

**Ministry of Environmental Protection and Agriculture
National Agency of Public Registry**

RESETTLEMENT POLICY FRAMEWORK

for

GEORGIA RESILIENT AGRUCULTURE, IRRIGATION, AND LAND PROJECT

(Draft)

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ABBREVIATIONS

AF	Affected Family
AH	Affected Household
AP	Affected Person
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
FGD	Focus Group Discussion
GA	Georgian Amelioration
GRC	Grievance Redress Committee
GRAIL	Georgia Resilient, Agriculture, Irrigation, and Land Project
IDP	Internally Displaced Person
LAR	Land Acquisition and Resettlement
MEPA	Ministry of Environment and Agriculture of Georgia
MoJ	Ministry of Justice of Georgia
NAPR	National Agency for Public Registration
NGO	Non-Governmental Organization
PAP	Project Affected Person
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
WB	World Bank

Glossary

1. **Affected Person (or household)** - People (households) affected by project-related changes in use of land, water or other natural resources. These include permanent and temporary loss of land, assets, and income. Affected persons entitled for compensation or at least rehabilitation provisions under the Project are: all persons losing land, or access to land, permanently or temporarily either covered by legal title/traditional land rights or without legal status; tenants and sharecroppers whether registered or not; owners of affected buildings, crops, plants, or other objects attached to the land; and affected persons losing business, income, and salaries.
2. **Asset Inventory** - A complete count and description of all property that will be acquired.
3. **Compensation** - Loss reimbursement for the Project affected persons; Cash payment or in-kind compensation in the due amount in return for the loss of assets (property), resources or income.
4. **Cut-off date** – The date established for each sub-project as the date for which census and population data of affected persons will apply. Persons who settle in the affected area after the cut-off date will not be eligible for compensation.
5. **Easement (servitude)** - the grant of a nonpossessory property interest that grants the easement holder permission to use another person's land
6. **Eligibility** -The criteria for qualification to receive benefits under a resettlement program.
7. **Expropriation** - Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.
8. **Grievance Procedures** -The processes established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
9. **Income Restoration** - Re-establishing income sources and livelihoods of people affected
10. **Involuntary Resettlement** - Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, income and assets bases elsewhere.
11. **Land Acquisition** -The process of acquiring land or land-based assets under the legally mandated procedures of eminent domain.
12. **Population Census** - A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation.

13. **Project Cycle** - The cycle of project development from initial phases of identification and assessment of feasibility, until its final implementation. From standpoint of the project implementing agency, it is convenient to represent the project cycle as consisting of following phases: Pre-feasibility Assessment, Feasibility Studies, Project Design and Appraisal, Project Implementation.
14. **Rehabilitation** -Re-establishing incomes, livelihoods, living, and social systems
15. **Relocation** - Rebuilding housing, assets, including productive land, and public infrastructure in another location
16. **Replacement rates** - Cost of replacing lost assets and incomes, including cost of transactions
17. **Resettlement** - Term “Resettlement”, in accordance to the World Bank’s Environmental and Social Standard 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, considers alienation of land parcels, alienation of land-based assets and/or physical relocation (moving to other place) of households within the project affected area
18. **Resettlement Entitlements** - Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
19. **Resettlement Effects**-Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms.
20. **Resettlement Plan** - A time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, action, responsibilities, monitoring and evaluation
21. **Resettlement (Action) Plan** - A resettlement action plan [RAP] is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.
22. **Socioeconomic Survey (SES)** -A complete and accurate survey of the project-affected population. The survey focuses on income-earning activities and other socioeconomic indicators.
23. **Stakeholders** - A broad term that covers all parties affected by or interested in a project or a specific issue—in other words, all parties who have a stake in a particular issue or initiative. Primary stakeholders are those most directly affected—in resettlement situations, the population that loses property or income because of the project and host communities. Other people who have an interest in the project—such as the project authority itself, the beneficiaries of the project (e.g., urban consumers for a hydro-power project), and interested NGOs are termed secondary stakeholders.

24. **Resettlement Strategy (Rehabilitation Strategy)** -The approaches used to assist people in their efforts to improve (or at least to restore) their incomes, livelihoods, and standards of living in real terms after resettlement. The resettlement strategy typically consists of payment of compensation at replacement cost, transition support arrangements, relocation to new sites (if applicable), provision of alternative income-generating assets (if applicable), and assistance to help convert income-generating assets into income streams.
25. **User** – Physical person not necessarily registered as the owner of land at the Public Register, who may or may not have formal rights to the land but who is using the land
26. **Usufruct** – The right to use and profit from land belonging to other person, or group of persons but in difference with the owner he/she will have no right to alienate, mortgage or bequeath of the land parcel
27. **Vulnerable groups** – groups of people who are more at risk of poverty, poor living conditions and social and economic exclusion

1. Project Description

This Resettlement Policy Framework (RPF), covering involuntary resettlement and land acquisition issues has been prepared by the Ministry of Environmental Protection and Agriculture of Georgia (MEPA). The present document takes into account the approaches and policies for land acquisition and resettlement required by the Government of Georgia, World Bank and best international practices. The document provides the framework for ensuring compliance with the requirements of all parties, with the understanding that the most stringent requirements of any party would be applied.

This Resettlement Policy Framework is elaborated for Georgia Resilient Agriculture, Irrigation, and Land Project financed by the WB. The proposed Project Objectives are to: (1) improve resilient agricultural production in selected project areas; and (2) strengthen national irrigation and land management capacity.

Project includes following components and sub-components:

Component 1: Resilient Irrigated Agriculture

Subcomponent 1.1: Irrigation & drainage infrastructure rehabilitation and modernization: The objective of this subcomponent is to select and rehabilitate / modernize irrigation schemes in a manner that they are viable. Given the diversity of the geography, the viability requires a holistic selection process. The Project will finance feasibility studies, civil works, and associated measures for modernizing physical water storage, irrigation, and drainage infrastructure: Modernization and rehabilitation of a selection of 5 irrigation systems; Rehabilitation of 1 existing reservoir (Narekvavi). Feasibility studies to support future investments in infrastructure (including drainage) and rehabilitation of 1 drainage system at Shavgvele Massive; Support to transfer of modernized infrastructure to end users (GA local staff and farmers)¹.

Subcomponent 1.2: Irrigated agriculture and value chain development: This subcomponent would finance interventions that promote and facilitate the adoption of CSA practices and other agriculture technologies that will increase agricultural productivity and resilience, as well as increase farmers' awareness of climate change impacts on different sub-sectors.

Subcomponent 1.3: Improved performance of irrigation service delivery: The objective of this subcomponent would be to improve the capacity of the irrigation sector holistically.

Component 2: Improvement of Land Management Capacity

Subcomponent 2.1 Improved agricultural land management and monitoring: The objective of this component would be to support creation of a solid foundation for improved land management,

¹ This will be informed by ongoing pilot in the in Georgia Irrigated Land Markets Development Project (GILMDP) where activities are underway to initiate establishment of a Water User Organization (WUO) within a newly modernized irrigation system. The results of the pilot will inform whether farmers are willing and accepting to undertaking tertiary level operation and maintenance within an association and whether the system can be scaled to new irrigation command areas

agricultural land markets development and hence land use efficiency with a particular focus on agricultural land through investments in development of policy and institutional reforms, capacity building of key stakeholders, upgrading of their information technology (IT) and other infrastructures (including construction of a new building for Land Agency), and acquisition and processing of targeted spatial data for their operations.

Subcomponent 2.2 Enhancement of land administration service delivery and building digital governance infrastructures: The objective of this subcomponent would be to support Integrated Registration Property System and E-services Enhancement; Effective development and deployment of the National Spatial Data Infrastructure

Component 3: Project management: Financing project management activities for Components 1 and 2; Oversight of detailed engineering designs, and construction of civil works; Finance project management.

Component 4: Contingent Emergency Response

This component establishes a disaster response contingency funding mechanism that could be triggered in the event of an eligible crisis or emergency, such as a natural disaster involving a formal declaration of a national or regional state of emergency, or a formal request from the Government of Georgia in the wake of a disaster, a health pandemic, or other types of disasters such as armed conflict.

