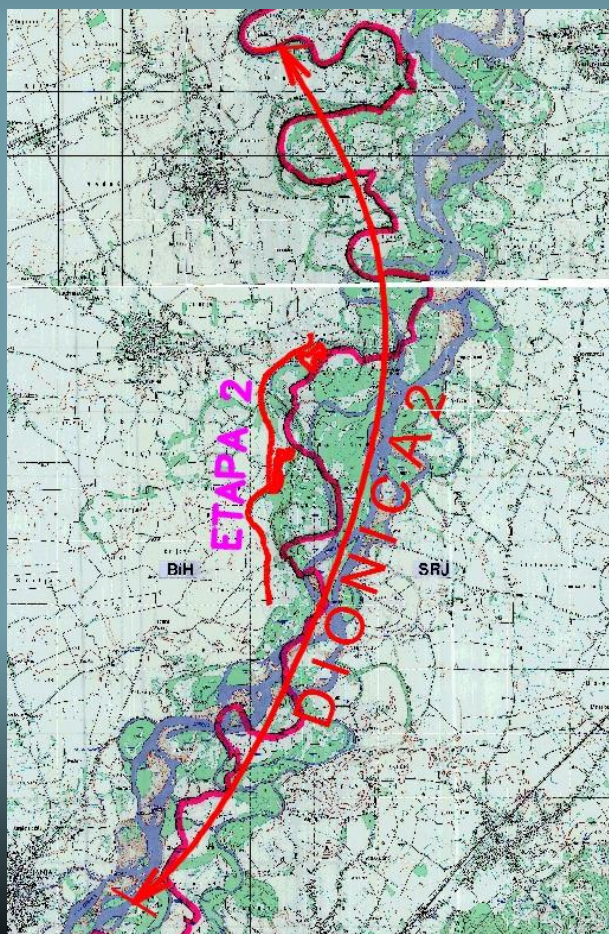


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PREPARED FOR:

MINISTRY OF AGRICULTURE,  
FORESTRY AND WATER  
MANAGEMENT OF THE  
REPUBLIKA SRPSKA  
AGRICULTURE PROJECT  
COORDINATION UNIT

**RESETTLEMENT ACTION PLAN  
FOR THE CONSTRUCTION OF  
PROTECTION DYKE IN THE CITY  
OF BIJELJINA UNDER THE DRINA  
FLOOD PROTECTION PROJECT  
IN BIH**

**STAGE 2 OF SECTION 2  
L=4.81 KM**

**(FROM THE CHAINAGE 5+041.90, ENDING  
AT THE CHAINAGE 9+851.71)**

October 2017



# Institut za građevinarstvo "IG" Banja Luka

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<b>SUBJECT</b>	RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER THE DRINA FLOOD PROTECTION PROJECT IN BIH <b>FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)</b>
<b>CLIENT</b>	Ministry of Agriculture, Forestry and Water Management of the Republika Srpska / Agriculture Project Coordination Unit
<b>CONSULTANT</b>	Civil Engineering Institute "IG" LLC Banja Luka
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### **Acronyms and abbreviations**

APP – Resettlement action plan

APs – Affected persons

AHs - Affected households

BAFPP - Flood protection project in Bosnia and Herzegovina

BiH - Bosnia and Herzegovina

DRBMP - Drina River Basin Management Plan

WB – World Bank

WBFDI - West Balkans Regional Initiative on Flood and Drought Management

EU - European Union

RS – Republika Srpska

FBiH - Federation of Bosnia and Herzegovina

FPP - Flood protection project

NVO - Nongovernmental organisation

ST - Chainage

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## GLOSSARY

**EXPROPRIATION:** Expropriation is the deprivation or restriction of the right to ownership of immovable property with an equitable remuneration that cannot be lower than the market value of the immovable property.

**IMMOVABLE PROPERTY:** Immovable property is everything on the surface of the land, constructed above or below it, intended to stay there permanently, or embedded into the immovable property, added thereon, or upgraded or in some other way connected with the property and represents a part of that immovable property until separated therefrom.

**LAND ACQUISITION:** A procedure for occupation/acquisition of land or a part of land owned or possessed by a person in favour of the state due to public interest for which the owner is fairly compensated.

**AFFECTED PERSONS (AP):** Individuals affected by the project, i.e. individuals adversely affected by the project implementation.

**AFFECTED HOUSEHOLDS (AH):** All members of a household living under the same roof, which acts as a unique economic unit, which are adversely affected by the project. It can consist of one nucleus family or enlargement of a family group.

**RIGHT TO COMPENSATIONS:** All owners and users who live or use immovable property in the Project affected area during the reference date for the establishment of a right to compensation are entitled to compensation or aid, as set out in the Compensation matrix.

**COMPENSATION FOR IMMOVABLE PROPERTY:** An established value of fair compensation for land based on its production potentials and location. Costs of the substitution of houses and facilities (current fair market value of construction material and works without depreciation or losses for salvaged construction material), and market value of construction, crops, trees and other goods.<sup>1</sup>

**RESETTLEMENT:** Physical relocation of affected person s/affected households from the place of their residence prior to the beginning of project implementation.

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<sup>1</sup> According to the Law on expropriation of the Republika Srpska, an owner is entitled to compensation *in other immovable property* for his expropriated property; if the expropriation beneficiary cannot provide such immovable property, fair *pecuniary compensation* is determined, which cannot be lower than the market value of the expropriated immovable property.

## INTRODUCTION

The experience of the World Bank shows that during the implementation of development projects in the past, unless these are controlled, major economic, social and environmental risks occur, such as: dislocation and dismantling of production systems, population facing poverty due to the loss of property and income, resettlement of population to environment that are not suitable for their production capacities with stronger business competition, weakening of the institution of community and social network, dispersion of population that is in family relations, and their tradition, culture as well, reducing possibilities of potential mutual aid or total loss thereof.

World Bank Policy OP 4.12. – Involuntary Resettlement precisely defines protection measures for resolution and mitigation of the above-mentioned risks. Annex A (OP 4.12) - Involuntary Resettlement Instruments describes the elements of a resettlement plan. In line with Annex A, the scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about:

- a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and
- b) the legal issues involved in resettlement.

Subject of the Drina Flood Protection Project is the protection of the area of Semberija and the city of Bijeljina from high waters of the Drina river, with a return period of 100 years.

Over the last ten years, years with significant precipitation were registered, notably 2004, 2005 and the most intensive in December 2010, which caused inundation to diverse extents and caused inflicted significant damages to the Drina drainage basin. Also, extensive damages were registered in dry periods, notably in 2001, 2007, 2008 and 2011, especially in agricultural production, which affected the provision of sufficient food in the Drina drainage basin. In early December 2010, extensive floods occurred in Semberija, Janja and the city of Bijeljina. The Drina river deluge flooded about 83.60 sq km of agricultural land and significant damages were inflicted, which were assessed to about thirty million convertible marks.

The dyke is to provide protection from the Drina river high waters in the villages of: Balatun, Međaši, Dvorovi, Popovi, Amajlije, Janja and a new village of Obriježi, as well as significant agricultural areas with high classes of land capability for agricultural production (8 350 ha flooded). The dyke alignment is designed completely within the borders of the Republika Srpska.

Subject dyke has a total length of 34.78 km, which is divided into the following three sections, ranked by construction priority:

- Section 2 comprises the middle part of the Bijeljina - Badovinci main road embankment alignment to the Janja river confluence in a length of 16.12 with the Janja tributary regulation, which is affected by the Drina river high water in a length of 1.8km.
- Section 1 comprises the alignment from the Selište canal, upstream to the Pavlovich bridge; it is to say the main road Bijeljina – Badovinci in a length of 9.97 km.
- Section 3 comprises the alignment from the Janja river confluence to the village of Glavičica in a length of 8.68 km.

**The highest priority is the construction of section 2**, which directly protects the City of Bijeljina and the village of Janja from high waters, followed by section 1, and afterwards by section 3.



Planned sections are divided into stages of construction in order to facilitate more efficient land purchase, to generate conditions for acquiring the permit to build the structure, and to facilitate structure construction as well.

In the stage of preparing the Drina river flood protection project, a preliminary RAP for all three sections was developed in 2014, which showed that the project would have no negative impacts on population relocation in the project coverage zone. The preliminary RAP was developed because there was no adequate project-technical documentation that would facilitate the elaboration of a final RAP, hence subject of this document is the elaboration of final Resettlement action plans based on the Main design and defined expropriation lines. Since the Drina river flood protection project will be implemented in several construction stages, the Consultant shall develop final RAPs by sections, i.e. by stages.

This Resettlement action plan refers to **stage 2, section 2 from the chainage 5+041,90 and ends at the chainage 9+851,71, in a total length of L=4.81 km.**

## SUMMARY

The construction of protection dyke in the city of Bijeljina project under the Drina flood protection project in BiH is funded by the loan from the World Bank, International Development Association (WB-IDA), and the principal creditor is the Government of RS that appointed the Ministry of Agriculture, Forestry and Water Management, i.e. Agriculture Project Coordination Unit which is a part of the said ministry, to implement the project. A resettlement action plan was prepared in line with the World Bank's Operational Policies O.P.4.12. for each state separately.

Subject of this RAP is **stage 2, of section 2 from the chainage 5+041.90 and ends at the chainage 9+851.71, in a total length of L=4.81 km**

Total area of land affected by this RAP is 278 780.00 sq m, whereas the total number of plots is 142.

Of the total area of land comprised by this RAP, privately owned land occupies an area of 267.262.00 sq m, it is to say 95.87%, whereas state-owned land, which is not subject to compensation, occupies an area of 11.518.00 sq m, it is to say 4.13%, so that according to the ownership structure and purpose, the land can be classified as follows:

**Category 1:** Privately owned agricultural land with a value of 1.60 km/sq m (in a total of 105 plots with an area of 245 210.00 sq m)

**Category 2:** Privately owned forest land with a value of 1.60 km/sq m, (in a total of 16 plots with an area of 21 871.00 sq m)

**Category 3:** Privately owned land under roads with a value of 1.60 km/sq m (in a total of 1 plot with an area of 181.00 sq m)

**Category 4:** State owned land under roads (in a total of 20 plot with an area of 11 518.00 sq m)

Categories of state-owned land (category 4) are not subject of land compensation.

All subject plots are located outside the construction areas and other construction land in terms of Article 6 of the Decision on spatial development and construction land (City of Bijeljina Official Gazette, Nos.: 11/14, 19/14 and 21/14), in a settlement of urban character and is registered as agricultural land in Janja 2 cadastral borough, Janja 3 cadastral borough and Amajlije cadastral borough.

In line with Articles 3 and 13 of the Decision on the value of real estates per zones in the territory of the City of Bijeljina (City of Bijeljina Official Gazette, No.: 32/16), this land is located in industrial-business subzone 1, where the market value of agricultural land is 1.60 KM/sq m.

Based on the above said, subject real estates in this section are assessed:

1. land out of construction zone, i.e. which is registered as agricultural land, regardless of entries in public records, bearing in mind that the economic interest of tilling the remaining part of subject plots does not change in a majority of cases, is estimated to an amount of 1.60 km/sq m,

In the coverage of this RAP *there is no identified residential units, there is no usurpation of other people's property.*

Project implementation in the coverage of this RAP shall affect a total of 140 households; a total number of affected persons is 393. Of the total number of natural persons who own the plots, women make 20% (28 women), males make 80% (112 men).

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*Table 1, Impact summary for Stage 2, of section 2, L=4,81 km*

Br.	Impacts	Unit	Number
<b>LAND OWNERSHIP STRUCTURE</b>			
1	Total number of comprised plots	No	142
2	Total area of comprised plots	m2	278.780,00
<b>TOTAL AREA OF LAND ACCORDING TO THE OWNERSHIP STRUCTURE</b>			
4	Privately owned plots	No	122
		m2	267.262,00
5	State-owned plots	No	20
		m2	11.518,00
<b>Total price for land</b>		<b>BAM 427.619,20</b>	
<b>LAND EXPLOITATION METHOD AND COMPENSATION CATEGORIES</b>			
6	Category 1: Privately owned agricultural land (1.60 KM/sq m)	No	105
		m2	245.210,00
7	Category 2: Privately owned forest land (1.60 KM/sq m)	No ber	16
		m2	21.871,00
8	Category 3: Privately owned land under roads (1.00 KM/sq m)	No	1
		m2	181,00
9	Category 4: State-owned land under roads (526.50 KM/sq m)	No	20
		m2	11.518,00
<b>AGRICULTURAL STRUCTURE</b>			
14	Area under wheat crops	m2	72,603.90
15	Area under corn crops	m2	169,409.10
17	Number of affected trees	No	102.00
<b>Total lost profit</b>			<b>213,650.79</b>
<b>AFFECTED HOUSEHOLDS (AHS)</b>			
20	Number of affected households AH	No	140
21	Number of affected persons AP	No	393
<b>Increase by 25% for agricultural and forest land</b>		<b>BAM 106,832.40</b>	
<b>Total</b>		<b>BAM 748,102.39</b>	

Total number of persons that will be affected by the project is 393, and the total number of households is 140.

The legal and political framework for land purchase and resettlement within this project was adopted to support the APs and / or households for the lost land and property, income and living resources, which was addressed in detail in chapter IV "Legal and political framework". The cut-off date for the compensation for land, property and facilities under this RAP is 25 July 2017, and fair compensation at a price not lower than the market value shall be paid in line with domestic legislation and O.P.4.12. (chapter 4.3.2. Compensation matrix).

Ministry of Agriculture, Forestry and Water Management of the Republika Srpska is an institution through which this project is implemented; it is to say the WB, as the holder of the loan from the (IDA) WB, appointed the Ministry of Agriculture, Forestry and Water Management of RS / Agriculture Project Coordination Unit (APCU) for the Republika Srpska territory. The Resettlement action plan (RAP) defines procedures that will be followed by the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, as well as the actions/steps to be taken in order to adequately implement resettlement and payment of compensation to affected persons and households.

Agriculture Project Coordination Unit shall closely cooperate with other institutions during the RAP implementation; of these institutions, the most significant are the Republic Administration for Geodetic and Property and Legal Affairs, and the Department of Property and Legal Affairs of the City of Bijeljina.

The Municipality of Bijeljina will appoint an official to liaise with the community, who will be in charge of consultation with vulnerable persons, as well as for communication with the representatives of local communities. Prior to the project implementation commencement, all affected groups shall be notified of the Project coverage and contact information based on which the mentioned groups can get additional information.

A grievance mechanism is established so that vulnerable persons could submit an appeal to any decision relating to temporary or permanent loss of land, property or income source, and to define compensation therefor. In other words, protection of owners' rights, i.e. rights of users of real estates that are expropriated is provided through the World Bank Policy O.P.4.12. and domestic legislation, it is to say two-instance administrative and court proceedings, with a guaranteed right to appeal.

This RAP also defines the monitoring of RAP updates, its implementation, as well as the timeliness of providing vulnerable persons with institutional and financial aid, conceived as an integral part of the total project functioning and management. The objective of monitoring and evaluation is to provide all interested parties with feedback information relating to the implementation progress and timeliness, as well as the timely identification of possible problems, i.e. their resolution.

## I. INTRODUCTION

### 1.1. Project background

Conclusion of the Government of RS number 04/1-012-2-396/14 dated 26.02.2014 adopted the initiative for negotiations with the World Bank, International Development Association (WB-IDA) relating to the funding of the Drina Flood Protection Project. Decision of the National Assembly accepted taking a loan from the World Bank, International Development Association. In May 2015, the effectiveness of the project was declared. The main lender for credit funds is the RS Government; it appointed the Ministry of Agriculture, Forestry and Water Management, i.e. Agriculture Project Coordination Unit that makes a part there of, to implement the project.

The Drina river international drainage basin represents one of the most significant and water-rich river basins in the area of West Balkans. For that reason, the Drina river has a large and underused development potential in several countries and regions through which it flows. So far, the Drina river water potential has been in limited use only in some elements of a complex target structure. At the moment, the most present is only partial hydro-energy usage of the Drina flow and basin, whereas water supply, irrigation and some other segments of water management targets are present in a completely limited scope. Even the most necessary works relating to bed regulation and stabilisation were omitted, as well as joint placement of the exploitation of materials from the bed under control, which is a result of the fact that all such activities now require a close coordination of the countries of BiH, Serbia and Montenegro.

Taking into account the aforementioned causes and tendencies with the floods, as well as the fact that flood protection systems were developed in line with needs in the past period, only the maintenance of protective structures had been carried out, to a reduced extent in relation to necessary maintenance. In the bargain, the relevant institutions in Bosnia and Herzegovina, supported by the entities the Republika Srpska and the Federation of BiH in June 2012 formally asked the World Bank to consider a possibility of providing funds for the Flood protection project in Bosnia and Herzegovina (BAFPP).

The World Bank responded positively to this request and agreed to consider support for the establishment of urgently needed management-mitigation measures in the two entities of Bosnia and Herzegovina, notably for the areas that were most jeopardised by floods in 2010 in the Drina river basin.

Support was given to the realization of two projects, notably for the area of Gorazde (Goražde, Foča-Ustikolina and Pale-Prač) in the Federation of Bosnia and Herzegovina and the area of Bijeljina (Bijeljina and Janja) in the Republika Srpska. The project would be financed from the World Bank (IDA) loan, except for a part of the investments relating to the costs of property legal relations for the expropriation of land along the alignment of the planned dykes. These funds will be provided as a national public contribution at the local level.

The WB as the holder of the loan from the World Bank (IDA) appointed the Ministry of Agriculture, Forestry and Water Management of RS / Agriculture Project Coordination Unit for the territory of the Republika Srpska.

Complex dynamics of the river bed development cause morphological changes that alter the morphological river structure every year. Current situation has resulted in the banks caving in, the removal of the most fertile land and the flooding of large areas of agricultural and construction land, settlements on the banks and other. Such situation, from the environmental point of view, adversely affects the protection of people, flora and fauna, land, water, air, climate, landscapes, material goods, cultural heritage and other elements of the environment.

Data on floods that occurred in the past and have had a significant negative impact on the environment are used according to the available data from the Preliminary Flood Risk Assessment for the territory of Republika Srpska. According to Preliminary assessment data, typical flood events occurred during 1896, 2010 and 2014.

The findings from the study of the May 2014 flood wave are very important for the dynamic realisation of a protective system of the left Drina dyke in the territory of the City of Bijeljina. These floods are very instructive events and they represent some kind of a reliable physical model of terrain flooding in a scale of 1:1.

Bearing in mind this important fact - that the genesis and dynamism of the wave in the territory of the City of Bijeljina (Semberija and Janja), were already observed during the floods in 2010 2014, the dynamics of the phase realization of the planned - protective dyke on the left Drina bank, should be based on an analysis of these phenomena. This analysis shows that, in the construction of the left Drina dyke by stages, the priority should be given to the construction of the Second section, which includes a section of the dyke from the main road Bijeljina-Badovinci, upstream to the Janja confluence and the Janja regulation in a length of 1.8 km. Then, the construction of the First section, from the channel Selište upstream to the main road Bijeljina-Badovinci would follow, and ultimately the whole entire protection system would be completed by the construction of the Third section, from the Janja river confluence, upstream to the settlement of Glavičice.

In the stage of preparing the Drina river flood protection project, a preliminary RAP for all three sections was developed in 2014, which showed that the project would not cause physical resettlement of population. The preliminary RAP was developed because there was no adequate project-technical documentation that would facilitate the elaboration of a final RAP. Considering that the main design for the construction of a protection dyke in the City of Bijeljina under the Drina flood protection project in BiH was developed in 2016 conditions were created for the preparation of the final version of the RAP. The RAP was divided by sections and stages for practical reasons.

Subject of this RAP is stage 2, of section 2 from the chainage 5+041.90 to the chainage 9+851.71 in a total length of L=4.81 km.

The cut-off date for the compensation for land, property and facilities under this RAP is 25 July 2017.

The impact corridor of stage section 2 is limited to parts of Janja 2, Janja 3 and Amajlije cadastral boroughs. In the coverage of stage 2 section 2 in a total length of 4.81 km *there is no identified facilities and agricultural land is dominant.*

Total area of land comprised by this RAP is 278 780,00 sq m, privately owned land occupies an area of 267,262.0 sq m, it is to say 95.87%, whereas state-owned land, which is not subject to compensation, occupies an area of 11,518.00 sq m, it is to say 4.13%, so that according to the ownership structure and purpose, the land can be classified as follows:

**Category 1:** Privately owned agricultural land with a value of 1.60 km/sq m (in a total of 105 plots with an area of 245 210.00 sq m)

**Category 2:** Privately owned forest land with a value of 1.60 km/sq m, (in a total of 16 plots with an area of 21 871.00 sq m)

**Category 3:** Privately owned land under roads with a value of 1.60 km/sq m (in a total of 1 plot with an area of 181.00 sq m)

**Category 4:** State owned land under roads (in a total of 20 plot with an area of 11 518.00 sq m)

Categories of state-owned land (category 4) are not subject of land compensation

## 1.2. Impact corridor of the planned project

Disposition of the left Drina dyke alignment starts from Balatun, where it connects to the right dyke of the Main perimeter canal Selište, upstream to the settlement of Glavičice, in a length of ca 34.78 km. Since the protection dyke is very long (34.78 km), its construction is divided into three sections, and sections are divided into stages. Subject of this RAP is stage 2 of section 2 in a length of 4,81 km which starts at the chainage 5+041.90 and ends at the chainage 9+851.71. A height of the protection dyke is defined based on a determined line of the Drina river high waters level, with an occurrence rang Q1/100; the dyke height is changeable and ranges from 1.49 m to 4.23 m, but in very short lengths.

The following figure provides an overview of sections in the left Drina dyke alignment per stages:

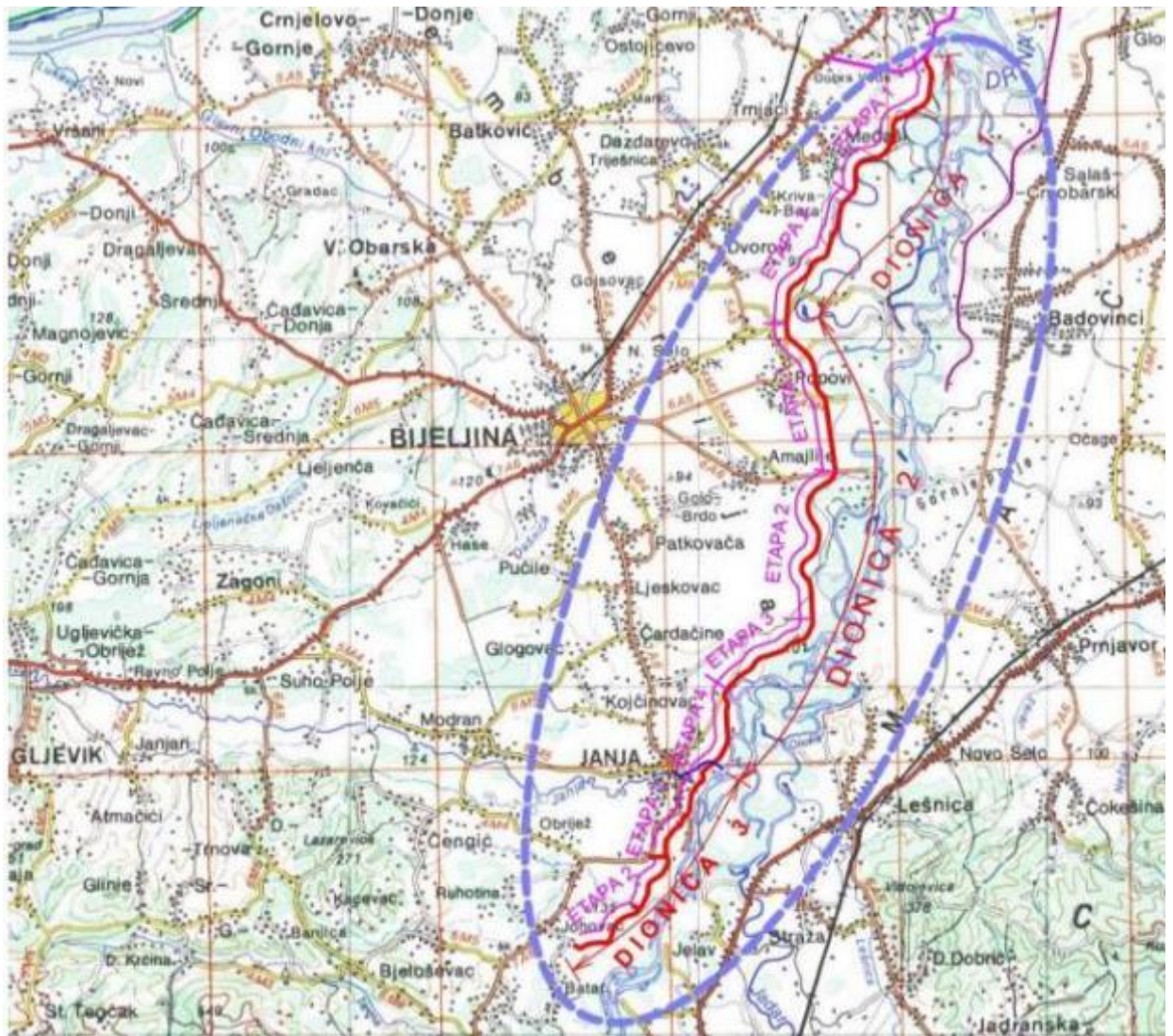


Figure 1 Overview map of the left Drina dyke by sections and stages

Disposition of the dyke alignment in section 2, starts from the main road Bijeljina – Badovinci, upstream to the confluence of the Janja and Drina rivers, in a length of 16.12 km. The dyke alignment was designed within the Republika Srpska territory. When designing the dyke alignment in terrain, the focus was on designing the alignment between tillable (if possible) and areas that are covered with trees.



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THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)

Subject of this Resettlement action plan is **stage 2 of section 2** that which starts at the chainage 5+041.90 and ends at the chainage 9+851.71 in a total length of L=4.81 km.

Stage 2, of section 2 is located in the territory of the municipality of Bijeljina and covers tree cadastral boroughs, Janja 2, Janja 3 and Amajlije where the cadastre of land is in force in some parts and in the cadastre of real estates in other parts. Plots in Stage 2 – of Section 2 are mostly part of the land consolidation.

Land book for Janja 2 and Amajlije cadastral borough exists in its major part, whereas for Janja 3 cadastral borough it does not exist.



Figure 2, Geographic position of Stage 2 within Section 2 is shown in a Google map.



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THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)



Figure 3, Layout of the RAP coverage (L=4.81 km)

### 1.3. Minimisation of land acquisition/occupation and resettlement

During the process of selecting a project solution, efforts were made to reduce land acquisition, it is to say land occupation and population resettlement as a consequence thereof to the least possible extent. In this regard, great efforts have been made to select the best engineering solution that will achieve the reduction of the number of areas or plots that would be the subject of acquisition, and consequently the reduction of resettlement as a consequence of land dispossession to the least extent possible. When choosing a project solution, the following was taken into consideration:

- During the consideration of dyke locations, great attention has also been paid to seeking solutions with as low environmental impact as possible, primarily impact on population by avoiding the dyke positioning through settlements.
- The intersection of local and access roads was reduced to the least possible extent
- The criteria relating to social, financial, technical-technological and environmental indicators were chosen to be applied to the selection of the most favourable variant.

The chosen project solution to the section that is subject of this RAP in a length of 4.81 km ***shall not result in physical relocation of people since there is no identified facilities***. Project solution anticipates the construction of a dyke in certain area, where expropriation is anticipated to be conducted in line with valid laws, directives, regulations and standards.

The expropriation report for the needs of the declaring public interest for the construction of a protection dyke in the City of Bijeljina within the Flood protection project: protection dyke in the City of Bijeljina – the river Drina, section 2 – stage 2 in a total length of 4.81 km was developed by company Civil Engineering Institute "IG" LLC Banja Luka, including the findings of the conducted establishment of framework value of the immovable - cadastral plots anticipated for expropriation in subject coverage in June 2017.

### 1.4. Preparation of the Resettlement action plan (RAP) and objectives

The Resettlement action plan (RAP) was developed in line with Contract No. BA-DFPP-IDA 5444-QCBS-BL-CS-15-004 for the construction of protection dyke in the city of Bijeljina project under the Drina flood protection project in BiH; it complies with the terms of reference, domestic legislation and World Bank's Operational Policy **OP 4 .12 Involuntary (forced) resettlement** in terms of its contents and technically.

A preliminary RAP for all three sections of the construction of Drina river protection dyke was developed in 2014, since the Consultant had the Preliminary design at disposal at that moment, it is to say there was no adequate project-technical documentation that would facilitate the elaboration of a final RAP, hence the subject of this document is the elaboration of a final Resettlement action plan for stage 2 of section 2 in a length of 4,81 km based on the Main design and defined expropriation line.

Interested parties, including municipal authorities and potentially affected persons (APs) have been consulted in the process of the Resettlement action plan preparation at this phase.

The Resettlement action plan (RAP) defines procedures that will be followed by the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska/ Agriculture Project Coordination Unit (APCU) as well as the actions/steps to be taken in order to adequately implement resettlement and payment of compensation to affected persons and households.

The objective of this RAP is the mitigation of negative impacts of land occupation and resettlement, and determination of compensations for diverse categories of affected persons, with special attention being paid to the most vulnerable categories. Land purchase will be done at a value not lower than the official market value in line with the World Bank's Operational Policy OP 4.12 involuntary (forced) resettlement and domestic legislation, primarily Expropriation Act.

#### **1.5. Limitations faced by the Consultant during the elaboration of the Resettlement action plan (RAP)**

Subject of this Resettlement action plan is stage 2 of section 2 in a length of 4.81 km, which starts at the chainage 5+041.90 and ends at the chainage 9+851.71. The expropriation line was taken from the expropriation report developed for the mentioned coverage; the consultant in its elaboration was Civil Engineering Institute "IG" LLC Banja Luka, including the findings of the conducted establishment of a framework market value of immovable property - cadastral plots that were anticipated to be expropriated; hence data on funds necessary for land expropriation in the coverage are considered relevant.

