

REPUBLIC OF KOSOVO

RESETTLEMENT POLICY FRAMEWORK

for

Greening Land for the Future (Greenland) Project

March 2020

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ABBREVIATIONS

AP	Affected Persons
BoE	Beneficiary of Expropriation
CERC	Contingency Emergency Response Component
CSO	Civil Society Organization
ESS	Environmental and Social Safeguard
ESMF	Environmental and Social Management Framework
EU	European Union
Greenland	Greening Land for Future Project
GRM	Grievance Redress Mechanism
IPA	Instrument for Pre-Accession Assistance
KEK	Kosovo Electricity Corporation
LAR	Land Acquisition and Resettlement
MESP	Ministry of Environment and Spatial Planning
MIE	Ministry of Infrastructure and Environment
NGO	Nongovernmental Organization
PAP	Project Affected Persons
PIU	Project Implementation Unit
RIU	Resettlement Plan Implementation Unit
RP	Resettlement Plan
RPF	Resettlement Policy Framework
SRBLM	Sustainable Risk Based Land Management
WB	World Bank

GLOSSARY

BORROWER. Refers to the responsible state institution for Project implementation, namely Ministry of Infrastructure and Environment of the Republic of Kosovo and KEK i.e. their PIU respectively.

COMPENSATION. Payment in cash or in kind for asset/s and/or resource/s acquired or affected by a project. Compensation will be paid prior to taking possession of the land and assets in all cases, including where this is not possible due to the absence of the owners. In the case of absence of owners, the money will be deposited to an escrow account or account alike.

CUT-OFF DATE. Date of socio-economic Survey determining the number of PAPs and the extent of impact on their structures and other assets. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, fixed assets (such as structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated.

DISADVANTAGED OR VULNERABLE. Those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.

ECONOMIC DISPLACEMENT. Loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood.

EXPROPRIATION. The right of the Government by means of Eminent Domain to take or limit ownership rights over a property subject to compensation at replacement cost.

GRIEVANCE REDRESS MECHANISM. Project specific procedures and mechanism in place in parallel to official grievance panels, allowing affected people to lodge a complaint or a claim, related to direct or indirect impact from the Project, without cost and with the assurance of a timely and satisfactory resolution of that complaint or claim.

INVOLUNTARY RESETTLEMENT. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

LAND ACQUISITION. Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

LIVELIHOOD. The full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

LIVELIHOOD RESTORATION. Measures aiming to assist physically and/or economically displaced persons to restore or improve their livelihoods and standards of living, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is to the benefit of the PAPs. Assistance must continue 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.

MOVING ALLOWANCE. The moving allowance is a cash compensation for costs directly associated to moving/relocation of the household.

NEGOTIATED SETTLEMENTS. Situations where the Borrower needs to acquire specific land or restrict its use for project purposes, but rather than doing so through an expropriation proceeding, the Borrower first tries to arrive at a mutually agreeable negotiated settlement with the landowner/user

PAP (or AP). Project Affected Person (or Affected Person) is any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from assets (structures, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

PHYSICAL DISPLACEMENT. Loss of shelter or property caused by acquisition of land in connection with the project, which requires the physical relocation PAPs from their pre-project place or residence, place of work or business premises.

REPLACEMENT COST. Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

RESETTLEMENT POLICY FRAMEWORK (RPF). RPF is a Project level resettlement instrument aiming to set forth resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation. It contains clear definitions of conditions under which the resettlement (for a specific project, a sector program or within a political entity like a state or a province) will be planned and implemented. It defines issues like entitlement, principles of compensation, grievance processes and other legal procedures. An RPF is required for projects with subprojects or multiple components that cannot be identified before project appraisal.

RESTRICTIONS ON LAND USE. Limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.

STAKEHOLDERS. Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

EXECUTIVE SUMMARY

The World Bank intends to support the proposed Greening Land for the Future (Greenland) project in Kosovo to finance investments for (a) technical assistance activities for Policy, Institution and Capacity Development for Contaminated Land Management, and (b) investments in demonstrations of contaminated land cleanup and redevelopment. The Project is to be implemented by the Project Implementation Unit within the Ministry of Infrastructure and Environment and/or KEK.

Greening Land for the Future (Greenland) project will deal with land contamination identification to actual cleanup works, risk assessment which can help management decisions made at each stage of a land's life cycle. The project will introduce and transfer international good practices and knowledge on environmental and human health risk-based remediation approach. The remediation process itself is not free of impacts and risks. Remediation is not intrinsically sustainable and poorly planned remediation can have serious negative impacts. Therefore, risk management should also meet sustainable development principles. Together this constitutes sustainable risk-based land management SRBLM. Both the physical investment and technical assistance of the project aims to showcase how contaminated land should be managed following international good practices on SRBLM at selected sites.

World Bank's Environmental and Social Standard 5 (*Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*) is Environmental and Social standard guiding land acquisition and related resettlement/compensation issues during project implementation.

A Resettlement Policy Framework (RPF) 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. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

The purpose of the Resettlement Policy Framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation.

At this moment, it is not possible to roughly estimate the extent of the displacement impacts, since sub-projects are not defined.

The direct project beneficiary is the Republic of Kosovo, i.e.: Ministry of Infrastructure and Environment, KEK, TREPCA, Municipalities: Hani Elezit, Novo Berdo, Obiliq, Fushë Kosovë and Prishtina (local population and businesses), etc.

INTRODUCTION

1.1 PROJECT DESCRIPTION

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The program design is as follows:

Component 1: Demonstration of Sustainable Risk-based Contaminated Land Remediation and Redevelopment

This component aims to demonstrate how contaminated land can be remediated and redeveloped in line with international good practices at 2 to 3 selected sites. To maximize sustainability, remediation and redevelopment options should be considered in an integrated manner early in the planning process, enabling best management practices of SRBLM to be implemented in the entire process..

Sub-component 1.1 Remediation and redevelopment at the brownfield site located in greater Pristina area. This sub-component will support investments in remediation and redevelopment of the brownfield site located in greater Pristina area, which has been identified as the first site, with close consultation and strong citizen engagement in Obliqi and Fushe Kosova municipalities. The total site is 104 ha of brownfield land includes an infilled mine galleries area (about 24 ha) and an overburden area (about 80 ha). At the overburden area, about 34 ha owned by Kosovo Energetic Corporation (KEK) and 46 ha by Kosovar Privatization Agency and multiple private owners. The site is adjacent to the reclaimed KEK's ash dump site (previously financed by the World Bank) in its northeast. **(The subcomponent is relevant as it may entail land acquisition)**

Subcomponent 1.2 Preparation of remediation and redevelopment plans for other sites

This sub-component will support site investigation, risk assessment, preparation of remediation and redevelopment plans and associated Environmental and Social Impact Assessment (ESIAs) for the other two to three sites, and citizen engagement activities. Site selection will be undertaken in consultation with the national and sub-national governments and will follow a set of criteria, including: i) relatively less extent of remediation complexity and clear land ownership, in order to demonstrate success within the project period; ii) potential of strong government support and community engagement, and high potential of integrating remediation with economic and social benefits, such as public amenities and regeneration of degraded areas, , materials recovery, greener industry promotion, and capacity building; iii) contributing to climate adaptation and mitigation,

such as protecting and developing water resources, development of green areas, and renewable energy development, and iv) the possibility of financial contribution from (national or local) government or private sector associated with the site.