This RPF will apply to project activity under sub-component 1.1 ***Modernization of selected irrigation schemes***, where modernization of 5 selected irrigation systems, rehabilitation of 1 existing reservoir and 1 drainage system is planned, that may have an impact on land, assets, or livelihoods.

The Project will be implemented by two Project Implementation Units (PIUs) the Ministry of Environmental Protection and Agriculture (MEPA) and National Agency for Property Registry (NAPR). MEPA is in charge of the regulation and promotion of agricultural development as well the irrigation sector and land management. Therefore, sub-component 1.1 under which civil works are going to take place will be implemented by the Ministry of Environmental Protection and Agriculture.

PIU is obliged to develop environmental and social instruments in compliance with the applicable national and local regulations, and in material consistency with the World Bank Environmental and Social Standards (ESS)². The present Resettlement Policy Framework builds on the E&S Frameworks elaborated for GRAIL project.

World Bank's ESS 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement is relevant for Component 1.1 of the project, which will finance rehabilitation and modernization of

² <http://documents.worldbank.org/curated/en/383011492423734099/pdf/114278-WP-REVISED-PUBLIC-Environmental-and-Social-Framework.pdf>

irrigation systems, reservoir and drainage infrastructure.

This RPF considers the approaches to land acquisition and resettlement issues by the Government of Georgia, the World Bank (WB), and best international practice. The document prepared by the Ministry of Environment Protection and Agriculture of Georgia provides the framework for assuring mutually accepted compliance to the concerns of all parties, with the understanding that the most stringent requirements of any party would prevail and be respected.

2. Project Objective and Anticipated Project Impacts

2.1. Project Development Objective

The Georgia Resilient Agriculture, Irrigation, and Land Project Development Objectives are to: (1) improve resilient agricultural production in selected project areas; and (2) strengthen national irrigation and land management capacity.

The expected project results are as follows:

- Modernization and rehabilitation of project selected irrigation systems;
- Improved quantity and timely supply of water for food production in selected project areas for farmers;
- Improved water uses efficiency and knowledge on water use practices for farmers, resulting in climate resilience and significantly reduced risk of crop losses;
- Improved support to farmers to adopt water savings technologies resulting in reduction in crop-water use in selected areas;
- Increase in the number of clients for GA willing to pay the new tariff rate;
- Improvement in the number of female farmers willing to take leadership positions in potential WUOs;
- Development of a market orientation among small and medium size farmers that increases their incomes and creates a demand for improved water services;
- Improved state land management;
- Increased efficiencies in land management processes;
- Development of new E-Services for land management and land administration.

2.2 Project Design and Resettlement Implications

The GRAIL Project comprises of three components briefly described below with the emphasis on the delivery of civil works, technical assistance and institutional development and support to the Project administration.

Component 1: Resilient irrigated agriculture - 120 m USD. This Component will finance feasibility studies, civil works, and associated measures for modernizing physical water storage,

irrigation, and drainage infrastructure; Will target on-farm agriculture support programs to enable farms to purchase technologies for better crop production; Accelerate competency of relevant agencies for enhancing agriculture service delivery; Support to upgrade operational performance of GA and relevant service centers and/or support to establish Water User Organizations in GRAIL schemes; Support the design and implementation of a revised irrigation tariff policy; : Establishing a new Hydrological and Agricultural Informatics Program within MEPA.

Subcomponent 1.1: Irrigation & drainage infrastructure rehabilitation and modernization;

Subcomponent 1.2: Irrigated agriculture and value chain development;

Subcomponent 1.3: Improved performance of irrigation service delivery.

Component 2: Improved Land Management Capacity (MEPA and MoJ) - 24 m USD. The Component would provide investment, regulatory and operational support to optimize land management and land administration systems, monitoring and development of the land and real estate markets, as well as strengthening of land valuation and taxation policies, and practices.

Subcomponent 2.1: Improved agricultural land management and monitoring (MEPA through Land Management Agency)

Sub-component 2.2: Enhancement of land administration service delivery and building digital governance infrastructures (MOJ through NAPR)

Component 3: Project Management - 6 m USD. These costs are part of the Project and financed mostly the PIU staff for components 1 and 2.

Component 4: Contingent Emergency Response - 0 m USD. This component has no amount allocated to it. Re-allocation of resources from other components to Component 4 may be undertaken in case of an eligible emergency.

2.3. Total Project Cost

The GoG has requested financing of \$150 million from the World Bank for implementing the GRAIL Project. The breakdown of the budget is as follows Component 1: Resilient Irrigated Agriculture (\$120M) Sub-component 1.1 (\$85M), Sub-component 1.2 (\$20M), Sub-component 1.3 (\$15M) Component 2: Improved Land Management Capacity (\$24M), Sub-component 2.1 (\$14M), Sub-component 2.2 (\$10M), Component 3: Project Management (\$6M). The Project will be implemented by two Project Implementation Unit (PIUs) that are currently implementing GILMD Project activities respectively in the Ministry of Environmental Protection and Agriculture (MEPA) and National Agency for Property Registry (NAPR)

2.4 Anticipated Project Impacts

The project will be implemented in 5 regions of Georgia: Kakheti, Shida Kartli, Kvemo Kartli,, Mtshketa-Mtianeti and Samegrelo-Zemo-Svaneti. Modernization and rehabilitation of 5 selected irrigation systems, 1 existing reservoir and 1 drainage system under the project will be implemented in particular locations: Tashiskari, Tiriponi, Zeda Arkhi, Zemo Alazani Phase 1, Narekvavis reservoir and Shavgele Massive drainage. The methodology for selecting irrigation systems and reservoirs is being developed by the Ministry of Environmental Protection and Agriculture in collaboration with the Georgia Amelioration. The final selection of targeted sites under the Project will be discussed and agreed with the World Bank prior to the start of civil works.

The table below summarizes the likelihood and scale of possible resettlement impacts that may occur under the Project, the likelihood of such impacts, and actions to be taken in the event of their occurrence.

Table 1. Anticipated Resettlement Impacts under the Project

Resettlement Situational Scenarios	Probability	Status/Action
Temporary impact on the visual quality of private land; disturbance during construction works without any losses of income or property;	moderate	Allowed/ impact mitigation measures within ESMP
Temporary impact on private land; disturbance during construction works associated with the losses of income (loss of harvest and annual income for farmers; losses of income for small businesses.)	moderate	Allowed/ Abbreviated RAP, compensation of losses
Temporary impact on private land; informal/not registered land; loss of productive assets (trees; ancillary buildings)	moderate	Allowed/ Abbreviated RAP, compensation of losses
Need for ongoing access to private land for scheme maintenance resulting in loss of productive assets and ability	moderate	Allowed/ Abbreviated RAP, compensation of losses
Land take; Acquisition of certain part of private land parcels without or with associated loss of assets	low	Allowed/ RAP, compensation of losses
Structural demolition resulting in physical relocation of households or businesses	moderate	Allowed/ RAP, compensation of losses

The Georgian Amelioration performed a detailed inventory of infrastructure and prepared preliminary assessments of rehabilitation needs on all irrigation and drainage schemes throughout the Project. A screening process using a multicriteria analysis (MCA) based on the following criteria was used to come up with a short-list of schemes to be considered by GRAIL: (i) the availability of water resources (this

includes efficiency gains), (ii) technical feasibility, (iii) likelihood of a shift by farmers to higher value crops and of a rapid increase in area cultivated, and (iv) costs (including cost per hectare).

Currently the designs for the three pre-selected irrigation and drainage systems to be rehabilitated under the project are not yet final. Final design detail is not expected prior to Appraisal. It is not clear at this stage therefore the extent to which private land plots may be affected, temporarily or permanently, under the project. As soon as designs are final, they will be verified against the cadastral maps for the rehabilitation area to verify whether the works will entail impacts on privately owned land. Since the exact footprints of all civil works or the impact of the Project are still unknown, at this stage this RPF currently remains the main instrument for the project to determine principles for land acquisition should it occur and to frame the development of site (irrigation scheme specific) Resettlement Action Plans (RAP) should they be needed.

