

RESSETTLEMENT POLICY FRAMEWORK (RPF)

DEVELOPMENT OF A FULL ENVIRONMENTAL AND SOCIAL
 IMPACT ASSESSMENT REPORT, TOGETHER WITH AN
 ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

SAVA WATERWAY REHABILITATION PROJECT

SERVICE CONTRACT NO. BA-SWRP-TF526-QCBS-CS-11-01



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ACRONYMS AND ABBREVIATIONS

BD	Brcko District
BiH	Bosnia and Herzegovina
BP	Bank Policy
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ISRBC	International Sava River Basin Commission
OP	Operational Policy
PAP	Project affected persons
PMU	Project Management Unit
RoS	Republic of Serbia
RP	Resettlement Plan
RPF	Resettlement Policy Framework
RS	Republika Srpska
SRY	Socialistic Republic of Yugoslavia
the Project	Sava Waterway Rehabilitation Project
WB	World Bank

0 EXECUTIVE SUMMARY

INTRODUCTION

1. The Sava Waterways Rehabilitation Project's (hereinafter referred to as "the Project") development objective is to improve the operational performance and safety of commercial and leisure vessels on the Sava River, thereby contributing to improved utilization of the river ports. The study area is the geographical area of the Sava River in Bosnia and Herzegovina and Republic of Serbia on the section from Brcko (rkm 234) to the confluence of the Sava river and Danube river at Belgrade (rkm 0) and its immediate surroundings.

2. The project on section from Brcko to Belgrade consists of three sub-projects including:

- (1) **the necessary river rehabilitation works** between Brčko and Belgrade;
- (2) **investments to improve the operational performance of Brčko port** in Bosnia and Herzegovina (Brcko District);
- (3) **demining works** on the south bank of the Sava River in Bosnia and Herzegovina (Republika Srpska) between Brcko and the international border with Serbia at the confluence of the Drina River.

3. The Resettlement Policy Framework has been prepared with the aim of setting out the principles for addressing the potential resettlement and economic impacts of land acquisition within the Project, in conformance with the laws on Bosnia and Herzegovina (Brcko District and Republika Srpska) and Republic of Serbia, as well as World Bank's Operational Policy OP 4.12 on Involuntary Resettlement. This RPF will be applicable to all components of the project irrespective of source of funding and will be subject of revision based on the implementation experience, as needed.

LEGAL FRAMEWORK FOR EXPROPRIATION AND INVOLUNTARILY RESETTLEMENT

4. The overview legal framework for expropriation and involuntarily resettlement is given in the table below.

Republika Srpska	Brcko District	Republic of Serbia
Expropriation Law (Official Gazette of RS No. 112/06, 37/07, 110/08)	Expropriation Law ("Official Gazette of BD", no. 26/04, 19/07, 02/08, 19/10, 15/11)	Expropriation Law ("Official Gazette of SRY", no. 53/95, 16/01 and "Official Gazette RoS", no. 20/09)
Law on Construction Land ("Official Gazette of RS", no. 112/06)	Law on Spatial Planning and Construction ("Official Gazette of BD", no. 29/08)	Law on Planning and Construction ("Official Gazette of RoS", no. 72/09, 81/09, 64/10, 24/11)
Rulebook on non-movable property value assessment (Official Gazette of RS, no. 37/09)	Guidelines on Prescribing Uniform Standards for Estimating the Market Value of Real Estates in Brcko District (no. 02-04.1-135/10 from 30.12.2010)	Rulebook on methodology for assessment of capital and property (Official Gazette of RoS, no. 45/01 and 45/02)
The Law on Real Property Rights (Official Gazette of RS, No. 124/ 08, 95/11)	Law on Legalization of Illegally Constructed Facilities ("Official Gazette of BD", no. 21/03, 3/04, 19/07, 29/04)	Law on Fundamentals of Property Legal Relations ("Official Gazette of SFRY", no. 06/80, 36/90, "Official Gazette of SRY", no. 29/96 and "Official Gazette of RoS", no. 115/05)

Republika Srpska	Brcko District	Republic of Serbia
Water Law ("Official Gazette of RS", no. 50/06).	Water Law (Official Gazette of RS 10/98, 51/01) ¹	Water Law ("Official Gazette of RoS", no. 30/10, 93/12)
Law on Forests ("Official Gazette of RS", no. 75/08).	Law on Forests (Official Gazette BD No.14/10)	Law on Forests ("Official Gazette RoS", no. 30/10, 93/12)
Law on Agricultural Land ("Official Gazette of RS", no. 93/06, 86/07, 14/10 i 5/12)	Law on Agricultural Land (Official Gazette of BD, No. 32/04, 20/06, 19/07)	Law on Agricultural Land ("Official Gazette of RoS", no. 62/06, 65/08 and 41/09)
Law on Social Welfare ("Official Gazette of RS", no. 37/12)	Law on Social Welfare ("Official Gazette of BD", no. 01/03, 04/04, 19/07, 02/08)	Law on Social Welfare ("Official Gazette of RoS", no. 24/11)
Law on Free Legal Assistance ("Official Gazette of RS", no. 120/08)	Law on the Office for Providing Free Legal Assistance ("Official Gazette of BD", no. 19/07)	Law on Civil Procedure ("Official Gazette of RoS", no. 72/11)
Law on Spatial Planning and Construction of RS ("Official Gazette of RS", no. 55/10)		Law on Cultural Assets ("Official Gazette of RoS", no. 71/94)
Law on Cultural Assets of RS ("Official Gazette of RS", no. 11/95, 103/08)		

WB RESETTLEMENT REQUIREMENTS

5. Expropriation and involuntarily resettlement according to the World Bank principles is governed by OP/BP 4.12 on involuntarily resettlement.

GAP ANALYSIS

6. In general, the national expropriation laws of RS, BD and RoS provides an adequate framework to carry out resettlement and compensation activities and it will generally be possible to comply with WB requirements. However, some specific issues/gaps exist, particularly:

7. Compensation at replacement value. Compensation under the expropriation laws is determined in accordance with the prevailing market price after taking into account the value of the property (land, structures, and crops). The laws specifically state that compensation cannot exceed the market price. The Laws do not specifically mention compensation for the costs of any registration and transfer taxes. All costs associated with transfer of property rights to the beneficiary of expropriation are borne by that entity. In practice, in BD for e.g., when replacement property is provided, the beneficiary of expropriation bears these costs for registering the new property in the name of the affected person. However, when compensation is paid in cash, these costs are not included in the compensation package. In accordance with the Key Principles set out by this RPF, affected properties will be compensated at full replacement cost, which is calculated as the market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc. Depreciation of structures will not to be taken into account during valuations.

8. Resettlement assistance. Provision of relocation costs and specific resettlement assistance for vulnerable groups are not foreseen by national Expropriation Laws. According to the Laws on Social Welfare, vulnerable citizens have the right to one-off financial payments if they find themselves in a situation of sudden and temporary need. Resettlement assistance costs will be borne by the expropriation beneficiary as provided by this RPF. Assistance to vulnerable households will also be provided by the expropriation beneficiary through the involvement of Municipal Social Services.

¹ Brcko District is currently using old Water Law of Republika Srpska

9. Eligibility for compensation in case of physical displacement. The expropriation laws foresees cash or in kind compensation for land, improvements to the land and structures (residential or business), for those who have formal legal rights. Owners of residential structures constructed without the necessary permits are entitled to compensation according to the Expropriation Law only in Brčko district. For non-residential structures constructed without building permit, the owner is not entitled to compensation, however he/she can tear down the structure and salvage the materials. Loss of informally built non-residential structures will be compensated according to the Entitlements Matrix. Socially vulnerable persons/households will be provided with alternative accommodation with security of tenure, as described in the Entitlements Matrix.

10. Eligibility for compensation in case of economic displacement. The Expropriation Laws foresees cash or in kind compensation for land and business structures / physical assets, for those who have formal legal rights. Those who do not have formal rights are not entitled to any compensation or livelihood restoration assistance. In addition, all categories are not entitled to costs of re-establishing commercial activities, lost net income, transitional support, or other targeted assistance. There is no specific legal requirement for organising or compensating the costs of transporting equipment. Losses related to economic displacement will be compensated according to the Entitlements Matrix.

11. Vulnerable groups. There are no special requirements in national legislation for organising consultations and relocation assistance for vulnerable groups. Vulnerable groups will be consulted on the type of assistance they need and provided with specific resettlement assistance.

12. Grievance mechanism. There is no specific requirement for establishing an independent project specific grievance mechanism, according to the Expropriation Laws or other national legislation. The Law does foresee rights of affected citizens (those with formal legal rights) to appeal at many stages of the expropriation procedure, beginning with administrative and judicial appeals (i.e. against the decision on expropriation, regarding compensation). A grievance redress mechanism has been set up for the Project as laid out by Chapter 5.7 of this document.

EXPECTED EXPROPRIATION ACTIVITIES

13. The expropriation may be expected for the sub-project (1) the necessary river rehabilitation works to be performed on the profiles located on the cross-border territory between Bosnia and Herzegovina (Brčko District) and Croatia, cross-border territory between Bosnia and Herzegovina (Republika Srpska) and Serbia and on the territory of Serbia.

14. According to the Master Plan and the Feasibility Study for Inland Waterway Transports in Serbia², six river work projects are proposed on the territory of the Republic of Serbia in total, as well as two river work projects on the cross-border territory between Bosnia and Herzegovina (Republika Srpska) and Serbia. It is expected that total of 54 ha of land will needed to be expropriated for the purpose of dredging to increase depth and width of fairway.

15. According to the Preliminary Design for Reconstruction of the Sava River Waterway and Determination of the Regulation Line from Racinovac to Sisak³, river works are planned on several locations on the cross-border territory between Bosnia and Herzegovina (Brčko District) and the Republic of Croatia. The widening of fairway is planned on the location of the traffic bridge between Brčko (B&H) and Gunja (Croatia). The deepening of fairway is planned in the total length of 5,672 km, divided in 7 smaller profiles in the length between 421 m and 1,184 km. No details on the expropriation works are given.

16. The insight in the situation on the field using Google Earth images indicate that the following types of expropriation might be expected on the Project:

- permanent and temporary expropriation of agricultural, forest and construction land including the loss of crops and forest;

²Master Plan and Feasibility Study for Inland Waterway Transports in Serbia, Volume 3 – Inland waterway transport network, Serbian Language, Consortium: Witteveen+Bos/DHI/Dynamar/MSR/PMC/Energoprojekt-Hidroinženjering, April 2005

³Preliminary Design for Reconstruction of the Sava River Waterway and Determination of the Regulation Line from Racinovci to Sisak, VPB d.d. Zagreb, 2006

- permanent expropriation of structures (less likely to occur);
- economic displacement as a result of temporarily restricted access to natural resource.

17. The initial screening of the expropriation situation indicates that impacts of the Project on the entire affected population may be minor. This suggests that Abbreviated Resettlement Plan may be prepared in line with the requirements of Annex A to OP4.12 on Involuntarily Resettlement, if any. However, the final decision on the further steps should be taken following completion of social impacts screening in the following phase of the project (see Chapter 5.4).

IDENTIFICATION OF PROJECT AFFECTED PERSONS

18. The Consultant has identified the following group of potentially affected persons:

- Project affected persons, with ownership rights, who lose all or part of their land;
- Project affected persons, with ownership rights, who have immovable property with or without building permissions on the land to be expropriated;
- Project affected persons with ownership rights over businesses that are affected by the loss of all or part of the land on which the businesses are located;
- Project affected persons with ownership rights over animal husbandries and agricultural infrastructure that are affected by the loss of all or part of the land on which they are based;
- Project affected persons with ownership rights of tenancy on private or public land;
- Project affected persons with ownership rights over land that will be needed during construction on a temporary basis;
- Project affected persons without ownership rights on affected land or businesses but their livelihoods are directly dependent on the affected land or businesses (e.g., those working on affected agricultural land or working in the affected businesses); and
- Project affected persons without ownership or use rights but who have established usage of public or private land by investing in immovable objects, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them.

PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT

19. Considering the described World Bank requirements and the provisions of related legislation in force, the following principles of resettlement and land acquisition will be adhered to in relation with Project implementation:

1. During sub-projects planning and nomination phase, efforts will be made to avoid or minimize the extent of land acquisition or resettlement needs by considering all feasible sub-project design alternatives.
2. To the extent possible, amicable negotiations and agreements with Project Affected Persons will be sought to avoid or minimize the extent of involuntary resettlement.
3. Resettlement, acquisition of assets, and related compensation for persons affected by the Project and its sub-components will be conducted in compliance with the applicable legislation; in particular the expropriation laws, as well as with the WB requirements set by the OP/BP 4.12 on Involuntary Resettlement.
4. In cases where the applicable WB requirements cannot be met within the scope of the national legislation, the gaps will be bridged by specific Project instruments defined in this RPF.
5. All owners, occupants and users of affected land at the time of the census date, whether with or without fully recognized ownership rights, will be eligible for certain type of compensation or assistance:
 - a. *Legally recognized properties* (and owners of *informal residential structures in BD*) will be compensated according to the national expropriation laws and be provided with security of tenure;
 - b. *Informally constructed structures* that meet criteria of the legislation for legalization will first be legalized, and then be subject to expropriation and compensation according to the expropriation laws; and
 - c. Owners of *informally constructed structures* that do not meet criteria of the applicable legislation for legalization, informal occupants or users will be entitled to choose between taking away the building materials of the structure or to be provided with cash compensation at construction value for the structure they have built; in addition,

they will be entitled to the provision of alternative accommodation of similar or improved characteristics and facilities, with security of tenure and transitional allowances, as appropriate in accordance with Entitlement Matrix (Chapter 5.6)

- d. All socially vulnerable categories will be entitled to the provision of alternative accommodation of similar or improved characteristics and facilities, with security of tenure, in accordance with the Entitlement Matrix (Chapter 5.6).
6. People who have ownership rights over land but are not found to occupy a site required by a project at the time of Census will also be accounted for. Refugees or people internally displaced by war 1992-1995 that are unable or unwilling to return to a location will also be included among the affected population and compensated.
7. Both loss of shelter (physical displacement) and loss of livelihoods (economic loss, i.e. "economic displacement") will be taken into account and mitigated.
8. Short-term impacts related to temporary occupation of land for construction purposes may also entail compensations or other assistance to affected persons.
9. Eligible affected properties will be compensated through provision of similar replacement property or alternatively through cash compensation at full replacement cost. Full replacement cost will be calculated as market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc.
10. Compensation will be effected prior to land entry or taking of possession over property by the expropriation beneficiary. Whenever feasible, the compensation recipients will be given a minimum of three months notice from date of compensation provision to vacate the property. If, at the recipients' request, cash compensation is to be paid in several installments, the payment of the first installment will trigger the notice period. However, the option for payment of compensation in installments will be avoided if possible.
In case the compensation is not accepted by the affected person or the affected person is not presently available, the compensation amount will be transferred to an escrow account of expropriation beneficiary to ensure that compensation is available once the agreement is reached (following the court decision) or affected person is available, in line with usual procedures followed in RS, BD, and RoS.
11. Livelihoods and standard of living of affected persons will be improved or, if not feasible, at least restored to the level prior to expropriation or other form of resettlement due to Project implementation. The personal situation of any vulnerable groups or persons will be particularly carefully considered when determining the extent of support to be provided. They will be provided the assistance by applying the provisions of the laws on social welfare and laws regulating free legal assistance. Vulnerable people are people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.
12. A date for the establishment of eligibility will be defined at municipality level as the date when public interest is established or when notification of intent of expropriation is delivered to affected owners where expropriation applies, or as the baseline survey (census or social survey) date for informal properties that are not eligible to expropriation according to national legislation. Any persons who may settle in the Project area after this date are not eligible to any compensations or other resettlement assistance. Any assets or crops established after this date in the Project area cannot be compensated for either. The official designation of this date is essential as it allows preventing potential misuses. In order to minimize fraudulent claims and attempts to misuse compensation benefits, this date will be publicly disclosed with an accompanying explanation through available municipal and borrower's communication channels including official web pages, announcement on local radio and newspaper, and information boards in affected local communities. The new encroachment will be prevented by partially demolishing of abandoned residential and non-residential structures and periodic inspection visits to project locations.
13. Any displaced persons, as well as their new host communities will be informed and consulted during the resettlement planning, implementation, and evaluation.
14. Project affected person will be provided with grievance redress mechanism.
15. Resettlement activity will be monitored and evaluated by the borrower.

SCREENING OF SOCIAL IMPACTS

20. There is no obligation in current laws and regulations in all three countries for separate Social Impact Assessments Studies for all investments under the Project.

21. The screening of social impact will be performed as a part of ESIA development Process. It will lead to the conclusion of the necessity to produce Involuntarily Resettlement Instruments and carry out the census. The screening of social impact will be carried out in three phase:

Phase 1. Review of the existing data and preparation of the instruments

Phase 2. Qualitative research

Phase 3. Quantitative research

22. A detailed methodology for social impact screening is given in Annex 4.

CENSUS PROCEDURE AND ESTABLISHMENT OF CUT-OFF DATE

23. In case that screening of social impact determine the need for carrying the census, the following procedure will be followed. The Cut-Off Date for eligibility for resettlement assistance will be defined as a census commencement date. Project Management Unit (PMU) established by the borrower and local administration will inform potentially affected people of the Cut-Off Date through different communication channels such as web page, municipal information boards, and local newspaper and radio stations, in order to minimise potential claims related to eligibility.

24. Census and registration will provide information on the scale and complexity of the required resettlement planning (for example, the size, distribution, and socioeconomic diversity of the population). The census will encompass all people adversely affected by the project, regardless of their legal status (landowner, holder of land rights, tenant, and squatter) or whether they are actually living on an affected site at the time of the census. In other words, lack of legal land title does not disqualify people from resettlement assistance.

25. Census-takers will provide affected people documentation that confirms their enumeration (identity cards or a witnessed copy of the survey endorsed by the household head). Individuals or groups who are not present at the time of registration but who have a legitimate claim to membership in the affected community will also be accommodated.

26. The census will also be combined with the gathering of pertinent demographic and related social and economic information from among the affected people. This information will provides a number of baseline indicators, including children in school by age and sex; household size; incidence of disease; key economic activities of household members, available assets other than those found on site, etc. and provide good baseline to measure and compare changes in living standards before and after expropriation. Data will be collected for all household members, including those who may not be resident at the time of the census as their remittances can account for a significant proportion of total income for that household.

27. Indicative formats for census/socio-economic survey are given in Annex 5.

EXPROPRIATION PROCESS

28. The overview of expropriation process is given in table below.

Process Phase	Actions/activities	Remark
Prior to initiation of the expropriation process	Development of Resettlement Policy Framework	Requirement in sense of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Disclosure of Resettlement Policy Framework	Requirement in sense of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Approval and issuing of Resettlement Policy Framework	Requirement in sense of the World Bank Operational Policies 4.12.

Process Phase	Actions/activities	Remark
Prior to initiation of the expropriation process	Carrying out the Census (Socio-Economic Study) and announcement of the cut-off-date (if needed)	Requirement in sense of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Development of Abbreviated Resettlement Plan (if needed) and ESIA	Requirement in sense of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Disclosure of Abbreviated Resettlement Plan and ESIA (if needed)	Requirement in sense of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Approval and issuing of Resettlement Plan (if needed) and ESIA	Requirement in sense of the World Bank Operational Policies 4.12.
Initiation of the expropriation process	Determination of Public interest	Requirement for initiation of the expropriation process. The Administration will issue a Decree on Establishing Public Interest
Initiation of the expropriation process	Submission of Proposal for Expropriation	A proposal should contain information on beneficiary, real property and its owner, decision on construction of an investment structure, <u>proof that the expropriation beneficiary has secured and allocated funds for compensation payment on an escrow account</u> , proof of defined public interest, and proof of the beneficiary's attempt to resolve the ownership acquisition issue with the property owner. The Administration will issue a Decision on Expropriation.
Initiation of the expropriation process	Withdrawal of the Proposal on Expropriation	Process suspension
Expropriation process	Administrative dispute: Appeal against the Decision on Expropriation (if any)	Decision is issued by the Appellate Court of BD, or District Court of RS, Ministry of finances of RoS.
Expropriation process	Second-instance administrative procedure per appeal: Settlement of appeals to the Decisions on Expropriation (if any)	Settled by the responsible office for geodesy and property affairs
Expropriation process	Settlement of the transfer of ownership right by amicable sale-purchase agreement	Suitable also for settlement of certain disputable or problematic cases (for example construction of a structure without obtained permits and licences)
Expropriation process	Determination of ownership rights	If there is a discrepancy between the land registry and actual situation of the real property, municipal department for property affairs (in B&H) and responsible court (in RoS) will settle the ownership right as a preliminary issue. This prescribed option is of special significance as it authorizes the department above to preliminary settle, or determine the ownership right, which is a far more efficient way if compared to special procedures carried out before other authorities.
Expropriation process	Expropriation of the remainder of real property	Expropriation of the remainder of the real property can also be expropriated on the owner's request, provided the owner holds no business interest in using the related part, or if the former existence has been disabled or substantially deteriorated on the remainder property or if normal usage of it has been disabled.

Process Phase	Actions/activities	Remark
Expropriation process	Determination of compensation amount in administrative procedure	By amicable agreement before the municipal department for property affairs
Expropriation process	Transfer of compensation and assistance payments to the affected persons.	The expropriation beneficiary can not take position of corresponding real property if the compensation is not paid.
Expropriation process	Court (non-contentious) procedure: determination of compensation amount in court procedure (if any)	Municipal court decision on the compensation amount. The compensation amount is transferred to the escrow account of expropriation beneficiary or court deposit account until the court procedure is finalised.
Expropriation process	Court (non-contentious) procedure: Transfer of compensation amount to the affected person (if any)	The compensation is transferred from the escrow account.
Expropriation process	Taking possession of the expropriated property - transfer of legal title	Rule: the property will be taken into possession after the expropriation decision enters into force and after the beneficiary had already transferred compensation fee or replacement property to the affected person. Exception: based on the request of the expropriation beneficiary, the Government can decide to hand over the real property prior to the final decision issue or prior to the decision finality, when it is necessary due to urgency or elimination of major damage. This option is excluded in case of a residential or business structure for which the expropriation beneficiary has not provided a corresponding real property.
Expropriation process is completed	Registration of ownership and other property rights	Registration of ownership and other property rights on expropriated real estate, as well as the real estate granted to a former owner on behalf of the compensation, is carried out according to the final expropriation decision and proof of compensation paid, or proof of the acquisition of ownership right over another corresponding estate by the former owner.
Expropriation process is completed	Request for real property deexpropriation (if any)	Cancellation of the final expropriation decision due to the failure to accomplish intended usage of the acquired real property or failure to use the property for purposes it has been acquired for.
Expropriation process is completed	Civil work commencement	Civil works can start after expropriation process is successfully completed and appropriate civil work related licenses issued.

METHODS OF EVALUATION OF AFFECTED ASSETS

29. Agricultural and forest land. Compensation for land will, wherever feasible, be in the form of a replacement property allowing the owner approximately the same conditions of use. Where replacement property cannot be offered to the affected landowner, the expropriating authority will establish written evidence of its unsuccessful efforts to identify such similar land and offer compensation at full replacement cost. The full replacement cost will include market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of

another property, registration in land registry, etc. The market value will be determined by Tax Administration according to the available national guidelines on property assessment. In situations where a parcel of equivalent size or potential cannot be identified and offered, and parcels smaller in size or potential can be offered (10% difference), the owner will be allowed the option to receive compensation partly in kind (replacement property - parcel) and partly in cash. In situations of partial expropriation of agricultural land where the land owner would assess the parcel remainder as unsuitable for further agricultural use, the owner can apply for expropriation of the whole plot.

30. Construction land. The preferred option for construction land to be expropriated will be replacement with alternative land according to the provisions of the expropriation laws. The compensation package will usually include a compensation for residential houses on the given parcel. If residential land is affected but the house itself is not, compensation will usually be in the form of cash. Cash compensation will be provided at full replacement cost, applying the approach similar to that described for agricultural land in previous section.

31. Crops and Forest. Land acquisition and land entry will be scheduled so that any standing annual crop can be harvested and they will not be compensated for. Annual crops that cannot be harvested will be compensated for at full market value. Recent agricultural produce prices at municipal level will be applied. The full replacement cost will be calculated by application of the following formula and applied to the whole parcel assuming either an average density or based on the precise count of all standing trees:

$$C = V \times D + C_P + C_L$$

32. V - average market value of the produce of one tree for one year; D - average period of time required to re-establish the tree to an adult production level, in years; C_P - cost of planting (seedling, soil preparation, initial fertilization); C_L - cost of the labor required to maintain the crop during the period of time needed to re-establish it to its previous production level

33. The replacement value for timber will therefore be the market value of the logged timber. If an affected commercial forest cannot be logged before entry of the expropriation beneficiary into the parcel, the compensation principle will be similar to that described for annual crops, taking consideration of the market value of the lost timber.

34. Residential and other structures. The provision of replacement properties will be determined on case-by-case basis depending on the number of affected people who require such compensation. Possible options are (i) provision of residential and/or business structure in public ownership; and (ii) construction of new residential and/or business structures that will be offered as replacement for lost assets. If replacement structures smaller in size or of favorable characteristics are proposed to affected persons, the difference in value will be paid to the affected owner pursuing the approach similar to that described in section on agricultural land compensation. Where the affected owner opts for cash compensation rather than replacement property or if no suitable substitute property can be identified in the area, residential structures will be compensated in cash. Principles applicable to the determination of replacement value are the same as those described above for land. Non-residential structures will be compensated for in cash based on full replacement cost. Owners of residential and business structures which cannot be legalized will be offered compensation in line with the provisions of the Entitlements Matrix.

35. Livelihood restoration. In case that a business is affected, livelihood restoration assistance will be based on the income lost during the period required to re-establish the business elsewhere, as well as any other transitional costs to be assessed on a case-by-case basis (i.e. based on accounting reports or other applicable documents/receipts).

36. Moving Assistance. Moving assistance will be paid in cash and will cover the cost of moving furniture and other personal belongings. This cost will be calculated as either: i) a fixed amount corresponding to the cost of the move of 5 cubic meters goods per household regardless of the household size, or ii) a variable amount corresponding to the actual household size, covering the cost of moving 2 cubic meters goods per household member. Where applicable, the moving assistance will

also include support to cover the cost of identifying and securing a new dwelling, as well as other relocation costs such as the cost of transferring utilities to the new address.

37. Assistance to Vulnerable Groups. Assistance to vulnerable people will include various activities, depending on a case-by-case screening to be carried out with support from the relevant municipal social departments. An indicative list of activities is given in Chapter 6.5.6.

ENTITLEMENT MATRIX

38. Compensation entitlements for different categories of eligible persons and assets (properties) covered either by the current applicable legislation of RS, BD, and RoS, or by this RPF to bridge gaps and meet the specific WB requirements, are summarized in following table.

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
LAND LOSSES				
Owner⁴	Registered construction land	Permanent loss	Replacement plot of land of similar size and characteristics ⁵ + Transitional assistance such as land preparation costs, to be assessed on case-by-case basis <u>or</u> Cash compensation at full replacement cost ⁶	Transfer of property right through amicable agreement or expropriation. The full replacement cost will be calculated as specified in Chapters 5.7.1 and 5.7.2.
Owner	Registered construction land	Temporary loss	Cash compensation for lease + additional compensation for any damage occurred	Transfer of compensation through amicable agreement
Owner	Registered agricultural land	Permanent loss	Replacement agricultural land of similar size and characteristics + Transitional assistance such as land preparation costs, to be assessed on case-by-case basis <u>or</u> Full cash compensation at replacement cost	Transfer of property right through amicable agreement or expropriation. The full replacement cost will be calculated as specified in Chapters 5.7.1 and 5.7.2. If the affected fraction accounts for 10% or less of the total surface area of the agricultural parcel, replacement parcel option will not be available. Instead, cash compensation will be available. If the remainder after expropriation of the affected part is unusable, the owner will be entitled to expropriation of the whole parcel and compensation according to the laws on expropriation.
Owner	Registered agricultural land	Temporary loss	Cash compensation for lease + additional compensation for any damage occurred	Transfer of compensation through amicable agreement. If the remainder after expropriation of the affected part is unusable, the owner will be entitled to expropriation of the whole parcel and compensation according to the laws on expropriation.

