b>Policy, Legal and Administrative Framework in Georgia</b>	<b>12</b>
<b>2.1</b>	<b>Institutional Responsibilities</b>	<b>12</b>
<b>2.1.1</b>	<b>Land Registration Organizations</b>	<b>12</b>
<b>2.1.2</b>	<b>Land Acquisition and Resettlement Organizations</b>	<b>13</b>
<b>2.1.3</b>	<b>Other Organizations and Agencies</b>	<b>15</b>
<b>2.1.4</b>	<b>Capacity Building on LAR</b>	<b>16</b>
<b>2.2</b>	<b>Resettlement Related Legislation of Georgia</b>	<b>17</b>
<b>3</b>	<b>The World Bank Policy, Safeguards and Georgian Legislation</b>	<b>18</b>
<b>3.1</b>	<b>The World Bank Safeguards and Involuntary Resettlement Policy</b>	<b>18</b>
<b>3.2</b>	<b>Comparison of Georgia Land Acquisition Law and WB Resettlement Policy</b>	<b>20</b>
<b>4</b>	<b>Principles of Resettlement and Land Acquisition Adopted for the Regional Development Project III</b>	<b>21</b>
<b>5</b>	<b>Eligibility and Entitlements</b>	<b>22</b>
<b>5.1</b>	<b>Eligibility</b>	<b>22</b>
<b>5.2</b>	<b>Entitlements</b>	<b>23</b>
<b>5.3</b>	<b>Assessment of Compensation Unit Values</b>	<b>23</b>
<b>5.4</b>	<b>Allowances for Vulnerable Groups</b>	<b>26</b>
<b>5.5</b>	<b>Expropriation and Legalization</b>	<b>27</b>
<b>5.6</b>	<b>Gender Impact and Mitigation Measures</b>	<b>26</b>
<b>6</b>	<b>Methods for Valuating Affected Assets</b>	<b>27</b>
<b>6.1</b>	<b>Valuation Principles</b>	<b>28</b>
<b>6.2</b>	<b>Structures</b>	<b>28</b>
<b>6.3</b>	<b>Land</b>	<b>29</b>
<b>6.4</b>	<b>Annual crops</b>	<b>30</b>
<b>6.5</b>	<b>Trees</b>	<b>30</b>
<b>7</b>	<b>Delivery of Entitlements</b>	<b>30</b>
<b>7.1</b>	<b>Land Acquisition Process</b>	<b>30</b>
<b>7.2</b>	<b>RAP Implementation Steps and Responsibilities</b>	<b>31</b>
<b>7.3</b>	<b>Additional Livelihoods Restoration Support</b>	<b>33</b>
<b>8</b>	<b>Public Consultation, Participation and Documents Disclosure</b>	<b>34</b>
<b>8.1</b>	<b>Data Collecting Phase</b>	<b>34</b>
<b>8.2</b>	<b>Planning Phase</b>	<b>34</b>
<b>8.3</b>	<b>Implementation Phase</b>	<b>35</b>
<b>8.4</b>	<b>Monitoring and Evaluation Phase</b>	<b>35</b>
<b>9</b>	<b>Complaints and Grievances</b>	<b>35</b>
<b>9.1</b>	<b>Objectives</b>	<b>35</b>
<b>9.2</b>	<b>Formation of GRC</b>	<b>36</b>
<b>9.3</b>	<b>Grievance Resolution Process</b>	<b>37</b>
<b>10</b>	<b>Monitoring and Evaluation</b>	<b>39</b>
<b>10.1</b>	<b>Internal Monitoring</b>	<b>40</b>

<b>10.2</b>	<b>External Monitoring</b>	<b>40</b>
<b>11</b>	<b>Resettlement Budget and Financing</b>	<b>41</b>
<b>ANNEX 1 Synopsis of Selected Georgian Laws and Regulations on RAP</b>		
<b>ANNEX 2 World Bank Involuntary Resettlement Policy, OP/BP 4.12</b>		
<b>ANNEX 3 Outline of a Resettlement Action Plan</b>		
<b>ANNEX 4 Eligibility Assessments of Public-Private Infrastructure Investments</b>		

## ***ABBREVIATIONS***

ADB	Asian Development Bank
ACHP	Agency for Culture Heritage Preservation of Georgia
AF	Affected Family
AH	Affected Household
AP	Affected Person
BP	Bank Procedure
DP	Displaced Person
EA	Executing Agency
EBRD	European Bank for Reconstruction and Development
EIA	Environmental Impact Assessment
ESSU	Environmental and Social Safeguards Unit
GEC	Grievance Examination Commission
GIZ	German Technical Cooperation
IFI	International Financial Institutions
IMA	Independent Monitoring Agency
IPSA	Initial Poverty and Social Assessment
LAR	Land Acquisition and Resettlement
LSG	Local Self Government
MCC	Millennium Challenge Corporation
MCG	Millennium Challenge for Georgia
MDF	Municipal Development Fund
MoENRP	Ministry of Environmental and Natural Resources Protection
MLARO	Municipal Land Acquisition and Resettlement Office
NAPR	National Agency for Public Registration
NGO	Non-Governmental Organization
OD	Operational Directive
OP	Operational Policy
PAB	Project Affected Businesses
PAP	Project Affected Person
PIC	Public Information Center
PRRC	Property Rights Recognition Commission
RAP	Resettlement Action Plan
ROW	Right of Way
RPF	Resettlement Policy Framework

## Glossary

1. **Affected Person (or household)** - People (households) affected by project-related changes in use of land, water or other natural resources. These include permanent and temporary loss of land, assets, and income. Affected persons entitled for compensation or at least rehabilitation provisions under the Project are: all persons losing land, or access to land, permanently or temporarily either covered by legal title/traditional land rights or without legal status; tenants and sharecroppers whether registered or not; owners of affected buildings, crops, plants, or other objects attached to the land; and affected persons losing business, income, and salaries.
2. **Asset Inventory** - A complete count and description of all property that will be acquired.
3. **Compensation** - Loss reimbursement for the Project affected persons; Cash payment or in-kind compensation in the due amount in return for the loss of assets (property), resources or income
4. **Direct road impact** - When privately owned land parcels are physically affected by the road rehabilitation works
5. **Economic Rehabilitation** - Economic Rehabilitation implies the measures taken for income restoration or economic recovery so that the affected population can improve or at least restore its previous standard of living.
6. **Eligibility** - The criteria for qualification to receive benefits under a resettlement program.
7. **Eminent Domain** - The right of the state to acquire land, using its sovereign power, for public purpose. National law establishes which public agencies have the prerogative to exercise eminent domain.
8. **Expropriation** - Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise use
9. **Grievance Procedures** - The processes established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
10. **Initial Baseline Survey** - The population census, asset inventory, and socioeconomic survey together constitute the baseline survey of the affected population.
11. **Income restoration** - Re-establishing income sources and livelihoods of people affected.
12. **Involuntary** - means actions that may be taken without the displaced person's informed consent or power of choice.
13. **Involuntary resettlement** - Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, income and/or assets bases elsewhere.

14. **Land** includes anything growing on or permanently affixed to land, such as buildings and crops.
15. **Land Acquisition** - The process of acquiring land under the legally mandated procedures of eminent domain.
16. **Land parcels under road impact** - When only privately owned land parcels are physically affected by the Motor Road rehabilitation activities
17. **Land parcel with residential house attached under road impact** - When privately owned land parcels as well as residential houses are physically affected by the Motor Road rehabilitation activities and require demolition of the house
18. **Land parcel with supplementary structure under road impact** - When privately owned land parcels as well as any non-residential and non-commercial structures are physically affected by the Motor Road rehabilitation activities and may require demolition of the residential house as well
19. **Population Census** - A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation.
20. **Project Cycle** - the cycle of project development from initial phases of identification and assessment of feasibility, until its final implementation. From standpoint of the project implementing agency, it is convenient to represent the project cycle as consisting of following phases: Pre-feasibility Assessment, Feasibility Studies, Project Design and Appraisal, Project Implementation.
21. **Rehabilitation** - Re-establishing incomes, livelihoods, living, and social systems
22. **Relocation** - Rebuilding housing, assets, including productive land, and public infrastructure in another location
23. **Replacement rates** - Cost of replacing lost assets and incomes, including cost of transactions
24. **Resettlement** - Term – “Resettlement” in accordance to the World Bank Involuntary Resettlement Operational Policy Document 4.12 considers alienation of land parcels and/or physical relocation (moving to other place) of households being appeared within the project affected area
25. **Resettlement Entitlements** - Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
26. **Resettlement effects** - Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources,

cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms

27. **Resettlement plan** - A time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, action, responsibilities, monitoring and evaluation  
**Resettlement (Action) Plan** - A resettlement action plan [RAP] is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.
28. **Resettlement Strategy (Rehabilitation Strategy)** - The approaches used to assist people in their efforts to improve (or at least to restore) their incomes, livelihoods, and standards of living in real terms after resettlement. The resettlement strategy typically consists of payment of compensation at replacement cost, transition support arrangements, relocation to new sites (if applicable), provision of alternative income-generating assets (if applicable), and assistance to help convert income-generating assets into income streams.
29. **Socioeconomic Survey (SES)** - A complete and accurate survey of the project-affected population. The survey focuses on income-earning activities and other socioeconomic indicators.
30. **Stakeholders** -A broad term that covers all parties affected by or interested in a project or a specific issue—in other words, all parties who have a stake in a particular issue or initiative. Primary stakeholders are those most directly affected—in resettlement situations, the population that loses property or income because of the project and host communities. Other people who have an interest in the project—such as the project authority itself, the beneficiaries of the project (e.g., urban consumers for a hydro-power project), and interested NGOs are termed secondary stakeholders.
31. **Task Manager or Task Team Leader** - In Bank parlance, the officer in charge of a Bank-supported project or activity.
32. **User** - Physical person not registered as the owner at the Public Register, or holding the right to use the land
33. **Usufruct** - The right to use and profit from land belonging to other person, or group of persons but in difference with the owner he/she will have no right to alienate, mortgage or bequeath of the land parcel
34. **Vulnerable groups** - .Vulnerable people – Project affected people, especially these below the poverty line, families lead by single women, refugees and IDPs, the disabled.



## 1. Project Objective and Anticipated Project Impacts

The Project Development Objective is to improve infrastructure services and institutional capacity to support the development of tourism-based economy and cultural heritage circuits in the Samtskhe-Javakheti and Mtskheta-Mtianeti regions.

The key results expected from the Project are:

### Infrastructure Services:

- Increased hours per day of piped water delivery in project areas
- Improved access roads to selected tourism attraction sites.

### Tourism Economy:

- Increased volume of private sector investments in targeted areas.
- Increased hotel beds in circuit areas

### Institutional Capacity

- Increased tourism points of sales (tourism related enterprises, e.g., total number of museums, sites improved, hotels, family and guest houses, restaurants, site ticket offices, etc.)
- Establishment of two regional destination management offices for sustainability

The proposed sites/subprojects considered for financing under the Project will supplement what the Government has already invested in. These can be grouped into two categories:

- Three cities suggested for urban regeneration building on its comparative advantage as cultural heritage and vernacular architecture destinations: Dusheti, Kazbegi and Abastumani. The project will build on previous investments made by the Government, and may finance small-scale incremental investments needs, in Mtskheta, Gudauri, Bakuriani, Borjomi and Akhalsekhi. Additional investment needs in Akhalkalaki, Ninosminda and Khevsureti will be subject to a great scrutiny during preparation, under the planned Tourism Development Strategy for each region.
- Nine cultural heritage sites are suggested for improved site management and construction of tourism facility and access road: Saphara Monastery, Saro Church and Darbazi houses, Zarzma Monastery, Vani Caves, Khertvisi Fortress, Akhalkalaki Castle, Ananuri Fortress, Gergeti Trinity Church and Shatili.

It was agreed with MDFG that the following subprojects, for which initial architectural designs have been prepared by the CHPA or other agencies, will be prepared for appraisal in early February and their implementation will start in 2015, i.e. during the first year of Project's implementation to ensure expedited disbursement:

### Mtskheta-Mtianeti Region

- Improvement of access road to the Bagineti castle;
- Arrangement of tourism infrastructure at Jvari Monastery;
- Arrangement of tourism infrastructure at Ananuri castle;
- Restoration of Stepantsminda/Kazbegi Museum.

## Samtskhe-Javakheti Region

- Rehabilitation of access road to Sapara Monastery (without tourism infrastructure - will be elaborated as a separate design);
- Safety measures of access road to Vanis Qvabebi (without tourism infrastructure - will be elaborated as a separate design).

Due to the absence of the detailed engineering projects of the sub-projects planned at the stage of the development of the present document, the number of Project-affected persons and businesses at the Project implementation stage is impossible to fix. Similarly, before the Project is developed, it is impossible to fix the potential negative and/or positive impacts on the local population as a result of the Project implementation.

The project consists of the following components:

### **Component 1: Infrastructure Investment (US\$55 million, IBM)**

Component 1.1: Urban Regeneration and Circuit Development (US\$45 million). This component will finance: urban regeneration, including old towns and villages (under screening and selection), restoration of building facades, public spaces, museums, roads and water, and enhancement of cultural and natural heritage sites, including access and presentation. Based on product development and marketing potential, infrastructure needs, and employment levels, the project will focus on sites along the circuit connecting the selected heritage, nature and ski sites.

Component 1.2: Provision of Public Infrastructure to Attract Private Investments (US\$10 million). To encourage private sector investments in the region, this component is to support a selected number of private sector entities in project areas which show interest and capacity to invest in tourism or agribusiness, seeking complementary public infrastructure necessary to make their investments viable (e.g., public facilities within vicinity of the investments, road/sidewalk, water/sanitation, communications, connection to main circuit route etc.). They would be subject to screening by a selection committee and there will be appropriate conditions tied to that.

### **Component 2: Institutional Development (US\$5 million, IBRD)**

Institutional capacity and performance of the Georgia National Tourism Administration (GNTA), Agency for Culture Heritage Preservation of Georgia (ACHP), National Museum, Project Implementing Entity (Municipal Development Fund of Georgia, MDF), and other local and regional entities to carry out the following activities: destination management and promotion, including local outreach campaign; marketing and promotion; skilled workforce development and capacity building; feasibility studies, design, construction supervision and sustainable site management of cultural heritage; and performance monitoring & evaluation activities.

Of the two components, Component 1 (Infrastructure Investment) is the one that has direct impacts from physical works (the component 2 is mostly “administrative”). The screening procedure of the World Bank therefore focused on these “Infrastructure Investment”.

## Total Project Cost

The Government of Georgia has requested the financing of \$60 million from the World Bank for implementation of the Third Regional Development Project (RDP 3). The total project cost is \$ 75 million and includes \$15 million funding from the Government of Georgia. The proposed project will be implemented by the Municipal Development Fund of Georgia (MDF).

Below is the summary of resettlement related issues that may occur, the likelihood of such issues actually happening, and proposed actions to be taken.

<b>Resettlement Situational Scenarios</b>	<b>Probability</b>	<b>Status/Action</b>
Temporary impact on the visual quality of private land; disturbance during construction works without any losses of income or property	moderate	Allowed/ impact mitigation measures within EMP
Temporary impact on private land; disturbance during construction works associated with the loss of income (loss of harvest and annual income for farmers; losses of income for small businesses, like roadside commercial activities etc.)	moderate	Allowed/ Abbreviated RAP, compensation of losses
Temporary impact on private land; losses of productive assets (trees; ancillary buildings)	low	Allowed/ Abbreviated RAP, compensation of losses
Land take; (less than 10 affected households) Acquisition of certain part of private land parcels without or with associated loss of assets; change in use of public land under use by informal settlers	moderate	Allowed/ Abbreviated RAP, compensation of losses
Land take; (more than 10 affected households) Acquisition of certain part of private land parcels without or with associated loss of assets; change in use of public land under use by informal settlers	Low	Allowed/ RAP, compensation of losses
Structural demolition resulting in physical relocation of households or businesses	low	Allowed/ RAP, compensation of losses
PAPs occupied or using land that is owned by private investors.	Moderate	Allowed/ RAP, compensation of losses
Loss of livelihood for reduction in income (less than 10 affected individuals)	moderate	Allowed/ Abbreviated RAP, compensation of losses, livelihood restoration plan developed and implemented with affected individuals.

Loss of livelihoods or reduction in income (more than 10 affected individuals)	moderate	Allowed/ RAP, compensation of losses; livelihood restoration plan developed and implemented with affected individuals.
Restriction of access to land or natural resources, including informal users	moderate	Allowed/ RAP, compensation of losses

It is thus not anticipated that there would be physical relocation of households or businesses under this project. There would also be temporary loss of income and other productive assets during civil works. The exact footprints of civil works or the impact of the Project are still unknown, however, and the Resettlement Action Plan (RAP) cannot be prepared prior to Project Appraisal. The present Resettlement Policy Framework, prepared by the MDFG in line with OP 4.12, sets out the principles and procedures that will govern resettlement and land acquisition activities, identify categories of affected persons and their respective entitlements, and describe the analytical work and documentation to be prepared before, during and after implementation of the RAPs.

In addition to issues directly concerning land acquisition, the RPF will also cover issues related to informal use of public land and restriction of access to resources.

## **2. Administrative and Legal Framework**

### **2.1 Institutional Responsibilities**

The Municipal Development Fund of Georgia (MDFG) is the executing agency (EA). MDFG is responsible for managing construction/rehabilitation activities in scope of the RDP III project as well as land acquisition and resettlement of the PAPs.

MDFG is assisted by a number of other government departments and private agencies in the design, construction and operation of the Project. Pursuant to the active legislation, the National Agency of Public Registry (NAPR) within the Ministry of Justice is in charge of the recognition of ownership rights of rightful owners, registration of land ownership, based on verification and certification from village communities, notaries, property rights recognition commissions at local administration/municipalities. The local/district NAPRs are also responsible for registering the transfer of acquired land from landowners to the Agency for Culture Heritage Preservation of Georgia (ACHP), the local governments at district and village levels are involved in the legalization of land parcels, land acquisition and resettlement. The Ministry of Environmental and Natural Resources Protection (MoENRP) is responsible for environmental issues.

Various sub-projects of the RDP III Project are located in the municipalities Samtskhe-Javakheti and Mtskheta-Mtianeti Regions. All corresponding Sakrebulo, Gamgeoba, Registration Offices and PRRCs will be involved in RAP. Local Sakrebulos and Rtsmunebuli of villages are involved for local level LAR activities.

The World Bank (WB) will be financing the Project and will provide advice and supervision on land

acquisition activities.

### **2.1.1 Land Registration Organizations**

Government agencies active at various levels in the process of legalization of privately owned land parcels are described hereunder.

#### *Rtsmunebuli and Gamgeoba at Village (Community) Level*

The community level Gamgeoba is the executive branch of self-government headed by Rtsmunebuli. Rtsmunebuli has the primary role in the process of legalization and registration of land parcels. Rtsmunebuli confirms the ownership of affected land plots, the parameters of land plots and endorses the cadastral maps and related data prepared in cases of legalization<sup>1</sup>. Gamgeobeli plays an important role in the legalization of non-rightful owners (owners in possession before the enactment of current law on privatization of land in Georgia without prior permission of the government). Gamgeoba has the power to authorize<sup>2</sup> details of the occupied land parcel and verify its usage pattern as the first hand verification and authorization for further consideration in the Property Rights Registration Commission (PRRC) as a basic step for registration with the Public Registry. Neighbours of applicants for legalization have roles in the authorization process. Rtsmunebuli of the villages will be involved in RAP process of implementation.