Land acquisition or land use restrictions may occur because of the rehabilitation of irrigation schemes as well as reservoir and drainage system. They will be limited because the works occur mostly in the footprint of the existing schemes. Economic impacts, such as loss or damage to crops, loss of trees, structures, or other assets may also occur because of these works, as well as restrictions to access to plots, safe crossing for people, cattle, etc. As most of the civil works will occur outside of residential areas, physical displacement is not likely.

The present Resettlement Policy Framework (RPF), in accordance with World Bank's ESS 5, describes measures to be taken to ensure that such impacts are avoided to the extent possible, that the assets and livelihoods of project-affected persons are improved or at minimum restored should resettlement impacts occur, and that living conditions and livelihoods of vulnerable project-affected persons are improved. RPF will guide the screening process. The RPF identifies categories of affected persons and their respective entitlements, and describes the analytical work and documentation to be prepared before, during and after implementation of the a-RAPs/RAPs.

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

3. Policy, Legal and Administrative Framework

3.1 Institutional Responsibilities

The responsibility to avoid and minimize, screening for, mitigate and compensate for any social - environmental and resettlement-related impacts will be taken by the Ministry of Environmental Protection and Agriculture (MEPA). MEPA will screen for and implement relocation and accommodation activities to mitigate any impacts that are related to farmers and agribusiness operations or livelihoods and assets PAPs during the civil work activities. Such impacts include, but are not limited to, temporary impact on private land; disturbance during construction works associated with and without losses of income; loss of productive assets and ability; acquisition of certain part of

private land parcels without or with associated loss of assets; structural demolition resulting in physical relocation of households or businesses.

Institutional support for livelihoods restoration will be put in place for each sub-project if required. Monitoring and Evaluation of resettlement and land acquisition will be carried out systematically.

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

Georgian Amelioration (GA) is the operating company, which after rehabilitation activities will be in charge of the operation of the entire pipeline.

The local authorities at the community and village levels (namely, the representatives and heads of the villages) will be involved in the land acquisition and resettlement processes specifically in issues related to legalization, demarcation etc. Rtsmunebuli confirms possession of affected ownerships in cases if needed and they will be involved in RAP implementation process attending contract signing process if necessary.

The World Bank (WB) will be financing the Project and will provide advice and supervision on safeguards related acquisition activities.

3.1.1. Land Registration Organizations

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

National Agency of Public Register

In 2014 the Ministry of Finance of Georgia and the World Bank concluded financing agreement for the purpose of improving irrigation and drainage services in the selected areas, as well as development of the rules and procedures for the national program of land registration. First component of the “Systematic Land Registration Reform” Project has been implemented under the MOA and the second by the NAPR

In the scope of this Pilot Project, GoG has adopted the Law on Systematic and Sporadic Registration³, that establishes special procedures for the systematic and sporadic registration of rights to plots of land, the legal framework for such registration, and the rights and obligations of parties participating in administrative proceedings.

The NAPR as a registering authority, shall update the data on plots of land registered with unspecified data and register their changes on the basis of a land plot cadastral survey/planning drawing prepared in accordance with this Law, on its own initiative, within the framework of a project of extreme state and public importance – on the basis of an application of an entity implementing the project of extreme state and public importance, and in the case of sporadic registration – on the basis of an application of an interested person, and shall ensure the involvement of all interested persons in administrative proceedings commenced for this purpose.⁴

The Agency may, on its own initiative, change the cadastral data of a plot of land registered with updated cadastral data if, on the basis of the registration documents and/or the cadastral survey, it is established that the registered cadastral data are not consistent with the actual location of the plot of land, and shall ensure the involvement of all interested persons in administrative proceedings commenced for these purpose.⁵

Municipality Representatives

During the project implementation, municipality representative:⁶ (who can be the head of municipal government /mayor or an official/employee of the municipality government /town hall authorized to represent the municipality with an individual administrative-legal order issued by the head of municipal government/mayor)

- Issues individual administrative-legal acts for identification of land plots specified in title documents and/or registered with unspecified cadastre data and land plots on cadastre maps/measurement plans when their actual location cannot be reliably determined.
- Submits applications to NAPR for registration of land titles on behalf of interested persons if their ownership evidence was issued by an administrative body/official or local authority (municipality) and/or with engagement of government bodies.
- Issues individual legal acts for verification of cadastral survey findings by NAPR.⁷
- Exercises any other authority envisaged by the Law on Systematic and Sporadic Registration and legislation of Georgia.

Property Registration Department

³ Law of Georgia on Systematic and Sporadic Registration.

⁴ Law of Georgia on Systematic and Sporadic Registration. Article 6

⁵ Law of Georgia No 192 of 22 December 2016 – website, 30.12.2016

⁶ 7 Law on Systematic and Sporadic Registration, Article 16

⁷ Regulations on Systematic and Sporadic Registration, Annex 2, Article 5, Paragraph 5

Property Registration Department at NAPR performs final quality control on documents for registration according to the established procedure and makes registrations in the public registry based on the cadastral survey plans and legal documents prepared by the contractor. PRD receives documents for registration prepared by the contractor after passing quality control and verification by PIU.

Regional Offices of NAPR

NAPR is in charge of the registration of land ownership and its transfer through purchase agreement from landowners. Municipal Archives are now transferred in the possession of the Regional Offices of the NAPR. Local Government Archive is used for cross verification of ownership document and validity of physical possession of land by persons seeking registration as legalizable owner, in the case, owner does not have available documentation proving ownership rights on the adjacent land plot or in case there is any doubt regarding the plot.

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

3.1.2 Entities Responsible for RAP Implementation

As noted above, the responsibility to avoid and minimize, screening for, mitigate and compensate for any social and resettlement-related impacts will done by the Ministry of Environmental Protection and Agriculture. Mitigation activities related to continuous operation of small and medium farms, will not require preparation of Resettlement Action plan, but will be recorded and described in Environmental and Social Management Plans. Should any impacts to private businesses, incomes, assets or livelihoods occur in direct relation to civil work activities MEPA will be responsible for preparing RAP/a-RAP and delivering the related compensation to project affected persons as per the provisions in this RPF.

PIU Responsibility

MEPA will be responsible for management of the project and procurement of the services for the rehabilitation of the project. In addition to that MEPA will be responsible for project design, resettlement, construction planning construction monitoring and supervision of the Project. This also includes executing resettlement tasks and cross-agency coordination. MEPA will exercise its functions through its existing consultants.

If preparation of RAP is required, MEPA team will conduct resettlement procedures with PAPs; Shall ensure that an independent consultant/company for RAP preparation is engaged; Will be responsible for all aspects of the RAP implementation process: conduct any survey, including cadastral survey,

socio-economic baseline study, conduct census, sign agreements, deliver compensation, provide inventory of losses, and evaluation of land and assets for replacement value. The PIU will also provide authorization to the contractor to enter the land plots.

RAP will be prepared based on findings of the surveys following the final detailed engineering design for each sub-project. Additionally, MEPA shall ensure proper consultations with PAPs regarding all necessary safeguards and other activities in accordance with ESS5. including informing PAPs regarding the grievance redress mechanism that is described in this RPF.

The detailed outline for RAP development is presented in Annex 2 of this RPF.

RAP Team

The RAP team will be composed of representatives of the PIU Team. Its purpose is to prepare and implement RAP through the following stages:

- Identification of affected owners;
- Identification of land and size of the land;
- Collection of information about the ownership documentation if required;
- Ensure that PAP's are present when the construction company enters site;
- Decision making and solving the problems raised during the meetings with landowners;
- Negotiation with landowners.

The RAP team will consist of engineers, and the Social Safeguard Consultant (SSC), members from design company, and cadastral personnel. RAP SSC consultant conducts socio economic survey of the affected population filed the questioner, the cadastral personnel measure the land plots and explains detailed alignment of the potential servitude area.

Region Offices of NAPR and Social Service Agency will assign technical personnel to assist the RAP team in the research of archived documents, identification social status of project affected person, dealing with registration and demographic issues, and etc.