⁴ This category also pertains to successors of owners. In case inheritance procedure has not been finalized, courts must determine successors and their share in ownership before compensation is provided.

⁵ In all situations where a parcel of equivalent size or potential cannot be identified and offered, and parcels smaller in size or potential can be offered, the owner will be allowed the option to receive compensation partly in kind (replacement property - parcel) and partly in cash in line with recommendations set in chapter 6.5.

⁶ Replacement cost indicates market value of the property plus legal costs of acquiring other property, such as taxes and fees related to purchase of other property, registration in land registry etc., without depreciation accounted for.

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
CROPS AND FOREST LOSSES				
Owner	Annual crop	Permanent or temporary loss	<p>The right to harvest crops</p> <p><u>or</u></p> <p>Cash compensation at market value to the crop owner (who may be other than the land owner)</p> <p><u>and</u></p> <p>Cash compensation for any developments on the land such as irrigation or drainage structures, glasshouses, etc. in case of their permanent loss or damage</p>	<p>Cash compensation for the crop possible only if the annual crop cannot be harvested or picked within the notice period according to the expropriation laws. The cash compensation will be determined in line with procedure given in Chapter 5.7.3.</p> <p>If crop owner is other than land owner, instrument to provide compensation to crop owner: as proposed in this RPF.</p>
Owner	Perennial crop	Permanent or temporary loss	<p>The right to harvest crops</p> <p><u>or</u></p> <p>Cash compensation at market value to the crop owner (who may be other than the land owner)</p> <p><u>and</u></p> <p>Cash compensation for any developments on the land such as irrigation or drainage structures, glasshouses, etc. in case of their permanent loss or damage</p>	<p>Cash compensation for the crop possible only if the perennial crop cannot be harvested or picked within the notice period according to the expropriation laws.</p> <p>The cash compensation will be determined in line with procedure given in Chapter 5.7.3.</p> <p>If crop owner is other than land owner, instrument to provide compensation to crop owner: as proposed in this RPF.</p>
Owner	Forest	Permanent loss	<p>Cash compensation at replacement cost of the land to the land owner</p> <p>Cash compensation at market value of the lost timber to the timber owner</p>	<p>In RS, the compensation for forest land is determined in amount equal to the price of the closest pasture land of the same location conditions.</p> <p>Transfer of property right through amicable agreement or expropriation.</p> <p>The cash compensation will be determined in line with procedure given in Chapter 5.7.3.</p>

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
RESIDENTIAL STRUCTURE RELATED LOSSES				
Owner	Residential structure with valid construction permit on registered land	Permanent loss	Replacement assets: residential parcel of similar size/characteristics and a residential structure of similar size/characteristics <u>or</u> Cash compensation for both land parcel and structure at full replacement cost + Resettlement assistance including moving allowance and compensation for other resettlement related expenses	Transfer of property right through amicable agreement or expropriation Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6. Additional support will be provided to vulnerable groups, if any, in accordance with their needs.
Owner	Residential structure without construction permit raised by the land owner, with the corresponding residential parcel	Permanent loss	<u>Subject to successful legalization:</u> Same as formal owner <u>If legalization is not possible:</u> Compensation for land at full replacement cost + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure. + In case of severe loss, affected person will be provided with alternative housing without paying rent for at least 1 year with security of tenure, if s/he does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses	In RS, the law has already foreseen compensation for this situation. Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6. Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.
Informal user	Residential structure raised without building permit on land owned by other private person (no complaint filed within 3 years)	Permanent loss	<u>Subject to successful legalization and constructed before the cut-off date:</u> <ul style="list-style-type: none"> Cash compensation at full replacement cost for the land to the landowner or his/her successors Cash compensation for structure at full replacement cost + Resettlement assistance including moving allowance and compensation for other resettlement related expenses. 	Establishment of right of property and legalization of the unregistered residential structure according to the laws on property rights then implementation of expropriation according to the laws. Transfer of property right through amicable agreement or expropriation Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
			<p><u>If legalization is not possible:</u></p> <p>Cash compensation at full replacement cost for the land to the landowner or his/her successors + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure. + In case of severe loss, affected person will be provided with alternative housing without paying rent for at least 1 year with security of tenure, if s/he does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses</p>	<p>Chapter 5.7.5 and 5.7.6.</p> <p>Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.</p>
Informal user	Residential structure raised without construction permit on public land	Permanent loss	<p><u>Subject to successful legalization and constructed before the cut-off date:</u></p> <p>Cash compensation for structure at full replacement cost + Resettlement assistance including moving allowance and compensation for other resettlement related expenses.</p> <p><u>If legalization is not possible:</u></p> <p>The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure. + In case of severe loss, affected person will be provided with alternative housing without paying rent for at least 1 year with security of tenure, if s/he does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses</p>	<p>Establishment of right of property and legalization of the unregistered residential structure, then implementation of expropriation according to the laws.</p> <p>Transfer of property right through amicable agreement or expropriation</p> <p>Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6.</p> <p>Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.</p>

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
Informal user	Tenant or other informal occupant occupying a residential structure	Permanent	Timely notification to enable tenant to find other accommodation	According to the national Laws on Obligations.
Informal user	Other informal occupant occupying a residential structure	Permanent	Provision of use of alternative accommodation by the competent authorities, with security of tenure, if the occupant has no stable source of income and his/her family does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses	Support to informal occupants is not regulated by local legislation and is to be dealt with through amicable agreement. Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6. Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.
NON-RESIDENTIAL STRUCTURE RELATED LOSSES				
Owner	Non-residential structure with valid construction permit on registered land	Permanent loss	Replacement plot of land of similar size and characteristics <u>or</u> Cash compensation at full replacement cost + Cash compensation in amount of his/her investment to the structure owner	Transfer of property right through amicable agreement or expropriation.
Owner	Non-residential structure without construction permit on registered land	Permanent loss	<u>Subject to successful legalization</u> Same as formal owner <u>If legalization is not possible:</u> Replacement plot of land of similar size and characteristics <u>or</u> Cash compensation at full replacement cost + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure.	Transfer of property right through amicable agreement or expropriation.

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
Informal user	Non-residential structure without construction permit on land owned by other private person		Replacement plot of land of similar size and characteristics <u>or</u> Cash compensation at full replacement cost to the land owner or her/his successor. + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure.	Establishment of right of property and legalization of the unregistered non-residential structure according to the laws on real property rights, then implementation of expropriation according to the laws.
Informal user	Non-residential structure without construction permit on public land		The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure.	
BUSINESS OR COMMERCIAL LOSSES				
Owner	Loss of place of business	Permanent	<ul style="list-style-type: none"> • Compensation for real estate (land and structures) at full replacement cost • Livelihood restoration assistance, based on the income lost during the period required to re-establish the business elsewhere, to be assessed on a case-by-case basis • Resettlement assistance including moving allowance and compensation for other resettlement related expenses. In case of severe loss of business, compensation will include any other transitional assistance to be assessed on a case-by-case basis. 	Expropriation according to the laws. Transfer of compensation through amicable agreement. Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6.
Owner	Loss of place of business	Temporary	<ul style="list-style-type: none"> • Compensation for income lost during the period of no-use 	Lease (for real estate) according to the laws. Transfer of compensation through amicable agreement.
UNIDENTIFIED IMPACTS				
Owner/informal user	Unidentified impacts	Permanent or temporary	<ul style="list-style-type: none"> • Any unidentified impact will be mitigated in accordance with the principles and objectives of the RPF. 	In accordance with the principles and objectives of the RPF

GRIEVANCE MECHANISM

39. The following overall grievance management organization principles will be adhered to:

- The project affected persons will be able to submit grievances at the location closest to the sub-project implementation site - PMUs will establish a central registry of grievances with branches in every municipality where resettlement is planned
- Any grievance will be registered, acknowledged receipt of within 7 working days, and tracked until it is sorted out,
- A grievance record will be opened for each grievance
- grievance management arrangements will comprise two processing stages:
 - ✓ preliminary, extra-judicial stage of amicable review and settlement, with involvement of the Project Management Unit (PMU) in charge of expropriation; the purpose of this stage is to avoid resorting to court processing for faster resolution of as many grievances as possible; and
 - ✓ the judicial system representing the second stage mechanism.
- grievances will be processed and responded to within a reasonable period of time, unless under particularly aggravating circumstances, within one month.

CONSULTATION AND PARTICIPATION MECHANISM

40. The overview of consultation and participation mechanisms is given in the table below.

Process Phase	Actions/activities	Disclosure, consultation and participation mechanism	Responsibility
Prior to initiation of the expropriation process	Disclosure of Environmental and Social Management Framework and Resettlement Policy Framework with the purpose of informing and public discussions	<i>Requirement of the World Bank Operational Policies 4.12.</i> Documents will be disclosed both by the Bank and the borrower. Public discussion will be organised as a part of ESMF disclosure proces. For details see Chapter 5.11.	The WB and the Borrower
Prior to initiation of the expropriation process	Disclosure of Environmental and Social Impact Assessment Study and Socio-Economic Survey with the purpose of informing and public discussions	<i>Requirement of the World Bank Operational Policies 4.12.</i> The document is to be disclosed both by the Bank and the borrower. Public discussion will be organised. For details see Chapter 5.11.	The WB and the Borrower
Prior to expropriation process	Proposal submission	<i>Requirement of the national expropriation laws.</i> Notification on proposal submission is to be send to the owner of the property.	The borrower via responsible authority
Prior to expropriation process	Settlement of the transfer of ownership right by agreement	<i>Requirement of the national expropriation laws.</i> Consultation and discussion with the property owner with the ultimate aim to conclude amicable sale-purchase agreement.	The borrower via responsible authority

Process Phase	Actions/activities	Disclosure, consultation and participation mechanism	Responsibility
Prior to expropriation process	Issuing Decision on Expropriation	<i>Requirement of the national expropriation laws.</i> Hearing of the property owner in regard to the expropriation facts prior to issuing Decision on Expropriation.	The borrower via responsible authority
Expropriation process	Determining the amount of the compensation	<i>Requirement of the national expropriation laws.</i> Convene and hold a hearing to determine the compensation for the expropriated real property.	The borrower via responsible authority

DISCLOSURE

41. The following documents will be disclosed to public in both local and English language (i) Environmental and Social Management Framework and Resettlement Policy Framework, and (ii) Environmental and Social Impact Assessment Study and Socio-Economic Survey.

42. The documents will be available for download from web page of the Ministry of Transport and Communication of B&H (additionally, the documents can be posted on web sites of Ministry of Transport and Communication of RS and Department of Public Affairs of Government of BD) and Ministry of Transport of RoS. The information on the availability of documents will be announced through web sites, local newspaper and/or radio, and municipal information boards.

43. The Public Consultation process on the Project will be held after the approval of the ESMF and RPF Draft by the World Bank and the Client and after ESIA Draft and Socio-Economic Survey approval by the World Bank and the Client. The meetings will be organized at locations and in a manner that is most convenient for all parties to participate. The above listed documents will be publicly disclosed at least 15 days before each public hearing held for this Project. The stakeholders will be given at least 30 days opportunity to submit written comments on the documents disclosed.

44. Having in mind the cross-border character of the project, a notification on public disclosure and participation process will be issued to Ministry of Maritime Affairs, Transport and Infrastructure of neighboring Republic of Croatia.

45. In case that Abbreviated Resettlement Plan is to be prepared, the consultation process will be carried out in all local communities under the influence of the Project in a same manner as described above.

INSTITUTIONAL ARRANGEMENTS

46. The RPF will be adopted by the Ministry of Transport and Communications after approval of Project Steering Committee consisting of the representatives of Ministry of Transport and Communication of RS and Department of Public Affairs of Government of BD. Responsibility for its implementation will be shared later on in accordance with the agreed institutional arrangements that are pending administrative decision.

47. It can be assumed that the project will be implemented by Project Management Units of Ministry of Transport and Communication of RS, Department of Public Affairs of Government of BD and Ministry of Transport RoS, each on their respective territory.

48. Expropriation process will be carried out in close cooperation with relevant municipalities. The municipal departments in charge of social issues and departments in charge of residential affairs will facilitate the process of allocating alternative accommodation (social apartments) for socially vulnerable owners of informal structures which cannot be legalized and social vulnerable informal occupants /users of structures.

MONITORING AND EVALUATION

49. The overview of monitoring and evaluation instruments is given in the table below.

	Input Monitoring	Output Monitoring	Outcome Evaluation
Scope	Measures inputs into the land acquisition and resettlement program	Measures outputs of the land acquisition and resettlement program	Assesses whether desired objectives and outcomes have been achieved as set in initial commitments
Proposed indicators or typical questions	<p>Number of PAPs by categories</p> <p>Overall spending on expropriation and compensation</p>	<p>Number of individual compensation agreements signed in the period.</p> <p>Number of people having received cash compensation in the period with distribution by compensation type and by classes of amounts.</p> <p>Number of PAPs having moved into their new dwelling in the period.</p> <p>Number of PAPs having moved from their previous dwelling in the period.</p> <p>Number of houses made available to PAPs.</p> <p>Qualitative indicators which will serve to assess the satisfaction of the affected people with the resettlement initiatives and, thus, the adequacy of the initiatives. Information on these indicators will be obtained through direct consultation with the affected population (meetings, focus group discussions, questionnaires).</p>	<p>Grievances, including their outcomes and average time for processing and redress.</p> <p>What is compensation used for?</p> <p>Are people living in resettlement houses those who were allocated the houses? Degree of satisfaction with the new dwelling.</p> <p>Degree of satisfaction with the compensation agreement.</p> <p>Degree of satisfaction with performance of resettled business. Are livelihoods of business employees restored?</p> <p>Getting information on things like whether the resettlement process was easy or not (e.g. it involved lots of paperwork, communication was poor, etc.).</p>
Examples of data collection and analysis methods	Monthly progress reports (technical and financial) prepared by the PMU with a list of input indicators.	Monthly progress reports (technical and financial) prepared by the PMU with a list of output indicators.	Six-monthly or yearly monitoring and evaluation reports prepared internally and including a list of indicators agreed with external evaluators – analysis and evaluation by external evaluators.
Responsibility	Internal: Data is gathered and processed by PMU.	Internal: Data is gathered and processed by PMU.	External: based on internally gathered data (inputs and outputs) and supplemental external investigations, e.g. random interviews or focus groups held by the external evaluators.

1 INTRODUCTION

1.1 BACKGROUND INFORMATION

50. The Sava River is 945 km long and drains 95,719 km² of surface area. It springs in Slovenia, runs through Croatia and Bosnia and Herzegovina (B&H), and discharges into the Danube in Serbia. In B&H, the River Sava flows through two entities, the Federation of Bosnia and Herzegovina (Posavski Canton) and the Republic of Srpska (regions of Banja Luka, Doboј and Bijeljina), as well as Brčko Administrative District. In the Republic of Serbia, the River Sava flows nearby cities of Sremska Mitrovica and Sabac, and passes through the Belgrade urban area to join the Danube River. The River Sava is categorized as an International Waterway, forming the border between B&H and Republic of Serbia for 32,8 km, and between Bosnia and Herzegovina and Croatia for 304 km.

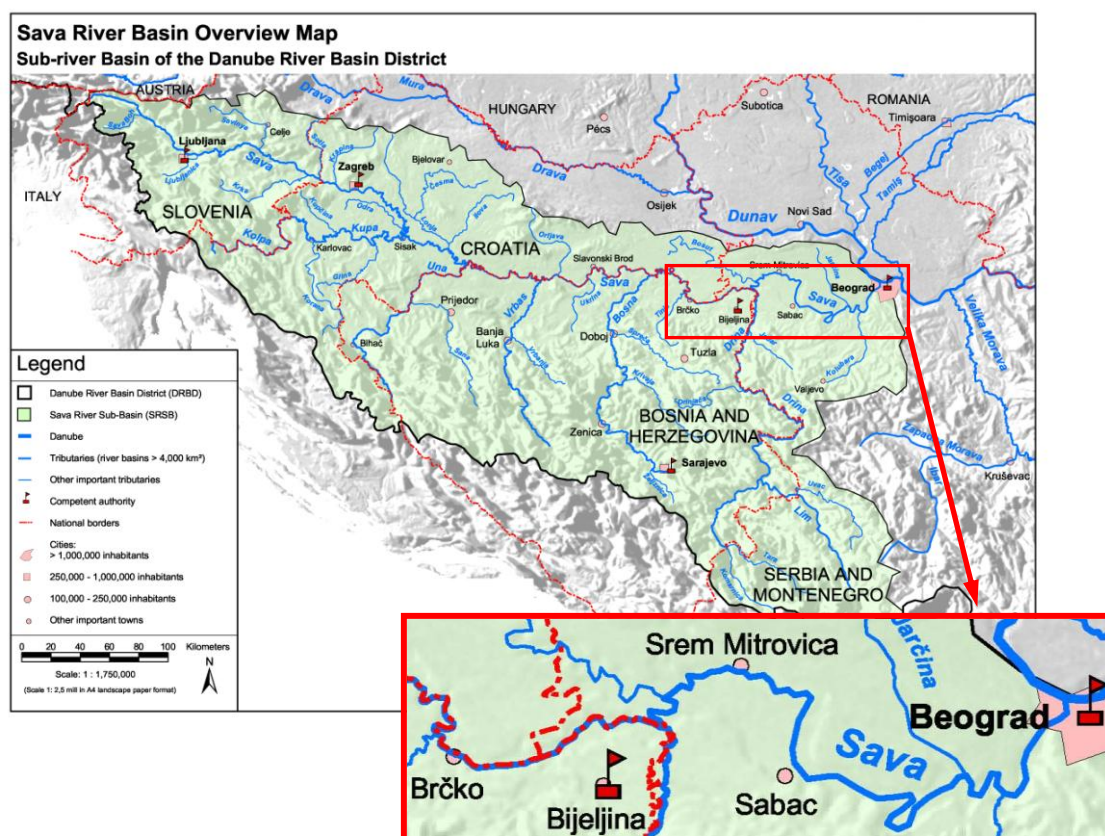


Figure 1 Sava River Basin Overview Map. Prepared by FLUVIUS, Vienna, January 2006

51. Before 1990, the Sava River fulfilled an important role in the regional transport network. Navigation was possible for much of the year from the confluence with the Danube at Belgrade all the way up to Rugovica in Croatia for a total length of 653 km. The International Sava River Basin Commission (ISRBC)⁷ was established in 2002 by the Framework Agreement on the Sava River Basin signed by the four riparian countries: Republic of Slovenia, the Republic of Croatia, Bosnia and Herzegovina and the Republic of Serbia. It was mutually agreed amongst the riparian countries that the international navigation regime on the Sava River and its navigable tributaries will be established. Signatory parties of the Agreement agreed to undertake all necessary measures for maintenance of the waterways in

⁷ <http://www.savacommission.org/>.

their territory to guarantee a navigable state-of-condition as well as to undertake measures on improvement of the navigation conditions, and commit to remove any obstacles to navigation.

52. In 2008, the ISRBC commissioned a Feasibility Study for the revitalization of the waterway. The Study identified many sections of the river along the stretch km 0.0 (Belgrade) – km 579,5 (Sisak) that not fulfill the minimum requirements for navigation and are identified as “bottlenecks” to safe and efficient river traffic navigation. A final decision regarding the class and the phasing of the works has been made by the ISRBC and the Riparian Countries in 2009. The Sava River Waterway will be rehabilitated to Class Va status on the sector from the river mouth (rkm 0) at Belgrade to Brčko (rkm 234) and to Class IV status on the sector from Brčko (rkm 234) to Sisak (rkm 579,5). Class IV status requires a draught of 2.5 meters and permits navigation of vessels of 1,000 to 1,500 tons, while Class Va status requires a draught of between 2.5 to 2.8 meters and allows navigation of vessels weighing between 1,500 to 3,000 tons.

1.2 PROJECT OVERVIEW

53. The Sava Waterways Rehabilitation Project's (hereinafter referred to as "the Project") development objective is to improve the operational performance and safety of commercial and leisure vessels on the Sava River, thereby contributing to improved utilization of the river ports.

54. The study area is the geographical area of the Sava River in Bosnia and Herzegovina and Republic of Serbia on the section from Brčko (rkm 234) to the confluence of the Sava river and Danube river at Belgrade (rkm 0) and its immediate surroundings.

55. The project on section from Brčko to Belgrade consists of three sub-projects including:

- (1) **the necessary river rehabilitation works** to be performed on profiles in Bosnia and Herzegovina (Republika Srpska) and Serbia including the necessary civil works, involving river dredging and training works, riverbank protection and where necessary land acquisition, site clearance, and the placing of rock or braced blocks, or geotextile material, to return the Sava River to Class Va status (up to 1500 t vessel capacity) between Brčko and Belgrade.
- (2) **investments to improve the operational performance of Brčko port** in Bosnia and Herzegovina (Brčko District) including (i) the completion of works on the reconstruction of the quay wall; (ii) the connection of the main rail track with tracks within the port; (iii) the procurement of forklifts; (iv) the procurement of new bucket grabs for the gantry cranes, (v) rerouting the rail tracks away from the city center, asphaltting of approximately 2.5 km of the road access to the port.
- (3) **demining works** on the south bank of the Sava River in Bosnia and Herzegovina (Republika Srpska) between Brčko and the international border with Serbia at the confluence of the Drina River.

1.3 SCOPE OF THE OVERALL ASSIGNMENT

56. The aim of the overall assignment is to assist Bosnia and Herzegovina and Republic of Serbia in integrating environmental and social factors into the investments arrangements. The objective is to develop environmental and social impact assessment (ESIA) package that includes:

- an Environmental and Social Management Framework (ESMF) that will describe environmental and social assessment processes for all investments financed by the bank and covered by proposed project;
- an Resettlement Policy Framework (RPF);
- and Environmental and Social Impact Assessment (ESIA) including an Environmental and Social Management Plan.

1.4 SCOPE AND OBJECTIVES OF THE RPF

57. The Resettlement Policy Framework has been prepared with the aim of setting out the principles for addressing the potential resettlement and economic impacts of land acquisition within the Project, in conformance with the laws on Bosnia and Herzegovina (Brčko District and Republika Srpska) and Republic of Serbia, as well as World Bank's Operational Policy OP 4.12 on Involuntary Resettlement. This RPF will be applicable to all components of the project irrespective of source of funding. The RPF will be subject of revision based on the implementation experience, as needed.

1.5 KEY DEFINITIONS

58. Unless the context dictates otherwise, the following terms shall have the following meanings:

1. "Census" means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
2. Environmental and Social Management Framework (ESMF) is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the Project funded activities and other activities associated with this Project regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF.
3. "Economic displacements" means loss of assets or access to assets that leads to loss of income sources or means of livelihood as a result of project-related land acquisition or restriction of access to natural resources.
4. "Encroacher" is someone who intrudes on the privacy or property of another without permission.
5. "Compensation" means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
6. "Cut-off date" is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
7. "Involuntary Displacement" means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - a. loss of benefits from use of such land;
 - b. relocation or loss of shelter;
 - c. loss of assets or access to assets; or
 - d. loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
8. "Involuntarily Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
9. "Land" refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
10. "Land acquisition" or "Expropriation" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
11. "Livelihood" means the capabilities, assets and activities required to maintain living standards and quality of life, including cash incomes and self-consumption.
12. "Market value" is the highest estimated price that a buyer would pay and a seller would accept for an item in an open and competitive market.

13. "Project affected persons" (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:
- a. standard of living adversely affected, whether or not the Project Affected Person must move to another location ;
 - b. right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
 - c. access to productive assets adversely affected, temporarily or permanently; or
 - d. business, occupation, work or place of residence or habitat adversely affected.
14. "Resettlement Plan" is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RPs are prepared by the party impacting on the people and their livelihoods. RPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
15. "Replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. Replacement cost indicates market value of the property plus legal costs of acquiring other property without depreciation accounted for. In terms of land, this may be categorized as follows:
- "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of (i) preparing the land to levels similar to those of the affected land; (ii) any registration, transfer taxes and other associated fees;
 - "Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include (i) Building materials; (ii) transporting building materials to the construction site; (iii) any labour and contractors' fees; and (iv) any registration costs.
16. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals which ever is feasible and as required, for ease of resettlement during relocation,
17. "The Resettlement Policy Framework (RPF)" has been prepared as an instrument to be used throughout the project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program.
18. "Sub-projects" means any projects or activities which are directly related to the Project.
19. "Transitional assistance" means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
20. "Vulnerable Groups" include, but are not limited to:
- a. mentally or physically disabled persons,
 - b. refugees and internally displaced people,
 - c. seriously ill people, particularly people suffering from HIV/AIDS or other chronic illnesses,
 - d. elderly persons, particularly those living alone,
 - e. households whose heads are children,
 - f. households whose heads are females and who live with limited resources,
 - g. households who have no or have very limited resources,
 - h. widows and orphans.

2 LEGAL FRAMEWORK FOR INVOLUNTARILY LAND ACQUISITION AND RESETTLEMENT

2.1 CONSTITUTION OF BOSNIA AND HERZEGOVINA

59. The Constitution of Bosnia and Herzegovina was agreed in 1995 between the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina, i.e. the Dayton Peace Agreement, and forms its Annex 4. While its main intent is to establish the respective prerogatives of the institutions of BH and those of its Entities, the Constitution also has a strong human rights component as provided by its Article 2, according to which:

- Bosnia and Herzegovina and its Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms,
- The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall directly apply in Bosnia and Herzegovina. These shall have priority over all other laws,
- The right to property is listed as one of thirteen fundamental human rights protected under the Constitution.

2.2 LEGAL FRAMEWORK IN REPUBLIKA SRPSKA

2.2.1 THE RS CONSTITUTION

60. The Constitution of Republika Srpska (RS) was adopted in 1992 (with later amendments in 1994, 1996, 2002 and 2009). The Constitution of RS also generally follows that of BiH. Its Article 5 guarantees citizens of RS “protection of human freedoms and rights in accordance with international standards”. Article 54 specifies that “All forms of ownership shall enjoy equal legal protection”, while Article 56, paragraph 1 specifies that “ownership rights may be limited or revoked by law, subject to fair compensation”.

2.2.2 THE RS EXPROPRIATION LAW

61. The RS Expropriation Law has been in force since 2006 (“Official Gazette of RS”, no. 112/06), with amendments in 2007 and 2008 (“Official Gazette of RS”, no. 37/07 and 110/08). The amendments to the Law in 2008 have significantly reduced the length of the expropriation procedure, due to the introduction of new provisions which provide the possibility of taking possession over the expropriated property upon the finality of the Decision on Expropriation or even prior to its finality for infrastructure projects.

62. This Law regulates the conditions (establishing public interest), the procedure for expropriation of real property for construction of facilities and carrying out works in public interest⁸ and the compensation for expropriated property. It also addresses the issues of grievances and disputes handling, and, to a limited extent, compensation eligibility.