#### *Sakrebulo*

Sakrebulo is the representative branch of self-government at rayon and village level. The village/rayon level Sakrebulo has now less involvement in the process of legalization of legalizable land plots. However, the Rayon Sakrebulo assists the PRRC in the process of authorization of application of non-rightful owners.

#### *Property Rights Recognition Commission*

Under the Law of Georgia on Recognition of the Property Ownership Rights Regarding the Land Plots Owned/Used by Physical Persons or Legal Entities (2007), the Government of Georgia has established the PRRC at the Rayon level for recognition of ownership rights of non-rightful owners for registration. The PRRC verifies and authorizes the application of ownership for registration with the NAPR. The PRRC authorizes the application of only those PAPs who are not registered but have residential land or agricultural plots adjacent to the project affected area (“non-rightful land owners”, according to definition of Georgian regulations).

#### *Rayon Registration Office*

NAPR is in charge of the registration of land ownership and its transfer through purchase agreement from landowners to the GSE. Rayon Archives are now transferred in the possession of the Rayon Registration Offices of the NAPR. Rayon Archive is used for cross verification of ownership document and validity of physical possession of land by persons seeking registration as legalizable

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<sup>1</sup> Owners for legalization of their unregistered land parcels, in normal procedure, use the services of private mapping agencies and experts on payment for preparation of land details (maps and plot parameters). In case of this project, the consultants have been assisting in preparing basic documents like maps and plot details.

<sup>2</sup> This is not mandatory but one of the possible procedures for legalization of the non-rightful owners. Witnesses' signature confirmed notarially is also legally acceptable for confirmation of non-rightful ownership of land plot.

owner, in the case, owner does not have available documentation proving ownership rights on the adjacent land plot or in case there is any doubt regarding the plot.

Rayon Registration Office of the NAPR is the Rayon level authority for executing registration of land parcels in the name of the applicants based on package of application documents provided by rightful owners (PAPs possessing ownership documents but with title formalization pending) or by non-rightful owners after receiving appropriate certificate from PRRC as the case may be. The owners submit both soft copy and hard copy of plot maps with geometric details for record in the Rayon and Central NAPR.

### **2.1.2 Land Acquisition and Resettlement Organizations**

#### *MDFG – Municipal Development Fund of Georgia*

MDFG has the overall responsibility of design, land acquisition and resettlement, construction, construction monitoring and supervision of the RDP III Project. This also includes financing and executing land acquisition and resettlement tasks and cross-agency coordination. MDFG will exercise its functions through its existing Resettlement Management Team (RMT), which consists of representatives of Permits Unit, Legal Department and Environmental and Social Safeguards Unit of MDFG. One Social Safeguards/Resettlement Specialists will be hired and a Social / Gender Specialist have been hired and engaged for WB financed projects. The staff have received professional on-the-job training as a part of the World Bank's technical assistance to the MDFG. For each separate project, including the present one, MDFG will hire a local specialist as a consultant assisting in implementation of RAP.

A Resettlement Management Team (RMT) having specific experience and skills in land acquisition and resettlement (LAR), is responsible for LAR activities related to the project. The RMT is responsible for supervision of all technical work to accomplish RAP preparation and implementation tasks and coordination within the MDFG, as well as at central and local government levels.

The specific tasks of the MDFG RMT will be to (i) supervise preparation of RAPs for construction contracts and implement it after concurrence from donor IFI; (ii) establish land acquisition and resettlement (LAR) capacity at the regional level; (iii) ensure proper internal monitoring; and (iv) hire, following the donor IFI recommendation, the external monitoring agency.

The RMT will also provide all necessary documentation to ensure the prompt allocation of land acquisition and resettlement compensation to the PAPs and will maintain the coordination of all land acquisition, resettlement and livelihoods-restoration related activities.

The MDFG will be responsible for ensuring that an independent consultant/company for RAP preparation is engaged to conduct any survey and documentation, including cadastral survey, PAPs census, inventory of losses, and valuation of land and assets for replacement value. RAP will be prepared based on findings of the surveys following the final detailed engineering design for each sub-project.

An external and independent consultant will also be responsible for writing/updating RAPs.

Based on the MDFG's decision and the prices for land acquisition and easements, the offer of purchase of land parcels shall be undertaken. If PAP agrees on the acquisition he/she will confirm such agreement in writing by signing the Sales/Purchase Agreement that will be registered with the Public Registry. This agreement will serve as the basis for compensation payment processing and release. If agreement is not reached between the PAP and the MDFG Resettlement Management Team later will take decision to start expropriation.

The RMT will also be responsible for all livelihoods restoration activities. This will include ensuring that consultations are held with PAPs who are losing livelihoods/whose incomes will decrease, helping them to develop alternatives for livelihoods restoration, linking these PAPs with government programs to promote employment/livelihoods, and developing tailored assistance to PAPs that may need this assistance to return to their pre-project income level.

### Rayon LAR Team

Rayon LAR Team will be an informal group established for each sub-project through participation of rayon and village authorities and PAPs in order to provide technical assistance to the MDFG in the preparation and implementation of the RAP. The assistance includes identification of the affected landowners and users, defining the boundaries of land parcels, obtaining data on ownership, relations with PAPs, settling disputes in an informal way, ensuring unimpeded legalization of legalizable land plots, etc. The rayon level team is represented by the Gamgebeli, head of the local office of NAPR (National Agency of Public Registry), representatives of affected villages and Resettlement Management Team (RMT) of the MDFG. By instructions of the Rayon LAR Team, LAR Working Groups comprising village representatives (Rtsmunebuli), Rtsmunebuli shall verify with his signature the list of affected land owners and users as well as the measuring and inventorying of each affected land plot by the MDFG Consultant in attendance of land owners. The staff of NARP local office and social service agency shall collaborate with the LAR Working Groups assisting them in obtaining archive documents, determining the social status of the PAPs and registration of their property. Based on the LARP recommendations, the resettlement unit of the MDFG shall start negotiations with the PAPs on the purchase of affected land plots and other assets in order to compensate for the loss of land and property (for both formal and informal users) Simultaneously, the MDFG will ensure proper consultations with the PAPs in assessing their individual needs for full restoration of their livelihoods and propose respective matrix for different types of livelihoods losses and mitigation measures. In case of agreement, PAPs will sign contract agreement indicating that they accept the compensation provided to them and the contract shall be registered at NAPR. During the negotiations and property registration the Resettlement Team of the MDFG shall be assisted by LAR group members, including village Rstmunebuli, NAPR local office staff, etc. A purchase agreement is the basis for compensation payment. The compensation amount is decided by an authorized independent valuation company selected by the MDFG. If the negotiation between an PAP and MDFG fails, the MDFG which will start the expropriation process. At the same time LAR Team shall inform the PAPs about the availability of grievance redress mechanism (see Section 9), which can be used for informal pre-litigation resolution of disputes.

.Informal land owners will get following compensations:

1. Agricultural Lands – Non legalizable PAP's losing agricultural land plots, which is the only land plot owned by PAP, will be compensated with one time allowances in cash equal to 1 year of minimum substances income of the family of five to allow the PAP to establish the economic activities elsewhere. In case of being defined as vulnerable, PAPs get additional

compensation amounting 3 months of minimum subsistence income for a family of five. In order to support the full restoration of livelihoods, PAPs will also be assisted in finding equivalent agricultural land plots in equally accessible and nearby locations. If land is not available in nearby locations, PAPs will be assisted in determining whether they prefer support for alternative sources of livelihood or assistance relocating to areas where agricultural land of similar quality and price is available. In the case that relocation is necessary, PAPs will also receive relocation assistance.

2. Non-agricultural lands – Non legalizable PAP losing land plot or/and houses, which is the only land plot/house used for residence, will be compensated with a one-time self-relocation allowance in cash equal to 1 year of minimum subsistence income for a family of five or providing with an alternative residence with adequate conditions and access to service. These PAPs will be assisted in finding housing near to sources of income, such that these remain unaffected. If PAPs are unable to continue with their source of livelihood after relocation, they will be provided compensation for the loss of livelihoods as outlined in the entitlement matrix in section 5.3 and assisted in restoring their livelihoods using the processes outlined in section 7.3. In the case that the land plot/house used for residence is not the only land plot/house used for residence, only cash compensation will be provided, unless livelihoods are affected, in which case the entitlement matrix in 5.3 applies and the processes outlined for livelihood restoration in section 7.3 apply. If land plots/housing provides the main source of non-agricultural livelihoods for the PAPs, PAPs will be assisted in finding equivalent land/housing such that they can continue their existing livelihood. If this were to require relocation, PAPs will receive relocation assistance as well as assistance restoring their source of livelihood. If PAPs prefer, they will instead be offered the chance to participate in programs outlined in 7.3 for restoration or finding alternative sources of livelihood.

In both cases based on the LARP recommendations RMT of the MDFG shall start negotiations with the informal land owners PAPs on the purchase of affected assets in order to compensate their losses. In case of agreement, APs will sign contract agreement indicating that they accept the compensation and other assistance provided to them. During the negotiations the Resettlement Team of the MDFG shall be assisted by LAR group members, including village Rstmunebuli, NAPR local office staff, etc. A purchase agreement is the basis for compensation payment. If the negotiation between an PAP and LAR team fails, the LAR team shall notify the MDFG which will start the expropriation process. At the same time LAR Team shall inform the PAPs about the availability of grievance redress mechanism, which can be used for informal pre-litigation resolution of disputes.

In case of private investors will be involved in project implementation will be obligated to carry out all their actions according Georgian legislation and World Bank safeguard policy requirements as described above, especially:

1. PAP's occupied or using agricultural land that is owned by private investors and after private investors will be involved in project implementation losing agricultural land plots, which is the only land plot owned by PAP, from private investors side will be compensated with one time allowances in cash equal to 1 year of minimum substances income of the family of five to allow the PAP to establish the economic activities elsewhere. In case of being defined as vulnerable, PAPs get additional compensation amounting 3 months of minimum subsistence income for a family of five. In order to support the full restoration of livelihoods, PAPs will also be assisted in finding equivalent agricultural land plots in equally accessible and nearby locations. If land is not available in nearby locations, PAPs will be assisted in determining



whether they prefer support for alternative sources of livelihood or assistance relocating to areas where agricultural land of similar quality and price is available. In the case that relocation is necessary, PAPs will also receive relocation assistance. All above mentioned costs will be covered by private investor.

2. PAP's occupied or using non-agricultural land that is owned by private investors and after private investors will be involved in project implementation will be lost plot or/and houses, which is the only land plot/house used for residence, from private investors side will be compensated with a one-time self-relocation allowance in cash equal to 1 year of minimum subsistence income for a family of five or providing with an alternative residence with adequate conditions and access to service. These PAPs will be assisted in finding housing near to sources of income, such that these remain unaffected. If PAPs are unable to continue with their source of livelihood after relocation, they will be provided compensation for the loss of livelihoods as outlined in the entitlement matrix in section 5.3 and assisted in restoring their livelihoods using the processes outlined in section 7.3. In the case that the land plot/house used for residence is not the only land plot/house used for residence, only cash compensation will be provided, unless livelihoods are affected, in which case the entitlement matrix in 5.3 applies and the processes outlined for livelihood restoration in section 7.3 apply. If land plots/housing provides the main source of non-agricultural livelihoods for the PAPs, PAPs will be assisted in finding equivalent land/housing such that they can continue their existing livelihood. If this were to require relocation, PAPs will receive relocation assistance as well as assistance restoring their source of livelihood. If PAPs prefer, they will instead be offered the chance to participate in programs outlined in 7.3 for restoration or finding alternative sources of livelihood. All above mentioned costs will be spend by private investor.

Involvement of each private investor in the project will be judged by developed indicators (see annex 4). If any of the indicators is checks as "significant", the private investment is not eligible for support with matching public infrastructure.

### **2.1.3 Other Organizations and Agencies**

#### *Civil Works Contractor*

A Civil Works Contractor to be appointed by the MDFG to undertake the construction will be responsible for mitigating impacts resulting from the construction activities. Based on the RAP and the Technical Design, the parcel of land that will be identified and acquired will be demarcated to clearly delineate it from the remaining non-acquired parts. The construction activities shall be monitored closely by the MDFG to ensure compliance to the temporary mitigating measures.

#### *Court of Georgia*

The Court of Georgia shall be the last resort for issues and concerns regarding the implementation of the aspects of the RAP relating to Georgian Law. In the case that there is no agreement between the MDFG and the PAPs concerning the acquisition of private properties, the MDFG with the mandate for expropriation based on existing legislations will submit to the Court a request for expropriation. Upon its approval and following prescribed procedure, MDFG will then take over the concerned

property after having been given by the Court the right of the Expropriator. Furthermore, in cases where complaints and grievances regarding RAP implementation and compensation are not solved at the various levels as prescribed in the agreed Grievance Redress Mechanism, the PAPs will have the right to appeal the case to the Court. According the constitution of Georgia: “Acts of courts shall be obligatory for all state bodies and persons throughout the whole territory of the country<sup>3</sup>.”

#### Ministry of Finance

The budgets for the implementation of RAP will be provided to MDFG by the Ministry of Finance following its official approval. The RAP budget will be allocated on the accounts of MDFG (or its fiscal agent) that is responsible for the financial management of the project.

#### Ministry of Justice

The Ministry of Justice is responsible for legal matters regarding land ownership, and National Agency of Public Registry (NAPR) within the Ministry of Justice is in charge of the registration of land ownership and its transfer through purchase agreement from landowners to the MDFG.

#### Donor WB

Besides supervising the Project periodically, the WB will review RAPs and provide clearance to contract awards signing and initiation of civil works for construction under the Project.

### **2.1.4 Capacity Building on LAR**

Initial capacity building for relevant agencies was carried out during the preparation of RAP at the feasibility study stage. Close consultations were held with all the concerned departments. MDFG has established the Resettlement Management Team dealing with land acquisition and resettlement. Training will be provided by the consultant’s resettlement specialist to the officials on the requirements of WB OP 4.12 policy and how to develop a balanced compensation package fulfilling the requirements of PAPs, Government, MDFG, donor IFIs. Capacity building training will also be initiated through a series of consultations and informal training sessions at the local administration level. Rayon level LAR Teams will be formed at each rayon that will be responsible for LAR activities assisting the LARC of the MDFG in the process of RAP implementation.

In terms of capacity and manpower resources within Resettlement Team of the MDFG, some expansion of the capacity on LAR is desired to allow an effective execution of all LAR related tasks for the project. The Environmental and Resettlement Safeguards Unit comprises the following staff units: Head of the Unit, three (3) Environmental Specialists, two (2) Resettlement Specialists and one (1) Social and Gender Specialist. Current resettlement capacity of the MDFG needs strengthening to ensure full Social Safeguards compliance of the Project and the MDFG will select consultants that can help further build the capacity of staff. MDFG also needs a Local Resettlement Consultant (LRC) for assisting in implementation of RAP., LARC, at Rayon and field levels involved in LAR activities will undergo training on WB resettlement policy and management. The training will be provided under the relevant WB programs for capacity building of executing

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<sup>3</sup> “Constitution of Georgia” Article 82 point 2

agencies on involuntary resettlement. Training will cover the following topics (Training will be financed under RDP III):

- (i) Principles and procedures of land acquisition (WB and GOG);
- (ii) Stakeholders of the project
- (iii) Organizations involved in the process of land acquisition and resettlement and their roles
- (iv) Public consultation and participation process;
- (v) Entitlements, compensation and disbursement mechanisms;
- (vi) Grievance redress; and
- (vii) Monitoring of resettlement operations.

**Table 1 State Institutions that may be involved in land acquisition process**

**The Government of Georgia**

<b>Ministries and Departments</b>	<b>Responsibilities</b>
<b>1.</b> Ministry of Economic Development	Matters pertaining to the project site approval, for the projects of Specific Importance (approval within the Construction Permit).
<b>2.</b> Ministry of Justice - National Agency of Public Registry	Identifies the land plots and ownership rights and their registration into the Public Registry.
<b>3.</b> Ministry of Environmental Protection and Natural Resources	Resolves the issues related to the changes of the designation of land. Site approval within the Construction Permit.
<b>4.</b> Tourism Department	Site approval within the Construction Permit. Certain restrictions on construction in a sanitaire protection zones of resorts. <sup>4</sup>
<b>5.</b> Ministry of Culture, Monuments Protection and Sports	Site approval within the Construction Permit. Certain restrictions on construction in archaeologically valuable sites.
<b>6.</b> Ministry of Agriculture	Information regarding the yield capacity of given agricultural lands

**2.2 Resettlement Related Legislation of Georgia**

This section provides a brief summary of the normative and legislative acts In Georgia regulating the issues of land acquisition and resettlement, obtaining State ownership rights to privately owned land parcels based on the public needs, social issues caused due to road constructions activities:

- Constitution of Georgia, 1995
- Law of Georgia on Motor Roads, 1994
- Organic Law of Georgia, Local Self-Government Code, 2014
- Civil Code of Georgia, 1997

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<sup>4</sup>Under Georgian Law No. 1286 “On the Sanitary Protection Zones of the Resorts and Resort Sites” of 20/03/1998, the areas adjacent to a number of resort zones were declared as buffer zones. The said zones are divided into three categories and sometimes, no construction works are permitted in the said buffer zones.

- Law of Georgia on Cultural Heritage, 2007
- Law of Georgia on Notary, 2009
- Law of Georgia on State Property, 2010
- Law of Georgia on Ownership Rights to Agricultural Land, 1996
- Law of Georgia on Legalization of Property, 2007
- Law of Georgia on Public Register, 2008
- Law of Georgia on Recognition of the Property Ownership Rights Regarding the Land Plots Owned (Used) by Physical Persons or Legal entities, 2007
- Law of Georgia on Rules for Expropriation of Ownership for Necessary Public Need, 1999
- Civil Procedural Code of Georgia, 1997
- Law of Georgia on Social Assistance, 2006
- Law of Georgia on Social Protection of Disabled Persons, 1995
- Law of Georgia on Internally Displaced Persons from Occupied Territories – Refugees, 2014

A more expanded review of the Georgian legislation pertinent to the resettlement issues is provided in the Annex 1 of this RPF. Below we will present a brief summary:

Overall the above laws/regulations provide that the principle of replacement cost compensating at market value is reasonable and legally acceptable. The laws also identify the types of damages eligible to compensation and indicates that compensation is to be given for loss of physical assets. The law makes no provision for income/livelihood rehabilitation, allowances for severely affected or vulnerable APs, or resettlement expenses. Finally, these laws place strong emphasis on consultation and notification to ensure that the Project Affected People (PAP) participate in the process. As in practice, public opposition to expropriation is very strong; eminent domain is very rarely used by public authorities, to be exercised only when negotiations between the agency acquiring the land and the owners fail. The acquiring agency resorts to expropriation only with a limited number of land owners with whom negotiation failed.

### **3. The World Bank Policy, Safeguards and Georgian Legislation**

#### **3.1 The World Bank Safeguards and Involuntary Resettlement Policy**

All projects funded by WB must comply with the WB social and environmental safeguards. The WB financed projects, in their turn, require compliance with the WB safeguards and guidelines. WB BP/OP 4.12 Involuntary Resettlement is one of the most important safeguards guiding land acquisition and related resettlement/compensation issues during project implementation. In line with the principles of host-country responsibility, Georgia is committed to implement the WB financed projects in compliance with the requirements of WB BP/OP 4.12.

