

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT
(FERP)

Component 3
Abbreviated Resettlement Action Plan
(ARAP)

For Hrtkovci - Gomolava Flood Protection subproject



Republic of Serbia
Ministry of Agriculture, Forestry and water management
Directorate for Water Management
Project Implementation Unit

Final for disclosure

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CURRENCY EQUIVALENTS

(Middle Exchange Rate of the National Bank of Serbia- Effective August 2018)

Currency Unit = RSD

101.9571 RSD = 1 USD

118,1901 RSD = 1 EUR

ABREVIATIONS AND ACRONIMS

RS - Republic of Serbia

BoE - Beneficiary of Expropriation

CE - Citizen Engagement

CC - Constitutional Court

CM - Cadastre Municipality

GC - Grievance Committee

IFIs - International Financial Institutions

OP - Operational policy of the World Bank

PAP - Project Affected Person

PIU - Project Implementation Unit

FERP - Serbia Floods Emergency and Recovery Project

RNA - Recovery Needs Assessment

ARAP - Abbreviated Resettlement Action Plan

RPF - Resettlement Policy Framework

WB - World Bank

OP 4.12 - Operational Policy on Involuntary Resettlement

MAFW - Ministry of Agriculture, Forestry and water management

MF - Ministry of Finance

PWMC - Public Water Management Company

RSD - Serbian Dinar

LIST OF DEFINITIONS/GLOSSARY

COMPENSATION. Payment in cash or in kind for an asset or a resource that is acquired or affected by a project. Compensation will be paid before taking possession of the land and assets in all cases, including where this is not possible due to the absence of the owners. In the case of absence of owners, the money will be deposited to an escrow account for 3 years.

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

ECONOMIC DISPLACEMENT. Loss of income streams or means of livelihood, resulting from land acquisition or obstructed access to resources (land, water or Forestry) resulting from the construction or operation of a project or its associated facilities.

EXPROPRIATION. Means deprivation or limitation of ownership rights of property with a compensation pursuant to market value of that property by use of the power of Eminent Domain.

INVOLUNTARY RESETTLEMENT. Resettlement is involuntary when land is acquired through the application of state powers. Actions may be taken without the displaced person's informed consent or power of choice.

LIVELIHOOD RESTORATION. Measures that will be undertaken to assist physically and economically displaced PAPs to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. Assistance must continue after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living.

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

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

PHYSICAL DISPLACEMENT. Loss of shelter or property caused by expropriation of land in connection with the project, which requires the physical shifting of a PAP from his/her pre-project place or residence, place for work or business premises.

REPLACEMENT COST. For agricultural land, replacement cost is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban

areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractor's fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not considered, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. It also includes costs for levelling or other preparation for new construction or use. Costs are calculated based on the time at which the asset is being replaced, if not, inflation is considered in calculating costs.

ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP). The document specifying the procedures to be followed and the Actions to be taken consistent with the principles and objectives of OP 4.12 and with the RPF adopted for the FER Project. The goal is to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project in cases when less than 200 persons are affected by the Project or the resettlement impacts are minor.

MINOR RESETTLEMENT IMPACTS. To categorise resettlement as minor resettlement impacts all of the following conditions have to be met: all of the PAPs lose less than 10 percent of their land, regardless of the number of PAPs (b) the remainder of their land is economically viable; and (c) they have no need for physical relocation.

RESETTLEMENT POLICY FRAMEWORK (RPF). RPF is a Project level document meant to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation. It contains clear definitions of conditions under which the resettlement (for a specific project, a sector program or within a political entity like a state or a province) will be planned and implemented. It defines issues like entitlement, principles of compensation, grievance processes and other legal procedures. An RPF is required for projects with subprojects or multiple components that cannot be identified before project approval. The RPF for the FER Project was adopted in March 2015.

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

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EXECUTIVE SUMMARY

This ARAP is prepared for the erosion protection and rehabilitation works on the left bank on the Sava River – Hrtkovci, sub-project. The Project overall aims to protect people and assets from future floods and reduce potential losses of private and public property including public infrastructure, agricultural and livestock production, as well as family household assets, by construction of flood protection infrastructure. The Works itself targets the left bank of Sava River, at the Hrtkovci village, in the total length of 570m. This sub-project will include construction of flood protection structures, reinforcement of the embankments, and upgrading and armouring of the embankment. The negative Impact of this Sub-Project on private lands and assets is minor, and less than 200 persons will be affected which is why an abbreviated Resettlement Action Plan is appropriate and acceptable. According to the Law on Water (“RS Official Gazette“ No. 30/2010, 93/2012 and 120/2016) PWC “Vode Vojvodina” manages the water structures and water land on the territory of Autonomous Province Vojvodina (where this sub-project is located) and within these scope of responsibilities exercises the rights of the investor on behalf of the Republic of Serbia. However, the overall responsibility for implementation of this Project remains with the Directorate for Water within the Ministry of agriculture and its PIU in line with the Loan Agreement.

According to the Preliminary design, this Sub-Project is divided in five “packages” (see Section 1.2 for details). Only **Package 3** will be financed through the proceeds of the Bank Loan and for these works no adverse social impacts are foreseen. Implementation of **Package 4 and 5**, financed from the national budget, are significantly related to the Bank-assisted project and will be carried out contemporaneously with **package 3**. Of the two Packages, only **package 5** will require permanent and temporary acquisition of private lands owned by one person. Namely, the land parcel (3617/2) in the total area of 3099 m² will be permanently acquired while land parcel (3616/2) in the total area 167 m² will be temporarily required. Both parcels are owned by the same person and currently in the possession by PWC “Vode Vojvodina” by virtue of a lease agreement signed with the owner in 2017 in order to implement the Detailed Regulation Plan which is a regular maintenance plan for protection against flood risk and is not directly related to the project. No loss of assets has occurred in relation to this temporary occupation of land.

Civil works under **Package 1**, which is financed by the Government, commenced in early September 2017 based on the regular maintenance plan prior to and without an anticipation of the inclusion of this Sub-Project under the Project in February 2018. The works require no land acquisition, permanent or temporary, and are executed within the RoW. Regarding **Package 2**, civil works will start with the funding from the government only after the closing of the Project, following the completion of protective archaeological excavations. Beside the required land acquisition, the extent and the severity of impacts are minor for this Package; there is no physical or economic displacement or impacts on livelihood, no loss of access to usual resources for households and local community. See Section 1.2 *Sub-Project Description* for more detail.

The Project will bring evident benefit by avoiding future damages on agriculture production, land, other assets including public road used by village Hrtkovci community, and avoid potential damages to households, business etc.

Monitoring and evaluation of the social safeguards and implementation of this ARAP will be conducted for all packages. The monitoring and evaluation will be conducted by the PIU under the overall FER Project and its social specialist respectively. Land acquisition monitoring indicators are provided in the respective section. Grievance Redress Mechanism (GRM) will be established to provide those who think are negatively affected by the sub-project to voice their concerns.

1. INTRODUCTION

1.1 Project description

Following devastating floods in 2014, the Government of Serbia requested to address some of the country's most pressing needs in the wake of this disaster. An emergency Recovery Loan to address some of the country's most pressing rehabilitation and flood protection needs. The Loan was approved and signed on October 9, 2014 in the amount of \$300 million. The aim of the proposed investments is to reduce imminent risk of recurring floods by restoring and/or improving the function of existing infrastructure. The objectives of FERP are to (i) help restore power system capability to reliably meet domestic demand; (ii) protect livelihoods of farmers in flood affected areas; (iii) protect people and assets from floods; and (iv) improve the Borrower's capacity to respond effectively to disasters. The Project includes 4 components (1) Energy Sector Support; (2) Agricultural Sector Support; (3) Flood Protection; and (4) Contingent Emergency Response. The original amount assigned to the Component 3: Flood protection was EUR 16.72 million and has been increased by another EUR 17.34 million (total EUR 34.06 million) by virtue of the Amendment to the Loan Agreement signed and agreed by the Serbian counterpart on June 1, 2017.

Prior to the floods in 2014, the Government of the Republic of Serbia based on climate behaviour and rainfall statistics assessed the need to protect the most vulnerable locations i.e. cities, from any future floods. Based on repair/rehabilitation urgency and considering the extent of damage and risk of future impacts areas particularly vulnerable to floods were identified. Based on their vulnerability they have been chosen to be one of the sub-projects to be included in the Project's Flood Protection Component. The sub-projects presented below were identified either at appraisal stage or by the Decision of the Government and under cover of the Restructured- Loan:

1. Flood Protection of Novi Pazar,
2. Flood Protection of Smederevska Palanka (including Jasenica),
3. Flood Protection of Negotin area
4. Flood Protection of Aleksinac,
5. Flood Protection of Vršac,
6. Flood protection of Valjevo,
7. Flood protection of Čačak,
8. Provo pump-station,
9. Construction of flood protection system for Donji Ljubes settlement,
10. Rehabilitation of Tamis dike,
11. Erosion protection and rehabilitation works on the left bank on the Sava River - Hrtkovci, Gomolava
12. Rehabilitation of the left bank embankment on the Danube River on section B. Palanka town and Smederevo town

This ARAP is prepared for the erosion protection and rehabilitation works on the left bank on the Sava River – Hrtkovci, a sub-project which was added in mutual agreement between the World Bank and the Republic of Serbia, represented through the PIMO/ FERP PIU, under the Amendment to the Loan Agreement dated June 1, 2017.

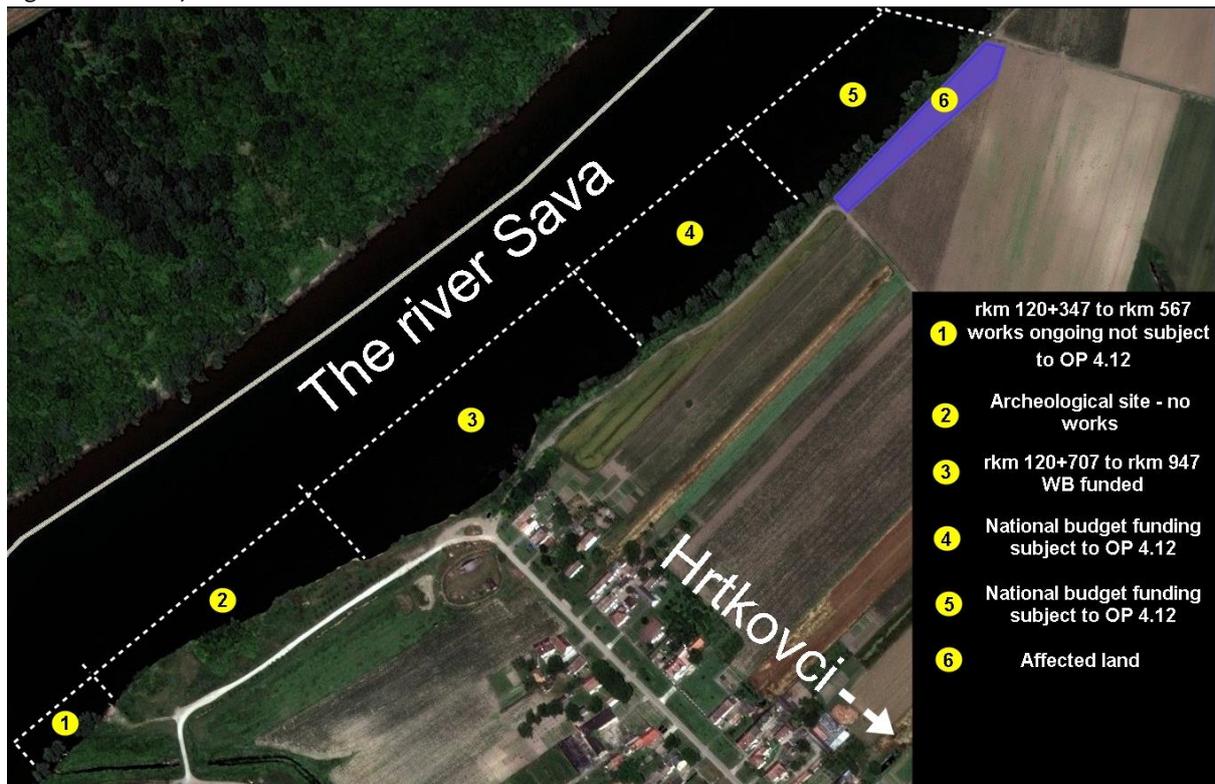
1.2 Sub-Project Description

Four different types of works are implemented under this Sub-Project:

1. Construction of Flood Protection structures;
2. Reconstruction of the weak points on the embankment;
3. Upgrading of embankment from the 1:25 year flood to the 1:100 year flood;
4. Bank armoring in locations where erosion of the riverbank may undercut the embankment

The scope of the sub-project targets the left bank of Sava River, at the Hrtkovci village, in the total length of 570 meter. The entire stretch, for easier visual identification has been divided into 5 packages as illustrated below on figure 1.

Figure 1: Sub- Project overview



- Package 1 - Government funded works on this section, currently on-going, commenced in early September 2017 based on the regular maintenance plan, prior to and without an anticipation of the inclusion of this Sub-Project within the Project scope in February 2018. The works required no land acquisition, permanent or temporary, and are executed within the RoW.

- Package 2 – there is an unexplored archaeological site and works are not anticipated to start until the protective archaeological excavations have been completed, which will not complete before the closing of the Project.

- Package 3 (from rkm 120 + 707 to rkm 120 + 947, L = 240m) – World Bank funded portion of the Sub-Project – the Bank supported portion of the Sub-Project will not have adverse social impacts nor will it require land acquisition, permanent nor temporary, nor loss of assets or access to assets.

-Package 4 (from rkm 120 + 947 to rkm 121 + 112, L = 165m) – this Government funded section in the total length of 165 m is executed within the RoW and will not require land acquisition. Implementation of this Package is subject to OP 4.12 given that it is directly and significantly related to, necessary to achieve the objective of, and implemented contemporaneously with, the Bank-funded portion of this subproject.

Package 5 (from rkm 121 + 112 to rkm 121 + 277, L = 165m) - this another Government funded section in the total length of 165 m will have minor social impacts. One land parcel in the total area of 3099 m² needs to be permanently acquired. Implementation of this Package is subject to OP 4.12 given that it is directly and significantly related to, necessary to achieve the objective of, and implemented contemporaneously with, the Bank-funded portion of this subproject.

1.3. Sub-Project Area Description, Local context and Key demographics

During the 2014 floods, Sava River stream caused severe floods, also affecting left bank of Sava River at Hrtkovci village in municipality of Ruma, especially the 5.800 years old archaeological site of Gomolava. Hrtkovci is a small village located in the Sremski District of the autonomous province of Vojvodina. As of the 2011¹ Census, the village of Hrtkovci is defined as rural or "other" settlement and has 3036 inhabitants, whereas both genders represent exactly 50% of all population or 1.518 inhabitants. The average age is 40, 2 years (38,5 in men and 42,0 in women), which is lower than the national and municipality average. There are 1,171 registered households in Hrtkovci with an average number of 2,39 members per household. The population disaggregated by ethnicity identify the majority to be Serbs (69,89%), followed by Hungarians, Croats, Romas, Ruthenians, Slovaks, Montenegrins, Germans and others and a number of 2,3% of undisclosed. Two main indicators of educational structure of the population, educational attainment and literacy, present the level of population education, also involving the achieved level of socio-economic development in general and was superficially explored to determine the adequate communication tool and method in the course of engagement of the PAPs in general. As statistical information for village Hrtkovci is not available, we will use relevant data for municipality of Ruma, especially its rural settlements. In the population aged 15 and over by computer literacy, Ruma in its rural communities has close to 20% computer literate persons ratio, 14% can be considered partially computer literate, while 66% are computer illiterate persons and that needs to be considered when choosing method of disclosure important Project documents, public announcements regarding Project, construction information etc. There is slightly more computer literate amongst male population, but the difference is not statistically significant. In terms of education nearly 4,5% of all population Ruma rural population, including Hrtkovci, doesn't have any kind of education (1,7% male and 7,2% female), 18.45% started but didn't finish elementary education (usually only four instead of eight years education - 14.28% male and female 22.66%) and 27.40% finished only primary school (27.83% male and 26.95% female). High school education is represented in 43.86% of population (mostly vocational schools, 50.51% males and 37.13% females) and only around 5% of population has some sort of high or higher education. The unemployment rate is at reasonable 9% of all population, but more than 50% of all population is considered economically inactive (retired, children, house-persons, people not looking for a job etc.)

¹ These are the last available official data. The Census data from 2015 is still not published yet

The settlement of Hrtkovci is located along the left bank of the Sava River. Over time, the Sava River eroded the high coastline. During passing of stronger currents and higher waters, erosion processes are intensified, the coastline collapses, and the river flows threatens the left bank in the immediate vicinity of the arable land and the houses in the settlement of Hrtkovci.

The section includes 570m long Sava river bank, unstable in soil composition and exposed to the influence of the river flow. All of this causes continuous collapsing and erosions of soil and the shifting of the left bank towards the settlement and arable land. The process of erosion affects the coast and the river bed. The collapse of the coast consumed the road which is now in some sections partly below the water in the river bed. The coast along the entire section is almost vertical or with steep slopes. The slope stability is permanently endangered. The erosion of the coast is constant. Along the shores there are some less steep sections where low vegetation and trees can be seen, as shown in the figure below.



Figure 2 :Sava river bank at Hrtkovci



Figure 3: Overview of the Project area

In Hrtkovci, the current state of the coast requires urgent rehabilitation work on the protection of the left bank in order to stop the eroding and collapsing of the coast, which is also an integral part of the defence line from the large waters of the settlement Hrtkovci. This sub-project determines technical solutions and necessary works on the rehabilitation of the coast of Hrtkovci, in the Gomolava area, on the left bank of the Sava River from rkm 120 + 347 to rkm 121 + 277 in order to prevent further collapsing of the left bank due to river flow in the curve and poor resistance of the left bank, to rehabilitate existing damage and permanently stop the erosion process of the river shore. Targeted flood protection aims to reduce risk of potential losses to private and public property; including public infrastructure, agricultural and livestock production, as well as family household assets by construction of flood protection infrastructure.

The following are some of the expected benefits from the proposed flood control in the context of implementation of the Project and the sub-project:

- avoided damages of agriculture production on land likely to suffer frequent floods;
- avoided damages of assets (private houses; apartment houses; industrial facilities; roads, electricity, schools, kindergartens, health facilities and other public buildings);
- avoided losses of business due to uninterrupted production, provision of services, interrupted communications, traffic disruption, etc.;
- avoided human health costs due to reduction of pollution in the water supply systems, reduced water borne diseases, and reduced risks of human life losses;
- increased recreation benefits including potential for tourism development;
- indirect economic development effects

1.4 Scope and Purpose of an Abbreviated Resettlement Action Plan

The Abbreviated Resettlement Action Plan (ARAP) is prepared in Bank assisted Projects, in cases where less than 200 persons are displaced and impacts are considered "minor". Although the Bank directly finances only implementation of Package 3 of the Sub-Project which will not require land acquisition, works on Package 4 and 5 will be financed from the national budget with minor social impacts and are subject to application of the OP 4.12 since they are:

- (a) directly and significantly related to the Bank-assisted project,
- (b) necessary to achieve its objectives as set forth in the project documents; and
- (c) carried out, or planned to be carried out, contemporaneously with the project.

Impacts are limited to one agricultural land parcel, and the implementation will not cause relocation or replacement of structures, perennial or annual crops and no other impact has been identified to private property, households, community or village amenities. The impacts identified as a result of implementation of Package 4 and 5 above require the need to prepare this specific ARAP. Detailed description of impact is given in chapter 5 AFFECTED PEOPLE AND PROJECT IMPACTS.

The scope of work undertaken during the ARAP preparation included:

- Screening of project area,
- Survey of projected affected area, land and property there on;
- Walk through the project area i.e. field verification;
- Census of the PAPs including persons and their land, assets and property thereon;
- Socioeconomic assessment of the PAPs;
- Identification of land, assets and properties likely to be affected;
- Valuation of the land and assets and property thereon to be expropriated;
- Consultations with affected Project Affected Persons (PAPs)
- Analysis of the relevant legal framework;
- Analysis of institutional framework covering the identification of agencies responsible for
- Establishment of adequate Grievance mechanism.

In accordance to the Loan Agreement, an RPF² consistent with the World Bank's OP 4.12 was prepared for the Project, approved by the World Bank and relevant Serbian authorities, and publicly disclosed in 2015 and serves as the guiding document for preparation of this ARAP.

1.5 Objectives and Principles of the Abbreviated Resettlement Action Plan

This ARAP, and its detailed provision, is prepared according to the Laws and regulations of Republic of Serbia and the RPF. This ARAP aims to assess the impacts, present compensation measures and set out actions on how to avoid and mitigate negative impacts due to loss of private lands or assets and provide prompt and effective compensation for residual impacts to affected people.

The RPF has outlined the key land acquisition and resettlement principles and objectives to be followed, the organizational arrangements and design criteria to be applied in order to ensure an

² See RPF for FERP, available at <http://www.rdvode.gov.rs/> accessed on January 17, 2018

adequate management of land acquisition and loss of access over occupied land required for the Project.

This ARAP specifies the following:

- Detailed procedures to be followed by Directorate of Water Management (DWM) of MoAE (PIU), PWC “Vode Vojvodina”, Municipality of Ruma and local office of Hrtkovci in respect to consultation and disclosure;
- Provides baseline census of affected persons and asset information;
- Describes specific compensation rates and standards as per OP 4.12;
- Describes consultations requirements with affected people about acceptable alternatives and mitigation measures;
- Describes institutional responsibility for implementation and procedures for grievance redress;
- Provides a timetable and budget; and
- Implementation and monitoring arrangements.

The RPF and subsequently this ARAP is in line with the local legislation and WB OP 4.12. Where gaps exist between them, the more stringent requirements are used.