Sub-component 1.3 Remediation and redevelopment at other sites

This sub-component will support investments for remediation and redevelopment at the other one to three sites which will be prepared under the sub-component 1.2. As the cost for remediation and redevelopment can only be determined based on the site investigation, risk assessment, and the remediation and redevelopment plan, the scope and costs of remediation and redevelopment for the other one to three sites will be confirmed during project implementation. It is expected that the other sites will involve higher levels of contamination than the first site, and their remediation and redevelopment may be designed to be undertaken in phases. The first phase of remediation and redevelopment is expected to be financed as appropriate under the project.

Component 2: Developing Policy and Institutional Capacity for Contaminated Land Management

This component aims to develop the policy and institutional capacity of the Government of Kosovo for SRBLM through a series of enabling technical assistance (TA) activities. According to lessons learnt from clean-up projects in other countries, the set-up of a comprehensive policy framework and institutional management system takes years.

Sub-component 2.1 National survey of suspected sites and an inventory of contaminated land in one or two selected municipalities.

This subcomponent aims to address data constraints for GoK to tackle contaminated land. It will support a national survey of the suspected contaminated sites in Kosovo. The purpose of the national survey through preliminary investigation is to screen contaminated sites in the needs of further site investigation to evaluate their risk. The survey results will inform the development of the National Action Plan under sub-component 2.3. It is expected that the survey results will be publicly available in an appropriate manner. The subcomponent will also support an inventory (site investigation) of contaminated land in selected municipalities.

Sub-component 2.2 Policy and institutional capacity building, awareness raising and community involvement.

This sub-component is to ensure effective implementation of Component 1 of the project and a National Action Plan for contaminated land management in Kosovo (see the next sub-component) in future, which would require legal basis, technical guidelines and capable professionals with good knowledge on SRBLM.

Sub-component 2.3 Sustainable financing options and National Action Plan for SRBLM.

This subcomponent will support a study for different funding, taxation and liability mechanisms/options based on international experiences tailored to Kosovo to finance the cost of contaminated sites management in Kosovo over the long term. It will also support the Government of Kosovo in developing a National Action Plan for SRBLM in close consultation with relevant

stakeholders to address land contamination in Kosovo beyond the project life, also for the purpose of sustaining outcomes of this project and informing subsequent phases interventions by international financial institutions.

Sub-component 2.4 Study on investment planning for industrial (hazardous and non-hazardous) waste management.

As most industrial hazardous waste are pollution sources to land, water and air, it is important to reduce industrial hazardous waste, so that land and water contamination can be largely avoided in future, while the contaminated land legacy is being addressed.

Component 3: Project management, monitoring and evaluation

This component will support operating costs associated with project management, including day-to-day project implementation, procurement and financial management, and environmental and social management functions to be carried out by an established Project Implementation Unit (PIU) in the Ministry of Infrastructure and Environment (MoIE, replacing MESP under the new Government structure), including coordination and collaboration among national and local government agencies, non-government organizations and the private sector (site owner, polluter or site redeveloper).

This document represents the Resettlement Policy Framework (RPF) and the Environmental and Social Management Framework (ESMF) is a separate document.

1.2 RATIONALE FOR PREPARATION OF A RESETTLEMENT POLICY FRAMEWORK

This document represents the Resettlement Policy Framework (RPF) for the Greening Land for Future (Greenland) Project. It describes the policies, procedures and processes that will be followed throughout the project in the course of mitigation of adverse social impacts due to project activities among the project affected persons, with and without legal title, whose land/properties, businesses and other assets are expropriated for the execution of the construction works.

Resettlement Policy Framework is prepared to guide potential land acquisition and potential resettlement for the construction of infrastructural projects in accordance to the requirements of the World Bank (WB) Environmental and Social Safeguards and fit with the national legislation.

The ESS 5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement) indicates that a Resettlement Policy Framework (RPF) needs to be prepared at appraisal if the extent and location of resettlement cannot be known because the project has multiple components.

“Where the likely nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown during project preparation, the Borrower will develop a framework establishing general principles and procedures compatible with this ESS. Once the individual project components are defined

and the necessary information becomes available, such a framework will be expanded into one or more specific plans proportionate to potential risks and impacts. No physical and/or economic displacement will occur until plans required by this ESS have been finalized and approved by the Bank.”

World Bank Environmental and Social Framework – ESS 5, p. 58

By the time of preparation of this document the type and number of the infrastructural projects which will be supported by this program is unknown. Thus, framework is being prepared and not Resettlement Plan.

1.3 OBJECTIVES AND PRINCIPLES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

During implementation of the Project, there is a possibility for small scale land acquisition to occur, mainly as a result of civil works planned under a limited number of components of the Project. This document provides overarching and binding principles to be applied in case of any permanent or temporary physical and economic displacement resulting from land acquisition or restriction to land use undertaken or imposed in connection with the Project implementation. These principles shall govern all actions of the Borrower and its representatives, its PIU, their subsidiaries if any, contractors, as well as all other governmental and local institutions involved in the Project implementation.

The purpose of this resettlement policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts, if needed. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

The main objectives of the RPF are to:

- Provide details on the policies governing land expropriation, the range of adverse impacts and entitlements;
- Present a strategy for achieving the objectives of the resettlement/ land acquisition policy;
- Provide a framework for implementation of the stated strategies to ensure timely acquisition of assets, payment of compensation and delivery of other benefits to project affected persons (PAP);
- Provide details on the public information, consultation and participation, and grievance redress mechanisms in project planning, design and implementation;
- Provide identified sources and estimates of required resources for implementation of the RP;
- Provide a framework for supervision, monitoring and evaluation of resettlement implementation.

The principle is that involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternatives in project design. If unavoidable, resettlement activities should be conceived and executed as sustainable development Programs, providing sufficient investment resources to enable the person displaced by the project to share in the benefits of the project. Furthermore, displaced persons must be meaningfully consulted and should be involved in planning and implementing resettlement Programs and 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 Program implementation, whichever is higher.

1.4 PROCESS FOR PREPARATION AND APPROVAL OF RESETTLEMENT PLAN

1.4.1 RESETTLEMENT PLAN

This RPF guides the preparation of Resettlement Plan (RP). Individual project's RP, consistent with this RPF, will be created and submitted to the World Bank for its approval.

Minimum elements of a Resettlement Plan, are:

- 1) **Description of the project.** General description of the project and identification of the project area
- 2) **Potential impacts Identification of:**
 - a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
 - b) the zone of impact of such components or activities;
 - c) the scope and scale of land acquisition and impacts on structures and other fixed assets;
 - d) any project-imposed restrictions on use of, or access to, land or natural resources;
 - e) alternatives considered to avoid or minimize displacement and why those were rejected; and
 - f) the mechanisms established to minimize displacement, to the extent possible, during project implementation
- 3) **Objectives.** The main objectives of the resettlement program
- 4) **Census survey and baseline socioeconomic studies.** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:
 - a) identifying 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;
 - b) information on vulnerable groups or persons for whom special provisions may have to be made;
 - c) identifying public or community infrastructure, property or services that may be affected;
 - d) providing a basis for the design of, and budgeting for, the resettlement program; (if there are cases of resettlement most probably there will be not more than couple of dwellings)
 - e) in conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
 - f) establishing baseline conditions for monitoring and evaluation purposes

As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

- g) 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;