Generally, the Georgian legislation is compatible with the major provisions of the WB Resettlement Policy but a few important differences are to be noted<sup>5</sup>. The WB resettlement policy is directed at improving (or at least restoring) incomes and living standards, rather than merely compensating

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<sup>5</sup> See RPFs for “Georgia Methane Leak Reduction from Gas Pipeline Project” and for the “East – West Highway Improvement Project”.

people for their expropriated assets. This improvement of incomes and living standards broadens the objective of the policy to include the restoration of income streams and retraining of people unable to continue their old income-generating activities after displacement. The emphasis on incomes and living standards, in contrast to the conventional emphasis on expropriated property, expands the range and number of people recognized as adversely affected and affects the kind of compensation and other assistance that must be provided. Recognition of this broader range of adverse impacts leads to a greater appreciation of the issues to be considered in resettlement and consequently requires careful delineation of responsibilities, elaborate risk management and explicit and distinct resettlement planning.

The WB policy complements the Georgian legislation/regulation with certain additional requirements, which are mandatory for the WB financed projects. In particular, appropriate planning/management instruments must be developed prior to project appraisal, like **Resettlement Policy Framework (RPF)** and **Resettlement Action Plan (RAP)**, as appropriate.

**Resettlement Policy Framework (RPF).** A policy framework needs to be prepared if the extent and location of resettlement cannot be known at appraisal because the project has multiple components, as typically happens in projects with financial intermediaries or multiple subprojects. The policy framework establishes resettlement objectives and principles, organizational arrangements, and funding mechanisms for any resettlement operation that may be necessary during project implementation. The framework also assesses the institutional capability to design, implement, and oversee resettlement operations.

**Resettlement Action Plan (RAP).** All projects that entail involuntary resettlement require a **RAP**. “The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement” (OP 4.12, Annex A, para. 2). RAP is location-specific and comprehensive action plan including preliminary studies (socio-economic assessment, sociological survey, census, valuation of impacts, and consultation with affected persons), a set of compensation/mitigation measures for each affected person/household, and detailed implementation plan with indication of responsible parties and schedule.

The WB Policy on Involuntary Resettlement, as defined in the OP/BP 4.12, is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- Compensation/Rehabilitation provisions provide affected persons with opportunity to improve, or at least restore, pre-project incomes and living standards.
- Affected Persons should be fully informed and consulted on Land Acquisition and Resettlement compensation options.
- Affected Persons’ socio-cultural institutions should be supported/used as much as possible.
- Compensation will be paid at replacement cost to affected persons, without deduction for depreciation or any other purpose.
- Lack of legal title should not be a bar to compensation or alternative forms of assistance as needed to achieve policy objectives.
- Particular attention should be paid to households headed by women and other vulnerable groups.

- Land Acquisition and Resettlement should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits.
- Compensation and resettlement subsidies will be fully provided prior to clearance of right of way/ ground leveling and demolition.

### 3.2 Comparison of Georgian Legislation on LAR and WB Resettlement Policy

Overall, the legislation of Georgia adequately reflects the major provisions of the WB OP 4.12, but a few differences are to be noted. The most significant of these differences is that under Georgian legislation/regulation, emphasis is put on the definition of formal property rights and on how the acquisition of properties for public purposes is to be implemented and compensated while in the case of OP 4.12 emphasis is put both on the compensation of rightfully owned affected assets and on the general rehabilitation of the livelihood of Affected People (AP) and Households (AH). Because of this, WB Safeguards policy on Involuntary Resettlement complement the Georgian legislation/regulation with additional requirements related to (i) the economic rehabilitation of all AP/AF (including those who do not have legal/formal rights on assets acquired by a project); (ii) the provision of indemnities for loss of business and income, (iii) and the provision of special allowances covering AP/AH expenses during the resettlement process or covering the special needs of severely affected or vulnerable AP/AHs. Also, in addition, the legislation of Georgia does not require any specific measure regarding the need to prepare RAPs based on extensive public consultations. The differences between Georgia law/regulation and WB policy are outlined in Table1 below

**Table 2: Comparison of Georgia Laws/Regulations on LAR and WB Resettlement Policy**

Georgia Laws and Regulations	WB OP 4.12
Land compensation only for titled landowners In practice legalizable <sup>6</sup> land owners are also compensated after they are issued with the necessary papers	Lack of title should not be a bar to compensation and/or rehabilitation. Non-titled landowners receive rehabilitation.
Only registered houses/buildings are compensated for damages/demolition caused by a project	All affected houses/buildings are compensated for buildings damages/demolition caused by a project
Crop losses compensation provided only to registered landowners.	Crop losses compensation provided to landowners and sharecrop/lease tenants whether registered or not
Land Acquisition Committee in MDFG is the only pre-litigation final authority to decide disputes and address complaints regarding quantification and assessment of compensation for the affected assets.	Complaints & grievances are resolved informally through community participation in the Grievance Redress Committees (GRC), Local governments, and NGO and/or local-level community based organizations (CBOs).
Decisions regarding land acquisition and resettlement are discussed only between the landowners and the Land Acquisition Authorities.	Information on quantification, affected items value assets, entitlements, and compensation/financial assistance amounts are to be disclosed to the APs prior to appraisal.
No provision for income/livelihood rehabilitation, allowances for severely affected or vulnerable APs, or resettlement expenses.	WB policy requires rehabilitation for income/livelihood, severe losses, and for expenses incurred by the APs during the relocation process.
No specific plan for public consultation is provided under the Georgian laws	Public consultation and participation is the integral part of WB's policy which is a continuous process at conception, preparation, implementation and finally at post implementation period

<sup>6</sup>Legalizable: those PAPs who have no Permanent Residential Registration, but have Temporary Residential Registration with the local authority, or have the conditions to get Permanent Residential Registration.

To reconcile the gaps between Georgia laws/regulations and WB's OP 4.12 MDFG has drafted this RPF for the Project, ensuring compensation at replacement cost of all items, the rehabilitation of informal settlers, and the provision of subsidies or allowances for AFs that may be relocated, suffer business losses, or may be severely affected.

“The legislation of Georgia shall correspond to universally recognized principles and rules of international law. An international treaty or agreement of Georgia unless it contradicts the Constitution of Georgia, the Constitutional Agreement, shall take precedence over domestic normative acts”<sup>7</sup>

Signing a legal agreement with the Bank implies that WB safeguards policies over-rule.

#### **4. Principles of Resettlement and Land Acquisition Adopted for the Regional Development Project III**

The overarching objective of the Project in relation to land and asset acquisition is to assist the project affected populations (PAPs) in restoring their livelihoods at least to the level equal to the pre-project level. Therefore, during implementation of the project the Regional Development Fund of Georgia (MDFG) is committed to ensure that:

1. For each subproject that involves acquisition of private land, temporary or permanent income loss, physical displacement of households or businesses, or other impact that triggers the OP 4.12, a Resettlement Action Plan (RAP) will be developed in compliance with policies and procedures set out in this RPF, the WB OP 4.12 and Georgian legislation.
2. Municipalities that propose subprojects to the MDF will be responsible to support the MDFG in the implementation of the relevant RAP and in the preparation of the RAP.
3. No civil works can start at the section where impacts that trigger OP 4.12 occur before a RAP implemented and compensation is paid.
4. PAP will receive compensation or support of various kinds in accordance with the entitlement matrix included in this RPF and in compliance with the active legislation of Georgia and the World Bank safeguard policy.
5. PAP will be informed about their rights and existing alternatives;
6. PAP will be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
7. PAP will be offered effective compensation at full replacement cost for losses of assets relying of the information received from the Independent authorized valuation company hired by MDFG;
8. PAP will be offered additional support (see section 7.3) to support their livelihood during the transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;
9. PAPs with livelihood impacts will be provided with development assistance in addition to compensation measures described, such as land preparation, credit facilities, training, or job opportunities;
10. Special attention will be paid to the needs of the most vulnerable groups of the population – children, women, the elderly, those below the poverty line, disabled, IDPs, refugees, etc.;
11. A fair and accessible grievance redress mechanism will be developed;
12. Compensation measures are completed prior to start-up of the particular construction activities that trigger OP 4.12.

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<sup>7</sup> “Constitution of Georgia”, Article 6 point 2.

A Resettlement Action Plan (RAP) will be developed as per this RPF and Bank OP 4.12 as well as Georgian legislation for each sub-project of the Regional Development Project III. As discussed above, there are gaps between OP 4.12 and Georgian legislation. If a discrepancy is observed between this RPF and OP 4.12 and Georgian legislation any land acquisition required for the Project will be carried out as per the principles and procedures laid out in OP 4.12.

A market survey will be conducted to assess the prevailing market prices of land, construction materials for affected structures, crops and other relevant items, which will be used to find adequate replacements when necessary. After this is done, each individual PAP's property will be valued by an independent valuation company. This will additionally ensure that the market prices will allow PAPs to purchase replacement land.

Loss of income and assets will be compensated on a net basis without tax, depreciation or any other deduction.

The final RAP should be submitted to, cleared by the Bank, and it should be implemented and PAPs should be fully compensated prior to the execution of civil works for relevant sections.

The details of land acquisition procedure will be spelled out in RAP(s), but they will include:

- Initial consultation with PAPs to notify them about the project and the boundaries of the sub-project sites;
- Census, geographic survey and socioeconomic survey of PAP;
- Determination of PAP and types/ scale of impact;
- Development of compensation package and drafting of RAP;
- Consultation with PAP;
- Negotiation with PAP and payment of compensation;
- Expropriation process where negotiation fails;
- Construction contract will be or signed only after all PAP's receives compensation.

## **5. Eligibility and Entitlements**

### **5.1 Eligibility**

PAPs entitled for compensation or at least rehabilitation provisions under the Project are:

1. All PAPs losing land, or access to land, permanently or temporarily either covered by legal title/traditional land rights or without legal status;
2. Tenants and sharecroppers whether registered or not;
3. Owners of affected buildings, crops, plants, or other objects attached to the land; and
4. PAPs losing business, income, a source of livelihood, and salaries.

Compensation eligibility will be limited by a cut-off date to be set for each subproject on the day of the beginning of the Census. Persons who settle in the affected areas after a locally publicized cut-off date will not be considered project-affected, and persons initiating improvements to land or structures after a locally publicized cut-off date will not be eligible for additional compensation.



They, however, will be given sufficient advance notice, requested to vacate premises or dismantle affected structures prior to project implementation. Their dismantled structures materials will not be confiscated and they will not pay any fine or suffer any sanction.

## **5.2 Entitlements**

At present, the following categories of people are expected to be affected by the project:

- Private landowners (with or without an established legal title to the land) whose land will be purchased or expropriated to implement subprojects.<sup>8</sup>
- Private owners (with or without an established legal title to the property) whose assets such as residence, stables, workshops, fences, barns, warehouses, trees, standing crops, and other valuable assets need to be damaged, purchased, or expropriated.
- PABs (including formal and informal businesses) who experience temporary loss of income or asset as a result of restriction of access to land or assets during civil works.
- PABs (including formal and informal businesses) who experience permanent loss of income or asset as a result of purchase or expropriation of land for implementation of subprojects.
- Leaseholders (individual and enterprise) who have lease agreements with the Municipalities or other owners in existing and alternative alignments and sites
- Informal/illegal occupants and land users on existing rights of way and new alignments and sites.

Affected persons will be compensated for land purchased for permanent structures and for servitude agreements (i.e. easements) on existing and new alignments for land they own or use, formally or informally. Affected persons (i.e. owners, informal users and leaseholders) will also be compensated for damages and structures, standing crops, trees and other economic assets that are affected. If permanent relocation is involved, whenever possible, and when acceptable to MDF, the affected persons will be relocated to new properties of equal quality identified by the Project. Affected persons will be compensated for transportation costs if relocation is involved.

Persons affected temporarily by construction activities will be compensated for any lost income, assets and damages.

## **5.3 Assessment of Compensation Unit Values**

The methodology for assessing unit compensation values of different items is as follows:

Agricultural Land will be valued at replacement rates according to two different methodologies depending on whether in affected areas active land markets exist or not.

Where active land markets exist, loss of land will be compensated at the replacement rate based on a survey of land sales in the year before the impact survey. Where active land markets do not exist, loss of land will be compensated based on the cost of reproduction of a plot with equal

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<sup>8</sup>Landowners without legal documentation for land and whose land ownership cannot be legalized are considered informal/illegal occupants.

characteristics, access and productivity to the plot lost. A clear valuation methodology for these cases will be detailed in RAPs.

If damages to residences or commercial structures occur, houses/buildings will be valued at replacement value based on the cost of materials, types of construction, labor, transport and other construction costs. No deductions will be applied for depreciation, salvaged materials and transaction costs. Compensation will be for the value of the loss of the entire structure.

Annual crops will be valued at net market rates at the farm gate for the first year crop. In the event that more than one-year compensation is due to PAPs, the crops after the first year will be compensated at market value (total farm gate sales value minus input costs).PAPs will not have to pay taxes on this amount.

Trees will be valued according to different methodologies depending whether the tree lost is a wood tree or a productive tree.

- Wood trees will be valued based on age category (a. seedling; b. medium growth and c. full growth) and wood value and volume
- Fruit/productive trees will be valued based on age (a. seedling; b. adult-not fruit bearing; and c. fruit bearing) whereas trees at stage a and b will be compensated based on the standard value of the investment made. Trees at stage c, instead will be compensated at the net market value of 1 year income x the number of years needed to grow a new fully productive tree.

The unit compensation rates will be assessed by Project consultant or by the MDF authorized independent evaluator on clear and transparent methodologies acceptable to WB. The assessed compensation rates will then be verified and certified by the Environmental and Resettlement Unit of MDFG.

### Compensation Entitlement Matrix

Type of Loss	Application	Definition of APs	Compensation Entitlements
<b>Land</b>			
Permanent loss of agricultural land	AF losing agricultural land regardless of impact severity	Owner with full registration	Cash compensation in cash at full replacement cost or replacement land of same value of land lost and at location acceptable to APs where feasible. If residual plots become unusable the project will acquire it in full if so the PAP desires. Technical or/and financial or/and material assistance provided to ensure full restoration of livelihoods according individual plan as per section 7.3.
		Legalizable Owner <sup>9</sup>	These AP will be legalized and provided with cash compensation at full replacement cost and if needed assistance acquiring replacement land at location acceptable to AP if feasible. Measures provided to ensure full restoration of livelihoods according individual plans per section 7.3.
		Renter/Leaseholder	Rental allowances in cash for 3 months and measures provided to ensure full restoration of livelihoods according individual plan as per

<sup>9</sup>Subsistence income of the family of five as determined by Geostat for the moment compensation is paid

Type of Loss	Application	Definition of APs	Compensation Entitlements
			section 7.3.
		Informal Settlers/ APs with no registration/valid documentation/ non-legalizable owner	One time self-relocation allowance in cash equal to 12 months at minimum subsistence income*.measures provided to ensure full restoration of livelihoods according individual plan as per section 7.3.
		PAP's occupied or using land that is owned by private investors.	One time self-relocation allowance in cash equal to 12 months at minimum subsistence income*.measures provided to ensure full restoration of livelihoods according individual plan as per section 7.3. All above mentioned costs will be covered by private investor
Non-Agricultural Land	AF losing their commercial/residential land	Owner with full registration	Cash compensation at full replacement cost or replacement land of same value of land lost and at location acceptable to APs where feasible measures provided to ensure full restoration of livelihoods according individual plan as per section 7.3.
		Legalizable Owner	APs will be legalized and provided with cash compensation at full replacement cost. Measures provided to ensure full restoration of livelihoods according individual plan as per section 7.3.
		Renter/Leaseholder	Rental allowances in cash for 3 months Measures provided to ensure full restoration of livelihoods according individual plans per section 7.3.
		Informal Settlers/ APs with no registration/valid documentation/ non legalizable owner	One time self-relocation allowance in cash equal to 1 year at minimum subsistence income. Measures provided to ensure full restoration of livelihoods according individual plans per section 7.3.
<b>Buildings and Structures</b>			
Residential and nonresidential structures/assets		All AFs regardless of legal ownership/ registration status (including legalizable and Informal Settlers/non legalizable owner)	All impacts will be considered as full impacts disregarding the actual impact percentage. Impacts will be compensated in cash at full replacement costs free of depreciation and transaction costs.
Residential and nonresidential structures	AF losing incomes or residential buildings	PAP's occupied or using land that is owned by private investors.	One time self-relocation allowance in cash equal to 1 year at minimum subsistence income. Measures provided to ensure full restoration of livelihoods according individual plans per section 7.3. All above mentioned costs will be spend by private investor.
<b>Loss Of Community Infrastructure/Common Property Resources</b>			
Loss of common property resources	Community/Public Assets	Community/Government	Reconstruction of the lost structure in consultation with community and restoration of their functions
<b>Loss of Income and Livelihood</b>			
Crops	Standing crops affected or loss of planned crop incomes**	All AFs regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	Crop compensation in cash at gross market value of actual or expected harvest. Compensation for this item will be provided In any case, despite the fact whether the crops was harvested or harvest time has not yet come.
Trees	Trees affected	All AFs regardless of legal status (including legalizable	Cash compensation at market rate on the basis of type, age and productive value of the trees.

<b>Type of Loss</b>	<b>Application</b>	<b>Definition of APs</b>	<b>Compensation Entitlements</b>
		and Informal Settlers/non legalizable owner)	
Business/Employment	Business/employment loss	All AFs regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	Owner: (i). (permanent impact) cash indemnity of 1 year net income; (ii) (temporary impact) cash indemnity of net income for months of business stoppage. Assessment to be based on tax declaration or, in its absence, minimum subsistence income for a five person household (if the family is five persons or less, and adjusted accordingly for larger households). Permanent worker/employees: indemnity for lost wages equal to 3 months of regular salaries or three months of the minimum subsistence income (if the salary is higher than minimum subsistence income) for a five person household (if the family is five persons or less, and adjusted accordingly for larger households).measures provided to ensure full restoration of livelihoods according individual plan as per section 7.3.
Restriction to public space	The involuntary restriction of access to legally designated parks and protected areas Resulting in adverse impacts on the livelihoods of the displaced persons.	All PAPs regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	a) Measures to assist the displaced persons in their efforts to improve their livelihoods according individual matrix created based on the assessment of each PAPs loss aimed at restoring the livelihood in real terms, while maintaining the sustainability of the park or protected area, will be identified <sup>10</sup> ; and (d) Potential conflicts involving displaced persons will be resolved.
<b>Allowances</b>			
Severe Impacts	>10%income loss	All severely affected AFs including informal settlers/non legalizable owner (severe impact means over 10 percent of agricultural land lost.)	Agricultural income: 2 additional crop compensation covering 1 year yield from affected land. Other income: 1 additional compensation for 3 months of minimum subsistence income.
Relocation/Shifting	Transport/transition costs	All AFs to be relocated	Provision of allowance covering transport expenses  If the PAP left residential house but over a certain period of time due to objective reasons could not move in new one will be get relevant rental allowances.
Vulnerable People Allowances(below the poverty line, families lead by single women, refuges, disabled belongs I and II groups and elderly)		AFs below poverty line, headed by Women, disabled or elderly	Allowance equivalent to 3 months of minimum subsistence income for a family of five* and employment priority in project-related jobs. This is additional allowance for vulnerability status on top of that of other entitlements in this matrix.
<b>Temporary Loss</b>			
Temporary impact during construction		All AFs	Due compensation will be assessed and paid based on this RPF during construction.
Unforeseen			MDFG and the construction contractor will

<sup>10</sup> In such cases, MDF will work with PAPs to prepare a “Process Framework” as called for in OP 4.12

Type of Loss	Application	Definition of APs	Compensation Entitlements
resettlement impacts, if any			address and mitigate/compensate unforeseen resettlement impact during project

#### 5.4 Allowances for Vulnerable Groups

According to the WB and IFC guidelines and the baseline socio-economic survey, vulnerable groups could include: Families below the poverty line<sup>11</sup>, families lead by single women, refugees, disabled belongs I and II groups and elderly. Among the vulnerable groups, as compared to non-vulnerable groups, the following issues might arise:

- Heads of household might not be as able to negotiate fair replacement value compensation for their affected immovable assets.
- Women could experience greater difficulties in keeping or saving compensation payments. Because poverty is more prominent among women-headed households, women might feel pressured to spend the compensation they receive for food or for the care of the sick.
- Should any of the affected customary land belong to vulnerable households, these might face discrimination in replacement land allocations.
- Women and children could face severe time constraints in building replacement dwellings because of other economic and household responsibilities.
- Vulnerable households could be at a disadvantage in making contractual arrangements with local builders.