RAP team will conduct negotiations with landowners, to compensate the losses imposed by irrigation rehabilitation process. If a PAP agrees on rehabilitation activities, he/she will confirm such agreement in writing by signing Servitude Agreement. After signing of the contracts land will be registered in the public registry.

Only after PAPs have received payment for impacts, PIU will authorize the contractor to enter their respective land plot.

3.1.3. Other Organizations and Agencies

Civil Works Contractor

A Civil Works Contractor to be selected by the MEPA to undertake the construction will be responsible for mitigating impacts resulting from the construction activities in accordance with ESMP. The construction activities shall be monitored closely by the MEPA to ensure the compliance with ESMP.

Design Consultants

The design consultant will be responsible for preparation of the design documentation.

Supervisory Consultant

Project will be supervised by supervision consultant who will be in place to supervise civil works construction.

Social Safeguards Consultant

Social Safeguards Consultant (SSC) will oversee implementation of RAP and prepare reports on RAP implementation statuses.

Auditor Consultant

The Project consultant will hire an independent auditor for identifying market cost of the land plots within the Project selected locations. The auditor will make an inventory of losses, and valuation of the assets. This evaluation will be used for preparation of the RAP. The document will be prepared in accordance of the drawings submitted by the design company and findings of the surveys; census conducted by the consultant.

Court of Georgia

The Court of Georgia shall be the last resort for issues and concerns regarding the implementation of the aspects of the RAP relating to Georgian Law. In the case that there is no agreement between the PIU and the PAPs concerning the acquisition of private properties, the MEPA with the mandate for expropriation based on existing legislations will submit to the Court a request for expropriation. Upon its approval and following prescribed procedure, MEPA will then take over the concerned property after having been given by the Court the right of the Expropriator. Furthermore, in cases where complaints and grievances regarding RAP implementation and compensation are not solved at the various levels as prescribed in the agreed Grievance Redress Mechanism, the PAPs will have the right to appeal the case to the Court. According to the constitution of Georgia: “Acts of courts shall be obligatory for all state bodies and persons throughout the whole territory of the country⁸.”

Ministry of Finance

The budgets for the implementation of RAP will be provided the Ministry of Finance following its official approval. The RAP budget will be allocated accordingly.

⁸ “Constitution of Georgia” Article 82 point 2

Ministry of Justice

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

Georgian Amelioration

Will be involved in water provision services with potential beneficiaries, farmers or agribusiness representatives, during and after the project civil works. Will carry out operation and protection of amelioration, pasture watering schemes and independent hydraulic structures as specified in the current legislation;

Donor, World Bank

In addition to regular supervision of the Project, the WB will review environmental and social safeguard documents (ESMPs, RAPs), approve them for public disclosure and consultation, provide clearance to contract awards signing and initiation of civil works based on satisfactory completion of RAP activities.

Chart 1: RAP Organizational Chart

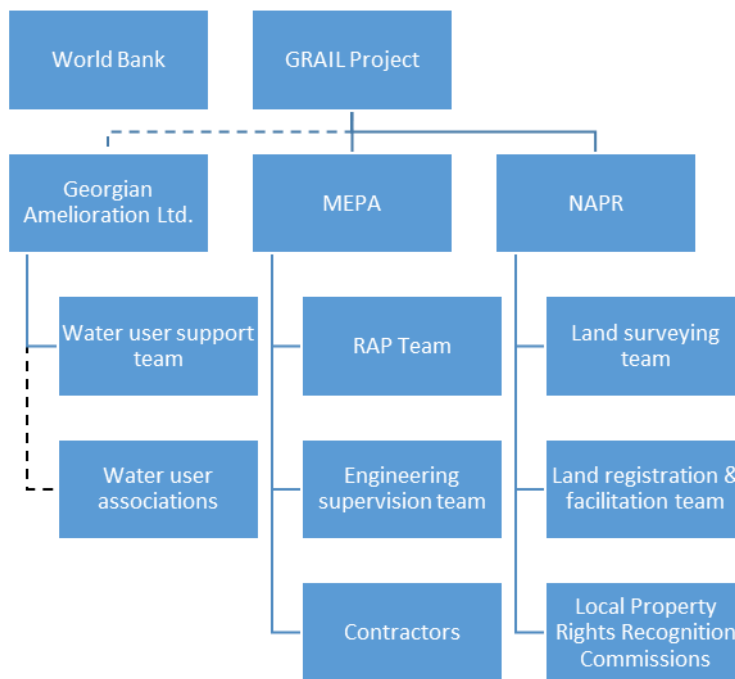


Table 2. The responsibilities of the entities involved in the process of expropriation as defined under the Legislation of Georgia

Measures/activities	Responsible Body
Presidential Decree on Assigning the Right of an Expropriator	The President of Georgia
Right on Undertaking Expropriation	Through the Court Decision
Conducting appraisal (evaluation) of land and real property	Independent legal land expert from private sector invited by the Expropriator
Information regarding the yield capacity of given agricultural lands	Ministry of Environment Protection and Agriculture Of Georgia

3.2 Resettlement Related Legislation of Georgia

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

- Constitution of Georgia, 1995 (amended in 2018)
- General administrative code of Georgia – 1999
- Law of Georgia on systematic and sporadic registration – 1996
- Law of Georgia on the procedure for the expropriation of property for pressing social need - 1999
- Law of Georgia on Motor Roads, 1994
- Organic Law of Georgia, Local Self-Government Code, 2014
- Civil Code of Georgia, 1997
- Law of Georgia on Cultural Heritage, 2007
- Law of Georgia on Notary, 2009
- Law of Georgia on State Property, 2010
- Law of Georgia on Ownership Rights to Agricultural Land, 1996
- Law of Georgia on Legalization of Property, 2007
- Law of Georgia on Public Register, 2008
- Law of Georgia on Recognition of the Property Ownership Rights Regarding the Land Plots Owned (Used) by Physical Persons or Legal entities, 2007
- Law of Georgia on Rules for Expropriation of Ownership for Necessary Public Need, 1999
- Civil Procedural Code of Georgia, 1997
- Law of Georgia on Social Assistance, 2006
- Law of Georgia on Social Protection of Disabled Persons, 1995
- Law of Georgia on Internally Displaced Persons from Occupied Territories – Refugees, 2014

The above laws/regulations provide that the principle of replacement cost compensating at market value is reasonable and legally acceptable. The laws also identify the types of damages eligible to compensation and indicate that compensation is to be given for loss of physical assets. Georgian legislation makes no provision for income/livelihood rehabilitation, allowances for severely affected or vulnerable APs, or resettlement expenses. Finally, these laws place strong emphasis on consultation and notification to ensure that the Project Affected People (PAP) participate in the process.

4. World Bank Policy and Georgian Legislation: Gap Analysis and Corrective Actions

4.1 ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

All projects funded by WB must comply with the WB social and environmental standards. The WBESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement⁹ guides land acquisition and related resettlement impacts and compensation issues during project implementation. In line with the principles of host-country responsibility, Georgia is committed to implementing the WB financed projects in compliance with the requirements of WB ESS5.

Overall the Georgian legislation is compatible with the major provisions of the WB ESS5 Resettlement Policy but a few important differences are to be noted

(i) ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. 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, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. 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.

(ii) The WB policy complements the Georgian legislation in mandating that appropriate planning/management instruments must be developed prior to project appraisal as Resettlement Policy Framework (RPF) and Resettlement Action Plan (RAP).

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

⁹ <https://thedocs.worldbank.org/en/doc/837721522762050108-0290022018/original/ESFFramework.pdf#page=67&zoom=80>

Resettlement Action Plan (RAP). All projects that entail involuntary resettlement and/or a livelihood loss require a RAP. “The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement”¹⁰. RAP is location-specific and comprehensive action plan including socio-economic assessment, sociological survey, census, valuation of impacts, and consultation with affected persons, a set of compensation/mitigation measures for each affected person/household, and detailed implementation plan with indication of responsible parties and schedule.

(iii) The WB ESS5, is based on the following principles:

- 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 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

(iv) Under Georgian legislation/regulation, legal and legalized owners are eligible for compensation, whereas under ESS5 non-registered and non-legalized land users are also eligible to receive compensation for resettlement, lost assets or livelihoods. World Bank’s policy on Involuntary Resettlement covers: (i) the economic rehabilitation of all affected persons and households (AP/AH) including those who do not have legal/formal rights on assets acquired by a project; (ii) the provision of indemnities for loss of business and income, (iii) and the provision of special allowances covering AP/AH expenses during the resettlement process or covering the special needs of severely affected or vulnerable AP/AHs. In addition, Georgian legislation does not require any specific measure regarding the need to prepare RAPs based on extensive public consultations.

Generally, Georgian legislation is compatible with major provisions of the WB Resettlement Policy, but a few differences are to be noted. The most significant of these differences is that under Georgian legislation/regulation, emphasis is put on the definition of formal property rights and on how the acquisition of properties for public purposes is to be implemented and compensated while in the case of WB policy emphasis is put both on the compensation of rightfully owned affected assets and on the general rehabilitation of the livelihood of the Project Affected People (PAP) and Households (AH). Also, in addition, the legislation of Georgia does not require any specific

planning/implementation instrument like RPF or RAP based on extensive public consultations. The differences between Georgia laws and WB ESS 5 and other project relevant standards are outlined in Table 3 below:

Table 3: Comparison of Georgia Laws and WB Environmental and Social Standards

Georgia Laws and Regulations	WB – Environmental and Social Standards	Corrective Actions
Land compensation only for titled and legalized landowners.	If people living in the project area are required to move to another location, the PIU will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; (b) provide relocation assistance suited to the needs of each group of displaced persons;	In the case of physical displacement, the Borrower will develop a plan that covers, at a minimum, the applicable requirements of this ESS regardless of the number of people affected. The plan will be designed to mitigate the negative impacts of displacement and, as warranted, to identify development opportunities Non-legalized land owners are also compensated after they are issued with the necessary papers. Those without legal titles will be supported so they can be titled. In the event that land users cannot receive title, PIU will seek the Government's approval for rehabilitation/compensation of such non-titled land users for loss of dwelling, assets, or livelihood as relevant.
Only registered livelihood/businesses are compensated for damages/ physical relocation or loss of productive assets and ability caused by a project	All affected households/businesses are compensated for damages/ physical relocation or loss of productive assets and ability caused by a project	In the case of projects all affecting livelihoods or income generation, the PIU's plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner
Crop losses compensation provided only to registered Landowners.	Crop losses compensation provided to landowners and farmers/lease tenants whether registered or not	Practically all croplands are registered in Georgia either in Public register or in the villages. In case of leased land lots, the compensation will be paid to renters for their actual losses and be given assistance to access some other land to continue activities.

Georgia Laws and Regulations	WB – Environmental and Social Standards	Corrective Actions
Compensation for loss of assets is based on market value without considering depreciation.	Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed.	In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with WB ESS procedures.
Administrative body implementing the Project is the only pre-litigation final authority to decide disputes and address Complaints regarding quantification and assessment of compensation for the affected assets. Complaints are reviewed in compliance with the formal procedures (rules) established by the	Complaints & grievances can also be resolved informally in accordance to the ESS 10 and through a project-level grievance redress mechanism which in some cases can have community participation through a Grievance Redress Committees (GRC), Local governments, and NGO and/or local-level	The PIU team will have in place a mechanism to receive, register and process grievances from PAPs. Representatives of municipalities, local authorities and villages will be involved in the process from early stages. This will ensure solution of disputes and claims (if it is possible) at community level, however if solution could not be found, the case will be processed in accordance to local legislation.
Decisions regarding land acquisition and resettlement is discussed only between the landowners and the agency in charge of land acquisition. No formal requirements to organize public consultation are expected	The RPF and RAPs including information on criteria for valuation of affected assets, entitlements, and compensation/financial assistance are to be publicly disclosed during the planning process.	The preparation of the RPF and RAP will be done through engagement with relevant stakeholders and the RPF and RAPs will be publicly disclosed in accordance to WB ESS10. No personal information of the AP or amounts each individual will receive will be disclosed to other parties without the consent of the PAP.
No provision for income/livelihood rehabilitation, allowances for severely affected or vulnerable APs, or resettlement expenses.	WB policy requires rehabilitation for income/livelihood, severe losses, and for expenses incurred by the PAPs during	PIU will have in place clear legal procedures to allow for additional assistance for severely affected and vulnerable livelihoods in accordance to the RAP.

Georgia Laws and Regulations	WB – Environmental and Social Standards	Corrective Actions
No specific plan for public consultation is provided under the Georgian laws	Public consultation and participation is the integral part of WB's ESS 10 which is a continuous process at conception, preparation, implementation and finally at post implementation period.	The public consultation process will be accomplished in accordance to WB ESS 10 requirements and guidelines prior to RAP Implementation

As summarized in the table above, in the event of gaps between Georgian legislation and World Bank’s Environmental and Social Standards the stricter requirement (in this case requirements under ESS) will prevail. In accordance with the Georgian Constitution signing a legal agreement with an international organization such as the World Bank implies that covenants of that agreement will prevail: “The legislation of Georgia shall correspond to universally recognized principles and rules of international law. An international treaty or agreement of Georgia unless it contradicts the Constitution of Georgia, the Constitutional Agreement, shall take precedence over domestic normative acts.”¹¹

5. Principles of Resettlement and Land Acquisition Adopted for the GRAIL Project

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

1. For each subproject that involves acquisition of private land, temporary or permanent income loss, physical displacement of households or businesses, or other impact that triggers the ESS5, a Resettlement Action Plan (RAP) will be developed in compliance with policies and procedures set out in this RPF, the ESS5 and Georgian legislation;
2. Beneficiary municipalities will be responsible for supporting the implementation of the relevant RAP and in the preparation of the RAP;
3. No civil works can start at the section where impacts that trigger ESS5 occur before a RAP is implemented in a manner satisfactory to the World Bank and compensation is paid to all affected persons;
4. PAPs will receive compensation or support of various kinds in accordance with the entitlement matrix included in this RPF and in compliance with the active legislation of Georgia and the World Bank safeguard policy;
5. PAPs will be informed about their rights and existing alternatives;

¹¹ “Constitution of Georgia”, Article 6 point 2.

6. PAPs will be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
7. PAPs will be offered effective compensation at full replacement cost for losses of assets relying on the information received from the Independent authorized valuation company/consultant hired by PIU;
8. PAPs with livelihood impacts will be provided with development assistance in addition to compensation measures described, such as land preparation, credit facilities, training, or job opportunities;
10. Special attention will be paid to the needs of the most vulnerable groups of the population children, women, the elderly, those below the poverty line, people with disabilities, IDPs, refugees, etc.;
11. A fair and accessible grievance redress mechanism will be developed;
12. Compensation measures are completed prior to start-up of the particular rehabilitation activities that trigger ESS5.

Abbreviated Resettlement Action Plan (RAP) will be developed as per this RPF and World Bank ESS5 as well as Georgian legislation for each sub-project of the GRAIL Project if required based on the screenings.

After this is done, each individual PAP's property will be valued by an independent valuation company/consultant collecting additional information on market prices of land, crops and other relevant assets, which will be used to find adequate replacements when necessary. This will additionally ensure that the market prices will allow PAPs to receive market-oriented compensation. Loss of income and assets will be compensated on a net basis without tax, depreciation or any other deduction.

The final RAP should be submitted to, cleared by the World Bank, and it should be implemented. PAPs should be fully compensated prior to the start of civil works and before any impacts on land, assets, or livelihoods have occurred.

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

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

6. Eligibility and Entitlements

6.1 Eligibility

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

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

Compensation eligibility will be limited by a cut-off date to be set for each subproject on the day of the beginning of the Census. Persons who settle in the affected areas after a locally publicized cut-off date will not be considered project-affected, and persons initiating improvements to land or structures after a locally publicized cut-off date will not be eligible for additional compensation. They, however, will be given sufficient advance notice, requested to vacate premises or dismantle affected structures prior to project implementation. Their dismantled structures materials will not be confiscated and they will not pay any fine or suffer any sanction.

6.2 Entitlements

At present, following categories of people are expected to be affected by the project (see Entitlement Matrix, below):

- Private landowners (with or without an established legal title to the land) whose land will be purchased or expropriated to implement subprojects.¹²
- Private owners (with or without an established legal title to the property) whose assets such as residence, stables, workshops, fences, barns, warehouses, trees, standing crops, and other valuable assets need to be damaged, purchased, or expropriated.
- PAPs (including formal and informal businesses) who experience temporary loss of income or asset as a result of restriction of access to land or assets during civil works.
- PAPs (including formal and informal businesses) who experience loss of income or asset as a result of purchase or expropriation of land for implementation of subprojects.
- Leaseholders (individual and enterprise) who have lease agreements with the Municipalities or other owners in existing and alternative alignments and sites
- Informal/illegal occupants and land users on existing rights of way and new alignments and sites.

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

¹² Landowners without legal documentation for land and whose land ownership cannot be legalized are considered informal/illegal occupants.

6.3 Assessment of Compensation Unit Values

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

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

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

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

Annual crops will be valued at net market rates at the farm gate for the first-year crop. In the event that more than one-year compensation is due to PAPs, the crops after the first year will be compensated at gross market value (total farm gate sales value minus input costs).

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

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

The unit compensation rates will be assessed by Project consultants based on clear and transparent methodologies acceptable to WB. The detailed RAP will define replacement cost values which will be used to determine actual compensation. All cash amounts will be adjusted to reflect any economic changes and buying power of currency after the preparation of the RAP. The PIU and the World Bank will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Georgia laws as long as it meets the requirements of World Bank ESS5. The assessed compensation rates will then be verified and certified by the Resettlement Officer and by PIU.

Table 5: Compensation Entitlement Matrix

Type of Loss	Application	Definition of Aps	Compensation Entitlements
Land			
Permanent loss of agricultural land	AF/SME agribusiness losing agricultural land regardless of impact severity	Owner with full registration	Compensation in cash at full replacement cost or replacement land of same value of land lost and at location acceptable to APs where feasible. If residual plots become unusable the project will acquire it in full if so the PAP desires. Technical or/and financial or/and material assistance provided to ensure full restoration of livelihoods according individual plan as per RAP if required
		Legalizable Owner ^y	These AP will be legalized and provided with cash compensation at full replacement cost and if needed assistance acquiring replacement land at location acceptable to AP if feasible. Measures provided to ensure full restoration of livelihoods according individual plans per RAP if required
		Renter/Leaseholder	Rental allowances in cash for 3 months and measures provided to ensure full restoration of livelihoods according individual plan as per RAP. If rental/lease duration differs from actual period of disturbance, then it needs to be revised during preparation of RAP/RAP accordingly.
		Informal Settlers/ APs with no registration/valid documentation/ non-legalizable owner	One-time self-relocation allowance in cash equal to 12 months at minimum subsistence income as defined by Geostat, measures provided to ensure full restoration of livelihoods according individual plan as per RAP if required
		PAP's occupied or using land that is owned by private investors.	One-time self-relocation allowance in cash equal to 12 months at minimum subsistence income as defined by Geostat, measures provided to ensure full restoration of livelihoods according individual plan as per RAP. All above mentioned costs will be covered by private investor if required
Non-Agricultural Land	AH/SME agribusiness losing them commercial/residential land	Owner with full registration	Cash compensation at full replacement cost or replacement land of same value of land lost and at location acceptable to APs where feasible measures provided to ensure full restoration of livelihoods according individual plan as per RAP.
		Legalizable Owner	APs will be legalized and provided with cash compensation at full replacement cost. Measures provided to ensure full restoration of livelihoods according individual plan as per RAP.

Type of Loss	Application	Definition of Aps	Compensation Entitlements
Land			
		Renter/Leaseholder	Rental allowances in cash for 3 months Measures provided to ensure full restoration of livelihoods according individual plans per RAP if required. If rental/lease duration differs from actual period of disturbance, then it needs to be revised during preparation of a-RAP/RAP accordingly.
		Informal Settlers/ APs with no registration/valid documentation/ non legalizable owner	One-time self-relocation allowance in cash equal to 1 year at minimum subsistence income. Measures provided to ensure full restoration of livelihoods according individual plans as per RAP.
Buildings and Structures			
Residential and Nonresidential structures/assets		All AHs / SME businesses regardless of legal ownership/ registration status (including legalizable and Informal Settlers/non legalizable owner)	All impacts will be considered as full impacts disregarding the actual impact percentage. Impacts will be compensated in cash at full replacement costs free of depreciation and transaction costs.
Residential and Nonresidential structures	AF/SME agribusinesses losing incomes or residential buildings	PAP's occupied or using land that is owned by private investors.	One-time self-relocation allowance in cash equal to 1 year at minimum subsistence income. Measures provided to ensure full restoration of livelihoods according individual plans per RAP. All above mentioned costs will be spend by private investor.
Temporary structures (kiosks, stalls)		Owners of temporary, structures (kiosks, stalls)	Approved and suitable site to re-locate, and if the structure is damaged, cash compensation at replacement rates for affected structure and other fixed assets, based on material cost, construction and labor costs free of salvageable materials, depreciation and transaction costs.
Loss of Community Infrastructure/Common Property Resources			
Loss of common property resources	Community/Public Assets	Community/Government	Reconstruction of the lost structure in consultation with community and restoration of their functions
Loss of Income and Livelihood			

Type of Loss	Application	Definition of Aps	Compensation Entitlements
Land			
Crops	Standing crops affected or loss of planned crop incomes**	All AHs regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	Crop compensation in cash at gross market value of actual or expected harvest. Compensation for this item will be provided In any case, despite the fact whether the crops was harvested or harvest time has not yet come.
Trees a) Timber Trees b) Fruit/Productive trees	Trees affected	All AHs regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	Cash compensation at market rate on the basis of type, age and productive value of the trees. valued based on age category (a. seedling; b. medium growth and c. full growth) and timber value and volume; will be valued based on age (a. seedling; b. adult-not fruit bearing; and c. fruit bearing). Stage (a) and (b) trees will be compensated based on the value of the investment made; stage (c) trees will be compensated at net market value of 1 year income x number of years needed to grow a new fully productive tree.
Business/Employment	Business/employment loss	All AFs /SME businesses regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	Owner: (i). (permanent impact) cash indemnity of 1-year net income; (ii) (temporary impact) cash indemnity of net income for months of business stoppage. Assessment to be based on tax declaration or, in its absence, minimum subsistence income for a five-person household (if the family is five persons or less, and adjusted accordingly for larger households). Permanent worker/employees: indemnity for lost wages equal to 3 months of regular salaries or three months of the minimum subsistence income (if the salary is higher than minimum subsistence income) for a five
Restriction to public Space	The involuntary restriction of access to legally designated parks and protected areas Resulting in adverse impacts on the livelihoods of the displaced	All PAPs regardless of legal status (including legalizable and Informal Settlers/non legalizable owner)	a) Measures to assist the displaced persons in their efforts to improve their livelihoods according individual matrix created based on the assessment of each PAPs loss aimed at restoring the livelihood in real terms, while maintaining the sustainability of the park or protected area, will be identified; and (d) Potential conflicts involving displaced persons will be resolved.

Type of Loss	Application	Definition of Aps	Compensation Entitlements
Land			
Allowances			
Severe Impacts	>10% income loss	All severely affected AHs including informal settlers/non legalizable owner (severe impact	Agricultural income: 2 additional crop compensation covering 1 year yield from affected land. Other income: 1 additional compensation for 3 months of minimum subsistence income.
Relocation/Shifting	Transport/transition costs	All AHs to be relocated	Provision of allowance covering transport expenses
Vulnerable People Allowances	PAPs below the poverty line, families lead by single women, refugees, disabled	AHs below poverty line, headed by Women, disabled or elderly	Allowance equivalent to 3 months of minimum subsistence income for a family of five as determined by Geostat and employment priority in project related jobs. This is additional allowance for vulnerability status on top of that of other entitlements in this matrix.
Temporary Loss			
Unforeseen resettlement impacts, if any			Unforeseen resettlement impacts, if any will be addressed and mitigated/compensated.

6.4 Allowances for Vulnerable Groups

According to the WB guidelines and the baseline socio-economic survey, vulnerable groups could include: Families below the poverty line women-headed households, IDPs People with Disabilities, elderly and etc. depending on the context of the region Among the vulnerable groups, as compared to non-vulnerable groups, the following issues might arise:

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

Impacts related to gender and other sources of vulnerability require the development of appropriate approaches that include locally appropriate replacement cost values, careful research of title or customary ownership of assets to be displaced, and offer in-kind replacement as a realistic alternative to cash compensation Poor (receiving government subsistence subsidies) and women headed households are considered as vulnerable. Households with members with disabilities or people in pension age will receive the allowance only if they are registered as poor. RAP preparers shall collaborate with external facilitators in identifying needs and potential solutions. RAP preparers shall be responsible for meeting the needs of vulnerable individuals and groups that might emerge in the process of preparing the census/inventory, assessing affected assets, or conducting the socioeconomic surveys, and for considering these in the implementation schedule.

6.5 Expropriation and Legalization

Acquisition of land through expropriation proceedings entails lengthy procedures. Such an approach will thus be pursued under the Project only in extreme cases when negotiations between PAPs and PIU fail and no alternative land is available to implement a subproject. In these cases, however PIU will not occupy the needed plots until: (i) the proper judicial process as defined by the law is initiated; (ii) a court injunction has been obtained and properly communicated to the APs. APs, who do not have proper registration or titles but are legitimate occupants legalized owners of the plots they lose, will be legalized and registered in the land records. After this is done, they will receive full compensation as the legal APs.

6.6 Gender Impact and Mitigation Measures

Women have important economic roles in project areas and engage in a very wide range of income generation activities in the agricultural and marketing sector. The project will pay particular attention to

ensure that women are the recipients of the compensation pertaining to their activities and to ensure that women who are de-facto household heads are clearly listed as beneficiaries of compensation and rehabilitation proceedings under the loan. In order to ensure the above the following actions will be considered:

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

7. Methods for Valuating Affected Assets

Determination of compensation value for loss or assets and other impacts associated to land acquisition and easement will be calculated by an independent valuation expert to be contracted by the Project Implementing Unit (MEPA) in line with the requirements of ESS5 and the methodologies described below:

Replacement value: The calculation of replacement costs of land and structures will be based on (i) fair market value at the time of dispossession, (ii) transaction/legalization costs, other taxes and fees (iii) transitional and restoration (land preparation and reconstruction) costs, and (v) other applicable payments. In order to ensure compensation at replacement cost, good practice examples in compliance with ESS5 will be followed for determining the replacement cost of acquired assets. As part of the valuation process, the PIU will ask local/village administrations to identify replacement land that meets these requirements and to determine the costs for PAPs or the project to obtain this land. Where replacement land cannot be found locally, a value for monetary compensation shall be developed. Regardless of whether land is replaced in kind or with monetary compensation, valuation shall include the cost to prepare the land to a level similar to that of the affected land, plus the cost of land registration, including any applicable taxes. Valuation of structures shall consider size and construction materials used. In determining replacement cost or design of replacement structures, depreciation of the asset and the value of salvageable materials shall not be taken into account.

7.1. Valuation Principles

Valuation of land and assets shall consider the following:

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

- Applicable current market prices

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

7.2. Structures

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

7.3. Land

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

a. Where active land markets exist land will be compensated at replacement rate based on a survey of land sales in the year before the impact survey.

b. Where active land markets do not exist land will be compensated based on the reproduction cost of a plot with equal features, access and productivity to the plot lost.

A clear valuation methodology for these cases will be detailed in the RAPs.

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

be destroyed by initial use of an easement for rehabilitation. These crops would be compensated at full value. For land in urban and per-urban areas, valuation shall consider market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land. Values are expected to vary by region and specific aspects of the land. Replacement cost of land will consider additional applicable transaction cost like registration with the NAPR at the rayon level Registration Office and the rayon PRRC.

7.4. Annual Crops

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

7.5. Trees

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

- a. Timber trees will be valued based on age category (a. seedling; b. medium growth and c. full growth) and timber value and volume.
- b. Fruit/productive trees will be valued based on age (a. seedling; b. adult-not fruit bearing; and c. fruit bearing). Stage (a) and (b) trees will be compensated based on the value of the investment made; stage (c) trees will be compensated at net market value of 1 year income x number of years needed to grow a new fully productive tree. The unit compensation rates will be assessed by Project consultants or by the authorized independent evaluator based on clear and transparent methodologies acceptable to WB.

7.6. Vulnerable Affected Households

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

8. Delivery of Entitlements

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

It is very important for PIU to ensure that:

- a) RAP will be implemented prior to contractor entering the land for construction (PAPs receive due compensation)
- b) Due diligence will be conducted in identifying and contacting the owner. In cases with land owners who cannot be found (absentee land owners) or land with multiple property claims, the money should be put into

an escrow account until the owner is contacted or the property is defined. If owners cannot be found within one year, the escrow account will be closed.

9. Public Consultation, Participation and Documents Disclosure

Compensation of PAPs implies communication or dialogue with the stakeholders and beneficiaries the consultation and participation process will include four phases: (i) information disclosure and data collecting; (ii) preparation and planning of operations; (iii) implementation of operations; and (iv) monitoring and evaluation.

9.1. Information Disclosure and Filed Assessment Phase

Actors: MEPA, NAPR, GA, Sectoral Organizations, independent consultants. The actors will constitute the main task force in the data-collecting phase. This process will include consultations with PAPs and other relevant stakeholders. The field assessment will be carried out using above-described focus group discussions techniques. PAPs will be consulted to participate in the process by providing socio-economic information about their livelihoods. Also, PAPs will be consulted through meetings with village committees to share information about the PIU, discuss the social impacts of project operations and the mitigation measures suggested. The contributions of the PAPs will be integrated into the subproject implementation process, from planning to evaluation.

9.2. Planning Phase

Actors: MEPA, NAPR, GA, PAPs (planning inputs, sounding board and advice-giving), representatives of local communities. Planning and coordination of the tasks of the various actors is the key to a successful implementation of the compensation arrangements. The PAPs will be consulted in the aim to obtain their positions on issues at stake. The requirements of their work programs/businesses activities will be incorporated into the compensation plans. The work will focus on: (a) taking stock of the legal framework for compensation; (b) settling institutional arrangements and mechanisms for payment of compensation; (c) defining tasks and responsibilities of each stakeholder; and (d) establishing a work plan.

9.3. Implementation Phase

Actors: The principal actors are PIU as well as WB, PAPs (endorsement of arrangements). The execution of the compensation operations will be conducted by the PIU, through their contracted specialist team. PAPs will be consulted about the compensation arrangements prepared. Cash compensation amount and amount of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land for land compensation can be affected.

9.4. Monitoring and Evaluation Phase

Actors: PIU, independent consultants, GA and Sectoral Organizations, and PAPs. The PIU will organize project completion workshops with government agencies, GA and Sectoral Organizations and representatives of PAPs after completion of the compensation operations. This RPF in Georgian will be disclosed on the MEPA website before Project appraisal. The RPF in Georgian will also be disclosed to the

APs at the relevant Municipality office (Mayor) and at village administration (Sakrebulo) once subprojects are identified.

Its English version will be disclosed on the WB website prior to Project appraisal and after the RPF is endorsed by the Project Implementing Unit (PIU). Once a RAP for a subproject has been prepared and approved by PIU and the WB it will be disclosed at relevant local government offices. A pamphlet in Georgian, summarizing compensation eligibility and entitlement provisions, will be distributed to all AP/AHs before the initiation of the compensation/rehabilitation process and before signing contract awards. The consultation process will be continued throughout the project cycle.

10.Complaints and Grievances

10.1 Introduction

PIU aims to engage with stakeholders on land acquisition and resettlement in a manner that is conciliatory, fair and transparent. Care will always be taken to prevent grievances rather than going through a redress process. Through careful land acquisition design and implementation, by ensuring full participation and consultation with the PAP's, and by establishing extensive communication and coordination among the various implementation entities, PIU will try to collect feedback and questions from interested parties. A grievance can be defined as an actual or perceived problem that might give grounds for complaint. Nonetheless, PAP's may find disagreeable a decision, practice or activity related to land acquisition and resettlement. This section summarizes the grievance redress mechanism for the Project, which will accept grievances, inquiries, and feedback related to resettlement as well as other project-related concerns.

10.2 Project Grievance Redress Principles

The following principles underlie the grievance redress mechanism:

- PAP's are fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and at the time of compensation;
- Each grievance is registered, its receipt acknowledged, and tracked until closure;
- All grievances are processed and responded to within 14 days and the complex grievances up to 30-day time period,
- Language, literacy and gender are not an impediment for complainants. Presentation of complaints does not incur undue costs to the complainant.
- At any moment in the project or throughout the GRM process PAPs are free to address their grievances in court.

10.3. Grievance Resolution Process

The Project resettlement grievance resolution process is summarized in Table 6.

Table 6: Resettlement Grievance Resolution Process

Steps	Grievance Redress Actions
1	PIU’s resettlement team will maintain a system for logging grievances. PIU SSC will set up registry for complaints.
2	In the first instance, PAP’s can lodge a grievance and resolution will be attempted at an informal level with the involvement of relevant Project entities (for instance design, cadastral, evaluation) or local representatives within ten 10 days after submission of the grievance. Such grievances will still be recorded in the grievance log.
3	If still unsettled, the PAP’s can submit the complaint with PIU who has 15 days to decide on the case.
4	If still unsettled, the PAP’s grievance will move within 15 days to a Grievance Resolution Committee (see the details on the Committee below) which has 15 days to decide on the case
5	At any stage of the process the PAP is free to submit the case to the appropriate Georgian court of law.

PIU will establish the Land Acquisition Grievance Resolution Committee consisting of the representatives of PIU, MEPA, land valuation / acquisition consultant(s), and concerned PAP’s. Where relevant, the committee will consult the village / community leaders and authorities in order to facilitate the resolution of grievances. PIU representatives on the Committee can include a legal team member, Engineers, Social Safeguard Consultant, Regional Coordinator, Project Manager and the Deputy Project Director. When relevant, the committee consults with community leaders and representations in order to finalize actions. This committee will review and discuss the received grievances internally, take decisions as to how to resolve them, implement a solution, and inform the PAP about compliant result and closure. Further details on GRM process and its disclosure is presented in SEP.

11. Resettlement Implementation Process

This Resettlement policy framework will be implemented in four stages as described below:

a) **Resettlement Screening and Scoping.** The PIU will ensure that ToR for the Feasibility Studies (FS) and PIU for each subproject includes resettlement screening/scoping paragraph. Resettlement screening will provide sufficient information to determine whether the subprojects require development of an RAP or aRAP, and to identify broad scope and scale of impact. The Consultant to be hired by the PIU to conduct the FS will, at an early phase of the FS, carry out a field survey and consult with the land cadaster to determine if RAP/aRAP is needed. This is also the case for any sub-project that requires the resettlement of households or businesses. If it is determined that RAP/aRAP is not needed, the FS for the particular subproject will clearly state to the effect.

b) **Preparation of RAPs.** If it is determined that RAP/aRAP is needed for a sub-project, the PIU will be responsible for developing a RAP in line with this RPF, hiring independent consultants to assist in this task if necessary. The PIU will undertake the necessary census, surveys, with APs and consultations with relevant stakeholders and establishment of according compensation entitlements.

The RAP preparation will cover the following essential components:

- Initial consultation to PAP to notify the project and board impact
- Census, geographic survey and socioeconomic survey of PAP
- Determination of PAP and scope/ scale of impact
- Compensation package and drafting of RAP
- Consultation with PAP
- Negotiation with PAP and payment of compensation
- Payment of compensation and implementation of rehabilitation measures
- Indicators and methods for measuring RAP implementation and impact

The PIU will ensure that RAP preparation process meets the World Bank's consultation and disclosure requirements and will submit draft RAPs to the Bank and other stakeholders for review and clearance. Approval of the RAP by the Bank is required before any initiation of works.

To coordinate RAP implementation at the local level, the PIU will establish a special Commission consisting of relevant municipal officials, head of land use and land management services of municipalities, heads of other relevant services of Municipalities, head of legal services, topographers, GIS and land cadaster specialists, etc., highly skilled experts of economic and law procured to fit the purpose.

c) **Implementation of the RAPs.** The PIU will be responsible for the implementation of the RAPs. The PIU will coordinate RAP implementation with the relevant municipalities through participation the local Commission. The Municipalities will be called upon to assist affected APs in protecting their rights and preparing documentation required to register land purchases, land use agreements and servitude agreements. Compensation/rehabilitation measures will be implemented as the civil works progress but prior to the start of the rehabilitation on a particular section.

During RAP implementation the local commission will provide oversight and monitoring including checking the alienation of affected land and the demarcation made by the contractor, also to correct measuring and inventory data stipulated by project possible changes.

Financing for actions under the RAP will come from project proceeds. PAP will be assisted to acquire all necessary and available documentation (extract from public registry, demarcation act, audit conclusion, copy of ID, bank requisites, etc.) On the basis of these submitted documents the local Commission will approve delivery of compensation and in case of owner's consent makes a deed of purchase. Based on contract with the owner the amount will be transferred on private bank account, and afterwards PIU will obtain its right on the land.

The project shall resort to property expropriation only in exceptional cases as the last resort: (i) when negotiation over the purchase price of land and other project affected properties fails; and (ii) re-design of investments is impossible. When an empty land or abandoned structures whose owners cannot be

physically identified needs to be acquired, the compensation amount due to the PAP shall be deposited in an escrow account and saved at the bank account, all attempts will be made to contact absent PAP including a minimum of three documented attempts by mail, via home visits and via contact with relatives and neighbors until the PAP is identified.

d) **Monitoring.** The PIU will develop a mechanism to monitor implementation of the RAPs. Indicators for monitoring and evaluating RAP implementation will include indicators that look at the process of RAP implementation and indicators which track the impact of asset loss and compensation on PAP. Monitoring will be carried out routinely by PIU. The results will be communicated to WB through the annual project implementation reports. Indicators for the monitoring will be those related to process and immediate outputs and results. Indicative indicators for monitoring RAP implementation are:

- Public consultation meetings held
- Census, assets inventories, assessments, and socioeconomic studies completed
- Grievance and redress procedures in place and functioning
- Compensation payments disbursed
- Land acquisition, if needed, completed
- Income restoration activities initiated
- Grievances addressed
- Degree of knowledge and concerns among PAP regarding the resettlement process, their entitlements, and rehabilitation
- Degree of satisfaction amongst PAP for the effective functioning of the grievance redress system

11.1 Resettlement Budget and Financing

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

Annex 1 Outline of a Resettlement Action Plan

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

Introduction

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

Minimizing Resettlement

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

Census and Socioeconomic Surveys

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

Legal Framework

- Describe all relevant local laws and customs that apply to resettlement
- Identify gaps between local laws and World Bank Group policies and describe project-specific mechanisms-to address conflicts.
- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
- Describe method of valuation used for affected structures, land, trees, and other assets
- Prepare entitlement matrix.

Resettlement Sites

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

Income –Restoration

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Briefly spell out the restoration strategies for each category of impact and describe their-institutional, financial, and technical aspects.
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation?
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?

- Describe the process for monitoring the effectiveness of the income restoration measures.
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

Institutional Arrangements

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

Implementation Schedule

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

Participation and Consultation

- Describe the various stakeholders.
- Describe the process of consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describe the process of involving affected populations and other stakeholders in implementation and monitoring.

- Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Grievance Redress

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

Monitoring and Evaluation

- Describe the internal/performance monitoring process.
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Define methodology for external monitoring.
- Define key indicators for external monitoring.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.
- Describe arrangements for final external evaluation.

Annex 2 Minutes of Public Consultation Meetings on the ESMF and RPF

Note: Once the draft Document is approved by all the parties, public consultation meetings shall take place.