1.6 Study methodology

The preparation of this ARAP was through a combination of desk review of secondary data and field study. The desk study involved review of project documents including available maps for the project sites, cadastral records, Municipal database on PAPs and their assets, expropriation records and preliminary technical designs. The desk study was supplemented with a survey of the project sites to establish the exact impact of the proposed subprojects in terms of affected property and creates an inventory of PAPs, and assets. The field survey consisted of a household census of identified PAP; social assessment of the subproject sites along the corridor of impact along the Sava river left bank at village of Hrtkovci, socioeconomic study of the PAPs and their census. The Census was prepared on the basis of data available through the Cadastral Register and the database of the Municipality of Ruma and individual interview. Secondary data were used in addition to generated primary data obtained through the PAP and interviews with government officials and non-government officials about PAP and their assets. During analysis and interpretation of the gathered data equal weight was given to quantitative and qualitative aspects so that it reflects a balanced reality of the current situation of the PAP. The data generated shall serve as baseline conditions against which the living standards shall be compared to during the follow up survey in the Completion Report.

2. LEGAL FRAMEWORK

2.1 The National Land Policy - The Republic of Serbia Expropriation Law

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. The law also enshrines the principle of compensation at market value.

The most important features of the Law on Expropriation are:

- It is intended to ensure simple, efficient process, reducing as far as possible the need for a lengthy judicial process to facilitate necessary expropriation. Under normal circumstances, the entire process of acquisition can be completed within six months;
- The fair value of the land affected by a particular scheme, or project, is determined by the Tax Administration, on behalf of the “Beneficiary of Expropriation”. The value is assessed on the basis of current market price;
- As a condition to start expropriation, the Beneficiary of Expropriation must arrange a Bank Guarantee with a Commercial Bank, in the assessed total sum for payment;
- In the case of privately owned agricultural land, if comparable land of the same type and quality, or the appropriate value, in the same area or vicinity (Article 15 of the Expropriation Law) can be identified, it is offered to the project affected person with formal title;
- The comparability of land is determined on the basis of an assessment of the available public land, by an accredited expert hired either by the Beneficiary of Expropriation, or the Ministry of Agriculture, Forestry and Water management (MAFW);
- In case of disagreement on the comparability of the land offered, a different accredited expert would be hired by the local municipality to determine the comparability of the land offered;
- Further disagreement would result in the project affected person resorting to the judicial process, where a decision would be made on the comparability of the land, or the payment of the assessed fair value in monetary terms;
- Where comparable land cannot be identified, the project-affected person with legal title is offered the assessed fair value as determined by the Tax Administration. If the project affected person wishes to challenge the assessment of “fair value” they can resort to the judicial process;
- For the project affected person, without formal title, there is no provision to pay compensation currently under the Law on Expropriation;
- In addition, after the passage of the Law on Planning and Construction (passed in 2009 and amended in 2011), it is a criminal offense to construct any structure without a building permit on either public or private land; and
- In the case of a project-affected person, with a formal title, who has constructed a permanent structure, without a formal building permit, compensation can be paid, if decided by a Court, under the Law on Fundamentals of Property Relations (1980, applicable from 1st September 1980, amended 1990, 1996 and 2005) at the investment cost– as determined by an accredited Expert to assess the value of the materials needed for replacement.

2.2 Public interest and purpose of expropriation

Property can only be expropriated upon the establishment of public interest for projects that bring greater benefit for the public (Art. 1).

Expropriation may be carried out for the needs of RS, cities, municipalities, public enterprises and public institutions, unless otherwise provided by the Law.

The Law on Expropriation requires the Beneficiary of Expropriation to justify the need for expropriation and to demonstrate that the scheme cannot occur without the proposed expropriation.

2.3 Expropriation process

A condition precedent to start expropriation is evidence that the required funds have been secured and made available. It is necessary for the Beneficiary of Expropriation arranging a Bank Guarantee with a Commercial Bank for the assessed fair value or in case of Local Governments is the Beneficiary of expropriation adequate appropriations within the Budget are made (Art. 24).

The procedure for expropriation starts by submitting a proposal by the Beneficiary of Expropriation to the relevant Municipality (“the expropriation authority”). A specific expropriation proposal is prepared for each land parcel and project-affected person that contains the amount of land impacted the justification of the need for the specific expropriation, together with the confirmation that the scheme is included in the relevant spatial development plan.

Once the proposal has been submitted with supporting documentation individual invitations to hearings on expropriation are sent to every PAP. The invitation specifies the purpose, time and date of hearing proposed and provides the PAPs with a list of documents to be made available for presentation and discussion at the agreed time.

After the hearing with the individual PAP has been finalized an Expropriation decision is issued.

2.4 Valuation

At the valuation stage, the Beneficiary of Expropriation contacts the Tax Administration to assess the value for land (all types of land, agricultural, urban, barren etc.) at market price. If impacts to agricultural land occur for construction of linear infrastructure, the Beneficiary of Expropriation contacts the MAFW, which provides an assessment of the availability of comparable agricultural land. In addition, the Beneficiary of Expropriation hires, at its own expense, an accredited expert(s) to assess the value of the land, agricultural output, businesses, and all immovable property and structures in accordance with paragraph 28(iii). At the request of the project-affected persons, they can be present during the valuation process.

In the event that the PAPs disagree with the offered compensation in either form, they can resort to the judicial process, and the Beneficiary of Expropriation can request the Ministry of Finance, on an exceptional basis, to allow access to the site with assistance prior to payment of compensation (Article 35). The decision is being issued on a case to case basis assessing all relevant facts of the individual case. Based on the objectives of the Project, works to be executed are considered as urgent and access to site could be allowed. So far, no such claim has been made by the Beneficiary of expropriation. This provision can only be invoked in case of formal land acquisition by expropriation.

The Beneficiary of expropriation is not required to prepare a socio-economic study or a baseline census with regard to the project affected persons.

Once the decision cannot be disputed by legal remedies it becomes legally binding and the negotiations on the compensation is ready to commence. The Agreement has to include the timing and rate at which cash compensation will be paid or in-kind compensation provided (Art. 26). If no

agreement on compensation is reached within 2 months of the validity of the Decision on Expropriation (or less if the Municipal Administration decides as such), the Municipal Administration submits the case file together with relevant documents to the competent Court, at the territory of which the expropriated real property is located, for the purpose of determining the compensation. The competent court ex officio decides in non-contentious proceedings on the amount of compensation for the expropriated property

2.5 Information and consultation requirements

The Law on expropriation does not require *per se* either public dissemination nor consultation of information on the area delineated, nor systematic and continuous dissemination. Nevertheless, it requires public disclosure of the determination of Public interest and the Municipal authority to invite individually every affected person with formal legal rights to a meeting to present any facts which may be relevant for expropriation. It additionally requires timely disclosure and information of every decision within the process flowchart. This dissemination has statutory limits wherever a legal remedy is provided.

2.6 Information of public interest

Information of public importance is information held by a public authority body, created during or relating to the operation of a public authority body, which is contained in a document and concerns anything the public has a justified interest to know. The Law on information of public importance (Official Gazette RS", br. 120/2004, 54/2007, 104/2009 i 36/2010) requires any document publicly disclosed to have integrated guidance on how to access information of public importance.

This subject is governed by the Law on Free Access to Information of Public Importance³ shall govern the rights of access to information of public importance held by public authorities, with a view to exercising and protecting the public interest to know and attaining a free democratic order and an open society.

By virtue of this Law access to information shall be granted to all stakeholders, including every natural person or legal entity upon written request unless otherwise regulated by the Law. Within 15 days of receipt of a request at the latest, the authority shall inform the applicant whether the requested information is held, and grant him/her access to the document containing the requested information or issue or send to the applicant a copy of the document, as the case may be. Annex 2 provides a template for access to information.

2.7 Other Applicable Laws and Provisions

Besides the Law on Expropriation, the following comprise the list of legal documents, policies and regulatory acts and frameworks dealing with expropriation and resettlement and other social impacts associated with flood protection works, representing basis of this ARAP:

1. Law on Fundamentals of Property Relations (adopted in 1980, amended 1990, 1996 and 2005)

³ Official Gazette of RS" No. 120/04, 54/07, 104/09 I 36/10

2. Law of Planning and Construction (adopted and revised in 2009, and amended in 2011, 2013 and 2014)
3. Law on State Cadastre (adopted in 2009, amended in 2010)
4. Law on Spatial Planning of the Republic of Serbia from 2010 to 2020 (adopted in 2010)
5. Law on waters (adopted in 2010 amended in 2012 and 2016)
6. The Law on Elimination of the Consequences of Floods In Serbia (adopted in 2014 amended in 2015)

3. THE WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT (OP/BP 4.12)

All WB financed projects involving involuntary resettlement are subject to OP 4.12. The policy describes the procedures and instruments for eliminating negative economic, social and environmental issues that may arise OP 4.12 is triggered not only in cases of 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 OP 4.12 are the following:

- a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- a) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- b) Displaced persons should be assisted to improve their former livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

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).
- 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.
- c. Persons without recognizable legal right or claim to the land they are occupying.

3.1 Gap analysis between relevant national legislation and World Bank OP. 4.12

The objectives of OP. 4.12 are clear in their aim to avoid involuntary resettlement caused by land acquisition measures wherever feasible and if not possible to apply such compensation principles

for impacts on all PAPs and to restore their livelihoods at least to pre-project level. In general, the institutional framework for expropriation in Serbia is strong and broadly compatible with the OP. 4.12, but there are some exceptions, especially related to the requirements to compensate at replacement cost for land vis-à-vis the national requirement of compensating land at market value. Additionally, the national law does not recognize informal users, occupiers and settlements. It does not require a project specific grievance redress mechanism, a social impact assessment, payment of taxes and fees as part of compensation package, gender disaggregated data and assistance to vulnerable persons.

The table below provides an overview of specific gaps between the national expropriation law vis-à-vis OP 4.12 and the recommendations for remedy and/or mitigation in order to comply with the OP 4.12 requirements. **Only gaps relevant for impacts identified under this ARAP are presented.**

Table 1: WB OP 4.12 and Serbian Law on Expropriation: GAP analysis

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
Census and Socioeconomic Survey and Abbreviated Resettlement Action Plan (ARAP)	No explicit requirement related with socio-economic studies or development of any kind of resettlement instrument regardless of the extent of impact. Nevertheless, the Law requires an inventory of affected persons and assets without socio-economic baseline and indicators.	Census and socioeconomic survey to be made for ARAP. 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.	Census and socioeconomic survey conducted according to WB requirement in addition to requirements under National Legislation
Cut-off Date for Eligibility	The Law stipulates that the cut-off date for eligibility is the date of submission of the proposal for expropriation by the beneficiary to the relevant municipality.	Normally, the cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.	The cut-off date for purposes of eligibility shall be the date of beginning of the census. PAPs will be explicitly informed about this cut-off date and its implications during the consultations on the draft ARAP. Explicit information was provided during consultation and individual discussions on May 28, 2018.

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
Eligibility for Compensation (informal)	The Law only recognizes formal ownership and persons without formal right but have a claim to such land and assets - provided that such claims are recognized under the country laws or become recognized.	<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</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 laws of Bosnia and Herzegovina or become recognized through a process identified in the ARAP</p> <p>c) Those who have no recognizable legal right or claim to the land they are occupying</p>	As per RPF, project affected persons who constructed buildings without permits, who have been using public or private land are entitled to compensation/assistance for any investment made on public and private land in the cost of structures and installations (under the Law on Fundamentals of Property Relations (1980, applicable from 1st September 1980, amended 1990, 1996 and 2005) in terms of the investment made – as determined by an accredited expert to assess the value of the materials used, crops, woods, trees, fruit bearing trees, vineyards, the age of crops and the time needed to reproduce them. These rights do not extend to individuals who commence activities, either in the form of cultivation or the construction of any immovable property, after the cut-off date
Compensation at replacement value	The valuation for auxiliary structures is the replacement cost considering the depreciation cost	With regard to structures, "replacement cost" is defined as follows; For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees,	In determining the replacement cost of the affected asset, the cost of market value plus taxes and fees, if any, will be considered. In case of valuing the cost of affected structures, the depreciation cost of structures will not be considered and the estimation of costs will be assessed on how much it will cost for building a new one of the same qualities. The valuation of affected structures will also consider value of time invested in construction and applicable taxes, if any

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
Grievance Redress (To serve for impacts incurred by exercising sovereignty and any other issues arising during construction.)	Besides officially recognized institutions and legal remedies for appeals no other procedure for settlement of Grievances is required	Appropriate, affordable and accessible procedures for third-party settlement of disputes arising from resettlement must be established; such grievance mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms.	The Municipality of Ruma will establish an independent grievance committee comprising of: PIU representative, municipality representative (delegated by the municipality), project affected persons representative delegated by the Project Affected Persons.
Monitoring	No specific monitoring procedures are required	The Borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instruments.	The PIU will be responsible for monitoring in line with the requirements set out in the RPF and this ARAP.

4. MINIMIZATION OF IMPACTS

An alternative route for the Project could not have been explored and the impact area itself could not have been avoided since the alignment is set as it follows the position of the river. It has been determined that sub-project design induces minimum negative impact to PAPs and the community, as planned works will evoke only one case of land acquisition, so no further mitigation measures are necessary. Nevertheless, PIU will have open communication with stakeholders and monitor the situation in the community during sub-project implementation in order to promptly discern any undetermined impact and apply mitigation measures in accordance with RPF and this ARAP.

5. Affected people and project impacts

5.1 Overview of Project Impacts

As already stated earlier, implementation of Package 5 of the Hrtkovci River Sava Flood protection sub-project will require permanent land acquisition of one privately owned land parcel 3617/2, in the total area of 3099 m². This land has been leased together with the parcel 3616/2 (this land is to be temporarily occupied during construction) in 2017 to carry out works under the regular maintenance plan for protection against floods risks. However only one parcel i.e. 3617/2 will be permanently needed for the flood protection works while the other one will be returned to the

owner after completion of works. The land will be reinstated as needed. The ownership is registered as sole ownership but a usufruct right over $\frac{3}{4}$ of the land is registered in the name of the owner's mother. Both of them are members of the same household. Such titles are usual in the civil law of Serbia and in practice and are often a result of transfer of legal title to assets *inter vivos* i.e. transfer of title between living relatives. Besides this privately-owned parcel, six other parcels of public lands, located on the left Sava river bank, will be permanently needed as well for execution of the sub-project as shown in Table 2. Below. Three parcels are owned by PWMC and the remaining three by Ruma Local Municipality (LM).

Table 2: Data on ownership of cadastre parcels to be permanently acquired by sub-project

Owned by	Cadastre parcel number	Area of land (m ²)
Public - LM Ruma	2227	2028
Private -	3617/2	3099
Public - LM Ruma	4386	6358
Public - LM Ruma	4387	900
Public - PWMC	4507/1	598150
Public - PWMC	4507/2	29313
Public - PWMC	4508	1255592

The analysis of the census inventory and walk through the project area has shown that there are no agricultural or other structures erected on private property, that the privately owned agricultural land is not being cultivated and that there are no crops, perennial plants, trees etc. Also, there are no formal or informal users of the publicly owned land, no privately (or publicly) owned structures (regardless of type of ownership - formal or informal), no agricultural production taking place, no crops or plants planted, and no public amenities located on the publicly owned land that will be affected by the sub-project.

Figure 4: Land affected and part of remaining land holding



As briefly explained above, two privately owned parcel (cadastre parcel number 3617/2 and 3616/2) have been leased to Public Water Management Company “Vode Vojvodina” on July 14, 2017, for a yearly rent of 84, 32 EUR, in order to implement works under Detailed Regulation Plan which is a regular maintenance plan for protection against flood risk and is not directly related to the project. One land plot, 3617/2, will be acquired while another, 3616/2, will only be temporarily occupied during construction and returned to the owner after the project has been implemented. The rent has been fully paid. The lease agreement is provided in this ARAP in Annex 7.

The area of land to be permanently impacted is a small portion of the land that is owned by this owner and represents approximately 30% of land to be acquired in the total land holding. The

affected land owner draws livelihood from employment generated income from non-agricultural activities he carries out and the agricultural production related to the land is considered as subsistence. Figure 5 depicts the land parcel affected by permanent land acquisition (light purple on the left-hand side) vs the remaining land holding of the same owner at this location (darker shade of purple)

The lease agreement was a result of informed negotiations based on a willing Lessor - willing Lessee basis. The rent achieved can be assessed as the average market price of lease for 1 m² of arable agricultural land of 3rd class.

5.2. Census/Inventory

The Census/Inventory of PAP, household and asset was developed in order to gather and analyse data and information required to identify all categories of impacts, the Project Affected Person (PAP) directly affected by loss of assets caused by the implementation of the sub-project.

The Census contains data on the following:

- (i) Location and Cadastral Municipality,
- (ii) Land plot number,
- (iii) Type of impact,
- (iv) Name of PAP (owner or user),
- (vii) Type of asset on land affected,

- (viii) Compensation assessed,
- (ix) Other information relevant for individual case.

To comply with the extent of protection of personal data provided by the Protection of privacy and individual data Act of the Republic of Serbia⁴ the detailed excel file is kept as a separate file and at the PIU data base, available upon request with justified interest.

6. SOCIO-ECONOMIC SURVEY

The Socio-economic survey was conducted with the support of the Municipality of Ruma during April 2018.

The Socio-economic survey was conducted in the form of a door-to-door activity, facilitating the full inventory of persons and assets to be captured as well as the baseline conditions to the most reasonable expected extent.

The aim was to solicit the opinions of the PAP about the Project itself and its impacts, as well as to obtain specific data on current livelihoods and living conditions of PAP as well as to glance at the community perspective on flood protection plans.

The survey served to additionally present the details of the Project with relevant maps where all spots with mitigation measures were pinned.

The dataset gathered during the Socio-economic Survey provides a baseline of detailed socio, economic, household demographic and other relevant data for the Project Affected Population (see survey template (Annex 3).

Confidential information about individual persons and properties will not be publicly disclosed and all persons have been assigned with an ID number for purposes of identification in the publicly disclosed document.

6.1 Demographic features of the household

The interview in the affected household was conducted with the head of household, male, age 45. There are four other members of the household, with three generations living together (mother of the PAP, wife and two children). Household features are presented below.

Table 3: Demographics of the affected household

Name	Year of birth	Gender	Education
	1972.	Male	Vocational high school
	1975	Female	Higher vocational education
	2000	Male	Student
	1998	Female	Student
	1949	Female	Elementary school

⁴ "Official Gazette RS", No. 97/2008, 104/2009 – other law, 68/2012 – Decision of the CC 107/2012)

6.2 Sources of Livelihood for the affected person and monthly income

It has been determined that two persons (husband and wife) in the Project Affected Household are employed, generating monthly income over 70.000 RSD (equivalent of 590 EUR per month). There is some minor agricultural activity (not on the affected property) and the PAP and its household is engaged only in subsistence agricultural production but not on the affected land. No credit or additional informal income has been reported. The minimum wage in Serbia in January 2018 was set at 26.312 RSD for a 184-hour month (221,9 EUR or 269,8 \$ equivalent) so when asked to self-assess their economic situation and financial status the answer was that they are neither satisfied nor dissatisfied. This perception is easily explained by the reported incomes. The affected land is not used by the land owner or by PWMC for any productive purposes including for construction. (ii) the land to be acquired represents 32% of the entire land holding owned by this owner. However, the affected land owner draws all his livelihood from other land and other non-agricultural activities he and his household member carry out and the incomes are generated by permanent employment and pension which source of livelihood will not be affected by this acquisition.

6.3 Place of Residence

The respondent reported their place of residence to be village of Hrtkovci.

6.4 Community Perception of the Project

The community is very devoted to the success of the Project since the floods are very common and patterned occurrences especially endangering those living at the very banks of the river. The constant fear during the heavy rains and snow melts has boosted the support of the community. Community in Hrtkovci looks forward to successful completion of the sub-project.

7. RESETTLEMENT COMPENSATION STRATEGIES

7.1 Key Principles

The RPF committed key principles which are incorporated into this ARAP. The principles for the impacts identified could be briefly summarized as follows:

- Land acquisition and compensation of Project-Affected People will be carried out in compliance with Serbian legislation and World Bank's Policies and Procedures on involuntary resettlement OP 4.12 where the more stringent requirement will take precedence
- Affected People will be compensated for their losses at replacement cost to allow restoration at pre-displacement level,
- The ARAP implementation and outcomes will be monitored and evaluated by the PIU

7.2 Cut-Off Date

The date of the Census shall be the Cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) constructed after the cut-off date will not be compensated.

The first information about the cut-off date PAP received through public disclosure of the RPF for the FERP.

7.3 Eligibility

The unit of entitlement is any individual eligible to receive compensation or rehabilitation benefits. Determination of unit of entitlement is in lieu with developing and identifying the census and inventory of all assets impacted by the Project to allow full compensation in line with the Entitlement Matrix. All PAPs identified prior to the cut-off date shall be entitled to compensation, according to the compensation principles of the Law on expropriation, Law on fundamental property rights, RPF and OP 4.12 whereas the more stringent in requirements shall prevail.

Project affected persons are defined to include the following categories:

- Project affected persons, with formal title, who lose all or part of their land;
- Project affected persons, with formal title, who have immovable property with or without building permissions on the land to be expropriated;
- Project affected persons with formal title over businesses that are affected by the loss of all or part of the land on which businesses are located
- Project affected persons with formal title over animal husbandries and agricultural processors that are affected by the loss of all or part of the land on which they are based;
- Project affected persons with formal title of tenancy on private or public land;
- Project affected persons with formal title over land that will be needed during construction on a temporary basis;
- Project affected persons without formal title 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);
- Project affected persons without formal title of ownership or use 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; and
- Any affected community facilities will also be reconstructed or necessary support will be provided for their relation to the community losing access to such common facilities

This sub-project affects the following category of PAPs under both categories of impact:

- Project affected persons, with formal title over agricultural land

The entitlements for different categories of impact and PAPs shall be as per the Entitlement Matrix⁵ as adopted in the RPF for the FER Project shown for ***impact categories relevant for the identified impacts only***

⁵ Only part of the Entitlement Matrix relevant for specific impacts identified under this Subcomponent has been presented. For access to full entitlement Matrix within RPF please see RPF for FERP available at <http://www.rdvode.gov.rs/>, accessed on January 17,2016

Table 4: Entitlement matrix for impacts identified

Impact categories	Entitlement	Compensation
Agricultural land regardless to severity of loss (whether partial or complete loss)	Owner with formal title	Cash compensation at replacement costs, or; At property owner demand, if legal terms are met, replacement land of equal or higher value and similar productivity in direct proximity or in the surroundings of the expropriated land together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any

Although there is one vulnerable person the impact is commensurate with the entitlements proposed and therefore no special entitlements nor additional assistance proposed.

7.4 Valuation

The process to be followed during valuation of assets requires that at the valuation stage, the Beneficiary of Expropriation, which is Municipality of Ruma in the particular case of this ARAP, will require the Tax Administration office to provide the assessment of the value for the impacted land. In the case of agricultural land, the Municipality of Ruma will contact the Ministry of Agriculture and Forest Management (MAFW) to provide comparable replacement agricultural land for land swap if available and if the owner opts for land swap. In addition, the Municipality of Ruma can hire, at its own expense an accredited expert(s) to assess the value of the land. The valuation shall be based on the replacement value. Once the valuation is completed, the Municipality of Ruma will offer compensation based on the assessment to the project- affected person. If the project-affected person does not accept the compensation offered they will be able to resort to the court, following the standard procedures set forth by Serbian law. The ruling of the court will determine who pays the cost of litigation which by virtue of the Law is the beneficiary of expropriation.

8. GRIEVANCE MANAGEMENT & REDRESS

8.1 Organizational Arrangements for Grievance Management

The RPF has outlined the basic requirements for Grievance commission and management of its activities. After dully consideration, the grievance redress mechanism was tailored to fit the purpose and mirror the local needs, customs, habits and expectations of the community. There are several complementary mechanisms in place (e.g. the Property department of Municipality of Ruma, The Engineer on Site (when appointed) and the PWMC, an official and formal Grievance Committee will be established as a forum for grievances and comments in relation to expropriation, temporary impact to any kind of property, damages in relation to execution of the works. The information about the Committee will be publicly disclosed and available on the notice board in LM of Ruma and local office in Hrtkovci. Since the small Scope of the Project and relatively small impact, the GC shall be a body of three members. This is deemed to be sufficient capacity to deal with grievances. One of the members is a representative of PAPs one a government official from the Municipality of Ruma not directly involved in the process of expropriation to ensure full impartiality and the third member is a representative of the PIU. The GC will meet as necessary,

depending on the range and nature of grievances. The GC is responsible for receiving and responding to grievances/comments of the following two groups:

- Persons directly affected by the Project including land acquisition impacts & rights to be exercised over occupied land.
- Residents living in the Project area who are interested in and/or affected by the Project.

The GC is supported by the PIU and the Municipality of Ruma.

The PIU/DfW in cooperation with the Municipality of Ruma will distribute Grievance Brochures (presented in Annex 5 – Grievance Commission brochure to inform of the grievance mechanism, its function, the contact persons and the procedures to submit a complaint in the affected areas and made Information on the GC available at:

- the notice board and website of Municipality of Ruma (<http://www.ruma.rs>), and the notice board of local office at Hrtkovci
- on the Construction Site in the Camp of the Engineer,

To allow easy access to the GC a printout of the grievance recording form will be available at the Municipality of Ruma and at local office at Hrtkovci, and for download on the website of the Municipality of Ruma and of MAFW. The grievance recording form template is presented in Annex 6 to this ARAP.

8.2 Grievance Procedure

The grievance procedure is designed to be effective, easy, understandable and without costs to the complainant. Any grievance can be brought to the attention of the GC personally or by telephone, or in writing by filling in the grievance form (by post, fax or personal delivery to the addresses/numbers given below:

Municipality of Ruma
Grievance Commission
Glavna 155
Ruma
Phone Number: 022/478-314

All grievances will be recorded in the Grievance Log register and assigned with a number, and acknowledged within 3 working days. The Grievance Log register will have all necessary elements to disaggregate the grievance by gender of the person logging it as well as by type of grievance. Each grievance will be recorded in the register with the following information:

- description of grievance,
- date of receipt acknowledgement returned to the complainant,
- description of actions taken (investigation, corrective measures), and
- date of resolution and closure / provision of feedback to the complainant.

The GC will make all reasonable efforts to address the complaint upon the acknowledgement of grievance. If the grievance/complaint is vague and not clear enough, the GC is obliged to help and provide counsel and even help in redrafting the submission, in order for the grievance/complaint to become clear, for purposes of an informed decision by the GC, in the best interests of persons affected by the Project. If the GC is not able to address the issues raised by immediate corrective action, a long-term corrective action will be identified. The decision of the GC shall give a clear assessment on the grievance/complaint, clear ruling and recommendations for fair remedy and propose measures to modify future conduct that caused the grievance as well as proposed measures to compensate if mitigation measures cannot remedy the harm or injury. The decision shall be in writing and shall be delivered to the person who filed the grievance as well as to any other person or entity to which the recommendation and measures shall apply or is under obligation by Law. The person who filed the grievance can express his/her personal satisfaction to the outcome of the grievance resolution procedure.

The complainant will be informed about the proposed corrective action and follow-up of corrective action within 7 working days upon the acknowledgement of grievance.

If the particular issue rose through the grievance mechanism cannot be addressed or if action is not required, a detailed explanation/ justification will be provided to the complainant on why the issue was not addressed. The response will also contain an explanation on how the person/ organization that raised the complaint can proceed with the grievance in case the outcome is not satisfactory.

The independent grievance commission has the possibility to hire, with costs covered by the Beneficiary of Expropriation, an accredited expert to review and assess the comparability of offered agricultural land. If the independent grievance commission determines that the offered agricultural land is not of comparable value, they can request the Beneficiary of Expropriation to pay the assessed fair value, as determined by the Taxation Administration. If after mediation, the project affected person, offered comparable agricultural land or assessed fair value for immovable property, disputes either the comparability or the assessment of fair value, they are free to enter the judicial process in a manner consistent with the current Law on Expropriation;

At all times, complainants may seek other legal remedies in accordance with the legal framework of Republic of Serbia at any time.

The GC will publish, and provide the GC with copies, one intermediate report on the number and type of grievances received, comments addressed and closed-out, disaggregated by gender and type of grievances/comments two months after establishment, another intermediate report during construction works and one final report after completion of works

9. CONSULTATION AND PARTICIPATION

The Project Implementation Unit (PIU), together with the representatives of Municipal departments in charge of expropriation, is responsible for communicating with affected communities, Project Affected People (PAPs) and representatives of Local Community Offices. The PIU will assist the Municipalities in understanding the requirements set out in the RPF and ARAP.

The PIU, together with the involved Municipalities, will carry out public consultations on the ARAP and information dissemination that will reflect main issues of relevance to the Project. Immediately after the official start of the Project, all stakeholders will be timely informed about the Project's scope and contacts for further information inquiries, the available grievance mechanism and the disclosure of the publicly available Project documents through:

- announcements in the local daily media,
- the website of <http://www.ruma.rs>
- noticeboard of Municipality of Ruma and local office of Hrtkovci

This ARAP will be disclosed in Serbian and English on the above-mentioned websites, as well as made available as printed copies at the premises of Municipality of Ruma, local office in Hrtkovci and the premises of the PIU.

9.1 Disclosure and consultations requirements during preparation of draft and final ARAP

The draft ARAP in Serbian and English was disclosed on the website of the Ministry of Agriculture and environmental protection /<http://www.rdvode.gov.rs/> on May 8, 2018 and at the website of the PWC "Vode Vojvodina". The invitation to the public consultation was published on May 9, 2018 in the newspaper "POLITIKA" with national coverage. The announcement is presented in Annex 10 [Annex 10 – Public invitation](#).

During the public consultation all stakeholders were able to raise their concerns views and express opinion either orally or in writing. During the meeting, information to the project affected persons about the project were presented, including the anticipated impact on assets property with maps, their entitlement based on this ARAP (a brochure with copy of the entitlement matrix and salient features of the RPF and ARAP were made available to participants. A separate brochure was distributed in respect of the role of the grievance commission. Stakeholders unable to attend the meeting will be able to raise their concerns, views and express opinion in writing.

During the 14 days since the ARAP document was made publicly available, no questions had been received in writing (e-mail or letter) neither were phone calls nor contacts established or question by e-mail received regarding the proposed topic for consultation.

The invitation had included information on where the public consultation will be held, where the draft ARAP can be accessed.

The public consultation was held on May 21, 2018 at the premises of the Planning Institute in Ruma

The presentation was delivered by the PIUs external Social Safeguard consultant in the form of a power point presentation and printed hand-outs of the printed Entitlement Matrix distributed to participants. The ARAP was printed and copies made available to participants for this occasion in addition to the hard copies already made available ahead of the consultation

The public consultation was attended by 12 participants equally represented by women and men, including 2 members of the FER Project team in other circumstances this participation would not have considered sufficient to be labelled as a meaningful consultation, but given the very limited impact to land and assets attached thereto, it has been concluded that no additional effort needs to be put into re-consultation activities. (refer to Annex 11 – Attendance sheet and Annex 12 – Pictures taken during the public consultation meeting).

The Public consultation commenced with a power point presentation presenting salient features of the ARAP followed by a short power point presentation on role and responsibilities of the Grievance Commission.

After the presentation the floor was handed to the participants to engage in questions and seek clarifications of the presented document.

Basically, the inquiries can be summarized into two sets of questions asked.

Question 1:

Why does the Entitlement Matrix provide for equal entitlements for persons with formal and without formal title? And how does that support the of equality principle of citizens under the Constitution?

Answer: It has been explained that in Projects funded by the support of the World Bank causing involuntary resettlement persons with and without formal title are not to be treated as of two separate and different categories. It has been explained that this actually does protect the persons under impact whose informal activities have not been identified by the Government, or have been identified but have not been resolved by the Government until the preparation of the Project. It wouldn't be fair and against the basic human rights to use the implementation of a project of public interest to execute administrative measures which the state should have addressed prior to the Banks's involvement.

Question 2: How will damages incurred during execution of works be assessed and compensated?

Answer: It has been explained that the Grievance Commission has the authority to hire an accredited expert to assess the damages and mediate between the contractor and the affected person in order to facilitate a negotiated settlement. If the Person is not satisfied with the mitigation measure proposed by the Grievance Commission, the adversely affected person he can pursue this matter in front of a court of law.

10 INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION TEAM

10.1 Responsibility for Implementation

The Abbreviated Resettlement Action Plan will be implemented by the Directorate of Water Management (DWM) of MoAE, which serves as the Project Implementation Unit (PIU) as described in more details further through the document. Based on national laws and regulation, responsibility to manage water structures and water land on the territory of Autonomous Province Vojvodina (where this sub-project is located) is assigned to PWC Vojvodina. The PIU will monitor the overall implementation of the subproject, cooperate with the Municipality of Ruma, the Contractor to be awarded with the contract the construction works. Other organizations and parties involved in the process of expropriation are the Ministry of Finance, Tax Administration, and accredited experts.

The table below provides an overview of the responsibilities and arrangements for implementing the requirements of this ARAP.

Table 5: Organizational Responsibilities and Arrangements

Task	Responsible Entity
Disclosure of information and documents to all Project Affected People and communities, and organization of 3 public meetings at commencement, mid-term and Project completion	PIU
Keeping records of consultation activities	PIU
Direct communication with and, if needed, visits to owners and occupants	PIU
Valuation of property to be acquired	Municipality of Ruma Tax administration office and Accredited experts
Expropriation of property	Municipality of Ruma
Monitoring and reporting with respect to land acquisition	PIU
Monitoring and reporting with respect to temporary land occupation carried out during construction	PIU/Beneficiary of Expropriation, Municipality of Ruma, Contractor
Grievance management	PIU/GRM/Contractor
Completion Report	PIU
Operation and overall management of rivers and canals	PWC Vode Vojvodina

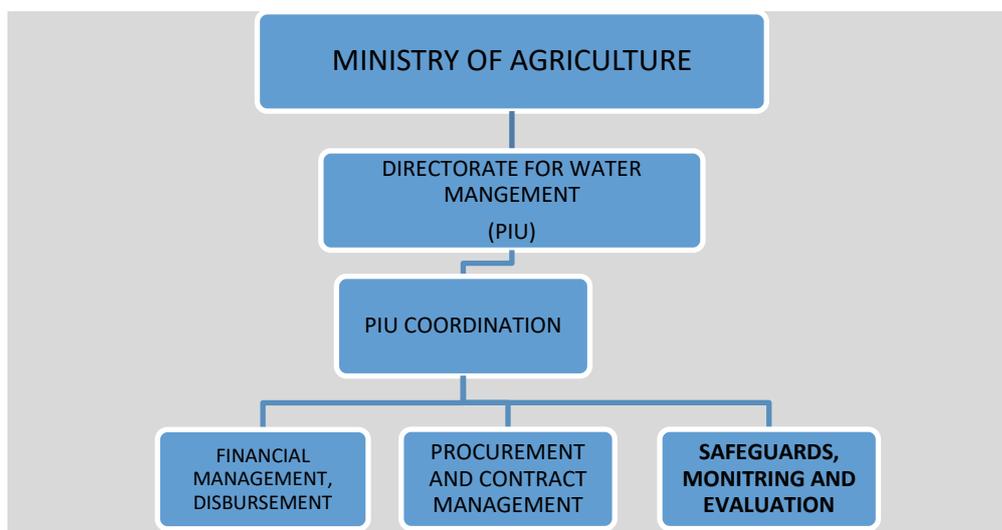
10.2 Institutional Capacities

The implementation of the provisions and obligations under this ARAP shall be by the Ministry of Agriculture which assigned responsibility for implementation of FERP Sub-Component DWM. The DWM already has an established PIU for a World Bank financed Irrigation and Drainage Rehabilitation Project which closed on March 31, 2013. During preparation of investments and implementation of works, the PIU will work in close coordination with the relevant PWC, as well as with the Municipality of Ruma.

The staff assigned for implementation of this ARAP and the Flood protection sub-project is deemed to be sufficient to carry out all tasks related to ARAP implementation.

The organization of the PIU is presented in the hierarchy chart below:

Figure 5: Organization of the PIU



11. IMPLEMENTATION SCHEDULE

Table 6: Tentative Implementation Schedule for ARAP Hrtkovci

	Activity	Responsibility	2018					2019
			May	June	July	August	September	September
1.	Disclosure of ARAP draft	PIU	7					
2.	Public consultative meeting	PIU		21				
3.	Disclosure of final ARAP	PIU/Municipality of Ruma				31		
4.	Valuation of assets	Tax administration					15	
5.	Compensation payment	Beneficiary of expropriation					30	
6.	Establishing Grievance Commission	LM of Ruma/PIU					10	
7.	Completion report	PIU						30

11.1 Monitoring, Evaluation and Reporting

Monitoring of the land acquisition and resettlement process will be conducted by the PIU to:

Ascertain whether activities are in progress as per schedule and the timelines are being met;

- assess whether the compensation / rehabilitation measures are sufficient;
- identify any potential issues (including monitoring of grievance management in terms of recording and responding to grievances within the specified timeframe); and
- Identify methods to mitigate any identified issues.
- Ascertain that the in-kind compensation has been adequately provided.

In addition, the construction work supervision consultant will have a duty and obligation to monitor implementation of social requirements during construction. The following shall be their duties:

- Supervision of the contractors in performance of their obligations and ARAP implementation;
- Preparation and submission to the Employer of regular reports on implementation of measures for social monitoring;
- Provision of service to the local community through receipt of feedback and proposals.
- The board on the site will include clearly visible information on contact persons on behalf of the supervision, as well as working hours for contacts with the public. All complaints, praises, proposals received by the supervision contractor, would be forwarded together with the Supervisor's opinion to the Employer for further acting. The idea is that every reaction of the local population is provided with a timely response, while a unified record of the correspondence with the local population will be presented in regular reports to the financing institution; It is very important that local – The population shall be fully aware of complaint possibility and that mechanism for submission of complaints is very simple.
- Suspension of works causing a high level of noise in periods when such noise is not allowed;
- Suspension of the works if inadequate protection of local population and environment against dust and pollution is provided. It is planned that within the final stages of the works execution, the supervisor completes questionnaires with the local population on behalf of the Employer in order to assess the level of content of local population. The questionnaires would be sent to the mailboxes of locals, while ones completing these questionnaires could deliver them in person to the supervisor's representative or send them by regular post to the Employer's address. Experience gained during the realization of the different infrastructure rehabilitation projects in Serbia, funded by WB Loans, significantly contributed to preparation of bases for social monitoring and assessment subsequent mitigation of impacts produced by the project on local community. Related to positive practice, PIU representative will perform regular controls of measures taken by the contractor and supervision, and control will be performed by the checklist shown in Attachment 10.

The PIU maintains a land acquisition database, and the owners/users of properties that have been affected. The data/information will be updated periodically in order to keep track of the progress of such owners/user.

Hereby indicators to be used for monitoring of implementation of this ARAP are designed and shall include inter alia:

- Overall spending on expropriation and compensation
- Number of PAPs by categories and number of project affected households by categories
- Number of PAPs whose property has been damaged by construction works
- Number of PAPs compensated for damages
- Number of public meetings and consultations with affected people
- Number of auxiliary structures affected,
- Number of m² expropriated,
- Number and percentage of individual compensation agreements signed before the beginning of construction activities,
 - Number and type of grievances received by the GC related to land acquisition (number of grievances submitted, number and percentage of grievances resolved within the specified timeframe of 7 days, number and percentage of people satisfied with the outcome, i.e. the response provided to their grievances/comments, all disaggregated by gender of complainant), and number of legal actions initiated in relation to land acquisition)
 - Number of grievances received by the GC related to construction works
 - Number of engaged local workmanship for the purpose of the works execution (person-month and number of actually employed persons disaggregated by gender);
 - Number of contracts concluded by the contractor in local community (e.g. for accommodation of workers, lease of lots for storage of materials, etc.)

The PIU shall produce Monthly reports and send quarterly/semi-annual updates to the World Bank.

11.2. Completion Report

The Beneficiary of Expropriation (DfW/PIU) will monitor the implementation of the resettlement, relocation and in-kind compensation processes, both through internal, official institutional arrangements, as well as by an independent, external consultant, to be appointed by implementing entity. The external monitoring and evaluation consultant will be appointed prior to construction starting on any subproject and will have obligation of reporting on semi-annual bases.

Based on the semi-annual report the PIU shall do an in-house completion report to summarize the implementation of the ARAP. The report should verify that all physical inputs committed in the ARAP have been delivered and all services provided. In addition, the report should evaluate whether the mitigation actions prescribed in the ARAP have had the desired effect. The socioeconomic status of the affected population should be measured against the baseline conditions of the population before displacement, as established through the census and socioeconomic studies. The internal completion report is considered appropriate in comparison to the extent of impact.

12. COSTS AND BUDGET

The Budget will envisage earmarked proceeds for land acquisition. As per national requirements the costs of clearance of land will be financed by the Beneficiary of expropriation i.e Municipality of Ruma. The resources required for losses of assets are secured and allocated in the in the Budget of the Municipality of Ruma for the year 2018. It is expected that the cost of implementation of this ARAP is 1.200.000 RS (10.505,00 EUR or 11.770,00 USD)

Annexes

Annex 1 – Invitation for Public Consultation on ARAP Draft



NOTE: This an unofficial translation only. Invitation was issued in Serbian

In accordance with the WB Operational Policy (OP 4.12)
The Ministry of Ministry of Agriculture, Forestry and Water Management,
Directorate for Water Management, issues an invitation for

PUBLIC CONSULTATIONS

on

ABBREVIATED RESETTLEMENT ACTION PLAN FOR (ARAP)

For Hrtkovci Flood Protection sub-project

Under the Serbia Floods Emergency and Recovery Project (FERP)

To be held on May 21, 2018 at 10:00 PM (Local time)at the Public Enterprise „Plan“, 27. October street No. 7a, 22400 Ruma

The document subject to the consultation is made available in hard copies at the the following addresses:

- At the premises of The Ministry of Agriculture, ForestryForestry and Water management Directorate for Water Management, Belgrade, on the second floor, on working days from 11:00 AM to 01:00 PM (local time), within 14 days in regards to the date of public announcement of this invitation.
- the premises of Municipality of Ruma, during working hours, and in the premises of local office in Hrtkovci
- on the web site of the Ministry of Agriculture, ForestryForestryry and Water management Directorate for Water Management: www.rdvode.gov.rs
- On the website of the Municipality of Ruma: <http://www.ruma.rs>

Questions and concerns in respect to the provisions of the documents can be submitted in writing to the following address below as well as by e-mail and be submitted and stated directly during the consultation.

If you need any additional information, please contact:

Floods Emergency and Recovery Project (FERP)
Dr Ivana Ribara 149/11, Street
11000 Belgrade, Serbia
Tel: +381-(0)11-6163-600

Annex 2 – Request to For Access to Information of Public Importance

NOTE: This an unofficial translation only. Requests should be made in Serbian

.....
name and head office of the addressed authority

REQUEST

For Access to Information of Public Importance

On the basis of Article 15 section 1 of the Law on Free Access to Information of Public Importance (“Official Gazette of Republic of Serbia” No. 120/04, 54/07, 104/09 and 36/10), I hereby request that the authority first written above grant me the following: *

- notification as to whether it is in possession of the requested information;
- insight into the document containing the requested information;
- copy of the document containing the requested information;
- sending of the document containing the requested information: **
- by mail
- by electronic mail
- by fax
- by other means: *** _____

This request relates to the following information:

_____ (please provide as detailed an account of the requested information as possible, as well as any other data that could facilitate information retrieval)

Applicant / Name and Surname
In _____, _____
Address

On _____ 201__ (date)

Other contact data

Signature _____

- * Check the box next to the legal right to access to information that you wish to exercise.
- ** Check the box next to the means by which the copy of the document is to be sent.
- *** If you require the copy to be sent by other means, please indicate by which other means.

Annex 3 – Socio-economic Survey Questionnaire

Questionnaire number	
----------------------	--

Survey date: .2018

Municipality: Ruma

Location:

Address:

Cadastral plot reference:

Whole plot affected: YES / NO

If no, specify the size of the non-affected part: m²

1. GENERAL INFORMATION ON THE RESPONDENT

1.1. Respondent's name and surname:

1.2. Place of living:

1.3. Owner or user of land plot:

1.4. Ethnic group:

1.5. Phone number:

2. GENERAL INFORMATION ON AFFECTED PROPERTY (PLOT)

2.1. Location of the plots, total number per location and cadastral reference

Location	Total number of plots	Cadastral plot reference	Current use <i>Tick applicable use</i>
1.			Arable land Forestry Pasture Unused
2.			Arable land Forestry Pasture Unused
3.			Arable land Forestry Pasture Unused

3. OWNERSHIP ISSUES

3.1. Owner: Yes No

3.2. User: Yes No

3.3. Ownership details		
With fully registered title		
Legalization in progress		What stage is the legalization process in:
Formal lease of public property		Owner
Formal lease of private property		Owner (contact details):
Informal lease		Owner (contact details):
Fully informal		How did the owner take possession of the above-mentioned plot?
Shared ownership YES / NO		If yes, name other co-owners:

Tick applicable box

4. AGRICULTURAL ACTIVITIES

4.1. Perennial / annual species:

4.2. If perennial: Year of plantation: _____

4.3. Average yield on this plot according to farmer: _____ (specify measurement unit).

4.4. Overall land holdings of the farmer, including this plot and all others: _____ hectares

Including farm lands, pastures, Forestry, arid and unused land – Include all land available to the farmer regardless of ownership.

4.5. Of which farmed this year: _____ hectares

5. AGRICULTURAL ACTIVITIES

5.1. Do you sell crops

5.2. If yes, what is your average annual income generated by selling crops:

5.3. Do you use crops to meet your own needs (consumption)?

5.4. Did you have any plans with affected part of the land plot? YES / NO

5.5. If yes, what would you like to do with affected part of the land plot? _____

6. GENERAL INFORMATION ON AFFECTED HOUSEHOLD MEMBERS

6.1. Information on household members

	Name and surname	Relationship with Head of Household	Year of Birth	Gender		Occupation	Education (degree of vocational education)
1	HH	HH		M	F		
2				M	F		
3				M	F		
4				M	F		
5				M	F		

7. SOCIO-ECONOMIC DETAILS ABOUT THE AFFECTED HOUSEHOLD

VULNERABILITY

7.1 Is any of the household members suffering from one of the following problems:	7.2. Social benefits (yes or no, if yes which kind of assistance)
Physical handicap	
Mental handicap	
Chronic disease requiring regular medical attention	
Chronic disease requiring hospitalization	
unemployed or without regular income	
Elderly and/or elderly and single	
Member of ethnic minority (e.g. Roma)	
Other problem (specify)	

Indicate the number of affected household members in section 2 in the relevant table

7.1. Total household income

Which of the following categories does the average total monthly income of your whole household fall in:	
Less than 10, 000 RSD	
Between 10.000 and 40, 000RSD	
Between 40,000 and 70,000 RSD	
More than 70,000 RSD	

In case there are several household members earning the income, please consolidate them together

Amongst the following, what are your main sources of income:			
Salaries		Pensions	
Personal agricultural production		Government or other assistance	
Small business		Other (specify):	
Remittances		Other (specify):	

Tick appropriate box

7.2 Total Monthly expenditure and categories

Which of the following categories does the average total monthly spending's of your whole household fall in:	
Less than 10, 000 RSD	
Between 10.000 and 40, 000RSD	
Between 40,000 and 70,000 RSD	

Amongst the following, what are your main expenditure categories or assign a relevant range or amount	
Food and non-alcoholic beverages	
Housing related expenses (rent, water, electricity, gas, fuels, etc.)	
Food	

More than 70,000 RSD	

In case there are several household members earning the income, please consolidate them together

Furniture, household equipment and routine maintenance of the house	
Health	
Education	
Leisure and recreation	

Tick appropriate box

7.2. Are you satisfied with your economic situation?

Highly satisfied	
Satisfied	
Neither satisfied nor dissatisfied	
Dissatisfied	
Highly dissatisfied	

Tick applicable box

Anything you wish to add not covered? -----

THANK YOU!

Annex 4 – A copy of the real estate cadastre sheet

РЕПУБЛИКА СРБИЈА
РЕПУБЛИЧКИ ГЕОДЕТСКИ ЗАВОД
СЛУЖБА ЗА КАТАСТАР НЕПОКРЕТНОСТИ РУМА
Број : 952-1/17-5692
Датум : 11.10.2017
Време : 15:30:43

ИЗВОД
из лисџа непокретности број: 1509
К.О.: ХРТКОВЦИ

Садржај лисџа непокретности

А лисџ	сџрана	1
Б лисџ	сџрана	1
В лисџ - 1 део	сџрана	нема
В лисџ - 2 део	сџрана	нема
Г лисџ	сџрана	1



Овлашћено лице

ЗОРАН ПАВЛОВИЋ, дипл. геод. инж.

БРОЈ ЛИСТА НЕПОКРЕТНОСТИ: 1589		Кајасварска општина: ХРТКОВЦИ		
Презиме, име, име јединице од родитеља, пребивалиште и адреса, односно назив, седиште и адреса	Врста права	Облик својине	Обим Удела	
САВИЋ ЈОВАН (БРАНКО), ХРТКОВЦИ, БУКА КАРЛИНА 73 (ЈМБГ: 260597260031)	Својина	Приватна	1/1	

БРОЈ ЛИСТА НЕПОКРЕТНОСТИ: 1589		Кајасварска општина: ХРТКОВЦИ				
Број парцела	Број згр.	Повес или удела и буџет број	Начин коришћења и кајасварска класа	Површина ж. м ²	Кајасварски бркова	Врста земљишта
3617/2		ВЕТАР	ИМВН 2. класа У К У П Н О :	30,99	63,54	Половпривредно земљиште
				30,99	63,54	

* Напомена
Овим изводом не морају бити обухваћени сви подаци из области непокретности.
15:30:40 11.10.2017



БРОЈ ЛИСТА НЕПОКРЕТНОСТИ: 1509

Кајасићарска оштина: ХРТКОВЦИ

Број парцеле	Број Згр.	Број Улаза	Број посеб. дела	Начин коришћења посебног дела објекта	Опис вјероја односно ограничења Врста вјероја, односно ограничења и подаци о лицу на које се вјероја односно ограничење односи	Датум уписа	Трајање
3617/2					<p>ПРИМ. 27. 09. 2001 ДН. 1960/01 НА ОСНОВУ РЕШЕЊА О. 674/00 ОД 27. 02. 2001 УКИНУЈЕ СЕ ДОЖ. УЖИВАЊЕ НА 3/4 ДЕЛА САВИЊ ЈОВАНА У КОРИСТ: САВИЊ ПОПОВИЊ ДАНИЦЕ ИЗ ХРВАТСКЕ, И. Л. РИБАРА БР. 79 САВИЊ ПОПОВИЊ ДАНИЦА, ХРТКОВЦИ, И. Л. РИБАРА 79</p>	27. 09. 2001	

Annex 5 – Grievance Commission brochure

Do you need to file a Grievance?

During 2018 and 2019 construction works on the left bank of Sava River will be executed. In order to facilitate meaningful stakeholder engagement and protection of the rights of all citizens during the execution of the work, the Grievance Commission was established. This brochure is designed to introduce you to its role, basic principles and guide you through the grievance administration

WATER DIRECTORATE

Dr. Ivana Ribara 149/11
11000 Beograd, Srbija
Tel: +381-(0)11-6163-600
E-mail: fer.project@yahoo.com

HRTKOVCI

**Flood protection of
the left bank of Sava
River**

F E R P

Grievance Guide

Tell me more about the Grievance Commission (GC)?

Is the Grievance Commission an independent body?

Yes. The Grievance Commission is an independent body consisting of 3 members who decide on potential grievances filed by individuals impacted by the project.

Who are GC members ?

GC has 3 members, 1 PAPs representative, 1 PIU representative and 1 representative of The Municipality of Ruma .

How to contact the GC?

- 1) File your grievance with the Municipality
- 2) Electronically by e-mail **fer.project@yahoo.com**
- 3) By phone **011/ 6163-600**

When can I address the GC?

You can address the GC at any time during construction works

What rights can be harmed?

You may turn to the Grievance Commission if you believe that you have or will suffer damages from construction works, have concerns about dust or dirt,

If you are not satisfied with Grievance Commission decision, you can further pursue the matter in court. You cannot be precluded from your access to judicial proceeding.

What is the Grievance Commission obliged to do upon the reception of your grievance?

Within 3 days the GC will acknowledge receipt. Within another 7 days it will decide on your grievance. If your grievance is not understandable you will be contacted by the GC to better understand your claim. If necessary the GC will make site visits to gather the facts and record it in minutes of visit. The GC will act impartially and in line with laws of the Republic of Serbia and the Resettlement Policy Framework. You will receive a written reply.

Conclusion

This investment will increase resilience against floods as a positive impact to your community.

However, concerns and grievances shall be heard. In order to effectively address those concerns and uphold the trust build the GC has been established to act in your best interest.

Dr. Ivana Ribara 149/11
11000 Beograd, Srbija
Tel: +381-(0)11-6163-600
E-mail: fer.project@yahoo.com

Annex 6 – Grievance registration Form

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT (FERP)	
Component 3-Hrtkovci sub-project	
Reference number:	
Full name:	
I want to raise my grievance anonymously <input type="checkbox"/>	
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: _____	
Description of the event giving rise to the grievance. What happened? Where did it happen? Who did it happen to? When did it happen? Main consequences of the event? Any other relevant information on the grievance	
How do you see your case would be best resolved?	
. .2018	
Date and Place	Signature

Annex 7 - Signed and notarized lease agreement



Acrobat
Document.pdf

Annex 8 - Social screening check list

SOCIAL SCREENING FORM AND TRIGGERS FOR SUB-PROJECTS

GOMOLAVA – LEFT RIVER BANK OF SAVA RIVER AT HRTKOVIC , Municipality of Ruma

During the 2014 floods, Sava River stream caused severe floods, also affecting left bank of Sava River at Hrtkovci village in municipality of Ruma. Hrtkovci is a small village located in the Sremski District of the autonomous province of Vojvodina, and administratively covered by the Municipality of Ruma . As of the 2011 Census, the village of Hrtkovci is defined as rural or "other" settlement and has 3036 inhabitants, whereas both genders represents exactly 50% of all population or 1.518 inhabitants

The Sub-Project proposed to be implemented according to the preliminary design are to be implemented in 3 Packages :

- Package 3 from rkm 120 + 707 to rkm 120 + 947, L = 240m
- Package 4 from rkm 120 + 947 to rkm 121 + 112, L = 165m
- Package 5 from rkm 121 + 112 to rkm 121 + 277, L = 165m

In addition to packages listed above, river maintenance works From 120 + 347 to the beginning of the archaeological site of Gomolava at km 120 + 567 (Package 1) works are already on-going and are financed from the budget of the RS. Government funded works on this section have commenced in early September 2017 based on the regular maintenance plan, prior to and without an anticipation of the inclusion of this Sub-Project under the Project in February 2018. The works required no land acquisition, permanent or temporary, and are executed within the RoW. Given that the works predates the inclusion of this Sub-project under the Project and had not been planned in anticipation of the WB loan, the OP 4.12 shall not apply to this section.

As for Package 2, there is an unexplored archaeological site and works are not anticipated to start until the protective archaeological excavations have been completed, which will not complete before the Bank loan closes.

Whereas, only works on Package 3 will be financed through proceeds of the World Bank Loan.

Although the Bank directly supports only implementation of Package 3 of the Sub-Project which will not require land acquisition, works on Package 4 and 5 will be financed from the national budget with minor social impacts and are subject to application of the OP 4.12 since they are:

- (a) directly and significantly related to the Bank-assisted project,
- (b) necessary to achieve its objectives as set forth in the project documents; and
- (c) carried out, or planned to be carried out, contemporaneously with the project

The screening consisted of desktop review of available documents complemented by site inspection i.e. walkover survey to verify the authenticity and credibility of documents and to verify no occupation has occurred.

This screening report comprises the screening form, ownership evidence and pictures from the walkover survey .

Land acquisition and access to resources required for the Sub-Project				
		YES	NO	Comment
	Type of activity – Will the sub-project:			
1	Require that land (public or private) be acquired (temporarily or permanently) for its development	√		Permanent acquisition of 1 land parcel for Package 4
2	Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)		√	
3	Displace individuals, families or businesses		√	
4	Result in the temporary or permanent loss of crops, fruit trees or household infrastructure		√	Affected land is not cultivated
5	Result in the involuntary restriction of access by people to legally designated parks and protected areas		√	
6	Result in loss of livelihood		√	Affected land is not cultivated and livelihood is drawn from other non-agricultural activities
7	Have impact to any vulnerable individuals or groups		√	
8	Be a government assisted resettlement	√		Land affected is leased. Permanent acquisition will follow the expropriation process

Since two boxes attributed to the questions is ticked with the “YES” this the Sub-Project will require an Abbreviated Resettlement Action Plan.

CERTIFICATION

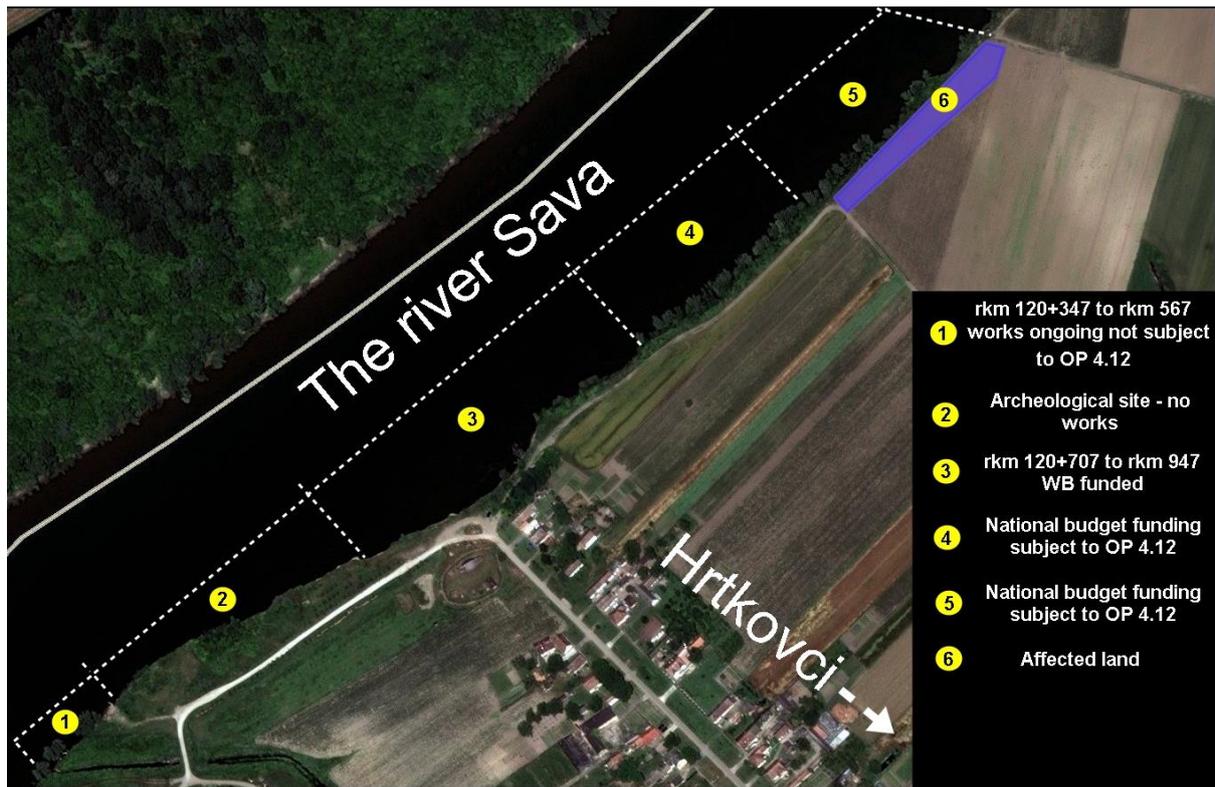
We hereby certify that we have thoroughly examined all the potential adverse effects of this sub-project. To the best of our knowledge, the sub-project avoids all adverse social impacts.

Resettlement Consultant: Nina Valčić 

PIU representative, Đurađ Šurlan (signature): _____

Date: January 21, 2018

Appendix 1 – Orto photo image of wider area of Sub-project and affected land, accessible at <https://a3.geosrbija.rs/>



Appendix 2- Photo documentation from walk-over survey

The picture below (left) depicts the part of the Sub-Project to be funded by the World Bank. It is evident that the area needed for construction mainly consists of eroded land part of the river bank and has no assets attached to the land. The fishermen seen on the picture do not perform this activity for livelihood purposes but are rather sports fishermen (catch and release). Some of them, however, and depending on the type of fish, use the catch for subsistence consumption. Disruption of these activities will likely occur only during construction works to be successfully continued after completion of works. Even during the works on other locations 300 m up and downstream other popular fishing spots are situated providing alternative sport and recreation area.

The picture to the right hand side, depicts the village Hrtkovci, and the nearest houses. The site specific EMP will take into consideration measures to avoid damages and disturbance during execution of works (noise, dust, vibration, transport routes... etc).



Annex 9 - Personal invitation to survey



In accordance with the WB Operational Policy (OP 4.12)

The Ministry of Agriculture, Forestry and Water Management,
Directorate for Water Management, issues an invitation for

PUBLIC CONSULTATIONS

To Mrs/Ms/Mr _____

on

ABBREVIATED RESETTLEMENT ACTION PLAN FOR (ARAP)

For Hrtkovci Flood Protection sub-project

Under the Serbia Floods Emergency and Recovery Project (FERP)

To be held on May X, 2018 at XX:XX PM (Local time) at the XXXX

The document subject to the consultation is made available in hard copies at the the following addresses:

- At the premises of The Ministry of Ministry of Agriculture, ForestryForestryry and Water management Directorate for Water Management, Belgrade, on the second floor, on working days from 11:00 AM to 01:00 PM (local time), within 14 days in regards to the date of public announcement of this invitation.
- the premises of Municipality of Ruma, during working hours, and on premises of local office of Hrtkovci
- on the web site of the Ministry of Agriculture, Forestry and Water management Directorate for Water Management : www.rdvode.gov.rs
- On the website of the Municipality of Ruma <http://www.ruma.rs>

Questions and concerns in respect to the provisions of the documents can be submitted in writing to the following address below as well as by e-mail and be submitted and stated directly during the consultation.

If you need any additional information, please contact:

Floods Emergency and Recovery Project (FERP)

Dr Ivana Ribara 149/11, Street

11000 Belgrade, Serbia

Tel: +381-(0)11-6163-600

E-mail: fer.project@yahoo.com

Annex 11 - Attendance sheet

SPISAK PRISUTNIH NA JAVNIM KONSULTACIJAMA

Predmet JAVNIH KONSULTACIJA: PLAN UPRAVLJANJA ZAŠTITOM ŽIVOTNE SREDINE (Environmental Management Plan – EMP) i SOCIJALNI UTICAJI PROJEKTA FERP Projekat hitne sanacije od poplava Sanacija rečne obale u zoni Gomolave, leva obala reke Save u Hrtkovcima, rkm 120+707 do 121+277 (L = 570m)		Mesto održavanja JAVNIH KONSULTACIJA: Ruma, JUP „Plan“, 27. Oktobra 7a Datum javnih konsultacija: 21. maj 2018.	
R.b.	Ime i prezime	Organizacija / adresa	Telefon, Faks: E-mail
1	MILKA PARLONČ	JUP „PLAN“ RUMA 27. OK. 7A	063/10 82 298 pavl.milka@yahoo.com
2	Nina Valčić	FERP PIU	064/804-5303 valcicnina@gmail.com
3	HARIJA ŽEC	JUP „PLAN“ RUMA	063/108 21 24 warjatec@planruma.rs
4	IGOR RADOVIĆ	FERP PIU	062/491 345 ig14967@yahoo.com
5	Nina BALČIN	OPŠTINA RUMA OPŠTINSKA UPRAVA	065/333-58-80 nadinbalcin@rma.rs
6	Jelena Nalešević	OPŠTINA RUMA OPŠTINSKA UPRAVA Ulog. Ograničenja za upravljanje u zaštite	063/791-749 jelena.nalesenic@rma.rs
7	Matija Grođić	OPŠTINA RUMA OPŠTINSKA UPRAVA Ulog. Ograničenja za upravljanje u zaštite	069/720-190 tanjad@rma.rs

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Predmet JAVNIH KONSULTACIJA: PLAN UPRAVLJANJA ZAŠTITOM ŽIVOTNE SREDINE (Environmental Management Plan – EMP) i SOCIJALNI UTICAJI PROJEKTA FERP Projekat hitne sanacije od poplava Sanacija rečne obale u zoni Gomolave, leva obala reke Save u Hrtkovcima, rkm 120+707 do 121+277 (L = 570m)		Mesto održavanja JAVNIH KONSULTACIJA: Ruma, JUP „Plan“, 27. Oktobra 7a Datum javnih konsultacija: 21. maj 2018.	
R.b.	Ime i prezime	Organizacija / adresa	Telefon, Faks: E-mail
8	ДРАЖАН ФИЛИПОВИЋ	JUP „PLAN“ RUMA	063/70 80 015 drajan.filipovic@planruma.rs
9	ТАНА КОБАЧЕВИЋ	JUP „PLAN“ RUMA	063 108 22 31 tana.kobacevic@planruma.rs
10	Milena Veselić	JUP „Plan“ Ruma	063 444 285
11	Božidar Beloš	JUP „IGOR RADOVIĆ“	066/9509335 bbolos@igorradovic.com
12	Zvonko Matić	JUP „Veselić“	066 8331761 zmat@veseljac.com
13			
14			
15			
16			

страна 2

Annex 12 - Pictures taken during the public consultation meeting