Impacts related to gender and other sources of vulnerability require the development of appropriate approaches that include locally appropriate replacement cost values, careful research of title or customary ownership of assets to be displaced, and offer in-kind replacement as a realistic alternative to cash compensation. RAP preparers shall collaborate with external facilitators in identifying needs and potential solutions. RAP preparers shall be responsible for meeting the needs of vulnerable individuals and groups that might emerge in the process of preparing the census/inventory, assessing affected assets, or conducting the socioeconomic surveys, and for considering these in the implementation schedule.

#### 5.4 Expropriation and Legalization

Acquisition of land through expropriation proceedings entails lengthy procedures. Such an approach will thus be pursued under the Program only in extreme cases when negotiations between PAPs and MDFG fail and no alternative land is available to implement a subproject. In these cases, however MDFG will not occupy the needed plots until: (i) the proper judicial process as defined by the law is

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- <sup>11</sup>Families under the poverty threshold (officially registered in Social Services as poor: with rating less than 57000 – extremely poor receiving social allowances and with rating more than 57000 but less than 70000 – receiving polices)

initiated; (ii) a court injunction has been obtained and properly communicated to the APs; APs, who do not have proper registration or titles but are legitimate occupants legalizable owners of the plots they lose, will be legalized and registered in the land records. After this is done they will receive full compensation as the legal APs.

## **5.5. Gender Impact and Mitigation Measures**

Women have important economic roles in project areas and engage in a very wide range of income generation activities in the agricultural and marketing sector. The project will pay particular attention to ensure that women are the recipients of the compensation pertaining to their activities and to ensure that women who are de-facto household heads are clearly listed as beneficiaries of compensation and rehabilitation proceedings under the loan. In order to ensure the above the following actions will be considered:

- provide adequate and accurate information to women in a language and format that is user friendly to them;
- ensure that women are able to access information and that there is enough staff available to answer any questions women may have;
- ensure that the process of land acquisition and resettlement does not disadvantage women;
- Special needs and requirements of women must be considered and addressed in the new site and housing design, access to services and payment of compensation;
- ensure that women leaders and women's groups are involved in planning and implementing the income restoration programs for better income generation;
- Indicators for monitoring and evaluation should include gender-specific questions and indicators. Appropriate mechanisms should be developed for participatory monitoring and ensure that women are included.

## **6. Methods for Valuating Affected Assets**

Determination of compensation value for loss or assets and other impacts associated to land acquisition and easement will be calculated by an independent valuation expert to be contracted by the Implement Agency (MDFG) in line with the requirements of OP 4.12 and the methodologies described below:

**Replacement value:** The calculation of replacement costs of land and structures will be based on (i) fair market value at the time of dispossession, (ii) transaction/legalization costs, other taxes and fees (iii) transitional and restoration (land preparation and reconstruction) costs, and (v) other applicable payments. In order to ensure compensation at replacement cost, good practice examples in compliance with WB OP 4.12 will be followed for determining the replacement cost of acquired assets.

As part of the valuation process, the Implementation Agency (MDFG) will ask local/village administrations to identify replacement land that meets these requirements and to determine the

costs for PAPs or the project to obtain this land. Where replacement land cannot be found locally, a value for monetary compensation shall be developed. Regardless of whether land is replaced in kind or with monetary compensation, valuation shall include the cost to prepare the land to a level similar to that of the affected land, plus the cost of land registration, including any applicable taxes. Valuation of structures shall consider size and construction materials used. In determining replacement cost or design of replacement structures, depreciation of the asset and the value of salvageable materials shall not be taken into account.

## **6.1 Valuation Principles**

Valuation of land and assets shall consider the following:

- Applicable current regional schedules for land values obtained from municipal land commissions, if available
- Applicable current schedules for valuing structures, crops, and trees from local municipalities, if available
- Applicable current market prices

The calculation of unit value will be done keeping in consideration the current market rate so as to meet with the replacement cost of the land and lost assets etc. An experienced and registered independent authorized auditing company shall be employed to do the valuation of land, structures, buildings, trees, crops. The PAP has an option to choose the valuation company at his or her own expense. The approach of the evaluator will consider the assessment for each type of land and assets by location. The valuation should be done when the census and DMS (detailed measurement survey) are conducted by the surveying company who prepares the map of affected plots with demarcation of cut-off areas. The valuation company will engage experts for respective areas who will undertake site visits for physical verification of each category of the losses. The expert team will also consider the reference of previous valuation if available and use latest release of market survey.

The methodology for assessing compensation values of different items is as follows:

## **6.2 Structures**

Value of residential dwellings, commercial structures, and other affected structures (such as barns, fences, and outdoor cooking facilities) will be valued at replacement value based on construction type, cost of materials, type of construction, labor, transport and other construction costs. No deduction for depreciation and transaction costs will be applied. Valuation of replacement dwellings shall include the cost of sanitation facilities. Valuation also shall include the cost of access to water supply if the displaced structure had access or if the replacement location does not provide access. Estimated costs shall be sought from PAPs and other local residents and from contractors and suppliers in the affected areas. These estimates do not include the cost of land. Incomplete dwelling units or units that have collapsed shall be valued based on replacement cost of materials. Monetary compensation only, not in-kind replacement, shall be offered for such units.

Houses and buildings: MDFG will contract an independent valuation expert to asset market value.

Replacement cost will be identified considering market valuation as well as cost of materials, type of construction, labor, transport and other construction costs. No deductions will be applied for depreciation, salvaged materials and transaction costs.

### **6.3 Land**

Agricultural Land will be valued at replacement rates according to two different methodologies depending on whether in affected areas active land market exist or not:

- a. Where active land markets exist land will be compensated at replacement rate based on a survey of land sales in the year before the impact survey.*
- b. Where active land markets do not exist land will be compensated based on the reproduction cost of a plot with equal features, access and productivity to the plot lost. A clear valuation methodology for these cases will be detailed in the RAPs.*

Land valuation for easement agreements shall use market value or net present value as explained above. In cases where easement agreements would allow future use of land for cultivation of low crops, the compensation shall be reduced by the value estimated during land valuation process, when determining the monetary compensation to be offered. Easement agreements would be negotiated in the same way as land acquisition.

This compensation value is distinct from compensation for any trees or other crops that would be destroyed by initial use of an easement for construction. These crops would be compensated at full value.

For **land in urban and per-urban areas**, valuation shall consider market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land. Values are expected to vary by region and specific aspects of the land.

Replacement cost of land will consider additional applicable transaction cost like registration with the NAPR at the rayon level Registration Office and the rayon PRRC.

### **6.4 Annual Crops**

Crops will be valued at gross market rates at the farm gate for the first year crop. In the eventuality that more than one year of compensation is due to the AP, the crops after the first will be compensated at net market value. MDFG will contract an independent and impartial third-party specialist in agricultural land values to identify market rates and value.

### **6.5 Trees**

Trees will be valued according to different methodologies depending whether the tree lost is a wood tree or a productive tree.

- a. Wood trees will be valued based on age category (a. seedling; b. medium growth and c. full growth) and timber value and volume.



- b. Fruit/productive trees will be valued based on age (a. seedling; b. adult-not fruit bearing; and c. fruit bearing). Stage (a) and (b) trees will be compensated based on the value of the investment made; stage (c) trees will be compensated at net market value of 1 year income x number of years needed to grow a new fully productive tree.

The unit compensation rates will be assessed by Project consultants or by the authorized independent evaluator based on clear and transparent methodologies acceptable to WB. The assessed compensation rates will be verified and certified by the Resettlement & Environmental Unit of MDFG and then offered to the PAPs.

- Trees: They will be valued based on the type of tree, its age and productive value. GSE will contract an independent realtor to establish a typical production amount with botanists and a unit value for the species existing in the area. The RPF provides a summary of the approach for calculation of replacement value and one off compensation for fruit and nut trees.

## **6.6 Vulnerable Affected Households**

Vulnerable Affected Households (AH) are entitled to an allowance equivalent to 3 months of minimum subsistence income and employment priority in project-related jobs. AHs are considered as vulnerable in case they are registered as poor in the local social services or are women-headed households with members with disabilities or people in pension age will receive the allowance only if they are registered as poor.

The above AH will receive an allowance of 317.7 GEL x month x 3 months or 953.1 GEL in all. (These figures are taken from the National Statistics Office of Georgia Department data on minimum subsistence income for a family of 5 persons in December 2014.

## **7. Delivery of Entitlements**

The fundamental responsibility for delivery of entitlements rests with the Implementing Agency - MDFG. To implement delivery, the MDFG will work closely with local administrations. These local institutions will be crucial links between the project affected persons (PAPs) and the Project Implementing Agency (MDFG) and its agents.

It is very important for MDFG to ensure that:

- a) RAP will be implemented prior to contractor entering the land for construction (PAPs receive due compensation)
- b) MDFG will conduct due diligence in identifying and contacting the owner. In cases with land owners who cannot be found (absentee land owners) or land with multiple property claims, the money should be put into an escrow account until the owner is contacted or the property is defined. If owners cannot be found within one year, the escrow account will be closed.

### **7.1 Land Acquisition Process**

Complete and accurate registration of private land as per current laws governing land acquisition in

Georgia is the precondition for proceeding with acquisition of private land by agencies requiring land for land based infrastructure development. For RDP III project, MDFG will acquire private land under all sub-projects through negotiated settlement wherever possible, based on meaningful consultation with APs, including those without legal title to assets. The MDFG will offer adequate and fair price for land and/or other assets and ensure that the process of land acquisition with the APs openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. Only in case when there is no agreement to land acquisition, expropriation will be sought.

MDFG through a consultant, will prepare the RAP, and estimate of compensation and entitlement of individual PAPs with detailed programme for execution of RAP as RPF consistent with WB OP 4.12 on involuntary resettlement.

MDFG will offer to each of the APs the compensation rates defined in the RAP. Upon successful settlement, Land Purchase Agreements will be signed with legalized/titled owners of acquired land parcels and Agreement of Entitlement with the non-titled APs. Any grievances of the APs will be resolved through approved grievance redress mechanism of the Project.

In case an AP does not accept the rates defined in this RAP even after a through the grievance redressing mechanism exercise, GSE will seek concurrence of the appropriate authority in the management for proceeding with Expropriation Process under the eminent domain for acquisition of the land through Rayon courts.

The consultant will prepare fresh maps of the acquired plots with geometric details required for legalization. MDFG will provide these maps to the concerned legalizable owners. The process will be followed by endorsement of these maps and ownership documents by the Sakrebulo and finally getting them registered in the local registration office prior to the receipt of the project compensation

## 7.2 RAP Implementation Steps and Responsibilities

Based on experience in Georgia the Preparation and implementation of a RAP may take up to a few months. The RAP implementation schedule will be agreed and approved by MDFG and the WB after detailed design and are finalized. The basic steps for the preparation and implementation of a RAP are summarized the table below.

The basic steps for the preparation and implementation of a Land Acquisition and RAP

<b>Step</b>	<b>Action</b>	<b>Responsibility</b>
<b>A)</b>	<b>RAP PREPARATION</b>	
1	Assessment of Project's Poverty and Social Impacts	MDFG
2	Finalization of Detailed design	Design consultants
3	Prepare surveys forms for Census and DMS, train local Census and DMS teams, and establish coordination with relevant local government agencies.	Consultant
4	Collection of cadastral and land parcel maps of the project area	Consultants/MDFG RMT/NAPR
5	Verify land records in affected areas, update cadastral	Consultant/MDFG RMT/Sakrebulo

	maps and carry out impacts and valuation surveys – Detailed Measurement Survey (DMS)	level LAR Team/
7	Conduct public consultations	Consultant/MDFG RMT/Sacrebulo Level LAR Team
8	Identification of Legal and legalizable APs	Consultant/MDFG RMT/Regional GSE
9	Negotiations with APs	Consultant/MDFG RMT/Regional GSE
10	Integrate data from Census into the RAP.	Consultant
11	Submission of RAP to MDFG and WB for approval.	Consultant/MDFG RMT/WB
12	Disclosure	Consultant/MDFG RMT
<b>B) RAP Finalization (Detailed Design)</b>		
1	Detailed Design	Design Consultant
2	Review of impacts and AP lists based on detailed design	Consultant/ MDFG RMT/Sacrebulo Level LAR Team
3	Review of prices based on the updated rate	Consultant/ MDFG RMT/Sacrebulo Level LAR Team
4	Legalization of legalizable APs	Consultant/ MDFG RMT/Sacrebulo Level LAR Team
5	Preparation of the final RAP	Consultant/MDFG RMT
6	WB Approval	WB
7	RP disclosure: Distribution of RP and information pamphlets in Georgia in the affected communities; posting of RP in English on the WB website	MDFG RMT/Consultant/Sacrebulo Level LAR team/WB
8	Signing of civil contract award	WB/MDFG
<b>C) RAP IMPLEMENTATION</b>		
1	Approval of Contract awards Signing	WB
2	Detailed Schedule for compensation action plan	MDFG
3	Distribution of Relocation Notices to APs	MDFG RMT /Sacrebulo Level LAR team
4	Award of Checks for Land Compensation	MDFG RMT
5	Award of Checks for other Compensation & Assistance/ Rehabilitation	MDFG RMT
6	Demolishing/ Relocation of Affected Structures/Assets	MDFG/Contractor
7	Review of RP Implementation through a compliance report	MDFG RMT/MDFG/WB
8	If RP Implementation found satisfactory, Notice to proceed for Civil works is issued	WB/MDFG
<b>D) POST-IMPLEMENTATION TASKS</b>		
1	Independent evaluation of RAP	IMA or Social Safeguard Consultant
<b>E) CYCLICAL/CONTINUOUS TASKS</b>		
1	Internal monitoring. Quarterly reporting to WB	MDFG
2	External Monitoring. Semi-annual reporting to WB	IMA or Social Safeguard Consultant/Supervision Consultant
3	Grievances Redress/Law Suites	GRC/MDFG/Court
4	Inter-agency coordination and Communication with AP	MDFG RMT/MDFG

### 7.3 Livelihoods Restoration Support

Displaced persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The involuntary restriction of access to legally designated parks, protected areas and to community resources (such as fishing areas, grazing areas, fuel, fodder, etc.) resulting in adverse impacts on the livelihoods of the displaced persons. Measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected areas and community resources, will be identified and potential conflicts involving displaced persons will be resolved.

Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction<sup>12</sup> of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

For the effective implementation of these requirements, the following actions will be carried out:

- Assess the groups of people affected and their vulnerability as individuals and as households.
- Determine the type of livelihoods affected and the amount of temporary and permanent losses.
- Determine the market potential for livelihoods restoration in the same type of work/sector after the project is implemented.
- Develop a process of consultation with PAPs that describes the project and expected impacts on livelihoods.
- Consultation with project affected persons (PAPs) to jointly develop strategies for income restoration. Help PAPs develop distinct strategies based on their skills, experience, and location. Whenever possible, link these strategies to other livelihoods improvement activities provided by the Government or NGOs in the project area;
- Determine the amount of compensation necessary to restore income streams for each PAP. Determine the type and cost of additional economic rehabilitation measures;
- If income restoration requires changes in livelihoods, the development of alternative farmlands, etc., or involve some other activities which require a substantial amount of time for preparation and implementation, support measures that help PAPs adapt to these changes.
- Develop special measures for women and pensioners that will have to change their source of livelihoods.
- Complete an action plan to address impoverishment risks

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<sup>12</sup>As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.

As part of the livelihoods restoration process, choices and options will be built into the entitlements. PAPs will receive assistance in understanding risks and benefits of each option. A mechanism will be put in place to encourage vulnerable groups among PAPs to choose lower risk options, such as ones that support the continuation of livelihoods activities in an area where these activities are likely to succeed.

Institutional support for livelihoods restoration will be put in place for each sub-project. Monitoring and evaluation of resettlement and land acquisition will be carried out systematically. Monitoring of impacts on resettled individuals and households, and on those receiving livelihoods restoration assistance will take place immediately after the implementation of RAPs as well as six and twelve months after displacement has occurred. If after 12 months of displacement, negative impacts, such as reduced income are found, the project will provide additional financial or/and material or/and technical assistance to those individuals

## **8. Public Consultation, Participation and Documents Disclosure**

Relocating or compensating people implies communication or dialogue with the stakeholders. The consultation and participation process will include four phases: (i) data collecting; (ii) preparation and planning of operations; (iii) implementation of operations; and (iv) monitoring and evaluation. The MDFG will coordinate all four operations.

### **8.1 Data Collecting Phase**

Actors: MDFG, NGOs, independent consultants.

The actors will constitute the main task force in the data-collecting phase. This process will include consultations with PAPs and other relevant stakeholders. The data collected will serve as instruments for the monitoring of the social mitigation measures applied.

PAPs will be consulted to participate in the data-collecting phase by providing socio-economic information about their livelihoods. Also, PAPs will be consulted through meetings with village committees to share information about the MDFG, discuss the social impacts of project operations and the mitigation measures suggested. The contributions of the PAPs will be integrated into the subproject implementation process, from planning to evaluation.

The data-collecting phase includes three major processes:

- Preparation of the resettlement/rehabilitation policy framework;
- Execution of the social impact assessment (to be initiated/completed at project launching); and
- Establishment of the presumed RAP (to be initiated/completed before civil works).

### **8.2. Planning Phase**

Actors: MDFG, PAPs (planning inputs, sounding board and advice-giving), representatives of local communities. Planning and coordination of the tasks of the various actors is the key to a successful implementation of the expropriation/compensation arrangements. The PAPs will be consulted in the aim to obtain their positions on issues at stake. The requirements of their work programs/businesses activities will be incorporated into the expropriation/compensation plans.

The work will focus on: (a) taking stock of the legal framework for compensation; (b) settling

institutional arrangements and mechanisms for payment of compensation; (c) defining tasks and responsibilities of each stakeholder; and (d) establishing a work plan.