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- h) 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; and
 - i) 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. There will be no cases of resettlement of the communities
- 5) **Legal framework.** The findings of an analysis of the legal framework, covering:
- a) the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
 - 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 grievance redress mechanisms that may be relevant to the project;
 - c) laws and regulations relating to the agencies responsible for implementing resettlement activities; and
 - d) gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps
- 6) **Institutional framework.** The findings of an analysis of the institutional framework covering:
- a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
 - b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and
 - c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation
- 7) **Eligibility.** Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off date
- 8) **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 for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them
- 9) **Community participation Involvement of displaced persons** (including host communities, where relevant):
- (a) a description of the strategy for consultation with, and participation of, displaced persons 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; 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

- 10) **Implementation schedule.** An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project
- 11) **Costs and budget.** Tables showing categorized 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 FLOWS of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies
- 12) **Grievance redress mechanism.** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms
- 13) **Monitoring and evaluation.** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party 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 results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation
- 14) **Arrangements for adaptive management.** The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

Additional planning requirements are needed where resettlement involves:

- 1) **Physical displacement:** Transitional assistance; Site selection, site preparation, and relocation; Housing, infrastructure, and social services; Environmental protection and management; Consultation on relocation arrangements; Integration with host populations.
- 2) **Economic displacement:** Direct land replacement; Loss of access to land or resources; Support for alternative livelihoods; Consideration of economic development opportunities; Transitional support.

1.4.2 IDENTIFICATION OF THE NEED FOR RP DEVELOPMENT

Identification of the need for RP development by individual sub-project will be conducted by the PIU member responsible for Environmental and Social issues.

The first action, the identification process, includes review of the existing cadaster/geodesic reports (**Report for Expropriation** and **Geodetic Report for special purposes**), and any current or previous records of expropriation. Main aim is to identify owners and users of the affected land, and whether it holds information on established concession or other type of contract upon some governmentally owned land parcel with private or legal entities.

This action will also identify whether some institution has already conducted and completed an expropriation process on behalf of the sub-project proposed for financing, and if yes, then identify whether the expropriation process was done in accordance with ESS5. If any gaps are identified, gap filling measures are needed.

Second action is **on-site visit**, to confirm the current land/asset use, including presence of any structures or occupation (with or without titles/permits). The PIU member will have to visually check the land that will be impacted by the project whether it has some unofficial or illegal constructed fixed assets on it, have unregistered users, or serve as an access to private property or livelihood provision activities, all done in accordance with ESS5.

The third action concludes the need for RP development upon fulfillment of the RP Identification Need sheet, set in the **Annex 1** (includes 8 check). If only a single item is answered Yes, a RP development is needed.

The following steps describe the Resettlement screening process:

1. Submission of application for sub-project financing;
2. reviews the submitted documentation for sub-project financing;
3. PIU member conducts Site visit
4. Fulfillment of the form set in Annex 1
5. Report to PIU and WB, on the need for RP development

For those sub-projects requiring RP development, further guidance will be provided by PIU.

1.4.3 APPROVAL OF RP

At first, draft version of RP, prepared by the MESP will be shared with WB for approval before public disclosure, and afterwards, the final version of RP will be submitted. Sub-project implementation will start after obtaining approval by the WB. After no objection has been obtained, compensation, resettlement and rehabilitation activities will be initiated, and will be completed before awarding contracts of construction works. Once the implementation of the RP is completed the awarding of the contracts for the works can be finalized.

The following steps describe the proposed model for RP approval.

1. Draft RP is prepared for sub-projects that do fall within the frames of requirements described in ESS5 and send to WB through the PIU for review;
2. WB will review and provide no objection to the draft RP;
3. MIE, KEK and affected Municipality will disclose draft RP and organize consultations with impacted PAPs to discuss and conclude, means of compensation and the proposed mitigation and compensation measures;
4. Conclusions implemented in draft RP;
5. Final RP sent to WB for no objection;
6. After providing **No objection**, disclosure of RP;
7. Completing the land acquisition process.
8. Continuing with sub-project realization.

Overall, the civil works cannot proceed without RP provisions being implemented first, including provision of adequate compensation and other measures outlined in this document.

1.4.4 RP IMPLEMENTATION

Implementation of the sub-project's RP will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan as well as the objectives of ESS5. For all projects with significant involuntary resettlement impacts, the Borrower will commission an external completion audit of the plan when all mitigation measures have been substantially completed. The completion audit will be undertaken by competent resettlement professionals, will assess whether livelihoods and living standards have been improved or at least restored and, as necessary, will propose corrective actions to meet objectives not yet achieved.

1.5 ESTIMATED DISPLACEMENT IMPACTS

At this moment, it is not possible to estimate the extent of the displacement impacts, since sub-projects are not defined.

2 INSTITUTIONAL AND LEGAL FRAMEWORK

2.1 NATIONAL LEGAL FRAMEWORK FOR RESETTLEMENT

The Constitution of Republic of Kosovo. The "ownership" right is categorized with other fundamental rights, embodied in Article 46 of the constitution. The right to own property is guaranteed and enjoys constitutional protection. The property rights are defined on the basis of equality and impartiality, regardless of the national background, meaning that also the foreigners qualify for the right of acquiring immovable properties in Kosovo.

The Constitution prohibits arbitrary deprivation of property (Art. 46) - the authorities may expropriate property only if such expropriation is authorized by law, is necessary or appropriate to the achievement of a public purpose or the promotion of the public interest, and is followed by the provision of immediate and adequate compensation to the person(s) whose property is expropriated.

Law on Property and Other Real Rights defines the creation, content, transfer, protection, and termination of real rights such as ownership, limited real rights, possession, real security rights and real rights of use. Law stipulates that ownership and other real rights can only be limited or taken away against the will of lawful holders in accordance with conditions and procedures as defined by the applicable laws.

Law on Cadaster regulates the Cadaster of immovable property, national and cadastral surveys, geodesic and cadastral works as well as acquisition, registration, keeping, maintenance and use of cadastral data.

Law on Spatial Planning sets out the basic principles of spatial planning, methodology of spatial development and regulations, as well as the responsibilities of administrative bodies at central and local level for drafting and enforcement of spatial planning documents.

Law on Construction regulates the procedure of issuing construction permits, compliance with the construction permit requirements, issuing of occupancy certificates, design, construction, reconstruction, demolition, professional supervision, building inspection.

Law on the Inspectorate of Environment, Waters, Nature, Spatial Planning and Construction regulates the principles, organization and inspection supervision, coordination of surveillance inspection, rights, duties, powers of inspectors, rights, obligations and supervision entities, the procedure for performing inspection and other important issues dealing with inspection supervision. The law also, stipulates that inspection supervision and control through urban inspection by implementing this law and other laws related to the field of urbanization and spatial planning is the responsibility of Inspectorate of spatial and urban planning.

Law on the Establishment of the Immovable Property Rights Register sets out the principles of implementing and validating immovable property rights in Kosovo through the mechanism of the Immovable Property Rights Register. Immovable property rights including (i) ownership, (ii) mortgages, (iii) servitudes, (iv) the rights of use of municipal, public, social and state property and (v) property burdens and charges are recorded in the Register. It sets out the authority over overall administration of the Register to the Kosovo Cadastral Agency (KCA) and appoints the Municipal Cadastral Offices to record, in writing, immovable property rights in the Register under the authority of the KCA.

Law on Protection and Promotion of Rights of Communities and their Members in Kosovo defines Kosovo communities and their special rights with regard to their identity, religion, education, use of languages, culture, health, media, economic and social opportunities, and their political representation in all state mechanisms. The law also, provides measures for protecting cultural and religious heritage, public employment programs especially for Roma, Ashkali and Egyptian communities, education in their own language, etc.