## II. LIST AND ASSESSMENT OF IMPACTS

### 2.1. Introduction

Impact assessment refers in detail to the loss of land, buildings and other assets in the coverage of stage 2 of section 2, in a length of 4.81 km, which starts at the chainage 5+041,90 and ends at the chainage 9+851,71. Compensation and rehabilitation measures are defined in accordance with the mentioned impacts. A detailed inventory of all impacts was made in accordance with the Main design for the Drina river flood protection project in BiH and the Expropriation report developed in June 2017 by Civil Engineering Institute "IG" LLC Banja Luka. Digital cadastral layouts were taken from the Expropriation report. A detailed assessment of property on all plots that are comprised by the expropriation line was conducted in a period from 01.01.2017 to 25.07.2017. In addition to this, a socio-economic analysis was conducted on a sample of about 20% of affected persons in the in the zone of project's impact in order to understand the socio-economic state of the affected persons. This, as the cut-off date is taken 25.07.2017. Also, identified stakeholders were interviewed; the results of interviews are given in the chapter consultations.

Below is an overview of the received data.

### 2.2. Impact on land, other property and income

#### 2.2.1. General classification of the project-affected land

Total area of the land affected by this RAP is 278 780.00 sq m, whereas the total number of plots is 142. This Resettlement action plan comprises all plots that are within the expropriation borders, i.e. which are affected by the project; their full or partial expropriation will be done in line with the OP 4.12 and domestic legislation (Expropriation Act), it is to say that complete plots in the coverage or parts of plots that were expropriated are comprised. Given the ownership structure and purpose of land, the land in the coverage of this RAP was categorised as follows: **Category 1:** Privately owned agricultural land with an area of 245 210.00 sq m; **Category 2:** Privately owned forest land with an area of 21 871.00 sq m; **Category 3:** Privately owned land under roads with an area of 181.00 sq m; **Category 4:** State owned land under roads with an area of 11 518.00 sq m.

Categories of state-owned land (category 4) are not subject of land compensation. There are no private users on state-owned land that use the state-owned land.

Costs necessary for land expropriation are defined based on construction regions and other construction land (City of Bijeljina Official Gazette, Nos.: 11/14, 19/14 and 21/14) to which some plots belong, and also in line with the Decision on the value of real estates per zones in the territory of the City of Bijeljina (City of Bijeljina Official Gazette, No.: 32/16).

- Subject plots are located outside the construction areas and other construction land in terms of Article 6 of the Decision on spatial development and construction land (City of Bijeljina Official Gazette, Nos. 11/14, 19/14 and 21/14) in a settlement of urban character and is registered as agricultural land in Janja 2 cadastral borough, Janja 2 cadastral borough and Amajlije cadastral borough.
- In line with Articles 3 and 13 of the Decision on the value of real estates per zones in the territory of the City of Bijeljina (City of Bijeljina Official Gazette, No. 32/16), this land is located in industrial-business subzone 1, where the market value of agricultural land is 1.60 KM/sq m.

Based on the above said, subject real estates in this section are assessed:

1. land out of construction zone, i.e. which is registered as agricultural land, regardless of entries in public records, bearing in mind that the economic interest of tilling the remaining part of subject plots does not change in a majority of cases, is estimated to an amount of 1.60 km/sq m,

In line with the afore-said, land was categorised:

**Category 1:** Privately owned agricultural land with a value of 1.60 km/sq m (in a total of 105 plots with an area of 245 210.00 sq m)

**Category 2:** Privately owned forest land with a value of 1.60 km/sq m, (in a total of 16 plots with an area of 21 871.00 sq m)

**Category 3:** Privately owned land under roads with a value of 1.60 km/sq m (in a total of 1 plot with an area of 181.00 sq m)

**Category 4:** State owned land under roads (in a total of 20 plot with an area of 11 518.00 sq m)

Categories of state-owned land (category 4) are not subject of land compensation.

With regard to the land ownership structure, the plots located within the expropriation line of this RAP can be classified as follows:

*Table 2, Type of land by the ownership structure (L=4.81 km)*

Impact category	Number of plots	Area	Number of households
<b>Land that is subject to compensation</b>			
1. Privately owned land	122	267,262.00	140
<b>Land that is not subject to compensation</b>			
2. State-owned land	20	11,518.00	/
<b>TOTAL</b>	<b>142</b>	<b>272,780.00</b>	<b>140</b>

*Table 3, Type of land by land usage and value (L=4,81 km)*

Land category according to usage		Number of plots	Area (sq m)	Number of households
<b>Type 1 and type 2 (land that is subject to compensation)</b>				
<b>Type 1 – privately owned land registered as agricultural land, out of the construction zone</b>	land outside of a construction region, i.e. land registered as agricultural regardless of registration in public records, bearing in mind that the economic interest of tilling the remaining part of subject plots does not change in a majority of cases, is assessed in an amount of 1,60 km/sq m - <b>categories 1, 2 and 3</b>	122	267,262.00	140
(1.60 km/sq m)				
Total		122	267,262.00	140
<b>Land that is not subject to compensation</b>				
3. State-owned land	Category 4	20	11,518.00	/
<b>TOTAL</b>		<b>142</b>	<b>278,780.00</b>	<b>140</b>

## 2.2.2. Impact on crops

On agricultural land subject to compensation, wheat and maize were identified as the dominant agricultural crops grown in Semberija.

*Table 4, Crops in the coverage*

CROP	NUMBER OF PLOTS	AREA	NUMBER OF HOUSEHOLDS
Corn	71	169,409.10	81

Wheat	30	72,603.90	35
<b>Total</b>	<b>101</b>	<b>242013</b>	<b>116</b>

### 2.2.3. Impact on fruit trees and trees

Construction of a dyke in a length of 4.81 km from the chainage 5+041.90 to the chainage 9+851.71 shall lead to the felling of fruit trees in the coverage; their number is assessed to 102.

*Table 5, Individual trees and fruit trees*

Species	Productive	Non-productive	Total
Apple	56	0	56
Plum	18	0	18
Pear	21	0	21
Apricot	7	0	7
<b>Total</b>			<b>102</b>

### 2.2.4. Impact on buildings

In the coverage of stage 2 of section 2 that is subject of this RAP in a length of 4.81 km, which starts from the chainage 5+041.90 and ends at the chainage 9+851.71 *there is no identified facilities.*

### 2.3. Vulnerability of population and community

When it comes to land ownership, a total of 142 plots are located in the area covered by this RAP (from the chainage 5+041,90 to the chainage 9+851.71 in a length of 4.81 km); of this number of plots 32 plots are located in Janja 2 cadastral borough, 4 plots in Janja 3 cadastral borough and 106 plots in Amajlije cadastral borough.

A total number of privately owned plots is 122 in an area of 267.262,00 sq m. A total number of affected households is AH=140, and a total number of affected persons AP=393. Of this number, 122 plots in an area of 267.262,00 sq m house 140 affected households, and the land that is subject to expropriation here is privately owned land registered as agricultural land, out of the construction zone, it is to say it is registered as agricultural, regardless of registration in public registers, bearing in mind that the economic interest of tilling the remaining part of subject plots does not change in a majority of cases, and it is assessed to an amount for type 1-agricultural land (categories 1, 2 and 3 - agricultural, forest and other privately owned land) of 1.60 km/sq m.

Project implementation in the coverage of this RAP shall affect a total of 140 households; a total number of affected persons is 393. When it comes to land ownership, of the total number of natural persons who own the plots, women make 20% (28 women), males make 80% (112 men).

*Table 6, Affected households by categories*

AFFECTED HOUSEHOLDS PER CATEGORY			
IMPACT CATEGORY	AREA	NUMBER OF HOUSEHOLDS AH	NUMBER OF AFFECTED PERSONS AP
<b>A . AGRICULTURAL LAND</b>			
Garden 1	119,00	1	3
Garden 2	3078,00	3	10

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plough land 2	64197,00	32	90
plough land 3	84471,00	49	139
plough land 4	34101,00	13	35
plough land 5	59137,00	21	58
plough land 6	107,00	1	3
<b>B FOREST LAND</b>			
Forest 3	18249	11	32
Forest 4	3622	7	19
<b>D Roads</b>			
All roads categories	181,00	1	3
<b>F CROPS/ TREES</b>			
Crops	<b>125,585.15</b>	<b>116</b>	n.a.
Trees	102.00	35	n.a.
<b>TOTAL</b>	250,656.00	140	393

### 2.3.1. Resettlement needs and strategy

According to the planned project solution for the construction of a protection dyke in the city of Bijeljina within the Drina river flood protection project in BiH, for section 2 stage 2 in a length of L=4,81 km (from the chainage 5+041,90 to the chainage 9+851.71), there is no identified facilities.

### 2.3.2. Impact on business activity

No business entities were identified in the coverage of subject project, *there are no impacts on business activity.*

### 2.3.3. Impact on employment

According to the planned project solution for the construction of a protection dyke on the left Drina bank in a length of 4.81 km (from the chainage 5+041.90 to the chainage 9+851.71), a higher number of workers with diverse qualification structure will be necessary in the period of project implementation, i.e. during the construction of this dyke.

After the dyke is constructed, it will be necessary to maintain the structure, which will be the responsibility of Public Institution "VOĐE SRPSKE", Bijeljina. However, bearing in mind the present human resources (30 employees) in the area of a sub-sector for Semberija flood area, there is no actual need for an increase in the number of employees.

### 2.3.4. Impact on joint property

The dyke construction shall have an impact on joint (socially-owned) property, notably the following:

*Table 7, Joint property*

<b>POSSESSOR</b>	<b>AREA</b>
CITY OF BIJELJINA (MUNICIPALITY)	8,808.00
MUNICIPAL DEPARTMENT FOR	514.00

SPATIAL PLANNING AND URBANISM - BIJELJINA	
PUTEVI JANJA BIJELJINA	2,196.00
<b>TOTAL</b>	<b>11,518.00</b>

All land listed in the table above is state-owned land and as such is not subject to land compensation.

#### 2.4. Highly affected and vulnerable households

There is no identified facilities within the expropriation line coverage of this RAP in a length of 4.81 km.

According to the anticipated project solution for the construction of a protection dyke on the left Drina river bank in a length of 4.81 km in a section from the chainage 5+041,90 to the chainage 9+851.71, by insight into the database of the relevant Social Work Centre Bijeljina, and Department for Veterans' and disabled persons' and civil protection *one person entitled to disability benefit based on VIII category War Veteran was identified, but he is a member of the working obligation, and also one person who is a beneficiary of the allowance for aid and custodial care based on defied Social categories in the Republika Srpska.*

It is necessary to devote special attention to vulnerable categories during the land expropriation process, in order to ensure legal or other necessary assistance for them.

#### 2.5. Equality of genders and impacts of resettlements

In the coverage of this RAP, i.e. in the coverage of the construction of a protection dyke on the left Drina river bank project in a length of 4.81 km in a section from the chainage 5+041,90 to the chainage 9+851.71 in Janja 2, Janja 3 and Amajlije cadastral boroughs, a total of 122 plots were registered, owned by 112 males and 28 women, meaning a ratio is 20% to 80% in favour of males.

During the implementation of this project, special attention must be paid to ensuring that women who receive compensation for potential land expropriation or that women who are de facto "heads of the family" are clearly stated as recipients of benefits and that they receive this compensation indeed.

In addition, special attention shall be paid to the impact of resettlement on women (especially women are heads of the family) and other vulnerable groups during the resettlement action plan implementation monitoring.

#### 2.6. Impact summary

Impact summary for the coverage of this RAP, which refers to stage 2 of section 2 in a length of 4.81 km in a section from the chainage 5+041,90 to 9+851,71 is given in the following table:

*Table 8. Impact summary 4,81 km (stage 2 of section)*

Br.	Impacts	Unit	Number
<b>LAND OWNERSHIP STRUCTURE</b>			
1	Total number of comprised plots	No	142
2	Total area of comprised plots	m2	278.780,00



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<b>TOTAL AREA OF LAND ACCORDING TO THE OWNERSHIP STRUCTURE</b>			
4	Privately owned plots	No	122
		m2	267.262,00
5	State-owned plots	No	20
		m2	11.518,00
<b>Total price for land</b>		<b>BAM 427.619,20</b>	
<b>LAND EXPLOITATION METHOD AND COMPENSATION CATEGORIES</b>			
6	Category 1: Privately owned agricultural land (1.60 KM/sq m)	No	105
		m2	245.210,00
7	Category 2: Privately owned forest land (1.60 KM/sq m)	No	16
		m2	21.871,00
8	Category 3: Privately owned land under roads (1.00 KM/sq m)	No	1
		m2	181,00
9	Category 4: State-owned land under roads (526.50 KM/sq m)	No	20
		m2	11.518,00
<b>AGRICULTURAL STRUCTURE</b>			
14	Area under wheat crops	m2	72,603.90
15	Area under corn crops	m2	169,409.10
17	Number of affected trees	No	102.00
<b>Total lost profit</b>			<b>213,650.79</b>
<b>AFFECTED HOUSEHOLDS (AHS)</b>			
20	Number of affected households AH	No	140
21	Number of affected persons AP	No	393
<b>Increase by 25% for agricultural and forest land</b>		<b>BAM 106,832.40</b>	
<b>Total</b>		<b>BAM 748,102.39</b>	

### III. SOCIO-ECONOMIC INFORMATION

#### 3.1. Introduction

The aim of a socio-economic analysis is the collection of general data on the socio-economic status of vulnerable persons. The subject of socio-economic researches are plots and vulnerable persons in the coverage of the construction of a protection dyke in the City of Bijeljina project within the Drina river flood protection project in BiH, section 2 stage 2 in a length of 4.81 km.

An inventory of property in the field in all plots that are comprised by the expropriation line was conducted. Also, a socio-economic analysis on a sample of 20% of affected persons in the zone of project's impact was conducted in a period May-July 2017 in order to understand the socio-economic state of the affected persons.

#### 3.2. Vulnerable population and demography

Subject of this Resettlement action plan is the coverage of the construction of a protection dyke on the left Drina river bank project in a length of 4.81 km, which starts at the chainage 5+041,90 and ends at the chainage 9+851,71. The project coverage comprises Janja 2, Janja 3 and Amajlije cadastral boroughs.

The territory of the City of Bijeljina with the city administrative centre has a total of 67 inhabited places that are organized in 70 local communities, of which 13 are local communities in the urban area of Bijeljina, and 57 local communities in rural areas. The largest inhabited place is the administrative centre of Bijeljina, which according to the preliminary results of the 2013 census has 45,291 inhabitants, followed by *the settlement of Janja with 12.233 inhabitants*, with a total number of households 3184 and a total number of apartments 4272.

The project of construction of the left Drina river dyke in the coverage of this RAP in a length of 4.81 km shall affect 140 AH, i.e. 393 affected persons AP. According to the conducted survey, a majority of surveyed people are males (97%), and a low number of the surveyed people are females (3%).

According to the survey results, the highest number of households has 3 to 6 members (67%), followed by households that have more than 6 members (23%), and the lowest number of households has 0 to 3 members (10%).

From the demographic aspect, the age of the surveyed persons in 33% of cases was between 45 and 55, in 25% of cases between 35 and 45, in 17% of cases the age of the surveyed persons was between 55 and 65, in 13% of cases the age was between 65 and 75, whereas in 12% cases the age of persons was between 25 and 35.

#### 3.3. Closeness of urban and rural areas

The City of Bijeljina is located in the northeast part of the Republika Srpska and BiH and comprises a lowland geographic area of Semberija and Majeveca mild hills. The territory of the City occupies 734 square kilometres of predominantly lowland and lowland-hilly Semberija plain, with an average altitude of about 90 metres. Semberija makes this region most fruitful in the Republika Srpska and BiH.

According to the area, the City of Bijeljina is the eighth local community, among 68 municipalities and towns in the Republika Srpska; and according to the number of inhabitants it occupies the second position. Its special geographic position, economic and human resources contributed to Bijeljina becoming a regional centre to which the municipalities of the Majeвица and Birač regions gravitate. Bijeljina houses the seat of several institutions of the Republika Srpska as well as several organisation units of some administrative bodies, and the seat of district judicial bodies. Bijeljina is also a university centre, where about five thousand students study at several universities.

Owing to its position in the northeast, Bijeljina has good connections with border crossings with neighbouring Croatia and Serbia, and the most important urban centres in BiH as well. These include Banja Luka, Brčko, Tuzla and Sarajevo, as well as Croatia (Zagreb, Osijek) and Serbia (Belgrade, Novi Sad) - a market with more than 5 million inhabitants. Bijeljina thus represents one of the most favourable and approachable business locations in BiH. Bijeljina is 12 km away from the border of BiH and Serbia, 45 km away from the border with Croatia (EU) and main motorway A3 Zagreb - Belgrade. The closest airport Tuzla is only 70 km away from Bijeljina, whereas the international airport in Belgrade is only 122 km away. The City of Bijeljina is connected with the railway node in Šid, Serbia (60 km) via railway.

### 3.4. Education level

According to the qualification structure, the register is dominated by qualified and non-qualified workers, followed by secondary education, semi-qualified elementary education, college degree, university degree, highly qualified workers and MS/MA. Education degree of the highest number of the surveyed persons (53%) was completed secondary school/grammar school, 27% completed elementary school, 10% faculty, 7% of the surveyed persons have not completed elementary school, and 3% of the surveyed persons have college degree.

### 3.5. Agricultural and land resources

The area of the City of Bijeljina is suitable for the cultivation of all agricultural crops, because sowing of early crops and vegetation starts in mid-March. A total heat quantity in the period from March to October exceeds 3400°C, which is sufficient for the growing of all major crops as well as the production of tobacco, which is otherwise a very delicate plant by heat quantities.

In addition to favourable climate, a most important resource for successful agricultural production is quality land. An overview of the land areas by category and ownership in the City of Bijeljina is shown in the following table:

*Table 9, Land areas by categories and ownership in sq m*

No.	Land category	Privately owned	State-owned	Total
1.	Plough land	46,503,000.00	3,534,000.00	50,037,000.00
2.	Orchards	2,752,000.00	0.00	2,752,000.00
3.	Meadows	379,000.00	0.00	379,000.00
4.	Vineyards	6,000.00	0.00	6,000.00
5.	Pastures	752,000.00	0.00	752,000.00
6.	Agricultural land (1+2+3+4+5)	50,392,000.00	3,534,000.00	53,926,000.00
7.	Forests	9,439,000.00	385,000.00	9,824,000.00
	Total	59,831,000.00	3,919,000.00	63,750,000.00

Source: *Development strategy of the City of Bijeljina 2014-2023*

Based on cadastral data, the following crops were identified in the project coverage, on state-owned and privately-owned land, which are registered as agricultural land in public registers:

Table 10, Agricultural land by crops

NO.	CROPS	AREA (m <sup>2</sup> )
1	GARDEN 1	119
2	GARDEN 2	3.078,00
3	FIELD 2	64.197,00
4	FIELD 3	84.471,00
5	FIELD 4	34.101,00
6	FIELD 5	59.137,00
7	FIELD 6	107,00
TOTAL		245,210,00

### 3.6. Ownership over the land

Of the total area of land comprised by this RAP, privately owned land occupies an area of 267.262,00 sq m, it is to say 95,87%, whereas state-owned land, which is not subject to compensation, occupies an area of 11.518,00 sq m, it is to say 4,13%.

Of the privately owned land, agricultural land was registered in an area of od 245.210,00 sq m, forest land in an area of 21.871,00 sq m, and private land under roads in an area of 181,00 sq m.

State-owned land is owned by City of Bijeljina (municipality) – department for spatial planning and urbanism Bijeljina and Putevi (“Putevi Janja Bijeljina” according to public registers); it is registered as a non-categorised road in an area of 11 518.00 sq m.

### 3.7. Main crops

In the plant production, most dominant are cereals, vegetables, followed by forage plants and industrial plants. Of cereals, corn and wheat are most sown.

When it comes to shares of individual species of forage plants, lucerne, clover, a grass-clover mixture and corn had the largest shares in the structure of forage plant sowing.

The potato is the most frequently grown vegetable.

### 3.8. Economy of households and principal economic activities

A total number of commercial entities in the territory of the City of in the year 2012 was 2583, of which 6 commercial entities are public companies, 253 joint stock companies, 1673 limited liability companies, 11 partnerships, 1 enterprise for the employment of disabled persons, 4 business associations, 21 general cooperatives, 16 specialized cooperatives, 2 cooperative associations, 4 funds, 4 other financial organizations, 99 institutions, 2 legislative and executive bodies, 5 judicial and judicial bodies, 436 associations, 3 foundations, 37 religious organizations / communities, 1 foreign non-governmental organization, 3 representative offices of foreigner enterprises and 2 are other forms of organization.

One of the key problems of the economy in this region is the huge unemployment of the population. The consequences of a macroeconomic and transitional crisis, and a drastic reduction in production have resulted in high unemployment rates. Crisis-caused consequences are primarily economic in nature, but the unfavourable social and political consequences of this problem cannot be ignored.

The number of employees according to the *ownership structure* in the City of Bijeljina leads to a conclusion that the private sector employs the largest number of employees - 61%, the state sector employs 25% of employees, and mixed 14%.

In 2011, the trade sector (28%) and the processing industry (15%) had the largest number of employees in the City of Bijeljina, despite a decrease in the number of employees in both sectors compared to the previous year. These are followed by the employees of the state administration (8%), education (7.6%), transport and communications (7.2%), construction (6.6%), health protection (6.5%) and other activities with a lower number of employees. A comparison of the number of employees to the previous year shows an increase in the number of employees in the following sectors: health protection, education, electricity and water supply, while all other sectors have reduced the number of employees. The number of employees in the state administration remained at almost the same level.

Activity classification shows that the highest number of employees are hired in the trade sector (28.5%), in the processing industry (15%), followed by the public administration and defence (8.1%), education (7.8%), transport, storing and communications (7.1%), construction (6.8%), health protection (6.3%), other social and personal service activities (5.1%), real estates and renting (4.0%) and other activities (11.3%).

In comparison to the employment structure per activities in 2005, the year 2011 saw a larger share of the trade sector by 2.5%, construction by 2.8%, other social and personal service activities by 2.7%, education by 1.3%, health protection by 1%, transport, storing and communications by 1%. At the same time, the share of the processing industry decreased by 9.5%, followed by the agricultural sector by 1.2%, catering by 0.8%, electricity production and supply by 0.5% and real estates and renting by 0.4%. At the same or approximately the same level, the number of employees is as follows: mining and quarrying, financial intermediation, public administration and defence. In general, the structure of the economy is still changing through the growth of service activities and the reduction of the primary sector.

The largest share of employees - 45.4% is in the group of medium-sized enterprises (from 50 to 250 employees), of which 42.4% are female workforce. In the group of small enterprises (from 10 to 49 employees), 26.3% of employees are engaged, of which 40.2% are women. Micro enterprises (up to 9 employees) employ 15.8% of workers, of which 44.9% are women. Large enterprises (over 250 employees) employ 12.5% of the workforce, of which 52.5% are women.

In comparison to the structure of employees by size of enterprises in 2005, in 2011, the share of employees in the group of medium-sized enterprises was higher by 5.8% and in the group of micro-enterprises by 2%. In the group of small enterprises, employment declined by 3.2%, and the group of large enterprises saw a decline of 4.6%.

According to the data from APIF (Agency for Intermediary, IT and financial services), the number of registered farms in the area of Bijeljina is 8,373 (data dated 17 April 2013). Farms are registered based on the Law on Agriculture and the Decree on registration in the Register of farms (registration is voluntary). It is necessary to note that a part of the agricultural producers is not registered for various reasons (the size of the property, the obligation to pay contributions for health and pension insurance).

### 3.9. Poverty level

According to the applied methodology in the survey, the poverty level is represented as a percentage of a household whose monthly income is below 60% of average monthly income per household in BiH, or below 570 KM. Survey results show that 29.2% of the households in Bijeljina are such households. Citizens residing in the area of Bijeljina exercise their rights in the field of social protection through the public institution Bijeljina Social Work Centre. In recent years, the number of socially vulnerable people has increased. In 2012, some 300 poor people received social assistance in an amount of 60 KM.<sup>2</sup>

<sup>2</sup> Local authority for quality of citizens' life Phase 2, Quality of life report for 2012/2013, Centre for Civil Initiatives, May 2013

An average monthly income per household in the coverage of the project in the highest number, i.e. in 36% of cases ranges from 700 to 900 KM, in 29% of cases it ranges from 500 to 700 KM, in 10% of cases household's income ranges from 1100 to 1500 KM, in 3% of cases an average monthly income ranges from 300 to 500 KM. An average monthly income in an interval from 1500 to 2000 KM was also recorded in 3% of cases. In 3% of cases, an average monthly income per household was recorded in an interval from 900 to 1100 KM. 6% of the surveyed persons did not want to declare about their average monthly income, whereas 10% of the surveyed persons were not certain about the amount of their monthly income.

### 3.10. Labour status

Based on the preliminary results of the 2013 census published by the Statistical Office of Republika Srpska, the total number of employees in the territory of the City of Bijeljina in 2013 was 36 051, of which 14 020 women and 22 031 men, while the total number of the unemployed was 10 393, of which women make 4934, and men 5459. As for the employment of household members of the surveyed persons in 67% of cases no household member is employed outside their own agricultural activity, whereas in 33% of cases some of the household members are employed outside their own agricultural activity.

Table 11, Labour status according to data from the Statistical Office of Republika Srpska in the territory of the City of Bijeljina

Gender	Population of working age	Workforce					Economically inactive					
		Total	Employed	Unemployed			Total	Pupils/students (aged 15 years and older)	Pensioners	Persons performing household chores	Unable to work	Others
				Total	Worked earlier	No working experience						
Total	91.821	46.444	36.051	10.393	5.888	4.505	45.377	7.267	14.919	13.186	2.890	7.115
M	44.655	27.490	22.031	5.459	3.195	2.264	17.165	3.417	7.362	427	1.264	4.695
Ž	47.166	18.954	14.020	4.934	2.693	2.241	28.212	3.850	7.557	12.759	1.626	2.420

### 3.11. Income of households

According to the 2016 Statistical Yearbook of the Republika Srpska (Statistical Office of the Republika Srpska), the average net and gross salary in the territory of the City of Bijeljina in a period 2008-2012 was as follows:

Table 12, Average net and gross salary in KM in the territory of the City of Bijeljina for the period 2011-2015

YEAR	2011	2012	2013	2014	2015
Average net salary in KM	776	796	789	816	808
Average gross salary in KM	1 277	1 318	1307	1319	1303

The number of employed household members of the surveyed persons outside their own agricultural activity is 1 to 2 members in 90% of cases, whereas in 10% of cases it comes to 2 to 4 household members. In 57% of cases, households of the surveyed persons have no other source of income except agricultural production, whereas in 43% of cases, households of the surveyed persons have other source of income in addition to agricultural production. In 60% of cases, pension is the other source of income of households in addition to agricultural production, and in 40% it is salary. An average monthly income per household in the coverage of the project in the highest number, i.e. in 36% of cases ranges from 700 to 900 KM, in 29% of cases it ranges from 500 to 700 KM, in 10% of cases household's income ranges from 1100 to 1500 KM, in 3% of cases an average monthly income ranges from 300 to 500 KM. An average monthly income in an interval from 1500 to 2000 KM was also recorded in 3% of cases. In 3% of cases, an average monthly income per household was recorded in an interval from 900 to 1100 KM.

### **3.12. Potable water sources**

Bijeljina City area is supplied with drinking water from the Grmić spring located in the south-eastern part of the city of Bijeljina. The following settlements are connected to the Bijeljina water supply system: town of Bijeljina, Janja, Novo naselje Janja, Glogovac, Kojčinovac, Gornji Kojčinovac, Ljeskovac, Patkovača, Pučile, Golo Brdo, Amajlije, Popovi, Dijelovi, Dvorovi, Triješnica, Dazdarevo, Gojsovac, part of the settlement of Hase, Obrijež, Batković, G. and D. Crnjelovo, G. and D. Brodac, Ostojićevo, Velino Selo, Velika Obarska and Brijesnica; during 2013, a transport pipeline from Dvorovi to Balatun was built as well as a distribution network for major part of the settlements: Trnjaci, Međaši and Balatun. Therefore, until August 2013 inclusive, about 60-70% of the total population of the City of Bijeljina, 24,466 households, 2,718 apartments in buildings, 653 business entities, 1,893 craft shops and privately owned shops and other entities of small economy were connected to the Bijeljina water supply system. According to the most recent data, a total length of the transport and distribution pipelines of the Bijeljina water supply system is about 583 km.

The population in other settlements in the area of the City of Bijeljina are currently supplied with water from their own sources, mostly shallow individual dug wells or drilled wells, and local water supply networks in the settlements of Gornji Dragaljevac and Gornja Čađavica. In some villages closer to the Sava river, deeper wells are drilled through which the artesian water is acquired, which is mostly used as potable water by the population. Slobomir on Drina near Popovo has a separate water supply system.

According to the most recent data, a total length of the transport and distribution pipelines of the Bijeljina water supply system is about 583 km. During 2012 and 2013, about 97 km of the transport and distribution water supply network were constructed (partly funded from donor funds, partly from the funds of the City of Bijeljina and a in a smaller part from the citizens' funds).

### **3.13. Faecal sewerage**

In the previous period, the city of Bijeljina was one of the few towns in the Republika Srpska that did not have a central sewage system for collecting and treatment of waste (used waters) of settlements and industry. Even today, in towns and villages that have no sewage system built, faecal waste water is mainly collected in septic tanks, from which the effluent is discharged into the rainwater collectors (relatively few facilities near the rainwater collectors) or in the underground through drainage wells. There is no accurate record of the number and location of septic tanks, so the number of septic tanks in the city and suburban areas is estimated at around 20,000. The construction of sewerage and sewerage connections by the end of 2012 put 4,741 septic tanks out of function (of which 97 were larger septic tanks - residential buildings, hospital, department store).

### **3.14. Rainwater drainage**

The beginning of the rainwater drainage construction is connected with the beginning of the development of a water supply system in the City of Bijeljina. The first phase of rainwater drainage was designed in main roads and relied on the mm existing  $\varnothing 1200/800$  collector built in a section starting from the hospital and ending at the Dašnica canal. In the first phase, a rainwater sewerage system was also constructed in other sections in a length of about 5,000 metres with a diameter  $\varnothing 500$ , 400 and 300 mm. Due to the topographic conditions in the field, the spatial development of the city was not adequately followed by the development of a rainwater drainage system, so that a rainwater drainage system was built only in the roads on the right side of the Dašnica canal, where the conditions for gravity drainage of the collected precipitation to the canal existed. In some parts of the rainwater drainage network where the collected water from roads could

not be conveyed to the canal, drainage wells were constructed to discharge the collected water into the ground.

### 3.15. Availability of energy and civic facilities

#### ➤ Electricity facilities

The City of Bijeljina (which implies the entire area of the former Bijeljina Municipality) is supplied with electricity through three 110 kV transformer stations owned by Elektroprenos BiH. A total number of 10/0.4 kV transformer stations in the City of Bijeljina is 665, of which 448 stations are owned by ZEDP Elektro-Bijeljina Bijeljina and 217 are privately owned. The 35 kV network is 40 km long, of which 32 km lie above ground and 8 km underground. The length of the 10kV network is 473 km, of which 353 km lie above ground and 120 km underground. The total length of the low voltage network is about 1,050 km

#### ➤ Electricity consumption

In the territory of the City of Bijeljina, ZEDP Elektro-Bijeljina Bijeljina has registered 45,630 measuring points, of which 41,535 registered for households, 121 measuring points were used for medium voltage, 3,538 measuring points for other consumption and 436 measuring points for public lighting. (data as at 31 December 2012). The average monthly consumption per household measuring point is 364 kWh, MV consumption is 39,561 kWh/mm, other consumption is 1,009 kWh/mm and public lighting is 1,156 kWh/mm. The maximum simultaneous power of all electricity customers in the city area is about 60,000 kW, and the average annual simultaneous power about 33,000 kW.

#### ➤ Telecommunications

Telekomunikacije RS followed the development of settlements in the city by building new networks for landline telephones, as well as by building mobile telephony stations. The number of landline connections has been decreasing since 2008. Regarding the number of PostPAID users of mobile telephony in the City of Bijeljina, the trend of an increase in these users was noticeable in 2012, and the number of these users in 2012 was 16,117, which is 11,000 more than in the year 2006. The number of PrePAID users of mobile telephony in the territory of the City of Bijeljina has significantly increased since 2009, and the number of users in 2012 was 68,667. The number of Internet users in the City of Bijeljina increases every year; and in 2012 it was 13,168.

#### ➤ Culture

The City of Bijeljina has four cultural institutions: Filip Višnjić National library, Semberija Museum, SKUD Semberija (Serbian Cultural and Art Society), Semberija Cultural centre comprising: Milenko Atanacković Gallery and the Cinema. The mentioned cultural institutions employ a total of 55 people (Library - 19, Museum - 8, SKUD (Serbian Cultural and Art Society) - 3, Filip Višnjić National library -, Cultural centre - Employees' qualification structure mainly corresponds to the needs of these institutions. All cultural institutions have a place / building in which they perform their activities.



### 3.16. Health protection centres and institutions

In the continuation are given data on the number of health care institutions in the territory of the City of Bijeljina in the period 2007-2011, as well as spatial capacities of health protection institutions, according to the data from the Development Strategy of the City of Bijeljina 2014-2023.

*Table 13, Number of health care institutions in the territory of the City of Bijeljina in the period 2007-2011*

INSTITUTION	2007	2008	2009	2010	2011
Hospital	1	1	1	1	1
Private clinics	15				35
Health centre	1	1	1	1	1
Family medicine outpatient clinics	10	15	15	17	17
Family medicine teams	30	55	55	55	55
Emergency room	1	1	1	1	1
Public pharmacies	3	3	3	3	7
Private pharmacies	20				23
Counselling centres that work to improve health care through prevention and education					

*Table 14, Spatial capacities of health protection institutions*

INSTITUTION	Area (sq m)	Capacities-number of beds
Hospital	8.208	313
Health centre	5.727	0
Regional outpatient clinics	1.861	0
Emergency room	350	0
Counselling centres that work to improve health care through prevention and education	15	0

### 3.17. Schools and universities

In the school year 2011/2012, 49 elementary schools were identified in the territory of the City of Bijeljina. The network of secondary schools in the City of Bijeljina consists of six schools, five of which are secondary vocational schools and one general education type. Five schools are located in the city, and one in the village of Janja. The following high education institutions are registered in the territory of the City of Bijeljina:

1. Faculty of Pedagogy
2. Faculty of Law - Department in Bijeljina
3. Faculty of Economy - Department in Bijeljina
4. Faculty of business economy
5. Sinergija University
6. Slobomir P University
7. Apeiron University Business Faculty
8. University of business studies
9. High school - College for health care

### 3.18. Roads

Public company Republika Srpska Roads has not issued data per municipalities since 2005, thus the following data are given for the year 2005:

*Table 15, Length of roads in the City of Bijeljina according to the 2005 data*

Total	Modern pavement	Main		Regional		Local	
		Total	Modern pavement	Total	Modern pavement	Total	Modern pavement
402	265	85	85	59	25	259	155

## IV. LEGAL AND POLITICAL FRAMEWORK

### 4.1. General

Legal and political framework of the project is based on the national legislation of Bosnia and Herzegovina and the Republika Srpska relating to land acquisition/occupation and resettlement and World Bank's operational policies OP 4.12) related to involuntary/forced resettlement. Land Acquisition and Resettlement-LAR principles have been adopted based on the analysis of the applicable national legislation and the requirements of the World Bank listed in Operational Policy OP 4.12 that refers to involuntary (forced) resettlement.

### 4.2. Legal framework

#### 4.2.1. Laws and rulebooks in BiH and RS relating to land acquisition and resettlement

In the continuation are given laws of the Republika Srpska and BiH, which are relevant to subject project:

1. Expropriation Act (Republika Srpska Official Gazette, Nos. 112/06, 37/07, 110/08 and 79/15)
2. RS Law on Proprietary rights (Republika Srpska Official Gazette, Nos. 124/08 and 58/09, 95/11).
3. RS Law on Waters (Republika Srpska Official Gazette, Nos.: 50/06, 92/09, 121/12)
4. RS Law on Extra-Judicial Proceedings (RS Official Gazette, No.: 74/05 and 36/09);
5. Law on Spatial Planning and Construction (Republika Srpska Official Gazette, No. 40/13)
6. Law on Construction Land (Republika Srpska Official Gazette, No. 112/06) – Article 44
7. RS Law on Agricultural Land (RS Official Gazette, Nos.: 93/06, 86/07, 14/10 and 5/12)
8. RS Law on Forests (RS Official Gazette, Nos.: 75/08, 60/13)
9. RS General Administrative Procedure Act (RS Official Gazette, Nos.: 13/02, 87/07, 50/10);
10. RS Law on Administrative Litigation (RS Official Gazette, Nos.: 109/05, 63/11);
11. Law on Establishment and Transfer of Rights to Dispose of Property to Local Government Bodies (Republika Srpska Official Gazette, No. 70/06)
12. Law on Agricultural Land (Republika Srpska Official Gazette, Nos. 93/06, 86/07, 14/10 and 5/12)
13. RS Law on Survey and Cadastre (Republika Srpska Official Gazette, No. 6/12).
14. RS Law on Land Books (Republika Srpska Official Gazette, Nos.: 67/03, 46/04, 109/05 and 119/08).
15. Law on Concessions (Republika Srpska Official Gazette, No. 59/13)
16. RS Law on Notaries Public (RS Official Gazette, Nos.: 86/04, 2/05, 74/05, 76/05, 91/06, 37/07 and 50/10, 78/11)
17. Rulebook of Calculation of Compensation for Costs of the Development of Urban Construction Land (Republika Srpska Official Gazette, No. 95/13)
18. Decree on conditions, calculation method and payment of a fee for legalization of facilities (Republika Srpska Official Gazette, No. 97/13).

Expropriation of real estate is mainly carried out in the expropriation procedure, in accordance with the Expropriation Act. In the procedure of incomplete expropriation, easement can also be established, and in addition, easements may be established by mutual consent or by a court decision, in accordance with the provisions of the Law on Proprietary rights of Republika Srpska.

The valid Expropriation Act of the Republika Srpska prescribes that expropriation represents dispossession or restriction of the right of ownership over real estates with compensation (Article 1). This defines the expropriation as complete (dispossession of real estates) and incomplete (restriction of the right to ownership - for example, by way of establishing the easement). *In line with the mentioned Law, expropriation compensation is defined as a fair remuneration, which cannot be lower than the market value.*

With regard to compensation for the expropriated real estates, the following items are prescribed to be taken into consideration when determining compensation for agricultural and construction land: the benefit that the land can give by regular exploitation, the benefit that the former owner had from the land, in particular taking the market value into consideration; the issues relating to compensation for the expropriated land under orchards, compensation for fruit trees and vine, land under forest, wood pulp, young seedlings, older trunks, barren land and rocky land, as well as buildings were also defined. Personal and family circumstances of the earlier owner are taken into consideration as a correction factor of an increase in the amount of compensation, if they are significant for his existence. Laws also prescribe the right to compensation when it comes to the expropriation of a residential building or an apartment as a separate part of a building. The amount of compensation is determined in the procedure before an administrative body according to the circumstances at the time of entering into a compensation agreement, and in the court procedure at the time of entering into a settlement agreement, it is to say at the time of the issuance of a first instance decision on compensation. As a rule, the compensation is provided by giving other substitute adequate real estate, in whole or in part; if this cannot be achieved, then the compensation is given in cash, whereas the parties have an opportunity to reach an agreement about compensation in some other form.

#### **4.2.2. World Bank's requirements - Operational policy OP 4.12**

Specific requirements of the World Bank with regard to resettlement are given in the Operational Policy OP 4.12 relating to involuntary (forced) resettlement.

For the essence of the migration policy, the most important issues are those relating to insurance and settlement of compensation for expropriated property, as well as assistance to persons whose property is expropriated and who resettle, through measures during the expropriation procedure during and after their resettlement. With regard to this, a special place and attention are given to vulnerable population groups.

World Bank's protection policy relating to social aspects - OP 4.12 involuntary resettlement is based on the following principles:

- i. Involuntary resettlement should be avoided where feasible, or minimized;
- ii. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- iii. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- iv. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- v. It is the obligation to support the displaced persons and provide them with appropriate protection, regardless of the way of property and land acquisition, or their legality (thus also in the case when they do not have a legal basis but are considered illegal users)
- vi. Displaced persons shall be provided with resettlement costs in full amount, as well as the compensation for the expropriated property in the amount allowing compensation or replacement of the expropriated property with a new property.

Assistance in the compensation and resettlement process includes:

- Assistance during the census (inventory),
- Organisation of meetings to explain compensation entitlements and other rights,

- Assistance in the compensation payment process (ensuring that the compensation documents are well understood, as well as that vulnerable individuals will be able to cash in cheques, and similar), and
- Insurance of money after the payment (e.g. bank account deposit) to prevent robbery or misuse of money.

Assistance in resettlement includes:

- Assistance in moving personal belongings,
- Salvaging, transport and/or sale of materials from the old dwelling,
- Transport of household members with medical assistance, if required, and
- Aid with entering into possession of new real estates.

Compulsory assistance in resettlement caused by real estate expropriation is particularly emphasised by the above listed World Bank's Operational Policies. Within these, a special attention was paid to vulnerable (affected) population groups. In terms of these rules, affected persons (AP) represent groups of people affected by the project, who due to gender, ethnicity, physical or mental disability, economic or social status can be jeopardised during the Project-caused resettlement more than other groups of population, or their access to and possibility of acquiring resettlement aid can be limited.

Vulnerable population groups, among others, comprise:

- Socially vulnerable persons, persons who do not own any land, the elder, women and children, native population, ethnic minorities, disabled persons, refugees and displaced persons, and other displaced persons, whose right to compensation has not been anticipated, or protected by the national legislation.

Assistance to vulnerable population groups, depending on a case-by-case base, with the support of authorities and institutions includes adequate compensation, (in the form of other real estate or money), provision of opportunities for employment or self-employment, and settlement at a new location with approximately similar standards with regard to infrastructure, educational opportunities, health care, social protection and cultural events.

#### **4.2.3. Comparison of domestic legislation with the World Bank's that will be applied to the project**

The World Bank's Operational Policy OP 4.12, as well as internationally accepted standards, at the same time contain certain elements that follow proprietary rights (for example ownership rights - protection, compensation, etc.), as well as some other, it is to say additional economic and social rights of vulnerable population categories. Accordingly, by their scope, World Bank's Operational Policies, with regard to elements of social and cultural character, considerably exceed what is the content of the protection of proprietary rights in case of the expropriation of immovable property.

With regard to this, it is necessary to bear in mind that the issues of ownership, establishment, protection and transfer of this right are regulated by the Constitution, as well as a set of a number of property and legal regulations in Bosnia and Herzegovina and the Republika Srpska. The issue of the special status of certain (vulnerable) population categories, and assistance for this category is regulated by a second set of regulations of status and social character.

In order to facilitate protection and exercising of rights in certain cases, it would be necessary previously to conduct procedures in order to resolve the issue of ownership and the establishment of this right, it is to say

the domestic legislation sets a requirement that the right of ownership of a person that relocates is established in order to address the above listed issues. The aforesaid implies that this person has proven their right either through a land registry certificate, a court decision or a decision of the competent administrative body in the procedure of legalisation, the procedure for resolving the ownership right etc. The mentioned procedures for legalisation and resolution of ownership rights are regulated by valid regulations; they can result in the determination of the ownership right of the owner (user) when the prescribed requirements are met. Hence, without the above mentioned procedures, the very possession of a real estate does not facilitate the required protection of the rights. In addition to the above mentioned procedures, the possibility of resolving the issue of expropriation in a friendly manner would allow the protection of rights in the manner required by the previously quoted World Bank's Operational Policy.

A concrete case of resolving the issue of compensation, relocation and assistance within the Construction of a protection dyke in the City of Bijeljina project under the Drina flood protection project in BiH, section 2, stage 2, in the expropriation procedures, in accordance with the aforementioned regulations, rules and standards, would require the provision and consolidation of the components of property-legal, status and social character. The implementation of these activities would require the involvement of several bodies in charge of status issues, social aid and protection (Ministry of Health and Social Protection of the Republika Srpska and Bijeljina Social Work Centre), as well as the transfer of certain obligations and responsibilities to these bodies.

Given the above-mentioned circumstances, it is necessary to bear in mind a fact that in addition to the regulations that generally regulate property and legal issues as well as the procedures in relation thereto, there is a possibility of reaching an amicable solution to the issue of expropriation and the related compensation, as well as issuing special decisions to regulate certain issues, that is to provide an additional right. The obligation to resolve important issues in the mentioned way can be determined by a special Protocol and Agreement with the Government of the Republika Srpska; the aforementioned issues should be envisaged and comprised by the Resettlement Action Plan, but specific decisions and institutions/bodies that would be responsible for their adoption (governments, relevant ministries and similar) must be listed.

It can be concluded that the BiH and RS legislation adequately reflects the main provisions of WB OP 4.12, and the policy adopted for this project ensures the reconciliation of possible differences between the Republika Srpska regulations and laws and the World Bank policy; as such it ensures remuneration for all cases, assistance in resettlement and provision of support or compensation to households that are endangered or will be relocated, or will suffer business losses or will in any other way be seriously jeopardized by the implementation of the Project.

#### **4.2.4. Assumed obligations towards the resettlement policy**

This Resettlement Action Plan shall be implemented by the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, i.e. the Agriculture Project Coordination Unit within the Ministry. It is necessary to consider the possibility of appointing a full-time officer who will be responsible for the implementation of the entire Project. If that is not possible, one of the already employed officers should dedicate a certain portion of their working time to the Project implementation. Among other things, the Ministry shall oversee the overall implementation of the Project, cooperate with the Republic Administration for Geodetic and Property Affairs, the City of Bijeljina, as well as with the contractor selected for construction works and all Project-affected persons.

#### 4.2.5. Land acquisition/occupation procedure

*Table 16, Phases in the land occupation procedure in line with the domestic legislation and OP 4.12*

PHASE OF THE PROCEDURE	LEGAL FRAMEWORK	ACTIVITIES	REMARK
Prior to instigating the expropriation procedure	Expropriation Act	Public interest declaration	A requirement to conduct the expropriation procedure
Prior to instigating the expropriation procedure		Information and public debates	A requirement in terms of the World Bank's Operational Policy 4.12
Prior to instigating the official expropriation procedure	Expropriation Act	Agreeable resolution of the ownership right transfer	A method also suitable for the resolution of some disputable or problematic cases (for example, a case of building an facility without obtaining consents and permits)
Instigation of the expropriation procedure	Expropriation Act	A proposal submission	The proposal must specify: the user, the real estate and its owner. With the proposal must be enclosed: a decision on the construction of an investment facility, proof that the expropriation beneficiary has provided and deposited in a special bank account funds for payment of compensation, proof of declared public interest, and proof that the applicant previously tried to resolve the issue of acquiring the ownership of the real estate in question with the owner of the property
Instigated expropriation procedure	Expropriation Act General Administrative Procedure Act	Establishing the ownership right	If there is a discrepancy between the land registry and the actual situation on the real estate, the municipal property and legal affairs department will discuss the ownership right as a preliminary issue in accordance with the provisions of Article 27, paragraph 3 of the law. This prescribed option is extremely important since it gives the power to the aforementioned department to discuss, or determine, the right of ownership, which is a far more efficient way than the special procedures conducted before other bodies.

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Procedure of issuing a decision on expropriation	Expropriation Act	Expropriation of the remaining part of a real estate	Upon an owner's request, the remaining part of the real estate can be expropriated when established that the owner has no economic interest in using that part, it is to say if the so-far existence in that part has been disabled or substantially aggravated, or if a normal usage of the remaining real estate was rendered impossible.
Procedure of issuing a decision on expropriation	Expropriation Act	Entering into possession of an expropriated real estate	Rule: it is possible to enter into possession of a real estate after the expropriation decision was rendered irrevocable. Exceptionally: upon a request of the expropriation beneficiary, the Government may issue a decision to transfer the real estate prior to the irrevocability of the expropriation decision; it is to say finality of the decision when necessary for urgency or in order to eliminate significant damage. This option is excluded when it comes to a residential or commercial building, for which the expropriation beneficiary has not secured other suitable real estate.
Procedure of issuing a decision on expropriation	Expropriation Act General Administrative Procedure Act	Withdrawal of the expropriation proposal	Dismissal of the procedure
Second-instance administrative appellate procedure	Expropriation Act General Administrative Procedure Act	Issuing a decision on the appeal to an expropriation decision	Issued by the Administration for Geodetic and Property and Legal Affairs
Administrative litigation	Expropriation Act General Administrative Procedure Act Law on Administrative Litigation	Issuing a decision on the lawsuit against an expropriation decision	A decision issued by the District Court in Bijeljina
The expropriation procedure ended with an irrevocable decision	Expropriation Act Law on Land Registers	Registration of the ownership and other proprietary rights	Registration of ownership and other proprietary rights over an expropriated real estate, as well as over a real estate given to the previous owner as compensation is done based on an irrevocable decision on expropriation and proof of paid compensation; it is to say the proof that the owner acquired the ownership right over other suitable real estate.



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The expropriation procedure ended with an irrevocable decision	Expropriation Act General Administrative Procedure Act	Determination of the amount of compensation in the administrative procedure	Agreeably before the municipal office for property and legal affairs
Court (extra-judicial) proceedings	Expropriation Act Law on Extra-Judicial Proceedings	Determination of the amount of compensation in the court proceedings	Decision of a municipal court on the amount of compensation
The expropriation procedure ended with an irrevocable decision	Expropriation Act General Administrative Procedure Act	Request for the deexpropriation of real estates	annulment of an irrevocable decision on expropriation for a reason that the expropriated real estate is not intended or used for the purposes for which it was expropriated

### 4.3. Rights and requirements for acquiring compensation

In line with the Republika Srpska Law on Expropriation, the owner of an expropriated property is entitled to **compensation in other real estate**; if the expropriation beneficiary cannot provide such real estate **fair cash compensation** is determined, which cannot be lower than the market value of the expropriated property. Compensation for the expropriated property is paid by the expropriation beneficiary.

Specific requirements of the World Bank with regard to resettlement are set out in the Operational Policy OP 4.12 that refers to involuntary (forced) resettlement (requirements are given in detail in point 4.2.2 World Bank's requirements - Operational Policy OP 4.12).

#### 4.3.1. Right to compensation

According to the consolidated requirements of the legislation in the Republika Srpska and the World Bank's Operational Policy OP 4.12, the right to compensation can be exercised in the following cases:

- a) Compensation if a registered plot with a registered residential facility is expropriated
- b) Compensation if a registered non-residential facility is expropriated, on registered land
- c) Compensation if a registered agricultural plot is expropriated
- d) Compensation for the lost yield of annual agricultural crops to the owner of the crops if the owner has proof of lease relationship with the land owner and cash compensation to the land owner at market price (Cash compensation for the crops shall be available only if the crops cannot be harvested within the given time period)
- e) Compensation for the lost yield of perennial agricultural crops to the owner of the crops if the owner has proof of lease relationship with the land owner and cash compensation to the land owner at market price
- f) Compensation if business premises in which activities are performed are expropriated; in this case, the expropriation beneficiary is obliged to provide other suitable premises in ownership prior to the demolition of business premises.
- g) Compensation if privately owned forest land is expropriated.

In addition to the above listed, specific cases may occur, for which compensation is not defied by the law or is questionable for any reason; this plan anticipates compensation therefor, notably:

- h) Compensation for an agricultural plot registered in the name of other person (not in the name of the owner)

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- i) Compensation for a registered plot with a residential unit without the building permit, built by the plot owner
- j) Compensation for a residential unit illegally built on a plot owned by some other person
- k) Compensation for a residential unit illegally built on a state-owned plot
- l) Compensation for illegally built non-residential facilities on registered land
- m) Compensation for an illegally built non-residential facility on a plot owned by some other person
- n) Compensation for illegally built non-residential facilities on a state-owned plot.

The right to compensation shall be limited by a cut-off date that shall be defined for all sections based on the contract implementation commencement date, i.e. the date when census within a defined coverage for each section starts. Any person who subsequently settles on land after the defined cut-off date shall not be entitled to compensation; the same applies to growing new crops or seedlings.

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### 4.3.2. Compensation matrix

*Table 17, Compensation matrix in line with the domestic legislation and OP 4.12*

TYPE OF PROJECT-AFFECTED RIGHT OR PROPERTY	LEGAL FRAMEWORK	RIGHT TO COMPENSATION	PROCEDURE AND SPECIFIC REQUIREMENTS
Registered plot with a registered residential facility	Expropriation Act Law on Construction Land	<i>OPTION 1: Resettlement with substitute real estates</i> Substitute real estates, including residential plot with the similar size and properties, and a residential facility with the similar size and properties OR <i>OPTION 2: Cash compensation</i> - Cash compensation for the plot and the facility according to the market, i.e. full value and - Compensation for moving costs	Transfer of ownership based on an agreement or in the procedure of expropriation  Requirements of the World Bank's Operational Policy 4.12
Registered non-residential facility, on registered land	Expropriation Act Law on Construction Land	Cash compensation to the facility owners at market, i.e. full price and Cash compensation for the plot at market value	Transfer of ownership based on an agreement or in the procedure of expropriation  Requirements of the World Bank's Operational Policy 4.12
Registered agricultural plot	Expropriation Act	Provision of a substitute agricultural plot with similar size and properties or Cash compensation according to the substitute value	Transfer of ownership based on an agreement or in the procedure of expropriation If the Project-affected part of subject plot is 10% or less of the total area of the agricultural plot, the option of a substitute plot will not be available. Only the option of cash compensation shall be available. If the remaining part of the plot is

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			unusable after the expropriation of a part thereof, the owner is entitled to complete expropriation of the (entire) plot and compensation accordingly
Annual agricultural crops (yield)	Expropriation Act Law on Agricultural Land	Cash compensation to the owner of the crops if the owner has proof of lease relationship with the land owner and Cash compensation to the land owner at market price	Cash compensation for the crops shall be available only if the crops cannot be harvested within the given time period  Requirements of the World Bank's Operational Policy 4.12
Perennial agricultural crops	Expropriation Act Law on Agricultural Land	Cash compensation to the owner of the crops if the owner has proof of lease relationship with the land owner Cash compensation to the land owner at market price	Requirements of the World Bank's Operational Policy 4.12
Business activity	Expropriation Act	The expropriation beneficiary is obliged to provide other suitable premises in ownership prior to the demolition of business premises to the earlier owner of the expropriated property in which the business activity was performed.	Requirements of the World Bank's Operational Policy 4.12
Privately owned forest land	Expropriation Act Law on Forests	Cash compensation to the land owner at market value and Cash compensation to the wood owner at market value of the lost wood	Transfer of ownership based on an agreement or in the procedure of expropriation Requirements of the World Bank's Operational Policy 4.12
<b>CASES FOR WHICH COMPENSATION IS NOT DEFINED BY THE LAW OR IS QUESTIONABLE</b>			
Agricultural plot registered in the name of other person (not in the name of the owner)	Expropriation Act Law on Proprietary Rights Law on Agricultural Land Law on Land Registers	Cash compensation according to substitute value for land to the land owner or their inheritors and Cash compensation for any improvements (development activities) to the owner of these improvements	Establishing the right of ownership to the user, (for example in the procedure of resolving usurpation), and transfer of ownership based on an agreement or in the procedure of complete expropriation  Requirements of the World Bank's

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		(applicable to the structures of irrigation or drainage, perennial crops, facilities, etc.)	Operational Policy 4.12
Registered plot with a residential unit without the building permit, built by the plot owner	Expropriation Act Legalisation regulations	<p>Provided the legalisation procedure has successfully ended:</p> <p><i>OPTION 1: Resettlement with substitute real estates</i> A substitute real estate, including a construction plot with a similar size and properties and a residential unit with a similar size and properties (substitute property) and a plot located by the property and Assistance in moving OR <i>OPTION 2: Cash compensation</i> Cash compensation for both the plot and residential unit at substitute (market) price and Assistance in moving</p>	<p>Expropriation can be conducted after the legalisation procedure has successfully ended until the issuance of a decision on expropriation</p> <p>Requirements of the World Bank's Operational Policy 4.12</p>
Residential unit illegally built on a plot owned by some other person	Expropriation Act Legalisation regulations Law on Proprietary Rights	<p>Provided the legalisation procedure has successfully ended: Cash compensation to the facility owner at market price and Assistance in moving to the facility owner and Cash compensation for the plot at market price to the plot owner and/or inheritors of the plot owner</p>	<p>Expropriation can be conducted after the legalisation procedure has successfully ended until the issuance of a decision on expropriation</p> <p>Requirements of the World Bank's Operational Policy 4.12</p>
Residential unit illegally built on a state-owned plot	Expropriation Act Legalisation regulations Law on Construction Land	<p>Provided the legalisation procedure has successfully ended: Cash compensation to the facility owner at</p>	<p>Expropriation can be conducted after the legalisation procedure has successfully ended until the issuance of a decision</p>

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		market price of the facility and Assistance in moving to the facility owner	on expropriation  Requirements of the World Bank's Operational Policy 4.12
Illegally built non-residential facilities on registered land	Expropriation Act Legalisation regulations Law on Construction Land Law on Proprietary Rights	Provided the legalisation procedure has successfully ended: Cash compensation to the facility owner for the facility at market price and Cash compensation to the plot owner and/or their inheritors for the plot at market price	Expropriation can be conducted after the legalisation procedure has successfully ended until the issuance of a decision on expropriation  Requirements of the World Bank's Operational Policy 4.12
Illegally built non-residential facility on a plot owned by some other person	Expropriation Act Legalisation regulations Law on Construction Land Law on Proprietary Rights	Provided the legalisation procedure has successfully ended: Cash compensation to the facility owner for the facility at market price and Cash compensation to the plot owner and/or their inheritors for the plot at market price	After the successfully ended procedure of establishing the ownership by building on the land that belongs to other people and Legalisation procedure until the issuance of a decision on expropriation, expropriation can be conducted  Requirements of the World Bank's Operational Policy 4.12
Illegally built non-residential facilities on a state-owned plot	Expropriation Act Legalisation regulations Law on Construction Land	Provided the legalisation procedure has successfully ended: Cash compensation for the facility to the facility owner and Cash compensation for the plot at market price	Expropriation can be conducted after the legalisation procedure has successfully ended until the issuance of a decision on expropriation Requirements of the World Bank's Operational Policy 4.12

### 4.3.3. Assistance to highly affected and vulnerable households

Vulnerable households must be consulted about the type of assistance they need for resettlement (e.g. special measures of transport for persons with physical disabilities, assistance in identification and purchase of a new apartment, assistance in access to self-employment programs etc. This type of assistance must be provided by the Republika Srpska Ministry of Agriculture, Forestry and Water Management by hiring social workers/lawyers who will best represent the interests of vulnerable population.

The Ministry must appoint an expert to act on behalf of the Ministry in the implementation of the programme of notifying the identified vulnerable population; this person should conduct an individual meeting with each vulnerable person and establish their needs with regard to resettlement, as well as a method to resolve the identified needs.

Vulnerable households must be provided with specific assistance in resettlement, in cooperation with the municipal department for social issues. Assistance to vulnerable groups must include assistance during the process of resettlement and compensations, assistance in moving, and assistance during the post resettlement period.

The categories of vulnerable groups, frequency for each category and type of assistance/services that must be provided are given in the table below.

Table 18, Categories of vulnerability, frequency and type of assistance by categories

TYPE OF VULNERABILITY	FREQUENCY	TYPE OF ASSISTANCE THAT WILL BE AVAILABLE
Chronic illness that requires regular medical care	4	<ul style="list-style-type: none"> <li>• Individual meetings for the purpose of notifying of the criteria for rights to compensation and compensations</li> <li>• Assistance in moving (special transport measures; packing personal belongings; salvaging, transport and/or sale of materials from the old dwelling; transport of household members with medical assistance, if required)</li> <li>• Assistance during the period after resettlement (counselling on family, health, money management and re-establishment of support sources; checking whether there are networks of solidarity and support on which the vulnerable persons have counted and whether they have been re-established; if they have not been re-established, measures must be applied to establish them for the provision of aid in the form of food, medical examinations etc.; if necessary, health and medical care in critical periods or inclusion of vulnerable persons into the medical insurance scheme; priority in courses of trainings for improvement of employment opportunities, and priority in employment where possible)</li> </ul>
All household members unemployed or without regular income	3	<ul style="list-style-type: none"> <li>• Individual meetings for the purpose of notifying of the criteria for rights to compensation and compensations</li> <li>• Assistance in finding and purchasing new apartments</li> <li>• Assistance during the period after resettlement (priority in courses of trainings for improvement of employment opportunities, and priority in employment where possible)</li> </ul>

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		possible)
Elderly and frail persons and/or persons living alone	3	<ul style="list-style-type: none"> <li>• Individual meetings for the purpose of notifying of the criteria for rights to compensation and compensations</li> <li>• Assistance in finding and purchasing new apartments</li> <li>• Assistance in the process of compensation payment (i.e. see that the vulnerable categories understand the compensation documents and payment process)</li> <li>• Assistance in the post payment period to protect the compensation money and reduce abuse and theft risks</li> <li>• Assistance in moving (special transport measures; packing personal belongings; salvaging, transport and/or sale of materials from the old dwelling; transport of household members with medical assistance, if required)</li> <li>• Assistance during the period after resettlement (counselling on family, health, money management and re-establishment of support sources; checking whether there are networks of solidarity and support on which the vulnerable persons have counted and whether they have been re-established; if they have not been re-established, measures must be applied to establish them for the provision of aid in the form of food, medical examinations etc.; if necessary, health and medical care in critical periods or inclusion of vulnerable persons into the medical insurance scheme)</li> </ul>
Refugees	1	<ul style="list-style-type: none"> <li>• Individual meetings for the purpose of notifying of the criteria for rights to compensation and compensations</li> <li>• Assistance in finding and purchasing new apartments</li> </ul>

#### **4.3.4. Compensation valuation and amount**

##### **4.3.4.1. Principles and methodology**

The principle of the valuation of acquired land and property is implemented in line with the World Bank's requirements - OP 4.12 forcible resettlement, and relevant domestic legislation. World Bank's requirements order that vulnerable persons must be compensated for all losses in full value at the moment of dispossession of their property for the project needs.

Compensation cost calculation is based on the following:

- (i) fair market value at the moment of property dispossession,
- (ii) transitional costs / legalisation costs,
- (iii) transitional costs and restauration costs (land preparation and reconstruction), and
- (iv) other applicable compensations.

The unit value is calculated in line with the present market rate in order to assure the compensation of costs for land substitution, lost property etc.



A person of adequate occupation (depending on the type of property in question), who is a holder of the authorisation to conduct court expertise for relevant field, conducts an assessment of the property. Experts are primarily determined from the group of appointed court experts for a particular type of expertise.

#### 4.3.4.2. Compensation amount determination

In line with the World Bank's Operational Policy, OP 4.12, Annex A – Involuntary resettlement instruments (point 10 *Valuation and compensation for losses*) and in line with the relevant domestic legislation, a basis for compensation determination is:

The amount of compensation for land and buildings is determined according to the valid market price, with transitional costs being added. Market price is defined by taking into account the type of land, its purpose and location.

The amount of compensation for agricultural land is determined according to the value of land prior to the project implementation commencement or prior to resettlement, whichever is higher; this value must correspond to the market value of land with the same production capacities located in the direct vicinity, plus costs of land preparation to the level of the affected land, plus all incurred costs of registration and transfer.

The amount of compensation for land in urban areas is determined according to the value of land prior to resettlement, which corresponds to the market price of land with the same size, with the same use values, with similar or improved conditions of public infrastructure and services located in the direct vicinity of subject land, plus all incurred costs of registration and transfer.

For houses and other facilities, the amount of compensation corresponds to the market price of material necessary for the construction of a substitute facility, whose area and quality correspond to or is better than the affected facility; or to the costs necessary for the reconstruction of partially damaged facilities, plus costs of construction material transport to the construction site, plus costs of remunerations to personnel and contractors, plus all incurred costs of registration and transfer.

In determining the amount of compensation, the depreciation of the property and the preserved value of materials are not taken into consideration nor is the value of the benefits received from the project deducted from the valuation of the affected property. Where domestic legislation does not meet the standard of compensation at a full replacement price, the compensation under domestic law is supplemented by additional measures in order to meet the standard of compensation at a full replacement price.

The market value of annual crops is determined on the basis of the net market value of crops for the first year of crop. In the case of crop reimbursement for more than one year, the valid gross market value of crops applies to other years.

The amount of compensation for trees is determined differently for trees and fruit trees. Trees are valued on the basis of a growth category and value of the trunk part at the time of felling. Fruit trees are valued differently depending on whether they have entered their productive age or not. For fruit trees that entered their productive age, the amount of compensation will be determined on the basis of future lost profit for the period of time required for a particular species to reach the productivity of the felled fruit tree, or to reach a maturity stage of the fruit tree at the moment of felling. For fruit trees that have not entered their productive age, the compensation is determined in an amount that corresponds to the previous fruit planting investments and reaching the then level of growth.

## V. INSTITUTIONAL ARRANGEMENT

### 5.1. Introduction

Institutional framework is a system of state institutions, bodies and organizations that, in accordance with the law and other regulations, have certain competencies, i.e. obligations and authorizations to take appropriate measures, and conduct the activities and concrete procedures for making a decision on issues that are relevant to the construction of protection dyke in the city of Bijeljina project within the Drina river flood protection project in BiH, section 2 stage 2 in a length of 4.81km.

#### 5.1.1. Government of the Republika Srpska

In line with the valid legislation in the Republika Srpska and BiH, the Government of the Republika Srpska plays a crucial role in the implementation of the construction of a protection dyke in the City of Bijeljina project under the Drina river flood protection project in BiH, section 2 stage 2.

Namely, the Land Expropriation Act prescribes the criteria, methods and procedure of real estate expropriation for the construction of facilities and structures of public interest, it is to say the execution of works of public interest; and the emphasis is put on abiding by the principle of fair compensation that cannot be lower than the market value in case of expropriation, it is to say if the ownership over real estates is dispossessed or restricted.

A decision to declare public interest for the construction of a facility or execution of works based on a submitted proposal of the expropriation beneficiary is issued by the Government of the Republika Srpska after a previously obtained opinion of the assembly of local government in whose territory the construction or works execution is planned in line with the appropriate planning document.

The Assembly of a local self-management unit is obliged to issue an opinion within 30 days as of the request submission date.

The Decision on declaring public interest for stage 2 of section 2, which is subject of this RAP will be published in the Republika Srpska Official Gazette.

#### 5.1.2. Republic Administration for Geodetic and Property-Legal Affairs

The Republic Administration for Geodetic and Property-Legal Affairs is an independent republic administration whose seat and role are prescribed by the Law on Law on Republic Administration (Republika Srpska Official Gazette, Nos. 118/08 and 74/10), which also performs other expert activities relating to:

- survey and establishment of the cadastre of immovables,
- restoration of the survey and the cadastre of immovables,
- maintenance of the cadastre of the survey and immovables, cadastre of communal devices except for the activities that were transferred to the jurisdiction of local self-management units ex lege,
- cadastral classification and land capability evaluation of land,
- mapping of the Republic's territory,
- keeping the technical archives of original plans and maps, basic geodetic papers,
- expert supervision over the affairs of survey and cadastre of immovables, cadastre of land, cadastre of communal devices,

- land consolidation and land survey for special needs,
- property-legal and other proprietary relations relating to state-owned real estates,
- property-legal relations relating to land and buildings, expropriation, usurpation, agrarian relations, termination of state ownership,
- establishment of earlier property and legal relations on the state-owned land -denationalisation,
- registers of real estates and rights to real estates,
- property and legal affairs relating to real estates that are at disposal of the Republic,
- supervision, standard and legal, and analytical activities and other activities in accordance with the law.

Activities in accordance with the Law in the territory of the City of Bijeljina are performed by the Regional office of the Republic Administration for Geodetic and Property Legal Affairs in Bijeljina.

### **5.1.3. City of Bijeljina**

According to the Law on the City of Bijeljina (Republika Srpska Official Gazette, No. 70/12), which regulates the area, competences, bodies and funds of the City, the area of the City of Bijeljina consists of inhabited areas that made the area of the City of Bijeljina.

The City of Bijeljina is a territorial unit of local government in which citizens participate in achieving their common interests, directly and through their freely and democratically elected representatives (Statute of the City of Bijeljina).

Project funding structure is defined within the Feasibility study developed under this project, in a way that the national contribution, at the local level, i.e. the share of the City of Bijeljina, is related to land acquisition investments (expropriation costs) along the dyke alignment, which is privately owned. All other activities, construction works in the project implementation and the costs of studies, investigations, designs, supervision and project management would be funded from the World Bank's (IDA) loan.

### **5.1.4. Other bodies, organisations and agencies**

The Republic Administration for Geodetic and Property Affairs of the Republika Srpska - Bijeljina Regional Office holds the jurisdiction to conduct the expropriation procedure and the settlement of compensation for expropriated property.

A decision of the Bijeljina Regional Office of may be appealed to the Republic Administration for Geodetic and Property Affairs of the Republika Srpska.

The legality of a decision issued by this body can be assessed in an administrative litigation, after a lawsuit has been filed; the District Court in Bijeljina has jurisdiction over this case.

The issue of compensation for expropriated property may be settled by the parties before the Republic Administration for Geodetic and Property Affairs of the Republika Srpska - Bijeljina Regional Office; if an agreement on the amount of compensation is not reached, the Basic Court in Bijeljina will make a decision. Appeals to a decision of this court can be submitted to the District Court in Bijeljina.

Second-instance court decisions can be examined in the procedure conducted based on a review request; in this case, the Supreme Court of the Republika Srpska has jurisdiction.

In addition to the above listed institutions and bodies, given the specific requirements contained in the World Bank's Operational Policy OP 4.12, the Ministry of Health and Social Welfare of the Republika Srpska and the municipal service and social work centre also appear as competent to resolve these issues.

The municipal spatial planning department is competent to resolve the procedures for legalisation of illegally built facilities, as well as the Ministry of Spatial Planning, Civil Engineering and Ecology of the Republika Srpska.

Public Institution Vode Srpske Bijeljina has significant competence. Namely, the segment of water protection and water protection system maintenance is under the jurisdiction of the Public Institution Vode Srpske Bijeljina, which has the status of a legal person in the water sector, and is under the supervision of the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska.

With regard to forests, in addition to the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, significant authorizations in terms of management and exploitation were granted by law to the Public Forestry Company Šume Republike Srpske Forests JSC Sokolac.

In accordance with the World Bank's Operational Policy OP 4.12, special attention should be given to women and respect for gender equality. In this regard, during the period of consultation and the elaboration of a detailed Resettlement Action Plan, significant attention will be dedicated to women's associations registered and operating in the territory of the City of Bijeljina.

Therefore, the institutional framework related to and important for the Construction of a protection dyke on the left Drina bank Project, from Balatun upstream to Glavičice, together with the aforementioned institutions, agencies and bodies, and their competencies prescribed by the law provides a possibility of conducting procedures, taking appropriate measures, thus solving problems and tasks, and realization of the goals set by this Project

## **VI. CONSULTATIONS AND PARTICIPATION**

### **6.1. Introduction**

Consultation and participation is a process through which the public and stakeholders have an opportunity to influence the flow of a project in a way that they express their opinions and suggestions that can be adopted, which relate to them personally; that is, in this case, first of all compensation for land and resettlement. The World Bank's policy and requirements of the Operational Policy OP 4.12 pay great attention to public participation with the aim of involving the community in the design and implementation of environmentally and socially most acceptable solutions.

The aim of these consultations is to ensure the participation, consultation and information of vulnerable persons and other stakeholders, in the process of preparing a resettlement plan, as well as reducing the public's resistance to changes, and mitigating and reducing the potential negative impacts of the project on people. It can be concluded that the preparation of a resettlement plan and land acquisition requires consultation of the public, especially the vulnerable population and communities, in order to respect their views, interests and aspirations for the realization of the construction of a protection dyke in the City of Bijeljina project.

During the process of elaboration of the Resettlement Action Plan, the Consultant held consultative meetings in a period from December 2016 to January 2017 with stakeholders, notably: representatives of the City of Bijeljina-Department for Property and Legal Affairs, PC Directorate for City Construction and Development LLC Bijeljina, Republic Administration for Geodetic and Property and Legal Affairs, RO Bijeljina and Public institution Vode Srpske Bijeljina as the designer of the main design, i.e. the final defined expropriation line.

In March 2017, consultative meetings were also held with the representatives of the same institutions.

In the period of the elaboration of the Resettlement Action Plan, the Consultant was in permanent consultative contact with the representatives of the Client, i.e. Agriculture Project Coordination Unit (APCU).

During the elaboration of this RAP, the identified stakeholders were consulted and their stance was requested toward the impact and implementation of the project for the construction of the Drina protection dyke; City Administration of the City of Bijeljina, Agrarian fund of the City of Bijeljina and representatives of local communities that are comprised by the project coverage, it is to say Amajlije LC and Janja LC were identified as the most significant stakeholders.

In the period from 01.01.2017 to 25.07.2017, a detailed inventory and assessment of property in all plots that are comprised by this RAP was conducted; 25.07.2017 is considered a cut-off date.

In the period from May to July, a socio-economic analysis of the affected persons in the coverage of this RSP on a sample of about 20% of the affected persons was conducted.

### **6.2. Public debate and consultations**

The first public hearing as part of the project was held on 13.01.2014 in Bijeljina. Public hearing was conducted by representatives of the Ministry of Agriculture, Forestry and Water Management of the Republic of Srpska, and was attended by representatives of the town of Bijeljina, representatives of local

communities, citizens, representatives of public institutions "Vode Srpske" JSC Bijeljina, as well as a lot of media representatives. Presentation of current activities and goals of the project were presented by representatives of the Institute for Water Bijeljina and representatives of the Civil Engineering Institute "IG" doo Banja Luka. Besides, representatives of the World Bank have provided written comments on the submitted material and documentation of the public hearing that was integrated in final version of Resettlement Action plan done in 2014.

Since a new Contract with the Ministry of Agriculture, Forestry and Water Management/Agriculture Project Coordination Unit (APCU) was signed in 2016, with regard to the implementation of the project for construction of the protection Drina dyke, the elaboration of final resettlement action plans per sections, i.e. stages, commenced. Subject of this Resettlement Action Plan is stage 2 of section 2 in a length of L=4.81 km (from the chainage 5+041 to the chainage 9+851.71), which is submitted in the form of a draft and shall be subjected to public insight after having been approved by the World Bank. Final version of the Resettlement Action Plan shall be completed after the public debate and integration of opinions and comments given during the public insight and public debate.

After the RAP was approved by the representatives of the World Bank, the document was subjected to public insight that lasted from 13.09.2017 to 3.10.2017. Public presentations and public debates in which all project-affected persons were able to state their opinion and viewpoints were held on 27.09.2017. (LS Janja) and 29.09.2017 (LC Amajlije) at 11:00 hours. The minutes and lists of attendees of the conducted public debates are enclosed with this document (Annex 5).

### **6.3. Future consultations and public participation**

The Municipality of Bijeljina is proposed to appoint an official to liaise with the community, who will be in charge of consultation with vulnerable persons, as well as for communication with the representatives of local communities. Prior to the project implementation commencement, all affected groups shall be notified of the Project coverage and contact information based on which the mentioned groups can get additional information.

Meetings in local communities will be held as needed from the commencement to the completion of the Project implementation, given the significance and need to inform the stakeholders and affected persons (representatives of project-affected local communities, associations of agricultural producers). With regard to resettlement and expropriation, all affected families will be invited to individual meetings for the purpose of direct consultations when the process of resettlement and expropriation officially begins.

Before the process start, a plan of meetings / consultations with directly affected persons will be prepared; this plan will include contact information and schedule of meetings so that vulnerable persons can be informed in advance about the schedule of meetings. Special attention will be paid to ensuring the participation of women in consultations, especially in those households where women are the head of the family.

All interested parties will be informed of the exact date, time and place of the public consultative meeting, at least 7 days in advance.

## VII. DISPUTE RESOLUTION MECHANISM

### 7.1. Objectives

A dispute resolution mechanism is established so that vulnerable persons could submit an appeal to any decision relating to temporary or permanent loss of land, property or income source, and to define compensation therefor, and in line with the World Bank's Operational Policy OP 4.12. Involuntary resettlement, as well as in line with relevant domestic legislation. This primarily relates to the Expropriation Act that defines all steps in the expropriation procedure, in relation with the Expropriation Act, the appellate procedure is conducted in line with the General Administrative Procedure Act.

In line with the legislation, the first step is to acquire an opinion of the assembly of a local self-management unit, in whose territory the construction or works execution are planned in line with an adequate planning document (the Assembly of a local self-management unit is obliged to issue an opinion within 30 days as of the request submission date). After the opinion is acquired, the beneficiary of expropriation, in this case the Republika Srpska, is obliged to develop an expropriation plan in line with the spatial plan based on and in line with the spatial development requirements. After this requirement has been met the Government of the Republika Srpska issues a Decision on declaring public interest for the construction of a structure or execution of works based on a submitted proposal of the expropriation beneficiary. The Decision on declaring public interest will be published in the Republika Srpska Official Gazette.

A proposal for the declaration of public interest for expropriation is submitted by a person who can be an expropriation beneficiary in line with the provisions of the Expropriation Act, via a body of the Republic Administration for Property-Legal Affairs, RO Bijeljina; the expropriation report is enclosed therewith. After the declaration of public interest for the construction of a structure or execution of works, a proposal for expropriation is submitted by the Republika Srpska Attorney General's Office to a body for property and legal affairs, RO Bijeljina.

#### **Phase 1- Agreement in the preliminary procedure**

After public interest has been established, an agreement can be reached with a party with regard to compensation, where minutes of agreement is made as proof that the expropriation beneficiary and the owner have already solved the issues of ownership over certain real estate (a written offer, public notice, purchase, waiver with compensation etc.). If no agreement with the party is reached in the preliminary procedure in phase 1, an explanation is given as to why an agreement was not reached, and a project affected person will be able to submit a formal complaint and exercise their rights in Phase 2.

#### **Phase 2: - Appellate mechanism**

A proposal for expropriation is submitted by the Republika Srpska Attorney General's Office to a body of the Republic Administration for Property-Legal Affairs, RO Bijeljina **after public interest was established** for the construction of structures of execution of works, the following documents must be submitted the expropriation proposal:

- a) evidence of the established public interest for the construction of structures or execution of works (a document of public interest establishment, extract from the regulation plan or town planning project);
- b) extracts from land registers and other public registers where the ownership over real estates is registered; it also contains data on a real estate proposed for expropriation, i.e. cadastral and other data if such registers do not exist;
- v) evidence (report of the agreement) that the expropriation beneficiary and the real estate owner have tried to agreeably solve the issue of acquiring ownership over certain real estate in some other way (a written offer, public notice, purchase, waiver with compensation etc.);

g) evidence that necessary funds were provided and deposited at a bank in an amount that is approximately sufficient for compensations for real estates proposed for expropriation and the expropriation procedure costs, i.e. evidence that other adequate real estate was provided.

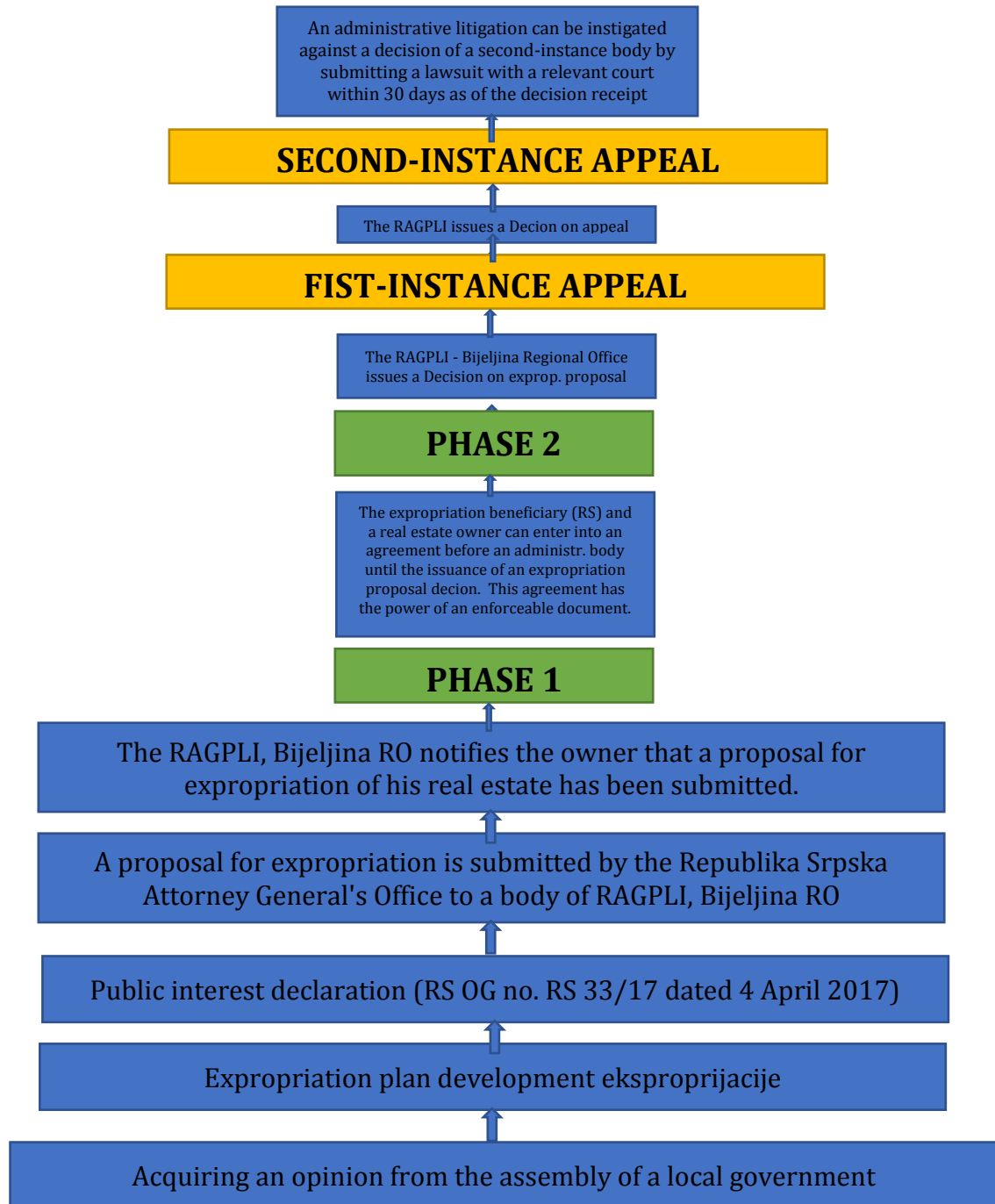


Figure 4, Method of establishing public interest and the appellate procedure phases

After the reception of an expropriation proposal, the relevant body of administration, ex officio, notifies without delay the owner that an expropriation proposal was submitted with regard to their real estates, including a warning referred to in Article 56 of the Expropriation Act, which runs „Earlier owner is entitled to no compensation of costs for investment in land and buildings effected *after he was informed in writing* by a body of administration about the submitted expropriation proposal, except for the costs that were necessary



for regular usage of the real estate". Expropriation shall ex officio be registered in land and other public registers in which are registered data on real estates, which has no legal effect in relation to the expropriation beneficiary.

Expropriation beneficiary and real estate owner can reach an agreement before the body of administration until a Decision on the expropriation proposal is issued; this agreement shall have power of an enforceable document.

A Decision on the expropriation proposal is issued by the body of administration in whose territory the real estate proposed for expropriation is located; it is to say in this case the Republic Administration for Geodetic and Property-Legal Affairs, RO Bijeljina. Expropriation beneficiary acquires the right to expropriated real estate possession as of a date when the expropriation decision is rendered irrevocable if the earlier owner was paid compensation for the expropriated real estate, meaning transferred other adequate real estate into possession; or as of the compensation payment date, meaning transfer of other adequate real estate into possession unless the earlier owner and expropriation beneficiary reach other agreement.

An appeal to a decision on the expropriation proposal is permissible; the Republic Administration for Geodetic and Property-Legal Affairs issues a decision thereof. The appeal is submitted to the first-instance body that issued a decision on expropriation; a deadline to submit the appeal is 15 days. All appeals shall be addressed and resolved within a legal deadline of 30 days.

An administrative litigation can be instigated against a decision of second-instance body before the relevant court within 30 days as of the day this decision was received. An integral part of each decision is a legal remedy. If no agreement on compensation is reached within 2 months as of the date the expropriation decision was rendered irrevocable administration for geodetic and property-legal affairs shall deliver, without delay, an irrevocable expropriation decision with all documents to a competent court under whose jurisdiction the expropriated real estate is located.

If the Republic Administration for Geodetic and Property-Legal Affairs fails to act in line with aforesaid within a given deadline the earlier owner and expropriation beneficiary can directly address the relevant court in order to determine compensation.

With regard to the Expropriation Act, the appellate procedure is conducted in line with the General Administrative Procedure Act.

The relevant court conducts ex officio a non-contentious proceeding in order to issue a decision on the amount of compensation for the expropriated real estate; the procedure for determination of compensation for the expropriated real estate is urgent. The procedure must end as soon as possible, but at the latest within 30 days as of instigating the proceedings before the court.

A special appeal to a decision of the court relating to the compensation is permitted.

Procedures for the resolution of expropriation issues in phase 1 are a less formal tool for dispute resolution, which facilitates an AP and the project implementation team to resolve disputes without too many formal procedures, delays and obstacles. If the AP is not satisfied, the appellate mechanism should help them submit an appeal in line with procedures listed in Phase 2 (project-affected persons should be notified of their rights and obligations, rules and procedures in the appellate procedure, form of complaints, complaint submission conditions etc.) which shall be under the jurisdiction of the Consultant for monitoring of the RAP implementation in the consultations and close cooperation with the Department for property-legal affairs of the City of Bijeljina.

The dispute resolution mechanism resolves land and other issues relating to property acquisition (e.g. compensation amount, convenience of the remaining plots or part / parts of plots, loss of access roads etc.), as well as losses and damages inflicted by building works, e.g. temporary or permanent land occupation by the contractor. Thus, the dispute resolution mechanism shall be established as of the moment when the project implementation commences, where the Consultant for monitoring and follow-up of the RAP implementation will cooperate closely with the representative in the expropriation procedure on behalf of the expropriation beneficiary, meaning the Republika Srpska; the Republika Srpska Attorney General's Office shall issue a power of attorney to official representatives, i.e. legal experts employed with the Department of property-legal affairs in the City of Bijeljina for representation on behalf of the expropriation beneficiary.

Department of property-legal affairs in the City of Bijeljina, i.e. authorised representatives shall be available for negotiations and consultations with the APs from the project implementation commencement and they shall function until this project implementation ends.

Consultant for monitoring and follow-up of the RAP implementation shall introduce to and inform the APs in detail about the appellate mechanism, its functions, procedures, contact persons and rules for submission of appeals, both oral and written ones. As aspiration is to solve as many appeals in Phase 1 as possible in order to prevent appeals in Phase 2, which could be accomplished through active participation of project-affected persons, efficient consultations, adequate communication and coordination between the local community and local offices.

## 7.2. Appeal resolution jurisdiction

PHASE	TYPE	JURISDICTION
PHASE 1	Agreement	Expropriation beneficiary (RS) and a real estate owner can reach an agreement before the administrative body until an expropriation decision is issued; this agreement has a power of an enforceable document.
PHASE 2	FIRST-INSTANCE APPEAL	An appeal to a decision of expropriation is permitted, the Republic Administration for Geodetic and Property-Legal Affairs issues a decision on this appeal;
	SECOND-INSTANCE APPEAL	An administrative litigation can be instigated against a second-instance decision by submitting a lawsuit before a competent court within 30 days as of the receipt of this decision;

## 7.3. Appeal resolution procedure

The person in charge of the RAP implementation, in accordance with the relevant legislation, regulations and appeal procedure, Official representatives authorised by the Republika Srpska Attorney General's Office to represent on behalf of the Republika Srpska as an expropriation beneficiary or employees of the legal profession employed in the Department of Property and Legal Affairs of the City of Bijeljina as well as the competent person(s) of the Republic Administration for Geodetic and Property Affairs will be in charge of resolving the complaints of the AP. Project-affected persons shall be notified in detail of the method of sending and addressing, it is to say submission of a complaint.

In other words, protection of owners' rights, i.e. rights of users of real estates that are expropriated is provided in a two-instance administrative and court procedure, with a guaranteed right to appeal.

- An appeal to a decision on expropriation is permitted; it is resolved by the Republic Administration for Geodetic and Property-Legal Affairs;
- The appeal is submitted with the first-instance body that issued the decision on expropriation; a deadline to submit an appeal is 15 days;
- All appeals shall be responded to and processed within a law-prescribed deadline of 30 days;
- An administrative litigation may be instigated against a decision of a second instance body by a lawsuit before a relevant court within 30 days as of the date of receipt of the decision;
- The legal remedy is an integral part of any decision;
- If no compensation agreement is reached within two months as of the date of validity of a decision on expropriation, the Administration for Geodetic and Property-Legal Affairs will deliver, without delay, the irrevocable decision on expropriation with all the files to the competent court in whose territory the expropriated real estate is located;
- If the Republic Administration for Geodetic and Property-Legal Affairs fails to act within the given deadline, the previous owner and the expropriation beneficiary can directly contact the competent court for determining a compensation amount;
- In relation to the Expropriation Act, the appellate procedure is conducted according to the General Administrative Procedure Act;
- The competent court decides ex officio, in an extra-judicial procedure, on the amount of compensation for an expropriated real estate;
- The procedure for determining compensation for an expropriated property is urgent. The procedure must be completed as soon as possible, but no later than 30 days from the date of the initiation of the proceedings before the court,
- A special appeal to a court decision on determining compensation is allowed.

Appellate mechanism deals with issues of acquisition / occupation of land and other property. In line with the valid legislation and procedures of the World Bank, the appellate mechanism shall also function during the construction if damages were inflicted on property or land during construction.

## VIII. IMPLEMENTATION DYNAMICS

### 8.1. General

In large flood protection projects, especially those involving longer river sections, selecting phase dynamics of implementation is extremely important. This is especially important in the case of this project, which protects the areas of Semberija and Janja from the Drina river flood waters. The aim is to protect the most vulnerable areas, those that suffer the most extensive damage, in the first phase of protection realization. Unlike investments for other purposes, investment in flood protection is in full function immediately after completion. Flood protection structures foreseen by this project are also in full function immediately after the completion of each of the phases, so it is very important to choose the order of the phases, according to the criterion of maximum removed damage.

Since the protection dyke for the protection of Semberija and Janja from high waters is very long - 34.78 km, its construction is divided into three phases; the priority is the construction of section 2 in a length of 16.12 km, in which the coverage of 4.81 km that is subject of this RAP is located, starting from the chainage 5+041,90 to the chainage 9+851.71.

It has been estimated that the works on the construction of the protective dyke in stage 2 of section 2 in a length of 4.81 km starting from the chainage 5+041,90 ending at the chainage 9+851,71 will be implemented from May to October 2019.

### 8.2. Dyke construction project implementation dynamics

According to the economic logic, the area protection measures should be directed to those dyke sections in which the investments will be the lowest and protection effects the largest. If this principle were applied in the construction of the left Drina dyke by stages, then the First phase should be done first, then the Second and the last Third phase.

However, a detailed analysis of the flood event in December 2010 in the area of Bijeljina, the following conclusions can be drawn:

- Floodwaters of the Drina river first flooded the Second and Third protection zones, it is to say areas from the main road Bijeljina – Badovinci (chainage 9+450.00), upstream to water intake structures of the Drina – Dašnica canal (chainage 25+500.00) and areas from the water intake structure of the Drina – Dašnica canal (chainage 25+500.00), upstream to the settlement of Glavičice (chainage 33+360.00), which belong to the settlement of Janja.
- Flood areas of the Second and Third protection zone were separated by the Drina-Dašnica canal (by the dyke along the canal on the left canal bank). Flood waters in the Third protection zone (the area of Janja) did not have impact on the flood water in the Second protection zone.
- Overflow of the flood wave on the left Drina bank to the area of the Second protection zone transformed the flood wave. The flood wave propagated northwards (along the main road Bijeljina – Badovinci) and westwards (along the main road Bijeljina – Sremska Rača).
- In the First protection zone, from the Selište canal (chainage 0+000.00) upstream to the main road Bijeljina – Badovinci (chainage 9+450.00), in a length of 9.45 km, no direct overflow of the Drina river flood wave occurred. However, the First zone was flooded by overflow of the flood water from the Second protection zone by the penetration through the embankment of the main road Bijeljina – Badovinci. It can be considered that the overflow of flood waters from the Drina river bed into the First protection zone did not occur for a reason that the Drina River flood wave was transformed in

the area of the Second and Third protection zones (flooded in December 2010), in the area from the main road Bijeljina – Badovinci upstream to the settlement of Glavičice.

The floods that occurred in 2010 and May 2014 are very instructive events and represent a sort of a physical model of flooding in that terrain in a scale 1:1. These events were immediately cartographically documented and studied from the aspect of genesis and direction of propagation of the flood wave. Bearing in mind this important fact - that the genesis and dynamism of the propagation of a flood wave in Semberija and Janja were already observed during floods in 2010 - the dynamics of the phase realization of the planned system should be based on an analysis of these phenomena. This analysis shows that, in the construction of the dyke by stages, the priority should be given to the construction of the Second section, which includes a section of the main road Bijeljina – Badovinci (chainage 9+626.49), upstream to the Janja confluence (chainage 24+808.00), in a length of 15.182 km. Then, the construction of the First section would follow, and ultimately the whole entire protection system would be completed by the construction of the Third section.

All activities related to land acquisition and resettlement should be planned in such a way as to ensure the payment of compensation before resettlement and the commencement of the construction works on the dyke construction.

### **8.3. RAP approval and preparatory activities**

After the preparation of a draft Resettlement action plan, it is sent to the World Bank for their approval; upon the approval by the WB, the document is presented to the public. After the public insight, a public debate is conducted, where all attendees can make their comments; these comments are then incorporated into the final version of the Resettlement Action Plan.

Thus, the activities of land acquisition and resettlement involve the following phases:

- Defining an institution that will be responsible for land acquisition and resettlement activities
- Elaboration of a draft RAP
- Public insight into the RAP
- Public debate on the RAP
- Elaboration of the final RAP in line with comments made in the public debate
- Entering into and signing contracts with the affected persons
- Updating and amending the matrix of compensation and resettlement
- Approval of the RAP by the World Bank and the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska/ Agriculture Project Coordination Unit
- 

### **8.4. RAP implementation**

The payment of compensations defined by the resettlement action plan shall start after all preparatory activities have been completed, notably:

- i. Signing contracts with the affected persons (AP)
- ii. Public debates and consultations
- iii. Capacity building and training of the responsible for land acquisition and resettlement, vulnerable persons, AP and nongovernmental organisations
- iv. Resolving all submitted complaints
- v. Submission of compensation payment requests
- vi. Transfer of compensations to a special account for vulnerable persons and registration of land in the land cadastre

- vii. Moving the affected property
- viii. Review of compliance and reporting
- ix. Notification of the continuation of construction works on the dyke construction
- x. Monitoring

#### **8.5. RAP implementation timetable**

The timetable for the implementation of the Resettlement Action Plan is directly related to the time schedule, it is to say dynamics of the provision of funds and planned implementation of the construction of a protection dyke in the City of Bijeljina project under the Drina flood protection project in BiH in section 2 stage 2 in a length of 4.81 km from the chainage 5+041,90 to the chainage 9+851.71.

Since the protection dyke for the protection of Semberija and Janja is very long - 34.78 km, its construction is divided into three phases. The first phase comprises section 2 of the left Drina dyke, where the section that is subject of this RAP is located, it is to say stage 2 of the mentioned section 2 (chainage 5+041,90 to chainage 9+851,71) in a length of 4.81 km.

Funds for payment of compensations for the needs of expropriation of land and real estates shall be provided by the City of Bijeljina with aid from the Government of the Republika Srpska.



## **IX. COSTS AND FUNDS**

### **9.1. General**

The estimated costs of land acquisition and resettlement under the resettlement plan include a fair remuneration for immovable property, resettlement compensation and support costs for land acquisition and resettlement (administrative costs). In addition, unforeseen costs may arise in a maximum amount of 10% of the total costs; the expropriation beneficiary is obliged to pay these costs as well.

The following costs were taken into consideration:

- (i) Fair compensation for agricultural land (annual and perennial crops)
- (ii) Fair compensation for business activity
- (iii) Fair compensation for forest land
- (iv) Fair compensation for buildings (residential and non-residential)
- (v) Aid to the affected households
- (vi) Aid to the affected persons
- (vii) Resettlement Action Plan implementation costs.

According to the data from the existing Expropriation Report stage 2 of section 2 in a length of 4.81 km that is subject of this RAP, developed by the company Civil Engineering Institute IG LLC Banja Luka in June 2017, including the findings of the conducted establishment of a framework market value of the immovable-cadastral plots envisaged for expropriation within the mentioned stage 2 of section 2 in a length of 4.81 km, funds that are necessary for the expropriation of land and real estates on plots that are located in the coverage of this **RAP amount to 806.760,20 KM.**

### **9.2. Detailed budget**

The following chapters provide an overview of diverse types of compensations in terms of law-defined rights and the World Bank's Operational Policy OP 4.12, which are abided by when compensations are defined.

#### **9.2.1. Compensation for land**

This implies the compensation for agricultural land (annual and perennial crops) located in the coverage of this project.

When it comes to a registered agricultural plot, the compensation can be provided through a substitute agricultural plot with a similar size and properties, or through cash compensation at market value. If the Project-affected part of subject plot is 10% or less of the total area of the agricultural plot, the option of a substitute plot will not be available. Only the option of cash compensation shall be available. If the remaining part of the plot is unusable after the expropriation of a part thereof, the owner is entitled to complete expropriation of the (entire) plot and compensation accordingly.

Cash compensation at market value for annual agricultural crops shall be available if the crops cannot be harvested within the given time period. In this case, cash compensation is given to the owner of crops if the owner has proof of lease relationship with the land owner, it is to say cash compensation is given to the land owner at market price.



When it comes to perennial agricultural crops, cash compensation at market value is given to the owner of agricultural crops if the owner has proof of lease relationship with the land owner, it is to say cash compensation is given to the land owner at market price.

If it comes to an agricultural plot registered in the name of other person (not in the name of the user), then the compensation can be provided: a) Cash compensation at market value for land to the land owner or their inheritors and b) Cash compensation for any improvements (development activities) to the owner of these improvements (applicable to irrigation or drainage structures, perennial plantations, facilities etc.).

A total anticipated price for all land categories and types of compensations for privately owned land in the coverage of this RAP is 427.619,20 KM.

NO.	ITEM	VALUE
1	Total price for land	BAM 427.619,20
2	Area (privately owned)	267.262,00 sq m

### 9.2.2. Compensation for facilities

Facilities imply residential and non-residential facilities located in the project coverage. Compensation for facilities can be provided in two ways:

1. *Resettlement with substitute real estates*

Substitute real estates, including residential plot with the similar size and properties, and a residential facility with the similar size and properties

2. *Cash compensation*

Cash compensation for the plot and the facility according to the market, i.e. full value and compensation for moving costs.

In line with the World Bank's Operational Policy OP 4.12 compensation is provided even if it comes to an illegally built residential or non-residential facility on a registered plot or a plot that is state-owned or a plot owned by some other person, but provided that the procedure of legalisation is successfully conducted.

According to the planned project solution in the coverage of subject section 2, stage 2 in a length of L=4,81 km (from the chainage 5+041,90 to the chainage 9+851.71), *there is no identified facilities* so there is no provision for this category.

### 9.2.3. Compensation for business activity

Since there are *no identified business entities* in the coverage, no funds were planned for this category.

### 9.2.4. Compensation for forest land

Compensation for forest land implies cash compensation to the land owner at market value or cash compensation to the wood owner at market value of the lost wood.

Land category		Area (sq m)	Total price (KM)
Category 2	Privately owned forest land	21.871,00 m <sup>2</sup>	34.993,60
<b>TOTAL</b>			<b>34.993,60 KM</b>

Of individual trees located in the coverage of this RAP, 74 trees were identified, of which the largest number of them are apples (56), plum (18), pear (21) and apricot (7). Estimated value of individual trees was made in line with the methodology given in Annex to this RAP.

### 9.2.5. Compensations for resettlement

Compensation for resettlement implies the provision of compensation to vulnerable groups in the form of specific aid for resettlement (assistance during the process of resettlement, assistance in moving and assistance after resettlement) in cooperation with a relevant municipal office for social issues. According to the data provided by the Social Work Centre in the City of Bijeljina, there are no owners in the coverage of this RAP who are beneficiaries of any welfare given by this Centre in any legal category.

When it comes to physical resettlement of persons in the coverage of this RAP, it will not occur since there is no identified facilities, so the funds for this category are not envisaged.

### 9.3. Summary of costs of land acquisition/occupation and resettlement, and funds inflow

Total costs of land acquisition/occupation and resettlement in the coverage of this RAP, i.e. stage 2 of section 2 that starts from the chainage 5+041,90 to the chainage 9+851.71 in a length of 4.81 km are given in the following table:

NO.	ITEM	VALUE
1	Total price for land	BAM 427.619,20
2	Area of the land	267.262,00
3	Increase by 25% for agricultural and forest land	BAM 106,832.40
4	Lost profit from agricultural crops and vegetables	BAM 198,103.79
5	Fruit trees	BAM 15,547.00
6	Total price	BAM 748,102.39

### 9.4. Funding sources

As earlier defined in the Feasibility Study for the Drina river flood protection in the area of Semberija and Janja in the City of Bijeljina, the flood protection project in Bosnia and Herzegovina (BAFPP), City of Bijeljina shall bear the expenses relating to land (expropriation costs) along the dyke alignment, which is privately owned. All other works, construction works in the project implementation as well as costs of studies, investigations, design, supervision and project management shall be funded by the World Bank (IDA) loan. Funds for land purchase in the expropriation line coverage of this RAP, it is to say for stage 2 of section 2 from the chainage 5+041,90 to the chainage 9+851.71 in a length of 4.81 km shall be provided by the City of Bijeljina with aid from the Government of the Republika Srpska.

## **X. MONITORING AND REPORTING**

The primary goal of the implementation of a resettlement action plan is to improve or at least restore living conditions of vulnerable persons to the level they had prior to the project implementation commencement. The implementation process should ensure that this goal is achieved within a reasonable time with the envisaged compensation funds. Therefore, the monitoring of APP updates, its implementation, and the timeliness of providing institutional and financial assistance to vulnerable people is conceived as an integral part of overall project functioning and management.

Monitoring and evaluation are aimed at providing all stakeholders with feedback information on progress and timeliness of the implementation, as well as timely identifying possible problems, i.e. their resolution.

In line with the World Bank's Operational Policy that relates to involuntary (forced resettlement) OP 4.12, the goals of monitoring are as follow:

- i. making sure that the livelihood and living standards of affected persons have improved or at least restored to the quality of livelihood before resettlement or to the conditions in which they lived before the project implementation commencement,
- ii. establishing the compliance of dynamic implementation of the resettlement plan with the envisaged dynamics,
- iii. assessing whether the funds for compensation and repairs are sufficient, and
- iv. defining a method for fast resolution or mitigation of identified problems.

Activities relating to land acquisition and resettlement under the construction of a protection dyke in the City of Bijeljina under the Drina river flood protection project in BiH, section 2 stage 2 (L=4,81 km) shall be subject of monitoring by the Agriculture Project Coordination Unit within the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska; indirectly, the Republic Administration for Geodetic and Property-Legal Affairs and its regional office in Bijeljina will also be involved, as well as the City of Bijeljina - Department for property and legal affairs.

Monitoring by the Agriculture Project Coordination Unit shall be done routinely or directly by providing the services of consultants. Monitoring results shall be delivered to the World Bank on a quarterly basis.

Republic Administration for Geodetic and Property-Legal Affairs, in line with the Law on Republic Administration (Republika Srpska Official Gazette, Nos. 118/08 and 74/10), performs administrative and other expert activities relating to:

- survey and establishment of the cadastre of immovables,
- restoration of the survey and the cadastre of immovables,
- maintenance of the cadastre of the survey and immovables, cadastre of communal devices except for the activities that were transferred to the jurisdiction of local self-management units ex lege,
- cadastral classification and land capability evaluation of land,
- mapping of the Republic's territory,
- keeping the technical archives of original plans and maps,
- basic geodetic papers,
- expert supervision over the affairs of survey and cadastre of immovables, cadastre of land, cadastre of communal devices,
- land consolidation and land survey for special needs,
- property-legal and other proprietary relations relating to state-owned real estates,
- property-legal relations relating to land and buildings, expropriation, usurpation, agrarian relations, termination of state ownership,

- establishment of earlier property and legal relations on the state-owned land – denationalisation,
- registers of real estates and rights to real estates,
- property and legal affairs relating to real estates that are at disposal of the Republic,
- supervision, standard and legal, and analytical activities and other activities in accordance with the law.

### **City of Bijeljina - Department for property and legal affairs**

The following activities are performed by the Department for property and legal affairs:

- collection of documentation, instigation of procedures and participation in the procedure of establishing and transferring ownership for city-owned property  
elaboration of draft contracts in the procedure of implementing investments that are partially or fully funded from the City's budget
- elaboration of necessary documents for instigation of procedures for public interest declaration, for the construction of a facility/structure that is significant to the City; for the initiation and implementation of the procedure of expropriation or administrative transfer, the procedure of land usurpation to the ownership of the City,
- processing request for completing a construction plot and proposing the Assembly of the City to issue decisions
- updating the register of all court, administrative and other procedures in which the City appears as a party
- elaboration of reports and information under the scope of activities for the needs of the Assembly of the City and Mayor's Office
- processing of request for apartment purchase - implementation of the administrative procedure and elaboration of a first-instance decision in the housing field in line with the Law on Housing Relations
- proposing a decision on the amount of rent for using apartments under the City's management and apartments that were not purchased
- appointment of a temporary representative and keeping the prescribed auxiliary registers
- maintaining contact with other organisational units, relevant bodies and organisations and institutions within powers
- the Department also performs other activities by the order of the Mayor and Head of the Department

#### **10.1. Monitoring and evaluation indicators**

Monitoring and evaluation of the RAP implementation will be performed in line with the principles and indicators given in the Resettlement framework policy.

Specific monitoring indicators will be:

- Report on all consultations conducted with the project-affected persons;
- Status of land purchase and payment of land compensation;
- Compensation for comprised facilities and other property;
- Payment of compensation for lost profit (if the profit could be made).

The mentioned data shall be collected through the following instruments:

- Overview of information relating to the census of affected persons;

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- Consultations and informal interviews with affected persons;
- Surveying affected persons
- Key interviews and
- Public meetings in communities.

The following table contains a list of indicators that shall be used for the purpose of monitoring during the project implementation period:

*Table 20, Monitoring and evaluation indicators*

INDICATOR	INFORMATION SOURCE
Total expenditure on expropriation and compensations	Financial records
Number of APs by categories	Census and management
Number of APs who moved in new accommodation in a given period	Resettlement-related activities monitoring reports
Number of APs who moved out of the previous accommodation in a given period	Resettlement-related activities monitoring reports
Number of vulnerable households/persons who resettled, type of vulnerability and type of provided aid	Resettlement-related activities monitoring reports
Number of people who received cash compensation in a given period with a distribution per types of compensation and classes of amounts	Resettlement-related activities monitoring reports
Number of individual agreements on compensation entered into in a given period	Resettlement-related activities monitoring reports
Number of business activities that were re-established in a given period and re-establishment of their income	Resettlement-related activities monitoring reports
Number and type of complaints with regard to resettlement (submitted and resolved; how long has their resolution taken)	Resettlement-related activities monitoring reports

## **ANNEXES**

## ANNEX 1

### VALUATION METHOD, VALUATION OF LOSSES AND COMPENSATIONS DETERMINATION OF THE AMOUNT OF COMPENSATION FOR BUILDINGS AND FACILITIES

#### Agricultural land value assessment methodology

A basis for the cost value assessment for land purchase is the Expropriation Act (Republika Srpska Official Gazette, nos. 112/06, 37/07, 110/08 and 79/15), which clearly defines that fair compensation is established for the expropriated land, which cannot be lower than the market value of that land. Fair compensation can be in the form of other adequate immovable property or cash compensation.

For the purpose of making an assessment of land value, it is necessary to analyse and take into consideration all factors that could have any influence on land value assessment. Significant factors that influence the value of the expropriated agricultural land are as follow:

- *cadastral culture,*
- *land class*
- *cadastral yield*
- *position and distance of plots from larger consumer centres*
- *position and distance of plots from roads*
- *convenience of the land for subdivision and development of construction plots*
- *price at which trade was done in the direct vicinity*
- *supply/demand ratio*
- *infrastructure accessibility*
- *terrain configuration (forms of relief)*
- *altitude and exposition*
- *climate*
- *type and state of vegetation on plots*
- *properties and quality of land*
- *possibility of exploiting modern mechanisation*

In addition to the listed factors, it is necessary to perform a detailed analysis of the documentation of the Republic Administration for Geodetic and Property and Legal Affairs.

Also, the provisions of the Expropriation Act must be completely abided by; in particular, if the livelihood of an agricultural land owner whose land is expropriated is substantially aggravated, land value must be increased.

There are several methods for the assessment of agricultural land value:

1. **The cost approach** is based on a principle of replacement, where it is based on an assumption that it is not justified to value immovable property more than the purchase or construction of a similar facility, real estate at a similar location would cost. It is used when there are no certain data in the market.
2. **Sales comparison approach** is based on an idea that the value is best established in the market and that a base for valuation is the price of properties with similar features. This technique implies

acquiring data from the market about the trade of property with similar features in relation to the property that is being assessed.

3. **The income approach** is based on an assessment of present value of future income if the property were leased under market conditions.

### **Compensation for the expropriated real estate**

In the coverage of stage 2 of section 2 in a length of 4.81 km from the chainage 5+041,90 to the chainage 9+851.71, there is no identified facilities so the funds for this category are not envisaged.

**As a rule, agricultural value of a land plot consists of two parts:**

- *value of the land*
- *value of the plantation on the land*

**For the purpose of making as quality and realistic assessments as possible assessments, we propose the application of two criteria for agricultural land value assessment, notably:**

#### **a) Land value assessment based on yield (yield that land gives by regular exploitation)**

In order to obtain a real value of agricultural land, it is important to calculate the net profit from its production for each crop, three most often grown crops: corn, wheat and fodder crops, it is to say potential income minus the variable costs (production costs).

The acquired certain average value represents a capitalised annual rent, i.e. cash, which would yield the appropriate amount if deposited at a market interest rate.

The potential real value of the subject land was estimated according to the formula:

real value of the land =  $(100 \times P)/K$

P = amount of the acquired achieved income from the land

K = usual interest rate on time deposits

The price of the land is influenced by the supply and demand for the land. Interest and annuity determine the natural price of land, and the competition determines the factual one, which oscillates around the natural price.

#### **b) Land value assessment based on the market or trade value of the land**

It is assumed that the market value of the land is a most realistic estimate of fair compensation because this allows the acquisition of other immovable property with such characteristics. The market price would be determined as an average price of agricultural land achieved in the free trade in a certain area for a certain period of time. The market price is not an appropriate reflection of the real value of the land, even if freely formed. For that reason, it is not always fair for both the former owner and the expropriation beneficiary. We recommend that in the subject area all credible indicators for the trade of agricultural land be taken into account, either according to the data of the tax administration or the real estate market by a system of comparative prices. The market value of agricultural land may sometimes happen to be unfair because it involves various factors, which are often not economic in character.



## Corrective factors that impact the land market price

Using the above methods, the baseline values of the land are determined. The estimated baseline values of the land are influenced by the factors identified and determined by the expert in the field; they can increase or decrease the estimated baseline value by a specific percentage in the following way:

- if the land is degraded, the estimated baseline value is decreased by 50 %,
- if the deployment of modern mechanisation on the plot is aggravated, the estimated baseline value is decreased by 10 %,
- if the land has been neglected, the estimated baseline value is decreased by 7 %,
- if the plot cannot be accessed directly from the road, the estimated baseline value is decreased by 5 %,
- if the plot is located by a macadam road, the estimated baseline value is increased by 5 %,
- if the land is regularly maintained, the estimated baseline value is increased by 7 %,
- if the plot is located by an asphalt road, the estimated baseline value is increased by 10 %,
- if the land can be observed as potential construction land, the estimated baseline value is increased by 100 %,

The corrected baseline value of the land represents an estimated market value of the land taking into account all significant factors that affect the agricultural land price.

The only way to make quality, uniform or impartial assessments in the subject expropriation area is to make a methodology for assessing the value of the expropriated agricultural land. Criteria for assessing the market value of agricultural land are clear, precise and uniform so that they provide significant support to expert's findings and assessments.

## Methodology for agricultural crop value assessment

An estimate of the value of agricultural crops is done for those crops that were sown and are on the plot at the moment of assessment and which the owner will not be able to use due to land expropriation. In that case, an assessment of income and lost profit is made. The total lost profit is assessed based on the expected profit of this production. With regard to this, the average values for the Republika Srpska are taken.

## Assessments of the lost profit for annual agricultural crops

An estimate of the total lost profits for annual agricultural crops is based on the lost profit from that production for one year; the basic calculation for estimation is given in the following table:

Crop	Yield t/ha	Price KM/t	Total income KM/ha	Variable costs KM/ha	Total profit KM/ha
Corn grain	5	300.00	1,500.00	565.00	935.00
Wheat grain	4	270.00	1,080.00	545.00	535.00

## Assessments of the lost profit for perennial fodder plants

As estimate of the total lost profit for perennial fodder plants is based on the lost profit from that production for a number of years for which exploitation is assessed. Intensive exploitation primarily depends on the type of fodder plants and cultivation method. An expert in the field assesses the remaining period of exploitation; this period is multiplied by the expected annual profit for that crop. The expected annual profit is given in the following table:

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Crop	Yield t/ha	Price KM/t	Total income KM/ha	Variable costs KM/ha	Total profit KM/ha
Grass-clover mixture	8	300.00	2,400.00	400.00	2,000.00
Natural meadow	4	200.00	800.00	200.00	600.00

### Assessments of the lost profit for vegetables

As estimate of the total lost profit for vegetables is based on the lost profit from that production for a number of years for which exploitation is assessed. Intensive exploitation primarily depends on the type of vegetables and cultivation method. The potato is the most frequent vegetable grown in the subject area. The expected annual profit is given in the following table:

Crop	Yield t/ha	Price KM/t	Total income KM/ha	Variable costs KM/ha	Total profit KM/ha
Potato	25	300.00	7.500.00	4.800.00	2.700.00

### Methodology for the assessment of fruit species value

Agricultural experts base their assessment for fruit species (trees) and vine on Article 57 of the Expropriation Act (RS Official Gazette, Nos. 112/06, 37/07, 110/08 and 79/15), which among other things prescribes that the compensation for fruit trees and vine is determined as follows:

- for fruit trees and vine that are in the fruiting stage
  - in an amount of the entire income from that tree, i.e. vine, for a number of years that are necessary to grow that species of the fruit tree, i.e. vine and their development to the fruiting stage;
- for fruit trees and vine, which have not begun to yield fruits – in an amount of costs that are necessary to procurement, plantation and growing of such seedlings;
- in addition to the compensation referred to in previous paragraph, the compensation for technical wood is also determined in line with the criteria for granting compensation for forest trees, unless the former owner retains the trunks.

In the case of perennial fruit trees, pursuant to Article 57 of the Expropriation Act, the so-called turn-over coefficient is taken into account, i.e. a number of years from the planting to reaching the full yield of that fruit species. Each fruit species has a specific coefficient with which the assessed yield is multiplied. When making an assessment, climatic and soil conditions in the subject area, as well as the variety, market prices, average yield and turnover coefficient– a corrective factor are taken into account. For fruit trees with a diameter at breast height larger than 10 cm, the wood pulp of these trees is also included in the assessment.

### Assessment of wood pulp of fruit trees

For trees with a diameter at breast height ranging from 10 to 25 cm, the total wood pulp is only firewood, whereas for trees with a diameter at breast height ranging from 30 to 60 cm, the total wood pulp is divided into:

- wood waste 15% (which is deducted from the total wood pulp)
- technical wood - logs 32%
- firewood 53%

The average price of technical wood (conifers and deciduous trees) is taken from the price list of PC "Srpske šume" and it amounts to 122.00 KM/m<sup>3</sup>, whereas the price of firewood is 33.00 KM/m<sup>3</sup> for standing hard deciduous trees.

All wooden pulp from trees that are located in the expropriation strip, counting forest and individual trees shall be transferred to the possession of their owners, and this category was not included in the cost assessment.

### **Assessment of forest land value**

Article 58 of the Expropriation Act (RS Official Gazette, No. 112/06) defines that the compensation for expropriated forest land is determined in an amount of compensation that would be determined for the closest **pasture** with the identical position.

Compensation for wood pulp (mature or nearly mature forest) is determined based on the value of the wood on stump, established in line with baseline prices and documents issued based on that system for production assortments (after the deduction of production costs).

Compensations for forest plants that have not reached technical maturity are determined:

- a) for young seedlings for which exploitation costs would be higher than the value of average wood pulp - compensation for real costs of procurement of seedlings, planting and growing;
- b) for other older trees - compensation for wood pulp in line with the criteria referred to in the previous paragraph increased by the value of growth lost due to early felling.

Costs of growing young forest, man-made forest, are established in an amount of forestation costs; the costs of growing young natural forest - in an amount of artificial forestation with seeds.

The estimated baseline values of forest land are influenced by the factors identified and determined by the expert in the field; they can increase or decrease the estimated baseline value by a specific percentage in the following way:

- if the land is degraded, the estimated baseline value is decreased by 50 %,
- if the plot is located by a macadam road, the estimated baseline value is increased by 5 %,
- if the plot is located by an asphalt road, the estimated baseline value is increased by 10 %,

### **ASSESSMENT OF THE VALUE OF LAND AND FACILITIES**

#### Land value assessment

An assessment based on the trade or market of real estates in this case is completely acceptable since the subject areas are located in the territory of the City of Bijeljina. Generally, a conclusion can be drawn that there has been a recent trend of a decrease in the land trade. Such data in the market are available, as well as the data from the Republika Srpska Tax Administration (*An overview of market values of real estates by zones for cities and municipalities in the Republika Srpska*). Price values for the majority of land categories, as well as other types of immovable estates are available for the subject cadastral boroughs in the territory of the City of Bijeljina (<http://www.poreskaupravors.org/SiteCir/TrzisneVrijednostiNepokretnosti.aspx>).

In the elaboration of this assessment was also used the Rulebook of real estate value assessment RS OG no. 37, which can also partly serve as a basis for the creation of the market, i.e. fair compensation for agricultural land.

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According to the structure of areas, agricultural land occupies 245 210 m<sup>2</sup> or 91,74 % of the total subject expropriated area (only the privately owned area that is subject to expropriation was taken into account), forest 21 871 m<sup>2</sup> or 8,19 %, and land under roads occupies 181 m<sup>2</sup> or 0.07 %. Agricultural land is dominant in the structure of areas. The total agricultural land is dominated by plough land in 90.55% and garden 1.19 % of expropriated plots.

Type of land	Total area /m <sup>2</sup>	Average value /KM	Value/ KM
PLOUGH LAND 2	242013	1.6	BAM 387.220,8
GARDEN	3197	1.6	BAM 5.115,2
<b>TOTAL AGRICULTURAL</b>	<b>245.210,00</b>		<b>BAM 392.336,00</b>

Type of land	Total area /m <sup>2</sup>	Average value/ KM	Value/ KM
Forest	21.871,00	1.6	BAM 34.993,60
<b>TOTAL FOREST</b>	<b>21.871,00</b>		<b>BAM 34.993,60</b>

Type of land	Total area /m <sup>2</sup>	Average value/ KM	Value/ KM
Roads (uncategorized)	181,00	1,6	289,60
<b>TOTAL ROADS</b>	<b>181,00</b>		<b>BAM 289,60</b>

**Total price for land is 427.619,20 KM.**

## **ASSESSMENT OF THE LOST PROFIT**

### **Assessed lost profit from agricultural crops**

An estimate of the value of agricultural crops is done for those crops that were sown and are on the plot at the moment of expropriation and which the owner will not be able to use due to land expropriation. In that case, an assessment of the caused lost profit (damage) to the owner is made. According to the findings of the conducted assessment, the lost profit is assessed in the following way:

1. Corn  
169,41 ha x 935 KM/ha BAM 158,397.51
2. Wheat  
72.6 ha x 535 KM/ha BAM 38,843.09

The total assessed value of agricultural crops that were sown and are on the plot at the moment of expropriation and which the owner will not be able to use due to land expropriation, i.e. the assessed lost profit from agricultural crops for the expropriated land is **BAM 197.240,60.**

### **Assessed lost profit from vegetables**

1. Potato	
0.32 ha x 2700 KM/ha	BAM 863.19
<b>TOTAL</b>	<b>BAM 863.19</b>

Total assessed value of agricultural crops and vegetables amounts to **BAM 198,103.79**.

### **Fruit trees value assessment**

Individual fruit trees and trees in orchards were assessed according to the same methodology in line with a corrective factor and price for the adequate species.

Fruit trees in the expropriation coverage comprise 74 trees, of which a majority are apple trees (56), plum trees (18), pear trees (21) and apricot trees (7).

The lost profit is assessed in the following way:

1. Apple

35 kg x 56 x 0,50 KM x 7 (corrective factor) = BAM 6,860.00

2. Plum

40 kg x 18 x 0,50 KM x 7 (corrective factor) = BAM 2,520.00

3. Pear

40 kg x 21 x 0,50 KM x 7 (corrective factor) = BAM 5,292.00

4. Apricot

25 kg x 7 x 1.00 KM x 5 (corrective factor) = BAM 875.00

The total assessed value of the lost profit from individual fruit trees in plots, which the owner will not be able to use due to expropriation is **15 547,00 KM**.

### **Other provisions**

The compensation for expropriated agricultural, construction and urban construction land is determined in cash so that it is fair and not lower than the market value of such land.

The amount of compensation for expropriated immovable property in court proceedings is determined according to the circumstances present at the moment of the issuance of a first-instance decision on compensation.

If the expropriation beneficiary was transferred the immovable property into possession prior to a decision on expropriation, the owner can choose for the compensation to be determined either according to the circumstances present at the moment of transfer of the immovable property or at the moment of the issuance of a first-instance decision.

The former owner is also entitled to the compensation for lost profit that he would have achieved by the previous method of exploitation of the expropriated immovable property from the date of transfer of that immovable property into possession of the expropriation beneficiary to the moment of his entering into possession of the replacement immovable property or to the expiry of deadlines given for payment, i.e. deposit of the cash compensation.

The former owner of the expropriated land is entitled to harvest crops and gather fruits that have matured at the moment when the beneficiary of the expropriated land enters into possession.

If the former owner was unable to harvest crops and gather fruits prior to the entry into possession by the expropriation beneficiary, the former owner is entitled to the compensation for crops after the deduction of necessary costs that he would have incurred until harvest or gathering.

In case of establishing easement, the compensation is determined in an amount by which, due to established easement, the market value of the immovable property was reduced, as well as the resulting damage.

In case of establishing lease, the compensation is determined in the amount of rent that is achieved at the market.

The compensation can be determined in the form of a one-time amount for the entire lease or in occasional instalments that are paid in equal time intervals.

The compensation is calculated from the day when the expropriation beneficiary entered into possession of the land.

For the possible damages incurred due to lease, the lessee is liable to the land owner in accordance with general regulations relating to damage liability.

The compensation for temporary land occupation is determined in an amount and in a way as defined by this law for the compensation in case of establishing lease.

If it comes to expropriation of such extent that a significant number of residents will have to move from the area where the expropriated immovable properties are located, a special law can prescribe forms and conditions for compensations.

The former owner can demand the compensation be determined in accordance with the provisions of this law if more suitable for him.

The expropriated property cannot be transferred into the possession of the expropriation beneficiary until the expropriation beneficiary has fulfilled obligations to former owners relating to compensation determined based on a special law.

#### Procedure for determination of compensation

After a decision on expropriation was rendered irrevocable, the administrative body is obliged to schedule and hold an oral public debate, without delay, on agreeable determination of compensation for the expropriated immovable property.

The administrative body shall endeavour for the parties to reach an agreement on compensation, warning them of their rights and obligations in line with the provisions of this law.

In order to prepare a debate, the parties may submit their proposals, and the body of administration shall acquire written notifications from other bodies relating to the facts that can be significant to the compensation amount determination.

An agreement on compensation for expropriated properties must comprise the form and amount of compensation, as well as the deadline in which the expropriation beneficiary is obliged to fulfil obligations relating to compensation.

A compensation agreement is registered in the minutes, which must contain all details necessary for the fulfilment of the expropriation beneficiary's obligations.

An agreement on compensation or part of the compensation is considered entered into when both parties sign the minutes in which the agreement is registered.

The minutes in which a compensation agreement is registered has the force of an enforceable document.

If no agreement on compensation is reached within two months as of the date the expropriation decision was rendered irrevocable, administration body shall deliver, without delay, an irrevocable expropriation decision with all documents to a competent court under whose jurisdiction the expropriated real estate is located in order to determine compensation in an extra-judicial procedure.

The body referred to in the previous paragraph can, deliver a decision on expropriation with the files to a relevant court even before the expiry of two months, if depositions and behaviour of parties lead to a conclusion that no compensation agreement can be reached.

If the body of administration fails to act in a time period referred to in paragraph 1 of this Article, the former owner of an expropriated property and the expropriation beneficiary can directly address the court relevant to determine the compensation.

The procedure of determination of compensation for expropriated immovables is urgent.

As of the day of irrevocability of a decision of complete expropriated, all mortgage, personal easement and other proprietary rights on the expropriated property cease.

If an expropriated property was mortgaged, or usufruct or some other proprietary right existed, the expropriation beneficiary is obliged to deposit an appropriate amount with the bank in a separate account, except in cases when the owner of a mortgaged expropriated property was given some other immovable property as compensation; in this case the mortgage is transferred to this immovable property.

Proprietary rights referred to in this paragraph are deleted from land registers upon a proposal of the expropriation beneficiary if the expropriation beneficiary has previously deposited an appropriate amount for compensation with a bank.

In case that mortgage existed, the bank shall pay the compensation to the owner of the expropriated immovable property, i.e. the compensation to the holder of a proprietary right only based on their written agreement certified by a relevant court of law or based on a court decision.

Registration of the ownership right and other proprietary rights on an expropriated immovable property that is given as compensation to the former owner shall be effected based on an irrevocable decision on expropriation and proof of paid compensation, if this decision determined cash compensation, i.e. proof of acquiring the ownership right on other appropriate immovable property by the former owner; this is effected upon a request of the expropriation beneficiary or the former owner of an immovable property.

## CONCLUSION

Assessments of the value of agricultural and forest land, fruit trees, loss of profit from agricultural crops, forest stands and individual trees, as well as uncategorised land in the subject expropriated area were conducted in line with good practice and the methodology previously explained in detail. The assessed value is given in the following table:

TYPE OF IMMOVABLE PROPERTY	VALUE ASSESSED IN KM
Agricultural, forest, uncategorised land	BAM 427,619.20
Increase by 25% for agricultural and forest land	BAM 106,832.40
Lost profit from agricultural crops and vegetables	BAM 198,103.79
Fruit trees	BAM 15,547.00
<b>TOTAL</b>	<b>BAM 748,102.39</b>

The total amount of cash funds necessary to expropriation of agricultural and forest land, fruit trees, lost profit from agricultural crops, forest stands and individual trees, as well as for uncategorised land amounts to **748,102.39 KM (in words: seven hundred and forty-eight thousand, one hundred and two convertible marks and thirty nine fening).**

## ANNEX 2

### PRIVATE PROPERTY LEGALISATION

#### **1. Law on Spatial Planning and Construction (,,Republika Srpska Official Gazette, No. 40/13)**

Private property legalization method is primarily defined by the Law on Spatial Planning and Construction; this especially refers to chapter V Legalisation (Articles 151 to 169).

#### V LEGALISATION

##### 1. Legalisation procedure

##### 1.1. Concept of legalisation and legalisation request submission

###### Article 151

(1) In sense of this law, legalisation represents the subsequent issuance of location requirements, building permit and use permit for facilities, i.e. parts of a facility, which were constructed, begun or reconstructed without a building permit. This also refers to the facilities constructed based on a building permit, on which a departure from the building permit and the main design was committed during construction, but which were constructed or whose construction started by the day of entering of this law into force.

(2) A constructed, started or reconstructed facility referred to in paragraph 1 of this Article is considered a facility for which a legalisation request was submitted in line with regulations which were earlier valid or if a facility was registered (a request submitted, aerial photogrammetry image, a spatial planning document, an image of the existing condition etc.) with a body in charge to issue the building permit or with a town planning and construction inspectorate prior to entrance of this law into force.

(3) As an exception to paragraph 1 of this Article, in line with the provisions of this law, a procedure for the legalisation of completed structures is conducted without subsequent issuance of location requirements except if necessary for the legalisation of a facility on the state-owned land.

(4) Facilities built prior to the first aerial photogrammetric imaging performed for the area of a local government by the end of 1980 are considered lawfully constructed.

(5) The owners of plots bordering on a plot on which a facility that is subject to legalisation is located, who did not demand that inspection supervision take measures during illegal construction in order to prevent illegal construction or did not state an objection to such construction to a body in charge to issue the construction permit, do not hold a capacity of a party in the procedure of legalisation of such facility.

###### Article 152

By way of derogation from Article 151 of this Law, for individual residential and individual residential and commercial buildings with a gross building area of less than 400 sq m, except for complex facilities within the meaning of this Law, when the building permit authority determines that a facility that is the subject to legalization has been completed and meets the prescribed requirements for construction and use, the subsequent construction and use permits are issued by the same decision.



### Article 153

(1) The procedure for legalisation of the facility referred to in Article 151 paragraph 1 of this Law is initiated upon a request of the investor or owner of the illegally constructed facility, i.e. illegally constructed part of the facility.

(2) A local government body in charge of legalisation affairs performs an insight on the spot within 30 days as of the request submission date, and notifies the applicant of to which extent legalisation is possible and which evidence is to be submitted subsequently as supplement to the request.

(3) A planning basis for legalisation of the facility referred to in paragraph 1 of this Article is the enforceable spatial planning document. In the absence of such a document for the land on which the facility was constructed, the procedure for establishment of a planning basis for legalisation is implemented in line with the provisions of this Law.

(4) A request for legalisation is submitted within 2 years from the day of entrance of this law into force.

(5) The owners of illegally constructed facilities, meaning parts of facilities, who submitted legalisation requests within deadlines prescribed by the previously valid Law on Spatial Planning and Construction, are not obliged to submit a new request in sense of paragraph 1 of this Law. A request submitted earlier is considered a request in sense of this Law, and it will be resolved according to the provisions of the regulation that is more favourable for the applicant.

(6) A legalisation request cannot be submitted after the expiry of the deadline referred to in paragraph 4 of this Article.

(7) The request referred to in paragraph 1 of this Article is a basis for temporary maintenance of the facility and connection to the facilities of communal and other infrastructure until the legalisation procedure is irrevocably terminated according to the provisions of this Law.

#### 1.2. Facilities for which an additional construction permit cannot be issued

### Article 154

(1) A subsequent construction permit cannot be issued for the facilities constructed, i.e. reconstructed or annexed without a construction permit if:

a) the facility was constructed on the land inconvenient for construction, such as: landslide, swamp, land exposed to floods and other elementary disasters and similar

b) the facility was constructed with materials that do not provide for durability and safety of the facility,

v) the facility was constructed on public land, i.e. on land planned for restructuring or construction of public facilities or on public land for which public interest was declared in line with the provisions of a special law, and

g) the facility was constructed in the zone I of natural goods protection, meaning in the zone of protection of cultural goods of exceptional significance and the zone of protection of cultural goods registered in the list of world's cultural heritage.

(2) As an exception to the provisions of paragraph 1 item v) of this Article, the relevant body shall issue a decision on temporary retention for a facility that was built on green areas (except for the facilities built on the existing or planned park areas) or if a facility was built in a protective strip of a public infrastructure good, with a previous consent from the body managing that good.

(3) Facilities built without a construction permit in the II and III degree of natural goods protection can be subject to legalisation if they had been constructed before a document placing that good under protection was issued.

(4) Facilities built without a construction permit in the III degree of natural goods protection, after the issuance of a document placing that good under protection, can be subject of legalisation if they were

constructed in accordance with the values, potential and capacities of the protected area, in line with sustainable development principles. This is established based on consents of the body in charge of affairs relating to protection of natural and cultural-historic heritage.

### 1.3. Documentation necessary for the legalisation of a finished facility

#### Article 155

(1) Exceptionally, legalisation for finished facilities referred to in Article 151 paragraph 1 of this law, which do not conform to the spatial planning document, can be performed without previous amendments to the spatial planning document. This is applicable only if the deviance from the planned number of floors of the facility is 2 floors at most, out of which the last is attic or if the variation is up to 10% of the planned horizontal dimensions; however these deviances must not violate the regulation and construction line.

(2) In case referred to in paragraph 1 of this Article, the investor, i.e. the owner of a facility built for commercial purposes, is obliged to pay the local government also the amount of costs of changes and amendments to the spatial planning document, which would be demanded for the legalisation of such facility according to the expert opinion of the consultant in the spatial planning document elaboration in whose coverage the facility is located, in addition to the compensations for legalisation prescribed by the provisions of this law, except for legalisation fees prescribed by the provisions of this law.

(3) The amount referred to in paragraph 2 of this Article which the investor, i.e. owner of a facility pays for amendments to the spatial planning document is established by the relevant local government body in a decision establishing the costs of rent and construction land development. This is based on average costs of the spatial planning documents elaboration in its area in the previous year. These funds are used for the spatial planning documents elaboration.

(4) The legalisation of the facility referred to in paragraph 1 of this Article can be done after the relevant body of administration has established that all requirements relating to stability and safety of the facility prescribed in this law are met, and that such legalisation has no negative impacts on neighbouring facilities and rights of other persons, based on the expert opinion of the consultant in the spatial planning document elaboration in whose coverage the facility is located.

#### Article 156

(1) A decision on subsequent issuance of the construction and usage permits for a finished facility referred to in Article 152 of this Law is issued based on:

- a) evidence of ownership,
- b) the construction permit if such permit was issued,
- v) a geodetic survey of the as-built state of an illegally built facility, made by a person authorised for surveying and cadastre of immovable and a copy of a cadastral plan,
- g) two copies of an as-built design for legalisation – architectural phase,
- d) minutes of performed expertise of technical worthiness, mechanical resistance, stability and quality of construction and conformity with conditions for usage of a facility, issued by a legal entity that has a licence to elaborate or review technical documentation or construct facilities,
- đ) an opinion of a body dealing with the affairs relating to protection of natural and cultural-historic heritage if the facility is located in the zone of protection of natural or cultural heritage,
- e) consent of the relevant public company if the facility was built within the borders of water resources r in a protective strip,
- ž) evidence of paid legalisation compensation of a facility, calculated according to this law for issuance of a subsequent construction and usage permit for illegally built facilities, and
- z) evidence of paid compensations prescribed by other laws.

(2) A finished facility referred to in paragraph 1 of this Article is considered a facility or a part of facility that represents a functional unit on which all construction, craftsman and other works were done; these works affect stability, horizontal and vertical dimensions and appearance of the facility.

(3) The as-built design referred to in paragraph 1 item g) of this Article consists of:

- a) general data of the facility's owner: name, family name, i.e. name and seat of the investor,
  - b) data of the authorised person that developed the as-built recording,
  - v) data of the facility's location: place, street and number, number of cadastral lot, name of cadastral borough and name of the local government,
  - g) data on the purpose of a facility,
  - d) data of the size of the building, gross and usable area of the building, number of floors and total height of the building, value of the facility,
  - đ) drawings of floors layouts, cross-sections and façade in a 1 : 100 ratio, exceptionally in other appropriate ratio,
  - e) description of the state of the facility as to completion , i.e. condition of finished works, and
  - ž) photo documentation that consists of at least four photographs of all facades of the facility.
- 1.4. Decision of subsequent issuance of a construction permit for unfinished facilities

#### Article 157

(1) A decision on subsequent issuance of the construction permit for individual residential and individual business and residential facilities whose gross construction area is less than 400 sq m, is issued under the conditions prescribed by Article 156 of this Law except for complex facilities in sense of this Law, which were not completely finished, but on which the structure of the facility, roof and façade walls are finished. However, it is not necessary to submit evidence referred to in paragraph 1 item d) of the mentioned Article.

(2) A decision on subsequent issuance of the construction permit for unfinished facilities on which the works referred to in paragraph 1 of this Article are not finished is issued based on evidence referred to in Article 128 of this Law.

(3) The usage permit for facilities referred to in paragraphs 1 and 2 of this Article is issued according to the provisions of this Law.

#### Article 158

When minutes of a performed expertise of technical worthiness, mechanical resistance, stability and quality of construction and conformity with conditions for usage of the facility or a design of a built facility that does not contain all necessary phases or parts of the design are enclosed as evidence in a procedure of legalisation, a body in charge of issuing construction and usage permits for a facility states in the preamble of its decision that it does not guarantee the safety and stability of the facility, given the minimal technical documentation enclosed with the request.

#### 1.5. Subsequent issuance of the construction permit for public infrastructure structures

#### Article 159

As an exception to Article 151 of this Law, for public infrastructure structures that are used without adequate documentation, construction and usage permits can be issued in one decision based on:

- a) evidence of ownership and a proprietary certificate,
- b) a copy of a cadastral plan with a charted facility that is subject to procedure and neighbouring facilities,
- v) a technical description of as-built state of the facility,

- g) the as-built design consisting of: layout of the structure, basic, cross-section, longitudinal cross-section with the terrain profile and the appearance of the structure, and
  - d) report of control testing of bearing capacity of the structure in trial loading, when such testing was envisaged in a procedure of issuance of a usage permit.
2. Compensations in the procedure of legalisation

#### Article 160

- (1) The investor, i.e. owner of a facility for which the issuance of a decision of construction and usage permit subsequent issuance is requested is obliged to pay the facility legalisation fee, i.e. a fee for construction land development and rent prescribed by Article 73 of this Law, calculated in the procedure of the issuance of a decision on subsequent issuance of construction and usage permit for illegally constructed facilities (hereinafter: a legalisation fee).
- (2) The investor, i.e. owner of a facility pays a legalisation fee calculated for the total usable area of the facility.
- (3) The fee referred to in paragraph 2 of this Article is paid to the account of public income of the local government body.
- (4) A legalisation fee is established in a decision issued ex officio by a local government body in charge of communal affairs after the local government body in charge of affairs relating to the issuance of the subsequent construction and usage permit has established that all other requirements are met and delivered necessary data for the calculation of this compensation

#### 2.1. Legalisation fee decrease

#### Article 161

- (1) A legalisation fee referred to in Article 160 paragraph 1 of this Law is reduced for the investor, i.e. owner of an individual residential and individual residential and business facility with a gross construction area of up to 400 m<sup>2</sup>, who permanently solved his residential issue and residential issue of members of family household by the construction of the facility whose legalisation is requested if he or members of his family household do not own other immovable property in the area of the local government in whose area the facility that is subject of legalisation is located. This does not apply to facilities constructed in the first residential and business zone in line with the decision of the local government referred to in Article 69 paragraph 1 of this Law, notably:
- a) for apartments of total net useful area of up to 100 sq m in family individual residential and individual residential and business facilities, decreased by 15% for every member of the family household, however the total decrease on this ground cannot exceed 75%,
  - b) for the next 100 sq m of net useful area in the same facility the fee is decreased by 10% for every member of the family household up to maximum percentage of decrease of 60%.
- (2) A legalisation fee referred to in Article 160 paragraph 1 of this Law is decreased for the investor, i.e. owner who is unemployed, as well as for unemployed full-of-age members of his household if he or members of his family household do not own other immovable property in the territory of the local government in whose area the facility that is subject of legalisation is located. This does not apply to the facilities built in the first residential and business zone in line with the decision of the local government, notably for business premises with total net useful area of up to 100 m<sup>2</sup> in family residential-business facilities, for every unemployed full of age member of the family household by 20%. However, the total decrease on this ground cannot exceed 60%.
- (3) For apartments and business premises whose area is larger than the area referred to in paragraphs 1 and 2 of this Article, the investor, i.e. owner pays a legalisation fee for a difference of really built area and the area up to which a decrease calculated in line with Article 160 of this Law is approved.

## Article 162

(1) A legalisation fee calculated in line with Article 160 of this Law is additionally decreased if the investor, i.e. owner of an individual residential and individual residential-business facility with an area of up to 400 m<sup>2</sup> holds status of:

a) a disabled war veteran from category III to X or a member of his household holds that status, who acquired that status based on the regulations of the Republic relating to rights of war veterans, disabled war veterans and families of killed war veterans – by 50%,

b) war veterans from category I to V or a member of his household holds that status, who acquired that status based on the regulations of the Republic relating to rights of war veterans, disabled war veterans and families of killed war veterans – by 15% and

v) refugees, displaced persons or returnees who held that status at the time of illegal construction of a facility based on the regulations of the Republic relating to rights of refugees and displaced persons – by 30%.

(2) The family of a killed war veteran or a disabled war veteran in category I or II, i.e. if the investor is a member of his family household, as well as a minor child whose both parents were murdered, killed, died or went missing as civil war victims, who acquired that status based on the regulations of the Republic and persons who hold status of the most severe civil disabled persons in wheelchair and blind persons, do not pay the legalisation fee.

(3) A person referred to in paragraphs 1 and 2 of this Article is not recognised the rights that he can exercise in line with the provisions of this Article if he had already exercised the rights in a procedure of resolving a residential issue by allocation of a state-owned property based on his status.

## Article 163

(1) The decreases that are recognised to investors based on the provisions of Articles 161 and 162 of this Law represent subventions of local communities for resolution of residential needs and issues of employment of the mentioned persons.

(2) The sum of all decreases of the legalisation fee, which are recognised to the investor of an illegally built facility based on Articles 161 and 162 of this Law cannot exceed 80%, except for the persons referred to in Article 162 paragraph 2 of this law.

(3) The investor pays a legalisation fee for the facilities referred to in Article 125 of this Law, in the amount of 50% of the amount referred to in Article 160 of this Law, decreased under the conditions prescribed in Articles 161 and 162 of this Law.

(4) The investor pays a legalisation fee referred to in Article 160 of this Law for the legalisation of the facilities built in the first residential-business zone and for the legalisation of facilities that the investors built for commercial purposes in full amount.

(5) For the legalisation of unfinished facilities referred to in Article 157 paragraph 2 of this Law, the investor is recognised legalisation fee reductions envisaged in this Law only if a ceiling structure was built above at least one floor of the facility above the ground.

### 2.2. Legalisation fee payment method

## Article 164

The investor, i.e. owner can pay the legalisation fee calculated in accordance with Article 160 of this Law in following ways:

- a) in cash in single payment, with an additional 10% discount
- b) in equal monthly instalments for a payment period that cannot exceed 10 years, with a 1% annual interest and
- v) in bonds of the Republic issued for material and immaterial damage.

#### Article 165

(1) The investor can pay legalisation fees in a combination of envisaged payment methods prescribed in Article 164 of this Law.

(2) A regulation of the Government establishes detailed conditions, method of calculation and payment of the legalisation fee for facilities.

### 3. Temporary retention of illegally built facilities

#### Article 166

(1) An illegally built facility in usage or its part that cannot be permanently legalised in line with the provisions of this Law is temporarily retained until the land on which it was built is brought to its end use according to the implementing spatial planning document. A local government body issues a decision with this regard.

(2) The investor referred to in paragraph 1 of this Article is obliged to pay the amount of 20% of the legalisation fee calculated in line with Article 160 of this Law for temporary retention of the facility, without a right to reduction.

(3) Documentation prescribed by the provisions of this Law is enclosed for temporary retention of the facility for certain type and size of the facility.

(4) No decision on temporary retention can be issued for the facilities referred to in Article 154 paragraph 1 of this Law.

(5) A land rent contract or other contract in the law-prescribed form can serve as evidence of solved property and legal relations during the issuance of a decision on temporary retention of the facility.

(6) The facility referred to in paragraph 1 of this Article for which a decision on temporary retention is issued can be connected to the facilities of communal and other infrastructure.

(7) A decision on permanent retention can be issued for the facility referred to in paragraph 1 of this Article for which a decision on temporary retention was issued if, before the expiry of temporariness, a new implementing spatial planning document, which planned its retention, is issued; the fee paid in line with paragraph 2 of this Article is included in the legalisation fee costs.

#### Article 167

The investor of a facility referred to in Article 166 paragraph 1 of this Law is obliged to remove the facility at his cost after the conditions for temporary retention are terminated, without a right to compensation for the removed facility

#### Article 168

(1) If a legalisation request is submitted, the relevant town planning and construction inspector issues a conclusion that will terminate a decision implementation procedure for removal of an illegally built or started facility or a part of the facility until the procedure referred to in Article 151 of this Law is irrevocably terminated, except if it was established in an appropriate procedure that the retention of such facility would disable the bringing the land on which it was built to its end use in line with the implementing spatial planning document.

(2) When the procedure referred to in paragraph 1 of this Article is finished by the issuance of a decision on subsequent issuance of construction and usage permits, the inspector will discontinue the procedure of implementation of the decision on removal of an illegally built or started facility or part of the facility after that decision became irrevocable.

(3) When the procedure referred to in paragraph 1 of this Article irrevocably terminates by dismissal or rejection of the request, a town planning and construction inspector will continue the implementation of a decision on the removal of an illegally built or started facility of part of the facility.

(4) The relevant town planning and construction inspector is obliged to initiate the procedure for removal of an illegally built facility after the expiry of the deadline referred to in Article 153 paragraph 4 of this Law for which the investor did not submit a legalisation request.

**2. Decree on conditions, calculation method and payment of a fee for legalization of facilities  
(Republika Srpska Official Gazette, No. 97/13)**

The amount of the fee for legalisation of facilities is defined by the Decree on conditions, calculation method and payment of a fee for legalization of facilities.

## ANNEX 3

### INFORMATION LEAFLET LAND ACQUISITION AND RESETTLEMENT POLICY THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA PROJECT WITHIN THE DRINA RIVER FLOOD PROTECTION PROJECT IN BIH, SECTION 2 STAGE 2

In the continuation are given the form and contents of the information leaflet in the construction of a protection dyke in the City of Bijeljina project within the Drina river flood protection project in BiH, section 2 stage 2, L=4,81 km.

#### A. Introduction

- a) Short project description
- b) Project layout
- c) Total land area per categories

#### B. Planning / Implementation of the rehabilitation and compensation programme

#### C. Resettlement policy and principles

#### D. Requirements and rights to compensation

- a) Requirements for compensations
- b) Rights to compensations

#### E. Compensation amount

The table below represents a specification of a compensation amount for affected properties

Table 2, Land acquisition costs

Item	Compensation calculation	Unit	Unit value in KM
Agricultural land	In the entire length	m	
Non-agricultural land	Settlements in the dyke coverage	m	
Forest land	Forest land in the dyke coverage		
Crops	Market value of products in x areas (m)	m	
Non-productive fruit trees	Based on funds necessary for fruit tree growing		
Productive fruit trees	Based on future income of x years necessary to regrow a fruit tree		
Facilities	Based on relocation costs (material, workforce, transport)		
x			
x			
Compensation	As prescribed by the compensation matrix		

#### F. Appellate procedure

#### G. Special recommendations for affected persons relating to the legalisation of plots that can be legalised

#### H. Contact information

This part provides contact persons for all additional information and advice:



RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER  
THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)

No.	Legal entity	Name and surname of contact person	Contact information
1.			
2.			
3.			
X			
X			

**COMPLAINT SUBMISSION FORM**

<b>Name and surname</b>		
<b>Contact information</b>  Please, mark your preferred communication method (post, telephone, e-mail)	<input type="checkbox"/> <b>Postal address:</b>	_____ _____ _____
	<input type="checkbox"/> <b>Telephone:</b>	_____
	<input type="checkbox"/> <b>E-mail:</b>	_____
<b>Describe your complaint:</b>		<b>What are you complaining about?</b>
<b>Date of complaint:</b>	<b>Decision made during the negotiations:</b>	
<b>What is the basis of your complaint?</b>		
Signature: _____		
Date: _____		

## ANNEX 4

### SOCIAL ASSESSMENT RESULTS Section 2 stage 2, L= 4.81 m

During the preparation of sociological research and the location of planned activities itself, the following stakeholders were identified:

1. City Administration of the City of Bijeljina
2. Agrarian Fund of the City of Bijeljina
3. Janja Local Community
4. Amajlije Local Community

We interviewed representatives of the identified stakeholders for the needs of subject researches, and learned their viewpoints that are given in the continuation; their viewpoints relate to social and sociological components of the planned project activities.

The project location comprises inhabited areas and privately owned land that could be jeopardised by the implementation of project activities. The impact assessment identified project impacts that could be in interactions with the closest population and their possessions, thus there was a need to collect their viewpoints as well. For that reason, the viewpoints of identified stakeholders were collected for the needs of sociological researches; the population at the project location was also surveyed.

A method of surveying the population through interviews was used to research the public viewpoint. During the research, a sample of about 20% of the surveyed persons was made with the purpose of representativeness of the surveyed sample.

The surveying was conducted directly in the field and by telephone calls.

#### ❖ COLLECTING THE STAKEHOLDERS' VIEWPOINTS

Within the qualitative research, at the project location was conducted the collection of viewpoints of stakeholders City of Bijeljina, Agrarian fund of the City of Bijeljina and Local Communities Janja and Amajlije.

Within these activities, opinions formed based on the following questions were collected:

1. Can you give an assessment of the existing state of agricultural production at project locations, planned for expropriation and principal problems that the land owners face?
2. Could you give your stance toward the planned project for construction of the Drina river protection dyke under the Drina Flood Protection Project in BiH?
3. Could you briefly describe the significance of the planned project to the City of Bijeljina?
4. In your opinion, what are major flaws in the planned project (if you consider there are any)?
5. In your opinion, what other method of resolving the problem with flooding in the subject area is the most appropriate solution?
6. In your opinion, what are the most significant project impacts on population in the subject area?
7. What do you think about the property and legal issues, it is to say the need for land expropriation that will be required by the project implementation?

8. In your opinion, what social spheres will be positively affected by the project for construction of the Drina river protection dyke?

A survey conducted for the purpose of this project as well as stakeholder interviews showed that the land planned for expropriation is among the most fertile soils in the area of Semberija i.e. land by rivers, the so-called alluvium that retains moisture even during the drought period and the agricultural producers suffer smaller losses. This land is suitable for crop production that is present in 90-95 % in the planned territory. The remaining 5-10 % relates to vegetables and other plantations. The subject soil has such properties that even during the drought and stormy years it gives extremely high yields. For this reason, as the principal one, locals think they are losing the fertile land; this launches the largest dissatisfaction because the locals think they will not be adequately settled although they are assured that the authority in charge of expropriation is seeking the best solution so that everyone is satisfied.

In the continuation is given a comparative overview of viewpoints of the identified stakeholders.

RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER  
THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)

1. Can you give an assessment of the existing state of agricultural production at project locations, planned for expropriation and principal problems that the land owners face?

CITY OF BIJELJINA	AGRARIAN FUND OF THE CITY OF BIJELJINA	JANJA LOCAL COMMUNITY	AMAJLIJE LOCAL COMMUNITY
<p>The land is suitable for growing all agricultural crops, and vegetable and fruit plants, which shows this is high quality soil, with good physical-chemical and biological properties. The mentioned area of the city of Bijeljina has large yields.</p> <p>Principal problems that the land owners face are the drought and floods.</p>	<p>The land planned for expropriation is among the most fertile soils in the area of Semberija. Land by rivers, the so-called alluvium retains moisture during the drought period and the agricultural producers suffer smaller losses. This land is suitable for crop production that is present in 90-95 % in the planned territory. The remaining 5-10 % relates to vegetables and other plantations. The subject soil has such properties that even during the drought and stormy years it gives extremely high yields. For this reason, as the principal one, locals think they are losing the fertile land; this launches the largest dissatisfaction because the locals think they will not be adequately settled although they are assured that the authority in charge of expropriation is seeking the best solution so that everyone is satisfied.</p>	<p>All agricultural land was sown because this is the most fertile part of the Janja area. Major problems are the droughts and floods although a part of land planned for expropriation was flooded neither in 2014 nor in previous years.</p>	<p>The current state of agricultural crops is very stable and they will provide good yields. The highest quality soil in Semberija is destroyed and this cannot be adequately compensated.</p>

RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER  
THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)

2. Could you give your stance toward the planned project for construction of the Drina river protection dyke under the Drina Flood Protection Project in BiH?

CITY OF BIJELJINA	AGRARIAN FUND OF THE CITY OF BIJELJINA	JANJA LOCAL COMMUNITY	AMAJLIJE LOCAL COMMUNITY
<p>The project for construction of the Drina river protection dyke provides protection of the territory of the City against floods caused by the Drina river and its tributaries (primarily the river Janja) overflowing. Disastrous floods of 2010 and 2014 caused extensive material damages and significantly hindered development of the City. Direct damages caused by floods of the river Drina in 2010 amounted to 20 million KM; in 2014, the floods of the rivers Drina and Sava caused damages in a value of 123 million KM.</p>	<p>The project for construction of a protection dyke shall have a positive impact on:</p> <ul style="list-style-type: none"> <li>- Protection of the entire territory of the City of Bijeljina from floods,</li> <li>- Protection of agricultural land,</li> <li>- Protection of property and people in general,</li> <li>- Undisturbed functioning of traffic, trade and other...</li> </ul>	<p>The viewpoint of the Council of the Janja Local Community is that dyke construction is necessary to protect a major part of the Janja Local Community, but it must be taken into consideration that this is the most fertile soil in Janja and that a large number of possessors possess agricultural areas only at that location.</p>	<p>Remediation of a dyke at the location of Orlovo field near Janja solved the problem with floods and it would not be necessary to expropriate the agricultural land</p>

3. Could you briefly describe the significance of the planned project to the City of Bijeljina?

CITY OF BIJELJINA	AGRARIAN FUND OF THE CITY OF BIJELJINA	JANJA LOCAL COMMUNITY	AMAJLIJE LOCAL COMMUNITY
<p>Construction of the Drina river dyke is extremely significant, because there is no successful protection of the Bijeljina City territory without the Drina river dyke; it is to say there is no protection of the settlements along the river Drina, as proved in floods of 2010 and 2014. A protective dyke would prevent floods and thus extensive material damages in</p>	<p>In every country in the world, the state creates conditions for undisturbed growth and development of its economy. So the construction of a protection dyke on the river Drina creates conditions for safe growth and development of economy both in the region of Semberija and in the Republika Srpska. Earlier floods</p>	<p>The planned project shall have a substantial significance for the area of the City, because the implementation of that project shall protect the largest part of the City from floods and from all consequences of floods.</p>	<p>Remediation of a dyke at the location of Orlovo field will prevent the river Drina from overflowing and all villages by the river shall be protected</p>

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<p>agriculture, residential fund, cattle fund and infrastructure in the territory of the City; also, the assurance of the sense of safety to population that is jeopardised by floods and frustrated by earlier disastrous floods should not be neglected (about 30000 people are potentially jeopardised by the Drina river floods).</p>	<p>inflicted damages to the City of Bijeljina and the Republika Srpska that are worth millions. Funds that were allocated for the remediation of damages inflicted by floods could be invested into economy and multiple benefits for the entire Republika Srpska could be obtained. Direct damages to crops could be compensated from insurance or other sources. However, indirect damages to farms are difficult to compensate; some properties have not compensated these damages even today for a reason that it is necessary to construct a dyke in order to permanently solve this problem and protect from floods. The dyke is necessary in order to protect property but it is also necessary to find consensus of all stakeholders that are involved in the project of the construction of a protection dyke.</p>		
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4. In your opinion, what are major flaws in the planned project (if you consider there are any)?

<b>CITY OF BIJELJINA</b>	<b>AGRARIAN FUND OF THE CITY OF</b>	<b>JANJA LOCAL COMMUNITY</b>	<b>AMAJLIJE LOCAL COMMUNITY</b>
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<b>BIJELJINA</b>			
<p>- Land expropriation that shall be conducted shall reduce large areas of agricultural land for further tilling and exploitation; a majority of population in the area where the dyke construction was planned make their living on this.</p> <p>- A part of the agricultural land and a number of facilities (commercial, residential and weekend settlements) remain in the undefended part, it is to say between the newly constructed dyke and the river Drina, which will cause the danger of flooding in that part and the possibly inflicted damage to be higher compared to previous periods.</p>	<p>Principal flaws of the planned project are destruction of the arable land.</p>	<p>Principal flaw is that the planned dyke will be constructed in the most fertile part of Semberija. Also, we think that during the planning phase, transit through the plots could have been avoided in larger part, it is to say, it could have been planned on the already existing roads.</p>	<p>Dispossession of the highest quality agricultural land in Semberija and leaving some families without existence</p>

5. In your opinion, what other method of resolving the problem with flooding in the subject area is the most appropriate solution?

<b>CITY OF BIJELJINA</b>	<b>AGRARIAN FUND OF THE CITY OF BIJELJINA</b>	<b>JANJA LOCAL COMMUNITY</b>	<b>AMAJLIJE LOCAL COMMUNITY</b>
<p>We think this the only adequate, correct and safe method of protection from floods; it is almost certain that there is no quality alternative to the proposed solution.</p>	<p>In interviews, the inhabitants of villages through which the subject dyke passes and who know the nature of the river Drina, and who also have experiences with some earlier floods that occurred before the year 2010, said they think it is necessary to remediate places that are critical and where the river Drina have overflows its bed for the second</p>	<p>In a larger part the dyke can be constructed on the already uncategorised roads in order to avoid expropriation of larger plots, which would reduce the resistance of people to the project.</p>	<ul style="list-style-type: none"> <li>• Remediation of Orlovo field and development of the Drina river bed</li> <li>• In 2014, after the floods, the dyke Orlovo field was remediated; despite new high water levels of the rivers Drina and Sava floods have not occurred again</li> </ul>

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	<p>time over the last 7 years. Remediation of the Drina river bed at locations where it overflows and the complete development of its bed, it is to say to keep the river in its bed. They consider that there is enough area, i.e. river strip that can receive the excess water if the water overflows from the river bed. In the earlier floods, the river Drina overflowed at critical points so that the settlements were flooded and the river strip remained unflooded, i.e. "dry". Maybe this should be considered as one of possibilities of project proposal.</p>		
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6. In your opinion, what are the most significant project impacts on population in the subject area?

CITY OF BIJELJINA	AGRARIAN FUND OF THE CITY OF BIJELJINA	JANJA LOCAL COMMUNITY	AMAJLIJE LOCAL COMMUNITY
<p>The most significant impact of the project on population in the subject area is the protection against floods, which implies:</p> <ul style="list-style-type: none"> <li>- Protection of agricultural land,</li> <li>- Protection of infrastructure,</li> <li>- Protection of property,</li> <li>- Protection of life,</li> </ul> <p>Sense of safety.</p>	<p>They are aware that they need protection from floods in order to protect crops and property. Over the past period they suffered extensive damages, both direct and indirect, which have been felt even three years after the floods. However, the problem is usurpation of the that land that gives good yields each year regardless whether the year is stormy or dry. In addition that a dyke was planned around the arable agricultural land, a</p>	<p>Partly, the state will improve in relation to flood safety, but for some residents of Janja the situation will worsen because all the agricultural land they possess will be dispossessed and thus their only source of income.</p>	<p>Dispossession of the most fertile soil in Semberija</p>



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	<p>large part of the land remains in undefended part; in this part flooding and damages will again occur in some years. These are reasons for dissatisfaction and disapproval of the dyke construction. All this will be significantly mitigated if the body that implements expropriation adequately settles the owners of plots over which the dyke passes.</p>		
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7. What do you think about the property and legal issues, it is to say the need for land expropriation that will be required by the project implementation?

CITY OF BIJELJINA	AGRARIAN FUND OF THE CITY OF BIJELJINA	JANJA LOCAL COMMUNITY	AMAJLIJE LOCAL COMMUNITY
<p>Resolution of the property and legal issues is necessary for the project implementation. In order to successfully implement the project it is necessary:</p> <ul style="list-style-type: none"> <li>- to provide the funds for land expropriation,</li> <li>- to provide substitute land,</li> <li>- to provide adequate legal ground for the expropriation procedure implementation</li> </ul>	<p>It is necessary to bust a myth of impossibility to adequately compensate for the expropriated land. Maybe go for a possibility that larger plots (1 ha or more) are compensated through the land that is registered as state-owned land or land that is registered in the name of the city of Bijeljina, it is to say that they are provided with adequate land replacement. Smaller plots in this case (less than 1 h) can be adequately compensated in cash. Other possibility is to offer the city construction land or residential facilities (apartments).</p>	<p>We think that the price for expropriation must be adequate in comparison to the quality of land because this is the most fertile part of the Janja area</p>	<p>Inadequate compensation for the lost land</p>

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8. In your opinion, what social spheres will be positively affected by the project for construction of the Drina river protection dyke?

<b>CITY OF BIJELJINA</b>	<b>AGRARIAN FUND OF THE CITY OF BIJELJINA</b>	<b>JANJA LOCAL COMMUNITY</b>	<b>AMAJLIJE LOCAL COMMUNITY</b>
<p>Resolution of the property and legal issues is necessary for the project implementation.</p> <p>In order to successfully implement the project it is necessary:</p> <ul style="list-style-type: none"> <li>- to provide the funds for land expropriation,</li> <li>- to provide substitute land,</li> <li>- to provide adequate legal ground for the expropriation procedure implementation</li> </ul>	<p>It will positively affect mostly younger social spheres for a reason that the dyke can be used for some new infrastructural projects such as roads or bypass or other things.</p>	<p>We think that the dyke construction will generate assumptions for investment into companies because potential investors shall have no fear that their property will be destroyed in floods.</p>	<p>It will have a positive impact only on companies that execute the works.</p>

## ❖ DATA COLLECTED IN THE QUANTITATIVE RESEARCH

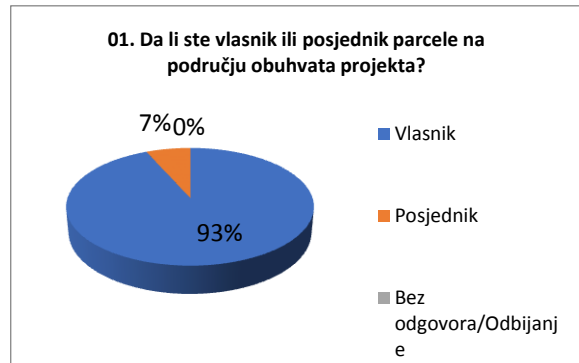
Detailed tables with collected data are given in the continuation of this annex, whereas comments on replies to questions are given in the text below.

In the survey we collected data on the socio-economic situation of owners of plots located in the coverage of this RAP and personal viewpoints relating to the dispossession of their land for the needs of the Project.

### Section 2 stage 2, L= 4.81 m

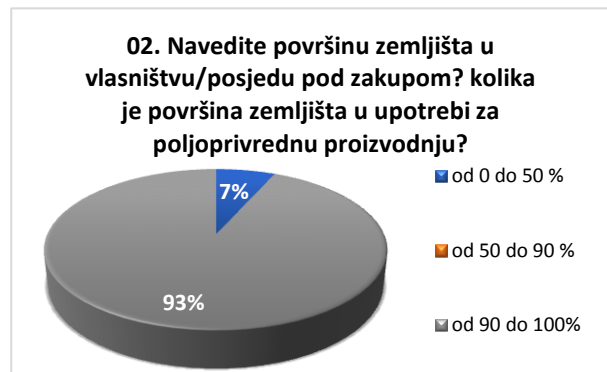
In the survey we collected data on the ownership and possession of the land that is subject to expropriation for the needs of the Project.

Majority of the surveyed persons (93%) are the owners of land that is subject to expropriation, whereas a lower number of the surveyed persons (7%) are possessors\* of land that is subject to expropriation.



\*\*possessors - the surveyed persons who use land for agricultural purposes but are not its owners and persons who are inheritors of land (children and spouses of a diseased owner).

When it comes to areas of land in the ownership/possession used for agricultural production, a large majority of the surveyed persons declared that they use the entire area (93%) of land for agricultural production, whereas 7% of population uses 0 to 50% of land for agricultural production.

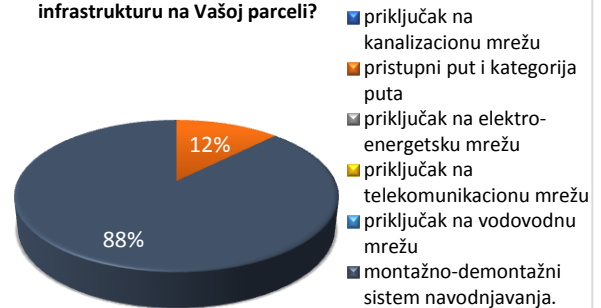


The number of separate land plots used by citizens for agricultural production mostly ranges from 1 to 4 plots, i.e. 61 % of citizens use one plot for agricultural production, 26 % of citizens use 2 to 4, and 13 % use 4 to 6 separate plots for agricultural production.



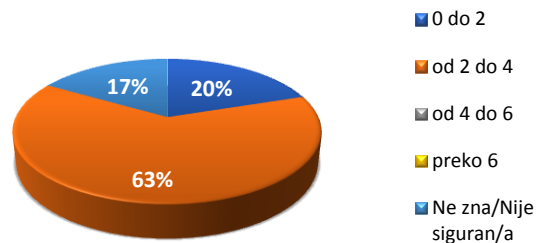
With regard to communal infrastructure that they possess in their plots, a majority of the surveyed persons (88%) possess a prefabricated irrigation system (pipes with a water pump), whereas a lower number (12%) possess an access road.

04. Da li posjedujete neku komunalnu infrastrukturu na Vašoj parceli?



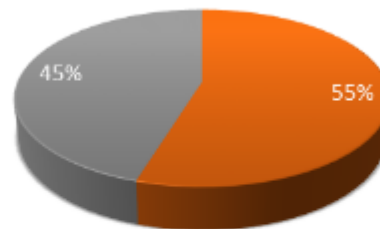
The value of land in ownership of 17% of the surveyed persons could not be assessed or was not certain for assessment. A large majority of the surveyed persons 63% consider that the real market value of land in their possession ranges from 2 to 4 KM/sq m, 20% consider that the value ranges from 0 to 6 KM/sq m.

05. Možete li izvršiti procjenu trenutne stvarne tržišne vrijednosti zemljišta u KM po m2 koje je u Vašem vlasništvu, posjedu?



The most frequent agricultural crops grown in the territory of the project coverage comprise corn (55%) and wheat (45%).

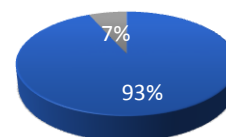
Koje sve od navedenih kultura uzgajate?



06. Koje sve od navedenih kultura uzgajate? Kukuruz Pšenica

93% of the surveyed persons responded that all grown up persons who permanently work the land are members of their household, whereas 7% of the surveyed persons did not want to respond to this question.

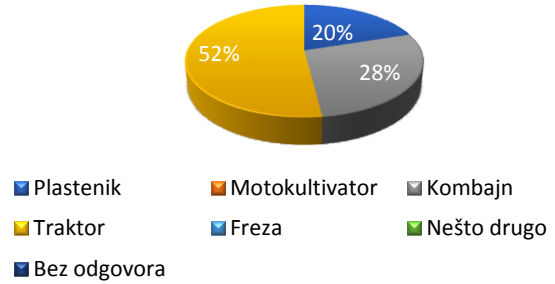
07. Da li su sve odrasle osobe koje rade stalno na zemlji članovi vašeg domaćinstva/kućanstva?



07. Da li su sve odrasle osobe koje rade stalno na zemlji članovi vašeg domaćinstva/kućanstva? Da Ne Bez odgovora

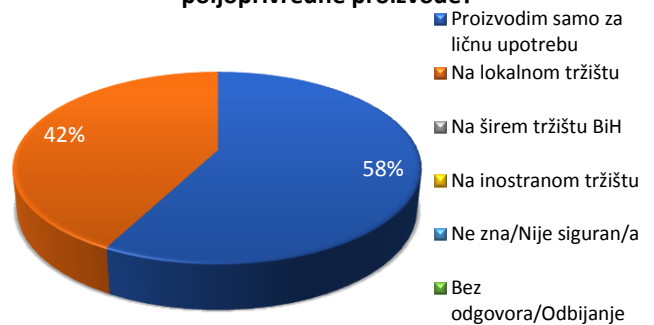
Of the agricultural equipment and mechanisation, the highest number of the surveyed persons possesses a tractor (52%), whereas a lower number possess a combine harvester (28%) and a greenhouse (20%).

**08. Šta od navedene poljoprivredne opreme i mehanizacije posjedujete?**



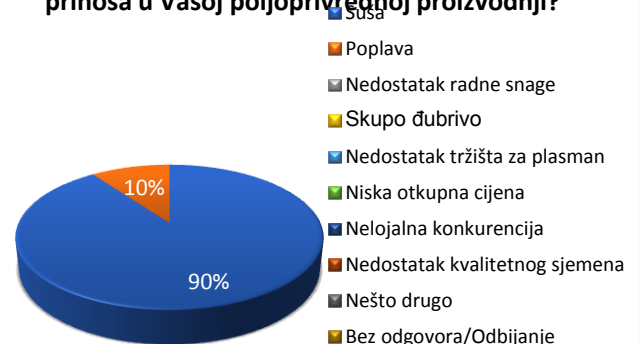
Marketing, it is to say sale of agricultural products grown in the project coverage is mostly done at the local market (42%), and a majority of the production is used for personal needs (58%).

**09. Gdje sve plasirate/prodajete svoje poljoprivredne proizvode?**



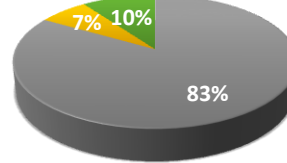
In opinion of the surveyed persons (90%), the drought has the largest impact on reduction of yields in agricultural production, whereas a lower number think that it is the flood (10%)

**10. Koji od navedenih problema, ili neki drugi ima najviše uticaja na smanjenje prinosa u Vašoj poljoprivrednoj proizvodnji?**



A majority (83%) expect the agricultural production to remain approximately the same in the next period; some of them (7%) think it will worsen, whereas a number of them (10%) are not sure.

**11. Kakva su Vaša očekivanja od poljoprivredne proizvodnje u narednom periodu, od npr. 5 godina?**

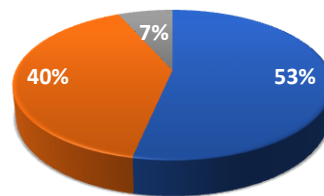


- Jako će se poboljšati
- Ostati će približno ista
- Jako će se pogoršati
- Bez odgovora/Odbijanje
- Donekle će se poboljšati
- Donekle će se pogoršati
- Ne zna/Nije siguran/a

When it comes to expropriation, a majority of the surveyed persons 53% would accept to have a part of their land expropriated, if necessary for the needs of project implementation.

7% of the surveyed persons are not sure they would agree with expropriation of their land, whereas 40% of the surveyed persons do not want to agree with expropriation of their land.

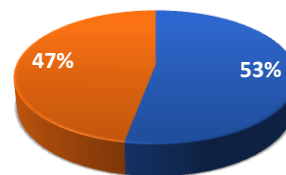
**12. Da li biste bili spremni ustupiti dio svoje zemlje odnosno da li biste pristali da dio Vašeg zemljišta bude predmet eksproprijacije za potrebe realizacije projekta?**



- Da
- Ne
- Ne zna/Nije siguran/a

A majority (53%) of the surveyed persons would accept the expropriation of their land provided they are allocated land of the same quality, whereas a lower number (47%) of the surveyed persons would accept it if given cash compensation for their land.

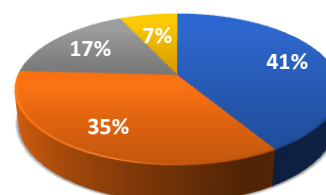
**13. Pod kojim bi uslovima pristali da Vaše zemljište bude predmet eksproprijacije? Šta biste tražili zauzvrat?**



- Zamjenska nekretnina/zemljište
- Novčana naknada
- Ne zna/Nije siguran/a

A majority (41%) of the surveyed persons do not want their land to be subject to expropriation under any circumstances, whereas a number (35%) would accept if given compensation. A lower number of the surveyed persons (17%) would accept under a condition of land sale, whereas a very low number (7%) are not

**14. Pod kojim bi uslovima ipak pristali da Vaše zemljište bude predmet eksproprijacije?**

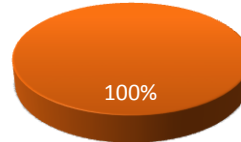


- Ni pod kojim uslovima
- Prodaja zemljišta
- Bez odgovora/Odbijanje
- Po dogovoru/nadoknada
- Ne zna/Nije siguran/a

sure under which conditions they would accept expropriation.

All surveyed persons (100%) are confident they cannot influence decisions made at local and higher levels of authority with regard to agriculture.

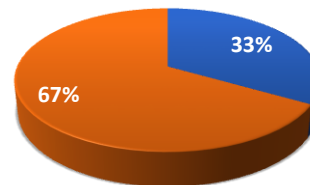
**15. Da li smatrate da možete uticati na odluke koje se donose na lokalnom nivou vlasti vezano za poljoprivredu?**



■ Da ■ Ne

A lower number of the surveyed persons are a member of an agricultural association or an agricultural cooperative (33%), whereas a majority (67%) of the surveyed persons are not a member of an agricultural association or an agricultural cooperative.

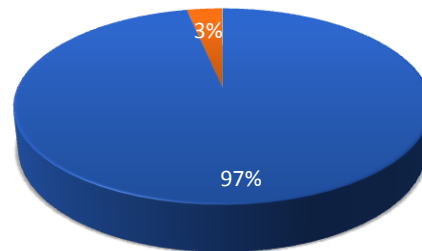
**16. Da li ste član udruženje poljoprivrednika ili poljoprivredne zadruge?**



■ Da ■ Ne

A majority of the surveyed persons were men (97%) and a lower number of the surveyed persons were women (3%).

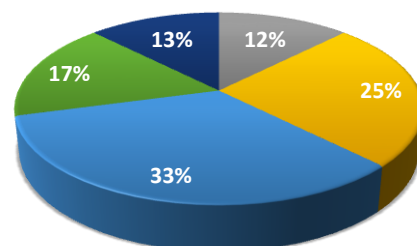
**17. Spol ispitanika**



■ Muški ■ Ženski

The age of the surveyed persons in 33% of cases was between 45 and 55, in 25% of cases between 35 and 45, in 17% of cases the age of the surveyed persons was between 55 and 65, in 13% of cases the age was between 65 and 75, whereas in 12% cases the age of persons was between 25 and 35.

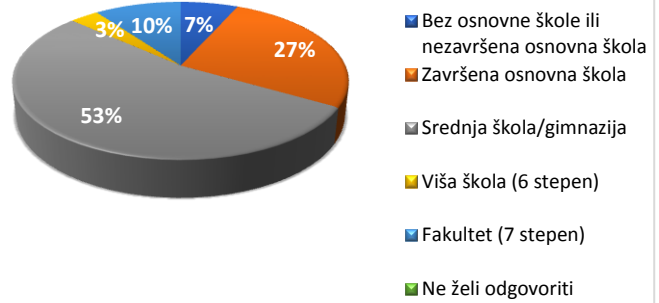
**18. Koliko imate navršениh godina?**



■ do 18 ■ od 18 do 25 ■ od 25 do 35  
■ od 35 do 45 ■ od 45 do 55 ■ od 55 do 65  
■ od 65 do 75 ■ od 75 do 85 ■ preko 85

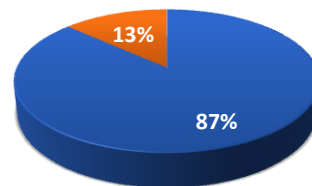
Education degree of the highest number of the surveyed persons (53%) was completed secondary school/grammar school completed secondary school/grammar school, 27% completed elementary school, 10% faculty, 7% of the surveyed persons have not completed elementary school, and 3% of the surveyed persons have college degree.

**19. Možete li reći koji je Vaš najviši stepen obrazovanja?**



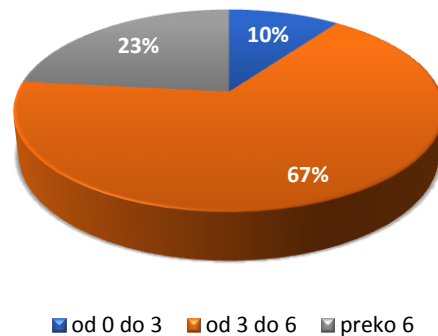
A higher number of households in the territory of project coverage has agriculture as their principal activity (87 %), whereas a lower number of households has the agriculture as a secondary activity (13%).

**20. Da li je u Vašem domaćinstvu poljoprivreda glavna ili sporedna aktivnost?**



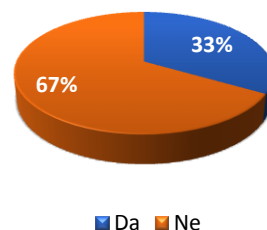
In the territory of project coverage, the highest number of households has 3 to 6 members (67%), followed by households that have more than 6 members (23%), and the lowest number are households that have 0 to 3 members (10%).

**21. Koliko članova ima Vaše domaćinstvo?**



As for the employment of household members of the surveyed persons in 67% of cases no household member is employed outside their own agricultural activity, whereas in 33% of cases some of the household members are employed outside their own agricultural activity.

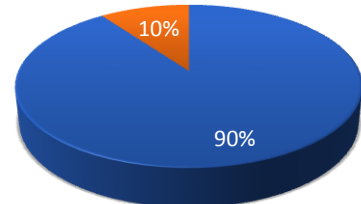
**22. Da li je neko od članova Vašeg domaćinstva zaposlen negdje drugo, a ne u Vašoj poljoprivrednoj djelatnosti?**





The number of employed household members of the surveyed persons outside their own agricultural activity is 1 to 2 members in 90% of cases, whereas in 10% of cases it comes to 2 to 4 household members.

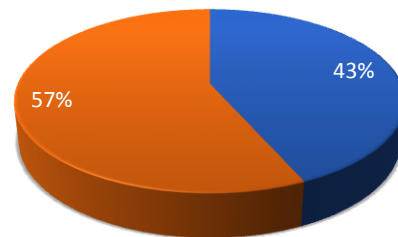
**23. Koliko članova vašeg domaćinstva je zaposleno negdje drugo?**



■ od 0 do 2 ■ od 2 do 4 ■ preko 4

In 57% of cases, households of the surveyed persons have no other source of income except agricultural production, whereas in 43% of cases, households of the surveyed persons have other source of income in addition to agricultural production.

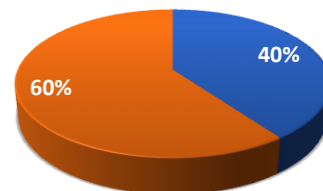
**24. Da li osim poljoprivredne proizvodnje Vaše domaćinstvo ima i druge izvore prihoda?**



■ Da ■ Ne ■ Bez odgovora/Odbijanje

In 60% of cases, pension is the other source of income of households in addition to agricultural production, and in 40% it is salary.

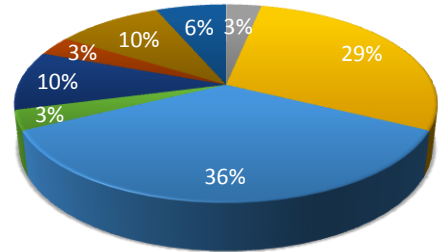
**25. Da li osim poljoprivredne proizvodnje Vaše domaćinstvo ima i druge izvore prihoda?**



■ Plata/plaća ■ Penzija/mirovina ■ Više izvora ■ Ostalo

An average monthly income per household in the coverage of the project in the highest number, i.e. in 36% of cases ranges from 700 to 900 KM, in 29% of cases it ranges from 500 to 700 KM, in 10% of cases household's income ranges from 1100 to 1500 KM, in 3% of cases an average monthly income ranges from 300 to 500 KM. An average monthly income in an interval from 1500 to 2000 KM was also recorded in 3% of cases. In 3% of cases, an average monthly income per household was recorded in an interval from 900 to 1100 KM. 6% of the surveyed persons did not want to declare about their average monthly income, whereas 10% of the surveyed persons were not certain about the amount of their monthly income.

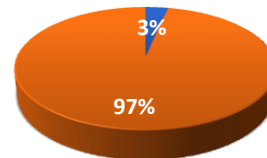
**26. Kako biste opisali prosječni mjesečni prihod Vašeg domaćinstva (sve plate i sva ostala primanja svih članova domaćinstava?)**



- Do 100 KM
- Od 101 do 300 KM
- Od 301 do 500 KM
- Od 501 do 700 KM
- Od 701 do 900 KM
- Od 901 do 1100 KM
- Od 1101 do 1500 KM
- Od 1501 do 2000 KM
- Od 2001 do 3000 KM
- Bez odgovora/Odbijanje
- Ne zna/Nije siguran/a

In the territory of project coverage 3% of the surveyed persons are disabled war veterans.

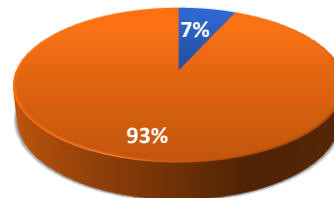
**27. Da li ste ratni vojni invalid?**



- da
- ne

Beneficiaries of social aid make 7% of the surveyed persons.

**28. Da li ste korisnik socijalne pomoći?**



- da
- ne

## ANNEX 5

### REPORT OF THE PUBLIC DEBATE HELD ON 27.09.2017 IN THE GREAT HALL OF THE CITY OF BIJE LJINA WITH REGARD TO THE DEVELOPMENT OF A RESETTLEMENT ACTION PLAN FOR SECTION 2, STAGES 1, 2, 3 AND 4 INCLUDING THE JANJA RIVER REGULATION IN A LENGTH OF 1.8 KM JANJA LOCAL COMMUNITY

On 27 September 2017, a Public presentation and a Public debate relating to the Resettlement Action Plan were conducted for the construction of a Drina river protection dyke project, Section 2, including Stages 1,2,3,4 and the Janja river regulation in a length of 1.8 km for Janja 1, Janja 2 and Janja 3 cadastral boroughs.

The invitation for public insight into this document and for the public debate was published in the "Glas Srpske" on 16 and 17 September 2017. All documents, including graphic annexes with the marked plots and owners located within the expropriation line were present at the Great Hall of the City Administration, City of Bijeljina in hard copy, and digital copy on the website of the City of Bijeljina Administration and the RS Ministry of Agriculture, Forestry and Water Management/APCU, and the links were published in public invitation.

The invitation also stated that the public insight would last in a period from 18 September to 3 October 2017, and that during the public insight all interested natural and legal entities will be able to submit remarks and opinions relating to the draft Resettlement Action Plan and Expropriation report by entering them in the register that will be kept at the Great Hall of the City Administration, City of Bijeljina and/or by posting them to the address of the City Administration, City of Bijeljina or RS Ministry of Agriculture, Forestry and Water Management, as well as by sending them to e-mail addresses of the mentioned institutions.

The invitation for public insight and public debate relating to the mentioned documents was also published in classified ads on 20, 21 and 22 September on RTVBN.

In accordance with the invitation, the public debate was conducted in the Great Hall of the City Administration, City of Bijeljina on 27 September 2017, beginning at 11 o'clock for the Janja cadastral borough.

Mister Siniša Cukut, a representative of the Civil Engineering Institute IG LLC Banja Luka opened up the public debate; he greeted the present and emphasised that in addition to ordinary citizens, the public debate was also attended by:

On behalf of the Consultant – Civil Engineering Institute IG LLC Banja Luka:

1. Siniša Cukut, Coordinator of the environmental protection sector
2. Bojana Ivić Župić, Expert associate for the environmental protection
3. Maja Pešević, Expert associate and designer for geodetic activities

On behalf of the Investor - RS Ministry of Agriculture, Forestry and Water Management/ Agriculture Project Coordination Unit (APCU):

1. Jelena Đukić, Associate in preparation of the Drina flood protection project Ministry of Agriculture, Forestry and Water Management Agriculture Project Coordination Unit
2. Mika Stevanović, Predstavnik Ministry of Agriculture, Forestry and Water Management /Agriculture Project Coordination Unit

On behalf of the designer – Zavod za vodoprivredu d.o.o. Bijeljina :

1. Dejan Hrkalović, Designer

On behalf of the City of Bijeljina:

1. Mićo Mičić, Mayor of the City of Bijeljina
2. Tomica Stojanović, Head of the Department for Residential and Communal Activities and Environmental Protection
3. Milana Zuban, Head of the Department for Property and Legal Affairs
4. Milena Marjanović, expert associate for geodetic activities

The present were also greeted by Mr Tomica Stojanović, Head of the Department for Residential and Communal Activities and Environmental Protection on behalf of the City of Bijeljina.

After the introductory addressing, the subject Resettlement Action Plan was presented. Since infrastructural projects require the acceptance of their possible positive or negative social impacts, the present were given a detailed explanation of the World Bank's procedures in the context of land expropriation and rights of the populace to fair compensation in the case of expropriation; their issues are also considered by local laws in this field. After the Resettlement Action Plan for the Drina river protection dyke construction project, stages 1, 2, 3 and 4 (including the Janja river regulation in a length of 1.8 km) was presented the present were addressed by Mr Mika Stevanović who gave an overview of events that preceded the elaboration of project documentation for the Drina river protection dyke construction project. He emphasised that extensive flooding was registered along the river Drina over the last ten years, notably 2004, 2005 and December 2010, especially in the lower part of the watershed in the Republika Srpska, between Zvornik and the confluence of the river Sava, and many locations in the central Drina river watercourse, which belong to Goražde Canton in the FBiH. Immediately after the flooding in 2010, relevant institutions of Bosnia and Herzegovina, with the support of the Entities of the Republika Srpska and the Federation of Bosnia and Herzegovina in June 2012 formally requested that the World Bank consider a possibility of providing the funds for the Drina Flood Protection Project for Bosnia and Herzegovina (BAFPP). The World Bank positively reacted to this request and accepted to consider support to the establishment of urgent measures for management - mitigation of floods in the territory of two Entities in Bosnia and Herzegovina, notably for the areas that were most jeopardised by the floods in 2010 in the Drina drainage basin. The support was given to the implementation of two projects, notably in the area of Goražde (Goražde, Foča-Ustikolina and Pale-Prača) in the Federation of BiH and the area of Bijeljina (Bijeljina and Janja) in the Republika Srpska. Mister Stevanović emphasised that the elaboration of project documentation for the construction of a protection dyke on the river Drina was funded by the proceeds of the loan from the (IDA) WB, and the consultant for the elaboration of project documentation is Zavod za vodoprivredu d.o.o. Bijeljina in consortium with Institut za vodoprivredu "Jaroslav Černi" A.D. Beograd. The WB, as the holder of the loan from the (IDA) WB, appointed the Ministry of Agriculture, Forestry and Water Management of RS / Agriculture Project Coordination Unit for the Republika Srpska territory.

The first step in the implementation of this project was the development of a Feasibility study for the Drina river flood protection in the area of Semberija and Janja, City of Bijeljina, which was developed by Zavod za vodoprivredu Bijeljina in January 2014. It was followed by the development of a Conceptual design for flood protection from the Drina river high waters in the City of Bijeljina in February 2016, and in 2017, the main design was developed by Zavod za vodoprivredu Bijeljina in consortium with Institut za vodoprivredu "Jaroslav Černi" A.D. Beograd.

After these documents were elaborated and the expropriation line was defined, Civil Engineering Institute was tasked with preparing a Resettlement Action Plan and Expropriation Report for the construction of a protection dyke on the river Drina project, which is presented here.

After Mr Mika Stevanović addressed the present, Mr Siniša Cukut opened the public debate and provided the present with a possibility to submit their questions and get involved in the discussion.

Mr Mihajlo Vlađenović, one of the owners of plots that are comprised by the project in the area of the Janja local community raised a question if substitute land can be provided for the land in the project coverage. This question was replied by Mrs Milana Zuban, Head of the Department for Property and Legal Affairs in the City of Bijeljina, adverting to the rights guaranteed to the owners of plots according to the valid Expropriation Act that is applicable in the territory of the Republika Srpska, it to say that an owner is entitled to compensation in other real estate for the expropriated real estate; if the expropriation beneficiary cannot provide such real estate fair cash compensation is determined, which cannot be lower than the market value of the expropriated real estate. Mrs Zuban explained to the present that in one phase of the expropriation implementation land owners are asked to state whether they want substitute land or fair cash compensation, and in accordance with their choices further activities are conducted. Mrs Zuban simultaneously explained the role of the City of Bijeljina in the procedure land expropriation for structures of general interests as is the Drina river protection dyke construction project.

Mr Ljubo Maletić, President of the Association of Farmers "Grad Bijeljina Republika Srpska" said that this project should have been discussed a long time ago, 5-months ago since the Main design is already developed. He especially stressed that none of the present is against the dyke construction, quite the reverse they all are for the dyke construction, but with the dyke alignment that was designed by the designer who visited the project area. A majority thinks that the alignment is poorly positioned and that it was designed from an office, without any visit to terrain. Mr Maletić pointed out that this is the most fruitful soil in Semberija, and we must keep every gram of soil as a gram of gold because that is the most precious what this nation has. They also raised a question why the dyke is 40 metres wide since such a wide strip caused larger areas to be expropriated.

Mr Mika Stevanović explained that several variant solutions were considered for designing the alignment and the most favourable solution for a level of 100-year water was selected, with the demands and good engineering practice being abided by. He also pointed out that neighbouring states Croatia and Serbia would not allow the river bed be deepened since that would jeopardise their territories.

Mr Husein Samić, from the Janja local community expressed his concern that the technical solution to this design was made in an office, not based on field visits.

Mr Dževet Aganović, a representative of the Janja local community raised a question whether the dyke alignment can change.

A general conclusion is that the population is not satisfied with the alignment position, they consider that they should have been involved in the process of the preparation of design documentation and dyke alignment positioning, it is to say that the adopted technical solution for which the Main design for a protection dyke on the river Drina was developed, approved and reviewed is not suitable.

The designer points out that the good engineering practice was abided by, all calculations were conducted, which were accepted during the designing, all constraints faced during the elaboration of design documentation such as geo-mechanical properties of soil that is suitable for dyke construction in the territory of the Republic of Serbia were taken into consideration. The legal procedure of developing a Preliminary design, then a Main design that was reviewed by an authorised company Zavoda za vodoprivredu Sarajevo was abided by; thus the design documentation is accepted as technically valid and complete technical documentation.

The presentation of the Resettlement Action Plan for Section 2, stages 1, 2, 3 and 4 (including the project of the Janja river regulation in a length of 1.8 km) included the public debate that started at 11 o'clock and ended at 12:40 hours.

**Viewpoint of the author of the subject RAP:** *no remarks to the Resettlement Action Plan and Expropriation report were submitted during the conducted Public presentation, public debate and discussion on 27.09.2017 for the Janja local community or during the public insight that lasted from 18.09.2017 to 3.10.2017. The register of remarks and opinions that was kept at the premises of the City of Bijeljina during the public insight also showed no remarks.*

We point out that the designer - Zavod za vodoprivredu delivered correspondence and evidence of holding meetings and presentations of technical solutions in the project with the World Bank, representatives of the City of Bijeljina, „Vode Srpske“ Bijeljina, Institut Jaroslav Černi Beograd.

Also, a letter - explanation that states that the Council of the Janja Local community issued an agreement in principle relating to the designed alignment of the regulated Janja river bed in a session held on 28.07.2015, as well as to other significant elements of the concept of Preliminary technical solution to Development of the lower Janja river course from its confluence with the river Drin upstream in a length of about 8.0 km, including protection from hilly and internal waters in Novo naselje in Janja.

In addition to that, the City of Bijeljina has delivered the lists of attendees with signatures in several meetings held in local communities during the period of technical documentation preparation for the Drina dyke construction project, notably:

- Meeting of the representatives of the City of Bijeljina, Designer and Projektanta LCs Dvorovi, Novi Dvorovi, Međaši, Balatun with a topic: the Drina dyke construction, at 10:00 hours on 26.11.2015
- Meeting of the representatives of the City of Bijeljina, Designer and Amajlije LC with a topic: the Drina dyke construction on 25.11.2015
- Meeting of the representatives of the City of Bijeljina, Designer and Popovi LC with a topic: the Drina dyke construction on 25.11.2015
- Meeting of the representatives of the City of Bijeljina, Designer, expropriation report consultant and LCs Popovi, Amajlije, Kojčinovac, Međaši with a topic: the Drina dyke construction on 16.02.2016 at 13.00 hours

In the continuation are given the list of attendees and photographs of the public debate that was held in the City Administration, City of Bijeljina with regard to the subject RAP on 27.09.2017.





**RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)**



RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER  
THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)





EVIDENCIJNA PRISUTNIH

AKCIONI PLAN PRESELJENJA, Dionica 2, etape 1,2,3,4 uključujući priroku Janju  
 Za projekat izgradnje sistema odbrambenog nasipa na rijeci Drini / K.O. JANJUA

DATUM: 27.09.2017.  
 MJESTO ODRŽAVANJA: VELIKA SALA GRADSKJE UPRAVE GRADA BIJELJINA, SA POČETKOM U 11:00 ČASOVA

R.B.	IME I PREZIME	ORGANIZACIJA	TELEFON	E-MAIL	POTPIS
1.	MUNDOVA HRVATSKA	FRSA OBI			<i>[Signature]</i>
2.	Jednovežje ŽUPANIJA	BRČKOVAC ŽUPANIJA			<i>[Signature]</i>
3.	Milovan Ruzon	GRADONAČELNIK BI			<i>[Signature]</i>
4.	Milovan Ruzon	POSREDOVANJE			<i>[Signature]</i>
5.	KOSTA DOĐIĆ	VLASNIK PARCELE			<i>[Signature]</i>
6.	BOŠIĆ DOĐIĆ	VLASNIK PARCELE			<i>[Signature]</i>
7.	Milica Ljubić	VLASNIK P.			<i>[Signature]</i>
8.	Milica Ljubić	VLASNIK P.			<i>[Signature]</i>
9.	Milica Ljubić	VLASNIK P.			<i>[Signature]</i>
10.	Milica Ljubić	VLASNIK P.			<i>[Signature]</i>
11.	?	?			<i>[Signature]</i>
12.	FILIPović ŽELJKO	VLASNIK			<i>[Signature]</i>
13.	Milica Ljubić	VLASNIK P.			<i>[Signature]</i>

RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER  
 THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
 (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)

R.B.	IME I PREZIME	ORGANIZACIJA	TELEFON	E-MAIL	POTPIS
14.	Šušterović, Nikola	-	-	-	Šušterović, N.
15.	Aganović, Omer	-	066-823-975	-	Aganović, O.
16.	Urošević, Nura	-	065-798-855	-	Urošević, N.
17.	Muharemović, Mubet	-	065-746-867	-	Muharemović, M.
18.	Šušterović, Zoran	-	061-544-840	-	Šušterović, Z.
19.	Šušterović, Srećko	-	066-621-064	-	Šušterović, S.
20.	Šušterović, Omer	-	065-336-605	-	Šušterović, O.
21.	Sonić, Savo	-	065-211-156	-	Sonić, Savo
22.	Čizarić, Zoran	-	065-746-156	-	Čizarić, Z.
23.	Musemić, Zoran	-	061/148-873	-	Musemić, Z.
24.	Horvatić, Zoran	-	066-434,568	-	Horvatić, Z.
25.	Đaković, Fehim	-	065-689-027	-	Đaković, Fehim
26.	Đurđević, Rado	-	065-514-377	-	Đurđević, Rado
27.	Hezag, Ljiljana	-	065/495-719	-	Hezag, Ljiljana
28.	Aganović, Nura	-	065-993-786	-	Aganović, Nura
29.	Đurđević, Miroslav	-	065-184-372	-	Đurđević, Miroslav
30.	Đurđević, Miroslav	-	065-023-385	-	Đurđević, Miroslav
31.	Đurđević, Miroslav	-	065-335-604	-	Đurđević, Miroslav
32.	Đurđević, Miroslav	-	065-581-613	-	Đurđević, Miroslav
33.	Đurđević, Miroslav	-	065-939-584	-	Đurđević, Miroslav

RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJE LJINA UNDER THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)

R.B.	IME I PREZIME	ORGANIZACIJA	TELEFON	E-MAIL	POTPIS
34.	TOPALOVIC HANUZA	-	065 584 019	-	TOPALOVIC HANUZA
35.	ŠUKIC IČIĆ A. A.	-	055 549 087	-	ŠUKIC IČIĆ A. A.
36.	ĐURIĆ IČIĆ M. M.	-	066-388 028	-	ĐURIĆ IČIĆ M. M.
37.	TOPIĆ IČIĆ P. P.	-	065-389-925	-	TOPIĆ IČIĆ P. P.
38.	MILČIĆ IČIĆ M. M.	-	065 455 045	-	MILČIĆ IČIĆ M. M.
39.	ĐURĐEVIĆ IČIĆ A. A.	-	065 831 855	-	ĐURĐEVIĆ IČIĆ A. A.
40.	ELŠHANI FARUK BILAL IČIĆ	-	065-727-975	-	ELŠHANI FARUK BILAL IČIĆ
41.	ČOŠKANIĆ IČIĆ D. D.	-	062 310 218	-	ČOŠKANIĆ IČIĆ D. D.
42.	ŠOVIĆ RADO	-	065/300-252	-	ŠOVIĆ RADO
43.					FARUK ELŠHANI IČIĆ
44.					
45.					
46.					
47.					
48.					
49.					
50.					
51.					
52.					
53.					

**REPORT OF THE PUBLIC DEBATE HELD ON 29.09.2017 IN THE GREAT HALL OF THE CITY OF  
BIJE LJINA WITH REGARD TO THE DEVELOPMENT OF A RESETTLEMENT ACTION PLAN FOR  
SECTION 2, STAGES 1, 2, 3 AND 4 INCLUDING THE JANJA RIVER REGULATION IN A LENGTH OF  
1.8 KM  
AMAJLIJE AND POPOVI LOCAL COMMUNITIES**

On 29 September 2017, a Public presentation and a Public debate relating to the Resettlement Action Plan were conducted for the construction of a Drina river protection dyke project, Section 2, including Stages 1,2,3,4 and the Janja river regulation in a length of 1.8 km for Amajlije and Popovi cadastral boroughs.

The invitation for public insight into this document and for the public debate was published in the "Glas Srpske" on 16 and 17 September 2017. All documents, including graphic annexes with the marked plots and owners located within the expropriation line were present at the Great Hall of the City Administration, City of Bijeljina in hard copy, and digital copy on the website of the City of Bijeljina Administration and the RS Ministry of Agriculture, Forestry and Water Management/APCU, and the links were published in public invitation.

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The invitation for public insight and public debate relating to the mentioned documents was also published in classified ads on 20, 21 and 22 September on RTVBN.

In accordance with the invitation, the public debate was conducted in the Great Hall of the City Administration, City of Bijeljina on 29 September 2017, beginning at 11 o'clock for the Amajlije and Popovi cadastral boroughs.

Mr Mika Stevanović, a representative of the Ministry of Agriculture, Forestry and Water Management /Agriculture Project Coordination Unit opened up the public debate.

Mr Mika Stevanović gave an overview of events that preceded the elaboration of project documentation for the Drina river protection dyke construction project. He emphasised that extensive flooding was registered along the river Drina over the last ten years, notably 2004, 2005 and December 2010, especially in the lower part of the watershed in the Republika Srpska, between Zvornik and the confluence of the river Sava, and many locations in the central Drina river watercourse, which belong to Goražde Canton in the FBiH. Immediately after the flooding in 2010, relevant institutions of Bosnia and Herzegovina, with the support of the Entities of the Republika Srpska and the Federation of Bosnia and Herzegovina in June 2012 formally requested that the World Bank consider a possibility of providing the funds for the Drina Flood Protection Project for Bosnia and Herzegovina (BAFPP). The World Bank positively reacted to this request and accepted to consider support to the establishment of urgent measures for management - mitigation of floods in the territory of two Entities in Bosnia and Herzegovina, notably for the areas that were most jeopardised by the floods in 2010 in the Drina drainage basin. The support was given to the implementation of two projects, notably in the area of Goražde (Goražde, Foča-Ustikolina and Pale-Prača) in the Federation of BiH and the area of Bijeljina (Bijeljina and Janja) in the Republika Srpska.

Mister Stevanović emphasised that the elaboration of project documentation for the construction of a protection dyke on the river Drina was funded by the proceeds of the loan from the (IDA) WB, and the consultant for the elaboration of project documentation is Zavod za vodoprivredu d.o.o. Bijeljina in consortium with Institut za vodoprivredu "Jaroslav Černi" A.D. Beograd. The WB, as the holder of the loan



from the (IDA) WB, appointed the Ministry of Agriculture, Forestry and Water Management of RS / Agriculture Project Coordination Unit for the Republika Srpska territory.

The first step in the implementation of this project was the development of a Feasibility study for the Drina river flood protection in the area of Semberija and Janja, City of Bijeljina, which was developed by Zavod za vodoprivredu Bijeljina in January 2014. It was followed by the development of a Conceptual design for flood protection from the Drina river high waters in the City of Bijeljina in February 2016, and in 2017, the main design was developed by Zavod za vodoprivredu Bijeljina in consortium with Institut za vodoprivredu "Jaroslav Černi" A.D. Beograd.

After these documents were elaborated and the expropriation line was defined, Civil Engineering Institute was tasked with preparing a Resettlement Action Plan and Expropriation Report for the construction of a protection dyke on the river Drina project, which is presented here.

After the introductory addressing, the subject Resettlement Action Plan was presented. Since infrastructural projects require the acceptance of their possible positive or negative social impacts, the present were given a detailed explanation of the World Bank's procedures in the context of land expropriation and rights of the populace to fair compensation in the case of expropriation; their issues are also considered by local laws in this field.

After the presentation, Mr Siniša Cukut once more greeted the present and emphasised that in addition to ordinary citizens, the public debate was also attended by:

On behalf of the Consultant – Civil Engineering Institute IG LLC Banja Luka:

4. Siniša Cukut, Coordinator of the environmental protection sector
5. Bojana Ivić Župić, Expert associate for the environmental protection
6. Nemanja Bojanić, Coordinator of the geodetic sector

On behalf of the Investor - RS Ministry of Agriculture, Forestry and Water Management/ Agriculture Project Coordination Unit (APCU):

3. Jelena Đukić, Associate in preparation of the Drina flood protection project Ministry of Agriculture, Forestry and Water Management Agriculture Project Coordination Unit
4. Mika Stevanović, Predstavnik Ministry of Agriculture, Forestry and Water Management /Agriculture Project Coordination Unit

On behalf of the designer – Zavod za vodoprivredu d.o.o. Bijeljina :

2. Nedeljko Sudar, Manager
3. Vujadin Blagojević, Designer

On behalf of the City of Bijeljina:

5. Milana Zuban, Head of the Department for Property and Legal Affairs
6. Milena Marjanović, expert associate for geodetic activities

Mr Siniša Cukut also summarised impacts and purpose of the elaboration of a Resettlement action plan, and emphasised the rights of land owners in the project coverage, and then opened the public debate and gave the present a possibility of raising their questions and being involved in discussion.

Mr Cvjetin Lukić, one of the owners of plots that are comprised by the project in the area of Amajlije local community pointed out that the dyke alignment significantly changed in comparison to the first presented solution during the elaboration of technical documentation and that he is disgruntled by the alignment position as defined by the Main design and which served as a basis for the Expropriation report.

Mr Željko Nikolić, Amajlije local community pointed out that his family's principal source of income is agricultural production on land that is expropriated.

A general viewpoint of the populace is that they are disgruntled by the alignment position, they consider that they should have been involved in the process of the preparation of design documentation and dyke alignment positioning, it is to say that the adopted technical solution for which the Main design for a

protection dyke on the river Drina was developed, approved and reviewed is not suitable. Present owners of plots pointed out that they consider the alignment should be designed in the bed of the "dead Drina", instead of intersecting agricultural plots that are most fruitful in Semberija, which make the "heart of Semberija". They also said they were more satisfied with the technical solution that the designer presented to them earlier during the project elaboration. They raise a question whether it is possible to change the technical solution so that the alignment is positioned over the old river Drina bed ("dead Drina"). If it is not possible to change the technical solution and position of the dyke alignment, the owners seek a more realistic land purchase price, and to be shown where the land offered as substitute is located but provided that there is adequate substitute land, with adequate land capability properties and at an adequate location. The demand to see the substitute land on the spot in order to see what kind of land it is.

The City of Bijeljina informed us that they identified together with the Ministry of Agriculture, Forestry and Water Management state-owned agricultural land in the project coverage or in the direct vicinity, and that they are looking for land with adequate land capability properties and at adequate locations, which will be offered as substitute land. Precise locations of substitute land are still unknown.

The designer points out that the good engineering practice was abided by, all calculations were conducted, which were accepted during the designing, all constraints faced during the elaboration of design documentation such as geo-mechanical properties of soil that is suitable for dyke construction in the territory of the Republic of Serbia were taken into consideration. The legal procedure of developing a Preliminary design, then a Main design that was reviewed by an authorised company Zavoda za vodoprivredu Sarajevo was abided by; thus the design documentation is accepted as technically valid and complete technical documentation.

The presentation of the Resettlement Action Plan for Section 2, stages 1, 2, 3 and 4 (including the project of the Janja river regulation in a length of 1.8 km) included the public debate that started at 11 o'clock and ended at 12:10 hours.

**Viewpoint of the author of the subject RAP:** *no remarks to the Resettlement Action Plan and Expropriation report were submitted during the conducted Public presentation, public debate and discussion on 29.09.2017 for the Amajlije and Popovi local communities or during the public insight that lasted from 18.09.2017 to 3.10.2017. The register of remarks and opinions that was kept at the premises of the City of Bijeljina during the public insight also showed no remarks.*

*We point out that the designer - Zavod za vodoprivredu delivered correspondence and evidence of holding meetings and presentations of technical solutions in the project with the World Bank, representatives of the City of Bijeljina, „Vode Srpske“ Bijeljina, Institut Jaroslav Černi Beograd.*

*According to the notes of the working-consultative meeting held in the premises of the City of Bijeljina on 15.10.2015 between the representatives of the designer, City of Bijeljina and JU Vode Srpske Bijeljina, the following conclusions were drawn:*

- 1. The City of Bijeljina should appoint a team that will proactively participate in the activities of the Consortium and enable the Consortium to lay the dyke alignment in the field as well as to conduct design research activities.*
- 2. Mayor of the City of Bijeljina should organise a meeting with the representatives of local communities through which the future dyke runs, in order to introduce the local government to the elaboration of the Conceptual design and the Main design of the left Drina dyke in the City of Bijeljina; local government should facilitate entry into possession when laying the dyke embankment and conducting design research activities.*
- 3. The representatives of JU Vode Srpske should also proactively participate in the elaboration of the Conceptual design and Main design of the left Drina dyke in the City of Bijeljina, in order to issue water management guidelines for the elaboration of technical documentation and location requirements for construction of the left Drina dyke in the City of Bijeljina.*

*The designer and City of Bijeljina informed us that the technical solution was presented in local communities during the elaboration of technical documentation; however no minutes of these meetings exist. The present populace denies their earlier involvement in the elaboration of the technical solution.*

*In addition to that, the City of Bijeljina has delivered the lists of attendees with signatures in several meetings held in local communities during the period of technical documentation preparation for the Drina dyke construction project, notably:*

- *Meeting of the representatives of the City of Bijeljina, Designer and Projektanta LCs Dvorovi, Novi Dvorovi, Međaši, Balatun with a topic: the Drina dyke construction, at 10:00 hours on 26.11.2015*
- *Meeting of the representatives of the City of Bijeljina, Designer and Amajlije LC with a topic: the Drina dyke construction on 25.11.2015*
- *Meeting of the representatives of the City of Bijeljina, Designer and Popovi LC with a topic: the Drina dyke construction on 25.11.2015*
- *Meeting of the representatives of the City of Bijeljina, Designer, expropriation report consultant and LCs Popovi, Amajlije, Kojčinovac, Međaši with a topic: the Drina dyke construction on 16.02.2016 at 13.00 hours*

In the continuation are given the photographs of the public debate that was held in the City Administration, City of Bijeljina with regard to the subject RAP on 29.09.2017. Enclosed photographs show the number of present plot owners from Amajlije and Popovi local communities. We emphasise that the present refused to write their name in the list of attendees and sign it.





RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)





RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)



RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM (FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)





**RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF PROTECTION DYKE IN THE CITY OF BIJELJINA UNDER  
THE DRINA FLOOD PROTECTION PROJECT IN BIH FOR STAGE 2 OF SECTION 2 IN A LENGTH OF L=4.81 KM  
(FROM THE CHAINAGE 5+041.90, ENDING AT THE CHAINAGE 9+851.71)**


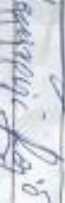


EVIDENCIJNA PRISUTNIH

AKCIONI PLAN PRESELJENJA, Dionica 2, etape 1,2,3,4 uključujući prtoku Janju  
Za projekat izgradnje sistema odbrambenog nasipa na rijeci Drini / K.O. AMAJLIJE I K.O. POPOVI

DATUM: 29.09.2017.

MJESTO ODRŽAVANJA: VELIKA SALA GRADSKJE UPRAVE GRADA BIJELJINA, SA POČETKOM U 11:00 ČASOVA

R.B.	IME I PREZIME	ORGANIZACIJA	TELEFON	E-MAIL	POTPIS
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