### **8.3. Implementation Phase**

Actors: The principal actor is the MDFG. Also WB, PAPs (endorsement of arrangements).

The execution of the expropriation/compensation operations will be conducted by the MDFG, by their contracted specialist team. PAPs will be consulted about the compensation arrangements prepared. Cash compensation amount and amount of land offered for compensation will be presented to each eligible PAP (husband and wife) for consideration and endorsement before cash payment or land for land compensation can be effected.

### **8.4. Monitoring and Evaluation Phase**

Actors: MDFG, PSC, independent consultants, NGOs, PAPs.

The MDFG will organize project completion workshops with government agencies, NGOs and representatives of PAPs after completion of the expropriation/compensation operations but prior to the closure of the mitigation measures. The aim of that exercise is to assess progress in the operations executed, suggest corrective measures where needed and solve pending issues. After completion of all expropriation/compensation operations, PAPs will be consulted in a household survey. The aim of that survey is to assess the impacts of the social mitigation measures implemented. Likewise, rural communities with PAPs will be consulted to provide their assessments of the impacts of the social mitigation measures applied.

The findings of the survey and the workshops will be presented in the project completion report, which will be established by the MDFG.

This RPF in Georgian will be disclosed on the MDFG website and at MDFG office before Project appraisal. The RPF in Georgian will also be disclosed to the APs at the relevant Municipality office (Gangebeli) and at village administration (Sacrebulo) once subprojects are identified. Its English version will be disclosed on the WB website prior to Project appraisal and after the RPF is endorsed by the Executing Agency (EA) which will be MDFG in this case. Once a RAP for a subproject has been prepared and approved by MDFG and WB it will be disclosed at relevant Sacrebulo office (Gangeoba and at village administration (Sacrebulo). A pamphlet in Georgian, summarizing compensation eligibility and entitlement provisions, will be sent to all AP/AFs before the initiation of the compensation/rehabilitation process and before signing contract awards. The consultation process will be continued throughout the project cycle.

## **9. Complaints and Grievances**

### **9.1 Objectives**

A grievance redress mechanism will be established to allow a PAP to complain about any decision of activities regarding temporary or permanent loss of their land, assets or sources of income and their compensation. Grievance resolution is a two-stage process, including:

Stage 1 – informal (oral) review of the PAP’s complaint (with or without written or oral). At this stage the PAP’s complaint shall be reviewed in an informal (oral) way and the Committee members of both levels (the composition of the committee is specified in this Section) shall make and sign the minutes on the matter. If at Stage 1 the PAP’s complaint is not resolved the PAP should be informed about grievance resolution procedures of Stage 2. PAP has the right to use the procedures of Stage 2 without applying to Stage 1 procedures.

Stage 2 – review of PAP’s complaint. For Stage 2 of grievance resolution process the MDFG shall establish a Grievance Redress Committee (GRC) for the whole period of the project implementation. GRC shall review the written complaints of PAPs, which were not satisfied at Stage 1. At stage 2 the PAP’s complaint shall be resolved and GRC shall make a decision in compliance with the Administrative Code of Georgia. The present RPF specifies the procedures of establishing GRC and its composition. The Environmental and Resettlement Unit of the MDFG is responsible for establishing GRC.

Grievance redress procedures of Stage 1 are an informal tool of dispute resolution allowing the PAPs and the project implementation team to resolve the disagreement without any formal procedures, procrastination and impediments. The international experience of resettlement shows that such informal grievance redress mechanism helps to solve most of the complaints without formal procedures (i.e. without using the procedures specified in the Administrative Code or litigation). This mechanism enables unimpeded implementation of the Project and timely satisfaction of complaints. If the PAP is not satisfied, the grievance redress mechanism should assist him/her in lodging an official complaint in accordance with the procedures of Stage 2 (the plaintiff should be informed of his/her rights and obligations, rules and procedures of making a complaint, format of complaint, terms of complaint submission, etc).

The grievance redress mechanism shall deal with the issues of land and other assets acquisition (e.g. amount of compensation, suitability of residual land plots, loss of access roads, etc) as well as the losses and damages caused by the construction works, e.g. temporary or permanent occupation of land by the contractor. Therefore the grievance redress mechanism shall be in place by the time the MDFG starts negotiations with the PAPs and shall function until the completion of the construction.

At the RAP preparation stage during the consultations meetings and negotiations the PAPs shall be fully informed of the grievance redress mechanism, its functions, procedures, contact persons and rules of making complaints through oral information and booklets. Care will always be taken to prevent grievances rather than going through Stage 2. The achievement of this goal can be ensured through careful planning and preparation of RAP, active participation of PAPs, effective consultations, proper communication and coordination among local communities, MDFG and local authorities.

## **9.2 Formation of GRC**

A Grievance Redress Mechanism will be established to allow a PAP to complain about any decision about activities regarding temporary or permanent loss of their lands, assets or source of incomes and their compensation.

A Grievance Redress Committee (GRC) is an informal grievance redress mechanism at Stage 1.

This informal body will be established at community level in each Gamgeoba (village/community authority). The GRC shall include representatives of Rayon LAR Teams and local communities. The MDFG representative in the Rayon LAR Team shall coordinate the GRC formation. He/she will then be responsible for the coordination of GRC activities and organizing meetings. In addition, GRC shall comprise village Rtsmunebuli or his/her representative, representatives of PAPs, women PAPs (if any), and appropriate local NGOs to allow voices of the affected communities to be heard and ensure a participatory decision-making process. If the complainants are not satisfied with the GRC decisions, they can always use the procedures of Stage 2 of grievance resolution process.

GRCs will be established at the community level at Gamgeoba with an office order from the Ministry of Regional Development and Infrastructure (MRDI) with provision of 6 members of following composition:

- (i) Representative of MDFG : Convener
- (ii) Representative Rayon LAR team : Member Secretary
- (iii) Gamgebeli – concerned Gamgeoba (village level) : Member
- (iv) Representative of PAPs : Member
- (v) Representative of Women PAPs : Member
- (vi) LAR Specialist of Supervision Consultants : Member

For Stage 2 of grievance resolution process a commission comprising at least 3 members shall be established by order of the MDFG Chairman. The Order shall also state that if necessary representative of local authorities, NGOs, auditors, PAPs and any other persons or entities can be included in the commission as its members.

### 9.3 Grievance Resolution Process

Stage 1 – The member secretary of GRCs and Rayon level LAR Team will be regularly available and accessible for PAPs to address concerns and grievances. The PAPs shall be informed of the details of contact persons to whom complaints were submitted. The Contractor, Rtsmunebuli and Sakrebulo shall be warned that all complaints they may receive from PAPs shall be immediately submitted to the contact persons of MDFG (coordinator and secretary), which will then organize a meeting and informally review the complaint with the aggrieved PAP. If the PAP is not satisfied, the GRC shall assist him/her in lodging an official complaint to the relevant body (i.e. MDFG). RT of MDFG headquarters will keep record of complaints received for its use as well as for review by the WB during regular supervision. The complaints and grievances from the APs will be addressed through the process described below in 0

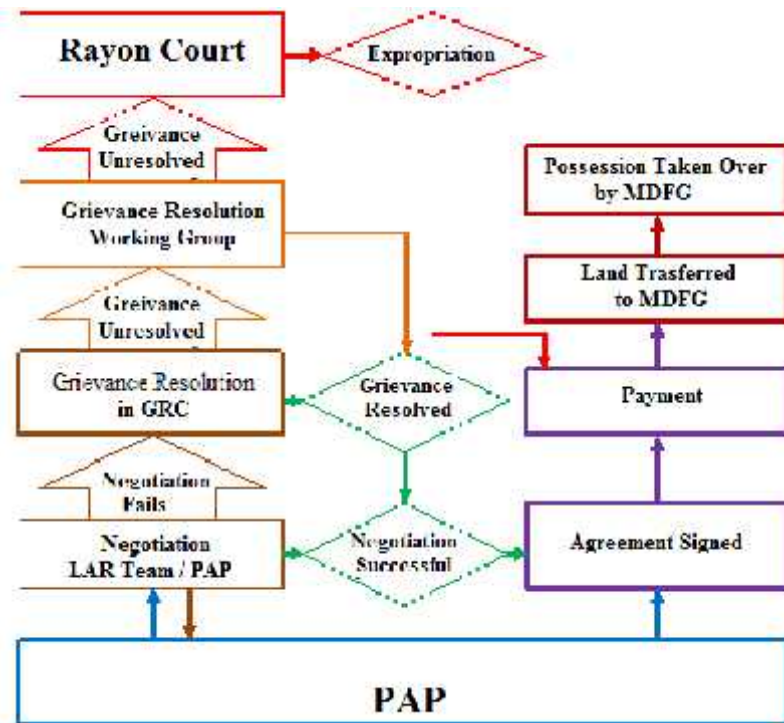
#### Grievance Resolution Process

Steps	Action level	Process
Step 1	Negotiations with PAPs	The complaint is informally reviewed by the GRC, which takes all necessary measures to resolve the dispute amicably.
Step 2	GRC Resolution	If the grievance is not solved during the negotiations, the GRC will assist the aggrieved PAPs to formally lodge the grievances



<b>Steps</b>	<b>Action level</b>	<b>Process</b>
		<p>to the GRC.</p> <p>The aggrieved PAPs shall submit their complaints to the GRC within 1 week after completion of the negotiations at the village level. The aggrieved PAP shall produce documents supporting his/her claim. The GRC member secretary will review the complaint and prepare a Case File for GRC hearing and resolution. A formal hearing will be held with the GRC at a date fixed by the GRC member secretary in consultation with Convenor and the aggrieved PAPs.</p> <p>On the date of hearing, the aggrieved PAP will appear before the GRC at the Gamgeoba office for consideration of grievance. The member secretary will note down the statements of the complainant and document all details of the claim.</p> <p>The decisions from majority of the members will be considered final from the GRC at Stage 1 and will be issued by the Convenor and signed by other members of the GRC. The case record will be updated and the decision will be communicated to the complainant PAP.</p>
Step 3	Decision from GSE	<p>If any aggrieved PAP is unsatisfied with the GRC decision, the next option will be to lodge grievances to the MDFG at the national level. The MDFG shall review the complaint in compliance with the procedures specified in the Administrative Code of Georgia.</p> <p>GRC should assist the plaintiff in lodging an official complaint (the plaintiff should be informed of his/her rights and obligations, rules and procedures of making a complaint, format of complaint, terms of complaint submission, etc).</p> <p>The plaintiff shall be informed of the decision.</p>
Step 4	Court decision	<p>If the MDFG decision fails to satisfy the aggrieved PAPs, they can pursue further action by submitting their case to the appropriate court of law (Rayon Court).</p> <p>The aggrieved PAP can take a legal action not only about the amount of compensation but also any other issues, e.g. occupation of their land by the contractor without their consent, damage or loss of their property, restrictions on the use of land/assets, etc.</p>

## Grievance Resolution and Acquisition Process



## 10. Monitoring and Evaluation

The main objective of implementation of RAP is to improve or at least restore the social and livelihood resources of the PAPs at their pre-project level. The process of implementation should ensure that this objective is achieved over a reasonable time with allocated resources. Therefore, monitoring of the process of updating RAP, its implementation and delivery of institutional and financial assistance to the PAPs has been designed as an integral part of the overall functioning and management of the Project. Environmental and Resettlement Unit of MDFG through its Resettlement Team will ensure the execution of timely monitoring of the monitoring and evaluation indicators (process, delivery and impact indicators) of land acquisition and resettlement tasks. The purpose of the Monitoring and Evaluation (M&E) is to provide feedback to all stakeholders on progress made in view of a timely and comprehensive implementation of the RAP and to identify problems as early as possible to facilitate well-timed adjustment of implementation arrangements.

The objectives are to: (i) ensure that the standard of living of PAPs are restored or improved; (ii) ascertain whether activities are in progress as per schedule and the timelines are being met; (iii) assess whether the compensation, rehabilitation measures are sufficient; (iv) identify problems or potential issues; and (v) identify methods to rapidly mitigate problems.

Monitoring of RAP in the Project will be carried out at two levels. The Head of Resettlement Team will carry out regular internal monitoring for the MDFG with inputs from LAR teams at field operation. Local Resettlement Consultant (LRC) will assist MDFG Resettlement Team during the RAP implementation and will be responsible for internal monitoring. The LRC will also carry out supervision and monitoring to assist MDFG (and WB, if required) in relation with the resettlement impacts at the civil works stage. External monitoring will be commissioned by MDFG employing

Independent Monitoring Agency (IMA) or Social Safeguards Consultant.

## 10.1 Internal Monitoring

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

- (i) Information campaign and consultation with APs;
- (ii) Status of land acquisition and payments on land compensation;
- (iii) Compensation for affected structures and other assets;
- (iv) Relocation of APs;
- (v) Payments for loss of income;
- (vi) Selection and distribution of replacement land areas;
- (vii) Income restoration activities, and
- (viii) Grievances and their resolution

The above information will be collected by MDFG which is responsible for monitoring the day-to-day resettlement activities of the project through the following instruments:

- a) Review of census information for all APs;
- b) Consultation and informal interviews with APs;
- c) In-depth case studies;
- d) Sample survey of APs;
- e) Key informant interviews; and
- f) Community public meetings.
- g) Grievances and their resolution

## 10.2 External Monitoring

External monitoring will be carried out by the IMA for the project activities. In principle, the external monitoring could be carried out by the supervision consultant, in case if the supervision consultant is contracted in time. Indicators for External Monitoring tasks will be carried out in two phases.

**Phase One.** This external Monitoring phase will be carried out in parallel with the implementation of a RAP and will be concluded after compensation issuance by the preparation of a compliance report. An acceptable Compliance Report will be condition to start the implementation of physical civil works for the project.

During this phase the IMA will i) prepare the indicators needed for phase two activities and ii) closely monitor the implementation of the RAPs. RAP implementation monitoring will entail the following tasks: (a) review of RAP/Information pamphlet disclosure; (b) review of action taken by

the PIU to compensate the APs with particular attention to the way this action fits RAP stipulations; (c) review all compensation tallies; (d) verify whether the compensation is provided thoroughly to all APs and in the amounts defined in the RP and in the AP contracts; (e) assess the satisfaction of the APs with the information campaign and with the compensation/rehabilitation package offered to them; (f) review the legalization process and assess its effectiveness; (g) review complaints & grievances case; (h) carry out an AP satisfaction survey with a 25% sample of the APs. The IMA will prepare the Compliance Report immediately after the completion of RAP implementation. The Compliance report will include well-argued sections on the following:

- (i) Assessment of the way the compensation has been carried out in relation to RP stipulations;
- (ii) Verification that all APs were compensated in the amounts stipulated in the RP
- (iii) Review of complaint and grievance cases and of their solution
- (iv) Assessment of the rehabilitation program for vulnerable APs
- (v) Assessment of the satisfaction of the APs
- (vi) Lesson learned to be applied to the next projects, and;
- (vii) General assessment of RP implementation and recommendations to WB regarding the provision of No Objection Letter to start the civil works.

**Phase Two.** Within 6 months from the end of the implementation of the whole MFF the IMA will also assess the degree of income rehabilitation achieved by the LAR compensation and rehabilitation Program. The following are main indicators for the investigations to be carried out in this external Monitoring phase:

- (i) Socio-economic conditions of the APs after project implementation;
- (ii) Communications and reactions from APs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- (iii) Changes in housing and income levels;
- (iv) Socio-economic conditions of Informal land owners;
- (v) Effectiveness of property valuation for rehabilitation purposes;
- (vi) Effectiveness of Grievance procedures;
- (vii) Level of satisfaction of APs in the post resettlement period.
- (viii) Level of income of APs after implementation of livelihood restoration measures

## **11. Resettlement Budget and Financing**

All RAP preparation and implementation costs, including cost of compensation and LAR administration, will be considered an integral part of Project cost and will be contributed as a counterpart fund by the Georgia Government, in particular MDFG. Each RAP will include a budget section indicating (i) unit compensation rates for all affected items and allowances, (ii) methodology followed for the computation of unit compensation rates, and (iii) a cost table for all compensation expenses including administrative costs and contingencies. Costs for external monitoring tasks and for the preparation of surveys and RAPs can be allocated under the loan.

Being the project executive agency, MDFG is responsible for the timely allocation of the funds needed to implement the RAPs. Allocations will be reviewed twice a year based on the budget requirements indicated by the RAPs. As per the LAR finances flow the budget for compensation and rehabilitation will be directly disbursed by MDFG to the AP.

## **ANNEX 1 SYNOPSIS OF SELECTED GEORGIAN LAWS AND REGULATIONS ON RAP**

**Constitution of Georgia.** The Constitution determines the essence of private ownership and defines presumption of inviolability and also regulates the issues related to compensation and expropriation of land and immovable property for necessary public need. The Constitution of Georgia ensures the publicity of information. Pursuant to Article 21 of the Constitution of Georgia “the right of ownership and inheritance is declared and secured”. Nobody is eligible to cancel the universal right of ownership and legacy. Throughout of the necessary public need or if the urgent necessity has emerged, the Article 21.3 of the Constitution allows the expropriation of the private ownership however, only according to the Court Decision or under the rules identified in the organic law<sup>7</sup> on basis of the appropriate and fair reimbursement.

Other articles of the Constitution of Georgia also establish legislative basis in respect with the resettlement measures related to infrastructure projects. This considers the State actions for expropriation of land for urgent public need, i.e. exercising the right of expropriation (power of eminent domain), also information disclosure and public consultations, protection of cultural heritage and grievance redress related to land acquisition and resettlement of population. The stated regulations create the set of procedures that allow obtaining the permit on road construction from private owners.

In the process of construction and rehabilitation of infrastructure elements, the significant attention shall be paid to the protection and care of cultural heritage so that they are not damaged and deteriorated. In accordance to the Article 34 of the Constitution of Georgia, “each and every citizen of Georgia is obliged to care for the protection and maintenance of cultural heritage. The State protects cultural heritage by the Law”.

The Constitution ensures the right of a citizen to live in safe and healthy environment and use natural and cultural environment. The State undertakes environment protection measures to secure safe environment for people. People have the right to obtain "full, true and timely information" in regard with their work place and residential environment.

The Article 42 of the Constitution makes the citizens eligible to claim, in particular protects them and encourages appealing to the court for protection of their rights and freedom.

**Law of Georgia on Motor Roads** defines the status of the roads and use of roads. The law divides the roads into three categories: international, domestic and local roads, as well as sets right-of-way on the land, which is located 100 meters from the road. If the land is located within 100 meters from the road the permission from road owner is required for construction activities. The road owner's means: road department of Georgia, Municipal authorities and others who are the owners of the roads.

The road agencies and other organizations that are building roads and highways are given with the right for permanent or temporary use of the lands based on the Georgian legislation.

**Organic Law of Georgia, Local Self-Government Code.** The code defines the legal basis for self-government's operation, authorities of local self-government bodies, their establishment and duty rules, their finances and properties, relations with citizens, state authorities, as well as with public and private legal entities. Local self-government is carried out by municipalities: in self-governed cities and in self-governed communities. The law establishes the categories of municipal property, the way of establishment and property rights (with the exception of natural resources, as their use, ownership and management is regulated by the Georgian legislation), as well as municipal property privatization issues.