Public Interest

63. Property can only be expropriated upon the establishment of public interest for construction of facilities or carrying out other works on the property, in the sectors of health, education, social protection, energy, sports, water, culture, telecommunication and utility infrastructure, industrial facilities, administrative facilities, providing protection of living environment or protection from natural disasters, as well as research and exploitation of mineral and other natural resources (Article 3). Public interest is established by a Decree, but may also be established by a dedicated law or physical planning documents (Article 15).

⁸ RS Law uses the term „general interest“

64. Following the submission of a proposal by the expropriation beneficiary, the Government of RS issues a Decree on Establishing Public Interest upon the prior opinion of the assembly of local governments on whose territory it is intended to construct or carry out works. The assembly is obliged to issue its opinion within 30 days upon receiving the request. The Government of RS is then obliged to decide upon the matter within 30 days upon receiving the opinion of the assembly (Article 14).

65. The Law does not allow initiating an administrative dispute before the competent court against the Decree on Establishing Public Interest (Article 18).

Types of Expropriation

66. Full expropriation allows the expropriation beneficiary to obtain legal title over the expropriated property, while the rights of the previous owner over the real property as well as other rights over that real property cease to exist (Article 7).

67. Partial expropriation provides the beneficiary with usufruct rights on the land and structures, as well as the lease of the land for a definite period of time. At the end of the lease, usufruct rights over land are returned to the previous owner. Partial expropriation is subject to the possibility that the land can be fully restored and the lease not being more than five years (Article 8).

68. However, owners that are affected by a partial loss of their real properties (lease) are entitled to request complete expropriation, in case partial expropriation makes the remaining part of the real property useless or difficult to use. The owners may file such a request within one month upon the termination of lease (Article 8).

Expropriation Procedure

69. The expropriation procedure comprises the following steps (Articles 19-40):

1. Preparation for expropriation: The expropriation beneficiary may request to be allowed to perform the necessary preparations on designated real property, in accordance with the procedure set out in the Law. The proposal is submitted to the Administration for Ownership Affairs⁹ ("Administration").
2. The relevant authority issues the Decree on Establishing Public Interest.
3. The expropriation beneficiary is obliged to try to reach an amicable sale-purchase agreement with the affected owner.
4. The expropriation beneficiary submits a proposal for expropriation to the Administration, along with the required documentation set out in Article 25 of the Law.
If deemed necessary, the proposal may contain a request for temporary occupation of other land needed for the construction of the facility or carrying out works in public interest. This request may also be submitted as a separate proposal.
5. The Administration is obliged to notify the owner of the property, without delay, of the submitted proposal for expropriation.
6. Expropriation is entered into the land register and other registers ex lege, but with no legal effect in relation to the expropriation beneficiary.
7. The expropriation beneficiary and the owner of property may conclude an amicable sale-purchase agreement after the submission of the proposal for expropriation, i.e. until the Decision on Expropriation is issued in which case the expropriation procedure is terminated.
8. The Administration is obliged to hear the owner of the property in regard to the expropriation facts.
9. The Administration issues a Decision on Expropriation, after completing the proceedings on an urgent basis. Appeal against this Decision may be submitted to the RS Administration for Geodesy and Legal Property Affairs.
10. When the Decision on Expropriation becomes enforceable, the Administration is obliged to convene and hold a hearing to determine the compensation for the expropriated real property through an agreement and without delay.
11. If no agreement on compensation is reached within two months of the validity of the Decision on Expropriation (or less if Administration decides as such), the Administration submits, without

⁹ Administrations for Ownership Affairs are the Regional Units of the RS Administration for Geodesy and Legal Ownership Affairs in charge of expropriation.

delay, the valid Decision to the competent Court on whose the territory the expropriated real property is located, for the purpose of determining the compensation. In case an agreement cannot be concluded, the competent court ex officio decides in non-contentious proceedings on the extent of compensation for the expropriated real property.

12. Taking possession over the affected property is possible only upon a formal Decision on Expropriation and after the possession of substitute property or compensation payment. When RS is the expropriation beneficiary, it acquires the right to take possession over the affected property on the date of finality of the Decision on Expropriation. When local governments are the expropriation beneficiary, they acquire the right to take possession over the affected property on the date of validity of the Decision. The exceptions are infrastructure projects, in which case the Government may issue a Decree to allow the beneficiary to take possession of the property prior to the finality of the Decision if necessary due to urgency or avoiding considerable damage. If the expropriation proposal is later rejected in the further procedure, the expropriation beneficiary is required to compensate for damage caused to the owner by gaining the possession of the real property. In case of expropriation in areas affected by natural disasters, the Government may allow the beneficiary to take possession of the property prior to the finality of the Decision.
13. Formal transfer of legal title in the land register is carried out on the basis of a valid Decision and proof of payment of compensation or proof that the previous owner has acquired ownership over other corresponding real property.

Cancellation of Decision on Expropriation and Withdrawal of Proposal for Expropriation

70. The expropriation beneficiary may, before the Decision on Expropriation becomes valid, withdraw the proposal for expropriation fully or partly, but a partial withdrawal will not be allowed if the owner of the property files a complaint that his/her rights have been violated (Article 35). A request for cancellation of the Decision on Expropriation may be filed by the previous owner after the expiry of three years from the date of validity of the Decision if the expropriation beneficiary has not executed substantial works (Article 37). The request for cancellation of the Decision on Expropriation and withdrawal of proposal for expropriation is decided upon by the Administration.

Compensation

71. The compensation for expropriated real property is in principle provided through a corresponding alternative real property in the amount of the market value of the expropriated real property in the same municipality or city, thus enabling the owner of expropriated real property approximately the same conditions of use as he/she had over that real property (Article 53).

72. If the owner of expropriated real property does not accept an equivalent real property as compensation or if the expropriation beneficiary cannot ensure such real property, fair compensation is to be determined in cash not less than the market price of the expropriated real property at the time of issuing the first-instance Decision on Expropriation, i.e. at the time of concluding the sale-purchase agreement (Article 54).

73. For facilities constructed without building permit, the constructor is entitled to compensation in the amount of his/her investments, if, at the time of the investment, conditions for the legalization of the facility had been met. This is not applicable to facilities constructed after the submission of the proposal for expropriation (Article 53).

74. In case of usufruct, compensation is determined in the amount for which the market value of the real property has been reduced, as well as for the damage occurred (Article 64). In case of lease, compensation is determined in the amount of lease on the market, either as a one-time payment covering the full duration of the lease, or in several regular instalments (Article 65).

75. Compensation for temporary usage of land is determined in the manner applicable for compensation for lease (Article 66).

76. Personal and other family conditions of the previous owner of the expropriated real property are taken into consideration as a corrective for an increase in the amount of determined compensation (Article 55).

77. The Expropriation Law of RS contains a separate chapter regarding penalty provisions in terms of determining financial compensation for persons giving incorrect information in the proposal for expropriation, and for persons who obstruct the preparation for expropriation or the execution of the Decision on Expropriation (Article 74 and 75).

78. It should be noted that fair compensation mentioned in the Law provides the possibility of determining full compensation (the possibility of increasing market value in relation to the sentimental value the property holds for the owner in justified cases, in addition to the cash compensation for the market value).

Economic Displacement

79. The Expropriation Law of RS foresees cash or in kind compensation for land and business structures/physical assets for those who have formal legal rights. No additional assistance is foreseen for affected persons whose livelihoods or income levels are adversely affected.

Grievance Mechanism

80. The Expropriation Law of RS does foresee rights of affected citizens (those with formal legal rights) to appeal at many stages of the expropriation procedure, including administrative and judicial appeals, e.g. against the decision on expropriation (Article 18) or regarding compensation value (Article 70). There is no specific requirement for establishing an independent grievance mechanism, according to the Expropriation Law or other legislation in RS.

2.2.3 OTHER RELATED LEGISLATION OF RS

Law on Construction Land of RS

81. The Law on Construction Land of RS was adopted in 2006 ("Official Gazette of RS", no. 112/06). The Law allows the expropriation of construction land in accordance with the Law on Expropriation of RS and the Law on Transfer of Real Property of RS.

Rulebook on non-movable property value assessment

82. Rulebook on non-movable property value assessment ("Official Gazette of RS", no. 37/09) regulate the standards for assessing the market value of property and determining the tax base, as well as the jurisdiction of the Tax Administration within the Ministry of Finance related to assessments of market value.

83. The Tax Administration is the only institution responsible for assessing the market value of the property, updating the market value of all properties, and estimating the new value of the property when the intended use of the property has changed, the property has undergone significant changes in market value or when the property has suffered damage.

84. The Standards for Estimating the Value of Property are an integral part of the Guidelines and provide a comprehensive methodology for estimating the value of land, structures, residential apartments, and auxiliary facilities.

Law on Real Property Rights of RS

85. The Law on Real Property Rights of RS was adopted in 2008 and amended in 2011 ("Official Gazette of RS", No. 124/ 08, 95/11). It regulates the property acquisition, use, disposal, protection and termination of ownership rights, and other real property rights.

86. The most significant provisions of this Law concerning expropriation are the articles which allow for the legalization of most structures erected without building permit as long as the conditions set in the law are met, which should be the case for many such structures. Namely, Article 58 states that the occupant acquires right of ownership over real property which is in the ownership of another person, upon 10 years of conscientious and legal occupancy, or upon 20 years of conscientious occupancy.

87. Article 59 states that a conscientious person who builds a structure on land over which another person has formal rights, is entitled to acquire the land on which the structure has been built, if the land owner did not oppose to the construction without delay. The land owner is in this case entitled to request only the compensation of the market value of the land. Other cases (including the case where the constructor is unconscientiously) are also covered by this Law.

Water Law of RS

88. The Water Law of RS is adopted in 2006 ("Official Gazette of RS", no. 50/06). The Law puts certain limitations towards land owners and land users in case that the land is to be used for some of the purposes foreseen by this law, including flood protection structures, river training works, etc (Articles 165-175). The Water Law of RS provides the beneficiary with usufruct rights on land and structures and with the right to request from land owner or land user to abstain from land use during the execution of necessary works. Usufruct rights can be acquired for a certain period of time or year. The affected owner is entitled to fair compensation for any damage occurred on the land. The compensation is determined through amicable agreement with the affected owner, otherwise the dispute is settled through a court procedure (Article 174). Other issues related to granting usufruct rights are regulated in accordance with the Law on Real Property Rights of RS.

Law on Forests of RS

87. The Law on Forests of RS was adopted in 2008 ("Official Gazette of RS", no. 75/08). According to the law, the proposal for expropriation of forests may only be submitted by legal entities as expropriation beneficiaries after the establishment of public interest (Article 42).

Law on Agricultural Land of RS

88. The Law on Agricultural Land of RS was adopted in 2006 with several amendments, latest adopted in 2012 ("Official Gazette of RS", no. 93/06, 86/07, 14/10 i 5/12). Although the Law prohibits the use of agricultural land for non-agricultural purposes, it exceptionally allows the expropriation of such land if public interest has been established for the construction of facilities in defined areas (including communal infrastructure).

Law on Social Welfare of RS

89. The Law on Social Welfare ("Official Gazette of RS", no. 37/12) regulates the principles for the protection of vulnerable citizens, the minimum rights for certain forms of social welfare and conditions for their realization, as well as other issues significant for the achievement of social welfare for the citizens of the District. According to this Law, vulnerable citizens have the right to one-off financial or in-kind assistance if they find themselves in a situation of sudden and temporary need (Article 54). This assistance is approved and administered through the Municipal Center for Social Work.

Law on Free Legal Assistance of RS

90. The Law on Free Legal Assistance ("Official Gazette of RS", no. 120/08) regulates the provision of free legal assistance to vulnerable citizens that have no possibility to pay for legal services. The Law foresees establishment of Center for Provision of Free Legal Assistance. Currently, this Center is established in four cities: Trebinje, Doboje, Bijeljina, and Banja Luka.

Law on Spatial Planning and Construction of RS

91. Law on Spatial Planning and Construction ("Official Gazette of RS", no. 55/10) regulates among the others fundamentals of space organisation and planning, documents of spatial planning, obligations and mutual relations between participants in construction, approvals for construction as well as inspection over violation of this law. The inspector has right to stop construction activities, order demolition of an construction, forbid use of an (residential or non-residential) construction in case that the users are performing activities against the provisions of this law. The Law do not specifically use

terms "usufruct" or "encroachment" but from its provisions it clear that any use of a land or a construction without appropriate approvals for use is considered as an act against the law and will be sanctioned.

92. This Law also define that spatial planning will be based on the principle of cultural and natural heritage protection (Article 2). In case any archaeological sites are found during execution of works, the works are to be stopped immediately and responsible municipal department for civil construction informed about the findings (Article 74).

Law on Cultural Assets of RS

93. Law on Cultural Assets ("Official Gazette of RoS", no. 11/95, 103/08) regulates the system of protection and use of cultural heritage and establish the conditions for carrying out the protection of cultural property. The works on any cultural and archaeological sites can be performed only following approval of responsible Republic administration and under conditions prescribed in this law.

2.3 LEGAL FRAMEWORK IN BRCKO DISTRICT

2.3.1 STATUTE OF BRCKO DISTRICT

94. The Statute of Brcko District (BD) was adopted in 2000, with many later amendments. The revised version was enacted on 6th of May, 2008. Article 1 states that the Constitution of BH, as well as all laws and decisions issued by the institutions of Bosnia and Herzegovina directly apply to the whole territory of BD. Article 13 provides all citizens the rights and freedoms guaranteed by the Constitution and the laws of BH and BD without discrimination on any basis.

2.3.2 THE BD EXPROPRIATION LAW

95. The BD Expropriation Law ("Official Gazette of BD", no. 26/04, 19/07, 02/08, 19/10, 15/11) stipulates the conditions, manner and procedure of expropriation of property for the purpose of carrying out construction works or construction of structures in the public interest of Brcko District (Article 1). The procedure for expropriation is almost identical to the procedures foreseen by the Expropriation Law of RS. The key points are summarized below.

Public Interest

96. Property can only be expropriated upon the establishment of public interest for projects that bring greater benefit for the public. The Decision on Public Interest is issued by the District Assembly upon the proposal of the expropriation beneficiary. The proposal for expropriation has to include an expropriation plan (a detailed list of properties to be expropriated, their location, information about individuals who have formal legal rights on these properties and valuation reports), accompanied by extracts from the Cadastre or other public documents (land registries) specifying all rights on the affected properties (Article 11, 18, 19).

Types of Expropriation

97. Outright purchases of immovable property (land, residential and other structures) are defined by the BD Expropriation Law as "complete" or full expropriation (Article 3). "Incomplete" or partial expropriation includes the instigation of an easement over the immovable property or a lease of land for a defined period of time (Article 4).

98. The Law recognizes the institute of temporary occupation (usufruct or lease) of land when needed for construction or other works associated with the project for which expropriation is being sought (accommodation of workers, materials, machines, etc.) (Article 5). In addition, if it is determined that the expropriation of a part of the owner's property would result in the owner having no economic interest in using or not being able to use the remainder of the property, that remaining part of the property will also be expropriated, at his request (Article 7).

The Expropriation Procedure

99. Those who have formal legal rights are informed about the expropriation process (i.e. before the decision on expropriation is passed, the District Department for Spatial Planning, Property Issues and Economic Development has to invite the affected person with formal legal rights to a meeting to discuss exactly how much of the property is to be expropriated and any other related issues (Article 21).

100. Negotiated settlements are explicitly encouraged by the BD Expropriation Law (Article 23). The last instance in which settlements can be concluded is within two months after the final decision on expropriation has been issued. During this period, the District authorities are obliged to facilitate negotiations and to encourage the conclusion of a compensation agreement; if such an agreement is not reached, the case is referred to the relevant court to pass a decision on compensation (Article 37 to 40).

101. All issues regarding property rights have to be resolved before the decision on expropriation is passed (Article 21, 22); in case of disputes, the affected parties turn to the court to decide who will receive compensation.

102. A condition to start expropriation is the existence of funds needed for compensation (Article 17). The signed agreement on compensation (decision on compensation) has to include the timing and rate at which cash compensation will be paid or in kind compensation provided (Article 38).

Cancellation of Decision on Expropriation and Withdrawal of Proposal for Expropriation

103. The expropriation beneficiary may, before the Decision on Expropriation becomes valid, withdraw the proposal for expropriation fully or partly, but a partial withdrawal will not be allowed if the owner of the property files a complaint that his/her rights have been violated (Article 35). A request for cancellation of the Decision on Expropriation may be filed by the previous owner after the expiry of two years from the date of validity of the Decision if the expropriation beneficiary has not executed substantial works (Article 32). The request for cancellation of the Decision on Expropriation and withdrawal of proposal for expropriation is decided upon by the District Department for Spatial Planning, Property Issues and Economic Development.

Compensation

104. The BD Expropriation Law foresees cash or in kind compensation for land, improvements to the land and structures (residential or business), for those who have formal legal rights on land and structures, as registered by the Cadastre and/or Land Registries, as well as individual residential unit owners regardless of the formal title.

105. Owners of structures constructed without the necessary permits are not entitled to compensation according to the BD Expropriation Law (Article 34) - with the exception of individual residential units - but they can tear down the structure and salvage the materials.

106. The expropriation beneficiary and the person who has formal legal rights can agree on the form of the compensation (cash or kind) (Article 36).

107. Compensation is also provided for instigation of an easement, a lease and for temporary occupation of land (Article 42 to 44).

108. Compensation is determined in accordance with the prevailing market price after taking into account the value of the property (land, structures, crops) (Article 34, 41). The law specifically states that compensation cannot exceed the market price (Article 33). The market price is determined by the Directorate of Finance of BD.

109. Property rights on the new property are formally transferred based on the final decision on expropriation (Article 47).

Economic Displacement

110. The BD Expropriation Law foresees cash or in kind compensation for land and business structures/physical assets for those who have formal legal rights. No additional assistance is foreseen for affected persons whose livelihoods or income levels are adversely affected.

Grievance Mechanism

111. The BD Expropriation Law does foresee rights of affected citizens (those with formal legal rights) to appeal at many stages of the expropriation procedure, including administrative and judicial appeals (i.e. against the decision on expropriation (Article 26) or regarding compensation (Article 40)). There is no specific requirement for establishing an independent grievance mechanism, according to the Expropriation Law or other BD legislation.

2.3.3 OTHER RELATED LEGISLATION OF BD

Law on Spatial Planning and Construction of BD

112. The Law on Spatial Planning and Construction ("Official Gazette of BD", no. 29/08) stipulates the basic principles of spatial planning and construction, organization of spatial planning, spatial planning documents, building location permits, technical features essential to the structures, technical approvals, project documentation, participants in construction, approvals for construction, approvals for use and supervision and inspection.

113. The Law allows for subsequent legalization of structures erected without the building permit (Article 47) if the built structures are in accordance with spatial planning documents.

114. According to the law, the inspector has right to stop construction activities, order demolition of an construction, forbid use of an (residential or non-residential) construction in case that the users are performing activities against the provisions of this law. The Law do not specifically use terms "usufruct" or "encroachment" but from its provisions it clear that any use of a land or a construction without appropriate approvals for use is considered as an act against the law and will be sanctioned.

115. This Law also define that spatial planning will be based on the principle of cultural and natural heritage protection. Any works in the area of cultural and natural heritage can not be performed if BD Department responsible for protection of natural and cultural heritage do not grant location conditions (Article 46). In case any archaeological sites are found during execution of works, the works are to be ceased immediately and responsible Department informed about findings (Article 87).

Guidelines on Prescribing Uniform Standards for Estimating the Market Value of Real Estates in Brcko District

116. The Guidelines adopted in 2010 (no. 02-04.1-135/10 from 30.12.2010) regulate the standards for assessing the market value of property and determining the tax base, as well as the jurisdiction of the Tax Administration within the Directorate of Finance of BD related to assessments of market value.

117. The Tax Administration is the only institution responsible for assessing the market value of the property, updating the market value of all properties, and estimating the new value of the property when the intended use of the property has changed, the property has undergone significant changes in market value or when the property has suffered damage. The Standards for Estimating the Value of Property are integral part of the Guidelines and provide a comprehensive methodology for estimating the value of land, structures, residential apartments, and auxiliary facilities.

Law on Legalization of Illegally Constructed Facilities in BD

118. The Law on Legalization of Illegally Constructed Facilities in BD ("Official Gazette of BD", no. 21/03, 3/04, 19/07, 29/04) regulates the conditions for the legalization of illegally constructed buildings in Brcko District. The process of legalization is carried out by the Department for Spatial Planning, Property Relations and Economic Development of the BD Government pursuant to this Law and the

Administrative Procedures of the Brčko District (“Official Gazette of BD”, No. 03 /00). The Law allows for the legalization of structures for which requests were submitted until 31 December, 2004.

Water Law of BD

119. Brčko District is currently using the old Water Law from Republika Srpska (Official Gazette of RS 10/98, 51/01). The Law puts certain limitations towards land owners and land users in case that the land is to be used for some of the purposes foreseen by this law, including flood protection structures, river training works, etc. (Articles 72-81).

Law on Forests of BD

120. The Law on Forests of BD (Official Gazette BD No.14/10) was adopted in 2010. According to Article 5 of this Law, deforestation is prohibited except in case the public interest is established.

Law on Agricultural Land of BD

121. The Law on Agricultural Land of BD was adopted in 2004 with several amendments, latest adopted in 2007 (Official Gazette of BD, No. 32/04, 20/06, 19/07). Article 5 of this Law stipulates restrictions on use of agricultural land for non-agricultural purposes, except in cases and under the conditions lay down by this Law.

122. Article 16 of this Law refers to the right of preemption over agricultural land. Brčko District has right of preemption over any land in case that the construction on concerned property is determined of public interest. This applies to privately owned agricultural land and agricultural land owned by Brčko District.

Law on Social Welfare of BD

123. The Law on Social Welfare (“Official Gazette of BD”, no. 01/03, 04/04, 19/07, 02/08) regulates the principles for the protection of vulnerable citizens, the minimum rights for certain forms of social welfare and conditions for their realization, as well as other issues significant for the achievement of social welfare for the citizens of the District.

124. Recipients of social welfare in terms of this Law are divided into two categories:

- minors; without parental care, psychologically or physically underdeveloped, educationally neglected, abused children;
- adults; materially uninsured persons, persons unable to work, older persons without family care, the disabled, persons with socially negative behaviour, other persons in need due to special circumstances, abused persons, single parents.

125. Rights granted to these categories in terms of this Law are social services, financial assistance, education for minors and persons with disabilities and adults, accommodation in social care institutions or in other families, care and help at home.

126. According to this Law, vulnerable citizens have the right to one-off financial payments if they find themselves in a situation of sudden and temporary need (Article 32). This payment is approved and administered through the government Sub-department for Social Protection.

Law on the Office for Providing Free Legal Assistance of BD

127. The Law on the Office for Providing Free Legal Assistance (“Official Gazette of BD”, no. 19/07) foresees the provision of free legal assistance to vulnerable citizens who are unable to finance such services.

2.4 LEGAL FRAMEWORK IN REPUBLIC OF SERBIA

2.4.1 THE RoS CONSTITUTION

128. The Constitution of Republic of Serbia (RoS) was adopted in 2006. The Constitution guarantees highest level of internationally recognized human rights and fundamental freedoms. The right to property is listed as one of the fundamental human rights protected under the Constitution. Article 58 specifies that "Peaceful tenure of a person's own property and other property rights acquired by the law shall be guaranteed. Right of property may be revoked or restricted only in public interest established by the law and with compensation which can not be less than market value."

2.4.2 THE RoS EXPROPRIATION LAW

129. The Republic of Serbia Expropriation Law (passed in 1995 and enacted on January 1, 1996, amended in March 2001, amended again on March 19, 2009) guides expropriation and serves as a general framework for expropriation in the Republic of Serbia. This law enables government institutions to acquire private property (land, buildings, and other civil construction facilities) for projects that are deemed to be of national and/or local interest, while protecting the interests of all project affected persons with legal title, whose assets are to be expropriated. The law also enshrines the principle of fair compensation. The procedure for expropriation is almost identical to the procedures foreseen by the Expropriation Law of RS and BD.

Public Interest

130. Property can only be expropriated upon the establishment of public interest for construction of facilities or carrying out other works on the property, in the sectors of education, health, social protection, culture, water management, sports, traffic, energy and utility infrastructure, administrative facilities, defence facilities and housing projects for the social categories. Government can also establish public interest for research and exploitation of mineral and other natural resources, providing protection of living environment or protection from natural disasters. Public interest can be established if the appropriate planning document is adopted (Article 20).

131. Following the submission of a proposal by the expropriation beneficiary, the Government of RoS issues a Decree on Establishing Public Interest. The Government of RoS is obliged to decide upon the matter within 90 days upon submission of a proposal (Article 20).

132. The Law allows initiating an administrative dispute before the competent court against the Decree on Establishing Public Interest within 30 days upon its publishing in Official Gazette (Article 20).

Types of Expropriation

133. Full expropriation allows the expropriation beneficiary to obtain legal title over the expropriated property, while the rights of the previous owner over the real property as well as other rights over that real property cease to exist (Article 4).

134. Partial expropriation provides the beneficiary with usufruct rights on the land and structures, as well as the lease of the land for a definite period of time. At the end of the lease, usufruct rights over land are returned to the previous owner. Temporary expropriation is subject to the possibility that the land can be fully restored and the lease not being more than three years (Article 5).

135. However, owners that are affected by a partial loss of their real properties (lease) are entitled to request complete expropriation, in case partial expropriation makes the remaining part of the real property useless or difficult to use (Article 10) The owners may file such a request within two years upon the termination of lease (article 30).

Expropriation Procedure

136. The expropriation procedure comprises the following steps (Articles 25-36 and 56-62):

1. Preparation for expropriation: The expropriation beneficiary may request to be allowed to perform the necessary preparations on designated real property, in accordance with the procedure set out in the Law.
2. The Government issues the Decree on Establishing Public Interest.
3. The expropriation beneficiary submits a proposal for expropriation to the Municipal administration where the property is located, along with the required documentation set out in Article 26-28 of the Law. Attached to the proposal, the expropriation beneficiary must submit a Bank Guarantee issued by a commercial bank in the amount of compensation value for the property to be expropriated. If the expropriation beneficiary is Republic of Serbia, it shall submit the proof that this amount is reserved in the state budget.
4. Expropriation is entered into the land register and other registers ex lege, but with no legal effect in relation to the expropriation beneficiary.
5. The Administration shall notify the owner of the property of the submitted proposal for expropriation.
6. The Administration is obliged to hear the owner of the property in regard to the expropriation facts.
7. The Municipal Administration for Property Legal Affairs (hereinafter referred to as "the Administration") issues a Decision on Expropriation in line with requirements of Article 31. Appeal against this Decision may be submitted to the Ministry of Finances of RoS.
8. When the Decision on Expropriation becomes enforceable, the Administration is obliged to convene and hold a hearing to determine the compensation for the expropriated real property through an agreement and without delay.
9. The expropriation beneficiary is obliged to submit the proposal for compensation containing type and amount of compensation and payment deadline within 15 days of the validity of Decision on Expropriation.
10. The Administration is obliged to notify the owner of the property, without delay, of the submitted proposal for compensation.
11. The expropriation beneficiary can not settle the compensation agreement with the affected owner outside the procedure prescribed by this Law.
12. If no agreement on compensation is reached within two months of the validity of the Decision on Expropriation, the Administration submits, without delay, the valid Decision to the competent Court on whose the territory the expropriated real property is located, for the purpose of determining the compensation.
13. Taking possession over the affected property is possible only upon a formal validity of Decision on Expropriation Fee or upon conclusion of agreement on compensation payment for expropriated property. On the request of expropriation beneficiary, the Government may issue a Decree to allow the beneficiary to take possession of the property prior to the finality of the Decision on Compensation fee or conclusion of the Agreement, if necessary due to urgency of construction, but not before second instance decision on a complain filed against the Decision on Expropriation.
14. If the expropriation proposal is later rejected in the further procedure, the expropriation beneficiary is required to compensate for damage caused to the owner by gaining the possession of the real property.
15. In case of expropriation in areas affected by natural disasters, the Government may allow the beneficiary to take possession of the property prior to the finality of the Decision.
16. Formal transfer of legal title in the land register is carried out on the basis of a valid Decision on Expropriation.