Law on Use of Languages regulates the use of official languages, as well as languages of communities whose mother language is not an official language, in Kosovo institutions and other public organizations and enterprises. Law gives equal status to Albanian and Serbian as the official languages of Kosovo and provides the right of all communities in Kosovo to preserve, maintain and promote their linguistic identity.

Law on the Protection from Discrimination gives general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment. The Law aims to prevent all acts or omissions, of all state and local institutions, natural and legal persons, public and private sector, who violate, violated or may violate the rights of any person or natural and legal entities, amongst others in relation to (i) access to housing, which is available to the public, and the access to other forms of property (movable and immovable) and (ii) fair and equal treatment in court proceedings and all other authorities administering justice.

2.2 EXPROPRIATION PROCESS IN KOSOVO

2.2.1 KEY PROVISIONS OF THE EXPROPRIATION LAW

The Law on Expropriation¹ sets out the rules and conditions under which the Government or a Municipality may expropriate a Person's ownership or other rights in or to immovable property, the rules and conditions under which the Government may authorize the temporary seizure and use of immovable property, the procedures governing the conduct of such an act of expropriation or seizure, the rules and procedures that shall be used in determining the amount and payment of compensation for such an

¹ Amending and supplementing the law no 03/L-139 for the expropriation of immovable property, namely the Law no. 03/L-205 approved by the Kosovo Assembly in 2001

expropriation or seizure and other provisions governing ancillary matters related to such and expropriation or seizure.

The Law on expropriation does not use the term "involuntary resettlement", but instead uses the term "expropriation" and is based on the Government's eminent domain power. The law also enshrines the principle of fair compensation according to "market value" of the property instead of the "replacement cost" used in WB ESS5.

2.2.2 THE EXPROPRIATION PROCESS

This is a step-by-step presentation of the expropriation process, as defined by Law of Expropriation.

- If all applicable conditions specified in Article 4 of the Expropriation Law are present², the concerned Expropriating Authority may proceed to carry out the concerned expropriation in accordance with the applicable procedures and requirements further established by the law.
- An expropriation procedure may be initiated by the responsible Expropriating Authority (as specified in the glossary it is Department for the Expropriation within Ministry of Environment and Spatial Planning) as determined in accordance with Article 4 of the present law, on its own initiative or pursuant to an application submitted to the Expropriating Authority.
Applications may be submitted by a Public Authority (government agency) or Publicly Owned Enterprise. If the Expropriation Authority is the Government³, an application may also be submitted by: Public-Private Partnership, a party to an Infrastructure Contract awarded by a Tendering Body or any lawful heir, successor, assignee or transferee of such a partnership or party. If the Expropriating Authority is acting on its own initiative, it shall cause one or more of its members or official to prepare and submit the application.
- An Application for Expropriation contains the following information:
 - the name and address of the Expropriating Authority and, if the Expropriation Authority is not acting on its own initiative, the name and address of the Applicant
 - The name and address of each person who is, or who claims to be, an Owner or Interest Holder with respect to each and every concerned parcel of immovable property in so far as this information may be readily ascertained from the available cadastral and other official immovable property records in Kosovo, including the records of the Kosovo Property Agency and most recent property tax records;
 - The location and number of each and every concerned parcel of immovable property, and – if less than the entire area of any such parcel is to be expropriated and/or if less than all rights relating to any such parcel are to be expropriated – a specific description of the part and/or rights that are the subject of the application;
 - For each such parcel, a description of any and all rights (whether confirmed or claimed) relating to such parcel that the Applicant is requesting to be expropriated;

² The Expropriation is directly related to the accomplishment of a legitimate public purpose within its competence

³ Expropriating Authority can also be a Municipality. In this case applicant could not be Public-Private Partnership or party to an Infrastructure Contract

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- A detailed description of the public purpose for which the expropriation is being requested;
 - Any significant documents demonstrating the legitimacy of the public purpose and/or the necessity of the applied for expropriation (or, if any such document is publicly available electronically, a clear indication of where such document may be obtained);
 - Information on whether, and to what extent, the requested expropriation includes fixtures accessory parts and/or fruits of the immovable property; and
 - Detailed information, to the extent this is ascertainable from the records specified in this law.
- Within 15 days after receiving the application, the Expropriating Authority shall make a prima facie review of the application to determine whether it appears to satisfy the legal requirements set out in Article 4 and paragraphs 1 through 3 of this Article. If the Expropriating Authority determines that the application does not appear to fulfill any such requirement, it shall not accept the application, which shall be returned to the applicant together with a written statement of the reasons as to why the Expropriating Authority refused to accept the application. If the Expropriating Authority determines that an application appears to satisfy the referenced requirements, it shall adopt a written decision formally accepting the application for further processing in accordance with the present law.
 - Within 5 Business Days after adopting a decision accepting an application for further processing, the Expropriating Authority shall send a copy of the application and all documents attached to the Office of Immovable Property Valuation and - if the Expropriating Authority is the Government - to the mayor of each municipality where each parcel of the concerned property is located.
 - Within 10 Business Days after adopting a decision accepting an application for further processing, the Expropriating Authority shall send copy of the documents to the Persons identified in the application. The Expropriating Authority shall publish this Decision in the Official Gazette and in a newspaper enjoying wide circulation in Kosovo. Within same period the Expropriation Authority informs affected persons for the decision and convenes public hearing with the affected persons in each municipality where expropriation is needed.
 - Beginning on the date of that publication requirement, there shall be a 30 calendar days period during which any interested Person shall have the right to submit to the Expropriating Authority written comments on the requested Expropriation. Immediately following the conclusion of the written comment period specified above, there shall be a 15 calendar days period during which the Expropriating Authority shall hold a public hearing on the requested expropriation in each Municipality where concerned property is located. Any Person who is a public official of the Municipality where such a hearing is being held, or an Owner or Interest Holder with respect to concerned property lying within the Municipality where the hearing is being held, or the lawful attorney or representative of any such Person, shall have the right to attend such hearing. Each such Person shall be given a reasonable opportunity to orally provide his/her views on the applied for expropriation.
 - The Expropriation Authority takes the final decision for approval or denial, in whole or in part of the application for expropriation. As long as a complaint is not resolved at the competent court, the

Expropriation Authority does not approve the Final Decision on any concerned property or entitlement.

- Expropriation Authority should carry out the Valuation of real estate “valuation of assets” . The law provides that the amount of compensation for expropriation specified in the final decision is paid in full within two 2 years from the date of entry into force of the decision.
- An Expropriation procedure, or the relevant aspect thereof, shall be concluded or terminated when:
 - Transfer of ownership cannot be passed without completion of the procedure and the payment of the compensation. The ownership right over the expropriated property is lawfully registered in the name of the Municipality (if the Expropriation was conducted by the Expropriating Authority of such Municipality) or the Republic of Kosovo (if the Government is the Expropriating Authority) after the conduct of the procedure and the payment of the compensation required by the present law;
 - If the Expropriating Authority issues a decision that rejects, in whole or in part, the application for Expropriation:
 - upon the expiration of the time period during which the Applicant may file a complaint with the competent court challenging such decision, if the Applicant has not timely filed such a complaint, or
 - if the Applicant has timely filed such a complaint, the date on which a final non-appealable judgment has been issued by that court, or if applicable, an appellate court;
 - Prior to the adoption of an Expropriation decision, the Applicant withdraws its application, in whole or in part; or
 - A final non-appealable judgment of a competent court requires such conclusion or termination.
- From the day the Expropriation becomes effective: all pre-existing ownership and possessory rights, security interests, servitudes, construction rights, pre-emption rights and any other rights in or to the property expropriated by the Expropriation decision shall be terminated.

2.3 THE WB POLICY ON RESETTLEMENT (ESS5)

All projects funded by WB must comply with the WB environmental and social standards. The WB financed projects, in their turn, require compliance with the WB environmental and social standards and guidelines. **World Bank’s Environmental and Social Standard 5** (*Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*) is standard guiding land acquisition and related resettlement/compensation issues during project implementation. In line with the WB principles and procedures, Republic of Kosovo is committed to implement the WB financed projects in compliance with the requirements of WB’s Environmental and Social Standards.

In particular, appropriate planning/management instruments must be developed, disclosed and consulted prior to project appraisal, like Resettlement Policy Framework (RPF) and Resettlement Plan (RP), as appropriate. The RPF 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. The purpose of the Resettlement Policy Framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation.

A Resettlement Policy Framework (RPF) 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. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

The WB Policy on **Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**, as defined in the **ESS5**, is driven by the following objectives:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

2.4 GAP ANALYSIS

The objectives of ESS5 are clear in their aim to avoid involuntary resettlement caused by land acquisition measures wherever feasible and if not possible to apply such compensation principles for impacts on all PAPs and to restore their livelihoods at least to pre-project level. In general, the institutional framework for expropriation in Kosovo is not completely in compliance with the ESS5, and the most evident differences relate to the requirements to compensate at replacement cost for land vis-à-vis the national requirement of compensating land at market value without payment of taxes and fees as part of compensation package. Additionally, the national law does not recognize informal users, occupiers and settlements. It does not require a project specific grievance redress mechanism, a social impact assessment, gender disaggregated data and assistance to vulnerable persons.

The table below provides an overview of specific gaps between the national expropriation law vis-à-vis ESS5 and the recommendations for remedy and/or mitigation in order to comply with the ESS requirements.

Table 1 Gap Analysis

Subject	Kosovo laws	WB ESS5 and good international resettlement standards	Gaps and measures for bridging the gaps
Resettlement instruments,	The expropriation elaborate contains a	Preparation of this RPF, individual RPs, census	All documents must be prepared in accordance

Subject	Kosovo laws	WB ESS5 and good international resettlement standards	Gaps and measures for bridging the gaps
census and socioeconomic study	<p>detailed list of properties to be expropriated, their location, information about individuals who have formal legal rights on these properties. Specialized Appraisal Reports hold estimated value of affected properties (Land, Crops & Trees, fixed assets). No socio-economic study needs to be prepared.</p>	<p>survey and socioeconomic study is envisaged. The study should include information on (i) current occupants in the affected area, (ii) characteristics of displaced households and their standards of living and livelihoods, (iii) magnitude of expected losses and extent of displacement, and (iv) information on vulnerable groups or persons.</p>	<p>with WB ESS5. requirements, in addition to national legal requirements. The implementation of a census is required to identify the persons who will be affected by the project (including those who are not registered through national procedures). The implementation of census survey/ household census is necessary also to identify characteristics of displaced households, including standard of living, level of vulnerability, establishing baseline conditions for monitoring and evaluation purposes, and to set a cut-off date.</p>
Public consultations	<p>The formal owners are contacted only at the very process of expropriation there is no requirements for public consultation apart from the spatial planning phase under the Planning and construction law.</p> <p>All those owners whose current addresses are not listed in official records are precluded from being notified of the expropriation</p>	<p>Meaningful consultations with affected persons and communities, local authorities, and other stakeholders need to be carried out during the preparation and implementation of resettlement instruments.</p>	<p>National legislation does not require public consultation with affected persons and communities at the extent and reach of those envisaged by WB ESS5 and ESS1 and ESS10. The Borrower shall disclose RPF and RP (if applicable) to PAPs and stakeholders and conduct meaningful consultation meetings as described in the according chapter of this RPF.</p>

Subject	Kosovo laws	WB ESS5 and good international resettlement standards	Gaps and measures for bridging the gaps
Eligibility for Compensation	The Expropriation Law recognizes the eligibility of persons who have formal legal rights on land and structures, as registered by the Kosovo Cadastral Agency for and those whose rights are recognizable under national laws (factual ownership).	WB ESS also recognizes those who have no recognizable legal right or claim to the land they are occupying on Cut-off-Date are also eligible for rehabilitation assistance and compensation for loss of non-land assets at replacement value.	Compensation and assistance to PAPs without legal right or claims will be made per principles and entitlements provided in the entitlement matrix of this RPF, if they are present in the project affected area at the time of the cut-off date. Asset inventory and valuations of their affected properties will be conducted and all measures will be recorded in the internal periodical (monthly or quarterly) project progress report.
Valuation methodology for compensation for property	Compensation for loss of properties and assets should be at least equal to the market price. Depreciation are deducted from compensation (or included by decreasing the market price value appraisal).	Compensation should be equal to full replacement cost without depreciation.	Compensation and assistance to PAPs will be at least equal to replacement value as provided in the entitlement matrix of this RPF.
Transitional Support	No transitional support has been foreseen by the Kosovo's law for expropriation.	Transitional support will be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.	In a highly unlikely event that physical displacement is unavoidable, the Borrower will ensure that displaced persons receive transitional support per entitlement of this RPF

Subject	Kosovo laws	WB ESS5 and good international resettlement standards	Gaps and measures for bridging the gaps
Addressing Loss of Livelihoods / Incomes	Loss of benefits and income for workers and employees are not specifically mentioned by the Law.	Affected employees will receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities	Each site-specific RPs shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap, and all measures must be demonstrated and documented to the satisfaction of the WB.
Grievance Redress Mechanism (GRM)	There is no requirement to have grievance redress mechanism apart from the institutional ones	Appropriate, affordable and accessible procedures for third-party settlement of disputes arising from resettlement must be established; such grievance mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms.	The Borrower will establish a Project specific and impact commensurate Grievance mechanism as described in the RPF.
Monitoring & Evaluation	No specific monitoring procedures are required by Kosovo laws to be implemented by the BoE.	The Borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instruments.	The Borrower will be responsible for monitoring in line with the requirements set out in the RPF and any subsequent RPs.

3 ELIGIBILITY AND ENTITLEMENTS

3.1 ELIGIBILITY

The basic principle followed in this RPF is that APs should be assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them to pre-Project level whereby lack of legal title does not exclude individuals from the eligibility to receive compensation and/or rehabilitation assistance.

Affected persons may be classified as persons:

(A) Who have formal legal rights to land or assets;

(B) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or

(C) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Affected persons who **have formal legal rights to land or assets** are those who have formal documentation under national law to prove their rights, or are specifically recognized in national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.

Affected persons who **do not have formal rights to land or assets**, but who have a recognized or recognizable claim under national law can fall into a number of groups. They may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by national law. In other cases, they may have never been provided formal title or their documents may be incomplete or lost. They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by national law, without the formal owner contesting the occupation. In such cases, national law often has legal procedures by which such claims can become recognized.

Affected persons who **have no recognizable legal right or claim to the land or assets they occupy** or use are eligible for assistance under ESS5. These can be seasonal resource users, such as herders, grazers, fishers, or hunters (although if the rights of such users are recognized by national law, they may fall into category (A) or (B)). They can also be persons occupying land in violation of applicable laws. Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets.

All PAPs living in the Project area before the cut-off date will be considered for compensation for their losses and/or resettlement or other type of necessary assistance. Lack of legal rights or titles do not make them ineligible for entitlements.