Municipalities have their own property that could include non-agricultural lands, agricultural lands (with or without buildings), as well as shares and stocks. Property of municipality consists of two categories: the basic (inalienable) property and the additional property. The basic (inalienable) property can only be used for the public functional use by municipality and for carrying out duties. The basic (inalienable) property is inalienable, besides the exceptional cases. The additional property is inalienable. If it is necessary property of municipality can be transferred free of charge to the State.

**Civil Code of Georgia** regulates private civil relationships, and evolves property rights, the law of obligations, family law and the law on inheritance. Regulations of the Civil Code that are particularly relevant to the property law section, where the ownership, construction and servitude rights are discussed, and other type rights directly related to the project are elaborated below:

- **Ownership Right.** The ownership right entitles its beneficiary to freely possess and use the property. The ownership right can be limited based on legislation or other agreement. Ownership on the land parcel gives implicit right to the land owner to implement construction activities if it is not restricted by any agreement or law;
- **Construction Right.** The owner is allowed to transfer a land plot to another person for temporary use (not to exceed 59 years) for charge or free of charge. The transferee obtains the right to build a building/construction on or under the land plot, as well as to assign and transfer this right under inheritance or tenancy, borrowing or renting. The construction right may cover such part of a land plot that is not necessary for the actual construction but allows a better use of the facility constructed on the basis of the construction permit. Termination of the construction right requires consent from the landowner;
- **Necessary Right-of-Way.** Another possibility is the use of "Necessary Right-of-Way", a legal alternative to expropriation, which is regulated by the Civil Code of Georgia (Article 180). Per Civil Code, Necessary Right-Of-Way can be invoked "if a land plot lacks access to public roads, electricity, oil, gas and water supply lines that are necessary for its adequate use". The owner may then claim for using a neighbour's land parcel "for the purpose of providing the necessary access". "Necessary Right-Of-Way" is granted by a District Court based on an application by the "neighbour" that must contain a justification of the urgency. Compensation may either be amicably agreed or be decided by the judge further to the decision granting "Necessary Right-of-Way". Fundamentally "Necessary Right-Of-Way" is intended to allow a landowner to obtain right of way through a neighbouring land parcel for utilities serving his/her land parcel. It can be used

where amicable agreements cannot be reached due to refusal or absence of affected landowners;

- **Servitude.** Servitude Right on the property establishes the limits on land parcel or on other property in favour to other land parcel or owner of the property (beneficiary). The Beneficiary is granted with the right to use land parcel under restriction with some conditions on land parcel under restriction and/or restrict concrete activities or prohibit land owner in regard of this land under significant rights. However, in regard with this project, any rights (among them ownership, construction, inevitable road or servitude) the terms and conditions for transfer the right for constriction shall be defined against each land parcel in accordance to the identified rules and on the basis of registered agreement entered by a landowner and the party holding the corresponding right of construction.

**Law of Georgia on the Protection of Cultural Heritage.** In addition to the Constitution of Georgia affirming the State's obligation to protect cultural heritage and requiring each citizen to care for, protect and preserve cultural heritage, the Law of Georgia on Protection of Cultural Heritage defines the legislative principals for protection of existing cultural heritage in Georgia.

According to the Law, State protection of cultural heritage is undertaken by the Ministry of Culture and Monuments Protection, Ministry of Justice of Georgia, local self-government bodies, as well as other State Institutions, Public and Legal Persons of Private Law. It is worth to be mentioned that the State and local self-government bodies exercise their authorities in the sphere of protection of cultural heritage in accordance to the Constitutional Agreement between the State and the Orthodox Church of Georgia. The Ministry of Culture and Monuments Protection of Georgia provides general coordination and manages the activities undertaken in this sector.

In respect with the ownership rights, the Law identifies some differentiations. Namely, the alienation of the State-owned land parcel - located within the zone of State-owned monument, considered as cultural value, or located within archeologically protected area - with the right to possess and use the Law considers the agreement with the Ministry of Culture, Monuments Protection and Sports with the terms and conditions of protecting and care being identified ahead. On the other hand, the Law directly restricts alienation of the monuments under private 36 ownership that can only be alienated under the right to possess, and use and with the terms and conditions to care-and protect.

**Law of Georgia on Notary.** The stated law defines the types of notary activities and rules of their implementation. The law also defines which institutions and authorized persons, except the Notaries, have the right to conduct notarial activities within the territory of Georgia and beyond it. According to the Article 42 of the Law, the local self-governments have the right to implement notarial activities related to inheritance, verification of accuracy of the copy with the original document, proving the fact that a citizen is alive, proving the fact of a citizen's certain location. Rural population often applies to local self-governments to obtain certain notarial services. Especially, when it is required to identify a person and a document, or the notarial services are required to replace the deceased head of the household with another member. This rule is often utilized in registration of the land parcels, when as the owner of the land parcel the other member of the household is registered in place of the deceased member. The representatives of the Consulates of Georgia (consuls) also other key persons at the Consulates

are eligible to conduct notarial activities on behalf of the State of Georgia beyond the territory of the country (Article 43). Citizens being abroad may apply to the Consulate of Georgia in the county of their location.

**Law of Georgia on State Property.** This Law regulates issues connected to the Georgian state property management and usage transfer. This law does not apply to state property that includes useful materials that were left after reconstruction, repair or demolition of transferred in ownership property owned by the Georgian autonomous republics and local self-government and public legal persons. The law covers property which cannot be sold, including: water resources, territorial waters, continental shelf, state forest fund (except populated areas located in forests), air space, State Reserves, National Parks, Natural Monuments, recreation areas identified by the Government of Georgia and/or identified specific construction areas; objects of historical, cultural and artistic value, cultural and art facilities, as well as lands on which these objects are located, pasture (except for leased pastures until July 30, 2005), cattle trails, first section of sanitary protection zone of water supply units (maximum-security zone). The law of state property establishes rules of transferring ownership of state property and privatization. It also determines the competences of state authorities and local self-government in the privatization process.

**Law of Georgia on Ownership Rights to Agricultural Land.** The current law is completely different from the initial version adopted in 1996. The changes made to this law in different times (among them the amendments on the basis of the Law #389 dated July 14, 2000) have significantly changed its initial format and simplified to extent possible the procedures considered under the Law. The sphere of regulation of the Law mainly extends over the agricultural lands. Article 3.1. Defines that "a land parcel with or without household structure that is registered at the public register and used for cattle-breeding and plant cultivation is considered as an agricultural land parcel" with existing household and additional structures or without them. The law also refers to the share of a member of household community within the shared hay fields, grazing lands or forestry areas and the part of the agricultural land that may be the object "of separate ownership right" (Article 3.2).

The Law determines that the ownership right to agricultural land is granted to the State, physical person, household community (Komli) and legal entity registered in accordance to the legislation of Georgia, which carries out its activities in agricultural sphere. Besides, the Law declares the form of village and household community (Komli) ownership to state-owned grazing lands, private and form of community ownership in high mountain regions (Article 4.3).

According to the Articles 6 and 8, acquisition of agricultural land is allowed on the basis of ordinary rules and general restrictions. Ordinary rule considers land alienation without any permits and other limitations, and general restrictions consider land alienation only on the basis of the consent of co-owner of shared property.

**Law of Georgia on Legalization of Property** mainly refers to the lands, which are in private ownership, but are not registered in public register. The main purpose of this law is to additionally establish guaranties of defending private rights (article 21 of the Constitution, which presumes rights of private ownership) and develop international agreements. According to the



article 2, State agencies and officials are obliged to ensure the protection of private property rights and immunity. According to the law, property legalization means the confirmation of ownership on property, which only can be dispossessed in cases determined in the Article 21.

The Law on Legalization of Property applies to any property owned by the state or by the local government. This applies to properties for which ownership was purchased or the reason of purchasing the property appeared from legal act or deal before 22 July 2007. All the state agencies and officials are prohibited to purchase the property under the jurisdiction of the law or to control, to study, to observe in any other forms. Registration fee for the administrative boundaries of the city for one square meter of land is 15 GEL.

Property is legalized by the National Agency of Public Register under the control of Ministry of Justice. The procedures related to the legalization are regulated by the Law on Public Register.

**Law of Georgia on Public Register** regulates rights and obligations of National Agency of Public Register under the control of Ministry of Justice, in the process of property registration, also sets rules for registration of real and personal property. Article 11 defines which types of rights are registered in real estate register. According to this article real estate rights register records property, structure, usufruct, servitude, mortgage, rent, leasing, subleasing, borrowing, rights provided for use by the public law. According to the Article 16, movable property and Intangible Benefit of Property is registered in public register. According to this article, movable property and Intangible Benefit of Property registers pledge (excluding financial pledge), leasing, bank guarantee. Public register law also sets out the procedures and conditions for the registration of companies.

Public register law is not limited only to the rules of registration, its regulation area involves land registration and changes in land use, for example, changing the status of agricultural land to non-agricultural land.

**Law of Georgia on Recognition of the Property Ownership Rights Regarding the Land Plots Owned (Used) by Physical Persons or Legal Entities.** The main purpose of this law is to support land market development and mastering lands owned by government. This law defines the legal ownership and main terms and conditions about recognition of ownership rights on illegally occupied lands. It also defines rights of involved state agencies in this process.

The law applies to illegally occupied agricultural or non-agricultural lands owned by private and legal entities. Article 2 establishes the lands on which property rights can be recognized. In particular, it can be a piece of land on which the house or other building is located. Recognition of private property by the law takes place after paying a fee, but it also can be free of charge.

Lands are recognized free of charge only when they were held legally, but they were not recognized by the government in the past, in other cases recognition of land required fee. Ownership rights on payable or on non-payable lands are recognized by the commissions formed in municipalities.

**Law of Georgia on Rules for Expropriation of Ownership for Necessary Public Need.**

Existing laws provide that compensation for lost assets, including land, structures, trees and standing crops, should be at current market price without depreciation. They also identify types of damages eligible to compensation and indicate that both loss of physical assets and loss of income should be compensated. Income loss due to loss of harvest and business closure should be compensated to cover net loss.

Land acquisition for public interest may include eminent domain procedures, through a two-phase process as follows:

- Phase 1: A negotiated settlement is sought in a first phase, based on a first compensation proposal at market/replacement value.
- Phase 2: If no agreement is reached, land acquisition is further pursued through a judicial expropriation process (the implementing agency applies to Court to order expropriation and to fix compensation).

The Minister of Economy and Sustainable Development issues expropriation applications for each property where no agreement could be reached, based on dossiers filed by the implementing agency. On this basis, the implementing agency applies to Court, which, in a first stage, validates whether the application is justified by public interest and whether the appropriate procedures have been followed. Following this ruling validating the fact that eminent domain proceedings (expropriation) can be followed, the Court in a second stage appoints an expert to assess the compensation amount.

In the case of this project, eminent domain is applicable and expropriation will be sought where no amicable agreement is reached.

**Civil Procedural Code of Georgia.** The general courts of Georgia consider the cases according to the rules identified under the Procedural Civil Code of Georgia. The requirements of the procedural law are exercised during the lawsuit, during implementation of separate procedural actions or execution of the court decision.

The Procedural Civil Code of Georgia also regulates those cases when determination of the defendant is impossible. This may be important for the Project in the cases when the landowner is not found and correspondingly ownership to his/her land parcel cannot be obtained in legally valid manner, i.e. it is impossible to enter corresponding agreement with the landowner or him/her cannot sign other type of document.

The above listed laws and regulations give the possibility of applying the following two mechanisms for legal application of the property rights:

- Obtaining the road right of way without expropriation through the payment of due compensation (on the basis of negotiations or a court decision) prior to commencement of the activities;
- Obtaining the necessary right of way through paying due compensation based on the court decision.

If applied adequately the above listed mechanisms can ensure the appropriate consideration of lawful interests of all parties and the due observation of the existing legislations.

**Law of Georgia on Social Assistance.** The law regulates issues connected with the receiving of the Social welfare, determines types of the social support. It also defines the authority of administrative bodies in the field of social aid (Article 1). The law applies to the vulnerable persons permanently legally residing in Georgia. Article 2 sets list of socially unprotected people: persons in need of special care, poor families and the homeless.

Article 4 defines terms, which explains nature of social aid and identifies persons who should receive this aid. According to this article social support can be provided in form of monetary or non-monetary benefit for persons in need of special care, poor families and the homeless. Poor families consist of persons or groups of people whose socio-economical status is lower than minimum level set by Georgian government. A homeless person does not have a permanent place of residence, and he/she is registered with the local authority as homeless. Persons in need of special care include orphans and children deprived of parental care, persons with disabilities, adults with disabilities are who are deprived of family care, persons with lost breadwinner. According to the law a disabled person is a person who has been granted such status by the Law on Medical-social Expertise. Social security financing sources include Georgian state budget, budgets of Units of local self-government, the money paid by the beneficiary or his/her representatives, and contributions (Article 24).

**Law of Georgia on Social Protection of Persons With Limited Abilities.** According to Article 1 legal status of persons with limited abilities In Georgia is regulated by Declaration of the United Nations about "Rights of Persons With Limited Abilities from 9 December 1975, Constitution of Georgia and this law. The person With Limited Abilities is person of strong physical, mental, intellectual or sensory impairment, which may interfere with the interaction of a variety of obstacles to the full and effective participation in public life on equal terms with others (Article 2). According to the Article 8 it is not allowed of the design localities, educational, cultural and sports facilities, as well as infrastructure construction and of buildings and structures, if these objects are not suitable for people with disabilities and needs.

Government provides the necessary conditions for education and professional training for persons with limited abilities. Persons with limited abilities are socially supported by funds, pension, social assistance technical and other facilities (Article 24). Social security pensions and allowances are regulated by Georgian legislation on security pensions and allowances for persons with limited abilities.

**Law of Georgia on Internally Displaced Persons from Occupied Territories – Refugees.** According to the Article 2, the status of refugees is given to people who are citizens of Georgia or noncitizens without citizenship status of Georgia, who were forced to leave their permanent place of residence due to occupation, armed conflict, communal violence and / or mass violations of human rights which became threat for person or person's family members lives or freedom by the other country. Any kind of discrimination of refugees is inadmissible. Refugee status is granted by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees (Article 8). According to the Article 14 refugees are not being evicted from their legal owned residential areas except the cases considered by the law when: (a) written document is formed with refugee about financial or non-financial compensation in

accordance with his/her land area; (b) Refugee will be given relevant living area, which does not worsen his/her living conditions; (c) Natural or other disaster takes place, which will be compensated and is regulated by the general rule.

All refugees have their family unity respect right. Uniting or dividing refugee families without their will is inadmissible (Article 13). Refugee settlement, registration, and other social issues are organized by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees (Article 19).

### **Conditions for Expropriation and Legalization**

The above-listed laws and regulations give the possibility of applying the following three mechanisms for legal application of the property rights: (i) Obtaining the road right of way without expropriation through the payment of due compensation prior to commencement of the activities; (ii) Expropriation which gives the possibility of obtaining permanent right to land and/or necessary road on the basis of Eminent Domain Law or a court decision through the payment of due compensation; (iii) Expropriation of private properties for urgent public necessity, which gives the possibility of obtaining permanent rights on land and/or necessary road for the purpose of national security or accident prevention. Expropriation is to be made on the basis of the 40 Presidential Decree on Expropriation through the payment of due compensation to affected people.

**Expropriation.** Land acquisition through expropriation entails lengthy procedures, which are often resisted. Such an approach will thus be pursued only in extreme cases if there is no agreement between APs and MDFG. In these cases the Project will not occupy the needed plots until: (i) the proper judicial process as defined by the law is initiated; (ii) a court injunction is obtained and communicated to the APs; and (iii) the compensation/rehabilitation amounts are deposited in an escrow account.

Using the Mechanism of Necessary Road means the right to demand necessary road by court in specific cases when owners location is unknown or/and person can't be located, or there are some liabilities which interrupts land acquisition process.

According to the Article 180 of Civil Code, if land is not necessary needed for proper use of public roads, electricity, oil, gas and water supply networks, than the owner has right to demand from neighbour that he/she was the one whose land will be used for these necessary connections. Those neighbours on whose lands are necessary roads or wiring should be compensated. There is a certain mechanism set by the Georgian civil trial code about how the public message can be delivered to respondent whose location is unknown.

According to the Article 78 of Procedural Code in this case the message will be published publicly. After 7 days following its publication, the court notice will be considered as delivered. After making this information public, the trial has legal right to review this case and make a decision. In case of using the necessary road mechanism, compensation will be transferred to an escrow account. Compensation will be transferred to the owner of land once his/her location will be identified or after the person will do all the obligations connected to the land transaction.

## **ANNEX 2 WORLD BANK INVOLUNTARY RESETTLEMENT POLICIES, OP/BP 4.12**

Revised April 2013

1. Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

### **Policy Objectives**

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

### **Impacts Covered**

3. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

(a) the involuntary taking of land resulting in

(i) relocation or loss of shelter;

(ii) loss of assets or access to assets; or

(iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

(b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are

(a) directly and significantly related to the Bank-assisted project,

(b) necessary to achieve its objectives as set forth in the project documents; and

(c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see BP 4.12 para 7).

### **Required Measures**

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:

(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) informed about their options and rights pertaining to resettlement;

(ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

(iii) provided prompt and effective compensation at full replacement cost for losses of assets<sup>12</sup> attributable directly to the project.

(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

(i) provided assistance (such as moving allowances) during relocation; and

(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and

(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a);

(iii) such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

(a) specific components of the project will be prepared and implemented;

(b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and

(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see Annex A, para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a)

of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,<sup>17</sup> or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction<sup>18</sup> of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.



## **Eligibility for Benefits**

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the Annex A, para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. *Criteria for Eligibility.* Displaced persons may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and

(c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

## **Resettlement Planning, Implementation, and Monitoring**

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:

(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A);

(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see Annex A; and

(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs. The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

## **Resettlement Instruments**

### *Resettlement Plan*

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see Annex A, para. 2-21) for projects referred to in para. 17(a) above. However, where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see Annex A, para. 22). The information disclosure procedures set forth in para. 22 apply.

### *Resettlement Policy Framework*

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

#### *Process Framework*

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before to enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

#### **Assistance to the Borrower**

32. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing

- (a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
- (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
- (c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and
- (d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionality, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

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1. "Bank" includes IBRD and IDA; "loans" includes IDA credits and IDA grants, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects"

includes projects under (a) PPFs advances and Institutional Development Fund (IDF) grants, if they include investment activities; (b) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the implementing/executing agency; and (c) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs supported by Development Policy Lending (for which the environmental provisions are set out in OP/BP 8.60, *Development Policy Lending*), or by Program-for-Results Financing (for which environmental provisions are set out in OP/BP 9.00, *Program-for-Results Financing*). "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.

2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include OP 4.01, *Environmental Assessment*, OP 4.04, *Natural Habitats*, OP 4.10, *Indigenous Peoples*, and OP 4.11, *Physical Cultural Resources*.
3. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.
4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.
5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.
6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see OP 8.00, *Rapid Response to Crises and Emergencies*).
7. For the purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.
8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.
9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a).

Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).