Cancellation of Decision on Expropriation and Withdrawal of Proposal for Expropriation

137. The expropriation beneficiary may, before the Decision on Expropriation becomes valid, withdraw the proposal for expropriation (Article 36). A request for cancellation of the Decision on Expropriation may be filed by the previous owner after the expiry of three years from the date of validity of the Decision or date of Agreement on Compensation Fee if the expropriation beneficiary has not executed substantial works. The request for cancellation of the Decision on Expropriation and withdrawal of proposal for expropriation is decided upon by the Administration.

Compensation

138. The compensation for expropriated real property is in principle provided through a corresponding alternative real property in the amount of the market value of the expropriated real property in the same municipality or city, thus enabling the owner of expropriated real property approximately the

same conditions of use as he/she had over that real property (Article 15 and 16). In case the values of expropriated and provided replacement property differ, the price difference shall be compensated in cash (Article 17).

139. If the owner of expropriated real property does not asks for an equivalent real property as compensation or if the expropriation beneficiary cannot ensure such real property, fair compensation is to be determined in cash not less than the current market price of the expropriated real property at the time of issuing the first-instance Decision on Expropriation Fee (Article 15 and 18).

140. In case of usufruct, compensation is determined in the amount for which the market value of the real property has been reduced (Article 53). In case of lease, compensation is determined in the amount of lease on the market for similar property, either as a one-time payment covering the full duration of the lease, or in several regular instalments, as well as for the damage occurred (Article 54).

141. Compensation for temporary usage of land is determined in the manner applicable for compensation for lease (Article 66).

142. Personal and other family conditions of the previous owner of the expropriated real property are taken into consideration as a corrective for an increase in the amount of determined compensation (Article 51).

143. The Expropriation Law of RoS does not contain provisions related to illegally constructed facilities. The construction of any structure without a building permit on either public or private property is treated as a criminal offense by the Law on Planning and Construction of RoS. In case that the affected owner had constructed a permanent structure without a formal building permit, he can be compensated for the investment made, if decided by a Court, according to the provisions of the Law on Fundamentals of Property Legal Relations of RoS. The compensation fees is to be determined by an accredited expert who will assess the value of the materials used.

Economic Displacement

The Expropriation Law of RoS foresees cash or in kind compensation for land and business structures/physical assets for those who have formal legal rights (Article 43). No additional assistance is foreseen for affected persons whose livelihoods or income levels are adversely affected.

Grievance Mechanism

144. The Expropriation Law of RoS does foresee rights of affected citizens (those with formal legal rights) to appeal at many stages of the expropriation procedure, including administrative and judicial appeals (i.e. against the Decree on Establishing Public Interest (Article 20), Decision on Expropriation (Article 29) or rejection of Agreement on Compensation Fee (Article 58)). There is no specific requirement for establishing an independent grievance mechanism, according to the Expropriation Law or other legislation in RoS.

2.4.3 OTHER RELATED LEGISLATION OF RoS

Law on Planning and Construction of RoS

145. Law on Planning and Construction (“Official Gazette of RoS”, no. 72/09, 81/09, 64/10, 24/11) stipulates the basic principles of spatial planning and construction, organization of spatial planning, spatial planning documents, building location permits, technical features essential to the structures, technical approvals, project documentation, participants in construction, approvals for construction, approvals for use and supervision and inspection.

146. The Law allows for subsequent legalization of illegally erected structures (Chapter XIII) if the built structures are in accordance with spatial planning documents and are not constructed on unstable land with inadequate construction materials. The structures illegally erected on a public land, especially on the land which is proclaimed to be of public interest can not be legalized (Article 187).

147. The details of legalization procedure are given in the *Decree on criteria for reduction of fee for initial obtaining of the land in the legalisation procedure and conditions and manner of facilities legalisation* ("Official Gazette of RoS", no. 26/11).

148. On 1 September 2011 the Government of the Republic of Serbia enacted a *Decree on the conditions, criteria and the manner of the conversion of a land use right into that of an ownership right for a fee, method of determining the market value of construction land and the amount of the fee that is to be charged for the conversion of such a land use right into that of an ownership right* ("Official Gazette of RoS", no. 67/11). The conversion fee is calculated using the current market value, reduced by the amount paid for the initial obtaining of the land use right if such costs were incurred by 11 September 2009. Under the Decree there are two ways to determine the market value of the construction land:

- local governments can produce a document determining the market value according to the urban zones and the designated plans; or
- the market value can be determined by a certified court civil engineering expert or a legal practitioner that is registered as a real estate evaluator (this is in the event that local governments do not enact aforesaid rules).

149. The payment of conversion fees can be made in a one off payment or by way of instalments. A discount of 30% can be given in the case that the fee is paid in advance.

150. The inspector has right to stop construction activities, order demolition of an construction, forbid use of an (residential or non-residential) construction in case that the users are performing activities against the provisions of this law. The Law do not specifically use terms "usufruct" or "encroachment" but from its provisions it clear that any use of a land or a construction without appropriate approvals for use is considered as an act against the law and will be sanctioned.

Rulebook on methodology for assessment of capital and property

151. Rulebook on methodology for assessment of capital and property (Official Gazette of RoS, no. 45/01 and 45/02) defines methods for assessment of capital and property. According to Article 17 and 18, the value of the property is assessed base on baseline property value, lower limit property value and upper limit property values. The baseline property values is assessed based on price comparison of same or similar property. Lower limit property values represent 80%, while upper limit property values is 120% of the baseline property value.

Law on Fundamentals of Property Legal Relations of RoS

152. Law on Fundamentals of Property Legal Relations ("Official Gazette of SFRY", no. 06/80, 36/90, "Official Gazette of SRY", no. 29/96 and "Official Gazette of RoS", no. 115/05) stipulates the basic principles related to rights on movable and fixed assets. It regulates the property acquisition, use, disposal, protection and termination of ownership rights, and other real property rights including usufruct and lease rights. The most significant provisions of this Law concerning expropriation are the articles which allow for the land owner to acquire right on the property it uses although not being formally the owner (Chapter II-Right of Ownership) .

Water Law of RoS

153. The Water Law of RoS is adopted in 2010 and amended in 2012 ("Official Gazette of RoS", no. 30/10, 93/12). The Law puts certain limitations towards land owners and land users in case that the land is to be used for some of the purposes foreseen by this law, including flood protection structures, river training works, etc. (Articles 133-139).

Law on Forests of RoS

154. The Law on Forests of RoS was adopted in 2010 and amended in 2012 ("Official Gazette RoS", no. 30/10, 93/12). Article 10 prescribes that conversion of forests and forest land may be done if it is required by general interest established by law or special act enacted by the Government.

Law on Agricultural Land of RoS

155. Law on Agricultural Land of RoS was adopted in 2006 with several amendments, latest adopted in 2009 ("Official Gazette of RoS", no. 62/06, 65/08 and 41/09). Article 22 stipulates the prohibition of the use of arable agricultural land of first, second, third, fourth, and fifth cadastral class for non-agricultural purposes unless it is determined by the general interest established by law.

Law on Social Welfare of RoS

156. The Law on Social Welfare ("Official Gazette of RoS", no. 24/11) regulates the principles for the protection of vulnerable citizens, the minimum rights for certain forms of social welfare and conditions for their realization, as well as other issues significant for the achievement of social welfare for the citizens of the District. According to this Law, vulnerable citizens have the right to one-off financial or in-kind assistance if they find themselves in a situation of sudden and temporary need (Article 110). This assistance is approved and administered through local self government.

Law on Civil Procedure of RoS

157. The Law on Civil Procedure ("Official Gazette of RoS", no. 72/11) foresees the provision of free legal assistance to vulnerable citizens who are unable to finance such services (Article 168, 170). The provision of free legal assistance is granted by a first-degree court based on the request of the vulnerable party in the proceedings (Article 169).

Law on Cultural Assets of RoS

158. Law on Cultural Assets ("Official Gazette of RoS", no. 71/94) regulates the system of protection and use of cultural heritage and establish the conditions for carrying out the protection of cultural property. An asset that is under previous protection and is found in the land or water, or extracted from the earth or water is considered to be the state property. The works on any cultural and archaeological sites can be performed only following approval of responsible Republic administration and under conditions prescribed in this law.

3 THE WORLD BANK RESETTLEMENT REQUIREMENTS

159. All World Bank financed projects involving resettlement components are subject to the World Bank Operational Policy (WB OP) 4.12 Involuntary Resettlement from December 2001, revised February 2011 which describe instruments and procedures for eliminating negative economic, social and environmental issues that may arise. The policy is triggered not only with physical relocation, but any loss of land resulting in relocation or loss of shelter, loss of assets or access to assets, and loss of income sources and means of livelihood. The overall objectives of the policy are the following:

- a. Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs.
- b. Where resettlement cannot be avoided, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should be encouraged to participate in planning and implementing resettlement programs.
- c. Displaced persons should be assisted in improving their former standards of living and livelihoods (income earning capacity, and production levels), or at least in restoring them.

160. OP 4.12 distinguishes the following three categories of persons for eligibility for compensation and assistance:

- a) Persons with formal rights to land (including customary and traditional rights recognized under the laws of the country). These persons are provided with compensation for the land they lose, and other assistance in accordance with the policy.
- b) Persons who do not have formal rights to land at the time the census begins but have a claim to such land and assets - provided that such claims are recognized under the country laws or become recognized through a process identified in the specific resettlement plans. These persons are provided with compensation for the land they lose, and other assistance in accordance with the policy.
- c) Persons without recognizable legal right or claim to the land they are occupying. These persons are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance as necessary.

161. The special attention is to be paid to vulnerable groups including those below poverty line, the landless, the elderly, women and children, ethnic minorities, etc.

162. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

163. The resettlement policy is to be based on the following main principles:

- displaced persons shall be informed about their options and rights pertaining to resettlement;
- displaced persons shall be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- displaced persons shall be provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. Preference is to be given to land-based resettlement strategies over payment of cash compensation, especially for displaced persons whose livelihoods are land-based.
- if the impacts include physical relocation, displaced persons shall be provided assistance (such as moving allowances) during relocation, provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.
- displaced persons shall be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living
- displaced person shall be provided with grievance redress mechanism, i.e. affordable and accessible procedures for third-party settlement of disputes arising from resettlement.
- resettlement activity shall be monitored by the implementing agency.

164. For subprojects to be prepared during project implementation, the Bank requires that resettlement policy framework consistent with this policy framework and Annex A on Involuntary Resettlement Instruments is prepared and submitted to the Bank for approval. The purpose of the resettlement policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation.

4 GAP ANALYSIS

165. In general, the national expropriation laws of RS, BD and RoS provides an adequate framework to carry out resettlement and compensation activities and it will generally be possible to comply with WB requirements. However, some specific issues/gaps exist.

166. For the main issues identified in this analysis, a comparison of the provisions of national legislation of RS, BD, and RoS with the provisions of OP 4.12 is presented in the following table, including analysis of gaps and possible solutions.

Table 1. The Gap Analysis

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Avoidance or Minimization of Resettlement/ Land Acquisition	Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs	<p>The Law on Expropriation do not explicitly state that resettlement should be avoided or minimised.</p> <p>It provides possibility for avoiding expropriation if an amicable sale-purchase agreement with the affected owner is reached.</p> <p>The Law also condition the expropriation with proclamation of “public interest” for the property</p> <p>The expropriation must be justified in the Expropriation Study on the basis of which the authority issues the Decree on Establishing Public Interest.</p>	<p>The Law on Expropriation do not explicitly state that resettlement should be avoided or minimised.</p> <p>It provides possibility for avoiding expropriation if an amicable sale-purchase agreement with the affected owner is reached.</p> <p>The Law condition the expropriation with proclamation of “public interest” for the property.</p> <p>The expropriation must be justified in the Expropriation Study on the basis of which the authority issues the Decree on Establishing Public Interest.</p>	<p>The Law on Expropriation do not explicitly state that resettlement should be avoided or minimised.</p> <p>The Law condition the expropriation with proclamation of “public interest” for the property.</p> <p>The expropriation must be justified in the Proposal for Expropriation on the basis of which the authority issues the Decree on Establishing Public Interest.</p>	<p>The national legislative do not explicitly state that resettlement should be avoided or minimised.</p> <p>Thus, WB requirement is the prerequisite - the borrower will consider all viable project alternatives prior to filing requests in accordance with the national legal procedures.</p>

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Socioeconomic study (Census) and Land Acquisition and Resettlement Plan	Upon identification of need for involuntarily resettlement, Socioeconomic study (census) is to be made for Resettlement Plan development needs at early stages of project preparation and with involvement of potentially displaced persons. The study should include information on (i) current occupants in the affected area, (ii) characteristics of displaced households and their standards of living and livelihoods, (iii) magnitude of expected losses and extent of displacement, and (iv) information on vulnerable groups or persons.	No explicit requirement related with socio-economic studies or development of resettlement plans. However, to facilitate the expropriation process at an early stage, the RS Expropriation Law requires development of an Expropriation Study focusing on land registry, lists of affected owners and real property, estimation of the value of real property, and other related information (Article 18).	No explicit requirement related with socio-economic studies or development of resettlement plans. However, to facilitate the expropriation process at an early stage, the BD Expropriation Law requires development of an Expropriation Study focusing on land registry and lists of affected owners and real property (Article 11).	No explicit requirement related with socio-economic studies or development of resettlement plans. However, to facilitate the expropriation process at an early stage, the RoS Expropriation Law requires the expropriation beneficiary to submit with the Proposal for Expropriation relevant information on property to be expropriated, type of facility and works to be carried out and land registry information (Article 20).	National legislation is not in conformity with WB requirements. Thus, if need for involuntarily resettlement is identified, a Socio-economic study for each subproject will be prepared according to WB requirement. The findings of socioeconomic studies will be used for compilation of Expropriation Studies/ Proposal for Expropriation to meet the requirements of Law on Expropriation.

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Public Participation/ Consultations With Affected Persons and Disclosure	<p>Displaced persons should be informed about their options and rights pertaining to resettlement and be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.</p> <p>As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.</p>	<p>Article 26 states that after a proposal for expropriation has been submitted, the Administration is obliged to inform the owner without delay.</p> <p>Article 11 states that in case of partial expropriation, the Administration must inform the owner about his/her right to request full expropriation.</p> <p>Article 28 states that the Administration is obliged to hear the owner in regard to the expropriation facts, prior to issuing the Decision on Expropriation.</p> <p>Article 68 states that, once the Decision on Expropriation has become effective, the Administration is obliged to organize a public consultation meeting for the determination of the compensation extent.</p>	<p>Article 20 states that after a proposal for expropriation has been submitted, the Administration is obliged to inform the owner in written form about expropriation registration in the land register.</p> <p>Article 21 states that the Administration is obliged to hear the owner in regard to the expropriation facts, prior to issuing the Decision on Expropriation. It also states that in case of partial expropriation, the Administration must inform the owner about his/her right to request full expropriation.</p> <p>Article 68 states that, before adoption of Proposal for Expropriation, the Administration is obliged to organize a public consultation meeting for the determination of the compensation extent.</p>	<p>Article 50 states that the Administration will inform the owner about submission of proposal for expropriation.</p> <p>Article 68 states that, after issuing Decision on Expropriation and prior to adoption of Proposal for Expropriation, the Administration is obliged to organize a public consultation meeting for the determination of the amicable compensation fee. It also states that the Administration will forward copy of the offer for expropriation fee to the owner after the offer has been submitted.</p>	<p>National legal requirements related to public consultations will be met.</p> <p>The borrower will also additionally approach and consult the property owners during all expropriation stages.</p> <p>The borrower will also make available draft and final RPF at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them in line with OP 4.01, para. 22 and the WB Policy on Disclosure of Information, para. 34.</p> <p>This process will be implemented in parallel with environmental assessment process defined by OP 4.01.</p>

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Eligibility for Compensation (Categorization)	<p>According to WB OP 4.12, there are 3 categories of persons in terms of compensation eligibility:</p> <p>a) Those who have formal rights to land and are entitled to compensation for the land they use and other assistance;</p> <p>b) Those who do not have formal rights to land at the time the census begins but have a claim to such land and assets, provided that such claims are recognized under the national laws or become recognized through a process identified in the resettlement plan, and are entitled to compensation for the land and other assistance; and</p> <p>c) Those who have no recognizable legal right or claim to the land they are occupying, but are entitled to resettlement assistance if they occupy the area prior to a cut-off date.</p>	<p>According to the Law on Expropriation, there are 3 categories of persons in terms of compensation eligibility:</p> <p>a) Those who have formal rights to land are entitled to compensation for the land they use and other assistance;</p> <p>b) Those who do not have formal rights to land, but have a claim to such land and assets at the time of constructing the facility, are entitled to compensation in the amount of their investment, if subject to successful legalisation;</p> <p>c) Those who do not have formal rights to land, and have constructed the facility after the submission of the proposal for expropriation, are not entitled to compensation but are entitled to remove the facility and take away the materials.</p>	<p>According to the Law on Expropriation, there are 3 categories of persons in terms of compensation eligibility:</p> <p>a) Those who have formal rights to land are entitled to compensation for the land they use and other assistance;</p> <p>b) Those who do not have formal rights to land, but have a claim to such land and residential structure at the time of constructing the facility, are entitled to compensation for the residential structure;</p> <p>c) Those who do not have formal rights to land, but have a claim to such land and non-residential structure at the time of constructing the facility, are not entitled to compensation but are entitled to remove the structure and take away the materials;</p> <p>Those who do not have formal rights to land, and have constructed the facility after the submission of the proposal for expropriation, are not entitled to compensation but can remove the facility and take away the materials.</p>	<p>According to the Law on Expropriation, there are 2 categories of persons in terms of compensation eligibility:</p> <p>a) Those who have formal rights to land are entitled to compensation for the land they use;</p> <p>b) Those who do not have formal rights to land, but have a claim to such land and assets at the time of constructing the facility, are entitled to compensation in the amount of their investment, if subject to successful legalisation; Otherwise, they are not entitled to compensation.</p> <p>Those who do not have formal rights to land, and have constructed the facility after the submission of the proposal for expropriation, are not entitled to compensation.</p>	<p>RS and RoS legislation do not recognise the right to compensation to persons who do not have formal rights to land and assets if they cannot be legalised.</p> <p>Thus, in addition to the requirements of the RS, BD and RoS legislation, the WB requirements regarding compensation for informal owners and users will be met, if these persons did not encroach on the area after the cut-off date.</p> <p>Eligibility of informal owners and related compensation measures are addressed in details in the entitlement matrix in Chapter 5.6 of this document.</p>

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Compensation	<p>Displaced persons and communities will be offered compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods.</p> <p>Full replacement cost is defined as the market value of the assets plus the transactions costs related to restoring such assets (i.e. registration and transfer taxes). The depreciation of structures and assets is not to be taken into account.</p> <p>Preference is to be given to land-based resettlement strategies over payment of cash compensation, especially for displaced persons whose livelihoods are land-based.</p> <p>Furthermore, the policy offers cash compensation as an alternative, or residential housing alternatives.</p>	<p>Compensation for lost assets is effected in kind (replacement by an equivalent property) or in cash if the expropriation beneficiary is unable to identify such a replacement property or if such is the choice of the affected owner.</p> <p>Cash compensation is determined as fair compensation not lower than the market value of the expropriated property in the same municipality or town.</p> <p>The court procedure for determining compensation is urgent.</p> <p>In cases of expropriation requiring 'large scale' displacement, the form and terms of compensation may be established by a separate law, if more favourable for the owner.</p> <p>The owner of a property pending expropriation is also entitled to compensation for any loss of benefits which he/she would have using the property.</p> <p>Households that have only partially lost their assets are to be informed about their entitlement to request full expropriation.</p>	<p>Compensation for lost assets is effected in kind (replacement by an equivalent property) or in cash if the expropriation beneficiary is unable to identify such a replacement property or if such is the choice of the affected owner.</p> <p>Cash compensation is determined as fair compensation not lower than the market value of the expropriated property in the same municipality or town.</p> <p>In cases of expropriation requiring 'large scale' displacement, the form and terms of compensation may be established by a separate law, if more favourable for the owner.</p> <p>The owner of a property pending expropriation is also entitled to compensation for any loss of benefits which he/she would have using the property.</p> <p>Households that have only partially lost their assets are to be informed about their entitlement to request full expropriation.</p>	<p>Compensation for lost assets is effected in kind (replacement by an equivalent property) or in cash if the expropriation beneficiary is unable to identify such a replacement property or if such is the choice of the affected owner. If former, the price difference between expropriated and replacement property, if any, shall be compensated in cash.</p> <p>Cash compensation is determined as fair compensation not lower than the market value of the expropriated property in the same municipality or town.</p> <p>The owner of a property pending expropriation is also entitled to compensation for any loss of benefits which he/she would have using the property.</p> <p>Households that have only partially lost their assets are to be informed about their entitlement to request full expropriation.</p>	<p>The national legislation provides only for compensation for loss of assets and does not prescribe other types of assistance to displaced persons or communities.</p> <p>Compensation determination will be in compliance with the national legal requirements; however, assistance will be provided to displaced persons according to WB requirements.</p> <p>Project affected people will receive compensation at full replacement value - market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc.</p> <p>Owners of formalised properties will receive compensation in line with the provision of the expropriation laws. Informal properties will be legalised prior to expropriation, where possible. Informal occupants of residential structures will receive alternative accommodation of similar or improved characteristics and facilities with security of tenure.</p>

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Assistance to Resettled Parties	<p>Displaced persons should be assisted in improving their former living standards, income earning capacity, and production levels, or at least in restoring them.</p> <p>Relocation assistance suited to the needs of each group of displaced persons will be provided, with particular attention paid to the needs of the poor and the vulnerable.</p>	<p>No such requirement is set in the Expropriation Law.</p> <p>According to the Law on Social Welfare vulnerable categories are entitled to one-off financial payments if they found themselves in a situation of sudden and temporary need.</p> <p>According to the Law on Free Legal Assistance vulnerable citizens are entitled to free legal assistance.</p>	<p>No such requirement is set in the Expropriation Law.</p> <p>According to the Law on Social Welfare vulnerable categories are entitled to one-off financial payments if they found themselves in a situation of sudden and temporary need.</p> <p>According to the Law on the Office providing Free Legal Assistance vulnerable citizens are entitled to free legal assistance.</p>	<p>No such requirement is set in the Expropriation Law.</p> <p>According to the Law on Social Welfare vulnerable categories are entitled to one-off financial payments if they found themselves in a situation of sudden and temporary need.</p> <p>According to the Law on Civil Procedure, vulnerable citizens are entitled to free legal assistance.</p>	<p>National legislative on expropriation do not recognise the aspect of assistance to resettled parties.</p> <p>Thus, the borrower will meet the specific WB requirement for providing assistance by applying the provisions of the Laws on Social Welfare and laws regulating free legal assistance.</p> <p>Persons affected by resettlement will receive moving allowance and compensation for other resettlement related expenses.</p> <p>Vulnerable households will be consulted on the type of assistance they need for resettlement (i.e. special transport measures for persons with physical disabilities, assistance to identify and buy new apartments, assistance to access self employment programmes, etc). This assistance will be provided by the Borrower through the engagement of social workers/lawyers who will act in the best interest of the vulnerable persons.</p>

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Grievance Redress	Appropriate and accessible grievance redress mechanisms are to be established for displaced persons and host communities.	<p>The is no specific need to establish independent grievance mechanisms. The property owners are directed to appeal in a standard court procedures. The appeal is allowed against the Decision on Expropriation and the compensation fee.</p> <p>The fact that the expropriated property may only be used for the initially proposed purpose is very important for the proper application of the issue of cancellation of expropriation.</p> <p>Host communities are not mentioned in the Law.</p>	<p>The is no specific need to establish independent grievance mechanisms. The property owners are directed to appeal in a standard court procedures. The appeal is allowed against the Decision on Expropriation and the compensation fee.</p> <p>The fact that the expropriated property may only be used for the initially proposed purpose is very important for the proper application of the issue of cancellation of expropriation.</p> <p>Host communities are not mentioned in the Law.</p>	<p>The is no specific need to establish independent grievance mechanisms. The property owners are directed to appeal in a standard court procedures. The appeal is allowed against the Decree on Establishing Public Interest, Decision on Expropriation and d Decision on Rejection of Agreement on Compensation Fee.</p> <p>The fact that the expropriated property may only be used for the initially proposed purpose is very important for the proper application of the issue of cancellation of expropriation.</p> <p>Host communities are not mentioned in the Law.</p>	<p>Property owners and/or persons subject to involuntary resettlement will be given the right of appeal during and after the resettlement procedure, in accordance with the national expropriation laws and other principles defined in this document.</p> <p>Additionally, the Grievance Redress Mechanism will be established in line with the recommendation from Chapter 5.7.</p>

Issue	World Bank OP/BP 4.12 Requirements	RS Requirements	BD Requirements	RoS Requirements	Gaps and adopted solutions/mitigation measures
Monitoring of Processes	<p>Resettlement Plan is prepared by the Borrower for specific projects and issues. For other issues a Resettlement Policy Framework should be made. These documents are available and serve for monitoring and implementation overview processes.</p> <p>The Borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. Upon completion, the Borrower conducts an after assessment to determine whether the defined objectives of the resettlement instrument have been met.</p>	No specific monitoring procedures are prescribed.	No specific monitoring procedures are prescribed.	No specific monitoring procedures are prescribed.	<p>All authorities in charge of expropriation are implicitly responsible for the monitoring and implementation of the expropriation procedure and reporting to the supervising government body.</p> <p>However, this is not considered enough in terms of WB requirements. Thus, the Borrower will develop a monitoring mechanisms and ensure compliance with the WB monitoring requirements.</p> <p>The monitoring mechanism will be established in line with the recommendation from Chapter 5.9.</p>

5 RESETTLEMENT POLICY FRAMEWORK

5.1 EXPECTED EXPROPRIATION ACTIVITIES

167. The preliminary information obtained from officials from the Department of Public Affairs of the Brčko District and available project documentation indicate that expropriation may be expected for the sub-project(s) (1) the necessary river rehabilitation works to be performed on the profiles located on the cross-border territory between Bosnia and Herzegovina (Brčko District) and Croatia, cross-border territory between Bosnia and Herzegovina (Republika Srpska) and Serbia and on the territory of Serbia. It is not expected to have expropriation activities for the sub-project (2) Brčko Port investment and the sub-project (3) demining works.

168. According to the Master Plan and the Feasibility Study for Inland Waterway Transports in Serbia¹⁰, six river work projects are proposed on the territory of the Republic of Serbia in total, as well as two river work projects on the cross-border territory between Bosnia and Herzegovina (Republika Srpska) and Serbia to rehabilitate the Sava River Waterway to navigation class Va. The list of the proposed projects with associated locations, description of bottleneck and description of works to be done with indicative amount of hectares of land to be expropriated are given in the table below. No other details on the type of expropriation, ownership, number of affected persons or alike are available in the Master Plan. The snapshot pictures of each project location captured using Google Earth are given in Annex 1 and Annex 2. The overview of anticipated locations is given in Figure 2.

Table 2. Expected river works on the cross-border territory between Bosnia and Herzegovina (Republika Srpska) and Serbia

Territory	No.	Location	Chainage (km)	Description of bottleneck	Description of works	Land expropriation (ha)
B&H/Serbia	S1.1	Jamena	205.9-289.2	Shallow fairway	Dredging to increase depth of fairway	9
B&H/Serbia	S1.2	Sremska Rača	187.4-177.8	Shallow fairway	Dredging to increase depth of fairway	9

Table 3. Expected river works on the territory of the Republic of Serbia

Territory	No.	Location	Chainage (km)	Description of bottleneck	Description of works	Land expropriation (ha)
Serbia	S1.3	Drina Confluence	176.6-173.8	Shallow and narrow fairway, difficulties to navigate due to the incoming flow from Drina	Dredging and reconstruction of confluence location (various training works)	7
Serbia	S.1.4	Sremska Mitrovica	133.0-123.9	Narrow fairway	Dredging to increase width of fairway	0
Serbia	S.1.5.	Klenak	109.8-103.5	Shallow fairway	Dredging to increase depth of fairway	5
Serbia	S.1.6	Šabac	101.9-88.3	Shallow fairway	Dredging to increase depth of fairway	18

¹⁰Master Plan and Feasibility Study for Inland Waterway Transports in Serbia, Volume 3 – Inland waterway transport network, Serbian Language, Consortium: Witteveen+Bos/DHI/Dynamar/MSR/PMC/Energoprojekt-Hidroinženjering, April 2005

Territory	No.	Location	Chainage (km)	Description of bottleneck	Description of works	Land expropriation (ha)
Serbia	S.1.7	Podgorička Ada/Kamičar	85.8-79.9	Shallow fairway	Dredging to increase depth of fairway	3
Serbia	S1.8	Provo	72.9-69.7	Narrow fairway	Dredging to increase width of fairway	3

169. According to the Preliminary Design for Reconstruction of the Sava River Waterway and Determination of the Regulation Line from Racinovac to Sisak¹¹, river works are planned on several locations on the cross-border territory between Bosnia and Herzegovina (Brčko District) and the Republic of Croatia. The widening of fairway is planned on the location of the traffic bridge between Brčko (B&H) and Gunja (Croatia). The deepening of fairway is planned in the total length of 5,672 km, divided in 7 smaller profiles in the length between 421 m and 1,184 km. No details on the expropriation works are given. The snapshot pictures of the locations of the works captured using Google Earth are given in Annex 3. The overview of anticipated locations is given in Figure 2.

Table 4. Expected works on the cross-border territory between Bosnia and Herzegovina (Brčko District) and the Republic of Croatia

Territory	No.	Location	Chainage (km)	Description of bottleneck	Description of works	Land expropriation (ha)
B&H/Croatia	DI-1	Brčko/Racinovci	0*-1.184	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	DI-2	Brčko/Racinovci	4.377-5.490	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	DI-3	Brčko/Racinovci	7.205-8.178	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	DI-4	Brčko/Racinovci	9.608-10.643	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	DI-5	Brčko/Gunja	11.688-12.188	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	DI-6	Brčko/Gunja	16.266-16.687	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	DI-7	Brčko/Gunja	19.211-19.658	Shallow fairway	Dredging to increase depth of fairway	Not available
B&H/Croatia	P89	Brčko/Gunja	Traffic bridge	Narrow fairway	Dredging to increase width of fairway	Not available

* 0 km is defined as a design starting point located in Racinovci on 202,5 km of the Sava River Waterway

¹¹ Preliminary Design for Reconstruction of the Sava River Waterway and Determination of the Regulation Line from Racinovci to Sisak, VPB d.d. Zagreb, 2006

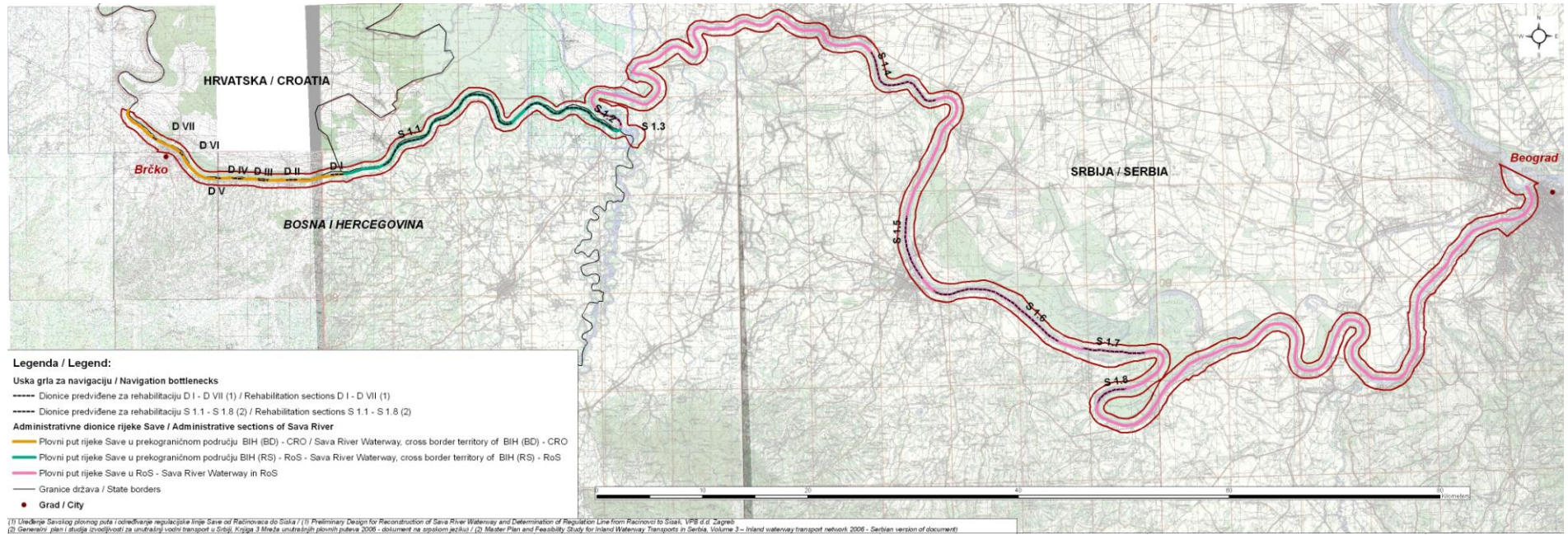


Figure 2. Anticipated locations of works

170. The insight in the situation on the field using Google Earth images indicate that the following types of expropriation might be expected on the Project:

- permanent and temporary expropriation of agricultural, forest and construction land including the loss of crops and forest on the locations where **widening** of the fairway will be performed;
- temporary expropriation of agricultural, forest and construction land including the loss of crops and forest to enable right of way and access to the locations where **deepening** of the fairway will be performed;
- permanent expropriation of structures on the locations where **widening** of the fairway will be performed (less likely to occur);
- economic displacement as a result of temporarily restricted access to natural resource.

171. The initial screening of the expropriation situation indicates that impacts of the Project on the entire affected population may be minor. This suggests that Abbreviated Resettlement Plan may be prepared in line with the requirements of Annex A to OP4.12 on Involuntarily Resettlement, if any. An Abbreviated Resettlement Plan is to cover the following elements:

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

172. However, the final decision on the further steps should be taken following the completion of the social impacts screening in the following phase of the Project (see Chapter 5.4).

5.2 IDENTIFICATION OF PROJECT AFFECTED PERSONS

173. At the time of preparation of this RPF the exact location of works as well as type of works to be performed in the framework of Sava River Rehabilitation were not know. Thus, taking in account all possible resettlement and expropriation scenarios, the Consultant has identified the following group of potentially affected persons:

- Project affected persons, with ownership rights, who loose all or part of their land;
- Project affected persons, with ownership rights, who have immovable property with or without building permissions on the land to be expropriated;
- Project affected persons with ownership rights over businesses that are affected by the loss of all or part of the land on which the businesses are located;
- Project affected persons with ownership rights over animal husbandries and agricultural infrastructure that are affected by the loss of all or part of the land on which they are based;
- Project affected persons with ownership rights of tenancy on private or public land;
- Project affected persons with ownership rights over land that will be needed during construction on a temporary basis;
- Project affected persons without ownership rights on affected land or businesses but their livelihoods are directly dependent on the affected land or businesses (e.g., those working on affected agricultural land or working in the affected businesses); and
- Project affected persons without ownership or use rights but who have established usage of public or private land by investing in immovable objects, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them.

5.3 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT

174. Considering the described World Bank requirements and the provisions of related legislation in force, the following principles of resettlement and land acquisition will be adhered to in relation with Project implementation:

1. During sub-projects planning and nomination phase, efforts will be made to avoid or minimize the extent of land acquisition or resettlement needs by considering all feasible sub-project design alternatives.
2. To the extent possible, amicable negotiations and agreements with Project Affected Persons will be sought to avoid or minimize the extent of involuntary resettlement.
3. Resettlement, acquisition of assets, and related compensation for persons affected by the Project and its sub-components will be conducted in compliance with the applicable legislation, in particular the expropriation laws, as well as with the WB requirements set by the OP/BP 4.12 on Involuntary Resettlement.
4. In cases where the applicable WB requirements cannot be met within the scope of the national legislation, the gaps will be bridged by specific Project instruments defined in this RPF.
5. All owners, occupants and users of affected land at the time of the census date, whether with or without fully recognized ownership rights, will be eligible for certain type of compensation or assistance:
 - a. *Legally recognized properties* (and owners of *informal residential structures in BD*) will be compensated according to the national expropriation laws and be provided with security of tenure;
 - b. *Informally constructed structures* that meet criteria of the legislation for legalization will first be legalized, and then be subject to expropriation and compensation according to the expropriation laws; and
 - c. Owners of *informally constructed structures* that do not meet criteria of the applicable legislation for legalization, informal occupants or users will be entitled to choose between taking away the building materials of the structure or to be provided with cash compensation at construction value for the structure they have built; in addition, they will be entitled to the provision of alternative accommodation of similar or improved characteristics and facilities, with security of tenure and transitional allowances, as appropriate in accordance with Entitlement Matrix (Chapter 5.6)
 - d. All socially vulnerable categories will be entitled to the provision of alternative accommodation of similar or improved characteristics and facilities, with security of tenure, in accordance with the Entitlement Matrix (Chapter 5.6).
6. People who have ownership rights over land but are not found to occupy a site required by a project at the time of Census will also be accounted for. Refugees or people internally displaced by war 1992-1995 that are unable or unwilling to return to a location will also be included among the affected population and compensated.
7. Both loss of shelter (physical displacement) and loss of livelihoods (economic loss, i.e. "economic displacement") will be taken into account and mitigated.
8. Short-term impacts related to temporary occupation of land for construction purposes may also entail compensations or other assistance to affected persons.
9. Eligible affected properties will be compensated through provision of similar replacement property or alternatively through cash compensation at full replacement cost. Full replacement cost will be calculated as market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc.
10. Compensation will be effected prior to land entry or taking of possession over property by the expropriation beneficiary. Whenever feasible, the compensation recipients will be given a minimum of three months notice from date of compensation provision to vacate the property. If, at the recipients' request, cash compensation is to be paid in several installments, the payment of the first installment will trigger the notice period. However, the option for payment of compensation in installments will be avoided if possible.
In case the compensation is not accepted by the affected person or the affected person is not presently available, the compensation amount will be transferred to an escrow account of expropriation beneficiary to ensure that compensation is available once the agreement is reached (following the court decision) or affected person is available, in line with usual procedures followed in RS, BD, and RoS.
11. Livelihoods and standard of living of affected persons will be improved or, if not feasible, at least restored to the level prior to expropriation or other form of resettlement due to Project implementation. The personal situation of any vulnerable groups or persons will be particularly carefully considered when determining the extent of support to be provided. They will be provided the assistance by applying the provisions of the laws on social welfare and laws

regulating free legal assistance. Vulnerable people are people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. The vulnerable people category includes, but is not limited to:

- mentally or physically disabled persons,
 - refugees and internally displaced people,
 - seriously ill people, particularly people suffering from HIV/AIDS or other chronic illnesses,
 - elderly persons, particularly those living alone,
 - households whose heads are children,
 - households whose heads are females and who live with limited resources,
 - households who have no or have very limited resources,
 - widows and orphans.
12. A date for the establishment of eligibility will be defined at municipality level as the date when public interest is established or when notification of intent of expropriation is delivered to affected owners where expropriation applies, or as the baseline survey (census or social survey) date for informal properties that are not eligible to expropriation according to national legislation. Any persons who may settle in the Project area after this date are not eligible to any compensations or other resettlement assistance. Any assets or crops established after this date in the Project area cannot be compensated for either. The official designation of this date is essential as it allows preventing potential misuses. In order to minimize fraudulent claims and attempts to misuse compensation benefits, this date will be publicly disclosed with an accompanying explanation through available municipal and borrower's communication channels including official web pages, announcement on local radio and newspaper, and information boards in affected local communities. The new encroachment will be prevented by partially demolishing of abandoned residential and non-residential structures and periodic inspection visits to project locations.
13. Any displaced persons, as well as their new host communities will be informed and consulted during the resettlement planning, implementation, and evaluation.
14. Project affected person will be provided with grievance redress mechanism.
15. Resettlement activity will be monitored and evaluated by the borrower.

175. If there is a discrepancy between the land registry and the actual ownership situation, the municipalities/court will resolve such discrepancies, according to Article 21 of the BD Expropriation Law, Article 28 of the RS Expropriation Law and Article 36 of the RoS Expropriation Law. Based on experience, this is expected to be the case where a land registry has not been updated following the decease of a registered owner or due to other reasons.

5.4 SCREENING OF SOCIAL IMPACTS

176. There is no obligation in current laws and regulations in all three countries for separate Social Impact Assessments Studies for all investments under the Project.

177. The screening of social impact will be performed as a part of ESIA development Process. It will lead to the conclusion of the necessity to produce Involuntarily Resettlement Instruments and carry out the census. If it is determined that impacts on the entire affected population is minor an abbreviated resettlement plan will be agreed with the borrower, if any.

178. Methodologically, screening of social impacts will be performed as follows:

1. review of available technical documentation, official studies and reports relevant to all issues that need to be studied from the social point of view; identification of all the relevant participants – the local communities (settlements, urban and rural, permanent and temporary, dependent on the resources of river Sava, the local entrepreneurs, the government officials and the personnel (at municipal, and, where possible, central level of government) and other interested groups;
2. identify and describe all the cases of permanent/temporary relocation and land confiscation or of other resources that lead to a loss under management, which households will be affected and in what manner and how the influence will be treated by means of prevention or avoidance and

- compensation measures;
3. collect the representative data by means of the qualitative and quantitative tools when necessary:
 - a. the household characteristics, including the structure of the household, the size, the composition, the maintenance, the lease and inheritance forms, the households in which a woman is in charge;
 - b. the ways of sustainability and production, income sources;
 - c. the mechanisms to solve conflicts including formal and informal structures;
 - d. the characteristics of the communities, the trends and development that could influence the management of the natural resources (i.e. the land lease procedures and land acquisition, the value of the land, the human values, the level of environmental awareness, the levels of education)
 4. identify the representative sample of the encompassed communities and carry out detailed / half-structured interviews, focus groups and household surveys when necessary, as well as meetings with the representatives of the key institutions; to determine the fears and expectations of the population that can be used as indicators;
 5. summarize the proposed project activities and their social and political context; to explain the relations among various Project components; to identify the main social issues regarding the reforms supported by the Project and particularly the set of the interventions envisaged by each of the components;
 6. assess the possible positive and negative influences of the project activities in quantitative sense, as much as possible, about the key participants, especially the poor and the most vulnerable social groups that depend on the water resources and irrigation to assess the key (formal and informal) institutions in the river Sava management that will be included in making alleviation measures, rating their roles, capacities and training needs.

178. Details of social impacts screening methodology are given in Annex 4.

5.5 CENSUS PROCEDURE AND ESTABLISHMENT OF CUT-OFF DATE

179. The need for census will be determined based on results of screening of social impacts.

180. The census of people affected by the project will be a key initial stage in the preparation of resettlement instruments. The Census will serve five important and interrelated functions:

- Enumerating and collecting basic information on the affected population;
- Registering the affected population by residence or locality;
- Establishing a list of legitimate beneficiaries before the project's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits;
- Laying a framework for subsequent socioeconomic research needed to establish fair compensation rates and to design, monitor, and evaluate sustainable income restoration or development interventions; and
- Providing a baseline for monitoring and evaluation.

181. The Cut-Off Date is the date after which persons found to settle in the project area are not eligible to project compensation or other resettlement benefits, while similarly immovable assets or crops established after the Cut-Off Date are not subject to compensation. The Cut-Off Date for eligibility for resettlement assistance will be defined as a census commencement date.

182. Project Management Unit (PMU) established by the borrower, and local administration will inform potentially affected people of the Cut-Off Date through different communication channels such as web page, municipal information boards, and local newspaper and radio stations, in order to minimise potential claims related to eligibility. If opportunistic and/or fraudulent attempts at maximising compensation are assessed as a significant risk, caution will be exerted in disclosing the Cut-Off Date.

183. Census-takers will provide affected people documentation that confirms their enumeration (identity cards or a witnessed copy of the survey endorsed by the household head). Individuals or groups who are not present at the time of registration but who have a legitimate claim to membership in the affected community will also be accommodated.

184. Census and registration will provide information on the scale and complexity of the required resettlement planning (for example, the size, distribution, and socioeconomic diversity of the population). The census will encompass all people adversely affected by the project, regardless of their legal status (landowner, holder of land rights, tenant, and illegal squatter) or whether they are actually living on an affected site at the time of the census. In other words, lack of legal land title does not disqualify people from resettlement assistance.

185. The census will also be combined with the gathering of pertinent demographic and related social and economic information from among the affected people. The census will register and locate the household (according to map coordinates); identify type of ownership; identify housing characteristics; identify all family members by age, sex, ethnic group, relationship to the head of the household, education, and occupation; indicate the prevalence of health problems (based on a previous two-weeks recall); identify non-resident members and sources of remittance income; identify household assets and indebtedness. This information provides a number of baseline indicators, including children in school by age and sex; household size; incidence of disease; key economic activities of household members, available assets other than those found on site, etc. and provide good baseline to measure and compare changes in living standards before and after expropriation. Data must be collected for all household members, including those who may not be resident at the time of the census as their remittances can account for a significant proportion of total income for that household.

186. Indicative formats for census/socio-economic survey are given in Annex 5.

5.6 EXPROPRIATION PROCESS

187. Below is given the expropriation process to be followed in all cases of expropriation, regardless of the country of implementation.

Table 5. The Expropriation process

Process Phase	Actions/activities	Remark
Prior to initiation of the expropriation process	Development of Resettlement Policy Framework	Requirement of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Disclosure of Resettlement Policy Framework	Requirement of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Approval and issuing of Resettlement Policy Framework	Requirement of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Carrying out the Census (Socio-Economic Study) and announcement of the cut-off-date (if needed)	Requirement of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Development of Abbreviated Resettlement Plan (if needed) and ESIA	Requirement of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Disclosure of Abbreviated Resettlement Plan (if needed) and ESIA	Requirement of the World Bank Operational Policies 4.12.
Prior to initiation of the expropriation process	Approval and issuing of Abbreviated Resettlement Plan (if needed) and ESIA	Requirement of the World Bank Operational Policies 4.12.
Initiation of the expropriation process	Determination of Public interest	Requirement for initiation of the expropriation process. The Administration will issue a Decree on Establishing Public Interest

Process Phase	Actions/activities	Remark
Initiation of the expropriation process	Submission of Proposal for Expropriation	A proposal should contain information on beneficiary, real property and its owner, decision on construction of an investment structure, <u>proof that the expropriation beneficiary has secured and allocated funds for compensation payment on an escrow account</u> , proof of defined public interest, and proof of the beneficiary's attempt to resolve the ownership acquisition issue with the property owner. The Administration will issue a Decision on Expropriation.
Initiation of the expropriation process	Withdrawal of the Proposal on Expropriation	Process suspension
Expropriation process	Administrative dispute: Appeal against the Decision on Expropriation (if any)	Decision is issued by the Appellate Court of BD, or District Court of RS, Ministry of finances of RoS.
Expropriation process	Second-instance administrative procedure per appeal: Settlement of appeals to the Decisions on Expropriation (if any)	Settled by the responsible office for geodesy and property affairs
Expropriation process	Settlement of the transfer of ownership right by amicable sale-purchase agreement	Suitable also for settlement of certain disputable or problematic cases (for example construction of a structure without obtained permits and licences)
Expropriation process	Determination of ownership rights	If there is a discrepancy between the land registry and actual situation of the real property, municipal department for property affairs (in B&H) and responsible court (in RoS) will settle the ownership right as a preliminary issue. This prescribed option is of special significance as it authorizes the department above to preliminary settle, or determine the ownership right, which is a far more efficient way if compared to special procedures carried out before other authorities.
Expropriation process	Expropriation of the remainder of real property	Expropriation of the remainder of the real property can also be expropriated on the owner's request, provided the owner holds no business interest in using the related part, or if the former existence has been disabled or substantially deteriorated on the remainder property or if normal usage of it has been disabled.
Expropriation process	Determination of compensation amount in administrative procedure	By amicable agreement before the municipal department for property affairs
Expropriation process	Transfer of compensation and assistance payments to the affected persons.	The expropriation beneficiary can not take position of corresponding real property if the compensation is not paid.
Expropriation process	Court (non-contentious) procedure: determination of compensation amount in court procedure (if any)	Municipal court decision on the compensation amount. The compensation amount is transferred to the escrow account of expropriation beneficiary or court deposit account until the court procedure is finalised.
Expropriation process	Court (non-contentious) procedure: Transfer of compensation amount to the affected person (if any)	The compensation is transferred from the escrow account.

Process Phase	Actions/activities	Remark
Expropriation process	Taking possession of the expropriated property - transfer of legal title	Rule: the property will be taken into possession after the expropriation decision enters into force and after the beneficiary had already transferred compensation fee or replacement property to the affected person. Exception: based on the request of the expropriation beneficiary, the Government can decide to hand over the real property prior to the final decision issue or prior to the decision finality, when it is necessary due to urgency or elimination of major damage. This option is excluded in case of a residential or business structure for which the expropriation beneficiary has not provided a corresponding real property.
Expropriation process is completed	Registration of ownership and other property rights	Registration of ownership and other property rights on expropriated real estate, as well as the real estate granted to a former owner on behalf of the compensation, is carried out according to the final expropriation decision and proof of compensation paid, or proof of the acquisition of ownership right over another corresponding estate by the former owner.
Expropriation process is completed	Request for real property deexpropriation (if any)	Cancellation of the final expropriation decision due to the failure to accomplish intended usage of the acquired real property or failure to use the property for purposes it has been acquired for.
Expropriation process is completed	Civil work commencement	Civil works can start after expropriation process is successfully completed and appropriate civil work related licenses issued.

5.7 METHODS OF EVALUATION OF AFFECTED ASSETS

5.7.1 AGRICULTURAL AND FOREST LAND

188. As provided under all three expropriation laws in RS, BD, and RoS, compensation for land will, wherever feasible, be in the form of a replacement property allowing the owner approximately the same conditions of use. *Same conditions of use* are to be understood as meeting the following criteria:

- being acceptable to the affected owner/farmer,
- being approximately the same size,
- having a similar or better agricultural potential, i.e. fertility, slope, parcel shape, exposition to sunshine, and
- being located at reasonable distance.

189. Where replacement property cannot be offered to the affected landowner because suitable agricultural land is not available at reasonable distance or is not acceptable to the landowner, the expropriating authority will establish written evidence of its unsuccessful efforts to identify such similar land and offer cast compensation at full replacement cost. The full replacement cost will include market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc.

190. The expropriation laws do not provide detailed guidance as to how to establish the market value of the expropriated asset. It is a standard practice to have Tax Administration establish a Committee, composed of relevant property assessment experts (agricultural engineer, civil engineer, forest engineer, etc.) on case-by-case basis that will assess the property in line with standard procedures as follows:

- in Republika Srpska assessment is based on mass assessment technique KAMA as defined in the *Rulebook on non-movable property value assessment ("Official Gazette of RS" no. 37/09)*
- in Brcko District, assessment is based on mass assessment technique CAMA as defined in the *Guidelines on Prescribing Uniform Standards for Estimating the Market Value of Real Estates in Brcko District (decision no. 02-04.1-135/10 from 30.12.2010.godine)*
- In Republic of Serbia, assessment is based on determination of baseline property value, lower limit property value and upper limit property values in line with the *Rulebook on methodology for assessment of capital and property (Official Gazette of RoS, no. 45/01 and 45/02)*. The price comparison of same or similar property will be done in accordance with the standard procedures followed by the property assessment experts.

191. The expropriation laws of BD and RS do not explicitly regulate the situations where only a parcel smaller in size or agricultural potential can be offered as a replacement property, and whether it would be acceptable to pay a balance in cash on top of the compensation in kind to offset such a difference in size or potential. This situation is regulated only by Expropriation Law of RoS where it is stated that a price difference will be compensated in cash.

192. Thus, In situations where a parcel of equivalent size or potential cannot be identified and offered, and parcels smaller in size or potential can be offered, the owner will be allowed the option to receive compensation partly in kind (replacement property - parcel) and partly in cash. This requires both the affected and the replacement parcel to be valued so that the difference can be calculated. As a general rule, if the difference in established values is less than 10%, the parcels will be considered approximately equivalent and no cash compensation will be provided to offset this difference.

193. In situations of partial expropriation of agricultural land where the land owner would assess the parcel remainder as unsuitable for further agricultural use, the owner can apply for expropriation of the whole plot. Such situations are to be assessed on an individual basis by the expropriating authority, and the following criteria will be used to assess the suitability for further agricultural use:

- size of the remaining part of the parcel,
- agricultural potential of the remaining part of the parcel compared to that of the expropriated part, and
- possibility to operate mechanized agricultural equipment on the remaining part (accessibility).

5.7.2 CONSTRUCTION LAND

194. The preferred option for construction land to be expropriated will be replacement with alternative land according to the provisions of the expropriation laws. The compensation package will usually include a compensation for residential houses on the given parcel.

195. If residential land is affected but the house itself is not, compensation will usually be in the form of cash. Cash compensation will be provided at full replacement cost, applying the approach similar to that described for agricultural land in previous section.

5.7.3 CROPS AND FOREST

196. To the extent possible, land acquisition and land entry will be scheduled so that any standing annual crop, regardless of its development stage, can be harvested before the land is taken from the land owner or land user. Annual crops that are harvested before land entry by the beneficiary agency will not be compensated for.

197. Annual crops that cannot be harvested prior to land entry or that are damaged by construction works will be compensated for at full replacement cost. Recent agricultural produce prices at municipal level will be applied.

198. The determination of the full replacement cost requires consideration not only of the yield of the crop over one year, but also of the cost of re-establishing the plantation (seedlings, soil preparation, fertilizers, etc.), as well as of the lost income during the period needed to re-establish the crop.

199. Compensation rates will be calculated in compliance with the full replacement cost principle, whereby the compensation rate C for one tree is determined by application of the following formula:

$$C = V \times D + C_P + C_L$$

V - average market value of the produce of one tree for one year

D - average period of time required to re-establish the tree to an adult production level, in years

C_P - cost of planting (seedling, soil preparation, initial fertilization)

C_L - cost of the labor required to maintain the crop during the period of time needed to re-establish it to its previous production level

200. The calculated unit rate C is then applied to the whole parcel assuming either an average density or based on the precise count of all standing trees.

201. Market values of the produce for each of the common fruit trees in the area are to be investigated and reflected in each Abbreviated Resettlement Plan, if any. Compensation rates will be generated for the following stages of plant (tree) development:

- seedling,
- young plant, not productive,
- young plant , productive, and
- mature plant.

202. Unlike perennial fruit plantations, which can be harvested over a long period of time, most commercial timber tree species are yielded only once, as is the case with annual crops. The replacement cost will therefore be the market value of the logged timber. If an affected commercial forest cannot be logged before entry of the expropriation beneficiary into the parcel, the compensation principle will be similar to that described for annual crops, taking consideration of the market value of the lost timber.

5.7.4 RESIDENTIAL AND OTHER STRUCTURES

203. The provision of replacement properties will be determined on case-by-case basis depending on the number of affected people who require such compensation. Possible options are:

- provision of residential and/or business structure in public ownership;
- construction of new residential and/or business structures that will be offered as replacement for lost assets.

204. When assessing the replacement properties, the following criteria will be applied to the extent possible:

- parcel on which the houses or other structures are located will have approximately the same size,
- residential and business structure will have similar size and standards, including access to utilities, and
- residential and business structure will be located at a reasonable distance and be with a similar potential from the livelihood point of view (access to employment or agriculture).

205. If replacement structures smaller in size or of favorable characteristics are proposed to affected persons, the difference in value will be paid to the affected owner pursuing the approach similar to that described in section on agricultural land compensation.

206. Where the affected owner opts for cash compensation rather than replacement property or if no suitable substitute property can be identified in the area, residential structures will be compensated in cash. Principles applicable to the determination of replacement value are the same as those described above for land.

207. Non-residential structures will be compensated in cash based on full replacement cost.

208. Owners of residential and business structures which cannot be legalized will be offered compensation in line with the provisions of the Entitlements Matrix.

5.7.5 LIVELIHOOD RESTORATION

209. In case that a business is affected, livelihood restoration assistance will be based on the income lost during the period required to re-establish the business elsewhere, as well as any other transitional costs to be assessed on a case-by-case basis (i.e. based on accounting reports or other applicable documents/receipts).

5.7.6 MOVING ASSISTANCE

210. Moving assistance will cover the cost of moving furniture and other personal belongings. This cost can be calculated as either: i) a fixed amount corresponding to the cost of the move of 5 cubic meters goods per household regardless of the household size, or ii) a variable amount corresponding to the actual household size, covering the cost of moving 2 cubic meters goods per household member. The unit cost per cubic meter to be used as a basis for these calculations will be identified in consultation with service providing companies. Where applicable, the moving assistance will also include support to cover the cost of identifying and securing a new dwelling, as well as other relocation costs such as the cost of transferring utilities to the new address. The moving assistance will be paid in cash.

5.7.7 ASSISTANCE TO VULNERABLE GROUPS

211. Assistance to vulnerable people will include various activities, depending on a case-by-case screening to be carried out with support from the relevant municipal social departments. An indicative list of activities includes:

- Assistance during the compensation and resettlement process:
 - Individual meetings to explain eligibility criteria and entitlements,
 - Specific resettlement packages (for instance prioritized allocation of ground floor apartments for physically impaired people),
 - Payment process (i.e. making sure that compensation documents and payment process are well understood),
 - Assistance in the post payment period to secure the compensation money and reduce risks of misuse or robbery.
- Assistance to moving:
 - Packing up belongings,
 - Salvaging of material in the old dwelling and transport or sale thereof,
 - Transportation of the household themselves, with medical assistance if required.
- Assistance during the post-resettlement period,
 - Counseling in matters such as family, health, money management, and livelihood restoration,

- Check that the solidarity networks that the vulnerable person was relying on have been re-established or take measures if they have not: food support, health monitoring, etc.,
- Health care if required at critical periods or enrolling vulnerable households in a health insurance scheme,
- Prioritization for training courses to enhance employability and prioritization for employment where possible.

5.7.8 INDICATIVE ASSET PRICES

212. The following typical asset unit price ranges in the project area were identified at the time of this document development and can be considered for making rough preliminary estimates during sub-project planning. However, the actual prices may fluctuate and should be verified with the real estate agencies at the time shortly prior to each sub-project's implementation and for each specific location. It should be noted that prices are subject to continuous (even daily) changes depending on the market demand and trends. The information presented in table below are obtained from the Government of Brčko District and information on real estate prices in Republika Srpska and Republic of Serbia available on the web (<http://www.nekretnine.rs/>, <http://www.gradbijeljina.com>, <http://www.market.ba>).

Table 6. Indicative asset prices

Asset category	Typical price range in BiH, €/m ²		Typical price range in republic of Serbia €/m ²	
	Urban locations	Rural locations	Urban locations	Rural locations
Construction Land	60-100	cca. 20	15-150	1-35
Agricultural Land	6-25	cca. 3	cca. 5-15	cca. 3
Real Estate	450-1000	150-500	25-1.150	10-650

5.8 ENTITLEMENT MATRIX

213. Compensation entitlements for different categories of eligible persons and assets (properties) covered either by the current applicable legislation of RS, BD, and RoS, or by this RPF to bridge gaps and meet the specific WB requirements, are summarized in following table.

Table 7. Entitlement matrix

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
LAND LOSSES				
Owner¹²	Registered construction land	Permanent loss	Replacement plot of land of similar size and characteristics ¹³ + Transitional assistance such as land preparation costs, to be assessed on case-by-case basis <u>or</u> Cash compensation at full replacement cost ¹⁴	Transfer of property right through amicable agreement or expropriation. The full replacement cost will be calculated as specified in Chapters 5.7.1 and 5.7.2.
Owner	Registered construction land	Temporary loss	Cash compensation for lease + additional compensation for any damage occurred	Transfer of compensation through amicable agreement
Owner	Registered agricultural land	Permanent loss	Replacement agricultural land of similar size and characteristics + Transitional assistance such as land preparation costs, to be assessed on case-by-case basis <u>or</u> Full cash compensation at replacement cost	Transfer of property right through amicable agreement or expropriation. The full replacement cost will be calculated as specified in Chapters 5.7.1 and 5.7.2. If the affected fraction accounts for 10% or less of the total surface area of the agricultural parcel, replacement parcel option will not be available. Instead, cash compensation will be available. If the remainder after expropriation of the affected part is unusable, the owner will be entitled to expropriation of the whole parcel and compensation according to the laws on expropriation.
Owner	Registered agricultural land	Temporary loss	Cash compensation for lease + additional compensation for any damage occurred	Transfer of compensation through amicable agreement. If the remainder after expropriation of the affected part is unusable, the owner will be entitled to expropriation of the whole parcel and compensation according to the laws on expropriation.

¹² This category also pertains to successors of owners. In case inheritance procedure has not been finalized, courts must determine successors and their share in ownership before compensation is provided.

¹³ In all situations where a parcel of equivalent size or potential cannot be identified and offered, and parcels smaller in size or potential can be offered, the owner will be allowed the option to receive compensation partly in kind (replacement property - parcel) and partly in cash in line with recommendations set in chapter 6.5.

¹⁴ Replacement cost indicates market value of the property plus legal costs of acquiring other property, such as taxes and fees related to purchase of other property, registration in land registry etc., without depreciation accounted for.

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
CROPS AND FOREST LOSSES				
Owner	Annual crop	Permanent or temporary loss	<p>The right to harvest crops</p> <p><u>or</u></p> <p>Cash compensation at market value to the crop owner (who may be other than the land owner)</p> <p><u>and</u></p> <p>Cash compensation for any developments on the land such as irrigation or drainage structures, glasshouses, etc. in case of their permanent loss or damage</p>	<p>Cash compensation for the crop possible only if the annual crop cannot be harvested or picked within the notice period according to the expropriation laws. The cash compensation will be determined in line with procedure given in Chapter 5.7.3.</p> <p>If crop owner is other than land owner, instrument to provide compensation to crop owner: as proposed in this RPF.</p>
Owner	Perennial crop	Permanent or temporary loss	<p>The right to harvest crops</p> <p><u>or</u></p> <p>Cash compensation at market value to the crop owner (who may be other than the land owner)</p> <p><u>and</u></p> <p>Cash compensation for any developments on the land such as irrigation or drainage structures, glasshouses, etc. in case of their permanent loss or damage</p>	<p>Cash compensation for the crop possible only if the perennial crop cannot be harvested or picked within the notice period according to the expropriation laws. The cash compensation will be determined in line with procedure given in Chapter 5.7.3.</p> <p>If crop owner is other than land owner, instrument to provide compensation to crop owner: as proposed in this RPF.</p>
Owner	Forest	Permanent loss	<p>Cash compensation at replacement cost of the land to the land owner</p> <p>Cash compensation at market value of the lost timber to the timber owner</p>	<p>In RS, the compensation for forest land is determined in amount equal to the price of the closest pasture land of the same location conditions.</p> <p>Transfer of property right through amicable agreement or expropriation.</p> <p>The cash compensation will be determined in line with procedure given in Chapter 5.7.3.</p>

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
RESIDENTIAL STRUCTURE RELATED LOSSES				
Owner	Residential structure with valid construction permit on registered land	Permanent loss	Replacement assets: residential parcel of similar size/characteristics and a residential structure of similar size/characteristics <u>or</u> Cash compensation for both land parcel and structure at full replacement cost + Resettlement assistance including moving allowance and compensation for other resettlement related expenses	Transfer of property right through amicable agreement or expropriation Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6. Additional support will be provided to vulnerable groups, if any, in accordance with their needs.
Owner	Residential structure without construction permit raised by the land owner, with the corresponding residential parcel	Permanent loss	<u>Subject to successful legalization:</u> Same as formal owner <u>If legalization is not possible:</u> Compensation for land at full replacement cost + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure. + In case of severe loss, affected person will be provided with alternative housing without paying rent for at least 1 year with security of tenure, if s/he does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses	In RS, the law has already foreseen compensation for this situation. Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6. Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.
Informal user	Residential structure raised without building permit on land owned by other private person (no complaint filed within 3 years)	Permanent loss	<u>Subject to successful legalization and constructed before the cut-off date:</u> <ul style="list-style-type: none"> Cash compensation at full replacement cost for the land to the landowner or his/her successors Cash compensation for structure at full replacement cost + Resettlement assistance including moving allowance and compensation for other resettlement related expenses. 	Establishment of right of property and legalization of the unregistered residential structure according to the laws on property rights then implementation of expropriation according to the laws. Transfer of property right through amicable agreement or expropriation Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
			<p><u>If legalization is not possible:</u></p> <p>Cash compensation at full replacement cost for the land to the landowner or his/her successors + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure. + In case of severe loss, affected person will be provided with alternative housing without paying rent for at least 1 year with security of tenure, if s/he does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses</p>	<p>Chapter 5.7.5 and 5.7.6.</p> <p>Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.</p>
Informal user	Residential structure raised without construction permit on public land	Permanent loss	<p><u>Subject to successful legalization and constructed before the cut-off date:</u></p> <p>Cash compensation for structure at full replacement cost + Resettlement assistance including moving allowance and compensation for other resettlement related expenses.</p> <p><u>If legalization is not possible:</u></p> <p>The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure. + In case of severe loss, affected person will be provided with alternative housing without paying rent for at least 1 year with security of tenure, if s/he does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses</p>	<p>Establishment of right of property and legalization of the unregistered residential structure, then implementation of expropriation according to the laws.</p> <p>Transfer of property right through amicable agreement or expropriation</p> <p>Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6.</p> <p>Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.</p>

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
Informal user	Tenant or other informal occupant occupying a residential structure	Permanent	Timely notification to enable tenant to find other accommodation	According to the national Laws on Obligations.
Informal user	Other informal occupant occupying a residential structure	Permanent	Provision of use of alternative accommodation by the competent authorities, with security of tenure, if the occupant has no stable source of income and his/her family does not own other property + Resettlement assistance including moving allowance and compensation for other resettlement related expenses	Support to informal occupants is not regulated by local legislation and is to be dealt with through amicable agreement. Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6. Additional support will be provided to vulnerable groups, if any, in accordance with their needs as indicated in Chapter 5.7.7.
NON-RESIDENTIAL STRUCTURE RELATED LOSSES				
Owner	Non-residential structure with valid construction permit on registered land	Permanent loss	Replacement plot of land of similar size and characteristics <u>or</u> Cash compensation at full replacement cost + Cash compensation in amount of his/her investment to the structure owner	Transfer of property right through amicable agreement or expropriation.
Owner	Non-residential structure without construction permit on registered land	Permanent loss	<u>Subject to successful legalization</u> Same as formal owner <u>If legalization is not possible:</u> Replacement plot of land of similar size and characteristics <u>or</u> Cash compensation at full replacement cost + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure.	Transfer of property right through amicable agreement or expropriation.

CATEGORY OF PAP	TYPE OF AFFECTED ASSET OR RIGHT	TYPE OF LOSS	ENTITLEMENT	IMPLEMENTATION MODALITIES
Informal user	Non-residential structure without construction permit on land owned by other private person		Replacement plot of land of similar size and characteristics <u>or</u> Cash compensation at full replacement cost to the land owner or her/his successor. + The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure.	Establishment of right of property and legalization of the unregistered non-residential structure according to the laws on real property rights, then implementation of expropriation according to the laws.
Informal user	Non-residential structure without construction permit on public land		The affected person has the right to choose either (i) to take away the building materials or (ii) be provided with cash compensation at construction value of the structure.	
BUSINESS OR COMMERCIAL LOSSES				
Owner	Loss of place of business	Permanent	<ul style="list-style-type: none"> • Compensation for real estate (land and structures) at full replacement cost • Livelihood restoration assistance, based on the income lost during the period required to re-establish the business elsewhere, to be assessed on a case-by-case basis • Resettlement assistance including moving allowance and compensation for other resettlement related expenses. In case of severe loss of business, compensation will include any other transitional assistance to be assessed on a case-by-case basis. 	Expropriation according to the laws. Transfer of compensation through amicable agreement. Instrument to provide moving allowance and compensation for other resettlement related expenses (WB requirement) will be determined as proposed in Chapter 5.7.5 and 5.7.6.
Owner	Loss of place of business	Temporary	<ul style="list-style-type: none"> • Compensation for income lost during the period of no-use 	Lease (for real estate) according to the laws. Transfer of compensation through amicable agreement.
UNIDENTIFIED IMPACTS				
Owner/informal user	Unidentified impacts	Permanent or temporary	<ul style="list-style-type: none"> • Any unidentified impact will be mitigated in accordance with the principles and objectives of the RPF. 	In accordance with the principles and objectives of the RPF

5.9 **GRIEVANCE MECHANISM**

Grievance management principles

214. The following overall grievance management organization principles will be adhered to:

- any grievance will be registered, acknowledged receipt of within 7 working days, and tracked until it is sorted out,
- grievance management arrangements will comprise three processing stages:
 - ✓ first tier grievance management: first step of extra-judicial stage of amicable review and settlement with involvement of the Project Management Unit (PMU) in charge of expropriation;
 - ✓ second tier grievance management: second step of extra-judicial stage of amicable review and settlement with involvement of the Grievance Commission;
 - ✓ third tier grievance management: the judicial system with involvement of municipal courts in charge.
- grievances will be processed and responded to within a reasonable period of time, unless under particularly aggravating circumstances, within one month.

215. It is essential that sufficient resources required for grievance management are available, and that the grievance management system is in place as early as during the development of Abbreviated Resettlement Plan, if any.

First tier grievance management

216. Since the institutional arrangement for implementation of this Project is pending administrative decision, it is assumed that, once the Project is approved for financing, its implementation will be managed by:

- **Ministry of Transport and Communication of RS** (Sub-project 1: river rehabilitation works in Republika Srpska and Sub-project 3: demining works on the territory of Republika Srpska);
- **Department of Public Affairs of Government of BD** (Sub-project 1: river rehabilitation works in Brcko District and Sub-project 2: investments to improve the operational performance of Brčko port); and
- **Ministry of Transport of RoS** (Sub-project 1: river rehabilitation works in Republic of Serbia)

217. As indicated in Chapter 5.3., the expropriation activities are expected only in relation to implementation of Sub-project (1).

218. Each above listed institution will form PMU that will be responsible for management of all assigned sub-project components including resettlement.

219. All PMUs will establish a registry of grievances.

220. PMU in BD will establish a central registry of grievances within the Department of Public Affairs.

221. PMUs in RS and RoS will establish a central registry of grievances in cooperation with the Municipality Bijeljina on which territory the works will be executed. PMUs in RoS will establish a central registry of grievances in cooperation with the Municipalities Sabac and Sremska Mitrovica on which territory the works will be executed. The purpose is to enable project affected persons to submit grievances at the location closest to the sub-project implementation site. Municipalities will dedicate one officer to the task of receiving and forwarding grievances to the responsible PMU in RS and RoS. The municipal officer will ensure that all grievances received are forwarded to the respective PMU for further handling. Typical Public Grievance Form is given in Annex 6.

222. The availability of this registry, its location, as well as brief and clear description of the procedures to submit a complaint will be communicated by the PMUs through different communication

channels including web sites of their ministry/department and respective municipality, municipal/BD information boards and local newspapers and radio.

223. The responsible PMU officer will maintain the grievance registry, ensure that grievances are acknowledged receipt of in the agreed timeframe (usually 7 working days), make sure that grievances are allocated to the right person for review and proposal of resolution, and make sure that closure letters proposing a resolution to the complainant are timely sent to the complainant and acknowledged receipt of.

224. A grievance record will be opened for each grievance in the registry, including the following information:

- description of grievance,
- date of receipt acknowledgement returned to the complainant,
- description of actions taken (review of baseline survey - census files, investigation, hearing of relevant stakeholders, corrective measures), and
- date of resolution and closure, with complainant's signature proving his/her agreement to the resolution modalities.

225. Grievance review will typically include the following steps:

- a. Allocation of the grievance to a designated officer for review and resolution proposal;
- b. Review of their expropriation/compensation files;
- c. Review of disputed properties, disputed boundaries, or property characteristics in the field, as applicable, and hearing of interested parties (the complainant and third parties as need be);
- d. Drafting of a response letter to complainant
- e. Informing the complainant about the proposed corrective action within 25 days upon the acknowledgment of grievance.

226. The close out at the level of the first tier will be sanctioned by a document, whereby the complainant acknowledges receipt of the proposed resolution and mentions whether the grievance submitted person is satisfied or not. If the PMUs are not able to address the particular issue raised through the grievance mechanism or if action is not required, it will provide a detailed explanation/justification on why the issue was not addressed. The response will also contain an explanation on how the person/organisation which raised the complaint can proceed with the grievances in case the outcome is not satisfactory.

Second tier of grievance management

227. If the complainant is not satisfied with the implemented corrective action and/or a justification on why the corrective action is not required, the complaint will be directed to the Grievance Commission. The Grievance Commission will be established for the Sub-project by an internal act of the Ministry/Department and comprised of:

- one representative of the responsible Ministry/Department (other than the person directly involved in resolving the grievance described in the previous steps),
- in RoS and RS, one representative of the municipality affected by the Project and selected by the municipality officials (other than the person directly involved in resolving the grievance described in the previous steps).
- in BD, one representative of Local Community ("Mjesne zajednice") on which territory the complainant lives
- Additionally, the Commission may include a representative of PAP, if found necessary.

228. The Commission will re-evaluate previously carried corrective action and/or the justification on why an action is not required, and reconsider alternatives to address the complaint on the satisfactory manner.

229. The complainant will be informed about the proposed alternative corrective action and follow-up of alternative corrective action within 25 days upon the acknowledgement of grievance.

Third tier of grievance management

230. In case that no amicable agreement can be reached at the first two tiers, the grievance can at any time be handed over to the basic municipal court in charge.

5.10 CONSULTATION AND PARTICIPATION MECHANISM

231. The borrower will follow requirements for consultation with project affected persons as described in the national expropriation laws as well as in accordance with the requirements of the OP 4.12

Table 8. Consultation and participation mechanisms

Process Phase	Actions/activities	Disclosure, consultation and participation mechanism	Responsibility
Prior to initiation of the expropriation process	Disclosure of Environmental and Social Management Framework and Resettlement Policy Framework with the purpose of informing and public discussions	<i>Requirement of the World Bank Operational Policies 4.12.</i> Documents will be disclosed both by the Bank and the borrower. Public discussion will be organised as a part of ESMF disclosure process. For details see Chapter 5.11.	The WB and the Borrower
Prior to initiation of the expropriation process	Disclosure of Environmental and Social Impact Assessment Study and Socio-Economic Survey with the purpose of informing and public discussions	<i>Requirement of the World Bank Operational Policies 4.12.</i> The document is to be disclosed both by the Bank and the borrower. Public discussion will be organised. For details see Chapter 5.11.	The WB and the Borrower
Prior to expropriation process	Proposal submission	<i>Requirement of the national expropriation laws.</i> Notification on proposal submission is to be sent to the owner of the property.	The borrower via responsible authority
Prior to expropriation process	Settlement of the transfer of ownership right by agreement	<i>Requirement of the national expropriation laws.</i> Consultation and discussion with the property owner with the ultimate aim to conclude amicable sale-purchase agreement.	The borrower via responsible authority
Prior to expropriation process	Issuing Decision on Expropriation	<i>Requirement of the national expropriation laws.</i> Hearing of the property owner in regard to the expropriation facts prior to issuing Decision on Expropriation.	The borrower via responsible authority
Expropriation process	Determining the amount of the compensation	<i>Requirement of the national expropriation laws.</i> Convene and hold a hearing to determine the compensation for the expropriated real property.	The borrower via responsible authority

5.11 DISCLOSURE

232. The following documents will be disclosed to public in both local and English language:

- Environmental and Social Management Framework and Resettlement Policy Framework,

- Environmental and Social Impact Assessment Study and Socio-Economic Survey.

233. The documents will be available for download on the web page of the:

- Ministry of Transport and Communication of B&H (additionally, the documents can be posted on web sites of Ministry of Transport and Communication of RS and Department of Public Affairs of Government of BD); and
- Ministry of Transport of RoS.

234. The public will also be able to obtain the insight in the available electronic version of project design documents, upon request, including *Master Plan and Feasibility Study for Inland Waterway Transports in Serbia, Consortium: Witteveen+Bos/DHI/Dynamar/MSR/PMC/Energoprojekt-Hidroinženjering, April 2005* and *Preliminary Design for Reconstruction of Sava River Waterway and Determination of Regulation Line from Racinovac to Sisak, VPB d.d. Zagreb, 2006*.

235. The information on the availability of documents will be announced through web sites of all above listed institutions, local newspaper and/or radio, and municipal information boards. An effort will be made to inform representatives of local communities identified to be under influence of the Project (Brezovo Polje, Jemena, Sremska Rača, Bosanska Rača, Šabac, Bosut, Ravnje, Zasavica, etc).

236. The Public Consultation process on the Project will consist of three main public consultation meetings, first at the inception phase (First month, already completed), second after the approval of the ESMF and RPF Draft by the World Bank and the Client and third after ESIA Draft and Socio-Economic Survey approval by the World Bank and the Client. The second and the third meetings shall be organized at locations and in a manner that is most convenient for all parties to participate. However, efforts will be done for all stakeholders to be announced timely (via email notification, national/local newspapers, and other official venues) about the scope, and location of the respective meetings.

237. The above listed documents will be publicly disclosed at least 15 days before each public hearing held for this Project. The stakeholders will be given at least 30 days opportunity to submit written comments on the documents disclosed.

238. Having in mind the cross-border character of the project, a notification on public disclosure and participation process will be issued to Ministry of Maritime Affairs, Transport and Infrastructure of neighboring Republic of Croatia.

239. In case that Abbreviated Resettlement Plan is to be prepared, the consultation process will be carried out in all local communities under the influence of the Project in a same manner as described above.

5.12 INSTITUTIONAL ARRANGEMENTS

240. The RPF will be adopted by the Ministry of Transport and Communications of B&H following the approval of Project Steering Committee. The Project Steering Committee is composed of representatives of Ministry of Transport and Communication of RS and Department of Public Affairs of Government of BD.

241. Responsibility for the RPF implementation will be shared later on in accordance with the agreed institutional arrangements that are currently pending administrative decision.

242. It can be assumed that the project will be implemented by Project Management Units of Ministry of Transport and Communication of RS, Department of Public Affairs of Government of BD and Ministry of Transport RoS, each on their respective territory.

243. Expropriation process will be carried out in close cooperation with relevant municipalities. The municipal departments in charge of social issues and departments in charge of residential affairs will facilitate the process of allocating alternative accommodation (social apartments) for socially

vulnerable owners of informal structures which can not be legalized and social vulnerable informal occupants /users of structures. Indicative division of institutional responsibilities and arrangements is shown in the table below.

Table 9. Indicative division of institutional responsibilities and arrangements

Task	Responsible Entity
Information disclosure to all project affected people in the phase of RPF and ESIA development	Ministry of Transport and Communication of B&H Ministry of Transport RoS
Information disclosure to all project affected people in the phase of abbreviated RP development, if any	Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS
Information disclosure to all project affected people in the phase of initiation of expropriation and during expropriation	Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS
Assistance to affected population to legalize their properties, before expropriation	Relevant municipalities and their departments for social and residential affairs
Prevention of encroachment	Relevant municipalities and their civil construction inspections
Negotiations and expropriation activities, prior to construction commencement	Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS and relevant municipalities
Payment/provision of compensation packages	Relevant municipalities Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS
Provision of resettlement assistance	Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS and relevant municipal social services (vulnerable groups)
Grievance management	Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS Relevant municipalities Grievance Committee (see chapter 5.9)
Monitoring and reporting in respect of land acquisition and/or temporary land occupation carried out prior construction commencement	Ministry of Transport and Communication of RS Department of Public Affairs of Government of BD Ministry of Transport RoS Relevant municipalities Grievance Committee (see chapter 5.9)
Monitoring and reporting in respect of land acquisition and/or temporary land occupation carried out after construction commencement	Independent contracted body (external independent professional or group)

5.13 MONITORING AND EVALUATION

244. Monitoring and Evaluation are essential components of the resettlement process. These are typically divided into the following three components:

- Input monitoring,
- Output monitoring, and
- Outcome evaluation.

245. Input (or progress) monitoring: Measures whether inputs are delivered on schedule and as defined in the RP. Inputs are the services, resources or goods that contribute to achieving outputs and, ultimately, desired outcomes. Input monitoring will be conducted internally on an on-going basis as part of the project general management system or quality assurance system.

246. Output (or performance) monitoring: Measures the direct measurable results of the inputs, for example the number of people receiving compensation. Input and output monitoring together keep track of project implementation efficiency, and indicate whether changes need to be made to make the program operate more efficiently. Output monitoring will be conducted internally.

247. Outcome (or impact) evaluation: Defines the extent to which the project inputs and outputs are achieving or are likely to achieve the objectives of a program. Project Affected Persons having re-established employment, or businesses established and earning acceptable returns over a reasonable period are examples of outcomes. Outcome evaluation, coupled with output monitoring results, will indicate whether the program is genuinely working and should continue to be implemented as is, or whether fundamental changes have to be made. In other words, outcome evaluation looks beyond numerical compliance to the longer term impact of program inputs and outputs, to determine what works, what does not work, and what needs to be changed. Outcome evaluation will be carried out by an external independent professional or group, typically every 6 months during resettlement and annually during a reasonable period following resettlement.

248. Outcome evaluation will use indirect indicators to help determine whether project affected persons are re-establishing (or improving) their livelihoods and standard of living. These kinds of indirect indicators will include nutritional status, school attendance, or the purchase of certain items such as vehicles or household appliances.

249. The table below summarises monitoring and evaluation requirements for this Project.

Table 10. Monitoring and evaluation

	Input Monitoring	Output Monitoring	Outcome Evaluation
Scope	Measures inputs into the land acquisition and resettlement program	Measures outputs of the land acquisition and resettlement program	Assesses whether desired objectives and outcomes have been achieved as set in initial commitments
Proposed indicators or typical questions	<p>Number of PAPs by categories</p> <p>Overall spending on expropriation and compensation</p>	<p>Number of individual compensation agreements signed in the period.</p> <p>Number of people having received cash compensation in the period with distribution by compensation type and by classes of amounts.</p> <p>Number of PAPs having moved into their new dwelling in the period.</p> <p>Number of PAPs having moved from their previous dwelling in the period.</p> <p>Number of houses made available to PAPs.</p> <p>Qualitative indicators which will serve to assess the satisfaction of the affected people with the resettlement initiatives and, thus, the adequacy of the initiatives. Information on these indicators will be obtained through direct consultation with the affected population (meetings, focus group discussions, questionnaires).</p>	<p>Grievances, including their outcomes and average time for processing and redress.</p> <p>What is compensation used for?</p> <p>Are people living in resettlement houses those who were allocated the houses? Degree of satisfaction with the new dwelling.</p> <p>Degree of satisfaction with the compensation agreement.</p> <p>Degree of satisfaction with performance of resettled business. Are livelihoods of business employees restored?</p> <p>Getting information on things like whether the resettlement process was easy or not (e.g. it involved lots of paperwork, communication was poor, etc.).</p>

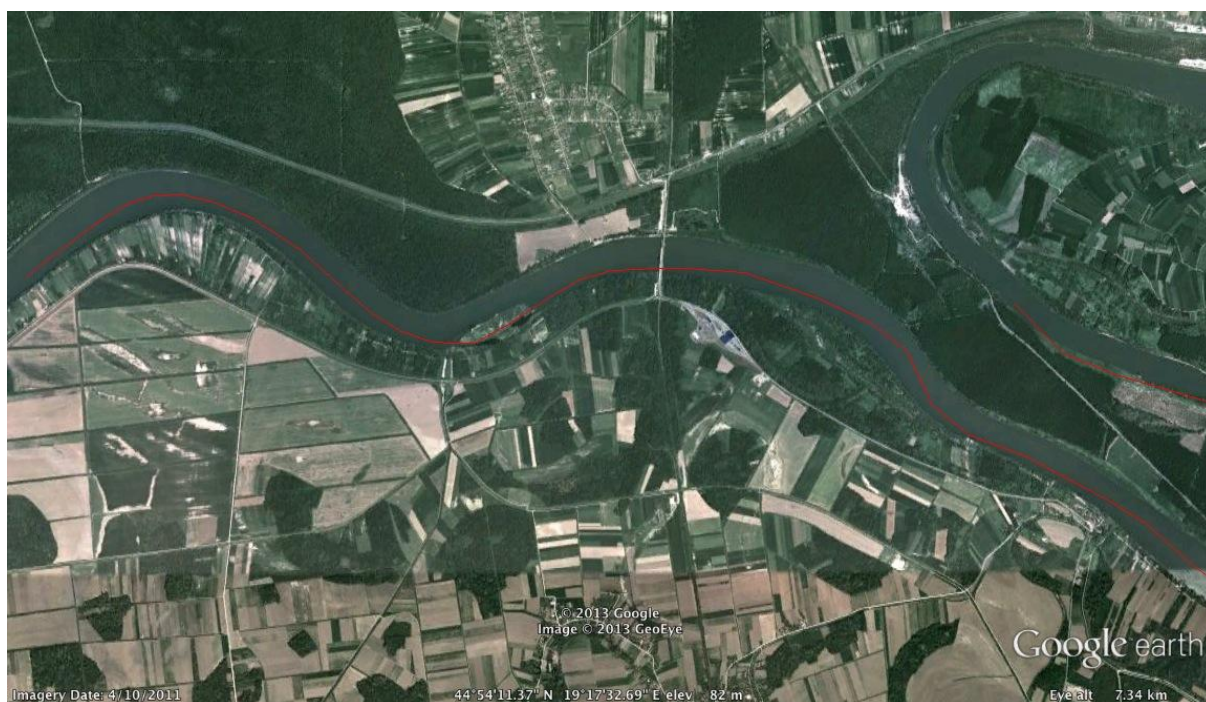
	Input Monitoring	Output Monitoring	Outcome Evaluation
Examples of data collection and analysis methods	Monthly progress reports (technical and financial) prepared by the PMU with a list of input indicators.	Monthly progress reports (technical and financial) prepared by the PMU with a list of output indicators.	Six-monthly or yearly monitoring and evaluation reports prepared internally and including a list of indicators agreed with external evaluators – analysis and evaluation by external evaluators.
Responsibility	Internal: Data is gathered and processed by PMU.	Internal: Data is gathered and processed by PMU.	External: based on internally gathered data (inputs and outputs) and supplemental external investigations, e.g. random interviews or focus groups held by the external evaluators.

ANNEX 1

**SNAPSHOT PICTURES OF RIVER WORKS' LOCATIONS IN CROSS-BORDER REGION OF B&H
(REPUBLIKA SRPSKA) AND REPUBLIC OF SERBIA**



S.1.1 Jamena



S1.2 Sremska Raca (lowe red line)

ANNEX 2

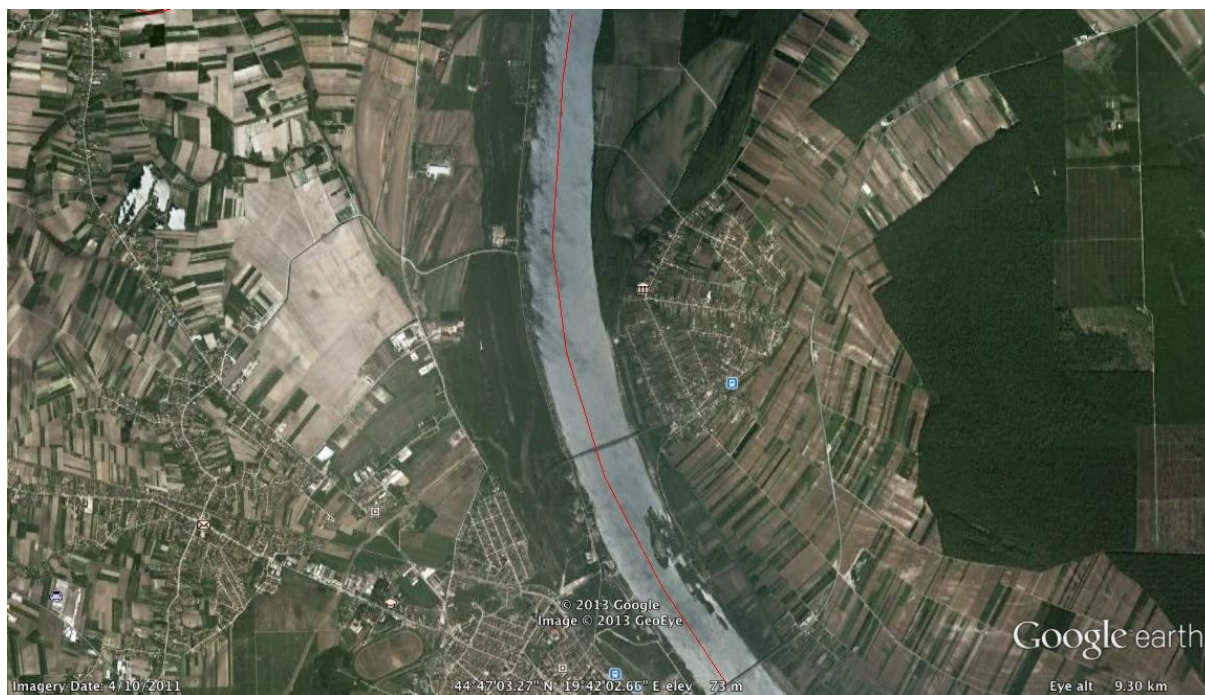
SNAPSHOT PICTURES OF RIVER WORKS' LOCATIONS IN REPUBLIC OF SERBIA



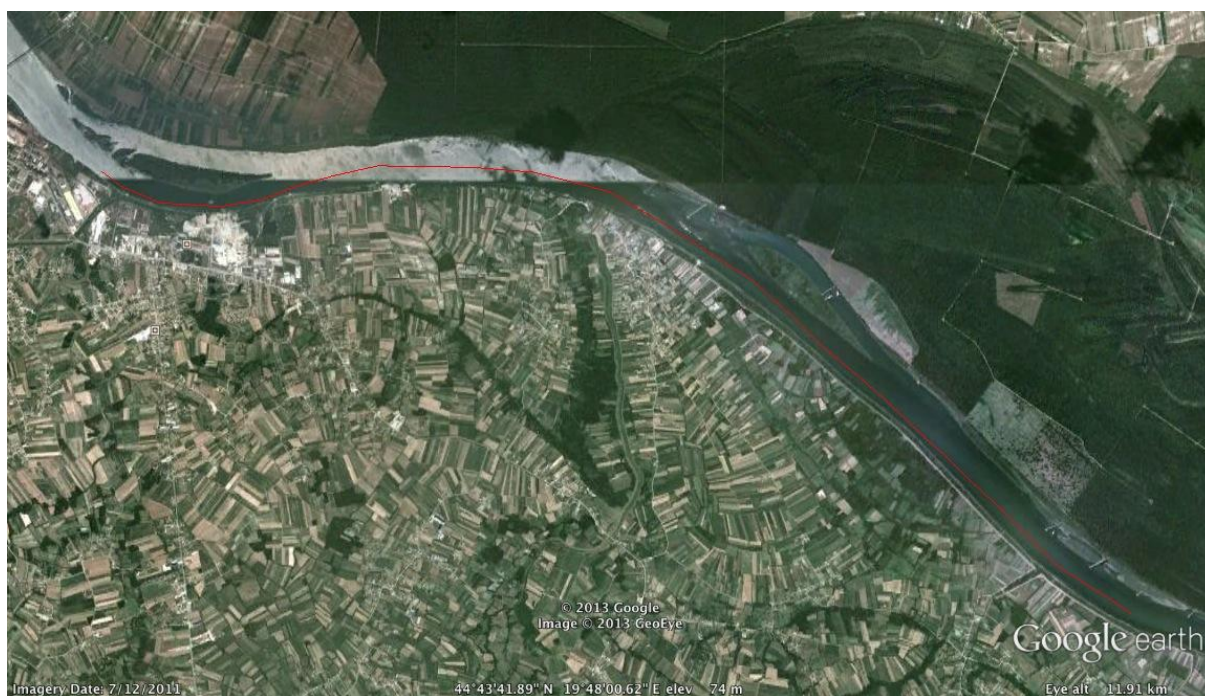
S.1.3 Drina Convulsion (upper red line)



Location S1.4 Sremska Mitrovica



Location S1.5 Klenak



Location S1.6 Sabac



Location S1.7 Podgoricka Ada/Kamicak



Location S.1.8 Provo

ANNEX 3

**SNAPSHOT PICTURES OF RIVER WORKS' LOCATIONS IN CROSS-BORDER REGION OF B&H
(BRCKO DISTRICT) AND REPUBLIC OF CROATIA**



Section DI-1



Section DI-2



Section DI-3



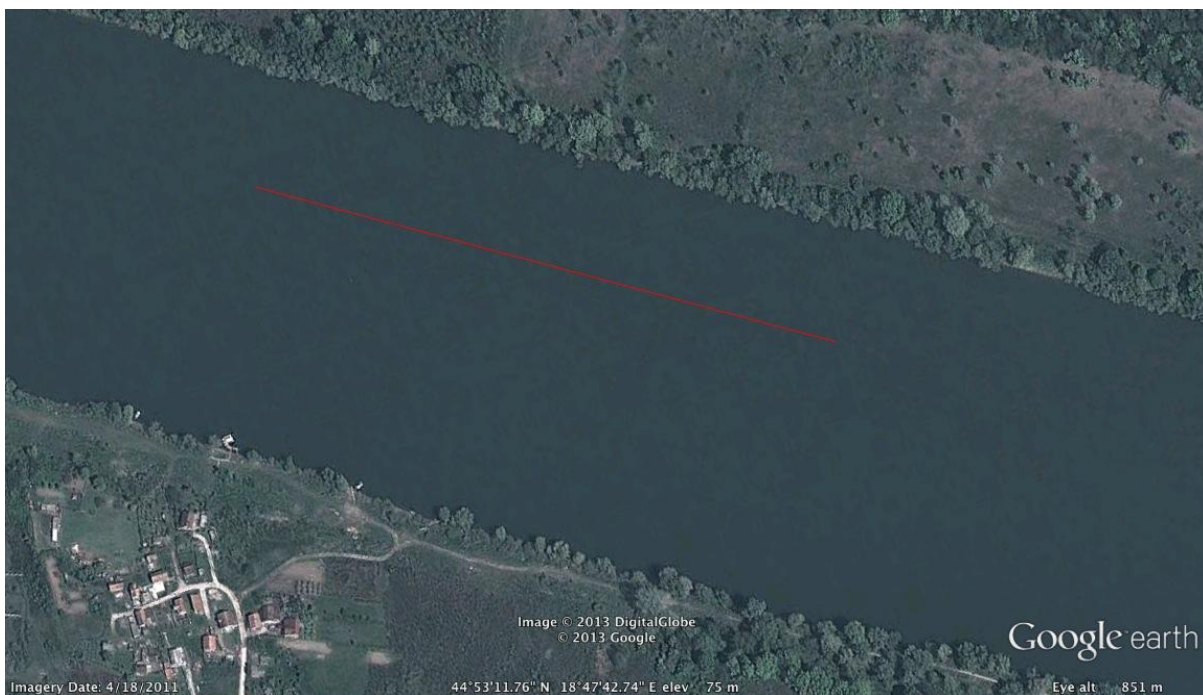
Section DI-4



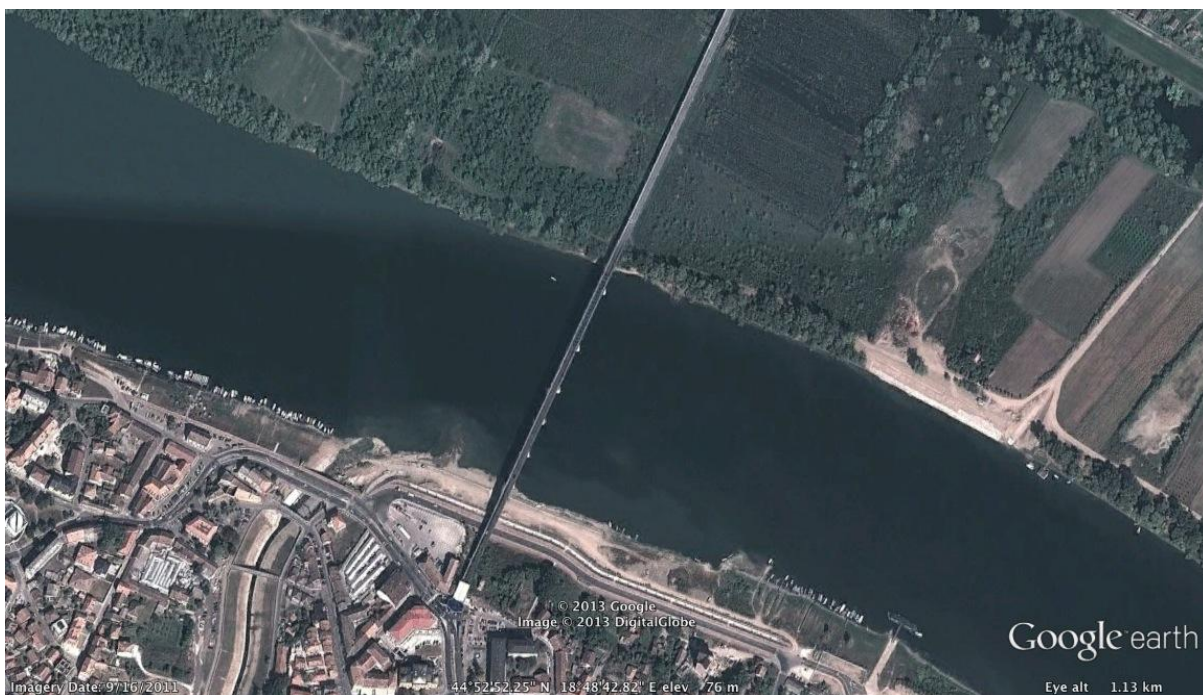
Section DI-5



Section DI-6



Section DI-7



Section P89 - Traffic bridge

ANNEX 4

SCREENING OF SOCIAL IMPACTS

SOCIAL IMPACT ASSESSMENT METHODOLOGY

The Social Impact Assessment will be carried out in three phase

Phase 1. Review of the existing data and preparation of the instruments

Phase 2. Qualitative research

Phase 3. Quantitative research

Phase 1. Review of the existing data

The review of the existing data determines the following elements:

- Review of the social context by means of the review of the available sources of information about the socio-cultural, historic, institutional and political context in which this project develops.
- Identification of the main social issues regarding the reforms that the project brings.
- Review of the proposed project components and the separate issues that need to be dealt from the social point of view.
- Identification of the key participants, their needs, the review of the key participants' social characteristics.
- Assessment of the institutions in the water management sector that will be included in making alleviation measures, rating of roles, capacities and training needs.
- Identification and analysis of potential risks and the proposal for their alleviation.

Phase 2. Qualitative research

Qualitative research requires data collection by means of either the focus group method or detailed in-depth interviews. The interviews and discussions in focus groups represent efficient methods to test some of the presented hypotheses. The accomplishment of these methods is the best way to prepare the questionnaires for quantitative research.

Focus groups are created with the population of the project locations and the interviews with the representatives of the local communities, the representatives of the association of agricultural workers and with the representatives of the companies from the agricultural sector.

Based on major information and data gaps we will develop focus group discussion and interview guide in order to gather information regarding general opinion of the individual affected people their current way of living in project areas; their estimates about possible influence of the project, their expectations and their level of; and cooperation. The participants in the focus groups and interviews will be selected according to the criteria defined and in Questionnaire on socio-demographic characteristics). The basic criteria for the recruitment of the focus group and interview participants are pprofession, gender and age.

The application of the aforementioned methods determines the following elements:

- Identification of the relevant participants – local communities, local entrepreneurs, government officials and personnel (at municipal, cantonal and, where possible, central level) and other interested groups;
- Identification and description of all the cases of permanent or temporary relocation and land confiscation or other resources that lead to a loss under management, which households will be affected and in what way and how the influence will be treated by means of prevention or avoidance and compensation measures;
- Identification of the representative sample of the encompassed communities, carrying out detailed / half-structured interviews and focus groups as well as the meetings with the representatives of the key institutions;
- Identification of the population's expectations which can be used as indicators;
- Summary of the proposed Project activities and their social and political context; Explanation of the relations among various Project components;

- Identification of the main social issues regarding the reforms supported by the Project and particularly the set of the interventions envisaged by each of the components;
- Assessment of the key (formal and informal) institutions in the water management sector that will be included in making alleviation measures, rating their roles, capacities and training needs.

Phase 3. Quantitative research

If we find out that there is need for some quantitative estimates and measurements, we need to conduct some kind of quantitative survey. This survey will be used to collect the following data:

- The household characteristics including the household structure, the size, the composition, the maintenance, the lease and inheritance manners, the households where a woman is in charge;
- The ways of sustainability and production, income sources;
- The mechanisms to solve conflicts including formal and informal structures;
- The characteristics of the communities, the trends and development that could influence the management of the natural resources (i.e. the land lease procedures and land acquisition, the value of the land, the human values, the level of environmental awareness, the levels of education)

In addition, the data collected by carrying out the quantitative research are used to:

- determine fears and expectations of the population that can be used as indicators;
- identify the main social issues regarding the reforms supported by the Project and particularly the set of interventions envisaged by each of the components;
- to assess the possible positive and negative influence of the Project in quantitative sense, as much as possible, about the key participants, especially the poor and the most vulnerable social groups that depend on the water resources and irrigation
- to assess the key (formal and informal) institutions in the water management sector that will be included in making alleviation measures, rating their roles, capacities and training needs.

Quantitative research is carried out by means of direct surveys (interviews face-to-face) of the households on the project locations. The survey will be carried out using questionnaire that will be designed and approved. The questionnaires will contain 20, mostly closed questions and 10 standard demographic questions. The sample size of survey will be decided later, once the characteristics of all micro locations for project sites are known.

In this survey we will conduct structured interviews with households that are the owners, proprietors or users of the land that is situated on the subject locations, the households in which it is possible to survey the head of the household, namely the person that is familiar the most with the data regarding the agricultural production, the finances etc.

Quality control will be carried out by controlling the filled out questionnaires every day. This is done by the coordinator. Quality control is also carried out by the return phone calls of about 10% of the surveyees using the method of the random sample.

For each of these items of the sample the surveyors keep separate Contact lists on which they write down the data regarding the survey process. The surveyors need to write down each contact in the field, finished and interrupted surveying, each survey attempt, regardless of the outcome.

The level of the answers to the survey is the percentage of the surveyees who were successfully surveyed compared to the total number of the potential contacted surveyees. The higher the level of the answers, the better the sample representation.

Data processing can be done using software packages like Survey System 10.0 software. After data entry in the Survey System, the data is transferred to the program SPSS 18.0 (Software Program for Social Sciences) – a professional software package. SPSS is used for data cleaning and logic control as well as the preparation of the tables with the research results. The analysis of the collected data is processed in this programme.

ANNEX 5

SOCIAL ASSESSMENT INSTRUMENTS

RESEARCH INSTRUMENT FOR QUALITATIVE RESEARCH
Discussion guides for focus groups and in depth interviews with citizens living in and
around of project locations

INTRODUCTION (10 minutes)

The main goal of the introduction is to inform the participants as to the reasons for the discussion, how the participants were recruited, to offer insight in the discussion process as well as the explanation how the answers will be registered. One more goal of the introduction is to present the moderator and the participants.

- First, I would like to greet you and present myself. My name is _____ , I am a psychologist and I work for PRISM RESEARCH, an agency for social, marketing and media research.
- You have been invited to participate in the today's focus group because we want to get to know your opinion and feelings regarding the discussion subject.
- This is not a knowledge test. There are no correct and incorrect answers. Each sincere answer is the right one. You have been selected at random and as such you represent a large group of similar characteristics. However, I would like you to express your opinions and feelings today instead of talking about what you suppose the opinions and the feelings of that group are.
- During the discussion, I will be asking questions and, from time to time, ask each of you to say something. However, I would like to encourage you to join the discussion and not to interrupt others when they speak. That is the main rule of the today's discussion: allow everybody to express his or her opinion and feelings. In the end of the discussion, you will have an opportunity to ask questions.
- Due to the limited time and number of questions, I have to ask you to limit your answers and the discussion as to the question I have asked. If you drift away from the topic, I will interrupt you and say "thank you" and then move on to the next question or ask some other participant to say something. Everybody will have an opportunity to express his or her opinion. The discussion will not last more than 90 minutes.
- Your participation in this research is completely anonymous. We are not interested in your identity. During research, nobody except our research team will have access to what you will say today.
- As you can see, the today's conversation will be recorded. We have to that because it is impossible for me to talk to you and write down your answers at the same time. Besides, by listening to the recording, other researchers will have an opportunity to analyse the today's discussion. The statements given during the discussion will not be published.
- Now I would like you to present yourselves. You can say just your name, it does not have to be the real name, or a nickname and some basic information: how old you are, education level, if you own/manage/use agricultural land etc.

➤ **GENERAL OPINION ON THE AGRICULTURAL SECTOR AND THE KEY PARTICIPANTS (15 min)**

1. What do you think about the current situation in location X? What are the main problems for people like you?
2. What are your main sources of income?
3. How about agriculture?

➤ **DATA REGARDING THE AGRICULTURAL ACTIVITIES (15 minutes)**

4. How much land do you own/use? How many pieces of land? What is the acreage of the land/pieces of the land in use for agricultural productions? Where is it located?

5. The cultures that you grow on your land/pieces of land that you use?
6. The crops, approximately per year (the last 3 years) per culture?
7. The number of workers on the land/part-time/permanent, including you and the members of our household?
8. The agricultural equipment and mechanisation used (hothouse production or...)?
9. Product placement (for personal needs, locally, further).... Do you use your products only at home or do you sell them?
10. Name the biggest/most difficult problem on the specific location (drought, floods, lack of work force, lack of the market for product placement, low buying price ...)
11. What is the future like for your agricultural production, namely what limitations and potentials do you expect in the forthcoming period (i.e. 5 years)?

➤ **THE INFLUENCE OF THE PROJECT (30 minutes)**

12. Do you know and how much about the Project X on this location? If so, who has informed you, how have you found out?
13. What do you think about the basic idea of the Project X in this location? (Description of project on location X)
14. What do you expect as main effects of this project on your life here? Will the Project affect agricultural production? If so, in what manner (more crops, more income, growing of different cultures, less expensive work force)? Who will be affected the most? If not, why not?
15. What are the main advantages of this?
16. What are the main shortcomings of the project?
17. Do you think the project activities could lead to people losing their jobs? If yes, why? In what manner? Who will be affected the most? If not, why not?
18. Do you think that people will be temporarily unable to use natural resources like water, or fish, during the construction work or other project activities? Why?
19. Would you be willing to give for use a piece of your land for the needs of the Project X? If not, what are your conditions?
20. What is your opinion if a number of people had to relocate permanently due to the works of one part of the project? What is your opinion about that and what would you expect in return?

➤ **COOPERATION (20 minutes)**

21. How do you rate the work of local government here? What are the main problems?
22. How do you see the best way for you and your community to be involved in this Project X?

RESEARCH INSTRUMENT FOR QUANTITATIVE RESEARCH – CENSUS OR SOCIO-ECONOMIC SURVEY

Questionnaires for the survey with the households that are the potential users of the project

I, the coordinator, state that this questionnaire has been reviewed in accordance with all the instructions for the questionnaire review!

Date _____ and _____ signature: _____

NOT TO BE FILLED OUT BY THE SURVEYOR!

Code of the questionnaire in SS

Operator's code

Control and encoding	Yes	No	Code
Control	1	2	
Encoding	1	2	

Logic control code	Total number of the questions with a mistake

READ BEFORE THE BEGINNING OF THE INTERVIEW! DO NOT WRITE DOWN THE ANSWERS IN THE QUESTIONNAIRE!

P01. Are you an owner/proprietor/user of the land on some of the following locations: ? **(Note to the surveyor: Check the share for each of the aforementioned locations!)**

1. Yes ▶ P02
2. No ▶ STOP THE INTERVIEW!

P02. Do you deal with agricultural production, namely do you work the land on your piece of land/pieces of land on some of the following locations:?

1. Yes ▶ P03!
2. No ▶ STOP THE INTERVIEW!

P03. Can I talk to the head of your household or some other person who knows best the data regarding the agricultural production, namely working the land and some financial issues?

1. Yes ▶ Q1!
2. No ▶ STOP THE INTERVIEW!

FILLED OUT BY THE SURVEYOR!

Surveyor's code

Coordinator's code

INTERVIEW DATE

DATA FROM THE SAMPLE SPECIFICATION OR CONTACT LISTS!

CONTACT LIST CODE

MUNICIPALITY

PLACE	
STREET NAME	
HOUSE NUMBER	
FLOOR NUMBER	
APARTMENT NUMBER	
DESCRIPTION ADDRESS: Write down only if there is no house number!	

FILLED OUT BY THE SURVEYOR!

TIME OF THE BEGINNING OF THE INTERVIEW!		
	HOUR	MIN

NOTE TO THE SURVEYOR:

For each address you have visited between the last address where you completed the survey and this address write down the answers to the questions from U1 to U5.

U1. The number of the persons that you have contacted from the last carried out survey until this one, **AND ANSWERED WITH "YES" TO THE QUESTIONS P01 I P02**, but refused to participate in the survey? **(Write down „0“if it is the first survey on the sample point or if there have been no such addresses!)**

Write down the number!

U2. What are the reasons for refusal by these persons? **(In the column „Total“ write down the number for each reason as it was stated!)**

Reasons	Total
1 – Too busy, does not have time, has other obligations, bad health	
2 – Not interested	
3 – Not competent, does not know anything, does not want to	
4 – Afraid, does not want to violate privacy	
5 – Already surveyed, does not believe in surveys etc.	
6 – Other – State!	
Sum	

Note: The total sum for all the items in this table must correspond to the number written for the question U1. If "0" is written for U1, this table can remain empty!

U3. Sex of the persons that refused? **(In the column „Total“ write down the total number for all male and female surveyees that refused!)**

Sex	Total
1- Male	
2- Female	
Sum	

Note: The total sum for all items in this table must correspond to the number written for the question U1. If "0" is written for U1, this table can remain empty!

U4. Age of the persons that refused? *(In the column "Total" write down the number of all the surveyees who refused according to the estimated age!)*

Age	Total
Less than 30	
31 – 50	
51 and more	
Sum	

Note: The total sum for all the items in this table must correspond to the number written down for question U1. If "0" is written for U1, this table can remain empty!

U5. Between the last carried out survey and this one, how many addresses did you visit at least twice or three times and did not find anyone at home after the second attempt and therefore give up trying to contact them? *(Write down „0“ if it refers to the first survey on the sample point or if there were no such addresses!)*

Write down the number!

U5. Between the last carried out survey and this one, at how many addresses the surveyees, namely the household was not the owner/proprietor/user of the land, or does not deal with agricultural production, or the head of the household was not present during the visit **(ANSWER «NO» TO THE QUESTIONS P01, P02 AND P03)?** *(Write down „0“ if it refers to the first survey on the sample point or if there were no such addresses!)*

Write down the number!

SURVEYOR: READ BEFORE THE INTERVIEW! ATTENTION: WHILE CONTROLLING THE WORK OF THE SURVEYORS, WE SHALL ASK THE SURVEYEEES IF THE SURVEYORS HAVE READ THIS TEXT. IF THEY DID NOT READ THIS TEXT, THE SURVEY WILL NOT BE VALID.

Prism research, a professional agency for public opinion research carries out regular surveys of the citizens of Bosnia and Herzegovina about their attitude and opinions regarding many different issues and problems.

This survey is carried out on a random sample of more than ?? households, on these locations: The participation in this survey is completely anonymous and voluntary.

Agency Prism research, as a member of ESOMAR, the world organisation of the professionals in the field of public opinion, respects all professional and ethical codices regarding the protection of the surveyees' anonymity. The answers given in the survey are only analysed collectively, never individually.

Your opinion is very important because your household is one of more than ?? households, chosen at random to participate in this survey. Therefore, we ask you to participate and be patient. Let's start.

Most of the people usually participate in this kind of a survey for the first time. Therefore, let me tell you something more how the survey is carried out.

I will be reading the questions from the questionnaire exactly as they are written. Each surveyee will answer the same questions. In most cases you will respond to the asked questions choosing one of the suggested answers that I will read to you as well. A small number of questions will require your answers with words.

If you do not understand the question that I have read or it is not clear, please say so. I will read it again. I cannot help you while

you are giving answers because we are interested in your opinions. Therefore, we ask you to be as sincere as possible when giving answers.

When you do not know or, for a specific reason, cannot or do not want to answer, please say so. It is better to say that than give a dishonest answer.

If you are not sure during the interview or you do not understand the question, please ask me to repeat the question.

It is very important that your answers are complete and sincere. Think freely regarding each question. Ask me anything you do not understand. Before we begin, I would like to agree with you that you will give honest answers to the questions I ask, the way you think and feel. When you think that you cannot give an honest answer, please say so. We can always move on to the next question. Do you promise?

Let's start with the first question.

Q1a. Are you or someone in your household an owner, proprietor or lessee of a piece of land on the locations **(ATTENTION, SURVEYOR, EXPLAIN TO THE SURVEYEE: Owner - legal right to own the land, use it and deal with it, in accordance with its nature and purpose; Proprietor – conscientious possession of the land that is owned by another person (uses the agricultural land legally and in accordance with the purpose of the land); Lessee – use of the land owned by another person on a contractual basis.** Encircle only one answer!)

- | | | |
|---------------|-------|---|
| 1. Owner | ▶ Q2a | 1 |
| 2. Proprietor | ▶ Q4a | 2 |
| 3. Lessee | ▶ Q3a | 3 |

Do not read!

- | | |
|---------------------------|---|
| 8. Does not know/Not sure | 8 |
| 9. No answer/Refusal | 9 |

Q2a. Did you or the other household member inherit or buy the land? **(Encircle just one answer!)**

- | | |
|------------|---|
| 1. Inherit | 1 |
| 2. Buy | 2 |

Do not read!

- | | |
|---------------------------|---|
| 8. Does not know/Not sure | 8 |
| 9. No answer/Refusal | 9 |

Go to Q4a!

Q3a. Under what conditions do you use the land as a lessee: how long (in years), how much per year (in KM)? **(Please state the answer for both items!)**

a. Period (in years)	b. Price in KM, yearly total
Do not read!	Do not read!
98. Does not know	98. Does not know
99. Does not want to answer	99. Does not want to answer

Q4a. Please state the acreage of the land that you own/possess/lease? What is the acreage used for agricultural production? **(Please state the answer for both items!)**

a. Acreage that is owned/possessed/leased	b. Acreage used for agricultural production
Do not read!	Do not read!
98. Does not know	98. Does not know
99. Does not want to answer	99. Does not want to answer

Q5a. How many separate pieces of land do you use for agricultural production?

- 1. One ► **Q7a** 1
- 2. More ► **Q6a** 2

Q6a. Can you state the number of the pieces of the land? **(Write down the number!)**

--	--

Do not read!
98. Does not know/Not sure 98
99. No answer/Refusal 99

Q7a. Can you estimate the current market value of your land in KM per m² that you own, possess? **(Write down the number in KM!)**

--	--

Do not read!
8. Does not know/Not sure 8
9. No answer/Refusal 9

Q1b. Are you or someone in your household an owner, proprietor or renter of some residential or non-residential object such as houses, business facilities, or some other objects, on the locations? (Encircle only one answer!)

- 4. Owner ► **Q2b** 1
- 5. Proprietor ► **Q4b** 2
- 6. Renter ► **Q3b** 3

Do not read!
8. Does not know/Not sure 8
9. No answer/Refusal 9

Q2b. Did you inherit or buy that object(s)? **(Encircle just one answer!)**

- 1. Inherit 1
- 2. Buy 2

Do not read!
8. Does not know/Not sure 8
9. No answer/Refusal 9

Go to Q4b!

Q3b. Under what conditions do you use the object as a renter: how long (in years), how much per year (in KM)? **(Please state the answer for both items!)**

a. Period (in years)	b. Price in KM, yearly total
Do not read! 98. Does not know 99. Does not want to answer	Do not read! 98. Does not know 99. Does not want to answer

Q4b. Please state the surface of the object(s) that you own/possess/rent? **(Please state the answer!)**

Surface that is owned/possessed/rented	
Do not read! 98. Does not know 99. Does not want to answer	

Q7b. Can you estimate the current market value of your objects in KM per m² that you own, possess? **(Write down the number in KM!)**

--	--

Do not read!
8. Does not know/Not sure 8
9. No answer/Refusal 9

Q8. Which of the stated cultures do you grow? If you grow some other cultures, please state which ones! **(It is possible to encircle more than one answer in the column Q8 of the table for writing down the answers Q8-Q10!)**

Q9. What is your average production per culture, expressed in kilogrammes? Take into account the average for the last three years. Please state! **(Write down the answers for each culture named in the question Q8! For others write «0»)**

Q10. How much do you sell per culture every year, expressed in kilogrammes? ? Take into account the average for the last three years. Please state! **(Write down the answers for each culture named in the question Q8! For others write «0»)**

TABELA: Q8-Q10

Answer	Q8	Q9 in kg	Q10 in kg
1. Corn	1		
2. Wheat	1		
3. Buckwheat	1		
4. Vine	1		
5. Potato	1		
6. Onion/Garlic	1		
7. Lettuce	1		
8. Carrot	1		
9. Paprika	1		
10. Tomato	1		
11. Cabbage	1		
12. Tobacco	1		
13. Berries	1		
14. Fruit	1		
15. Flowers	1		
Something else? Please state! (Write down the answer!)			
16.	1		
17.	1		
18.	1		
19.	1		
20.	1		
Do not read!			
98. Does not know/Not sure	98		
99. No answer/Does not want to answer	99		

Q11. How many permanent workers do you have, including you and the members of your household? How many workers are part-time, seasonal, including you and the members of your household? **(Please state the answer for both items!)**

a. Number of permanent workers	b. Number of part-time/seasonal workers
Do not read! 98. Does not know 99. Does not want to answer	Do not read! 98. Does not know 99. Does not want to answer

Q12. Are all adults that are permanent workers on your land from your household? **(Encircle just one answer!)**

- 1. Yes 1
- 2. No 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q13. What agricultural equipment and mechanisation do you own? **(It is possible to encircle more than one answer!)**

Answer	Answer
1. Hothouse	1
2. Motocultivator	1
3. Combine	1
4. Tractor	1
5. Milling machine	1
Something else? Please state! (Write down the answer!)	
6.	1
7.	1
8.	1
Do not read!	
98. Does not know/Not sure	98
99. No answer/Does not want to answer	99

Q18. Please tell us, regarding the following or some other main items of the costs of your agricultural production, how much do they amount to in the total cost of the production? **(For each item write down the estimate in %! Make sure that the total percentage sum is 100%)**

Answer	Answer in %
1. Purchase of seeds	
2. Protection instruments	
3. Mechanisation rent	
4. Irrigation	
5. Additional work force	
6. Manure	
Something else? Please state! (Write down the answer!)	
7.	
Total	100%

Q19. What is your average yearly income from the agricultural production in the last three years? Please state the amount in KM! **(Write down the number!)**

--

Do not read!

- 0. Does not know/Not sure 0
- 1. No answer/Refusal 1

Q20. Where do you place/sell your agricultural products? **(It is possible to encircle more than one answer!)**

- 1. Personal use 1
- 2. Local market 1
- 3. Throughout BIH 1
- 4. Abroad 1

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q21. Which of the following problems or some other problems affect your agricultural production the most? **(It is possible to encircle more than one answer!)**

- 1. Drought 1
- 2. Floods 1

- 3. Shortage of work force 1
- 4. Small market 1
- 5. Low buying price 1
- 6. Disloyal competition 1
- 7. Shortage of quality seeds 1
- 8. Expensive compost 1
- 9. Something else? **Please state! (Write down the answer!)?** 1

--

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q22. What are your agricultural production expectations in the forthcoming period, i.e. 5 years? **(Encircle just one answer!)**

- 1. Will improve a lot ▶ Q23 1
- 2. Will improve to some extent ▶ Q23 2
- 3. Approximately the same 3
- 4. Will worsen to some extent ▶ Q23 4
- 5. Will worsen a lot ▶ Q23 5

Do not read!

- 8. Does not know/Not sure ▶ Q24 8
- 9. No answer/Refusal ▶ Q24 9

Q23. Why do you think so? Can you state three reasons at most! **(Write down the answer!)**

Do not read!

- 98. Does not know/Not sure 98
- 99. No answer/Refusal 99

Q24. Have you heard something about the Project X that will be implemented on a few locations? The proposed locations are **(Encircle just one answer!)**

- 1. Yes 1
- 2. No 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q25. The Project X description. In your opinion, how much will the improved irrigation affect your agricultural production? **(Encircle just one answer!)**

- 1. A lot ▶ Q27 1
- 2. To some extent ▶ Q27 2
- 3. A little ▶ Q26 3
- 4. Not at all ▶ Q26 4

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q26. Why do you think so? Can you state three reasons at most! **(Write down the answer!)**

Do not read!

98. Does not know/Not sure

98

99. No answer/Refusal

99

Q27a. In your opinion, how much will the Project X and its consequences affect the possibility to of the access to natural resources, e.g. water, fish, etc. during construction works? **(Encircle just one answer!)**

- 1. A lot 1
- 2. To some extent 2
- 3. A little 3
- 4. Not at all 4

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Q28. Why do you think so? Can you state three reasons at most! **(Write down the answer!)**

Do not read!

98. Does not know/Not sure

98

99. No answer/Refusal

99

Q29. In your opinion, how much would the Project X and its consequences lead to people losing their jobs? **(Encircle just one answer!)**

- 1. A lot 1
- 2. To some extent 2
- 3. A little 3
- 4. Not at all 4

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Q30. Why do you think so? Can you state three reasons at most! **(Write down the answer!)**

Do not read!

98. Does not know/Not sure

98

99. No answer/Refusal

99

Q32. Would you be willing to cede a part of your land so that the Project can be accomplished, namely for the installation of the pipes / canals / pumps and similar? **(Encircle just one answer!)**

- 1. Yes ▶ Q33 1
- 2. No ▶ Q34 2

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Q33. If you are to accept to cede a part of your land for these needs, what are your conditions? What do you want in return? State three answers at most! **(Write down the answer!)**

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Go to Q35!

Q34. And what are really the conditions that you would accept to cede a part of your land for the needs of the Project X? State three answers at most! **(Write down the answer!)**

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Q35. Would you accept expropriation of a part of your land (subject of expropriation/compensation) if it were necessary for the construction of the irrigation system? **(Encircle just one answer!)**

- 1. Yes ▶ Q36 1
- 2. No ▶ Q37 2

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Q36. What are the conditions that you would accept regarding your land as the subject of expropriation? What do you want in return? State three answers at most! **(Write down the answer!)**

Do not read!

8. Does not know/Not sure 8

9. No answer/Refusal 9

Go to Q38!

Q37. And what are really the conditions that you would accept regarding your land as the subject of expropriation? State three answers at most! **(Write down the answer!)**

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q38. Would you accept to relocate temporarily if it were necessary for the construction of the irrigation system? **(Encircle just one answer!)**

- 1. Yes ▶ Q39 1
- 2. No ▶ Q40 2

Do not read!

- 7. Does not live on the piece of land covered by the project X
▶ Q47 7
- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q39. What are the conditions that you would accept regarding temporary relocation? What do you want in return? State three answers at most! **(Write down the answer!)**

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Go to Q41!

Q40. And what are really the conditions that you would accept regarding temporary relocation? State three answers at most! **(Write down the answer!)**

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q41. Would you accept permanent relocation if it were necessary for the construction of the irrigation system? **(Encircle just one answer!)**

- 1. Yes ▶ Q42 1
- 2. No ▶ Q43 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q42. What are the conditions that you would accept regarding permanent relocation? What do you want in return? State three answers at most! **(Write down the answer!)**

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Go to Q44!

Q43. And what are really the conditions that you would accept regarding permanent relocation? State three answers at most! **(Write down the answer!)**

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q47. Why don't you cooperate? Can you state a reason? **(Write the answer for each item that the surveyee answered with 2 in question Q44.)**

Item	Answer	Does not know	No answer
a. Other local agricultural workers		8	9
b. Local authority representatives responsible for agriculture		8	9
c. Local authority representatives responsible for water management		8	9
d. Associations of agricultural workers/cooperatives		8	9
e. Companies that process agricultural products		8	9

Q48. How much do local authorities consider your requests regarding agricultural production? **(Encircle just one answer!)**

- 1. To a great extent 1
- 2. To some extent 2
- 3. A little 3
- 4. Very little 4

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q49. Can you influence the decisions made at the local and higher level of power regarding agriculture? **(Encircle just one answer!)**

- 1. Yes ▶ Q50 1
- 2. No ▶ Q51 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q50. How can you influence the decisions made on the local and higher level of power regarding agriculture? **(Write down the answer!)**

--

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q51. Do you think that the employees in the services of the local authorities responsible for agriculture and water management need management training for the optimal use of water? **(Encircle just one answer!)**

- 1. Yes 1
- 2. No 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q52. Have you ever used incentives or some kind of help for agricultural production? **(Encircle just one answer!)**

- 1. Yes ▶ Q53 1
- 2. No ▶ Q54 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q53. Who gave you that incentive or help? What level of authority? Some association? **(It is possible to encircle more than one answer!)**

- 1. Municipality 1
- 2. Canton 1
- 3. Entity 1
- 4. Agricultural cooperative 1
- 5. Association of agricultural workers 1
- 6. International organisation 1
- 7. Something else? **Please state!**
Write down the answer! 1

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

Q54. Are you a member of an association of agricultural workers or an agricultural cooperative? **(Encircle just one answer!)**

- 1. Yes 1
- 2. No 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

INSTRUCTION. We have come to the end of the survey. Allow us to ask a few more questions that are necessary for statistical analysis.

D04. Is agriculture the main activity in your household or additional? **(Read all the answers and write down only one answer!)**

- 1. Main 1

- 2. Additional 2

Do not read!

- 99. Does not want to answer 99

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

D06. Does somebody from your household work somewhere else, does not participate in your agricultural activities? **(Encircle just one answer!)**

- 1. Yes ▶ D07 1
- 2. No ▶ D08 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

D07. How many members of your household work somewhere else? **(Write down the answer!)**

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

D10. Is agricultural production the main source of income in your household? **(Encircle just one answer!)**

- 1. Yes 1
- 2. No 2

Do not read!

- 8. Does not know/Not sure 8
- 9. No answer/Refusal 9

D11. How would you describe the average monthly income of your household from all sources, meaning when you calculate all the salaries and all other earnings of all the members of the household? **(Encircle only one answer!)**

- 1. Up to 100 KM 1
- 2. From 101 to 300 KM 2
- 3. From 301 to 500 KM 3
- 4. From 501 to 700 KM 4
- 5. From 701 to 900 KM 5
- 6. From 901 to 1100 KM 6
- 7. From 1101 to 1500 KM 7
- 8. From 1501 to 2000 KM 8
- 9. From 2001 to 3000 KM 9
- 10. More than 3000 KM 10

Do not read!

- 98. Does not know/Not sure 98
- 99. No answer/Refusal 99

D05. How many members does your household have? **(Write down the number of the members!)**

Please answer the following questions for each member of your household!

Demography: gender, relation to the head of household, and age

Code of the household member	Name of the household member	Male/female?	Relationship with head of household 1. Head 2. Spouse 3. Child or child of the spouse 4. Parent or parent of the spouse 5. Grandchild or grandchild of the spouse 6. Other relative or other relative of the spouse	How old is this member of the household?
Respondent				
1.				
2.				
3.				
4.				
5.				
6.				

Demography: Education, marital status, ethnicity

Code of the household member	Highest level of completed education? 1. Does not apply, too young 2. No elementary school, or not finished 3. Finished elementary school 4. High school 5. Faculty 6. Master/Doctoral Degree	Marital status of member of the household 1. Single 2. Legally married 3. Living in cohabitation 4. Widowed 5. Divorced 6. Separated	Ethnicity? 1. Bosniak 2. Serb 3. Croat 4. Other 5. Do not wish to answer
Respondent			
1.			
2.			
3.			
4.			
5.			
6.			

Demography: Employment status and occupation

Code of the household member	Current activity status of a household member? 1. Employed by an employer (private or public sector) 2. Independent business (private company, craft, agriculture, free lancing) 3. having a service contract or author contract 4. Seasonal worker 5. Helping in family business or craft, agriculture, etc. 6. Housewife 7. Pupil, student 8. Retired 9. Unemployed (could not get a job, does not wish to work) 10. Disabled	What is the current occupation of the household member? (ATTENTION: Occupation is defined as usual or principal work or business. If the person is unemployed, write down the principal occupation he or she was performing the most in the past. If person has never worked, write in the occupation acquired during education. If person has never worked nor educated write down 0)
Respondent		
1.		
2.		
3.		
4.		
5.		
6.		

Additional questions: prevalence of health problems and type of ownership

Code of the household member	Did the household member have any health problems in the last two weeks? 1. yes 2. no	This household member is? 1. owner of the land on the location covered by the project 2. Proprietor 3. Lessee 4. None	This household member is? 1. Owner of the other object on the location covered by the project 2. Proprietor 3. Renter 4. None
Respondent			
1.			
2.			
3.			
4.			
5.			
6.			

Please answer these questions, concerning your household as the whole!

Income

Sources of income	Net annual income of the household in KM
Earnings from the employment	
Earnings of workers employed by domestic employers	
Meal allowances and community allowances for workers employed by domestic employers	
Earning of workers employed by foreign employers	
Separation allowances and remunerations of management board members	
Other earnings from employment (vacation allowances, rewards, severance payments, winter food stock allowances, fuel compensations, sickness or death)	
Incomes of the employers or self-employed	
Earning from registered non-farm activities	
Earning from registered farm activities	
Earning from own product selling	
Earning from providing services	
Earning from short-time employment (seasonal employment, hourly wages, fees)	
Income from assets	
Interests on savings and dividends	
Rents from renting the land	
Rents from renting residential houses/apartments	
Rents from renting business premises, garages etc.	
Rents from renting equipment, livestock	
Remittances and allowances from abroad (including pensions)	
Allowances from relatives, friends in the country	
Pensions and social assistance	
Soldier pensions	
War disablement pensions	
Family pensions	
Old-age pensions	
Disability pensions	
Pensions from abroad	
Child allowances (including maternity allowances, leaves and child packages)	
Benefits from social service centers	
Bonuses (from business promotion, interim and permanent)	
Compensation for unemployment	
In your opinion, what is the lowest monthly income that would meet the needs of your household?	
How is your household usually use your annual income?	
1. We spend the whole annual income (write down the amount)	
2. We save part of the income (write down the amount)	

Indebtedness

During the last 12 months, how many times did you or other member of your household borrow some money, that they had to (or have to) pay back? (include all loans in the last 12 months, including those you already paid back. If nobody in the household borrowed the money, write down 0)	Write down the number of occasions:
In total, what is the amount of money your household borrowed during the last 12 months?	Write down the amount in KM:
How much does your household currently owe?	Write down the amount in KM:

NOTE TO THE SURVEYOR:

CHECK HERE IF YOU HAVE WRITTEN DOWN CORRECTLY THE ANSWERS TO ALL QUESTIONS! IF A CERTAIN NUMBER OF THE ANSWERS TO PARTICULAR QUESTIONS IS NOT IN THE QUESTIONNAIRE, IT WILL NOT BE VALID!

WITHOUT CORRECTLY WRITTEN DOWN ANSWERS TO ALL QUESTIONS ON THIS AND THE FOLLOWING PAGES, THIS QUESTIONNAIRE WILL NOT BE VALID!

Read to the surveyee!

We have come to the end of the survey. Thank you for participating. As you can see, the survey process is very demanding. The surveyors must follow very precise instructions. Unfortunately, as in any other job, some surveyors do not do their job conscientiously. Therefore, it is necessary to control their work.

That is the only reason why we are asking you to give us a phone number. In the next 7 to 10 days our supervisor might contact you to check if I have asked you the questions from this questionnaire at all, to confirm the accuracy of the data about the members of the household, the random choice of the household, the length of the interview and the accuracy of the written answers to some questions. Besides, the supervisor will be willing to answer any question that you might have regarding this discussion.

Telephone1_D17. So, can you give us your phone number if we need to contact you in the future regarding this or some other study? It can be any contact number where we can find you. (DEFINITELY WRITE DOWN!)

TELEPHONE WITH THE AREA CODE→	
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1. Does not want to give the number – Go to Telephone 2 1

Telephone2_D17. We understand that people at first can resist giving their phone number. We have said that the survey is anonymous. We have never asked for your name and surname. But if we do not have the phone number, the survey will not be accepted as valid because the work of the surveyor cannot be controlled. We have spent all this time in vain if we do not get your phone number. Therefore, we kindly ask you to give us your phone number (DEFINITELY WRITE DOWN!)

TELEPHONE WITH THE AREA CODE→	
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1. Does not want to give the phone number 1

TIME OF THE END OF THE INTERVIEW!	Hour	Min

TO BE FILLED OUT BY THE SURVEYOR AFTER HE/SHE HAS LEFT THE HOUSEHOLD.

11. What was the day when you carried out the survey? (Encircle only one answer!)

- 1. Monday 1
- 2. Tuesday 2
- 3. Wednesday 3
- 4. Thursday 4
- 5. Friday 5
- 6. Saturday 6
- 7. Sunday 7

12. Number of contact attempts? (Meaning how many times did the surveyor contact/visit the surveyee before he found him/her at home or he/she agreed to be interviewed! Write down the number!)

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14. If there were some questions that caused unease, please state the questions that caused the unease the most among the surveyees or if it seemed that they reduced his/her readiness to answer the following questions during the interview (Write down not more than three questions by numbers, from the most important to the least important!)

a) First	
b) Second	
c) Third	

9. There were no questions that caused unease. 9

15. General assessment of the surveyees' cooperation during the survey? (Assess on the basis of the general impression during the interview!)

- 1. Very uncooperative, refused to answer a large number of questions 1
- 2. Uncooperative, hardly finished the interview 2
- 3. Cooperative, but gave no detailed answers 3
- 4. Cooperative, gave some detailed answers 4
- 5. Very cooperative, gave some additional answers and explanations 5

16. During this interview, did you face any other difficulties? (Encircle or write down only one answer!)

- 1. No 1
- 2. Yes 2

→ PLEASE STATE IN DETAIL WHAT DIFFICULTIES YOU ARE REFERRING TO AND WHAT THE REASONS FOR SUCH DIFFICULTIES ARE

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17. Sex of the surveyor? (Encircle just one answer!)

- 1. Male 1
- 2. Female 2

18. Age of the surveyor? (Write down the number!)

19. Nationality of the surveyor? (Encircle just one answer!)

- 1. Bosniak 1
- 2. Serb 2
- 3. Croatian 3
- 4. Bosnian 4
- 5. Mixed 5
- 6. Some other 6

I state that this interview was carried out in accordance with all the instructions for face-to-face interviews with the surveyee selected in accordance with the instructions for the selection of the surveyees!

Date _____ and _____ signature: _____

RECORD OF THE SURVEYORS' MISTAKES

Operator's code	Total number of the questions with a mistake recorded by the operator

RECORD OF THE OPERATORS' MISTAKES

Controller's code	Total number of the questions with a mistake made by the operator while

	making an entry

TO BE FILLED OUT BY THE CONTROLLERS

CONTROLLER'S CODE				
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ITEMS	YES	NO
1. The contact person claims that the survey was carried out in that household in the previous period	1	2
2. The address written in this questionnaire corresponds to the address of the household for which the phone number was given	1	2
3. A member of the household of the mentioned sex and age exists	1	2
6. The surveyor read the introductory text from the questionnaire	1	2

The answers to the control questions from the questionnaire!

Symbol, ordinal number of the question in the questionnaire	Answer written in the questionnaire	Answer stated by the surveyee during control

ANNEX 6

PUBLIC GRIEVANCE FORM

Reference Number:	
Full name	
Contact information Please mark how you wish to be contacted (mail, telephone, e-mail).	<input type="checkbox"/> By Post: Please provide mailing address: _____ _____ _____ <input type="checkbox"/> By Telephone: _____ <input type="checkbox"/> By E-mail
Preferred language for communication	<input type="checkbox"/> Bosnian / Serbian / Croatian <input type="checkbox"/> English (if possible)
Description of Incident for Grievance	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
Date of Incident / Grievance	<input type="checkbox"/> One-time incident/grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
What would you like to see happen?	

Signature: _____

Date: _____

Please return this form to:

Address of responsible PMU