The Borrower is not required to compensate or assist those who encroach on the project area after the cut-off date for eligibility, provided the cut-off date has been clearly established and made public.

3.2 ENTITLEMENTS

Land acquisition and resettlement will be implemented according to a compensation and entitlements framework in line with Kosovo's laws and regulations and WB ESS. Where they are different, the entitlements most favorable to the APs will apply, as set out in the Entitlement Matrix below. During compensation identification at Project preparation, the entitlement matrix and description of compensation entitlements shall be revised and updated accordingly.

The definitions used in this RPF are:

- **Census** means the head count of the persons affected by land acquisition in terms of asset loss, together with an inventory of the assets lost by these persons. The census also includes basic socioeconomic data. The date of the census establishes the cut-off date to record the persons in a community project area, who are eligible to receive compensation for lost assets, and/or transitional and resettlement assistance.
- **Cut-Off Date** means the date after which no person moving into the project area will be eligible to receive compensation related to land acquisition and resettlement. The cut-off date for determining

eligibility for compensation or other assistance is intended to help prevent encroachment by opportunistic settlers.

- **Compensation** means the reparation at market rates (equivalent to full replacement cost) in exchange for assets acquired by the Project. When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.
- **Resettlement Assistance** means assistance comprising job placement, job training, or other forms of support to enable displaced persons, who have lost their source of livelihood as a result of the displacement, to improve or at least restore their income levels and standard of living to pre-project levels.

The entitlement matrix is based on the premise that resettlement, rehabilitation and compensation programs should improve or, at a minimum, maintain the APs pre-Project living standards and ensure their participation in Project benefits. This is reflected in the following principles of compensation.

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 for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.

Compensation. APs will be compensated at full replacement and substitution costs without depreciation and relocated or resettled in and after due consultation with them. The preliminary compensation rates for replacement and substitution cost will be proposed to the APs to give them an opportunity to compare those with the prevailing market rates. All fees and taxes on land and/or house transfers will be waived or otherwise fees and taxes will be included in a compensation package for land and/or house. The competent government authorities will give preferential treatment to APs reconstructing their houses on their own, and to obtain the necessary property titles and official certificates. This in case there are cases for displacement of homes.

Cash compensation. 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 of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, PAPs 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, calculated as of the cut-off date. Compensation in cash for all residential, commercial or other structures will be paid at replacement cost of these structures, without any depreciation of the structure and without deduction for salvageable materials;

Consultation and Planning. Resettlement plan will be developed and implemented in consultation with the APs. Effective and timely design, planning and implementation of resettlement and rehabilitation measures will be conducted to avoid unnecessary delays and consequent inconveniences to the APs.

Relocation. APs will be provided full assistance for transportation of personal belongings, household inventory and salvaged material, and will be given a relocation allowance in addition to the compensation at replacement cost of their houses, lands and other properties, if there is such a case.

Timing. Resettlement, compensation and rehabilitation Programs for PAPs will be timed so as to guarantee the availability of new land and residences, prior to commencement of project or construction activities. Land clearance will not be started before the PAPs have received compensation and rehabilitation assistance.

Monitoring. Institutional arrangements will be made for internal and external monitoring of all-important land acquisition activities.

Table 2 Provisional Entitlement and Compensation Matrix

Asset Acquired	Type of impact/Risk	Entitled person	Compensation entitlement
Agricultural land	No displacement: Less than 10% of land holding affected The remaining land remains economically viable	Farmer/Affected person	Cash compensation, including transactional costs for purchase, for affected land at least equivalent to market value or replacement whichever is higher.
	Displacement: More than 10% of land holding lost. Remaining land is not valuable	Farmer/Affected person	Cash compensation equivalent to replacement value of land, plus compensation for move and provisional accommodation. Income restoration package (access to credit/allowance until next first harvest/alternative job training) if the livelihoods are affected Provision of replacement land at full replacement value with same, or better quality.
Construction land	No displacement: Less than 10% of land holding affected The remaining land remains economically valuable	Farmer/Affected person	Cash compensation, including transactional costs for purchase, for affected land at least equivalent to market value or full replacement whichever is higher
	Displacement: More than 10% of land holding lost. Remaining land is not valuable	Farmer/Affected person	Cash compensation equivalent to full replacement value of land, plus compensation for move and provisional accommodation. Income restoration package (access to credit/allowance until next first harvest/alternative job training) if the livelihoods are affected Provision of replacement land at full replacement value with same, or better quality.

Asset Acquired	Type of impact/Risk	Entitled person	Compensation entitlement
Commercial property	Loss of business and/or rent	PAP (owner, tenant or squatter)	Compensation for loss of income/property incurred as a result of relocation including any discrepancies in livelihood. Support to reestablish the business in other suitable location.
Residential property ⁴	Loss of residential housing.	PAP (owner, tenant or squatter)	Offer displaced persons choices among feasible resettlement options, including adequate replacement housing (replacement property of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location), or cash compensation at replacement cost.
Structures	Support structure such a garage, fences, well, etc.	Formal and non-formal Owner/ user	Compensation at full replacement value.
Trees/crops	Trees/crops lost	Owner	Cash compensation at full value based on type, age and productive value of affected trees/crops.
Temporary land acquisition	Temporary acquisition	PAP (owner, tenant or squatter)	Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)
Livelihood (Loss of job or non-agricultural income)	Loss of income from employment	Employees	Affected employees will receive non-cash assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities;
Vulnerable groups	Increasing vulnerability	Squatters, marginalized groups, such as people with disabilities, elderly, single headed households, those living below poverty line	For this group, they will be given additional support and financial assistance to ensure that they will be no worse off after the project and can maintain and restore their livelihoods.

⁴ Such impact not expected.

3.3 VALUATING AFFECTED ASSETS

The valuation and entitlement principles according to the Law of Expropriation. Valuation of real estate is managed through the Law⁵ for approval of technical evaluation methods and criteria that is used to calculate the amount of compensation for expropriated immovable property and damages relating to expropriation. Assessment of the value of real estate is based on three methods specified on the abovementioned administrative instruction.

One of the following methods or combined methods of property evaluation can be selected during the assessment of immovable property. There are known three different evaluation methods under administrative instruction in question, such as: comparative sales method, the cost method and the method of income. Whichever approach is chosen for the valuation it should to at least replacement value of the property plus all provisional costs such as transaction, relocation if applicable.

Property valuation is done by the Office of the Immoveable Property Assessment at the Property Tax Department, exercising its responsibilities under law no. 03/L-139 on “Expropriation of Immoveable Property”. Office of Immoveable Property Assessment evaluates the property and damages relating to expropriation, which requires information or data as requested at institutions such as Municipal Cadaster Offices, respective Courts, Kosovo Property Agency, Kosovo Cadaster Agency, Property Tax Department within Ministry of Finance, and in any other state institution which administers property or can give information about it. Officials of the Office of the Immoveable Property Assessment receive additional information from real estate agencies, lawyers, and construction companies.

The price of real estate, which is agricultural land, considers the qualities of land, proximity to residence, access to infrastructure, the size and shape of the parcel, the irrigation system or the potential of irrigation, as well as other environmental conditions related to the altitude and slope of the terrain. The value of forestland and forests are determined based on soil quality, the environmental value of land, geographical location, number of trees (biomass), the value of wood material and other fruits, level of investment and access to infrastructure, transportation conditions, and environmental conditions. On the other hand, regarding the assessment of the value of buildings, the law and its provisions stipulate to consider some criteria such as: type of building, construction material, the area in m² for residential and non-residential facility, year of construction, access to roads, access to public services, heating system, the condition of the building, the renting and rent conditions, cost of operation and maintenance, etc.

3.4 CUT-OFF DATE

Kosovo’s law⁶ foresees the cut-off date as the date with the Decision of Acceptance of the application for the expropriation and the disclosure of the decision in the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo.

According to WB ESS5, which includes informal users/or owners, the cut-off date is the start of the census and socioeconomic survey.

The date of beginning of the Census serves as the Cut-off date. All interviewed APs will receive information notice on the purpose and aim of the Cut-off date, as well as conducting activities on the land after the cut-

⁵ Official Gazette No. 03/L-205 and Administrative Instruction (no.13 / 2011)

⁶ The Expropriation Law of Kosovo (Article 7).

off date. Census means the head count of the persons affected by land acquisition in terms of asset loss, together with an inventory of the assets lost by these persons. The census also includes basic socioeconomic data, gathered throughout relevant socioeconomic survey. The date of the census establishes the cut-off date to record the persons in a community project area, who can receive compensation for lost assets, and/or resettlement and rehabilitation assistance.

Cut-Off Date defines the date after which no person moving into the project area (opportunistic settlers) will be eligible to receive compensation related to land acquisition and resettlement. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, fixed assets (such as structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated. Cut-off date will be announced in the local printed and electronic media by MESP, as well on the website of affected municipalities. Additionally, same announcement will be disclosed to the local population in a form of leaflet set on a visible location at the affected municipalities, as well as local bulletin boards.

4 IMPLEMENTATION ARRANGEMENTS

4.1 RP DEVELOPMENT AND APPROVAL PROCESS

RP, as needed, will be developed by the MIE or KEK (whoever is the signatory part of the loan). The level of detail of the resettlement plan may vary with the magnitude and complexity of resettlement.

RP preparation will commence immediately after a cut-off date has been declared and main activities to be undertaken include – but may not be limited to – the following:

- Identification of and consultation with PAPs;
- Census survey and inventory of losses of PAPs;
- Valuation of lost assets
- Development of compensation matrix;
- Preparation of indicative budget for implementation;

Draft RP will be submitted to WB for review and clearance, after which it can be disclosed by PIU within the MoIE for public consultation. After its finalization, final RP will be submitted to WB. When approved by WB it will be disclosed by MoIE.

4.2 RP IMPLEMENTATION PROCESS

4.2.1 RP IMPLEMENTATION UNIT

A RP Implementation Unit (RIU) within MoIE or KEK will be established to implement approved RP(s). All activities indicated in the RP shall be covered from the Ministry's or KEK's funds and be completed prior to commencing the construction activities. Ministry's or KEK's RP Implementation Unit (RIU) will be responsible for preparing and implementing approved RPs, under the supervision of the PIU.

Major responsibilities and activities of the RIU include – but may not be limited to – the following:

- Verify the RP census and asset inventory data on the demarcated parcel;

-
- Undertake cadastral and topographic surveys and ensure correction of data of measuring and inventory as required by possible design changes;
 - Closely consult with PAPs and settlements representatives;
 - Prepare documentation for registration of new land plots;
 - Provide the public with necessary information;
 - Negotiations and agreement with PAPs;
 - Delivery of compensation and, as needed, implementation and supervision of rehabilitation measures. Cash compensations will be paid on bank transaction account.
 - Observe grievance procedures;
 - Court processing of cases where no agreement is reached;
 - Expropriation proceedings through the court, as required;
 - Construction of infrastructure (in case resettlement is necessary) and arrangement of relocation of PAPs;
 - Prepare quarterly reports

Satisfactory completion of the RP is a precondition for any (physical) works to start.

4.2.2 COMPLAINTS AND GRIEVANCES

Grievance Redress Committee - Tasks and composition. A Grievance Redress Committee at Project level will be established to address complaints and grievances pertaining to resettlement and to pre-empt all disagreements being referred to the court. The Committee will include PIU staff, a representative of affected municipality and representatives of the local communities affected by the Project. A similar grievance redress committee composed of representatives from the PIU, local NGOs and Communities, will be convened by the PIU on a case by case basis, to address complaints and grievances for more complex cases such as any resettlement.

Procedure: Under the supervision of the PIU, the RIU will make every effort to achieve an amicable settlement of all identified resettlement issues under the RP at the Project. If this attempt fails, the PAP may at his/her discretion, deposit a complaint either with the court or Grievance Redress Committee. The proposed redress procedure and mechanisms will be presented to and discussed with the PAPs at the early stages of the RP preparation process. In order to effectively collect all grievances from the potential PAPs, a specific site(s) may be designated for timely depositing and collection of all complaints. The PAPs can deposit complains orally (these shall be properly documented at the moment of depositing complain at the designated site) or in written. The response will be provided within a period of two weeks after receiving the complaint. If the case is not resolved at the level of the Grievance Redress Committee, it may be submitted by either party to the Court. Any fees required for this purpose will be paid by the municipality after verifying that the PAP is a recipient of Social Cash benefits. All other PAPs will be responsible for their own costs.

Scheme of the grievance redress mechanism is presented in the Annex 3.

4.2.3 COURT

The Court shall be the last resort for issues and concerns regarding the implementation of the RP. In case of failure in the negotiation between the MoIE and the PAP and there is no agreement, then the PAP will go to court. The implementation of the RP will be administratively implemented throughout the expropriation procedures, but the compensation will be determined according to the ESS 5. In case the compensation offered satisfies the replacement principal, then the compensation is deposited into the escrow account for the PAP, and the PAP can go to Court.

5 MONITORING AND EVALUATION

The main objective of implementation of RP is to improve or at least restore the social and livelihood resources of the APs 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 RP, its implementation and delivery of institutional and financial assistance to the APs has been designed as an integral part of the overall functioning and management of the Project. Resettlement activities will be regularly supervised and monitored by personnel of municipality (the RIU). RIU 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 is to provide feedback to all stakeholders on progress made in view of a timely and comprehensive implementation of the RP and to identify problems as early as possible to facilitate well-timed adjustment of implementation arrangements. The objectives are to:

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

As a condition of appraisal of sub-projects involving resettlement, the borrower provides the World Bank through PIU 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 communication means. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.

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

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.

Monitoring process will be conducted in two phases: internal and external.

5.1 INTERNAL MONITORING

Internal monitoring will be carried out routinely by PIU. The results will be communicated to WB through the established semi-annual report whereby there will be a section on reporting progress of resettlement/land acquisition cases. Specific monitoring benchmarks will be:

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

The above information will be collected by PIU through local governments which are responsible for monitoring the day-to-day resettlement activities of the sub-project through the following instruments:

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

Reporting on internal monitoring will be carried out semiannually by PIU and at the end of each RP completion, a RP completion report will be submitted to World Bank. Internal monitoring and supervision will:

- Verify that the census of all PAPs has been carried out;
- Verify that the RP and census inventory (as appropriate) has been prepared for Project;
- Verify that property valuation and resettlement has been carried out in accordance with the provisions of this RPF and the respective RP;
- Oversee that all resettlement measures are implemented as approved;
- Ensure that funds for implementing resettlement activities are provided in a timely manner, are sufficient for their purposes, and are spent in accordance with the provisions of this RPF and the respective RP.

6 DISCLOSURE AND AP's PARTICIPATION

The RPF and any subsequent sub-project's RP(s) must be available to the public throughout duration of the Project including its evaluation. Versions in Albanian and Serbian (and additional languages of the local community, where needed, in line with legal framework for official use of languages in Kosovo) will be published on the web-site of MoIE and of relevant local municipalities. All documents shall be presented

to APs in the process of land acquisition, particularly to vulnerable groups, and project impact on their property and their rights must be explained. Hard copies of the documentation shall be available in the affected municipalities. The MoIE is responsible for all disclosures of the documents.

As indicated in the above sections, APs will participate throughout the development and implementation process of resettlement activities and in the land acquisition process. They will be consulted by the municipality and the RIU and will be invited to participate in public meetings held by municipality in the early stages of the process, as indicated above. The APs will be provided with reliable information on the project, its impacts and the proposed mitigation strategies and economic rehabilitation activities. The information made public and provided to each affected household will also include cut-off dates for each sub-project, eligibility criteria and entitlements, modalities of compensation, complaints and grievance redress procedures. The affected parties will be provided with an opportunity of presenting their ideas and suggestions as inputs into the planning and implementation of the resettlement activities. These will be achieved through a series of participatory exercises and focused discussions with the PAPs, thus ensuring that the affected parties have a stake in the outcomes of the process.

APs will be also involved in the committees to be established, which will ensure their participation in the decision-making process in various stages of the RP process: preparation and implementation.

After completion of RP, a brief survey will be undertaken by the RIU amongst APs to assess their satisfaction with the process and results of the RP.

7 COSTS AND BUDGETS

Based on the completed RP, MoIE/KEK will submit to the World Bank a detailed cost of resettlement, with a breakdown by agricultural land, residential land, structures, other assets, and livelihood restoration programs. The cost estimates will make adequate provision for monitoring and supervision and for contingencies. All costs for resettlement will be funded through ministry/KEK funds. All RP preparation and implementation costs, including cost of compensation and land acquisition and resettlement administration, will be considered an integral part of Project cost and will be contributed as a 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 RPs can be allocated under the loan.

ANNEXES

ANNEX 1: LIST OF NEEDS FOR RP DEVELOPMENT

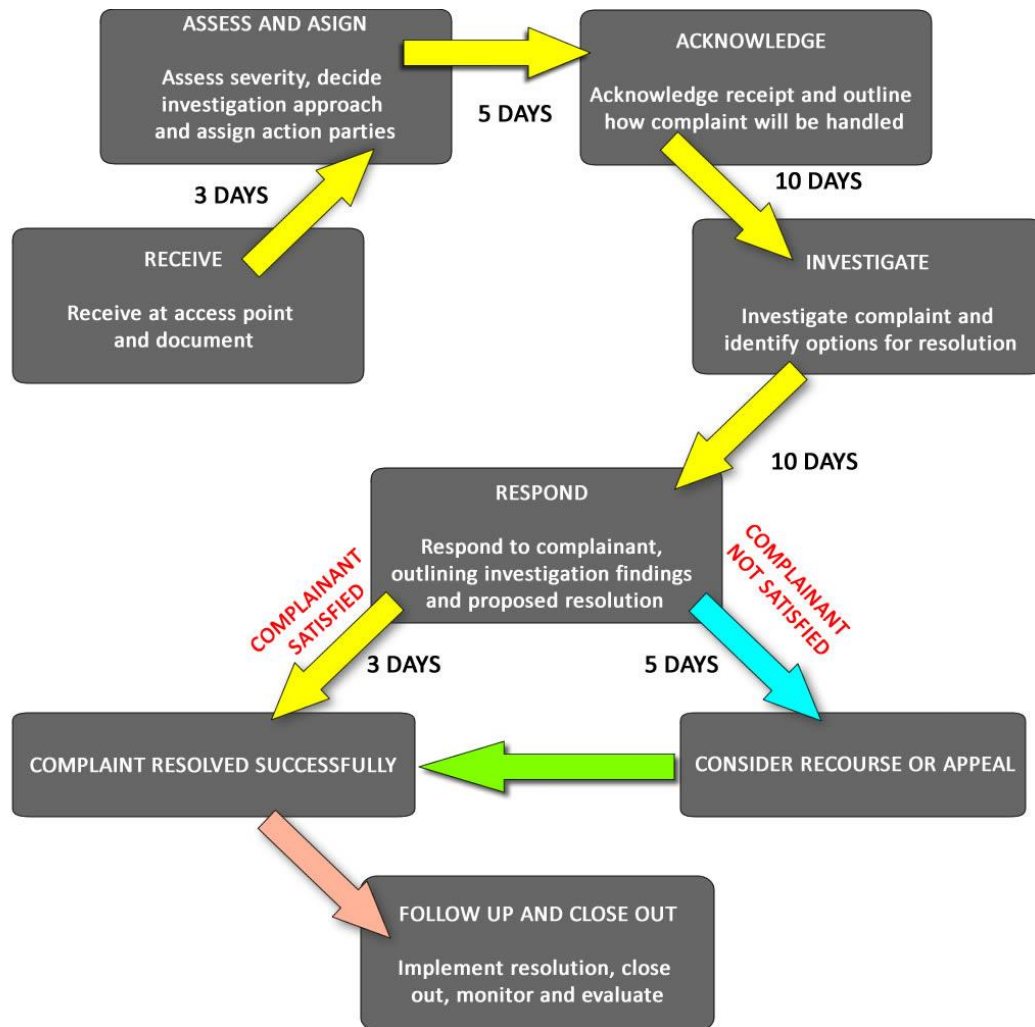
No.	NEEDS FOR RP DEVELOPMENT	YES/ NO
1	Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;	
2	Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;	
3	Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;	
4	Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;	
5	Displacement of people as a result of project impacts that render their land unusable or inaccessible;	
6	Restriction on access to land or use of other resources including communal property and natural resources such as, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;	
7	Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation;	
8	Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project	

Any **Yes** registered in the checkbox indicates the Need for RP development

ANNEX 2: GRIEVANCE REDRESS FORM

Reference No:	
Full Name and Surname: <i>(you can remain <u>anonymous</u> if you prefer or request not to disclose your identity to the third parties without your consent)</i>	
Contact information: Please mark how you wish to be contacted (mail, telephone, e-mail)	<ul style="list-style-type: none"> • By Post: Please provide postal address _____ _____ • By phone: _____ • By e-mail: _____
Preferred language of communication:	Albanian Serbian Turkish Other:
Description of incident/grievance: What happened? Where did it happen? Who did it happen to? What is the result of the problem?	
Date of incident/grievance:	One-time incident/grievance (date _____) Happened more than once/how many times? (_____) On-going/currently experiencing problem
What would you like to see happen to resolve the problem?	
Signature:	Date:
Please return this form to: PIU of Greenland <i>Mr/Mrs. XXX YYYY</i> email: email@email.com tel. + 383 XX XXX XXX Address: Ministry of Infrastructure and Environment Rr.XXXX. Pn, 10000 Pristine, Kosovo	

ANNEX 3: GRIEVANCE REDRESS MECHANISM SCHEME



ANNEX 4: GRIEVANCE REGISTER ITEMS

The GMR register, kept in digital format, as a spreadsheet file, should contain the following information:

ENTRY:

- Initiation
- Location of residence
- Type of problem
- Name and surname
- Contact information
- Date of entry
- Acknowledgement for receipt of Grievance

PROBLEM:

- Description of the Problem
- Proposed solution
- Actions to be undertaken for problem solving

EXIT:

- Date of closure
- Grievance's Follow-up
- Results of the intervention
- Recurrence Y/N