10. The *Involuntary Resettlement Sourcebook* provides good practice guidance to staff on the policy.
11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see Annex A, footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.
12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.
13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.
14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements.
15. See OP 4.10, *Indigenous Peoples*.
16. Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner.
17. See OP 4.04, *Natural Habitats*.
18. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.
19. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for displaced persons under 3 (b) are covered under the process framework (see paras. 7 and 30).
20. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.
21. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
22. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

23. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under OP 4.01, *Environmental Assessment*, the resettlement panel may form part of the environmental panel of experts.
24. See The World Bank Policy on Access to Information para 34 (Washington, D.C.: World Bank, 2002).
25. An exception to this requirement may be made in highly unusual circumstances (such as emergency operations) with the approval of Bank Management (see BP 4.12, para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.
26. Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost.
27. For the purpose of this paragraph, the term "subprojects" includes components and subcomponents.

## **OP 4.12, Annex A - Involuntary Resettlement Instruments** (Revised February 2011)

1. This annex describes the elements of a resettlement plan, an abbreviated resettlement plan, a resettlement policy framework, and a resettlement process framework, as discussed in OP 4.12 para 17-31.

### **Resettlement Plan**

2. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

3. *Description of the project.* General description of the project and identification of the project area.

4. *Potential impacts.* Identification of

(a) the project component or activities that give rise to resettlement;

(b) the zone of impact of such component or activities;

(c) the alternatives considered to avoid or minimize resettlement; and

(d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

5. *Objectives.* The main objectives of the resettlement program.

6. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

(a) the results of a census survey covering

(i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

(ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including,



as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

(iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;

(iv) information on vulnerable groups or persons as provided for in OP 4.12, para 8, for whom special provisions may have to be made; and

(v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following

(i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

(ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

(iii) public infrastructure and social services that will be affected; and

(iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

*7. Legal framework.* The findings of an analysis of the legal framework, covering

(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;

(d) laws and regulations relating to the agencies responsible for implementing resettlement activities;

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage (see OP 4.12, para 15 b).

8. *Institutional Framework.* The findings of an analysis of the institutional framework covering

(a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;

(b) an assessment of the institutional capacity of such agencies and NGOs; and

(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

9. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

10. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

11. *Resettlement measures.* A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see OP 4.12, para 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

12. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

(b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

(c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and

(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

13. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

14. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

15. *Community participation.* Involvement of resettlers and host communities,

(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;

(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

(d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

16. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including

(a) consultations with host communities and local governments;

(b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;

(c) arrangements for addressing any conflict that may arise between resettlers and host communities; and

(d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

17. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

18. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

19. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

20. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

21. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

### **Abbreviated Resettlement Plan**

22. An abbreviated plan covers the following minimum elements:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and

(f) a timetable and budget.

### **Resettlement Policy Framework**

23. The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation (see OP 4.12, para 26-28). Subproject resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see OP 4.12, para 29).

24. The resettlement policy framework covers the following elements, consistent with the provisions described in OP 4.12 para, 2 and 4:

(a) a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan as described in paras. 2-21 or an abbreviated plan as described in para. 22 cannot be prepared by project appraisal;

(b) principles and objectives governing resettlement preparation and implementation;

(c) a description of the process for preparing and approving resettlement plans;

(d) estimated population displacement and likely categories of displaced persons, to the extent feasible;

(e) eligibility criteria for defining various categories of displaced persons;

(f) a legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;

(g) methods of valuing affected assets;

(h) organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;

(i) a description of the implementation process, linking resettlement implementation to civil works;

(j) a description of grievance redress mechanisms;

(k) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;

(l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and

(m) arrangements for monitoring by the implementing agency and, if required, by independent monitors.

25. When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

### **Process Framework**

26. A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see OP 4.12, para 7 and 31).

27. Specifically, the process framework describes participatory processes by which the following activities will be accomplished

(a) *Project components will be prepared and implemented.* The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.

(b) *Criteria for eligibility of affected persons will be determined.* The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

(c) *Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified.* The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.

(d) *Potential conflicts or grievances within or between affected communities will be resolved.* The document should describe the process for resolving disputes relating to resource

use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following

(e) *Administrative and legal procedures.* The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).

(f) *Monitoring arrangements.* The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

### **ANNEX 3. Outline of a Resettlement Action Plan**

This section provides an annotated outline for a Resettlement Action Plan. The outline is adapted from the World Bank, *Resettlement and Rehabilitation Guidebook*, which is available on CD-ROM from the World Bank InfoShop. Excerpts from the *Guidebook*, as well as other information related to resettlement, can be found on the World Bank internet web site, <http://www.worldbank.org/essd/essd.nsf>. and selecting "Involuntary Resettlement" from the "All Topics" drop down menu.

#### **Introduction**

- Briefly describe the project.
- List project components including associated facilities (if any)
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

#### **Minimizing Resettlement**

- Describe efforts made to minimize displacement.
- Describe the results of these efforts.
- Describe mechanisms used to minimize displacement during implementation.

#### **Census and Socioeconomic Surveys**

- Provide the results of the census, assets inventories, - natural resource assessments, and socioeconomic surveys.
- Identify all categories of impacts and people affected.
- Summarize consultations on the results-of the various surveys with affected people.
- Describe need for updates to census, assets inventories, resource assessments, and socioeconomic surveys, if necessary, as part of RAP monitoring and evaluation.

#### **Legal Framework**

- Describe all relevant local laws and customs that apply to resettlement
- Identify gaps between local laws and World Bank Group policies, and describe project-specific mechanisms-to address conflicts.
- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.



- Describe method of valuation used for affected structures, land, trees, and other assets
- Prepare entitlement matrix.

### **Resettlement Sites**

- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each-site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed/allocated?
- Does the project involve allocation of agricultural land or pasture/rangeland? Have the individual households that will be allocated lands been involved in identifying-potential new sites, and have they explicitly accepted the selected sites?
- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages; and selecting, sites.
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation' and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
- Demonstrate that the land quality sand area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data-on land, quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describe mechanisms for:1) procuring, 2).developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs.
- Have the host communities been consulted about the RAP? Have they participated in the, identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

### **Income –Restoration**

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?

- Briefly spell out the restoration strategies for each category of impact and describe their-institutional, financial, and technical aspects.
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation?
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures.
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

### **Institutional- Arrangements**

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement policy; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan.
- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
- Describe the external (nonproject) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions.
- Discuss institutional capacity for and commitment to resettlement.

- Describe mechanisms-for ensuring independent monitoring, evaluation, and financial audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion.

### **Implementation Schedule**

- List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepare a month-by-month implementation schedule (using a Gantt chart, for example) of activities to be undertaken as part of resettlement implementation.
- Describe the linkage between resettlement implementation and initiation of civil works for each of the project components.

### **Participation and Consultation**

- Describe the various stakeholders.
- Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describe the process of involving affected populations and other stakeholders in implementation and monitoring.
- Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

### **Grievance Redress**

- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes.
- Describe the mechanism for appeal.
- Describe the provisions for approaching civil courts if other options fail.

### **Monitoring and, Evaluation**

- Describe the internal/performance monitoring process.
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.

- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Define methodology for external monitoring.
- Define key indicators for external monitoring.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.
- Describe arrangements for final external evaluation.

## ANNEX 4. Eligibility Assessments of Public-Private Infrastructure Investments

<b>Indicator</b>	<b>Significant potential impact</b>	<b>Low potential impact</b>
Type of Private Business	Industrial facility, power generation, natural resource extraction	Hospitality and tourist service, agro-processing, arts and crafts
	Check on of the two boxes below	
Need for land take	Parties other than investor own and/or are formally or informally using land required for private investment	No party other than investor owns and/or uses formally or informally land required for private investment
	Check on of the two boxes below	
Location in or near:	Designated protected areas and wildlife corridors connecting them, forests, wetlands, animal nesting/breeding areas, rest areas for migratory birds, steep slopes, alpine and subalpine zone, green-fields	Urban or rural landscapes transformed from the past anthropogenic impact, industrial sites, brown-fields
	Check on of the two boxes below	
Use or potential pollution of:	Major rivers and river floodplains, trans-boundary water bodies and their tributaries, lakes, smaller water bodies which have high value for local communities or biodiversity	Small rivers and streams, artificial reservoirs and ponds insignificant for local communities and/or biodiversity
	Check on of the two boxes below	
Groundwater resources in the investment site:	Deposits of mineral and/or thermal water; high groundwater table	No known deposits of mineral and/or thermal water; regular groundwater table
	Check on of the two boxes below	
Location in:	Landscapes of outstanding aesthetic value, green-fields, recreational areas	Urban or rural landscapes transformed from past anthropogenic impact, industrial sites, brown-fields
	Check on of the two boxes below	
Risk of natural disasters and geohazards	Severe erosion, landslides, avalanches, floods known to repeatedly occur in/around the site	No natural disasters and geohazards recorded repeatedly in or around the site
	Check on of the two boxes below	
Investment site carrying:	Historic/cultural monuments, sites of communities' traditional use (religious, burial, ritual)	No cultural resources
	Check on of the two boxes below	

## **ANNEX 5. Minutes of Public Consultation Meetings on the ESMF and RPF**



### **Third Regional Development Project**

#### **Public Consultation on**

#### **Environmental and Social Management Framework, Resettlement Policy Framework, and Executive Summary of Regional Strategic, Social and Cultural Heritage Assessment of Regional Development and Regional Tourism Development Strategies**

#### **MINUTES**

**Akhaltsikhe Municipality Administration Office**

**27, Shalva Akhaltsikheli street, Akhaltsikhe**

**February 18, 2015**

#### **Agenda:**

15:00	Opening	
15:10	Brief overview of the RDP III	David Tabidze, Head of Safeguards Unit, MDF
15:30	Overview of draft Environmental and Social Management Framework and draft Resettlement Policy Framework	Ana Rukhadze, Environmental Safeguard Specialist, MDF
16:00-17:00	Discussion	
17:00	Overview of the draft Executive Summary of Strategic Environmental, Social and Cultural Heritage Assessment of the Regional Development and Tourism Development Startegies of Samtskhe-Javakheti and Mtsketa-Mtianeti	
17:00 -17:30	Discussion	
17:30	Closing remarks	

**Those present:**

1. Nodar Balakhashvili, Head, Infrastructure, Spatial Arrangements and Architecture Service, Akhaltsikhe Municipal Administration (Gamgeoba);
2. Alisa Gimishian, World Vision International, Samtskhe-Javakheti Development Programme for Child Welfare;
3. David Lomidze, Head, Akhaltsikhe Sakrebulo;
4. Alex Gambashidze, Head, Health and Social Commission, Akhaltsikhe Sakrebulo;
5. Teimuraz Bardzimadze, Head, Financial, Economics and Property Commission, Akhaltsikhe Sakrebulo;
6. Besik Goksadze, Environment and Agriculture Commission, Akhaltsikhe Sakrebulo;
7. Zviad Janashvili, Environmental Supervision Department, MoENRP, Samtskhe-Javakheti Unit;
8. Phridon Tabatadze, Environmental Supervision Department, MoENRP, Samtskhe-Javakheti Unit;
9. Giorgi Diasamidze, Akhaltsikhe Municipal Gamgeoba;
10. Roini Neadze, Village Greli, Akhaltsikhe Municipality;
11. Roini Sudadze, village Greli, Akhaltsikhe Municipality;
12. Tamaz Zedgenidze, village Greli, Akhaltsikhe Municipality;
13. Emzar Gvirjishvili, village Greli, Akhaltsikhe Municipality;
14. Beqa Iadze, village Greli, Akhaltsikhe Municipality;
15. Giorgi Neadze, village Greli, Akhaltsikhe Municipality;
16. Teimuraz Lomadze, village Tsnisi, Akhaltsikhe Municipality;
17. Niaz Diasamidze, village Greli, Akhaltsikhe Municipality;
18. Marina Gachechiladze, Governor's Administration;
19. Iordane Chagiashvili, Governor's Administration;
20. Guram Melkadze, Deputy Head, Akhaltsikhe Municipal Gamgeoba;
21. Merab Beridze, Rector, Akhaltsikhe University;
22. Besarion Melkadze, Infrastructure and Spatial Arrangmnet Unit, Governor;s Administration;
23. Ketevan Inasaridze, Head, Procurement Unit, Akhaltsikhe Municipal Gamgeoba;
24. Nodar Talakhadze, Head, Economic and Property Unit, Akhaltsikhe Municipality,
25. Vasil Sisvadze, Head, Cultural Development, Sport and Youth Affairs, Akhaltsikhe Municipality;
26. Alex Zedginidze, Akhaltsikhe Municipal Gamgeoba;
27. Giorgi Kopadze, Akhaltsikhe Mayor;

28. Zaza Melkadze, Head, Akhaltsikhe Municipal Gamgeoba;
29. Giga Gvelesiani, Head of Donor Relations and Project Management Unit, MDF;
30. Ekaterine Dadiani, Donor Relations Specialist, MDF;
31. Anna Tavdgiridze, Donor Relations Specialist, MDF,
32. Tamar Kardava, Beneficiaries Relations Specialist, MDF;
33. David Tabidze, Head of Environmental and resettlement Safeguards unit, MDF;
34. Anna Rukhadze, Environmental Safeguards Specialist, MDF.

**Akaki Machutadze, State Representative-Governor** opened the meeting and greeted the participants. He briefed the public on RDP III, which will be implemented with the World Bank's support and underline that investment sub-projects within the in Samtskhe-Javakheti Region has been determined based on several discussions with World Bank and the Municipal Development Fund (MDF).

**David Tabidze**, Head of Safeguards Unit, MDF, briefly reviewed RDP III, which aims to improve infrastructure services and institutional capacity to support the development of tourism-based economy and cultural heritage circuits in the Samtskhe-Javakheti and Mtskheta-Mtianeti regions and the tentative budget is as follows: World Bank loan – USD 60 mln., Government of Georgia's contribution - USD 15 mln. He briefly discussed subprojects which were selected for funding under RDP III. D. Tabidze explained that the main purpose of the meeting is consultations with public on draft Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF), which have been prepared for RDP III.

**Ana Rukhadze**, Environmental Specialist, MDF, presented draft ESMF and RPF. She noted that the RDP III falls under Category B and thus only B or C category sub-projects will be eligible within its framework. She briefly discussed safety regulations of the World Bank and national environmental legislation applicable to RDP III; presented a structure of the Environmental and Social Review reports, including Environmental Management Plans (EMPs), or simplified EMP Checklists for Small Construction and Rehabilitation Activities as a tool for environmental management planning for low risk sub-projects (small scale construction and rehabilitation works). She reviewed procedure of stakeholder consultations on EMPs being applied by the MDF at the sub-project identification, assessment and implementation stages, as well as environmental monitoring and grievances redress mechanism to be set up for the RDP III. Further, Anna Rukhadze presented information on the RPF. She noted that the document specifies principles and procedures of resettlement and land acquisition under RDP III, as well as the categories and rights of persons affected by the sub-project and documents to be prepared prior to, during and after implementation of Resettlement Action Plans. She also reviewed the main principles of the World Bank



safeguard policy (OP/BP 4.12) and Georgian legislation on Involuntary Resettlement and coherent principles of their implementation under RDP III, public hearing procedures for the Resettlement Action Plans and grievance redress mechanism.

Following the above mentioned presentations, participants posed questions. Major part of the questions was dedicated to project selection and priorities. In respect of resettlement issues, interest was provoked by compensation and reimbursement mechanisms.

Questions asked and comments made:

Questions:	Comments:
Is it possible to amend the presented documents?	It was repeatedly explained that the aim of the consultation meeting is to discuss the draft versions of ESMF and RPF. Those documents will be finalized with incorporation of feedback.
Sub-projects are planned to be implemented in the vicinity of the cultural heritage (CH) sites. Consequently, there is higher than average likelihood of encountering chance-finds during excavation works. Development of tourism infrastructure near the CH sites should not lead to loss of archaeological values. Civil works near the Saro Darbazi houses, Tmogvi Fortress, Saphara Monastery will be particular interest from this regard. What kind of measures are envisaged to protect archeological values?	It was clarified that if Construction Contractor encounters chance finds on a subproject site, MDF must immediately notify the Ministry of Culture and Monument Protection and receive its instructions on the further course of action. MDF may not authorize resumption of work until obtaining consent of the Ministry of Culture and Monument Protection confirming that all urgent measures are taken for the preservation of archaeological heritage. Representative of Akhaltsikhe Municipality Gamgeoba noted that access road to Saphara monastery is repaired almost every year. So far have not find any archaeological object. However, if such case occurs, the procedures defined will be fully followed.

<p>Several rehabilitation projects are ongoing or are planned to be implemented in Akahltsikhe Town. Civil works for rehabilitation of water supply and sewage systems are ongoing as well. Better coordination is necessary to avoid overlaps.</p>	<p>Representative of Governor Administration explained that the three-year action plan is adopted, which pools all projects planned within several programs. Mentioned Action Plan enables us to implement numerous ongoing sub-projects under the programs, in coordination with different stakeholders in order overlaps to be avoided.</p>
<p>Bishop of the Diocese was unable to attend the meeting. However, he requested to undertake consultations with representatives of the Orthodox monasteries and patriarchy. They have views on placement of tourist infrastructure near the churches. Consequently, Church involvement is important.</p>	<p>All sub-projects within the RDP III will be discussed in advance with participation of all stakeholders. Their interests will be adequately taken into consideration in subproject preparation.</p>
<p>What are the principles of compensation for the assets of affected persons?</p>	<p>The Resettlement Policy Framework is prepared based on the World Bank's Operation Policy and the Georgian legislation in force. Compensation will be granted to every single person, which is directly affected by the project implementation.</p>
<p>May an affected person appeal if compensation is not acceptable?</p>	<p>Of course, it is possible. A Grievance Redress Mechanism will be set up to deal with both the environmental and social issues of the sub-projects. A Grievance Redress Committee (GRC) will be established in each Gamgeoba. Complaint will first informally reviewed by GRC, which takes all necessary measures to resolve the dispute amicably.</p> <p>If any aggrieved person is unsatisfied with the GRC decision, the next option will be to lodge grievances to the MDF. The MDF shall review the complaint in</p>

	<p>compliance with the procedures specified in the Administrative Code of Georgia.</p> <p>If the MDF decision fails to satisfy the aggrieved person, they can pursue further action by submitting their case to the appropriate court of law (Regional Court).</p>
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After discussion on ESMF and RPF, Anna Rukhadze briefly reviewed draft Executive Summary of the Strategic Environmental, Social and Cultural Heritage Assessment (SECHSA) of the Regional Development and Tourism Development Strategies of Samtskhe-Javakheti and Mtsketa-Mtianeti. She explained the objectives of the assessment and overviewed issues outlined in the in the Executive Summary. Stakeholders consultation methodology and plan for running SECHSA full report through the residents of the region was presented and discussed with participants of the consultation meeting. Participants of the meeting were informed that draft final report on SECHSA will be prepared after completing stakeholder consultation process in the two selected regions and disclosed through the MDF’s web page. Hard copies of the report will be available at the MDF office in Tbilisi and Municipal offices in Mtskheta and Akhaltsikhe. Consultation meetings in Tbilisi, Akhaltsikhe and Mtskheta to be conducted after disclosure of the SECHSA Report with involvement of all stakeholders: affected communities, NGOs and civil society, Government Bodies,

Georgian Orthodox Church, Municipal Authorities. Feedbacks received during consultations meetings will be reflecting in the final SECHSA report which will be re-disclosed.

Representatives of territorial administrations and Governor’s administration expressed positive attitude and support for the RDP III and noted that the Project is of great importance for the development of tourism in the region.

At the end of the meeting, David Tabidze wrapped up the suggestions and remarks expressed at the meeting and stated that the final versions of ESM and RPF will be posted on the MDF’s website.

**Minutes prepared by:** Anna Rukhadze

## Participants' Registration List



### რეგიონული განვითარების მესამე პროექტი (RDP 3)

რეგიონული განვითარების მესამე პროექტის ბუნებრივ და სოციალურ გარემოზე ზემოქმედების მართვისა (ESMF) და განსახლების პოლიტიკის ჩარჩო (RPF) დოკუმენტების სამუშაო ვერსიების საჯარო განხილვა

ახალიბე, 18 თებერვალი, 2015

მონაწილეობა რეგისტრაციის ფურცელი

	სახელი, გვარი	ორგანიზაცია	საკონტაქტო ინფორმაცია
1.	ნოდარ ზედაძე	ბუნებრივი რესურსების დეპარტამენტი, სოფლის მეურნეობის, სანელებლებისა და სასაფარიტო მრეწველობის სამსახური	nodar.zedaze@gmail.com 591-449705
2.	დისკ ვიზიონ	World vision International - ის ბიჯი სს-ის საბჭო-კავშირის სხპე	disc.vision@svi.org 598-512902
3.	დავით ლომიძე	საქართველოს მთავრობის ადმინისტრაცია	dauidlomidze04@gmail.com 595 0914 00
4.	ალექსი ლომიძე	საქართველოს მთავრობის ადმინისტრაცია	aleksi.lomidze@mail.ru 595 091416
5.	თეიმურაზ ზედაძე	საქართველოს მთავრობის ადმინისტრაცია	595 091415

6.	Հնարձակ զարկեր	ձեռքովի ձգարձակողների կողմից չարտարված զինամթերքի արտադրություն	585 09 14 02
7.	Գնաքույր խմոր	ձՁՔ - կաշի - քիմիական կաշիներ	
8.	Չեղանկ զննում	ձՁՔ - կաշի - քիմիական կաշիներ	
9.	Չարտարված զինամթերք	Չարտարված զինամթերքի արտադրություն և արտահանում	591449912
10.	համոտ զննում	կաշի հ.տ. նոց զննում Չարտարված	595 85 75 23
11.	համոտ զննում	ձեռքովի հ.տ. նոց զննում Չարտարված	598-84-36-39
12.	ուսումնասիրություն	ձեռքովի նոց զննում Չարտարված	595 730210
13.	Չարտարված զինամթերք	Չարտարված նոց զննում Չարտարված	593906417
14.	Չարտարված	Չարտարված նոց զննում Չարտարված	537814775
15.	Չարտարված զինամթերք	Չարտարված նոց զննում Չարտարված	593 220 273

16.	Օլոննիսի օմեռն	ՅՅՕՐԻՆԻ ԼՈՂ. ԺՏԻՆ ՁԱԽՆՅԱՆՆԵՐ	574-12-18-83
17.	Երեւն օմեռն	ԼՈՂ. ՄԻՂՆԵՆ ԶԱԽՆՅԱՆՆԵՐ	555-777-199
18.	Չիմնի շտրիպի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ	591918855
19.	Ուրմալ Ժառանգում	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ	551554422
20.	Չիմնի Չիմնի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ	591449792
21.	Չիմնի Չիմնի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ ՉՊԻՆՅԱՆՆԵՐ	595063366
22.	Չիմնի Չիմնի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ ՉՊԻՆՅԱՆՆԵՐ	591449799
23.	Չիմնի Չիմնի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ ՉՊԻՆՅԱՆՆԵՐ	5-97-44-97-01
24.	Չիմնի Չիմնի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ	591-44-97-02
25.	Չիմնի Չիմնի	ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ ՉՊԻՆՅԱՆՆԵՐ ԵՎ ՉԻՄՆԻՆԵՐ	591-09-14-14



რეგიონული განვითარების მესამე პროექტი (RDP 3)

რეგიონული განვითარების მესამე პროექტის ბუნებრივ და სოციალურ გარემოზე ზემოქმედების მართვის (ESMF) და განსახლების პოლიტიკის ჩარჩო (RPF) დოკუმენტების სამუშაო ვერსიების საჯარო განხილვა

ახალიბე, 18 თებერვალი, 2015

მონაწილეთა რეგისტრაციის ფურცელი

	სახელი, გვარი	ორგანიზაცია	საკონტაქტო ინფორმაცია
1.	აღუაძვირე ზვ. გვარამია	ბიძინაშვილი უნივერსიტეტი კვლევითი ცენტრი	591-44-97-79
2.	გიორგი შვეციანი	მ.გ.გ.	577 78-22-13
3.	საბა ავალიანი	ბუნებრივი რესურსების სამსახური	577 7106 07
4.	მარიამ სამარია	მ.გ.გ.	577 727244
5.	თამარ ქვინია	მ.გ.გ.	594 112-118

6.	Janaka Smithy	J. Janaka Smithy J. Janaka Smithy	596 57 41 41 557 445 944
7.	B. B. Smithy	B. B. Smithy B. B. Smithy	591 85 77 77 599 15 48 49
8.	261 Smithy	261 Smithy 261 Smithy	grukelidze@mold.org.ge
9.	525 Smithy	525 Smithy 525 Smithy	d.fabridze@mold.org.ge 531419205
10.			
11.			
12.			
13.			
14.			
15.			







**Minutes of Public Consultation Meeting on the ESMF and RPF**



**Third Regional Development Project**

**Public Consultation on**

**Draft Environmental and Social Management Framework, Draft Resettlement Policy Framework, and Draft Executive Summary of the Environmental, Social and Cultural Heritage Assessment of Regional Development and Regional Tourism Development Strategies**

**MINUTES**

**Dusheti Municipality Administration Office**

**27 Rustaveli street, Dusheti  
February 18, 2015**

**Agenda:**

12:00	Opening	Nino Patarashvili, Environmental Safeguard Specialist MDF
12:10	Brief overview of the meeting objectives and of the RDP III	Nino Patarashvili, Environmental Safeguard Specialist MDF
12:20	Overview of draft Environmental and Social Management Framework and draft Resettlement Policy Framework	Irakli Kaviladze, Environmental and Social consultant of MDF
13:00	Overview of draft Executive Summary of Strategic Environmental Cultural Heritage and Social Impact Assessment (SECHSA) Report for Mtskheta- Mtianeti and Samtskhe-Javakheti Regional Development and Tourism Development Strategies	Irakli Kaviladze, Environmental and Social consultant of MDF Nino Patarashvili, Environmental Safeguard Specialist MDF
13:30-14:00	Discussion	
14:00	Closing remarks	

**Those present:**

1. Beqa Gharibashvili, First Deputy Governor, Dusheti municipality;
2. Niko Dudaury, Head, Architecture Department, Dusheti Municipality;
3. Emzar Sindzaradze, Specialist, Architecture and Supervision Department, Dusheti Municipality;
4. Zura Khatchuri, Head, Property Management and Economic Development Department, Dusheti Municipality;
5. Amiran Dzagherishvili, Head, Statistics, Economic Development and Environmental Department, Dusheti Municipality;
6. Ketevan Tsiklauri, Head, Education, Sport, Culture and Monument Protection Department, Dusheti Municipality;
7. Dodo Chokheli, Head, Administration Department, Dusheti Municipality;
8. Razthen Dudaury, Head, Urban Development and Spatial Planning, Dusheti Municipality;
9. Shadi Khadad, Head, Cultural Heritage, Dusheti Municipality;
10. Paata Mighdiseli, Head, Internal Audit, Dusheti Municipality;
11. Mikheil Kariauli, Head, Coordinatin Unit, Dusheti Municipality;
12. Zizi Papiashvili, PR Manager, Dusheti Municipality;
13. Tariel Chkhutiashvili, Majoritarian MP from Dusheti Municipality;
14. Tinatin Tsotskhalashvili, Assistant of Governor, Dusheti Municipality;
15. George Lapanashvili, Chairman of the Comition, Dusheti Municipality;
16. Vaja Tchintcharauli, Chairman, Comition for Spatial-Teritorial Arrangement and Infrastructure, Dusheti Municipality;
17. Meri Poladashvili, Dusheti Municipality - Deputy of Comition, Fraction “Tanadgoma” Chairman;
18. Zurab Revazishvili, Eko-Spectrum, NGO;
19. Berik Khutsishvili, Mountains and Valleys Union, NGO;
20. Otar Dudaury, Mountains and Valleys Union, NGO;
21. Vano Kurtanidze, Organization “Moqalaqe”, Students for Self Governance Project;
22. Nika Sabashvili, Organization “Moqalaqe”, Students for Self Governance Project;
23. Robi Nadiradze, Organization “Moqalaqe”, Students for Self Governance Project;
24. Nino Patarashvili, Environmental Safeguard Specialist, MDF;
25. Mikheil Tsereteli, Monitoring Specialist MDF;
26. Elguja Kvantchilashvili, Intern, MDF.

**Nino Patarashvili** opened the meeting, greeted the participants and overviewed objectives of the meeting. She briefed the public on the Regional Development Project (RDP) III, which will be implemented with the World Bank support. Patarashvili noted that the Project Development Objective is improvement of infrastructure services and institutional capacity to support the development of tourism-based economy and cultural heritage circuits in the Samtskhe-Javakheti and Mtskheta-Mtianeti regions. She explained that it is a new project to be implemented with the World Bank support and is similar of RDP being implemented in Kakheti region and RDP II being implemented in Imereti region. Patarashvili talked about the Project funding, mentioning that the tentative budget is comprised of the World Bank loan in the amount of \$60 million, and the contribution of the Government of Georgia - \$15 million; and the total Project cost is \$ 75 million. The Project covers Samtskhe-Javakheti and Mtskheta-Mtianeti regions, and will be implemented by the MDF. Patarashvili briefly overviewed World Bank's environmental and social safeguard policy requirements applicable to RDP III and all subprojects under it.

**Irakli kavidadze** greeted the public and presented draft Environmental and Social Management Framework (ESMF). He noted that RDP III falls under Category B and thus only B or C category subprojects will be eligible within its framework. He briefly discussed safeguard policies of the World Bank triggered for RDP III, and structure and content of environmental and social documents to be prepared for all subprojects under RDP III. Kavidadze spoke about environmental and social liabilities of the parties involved in the Project implementation, reviewed process of disclosure and public consultations to be held for draft site-specific Environmental Management Plans (EMPs), and environmental procedures, which are applied by the MDF at the subproject's identification, assessment and implementation stages.

Further, Kavidadze presented the draft Resettlement Policy Framework (RPF). He noted that the document specifies principles and procedures of all types of resettlement which may occur under RDP III, as well as the categories and rights of persons affected by subprojects, and analytical work and documents to be prepared prior to-, during-, and after implementation of Resettlement Action Plans (RAPs). He also reviewed the main principles of the World Bank's safeguard policy OP/BP 4.12 Involuntary Resettlement and the Georgian legislation regulating the same area. He described how public consultation process will be applied to the development of RAPs and how the grievance redress mechanism will

work.

Finally, Kaviladze talked about the the Environmental, Social, and Cultural Heritage assessment of Regional Development and Regional Tourism Development Strategies of Mtskheta-Mtianeti and Samtskhe-Javakheti regions carried out for the purposes of designing and implementing RDP III within the context of these Governmental documents. He presented to the public the draft Executive Summary of SECHSA Report and explained how regional stakeholders will be consulted on the findings of SECHSA prior to finalizing full report on this study.

Following these presentations, participants of the meeting were given the floor for comments and questions. The major part of the questions posed by participants were dedicated to subproject selection and financing procedures and priorities. In respect to resettlement issues, interest was provoked by compensation and reimbursement mechanisms.

**Questions asked and comments made:**

<b>Questions:</b>	<b>Comments:</b>
How are priorities determined for funding subprojects? What is the subproject cycle: which stages are to be covered from the beginning till the end, are there any time limitations?	Subprojects are selected based on the needs and demands of the municipalities. There are no standard timeframes and limitations set against the selection process. In case of urgency, it is possible to retroactively finance individual activities, if it is proposed in line with the required standards and quality.
How the projects and design companies are being selected?	Contractors (both for design and construction works) will be selected through the Bidding. If the municipality has already prepared and completed design of the planned subproject, there will be no need of announcing the Bidding for design company selection. Completed design of subproject will be submitted to the MDF for further processing. If the municipality is not able to come up with an adequately designed subproject, then the MDF itself gets involved in the subproject preparation process and ensures development of the subprojects oriented on the municipality requirements.
It should be better to select the project	The WB procurement guidelines do not

Questions:	Comments:
designs through the competition, not through announcing bidding for selection of project design companies.	provide appropriate procedures for announcement of competition aiming at selecting project designs.
What is the main goal of the Project and what change will The Project make on the ground?	<p>The main objective of the Project is to improve infrastructure services and institutional capacity in the regions of Samtskhe-javakheti and Mtskheta-Mtianeti regions for the promotion of tourism-oriented economy and sustainable use of cultural heritage sites.</p> <p>Some new initiatives of the government in the selected regions are part of the overall economic growth policy of encouraging private investment in the regions. Tourism development is recognized as an important source of economic growth.</p> <p>The Project aims to create extra value for the regions to redirect the tourists from cities to the provinces. The growth of tourist flows will be beneficial for municipalities through the increased incomes as a result of the Project implementation</p>
The quality of water supply and sewage systems of Dusheti do not comply with the required standards and norms and may cause morbidity of the population. Does the Project envisage rehabilitation of water supply and sewage systems in Dusheti?	The rehabilitation of water supply and sewerage systems are not included within RDP III, as management of regional water supply and sewage systems is under the competence of the United Water Supply Company of Georgia LLC. For information, rehabilitation of Dusheti water supply system is financed through the program financed by the European Investment Bank. No information regarding rehabilitation of the sewerage system is available.



Questions:	Comments:
Who is responsible for environmental assessment of subprojects and development of environmental management plans?	Subprojects which belong to category B but carry relatively high environmental and social risks will require carrying out of the Environmental and Social Review, including preparation of EMPs. For lower risk Category B subprojects, development of simplified EMPs will be sufficient. In an unlikely case of a subproject requiring environmental permits according to the national legislation, conduct of a full scale environmental impact assessment will be needed. For all civil works contracts, EMPs will be part of tender packages and will then be included into contracts.
Are the municipalities adequately informed by MDF regarding SPs under RDP3 and do they have sufficient available information on Project financing?	There were conducted numerous meetings in the municipalities and project-financing related issues were discussed with their representatives.
What are the principles of resettlement and evaluation of the assets of affected persons?	<p>The Resettlement Policy Framework is prepared based on the World Bank's Operation Policy and the Georgian legislation in force. Compensation will be granted to every single person which is directly affected by the Project implementation. Registered formal owners of land titles as well as informal land users will be eligible for some compensation, but the type of compensation will differ: cost of the land plot will be paid only to those holding a land title. In other cases, the affected persons will be entitled for compensation of crops, plants and other type of economic activity led without having formal rights to the land.</p> <p>The assets are valued according to their market price or at replacement rates. For example: a land plot is valued at a market price, while plants are compensated at the replacement rate.</p>

Questions:	Comments:
Is it possible to appeal against the valuation results?	Of course, it is possible. The local grievance redress mechanism and court are designated for this purpose.

Representatives of territorial administrations and other participants of the meeting emphasized the necessity of strengthening cooperation between the MDF, territorial administrations and municipalities. At the end of the meeting, N. Patarashvili wrapped up the suggestions and remarks expressed at the meeting and stated that the final versions of Environmental and Social Management Framework and Resettlement Policy Framework will be posted on the MDF website. The finalized Executive Summary of SECHSA report will also be posted on the MDF's. The draft final full report on SECHSA will be prepared after completing stakeholder consultation process in the two selected regions and disclosed through the MDF's web page. Public consultation on the draft full SECHSA report will be held to seek feedback from the stakeholders at the local, regional and national levels, will be finalized and re-disclosed.

**Minutes prepared by:** Nino Patarashvili

## Participants' Registration List



### რეგიონული განვითარების მესამე პროექტი (RDP 3)

რეგიონული განვითარების მესამე პროექტის ბუნებრივ და სოციალურ გარემოზე ზემოქმედების მართვის (ESMF) და განსახლების პოლიტიკის ჩარჩო (RPF) დოკუმენტების სამუშაო ვერსიების საჯარო განხილვა

დღეუთი, 18 თებერვალი, 2015

მონაწილეთა რეგისტრაციის ფურცელი

	სახელი, გვარი	ორგანიზაცია	საკონტაქტო ინფორმაცია
1.	მუხრან ხუციშვილი	"კაპ-სტეპსი"	მუხრანის რაიონის მუხრანის ქ. 555-26-81-08
2.	ხეივანიძე მუხრან	"მთისა და პარკის სერვისი"	551 555 875
3.	ქუციავაძე ივანე	"მთისა და პარკის სერვისი"	555 51-45-48
4.	მუხრანის რაიონი	მუხრანის რაიონის მუხრანის ქ. 599-55-65-81	599-55-65-81
5.	სინკაძე ემნა	მუხრანის რაიონის მუხრანის ქ. 551-55-94-64	551-55-94-64

6.	Երբ Կեր Կարթ	Կարտի Կեր Կարթ Կեր Կեր Կեր Կարտի Կարթ Կեր Կարթ	593 52 87 89
7.	Կարտի Կեր	Կարտի Կեր Կարտի Կեր Կարտի Կեր Կարտի Կեր	598 62 55 50 vanokurtahid2e@yha.com
8.	Կարտի Կեր	Կարտի Կեր Կարտի Կեր Կարտի Կեր Կարտի Կեր	
9.	Կարտի Կեր	Կարտի Կեր Կարտի Կեր Կարտի Կեր Կարտի Կեր	598 - 77-17-64 robo_nadira2e@yha.com
10.	Կեր Կարտի	Կեր Կարտի Կարտի Կեր Կեր Կարտի Կարտի Կեր	591 92-12-52 7kacturi@gmail.com
11.	Կեր Կարտի	Կեր Կարտի Կարտի Կեր Կեր Կարտի Կարտի Կեր	591-11-45-07 amizadeheriskvilamizni@gmail.com
12.	Կեր Կարտի	Կեր Կարտի Կարտի Կեր Կեր Կարտի Կարտի Կեր	597 17 07 57
13.	Կեր Կարտի	Կեր Կարտի Կարտի Կեր Կեր Կարտի Կարտի Կեր	557 32 33 57 kulturasulbaza@mail.ru
14.	Կեր Կարտի	Կեր Կարտի Կարտի Կեր Կեր Կարտի Կարտի Կեր	595 15 64 85 trotskhalachitig@yha.com
15.	Կեր Կարտի	Կեր Կարտի Կարտի Կեր Կեր Կարտի Կարտի Կեր	577-55-11-33 choxelidodo@gmail.com

16.	ვაჩე ჩინჩაული	დავით ლევიძე	595-503658 vchincharauli@yahoo.com
17.	ბეკა ბაშვილი	საბავშვო ბავშვთა ცენტრის პედაგოგი	595 22-96-45 bekagharibashvili@gmail.com
18.	მარიამ ხაჩიძე	პედაგოგი-მასწავლებელი საბავშვო ბავშვთა ცენტრის საბავშვო განყოფილებაში	591676458 m.karantli@gmail.com
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Photo materials:





