

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT  
(FERP)

Component 3  
Abbreviated Resettlement Action Plan  
(ARAP)

For subproject  
Protection of river bed and banks of the Nišava River



Republic of Serbia  
Ministry of Agriculture and Environmental  
Protection  
Directorate for Water Management  
Project Implementation Unit

October, 2016

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## CURRENCY EQUIVALENTS

(Exchange Rate Effective August 2016)

Currency Unit = RSD

110.3 RSD = USD 1

123.1 RSD = EUR 1

### **ABBREVIATIONS AND ACRONIMS**

RS Republic of Serbia

BoE Beneficiary of Expropriation

CE Citizen Engagement

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

MAEP Ministry of Agriculture and Environmental Protection

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/rehabilitation 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 forest) 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.

**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 contractors' 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 taken into account, 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 taken into account in calculating costs.

**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP).** The document specifying the procedures to be followed and the Actions to be taken 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. The ARAP should be consistent with the principles and objectives of OP 4.12 and with the RPF.

**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 should be consistent with the principles and objectives of OP 4.12.

**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

### Project Background

During the third week of May 2014, exceptionally heavy rains fell on Serbia. This resulted in devastating floods causing significant economic hardship for much of the population in Serbia. The heavy rainfall with no precedent started in early/mid-May 2014 causing massive floods, destroying houses, bridges and sections of roads, resulting in the declaration of a national state of emergency on May 15, 2014 (pursuant to Article 32, Paragraph 3 of the Law on Emergency Situations, (Official Gazette of the Republic of Serbia, No. 111/2009, 92/2011 and 93/2012), across the country, which was in force until May 23rd.

The Government conducted a Recovery Needs Assessment (RNA)<sup>1</sup> completed in July 10, 2014 with the objective of estimating disaster effects. The RNA was presented at a donor's Conference convened in Brussels on July 16, 2014 in the aftermath of the natural disaster, revealing that the energy sector was the hardest hit and significant infrastructure damaged.

On October 9, 2014 the World Bank approved an Emergency Loan in the amount of \$300 million to support the Government of Republic of Serbia to remedy existing damages and prevent future flooding. The Project is anticipated to bring significant benefits by avoided damages to agriculture production, land, assets, households and businesses.

### Project implementation arrangements

The Floods Emergency Recovery Project (FERP) is implemented by the Ministry of agriculture and environmental protection, namely by its PIU which recently has completed another WB funded Project.

### Sub-Project activities

The flood protection works are executed across the country where the largest vulnerabilities were identified. The Niš Flood Protection is one of the 7 sub-projects to be implemented. Civil works will be executed along the banks and within the basin of the Nisava River through the settlement, in a length of 1.6 km, providing of bandwidth capacity for high water on the upstream section in a length of L=303 m and downstream section in a length L = 900m. This ARAP will cover the social impacts that are anticipated to take place as a result of implementation of the Niš sub-project

### Sub-Project Impacts

Niš Flood protection requires no land acquisition. Flood protection works are executed within existing right of way, within the river basin and the river banks, owned by the Republic of Serbia as an asset of public significance. During initial screening of the area, a Roma settlement has been identified. The settlement is founded some 40 years ago when the nearby factory "Ineks Morava" granted the Roma community the right to use part of the company's land, while the ownership of the land remained in the hands of the factory owner, an agreement honoured even today. The factory and accompanied land has been subject to privatisation with a new owner and a different business name and operates now under the name "Monicom LLC". Within the community 7 shacks (stables), were identified, without formal title, owned by 5 owners, constructed partly on public and partly on private land (owner by "Monicom LLC"), only 3 m away from the demarcation line i.e. the line representing the boundary of the area where construction works will be executed. Project activities, operation of equipment and machines as well, may increase the potential community exposure to health and safety risks and impacts, including those associated with construction, operations and transport of raw and finished materials, vibrations and other similar impacts. No adequate mitigation measures could be designed to mitigate the adverse impacts to the health and safety of the affected community and therefore, in response and in preventing adverse impacts, the shacks will be relocated. Some of

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<sup>1</sup> Republic of Serbia, Recovery Needs Assessment, 2014 <http://www.obnova.gov.rs/> accessed on July 25,2016-

the shacks are prone to collapse even without the influence of external factors and operation of heavy machinery nearby could accelerate or even cause it. Therefore it is necessary to relocate the structures in a controlled environment to prevent any risk to the community especially to young children who have a limited anticipation capacity in terms of risk assessment and immediate danger.

An asset surveys was conducted in the project area, following the declaration of the Moratorium Area, on April 20, 2016 collecting information on details of structures impacted, both internal and external quality, and actual purpose of use. The asset survey identified 7 shacks (stables) owned and used by 5 different owners. The structures are mostly deteriorated rudimentary structures and wooden buildings. A detailed overview of impacted households is presented in chapter 4. MINIMIZATION OF IMPACTS

An alternative route for the sub-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.

The impact to 7 shacks could not have been avoided and the relocation is, as explained earlier, a matter of community health and safety.

After thoughtful consideration of alternatives between the PIU, PAPS, DfWM and the owner of “Monicom LLC”, six out of seven PAPS have requested nearby relocation of their structures and one PAP has opted for replacement of two structures since his structures are deteriorated and prone to collapsing. The site for relocation was delineated and drawings made to find the most suitable solution.

## 5. AFFECTED PEOPLE AND PROJECT IMPACTS.

### 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. For this purpose of addressing some of the country's most pressing rehabilitation and flood protection needs, an emergency Recovery Loan was requested from the World Bank. The Loan was approved and signed on October 9, 2014 in the amount of \$300 million. The Floods Emergency Recovery Project is the second largest loan ever approved by the World Bank Group in Serbia. 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 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. EUR 16.72 million have been assigned to Component 3: Flood Protection.

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 Nis, among other locations, 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 (No 3). The sub-projects presented below were identified at appraisal stage or by the Decision of the Government:

- Flood Protection of Nis settlement,
- Flood Protection of Smederevska Palanka settlement,
- Flood Protection of Negotin area

- Construction of flood protection system for Donji Ljubes settlement,
- Rehabilitation of Tamis dike,
- Erosion protection and rehabilitation works on left bank on the Sava River
- Rehabilitation of the left bank embankment on the Danube River on section B. Palanka town and Smederevo town.

This ARAP is prepared for the Flood Protection of Nis.

### 1.2 Sub-Project Area description and context of the Project

During the 2014 floods, the Nišava river caused severe floods, affecting Niš severely.



Figure 1: Aerial picture of Nis during 2014 floods

Niš is the city of southern Serbia and the third-largest city in Serbia. According to the official census in 2011, the city has a population of 183,164 inhabitants while urban area of Niš (with adjacent urban settlement of Niška Banja included) has 187,544 inhabitants. The total area of the City is 597 km<sup>2</sup>.

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 “Protection of Nis:”

- 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.

Targeted flood protection and drainage investments aim to reduce expected losses and generate substantial economic benefits justifying the investment costs. This includes a direct positive impact on the livelihoods of project beneficiaries, as losses – including public infrastructure, agricultural and livestock production, as well as family household assets - are significantly reduced with construction of flood protection infrastructure

### 1.3 Sub-Project Objectives and Activities

The activities to be implemented under the Niš sub-project are:

- works on regulation of river bed of Nisava River, through the settlement, on section with length of 1.605m (from km 11+340 to km 12+945),

- works that provide bandwidth capacity and stabilization of the riverbed on upstream section with length of 303 m (km 12+945 to km 13+248).
- cleaning of the riverbeds (removal of shrubs and trees,
- slope protection with type-rock embankments
- reconstruction of two spills on collectors, and
- spill insurance for main city collector Ø1500mm, immediately downstream of Medosevac bridge on the left bank.

The focus is embankments of the river and four different types of works are proposed:

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

Project location is depicted in figure 2 below and marked with red line.

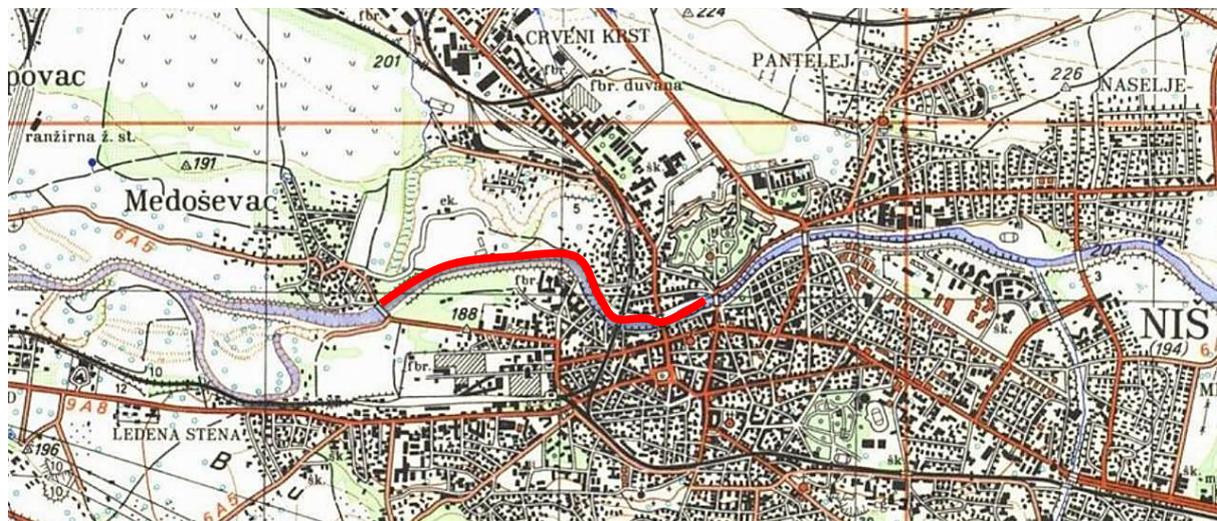


Figure 2: Niš - Flooding and actual Project Area, river regulation works marked with red

#### 1.4 Scope and Purpose of Abbreviated Resettlement Action Plan

Although it is not anticipated that the sub-project will require land acquisition, its implementation will cause relocation/replacement of sheds used to support the affected communities' economic activities which is why an Abbreviated Resettlement Action Plan is prepared. 5 shacks are constructed on private land owned by "Monicom LLC" and 2 shacks are constructed on public land owned by the DfW Niš. Out of concern for the community's health and safety, the contract for construction works require relocation of all 7 movable structures (stables/shacks), owned by 5 different owners. The shacks were constructed in 2013, and the construction was partly financially supported by the owner of the land on which they were constructed. Since the construction of these structures, they have been in possession and use by 7 Roma families. The shacks facilitate the communities' economic activities and are used for accommodation of horses (one shack) and waste collection and metal works (some for storage of miscellaneous articles and recyclable waste and other material (steel, iron, reinforcement etc.).

The proposed mitigation measure is to relocate the shacks only a few meters from the current location as not to cause negative impacts on the communities' economic activities. The owner of the factory "Monicom LLC" from Nis (former Inex Morava), who hosts 5 shacks currently has agreed to designate a land parcel on his property to allow for relocation of shacks constructed on the company land as well as those constructed on public land (7 in total). The relocation site was agreed upon in consultation with the Project-affected Persons (PAPs) and continues to be adjacent to the communities' living area. The impact area and relocation site are depicted on figure below. Removal of the affected structure is pending and will be executed as per schedule

presented in this ARAP, but not before the full consent about compensation or relocation assistance has been agreed with the affected persons. The relocation of the structures is subject to the appropriate schedule to be agreed with the PAPs. Detailed description of impacts is given in chapter 5. AFFECTED PEOPLE AND PROJECT IMPACTS and tentative schedule of implementation in chapter 10. IMPLEMENTATION SCHEDULE.



Figure 3: Satellite image of location of structures and living areas of Roma community

In accordance with the Loan Agreement, a Resettlement Policy Framework (RPF)<sup>2</sup> for the Project was prepared, approved by the World Bank and relevant Serbian authorities and publicly disclosed in 2015 and is the guiding document for preparation of this ARAP.

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 as field verification of location of land required, use of land required, Presence of public or community infrastructure, number of affected persons,

<sup>2</sup> See RPF for FERP, available at <http://www.rdvode.gov.rs/>, accessed on July 25, 2016

- Census of the PAPs including persons and their land, assets and property thereon;
- Socioeconomic assessment of the PAPs;
- Identification of assets and properties likely to be affected
- Analysis of valuation of the assets and property thereon to be compensated/relocated or replaced;
- Consultations with Project Affected Persons (PAPs)
- Analysis of the legal framework;
- Analysis of institutional framework covering the identification of agencies responsible for Establishment of adequate Grievance mechanism
- Analysis of negotiated procedures, including offers made, considered and accepted.

## 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 Resettlement Policy Framework (RPF) prepared for this Project, which is consistent with the World Bank's OP 4.12. The objective of this ARAP is to specify the procedures to be followed and the actions to be taken to properly compensate (i.e., relocate or replace) loss of assets by allowing and providing for adequate participation, consultation and full functioning of the grievance mechanism. Furthermore the plan sets out actions on how to avoid and mitigate any potential negative impacts, including how to assets and provide prompt and effective compensation for residual impacts, if any should occur. The objectives set in this ARAP shall be adhered to regardless of the scope and scale of impact.

This ARAP specifies the following:

- Detailed procedures to be followed by Directorate for Water (DfW/PIU), City of Nis in respect to consultation and disclosure;
- Provide baseline census of affected persons and asset information;
- Describes specific compensation rates and standards
- Describes mitigation measures and procedures;
- Describes consultations with affected people about acceptable alternatives and mitigation measures;
- Describes institutional responsibility for implementation and procedures for grievance redress;
- Provide a timetable and budget;
- Provide Implementation and monitoring arrangements.

The RPF and subsequently this ARAP are in line with the local legislation and OP 4.12. In case of discrepancy between local legislation and OP 4.12, the more stringent requirements will prevail. The preparation of this document has been guided by the WB Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects (2004), the Social Framework for Projects and good practice cases as well, but application of individual measures have been chosen based on consultation with PAPs to reflect the project specific needs.

This ARAP is tailored to cover identified direct economic and social impacts that both result from Bank assisted investment projects and are caused by:

- Relocation of asset.

## 1.6 Study methodology

The preparation of this ARAP was through a combination of desk and field study. The desk study involved review of project documentation including 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 surveying of the project sites to establish the exact impact of the proposed subprojects in terms of required land and affected property and assets to create an inventory of PAPs and their assets. The field survey consisted of conducting household census of identified PAPs; conducting social assessment of the subproject sites along the 1600 m long corridor of impact along the River of Nisava, socioeconomic study of the PAPs as

well as census and assessment of the assets. The Census was prepared on the basis of individual interviews. Secondary data were used in addition to generated primary data obtained through the PAPs and interviews with government officials and non-government officials about PAPs 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 PAPs. 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.

The census of people affected by the project is a key initial stage in the preparation of the ARAP. The Project demographic data can serve four important and interrelated functions:

- Enumerating and collecting basic information on the affected population,
- Registering the affected population by residence,
- Establishing a list of legitimate beneficiaries before the properly announced moratorium or cut-off date that counters opportunistic claims from those moving into the Project Area solely in anticipation of benefits,
- Laying a framework for subsequent socio-economic research needed

## 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, and 2013 by the Constitutional Court ruling) 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;
- 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 and Environmental Protection (MAEP);
- 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;
- If the Project affected person does not opt for land-for-land compensation s/he is offered cash;
- 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) in terms of the investment made – as determined by an accredited Expert to assess the value of the materials used.

## 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 (Law on Expropriation, Art. 1).

Expropriation may be carried out for the needs of Republic of Serbia, 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. The declaration of public interest/use is a special procedure, which precedes and enables any property acquisition and expropriation.

In case of expropriation for the Nis sub-project no expropriation is needed and hence no public interest has been established.

## 2.3 Expropriation process

A condition to start expropriation is the existence of 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 with a proposal for expropriation, submitted by the Expropriation Beneficiary to the relevant Municipality (“the expropriation authority”). A concrete expropriation proposal is prepared for each project-affected person that contains the amount of land involved, the assessment of fair value for any immovable property, the justification of the need for the specific expropriation, together with the confirmation that the scheme is included in the relevant regional and/or spatial 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 Taxation Administration for the assessment of fair value for all land. In the specific case of agricultural land, the Beneficiary of Expropriation contacts the MAEP, which provides an assessment of the availability of comparable agricultural land. In addition, the Beneficiary of Expropriation hire, at its own expense, through the relevant City, 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 disagrees 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 (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. This instrument will not be used since there will be no 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 valid Decision together with other 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* public dissemination of information on the area delineated, and 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 dissemination 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 importance

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 Importance<sup>3</sup> 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)
2. Law of Planning and Construction (adopted and corrected in 2009, and amended in 2011)
3. The Law Of Contract And Torts
4. Law of Agricultural Land (adopted in 2006, amended in 2009)
5. Law on State Cadastre (adopted in 2009, amended in 2010)

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Official Gazette Republic of Serbia No. 120/2004, 54/2007, 104/2009 and 36/2010)

6. Law on Spatial Planning of the Republic of Serbia from 2010 to 2020 (adopted in 2010)
7. The Law on Elimination of the Consequences of Floods In Serbia (adopted in 2014 amended in 2015 and 2016)

Below are the most important features of the laws applicable to this type of impact

### **The Law on Fundamentals of property law relations**

The Law on foundations of property law relations ("Official Gazette of the Socialistic Federal Republic of Yugoslavia", No. 6/80, 36/90,"Official Gazette of the Federal Republic of Yugoslavia", No. 29/96 and "Official Gazette of the Republic of Serbia", No.115/2005) stipulates fundamental provisions of property relations, including ownership rights substance, subjects of ownership rights, co-ownership and joint ownership rights, acquiring the right of ownership, right on yields emanating from owned thing, possession rights, ownership acquired by adverse possession, ownership relations deriving in situations when structures was built on someone else's land, protection of ownership rights, protection of possession, cessation of ownership rights, etc. This Law in addition to the Law of Contracts and Torts will be guiding the compensation principles for damages.

### **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.
- (b) 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.
- (c) 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 without payment of taxes and fees as part of compensation package. Additionally, the national law does not recognize informal users, occupiers and settlements. It does not require a project specific grievance redress mechanism, a social impact assessment, gender disaggregated data and assistance to vulnerable persons.

The table below provides an overview of specific gaps between the national expropriation law vis-à-vis 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.**

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**Table 1: 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 expropriation 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	The cut-off date for purposes of eligibility shall be the date of beginning of the census. A Moratorium notice informing the general public of the declaration of cut-off date was disclosed on April 20, 2016. Disclosure was in the form of Notice pinned to the affected structures.  Information was provided and implications explained during the conducting of baseline census on April 20, 2016.

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
		<p>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.</p>	
Eligibility for Compensation (informal)	<p>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>	<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</p>	<p>As per Project 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,</p>

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
		right or claim to the land they are occupying	after the cut-off date.
Compensation at replacement value	The valuation for structures and land is based at the prevailing market price and circumstances at the time when the agreement is signed.	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 land or asset, the cost of market value plus taxes and fees, if any, will be taken into account. In case of valuing the cost of affected structures, the depreciation cost of structures will not be taken into account and the estimation of costs will be assessed on how much it will cost for building a new one of the same quality. The valuation of affected structures will also take into account value of time invested in construction and applicable taxes, if any.  Sub-project caused relocation will not impose any taxes since the relocation itself will be to another land plot owned by the same owner.
Grievance Redress To serve for issues related to relocation of structures and 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 take into account the availability of judicial recourse and community and	The independent grievance committee was established on May 15, 2016 comprising of:  DfW, PIU representative and project affected persons representative delegated by the project affected persons.

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
		traditional dispute settlement mechanisms.	
Monitoring & Evaluation	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 sub-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.

The impact to 7 shacks could not have been avoided and the relocation is, as explained earlier, a matter of community health and safety.

After thoughtful consideration of alternatives between the PIU, PAPS, DfWM and the owner of “Monicom LLC”, six out of seven PAPs have requested nearby relocation of their structures and one PAP has opted for replacement of two structures since his structures are deteriorated and prone to collapsing. The site for relocation was delineated and drawings made to find the most suitable solution.

#### 5. AFFECTED PEOPLE AND PROJECT IMPACTS

##### 5.1 Overview of Project Impacts

As already stated earlier, the Flood protection Project of Niš is executed within the right of way on the river basin. Due to ad hoc construction without a valid building permit some of the affected shacks are partly stretching over public land, next to the river bank. The river basin is owned by the Republic of Serbia as an asset of public interest. The following sub-project impacts have been identified:

- Relocation of 7 auxiliary structures/ constructed partly on public land and partly on private land, mainly on the very boundary of the river basin, preventing safe works.

Pictures below show the location, environment and condition of the structures impacted.



Figure 4: Structure No 1 and 2



Figure 5: Structure No 3



Figure 6: Structure No 4



Figure 7: Structure No 5



Figure 8: Structure No 6



Figure 9: Structure No 7

The Tables below show detailed data on numbers of PAPs by type of impact.

**Table 2: Data on PAPs impacted (relocation of auxiliary structures)**

Number of PAPs	Number of auxiliary structures affected by permanent land acquisition	Types of auxiliary structures affected
5	7	Stable /shacks

The disaggregation of inventory of owners revealed that out of 5 owners all are men. They are the users of the shacks for their dominants purposes and activities.

**Table 3: Disaggregation of PAPs by gender**

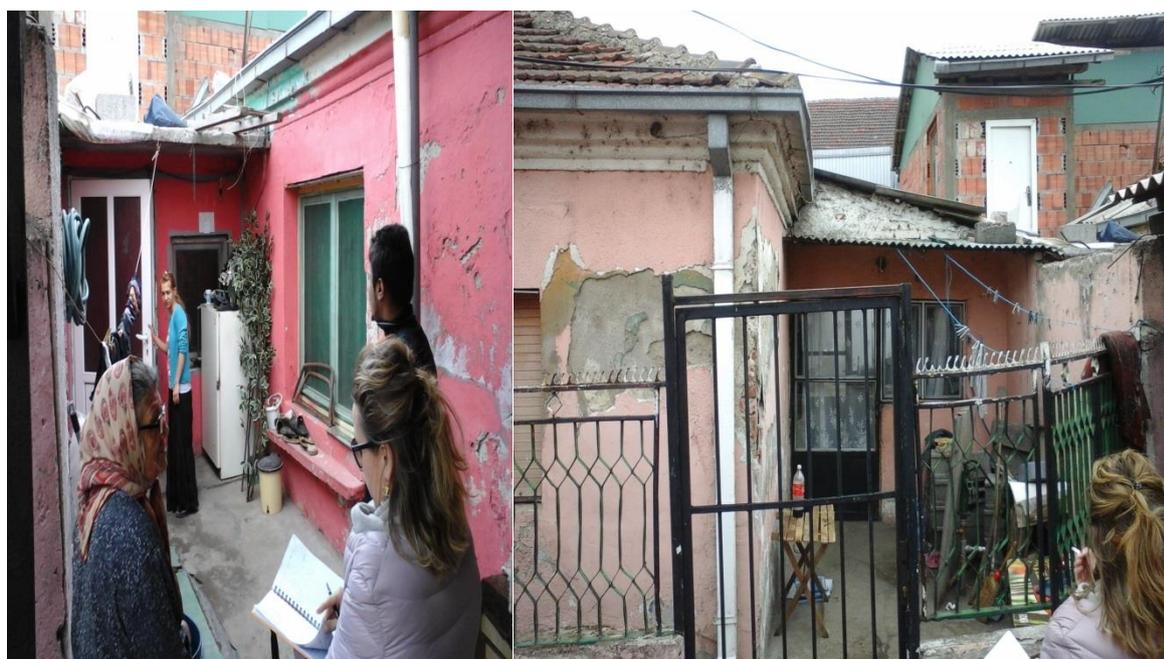
Ownership	Number of owners (including co-owners)	Percentage
Women	0	0 %
Men	5	100%
Total	5	100%

### 5.2 Local context of sub-project

The Roma settlement was founded in the sub-project area some 40 years ago when the nearby factory has transferred right to use a part of its land to some Roma families , while the ownership of land remained in the hands of the factory owner, an agreement honoured even today after the privatization of the factory, apparently beneficial for both parties.

Today, a community of seven Roma families is living in seven different households approximately 30 m away from the future civil works and the demarcation line for this sub-project. Some of the household members are working and temporarily living in Austria supporting their families. The community exhibits a significant degree of life stability, conformity with the local community and urbanization. Houses are made of solid materials and are in fair condition. The Roma settlement's main source of livelihood is through organized family businesses, the assemblage of secondary raw materials: various metals such as iron, aluminium, and copper, waste paper, plastic and glass for recycling. The community approaches the activity as any other enterprise - respecting working hours, labour division and other business rules. The activity is conducted in a traditional way, using horse carts for transportation. The secondary raw materials are stored in 6 out of the 7 shacks to be impacted by the sub-project and 1 shack is used for accommodating 1 horse. All 7 affected shacks will be impacted by the project and will be subject to relocation. The primary reasons are the community health and safety standards.

The residential structures, some of which are shown in picture below are not affected.



**Figure 10:** Roma community settlement adjacent to the river, some of the houses depicted will not be impacted by civil works<sup>4</sup>

In addition to houses, on the factory land the settlement built wooden stables where five horses are kept. These stables will not be affected. Horses are used as part of the Roma heritage as working animals, they are well fed and fairly kept. Other seven barracks are remote and away from the zone of direct influence of the construction works and will not be influenced by the project in any way, nor will construction works endanger its stability or usage in the same manner as it was used so far.

During several visits and community consultations held on January 26, 2016, February 20, 2016, April 20, 2016, May 15, 2016, finally August 18, 2016 alternatives have been discussed thoroughly and it has been agreed that five shacks will be relocated and two re-erected depending on their current make-up and technical constraints.

### 5.3 Mitigation measures: Relocation and re-construction

Their physical conditions of the 7 affected shacks have determined the mitigation measures. Two shacks, currently in very poor physical conditions and prone to collapse, will be re-erected from solid materials on concrete floors. Some of the material adequate to be saved will be used to re-erect the structures. Any of the material not possible to be used will be replaced by new items necessary to upgrade the condition of the shacks.

The other 5 shacks are mainly constructed out of pre-casted wood panels, and other detachable material. This makes the disassembling the shacks fairly simple and allows their relocation with exception of binding elements (nails, screws, etc.) all of which will be replaced by new ones. Their condition shall be improved by concrete floor as well.

It has taken several meetings to finally determine the re-location site by means of agreement between all owners individually and the owner of the factory providing the relocation land. The re-location site is close, approximately 15 m, to the original location. The location is depicted on Figure 3. The Meetings have been moderated by the PIU ensuring transparency, full understanding of the options as well as committing to the relocation package. All parties have signed off to the agreements (see annex 8 and 9), and finally the place where the storage shacks will be relocated has been prepared as can be seen in the picture below. The site has been fenced, the soil prepared and gate constructed at the expense and the land of the owner of the factory “Monicom LLC” who has agreed or rather volunteered to do so.



<sup>4</sup> Photograph taken during census survey on April 1, 2016 and used with permission of community members

#### Figure 11: Relocation site

The Site has been fenced with high fences preventing intruders to climb over and illegally take the recyclable material which will be stored here. The Location has been provided with a gate and lock accessible at all times to affected community. The Picture above shows ground works already ongoing. Foundations are being laid and constructed for those structures that could not have been relocated intact due to their deterioration. The brick wall in the picture behind is actually a storage house with a solid roof and floor. The front wall will be cut through thus opening an entrance and will facilitate storage of those stables that can be dismantled and erected again without damages.

During relocation/reconstruction of shacks, the community's economic activities and dynamics of the recycling operations have been taken into account. e Horses shall be accommodated in one of the stables not impacted by the Project, as depicted in Figure 3 ((stable not impacted are marked by the blue rectangle shape). All recyclables will be stored in movable containers, already provided on-site by the company that buys the collected materials. Such storage of material has been used for some time. During the relocation/reconstruction period during, horses will have adequate shelter and there be adequate space for temporary storage of recyclable material. Assets not requiring shelter (e.g., carriage) will be stored on the plot designated for relocation of impacted structures, already fenced and secured with gate and lock. Thus, there will be no disruption to the community's economic activities and loss of livelihoods during relocation/reconstruction.

#### 5.4 Census/Inventory

The Census/Inventory of all PAPs was developed in order to gather and analyse data and information required to identify all categories of impacts, people affected by construction works and sovereignty to be exercised over occupied public land, including replacement of assets affected by the Project. The Census was prepared on the basis of individual interviews.

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),
- (v) total area of land owned (m<sup>2</sup>).
- (vi) total area of land to be affected (m<sup>2</sup>)
- (vii) type of asset on land affected.
- (viii) other information relevant for individual cases.

The summarized version of the census database is provided in Annex X of this ARAP. And the detailed excel file is accompanying this document as a separate file.

#### 5.5 Socio-economic Survey

The Socio-economic survey was conducted by a surveyor with extensive background and experience in resettlement in WB funded Projects with the support of the Municipality of Nis, the PIU and the DfWM of Nis.

For purposes of the Survey an announcement/invitation, adequate both in time and place was issued by the PIU unit and administered by the PIU and DfWM of Nis.

The Socio-economic Survey was conducted on April 20, 2016 at their homes. Pictures of survey are presented in Annex 12.

The Socio-Economic Surveys were undertaken after all assets and crop surveys were completed. These surveys gathered detailed information at a household and individual level on current living standards, incomes and livelihoods. The objectives of the Socio-Economic Surveys were to

identify potential adverse impacts on PAPs and potentially vulnerable people and households; and to serve as a baseline to measure effectiveness of resettlement plans and mitigation measures. Surveying was also used to solicit the opinions of the PAPs about the Project impacts and compensation payments and acceptable suggestions for mitigation measures; to obtain specific data on current livelihoods and living conditions of PAPs as well as to glance at the community perspective of the FERP.

The surveying served additionally to present the details of the Project with relevant maps where all spots with mitigation measures were pinned. During the survey, all the PAPs were given the contact phone numbers of the Supervising Engineer and the Engineer from the DfWM for liaison and daily communication in case they wanted to add suggestions after the survey or had another concern to voice.

The questionnaire used for the survey was structured as semi open-ended. The template used during the Socio-economic Survey is provided in Annex 3 – Socio-economic Survey Questionnaire.

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.

The summary of the key data collected through the Socio-economic Survey are provided in Annex 4 to this ARAP (the full database is in the form of a separate Excel document). The sensitivity of data obtained and the restriction imposed under the national law has driven the decision that confidential information about individual persons and properties will not be publicly disclosed. This was specifically pointed out in the invitation, but was as well requested by the interviewed PAPs.

#### 5.6 Socio-economic assessment of the PAPs

In addition to basic demographic data (age, sex, family size), social and economic information (ethnicity, health, education, occupation, income sources) were gathered from the affected people. This information provides the implementation authorities with a general understanding of the communities affected by the project, and the scope of compensation and resettlement assistance necessary to mitigate adverse effects.

Particular attention will be given to vulnerable groups living in the Project Area. These groups may include households headed by women, people with disabilities or chronic illnesses and elders.

The detailed Socio-Economic Surveys covered the following main topics:

- Demographic Information
- Household Composition
- Education & Skills Base
- Economic Activities & Livelihoods
- Household Incomes
- Health & Welfare

##### 5.6.1 Owners

Out of a total of 5 private owners of 7 auxiliary structures 4 attended the survey which represents 80% of the universe of affected owners.

##### 5.6.2 Demographic features of households

The result demonstrated that amongst the interviewed there were no women headed nor single headed households and headship of households is dominated by males. Women are not users of shacks but benefit indirectly from the income generated. It further demonstrated that the average household size is 4 household members which is above the national average size of 2.88<sup>5</sup>

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<sup>5</sup> Source: 2011 National Population Census

persons per household. The survey showed 50% of households to comprise of 5 members, followed by equal (25%) of four and three membered households. Further analysis showed that usually two and more generation live together. Household features are presented below.

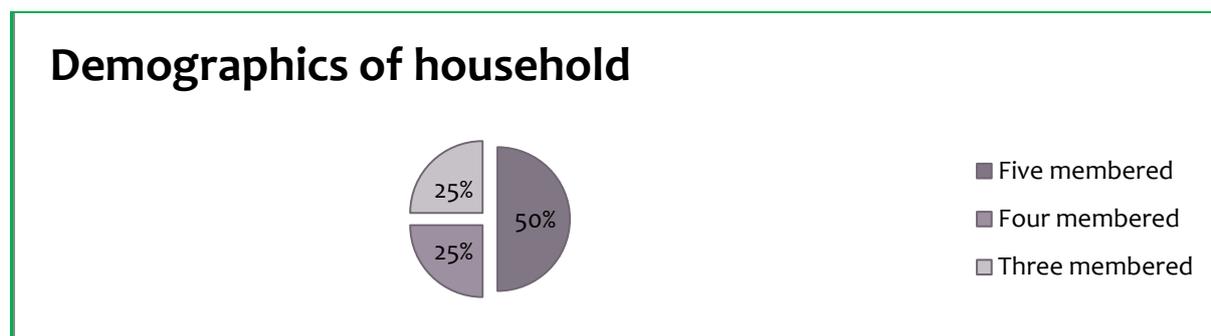


Figure 12: Demographic features of affected households

### 5.6.3 Gender and age structure of Respondents

None of the respondents were women. But almost all wives of respondent were present during the survey. The formal title of ownership is still dominantly placed into what appears to be a total universe of male owners. Nevertheless the survey demonstrated there are a slightly higher number of females in households 53% as compared to 47% of male members. The largest cohort represents the so called group of active employment status. Further there is an equal distribution of 18% of cohorts aged 0-14 and 15-18.

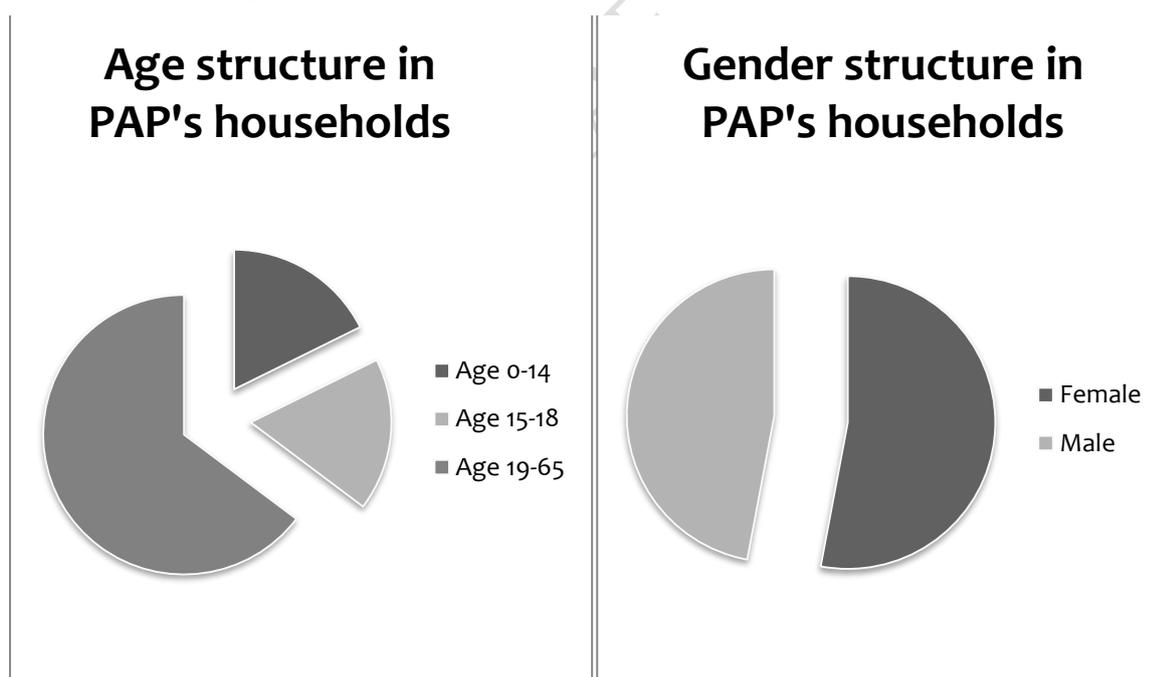


Figure 13: Age and gender characteristics of households

### 5.6.4 Education

The analysis of the respondent's answers identified a fairly poor education background. Despite the poor formal levels of education all of the respondents are literate. It should be noted that all of the respondent are bilingual speaking Serbian and Roma language. The proxy for measuring was the ability to read and write both.

## Education structure in PAP's households

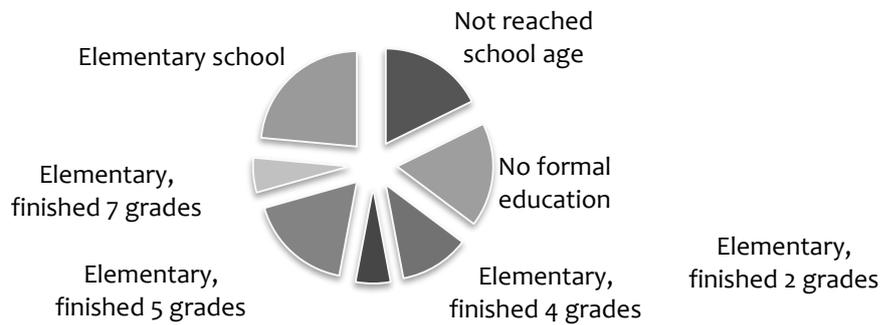


Figure 14: Education structure

### 5.6.5 Health care

There are four different types of health facilities, namely clinics, hospitals, ambulances and pharmacies accessible to the PAPs. Given the settlement is in a highly urban area no impediments in accessing the health care services were identified. The entire respondent universe and their household members are covered by health insurance.

There were no patterns i.e. any repetition and spread of the same disease within household. The most common health problems are high blood pressure, asthma and cardiovascular diseases. These are the most common reasons for visiting the health care facilities. Other reasons for seeking medical attention included accidents, dental cases, ear nose and throat infection, and eye problems, pre and post natal care. These disease patterns are in line with the national and district figures as recorded in the year preceding this baseline study

### 5.6.6 Sources of Livelihood for the affected person and monthly income

Most of the income comes from informal economy. All 5 households are engaged recyclable waste collection mostly paper, plastic and tin cans. Twice a week the collected material is being weighted, counted and paid by the local community recycling centre. 4 households receive unemployment support from the unemployment bureau. Three households or 60% reported monthly income between 10.000,00 and 40.000,00 RSD (81,3 and 325,20 EUR , 90\$ and 362,64 \$) The minimum wage in Serbia in July 2016 was 20,328 RSD (165,2 EUR or 184 \$ equivalent) a month per equivalent adult and only one household had incomes below this threshold. When asked to self-assess their economic situation and financial status all of them self-perceived their status as acceptable but hard.

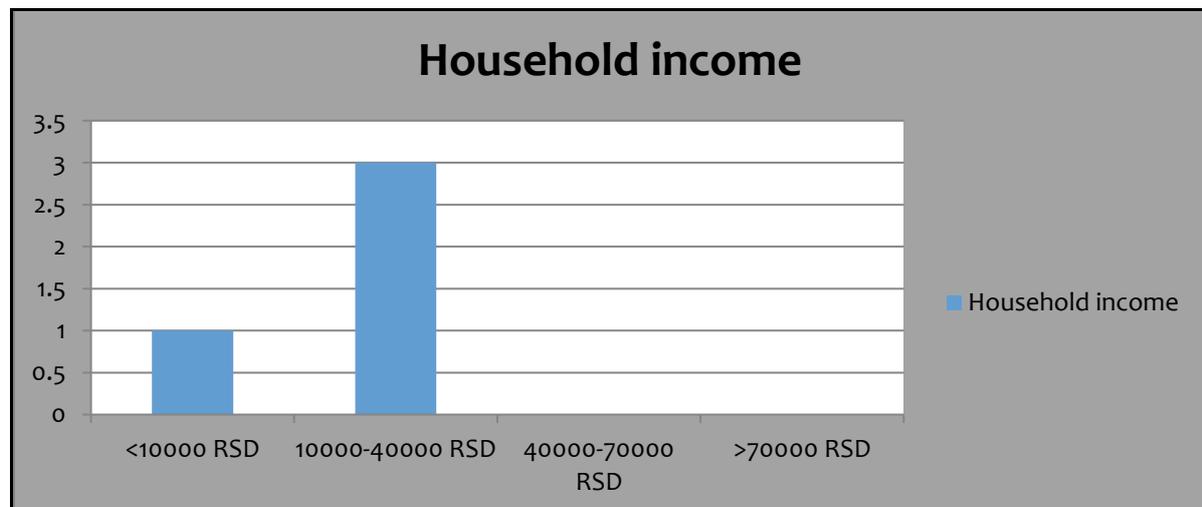


Figure 15: Household income

### 5.6.7 Employment status

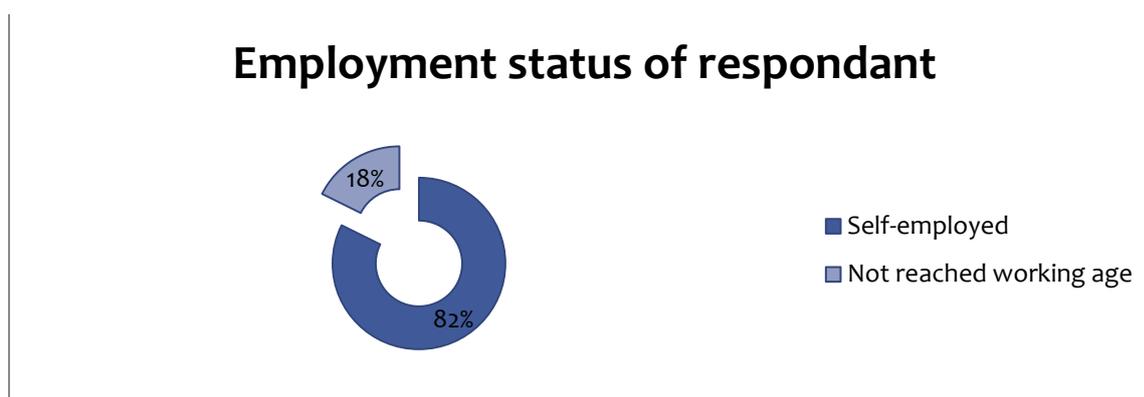


Figure 16: Employment status of household members

### 5.6.8 Place of Residence

All the respondents live in Nis.

### 5.6.9 Vulnerability

The Study did not identify groups especially vulnerable to impoverishment or marginalization as a result of loss of assets. Although the generic indicators on vulnerability indicate that all the households live below the relative poverty line,<sup>6</sup> the impact and specific types of changes imposed by the Project will not worsen their vulnerability. The mitigation measure is commensurate to the losses and is expected to improve the conditions of the affected structures (i.e. adding protection, reinforced walls etc. and concrete floor). Furthermore, additional activities, such as fencing and establishment of a locked gate, will protect PAP'S structures and their content from intruders. The aforementioned improvements will also have a positive impact in terms of increased value of PAP'S Assets. The impacts of the sub-project are small and will not adversely affect livelihoods. Thus, they do not pose further impoverishment or marginalization threats on the persons identified as vulnerable.

### 5.7 Focus group discussions with women

Although not being users of shacks women are affected by them indirectly through the economic activities they support. They benefit indirectly by the income generated through collection of material stored in the impacted shacks. Therefore separate interviews in a focus group complemented the original findings of the SIA.

The overall identification of PAPs indicated that in a patriarchal environment, the formal survey was unlikely to capture the real role of women. Additional effort was made to target women household members of the affected households through an ad hoc focus group meeting to solicit their view on the sub-project impact and proposed mitigation measures. Women became very interested to participate in the discussions on the impacts and relocation assistance to be extended.

The focus group covered the following topics: how the Project was communicated to them? How will the impact affect their living standards? How will the construction works influence their daily routine? Were they involved in the decision of relocation of the assets? How and whether they have been conferring within their household about the offer that was extended by the PIU? Are

<sup>6</sup> The official poverty line is 14.920,00 RSD (121,30 EUR or 135,8 \$ equivalent for single headed household), 26.856,00RSD ( 218,34 EUR or 243,48 \$ equivalent for two adults and one child up to 14 years of age) and 31.332,20 RSD ( 254,73 EUR or 284,60 \$ equivalent for two adults and two children aged up to 14).

they satisfied with the measures offered? Would they have decided on differently if the decision was theirs?



Figure 17: Pictures from focus group discussions conducted on April 20, 2016

The focus group discussion showed the women were in general consulted about the relocation alternatives. They showed no concern of breakdown of network of activities. Social network were not affected and only briefly discussed since the impact associated can cause neither social network interruption nor breakdowns. What most of the women identified as a problem was the lack of public lighting on the access road connecting their homes to the main road. This makes commuting after nightfall not comfortable since they fear for their safety. This concern has been communicated to the City of Niš and it is to be expected that adequate measures will be implemented by May 2017 to equip the access road with adequate light posts (not as part of FERP). This will be advocated strongly by the PIU since it contributes the wellbeing in the narrow sense of the word of the Roma community,

Key finding of the focus group are complementing the findings of the individual interviews with, what appeared a universe of man owners. Although there is a traditional distribution of empowerment within this community, the focus group discussion revealed a rather significant participation of women in the decision making processes.

#### 5.10 Public infrastructure that will be affected

During implementation of the Project no public infrastructure will be affected.

#### 5.11 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 impacting those living at the very banks of the river. The damage they suffer and the constant fear during the heavy rains and snow melts has boosted the support of the community of the sub-project. All respondents look forward to successful completion of the project.

## 6. COMPENSATION

### 6.1 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:

- Compensation (i.e., relocation/rehabilitation) of Project-Affected Peoples assets will be carried out in compliance with Serbian legislation and World Bank's Policies and Procedures on involuntary resettlement OP 4.12 were 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

## 6.2 Cut-Off Date

The date of beginning of the Census serves as 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.

A Moratorium notice informing the general public of the declaration of cut-off date was disclosed and pinned to the stables to be relocated on April 20, 2016. In addition every household received a copy of the notice. The meaning of the cut-off date was discussed during the census and socio economic survey conducted on the same day as well at the latest meeting held on August 18, 2016.

## 6.3 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 provide for their relation to the community losing access to such common facilities

This sub-project affects following categories of PAPs:

- Project affected persons without formal title of ownership over land or use but who have established usage of public and private land by investing in immovable objects;

The entitlements for different categories of impact and PAPs shall be as per the Entitlement Matrix<sup>7</sup> as adopted in the RPF for the FER Project shown for **impact categories relevant for the identified impacts only**.

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<sup>7</sup> 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 FER at <http://www.rdvode.gov.rs/>, accessed on July 25, 2016

**Table 4: Entitlement matrix for impacts identified**

Impact categories	Entitlement
Structures and installations in the land (barns, lumberroom/sheds, fences, etc.) with or without building permits	i. The replacement cost assessed for construction of similar quality of structures, and the value of time invested in construction and applicable taxes, if any or replacement structure of the same or higher value and quality.
Untitled users of public and private land	ii. Compensated for the replacement cost of any investment made on the land.

Although all households are considered vulnerable the impact and the mitigation measures are commensurate with the entitlements proposed and therefore no special entitlements or additional assistance proposed as no displacement will take place.

#### 6.4 Valuation procedures

**Valuation for assets** attached to the land, immovable and movable property such as structures residential or auxiliary, crops, trees etc. shall be done by accredited experts, as per Law on Expropriation. The experts shall submit their findings and assessments to both the PIU and the PAPs who then have a right to object to the finding or require remedies of any defaults identified or ask for amendments, whatever is appropriate, within 15 days upon receipt. The experts shall, if needed, visit the subject location again, to verify the claims. It is mandatory to inform the Beneficiary of expropriation and the PAPs on exact date, time and location of valuation, but the actual attendance is their discretionary right these are not obliged to attend but for the purposes of transparency they almost always are. Once agreed, the finding serves as basis for the compensation (i.e., relocation & rehabilitation) agreement.

#### 6.5 Relocation/rehabilitation of shacks structures constructed partly on public land and partly on private land

As already explained, the auxiliary structures are constructed partly on public partly on private land of “Monicom LLC” a factory adjacent to the impact site. The private land is of the same owner who has given the tenure rights to all of the households affected for their houses as well as the stables.

Therefore, negotiations on appropriate mitigation measures were held by participation of the owner of private land, The PIU and the PWC from Nis. During these negotiations, PAPs expressed a preference for relocation/rehabilitation of affected structures. No monetary offer was made to the PAPs as this would cause a disruption to the PAPs economic activities. Compensation in the form of relocation and rehabilitation of the shacks has been agreed between the parties.

The PIU has engaged an accredited expert in agreement with the PAPs to assess the value of the affected structures. The objective of the assessment was to evaluate the replacement cost of the 7 structures affected. The evaluation was guided by the formula for auxiliary structures applied equals:

$$C = M + Q + T + L + Cf + U + Tx$$

C- Compensation at replacement Cost

M-Market cost of material

Q-Quantity of material needed

T- Transport of material to construction site

L- Cost of labour (L = Daily wage x Work hours)

U- Cost of utility connections

The relocation and re-erection of shack will be executed by “Monicom LLC” who will engage own machinery and workforce. Thus, the value of improved structures in the table below does not include the costs of labour and transportation, which will be borne by the property owner. The Project implementer, the DWM of MoAE, is responsible for financing the structures (including building material and utilities). If the structures are not relocated and re-erected within 3 months after disclosure of final ARAP the implementer will bear the additional costs of labour and transportation for relocating and rebuilding the structures, in addition to costs for material and utility connections. A contingency of 150.060,00 RSD (1220 EUR or 1360 \$ equivalent) is added to the budget for labour and transportation. The contingency budget has been arrived at by multiplying daily wages for labour with an 8 hour working day and a daily transport fee for engagement of adequate machinery for transport

The methodology applied meets the replacement cost standards as per formula above and is presented in the assessment. The valuation was conducted on site on August 5, 2016 in the presence of the Representative of the PIU, PAPs, and property owner and signed off by all parties. A sample assessment is presented in Annex 11.

5 of the auxiliary structures can be relocated without affecting their quality and stability and as described before, although they will not get entire new material but will have a better foundation (concrete floor, reinforced walls etc.) and deteriorated parts of the shack will be replaced. Two of them, belonging to one owner already in much deteriorated conditions will be rebuild following the quality of other structures

The table below presents the comparison overview of the value and the current conditions of structures and structures after relocation has been completed. The evidence shows the relocated structures have increased value due to improvements of materials and spare parts which have been replaced.

ID number of PAPs	Number of units impacted	Value of auxiliary structures to be relocated (RSD)	EUR and \$ Equivalent	Value of improved relocated/or replaced structures* (as appropriate)	
				RSD	EUR \$
1	3	96.300,00	608,13 EUR 678,15 \$	107.000,00	869,00 970,00
2	1	74.800,00	782,92EUR 873,073 \$	90.000,00	731,00 888,00
3	1	25.920,00	262,03EUR 292,83 \$	48.000,00	480,00 435,17
4	1	32.300,00	487,80EUR 543,97 \$	37.000,00	300,81 335,44
5	1	60.000,00	210,73 EUR 234,99\$	68.000,00	552,84 616,50
<b>TOTAL</b>		289.320,00	2352 EUR	350.000,00	2933,55

		2623,13 \$		3235,11
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\*Replacement only includes costs borne by the Client and not costs for labour and transportation, which will be provided in-kind by the property owner.

## 7. GRIEVANCE MANAGEMENT & REDRESS

### 7.1 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 slightly different but much more to fit the purpose and mirroring the local needs, customs, habits and expectations of the community.

The Grievance Committee was established on May 15, 2016 and is fully in function. The establishment decision is presented in Annex 10– Grievance Commission.

There are several complementary grievance channels in place (e.g. The Engineer (Supervisor of works) daily already on Site and the Public Water Management Company “Srbijavode” Belgrade, VPC Nis, but an official and formal Grievance Committee was established as a forum for grievances and comments in relation to relocation of structures, temporary impact to any kind of property, damages in relation to execution of the works, and complaints in general related to civil works. 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 is and representative of the PWMC, from Nis, one member is a representative of the PIU/DfW. The GC has an administrator who will administer the process, keep minutes of meetings and logs. 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 impacts to assets,
- Residents living in the Project area who are interested in and/or affected by the Project

The PIU/DfW in cooperation with the City of Nis ensured that all PAPs were informed of the grievance mechanism by communicating the existence of the GC, its function, the contact persons and the procedures to submit a complaint in the affected areas.

In order to do so information on the GC was made available at:

- the notice board and website of City of Nis ([www.Nis.org](http://www.Nis.org)),
- on the Construction Site in the Camp of the Engineers.

In addition, the PIU/DfW has distributed a brochure and grievance registration sheets on site containing information on the role of the GC and the contact information for filing grievances/comments. The Brochure is presented in **Error! Reference source not found.** and the registration form in Annex 6 – Grievance registration Form.

To allow easy access to the GC a printout of the grievance recording form will be available at the City of Nis, at the construction site offices and for download on the website of the City of Nis and

of MAEP. The grievance recording form template is presented in **Error! Reference source not found.**

## 7.2 Grievance Procedure

The grievance procedure is designed to be effective, easy, understandable and without costs to the complainant. The Grievance Commission, will visit the site once in every two weeks to collect the grievances. This is designed to make the mechanism as accessible as possible to the Roma families but will benefit to the accessibility of the communities along the 1,6 km project area. In addition 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:

PWMC NIS  
Grievance Commission  
2 Kralja Aleksandra Ujedinitelja Square  
18000 Nis  
Telephone: 018/ 4258-185,

FERP PROJECT  
Dr. Ivana Ribara 149/11  
11000 Belgrade  
Tel: 011 6163 600

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.

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.

The Grievance Commission has been established on May 15, 2016 and has visited the site. During the site visit Brochures on the Grievance Commission have been distributed to the PAPs as well as Grievance registration forms.

## **8. CONSULTATION AND PARTICIPATION**

The Project Implementation Unit (PIU) is responsible for communicating necessary project and process information, as discussed in the ARAP, to affected communities, Project Affected People (PAPs) and representatives of Local Community Offices.

The PIU, will carry out public consultations on the ARAP and information dissemination that will reflect main issues of relevance to the Project. Immediately before the commencement of civil works, 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,
- disclosure on the PIU website [www. mpzss.gov.rs/](http://www.mpzss.gov.rs/) , and
- disclosure on the PWC Nis website [www..srbijavode.rs](http://www.srbijavode.rs) .
- hard copies at the PWC Nis at the address Trg Kralja Aleksandra ujedinitelja 2, Niš

This ARAP will be disclosed in Serbian and English on the above mentioned websites, as well as made available as printed copies to be handed out to all PAPs.

### **8.1 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/](http://www.rdvode.gov.rs/) on November 8, 2016 and at the website of the PWC Niš on November 9, 2016. The city of Niš was not a participant to the process of preparation of the draft ARAP and the PIU was advised that the website can serve only as noticeboards for processes where the City of Niš is directly participating. Since there was no expropriation, the Municipality was not involved in the preparation of the mitigation measures described in the ARAP.

On November 7, 2016 and individual invitation were personally delivered to all the directly affected persons, to the Authorized representative of "Monicom" LLC and the PWC Niš. They all confirmed their attendance. A set of extra ARAPs and invitation were left for the household members not present on November 7.

Provided that the social impacts and their mitigation measure only concern the immediately affected Roma community, hard copies of the draft ARAP, an excerpt of the document was given to all affected persons in this community personally at the time of invitation to consultation. The outline and objective of the document was presented out loud by the social safeguards specialist to ensure understanding of the document content and purpose of consultation. Pictures from serving the draft ARAP and the Invitation to public consultation are presented in Annex 13. At the same occasion Grievance Brochures and Grievance registration forms were given again. Annex 14 shows signed and confirmed receipt of the ARAP, invitation to public consultation and Brochure on grievance procedures and grievance registration form.

During the 7 days aimed for insight into the ARAP document, no questions were received in writing (e-mail or letter) nor by phone regarding the proposed topic for consultation.

The public consultation was held on November 15, 2016 at one of the PAPs home. This was agreed the week before since this was of most convenience to all the PAPs.

The participants were provided with breakfast. The presentation was delivered by the PIUs external Social Safeguard consultant. The content of the draft ARAP was discussed by following the printed copies and the electronic version available on the lap top.

The public consultation was attended by 8 participants present (6 PAPs, 4 women and 2 men, and 1 FER Project team member).<sup>8</sup>The representative of "Monicom" LLC, the owner of the replacement land for the new shacks, although confirming the presence, did not attend the consultation. 50% of the attendees were women.

A set of so called "first aid grievance kit" was distributed to all participants containing:

- Printout of the grievance registration forms,
- Guide on the Grievance Commission,
- Copy of the act by which the Grievance Commission was established,
- An envelope with stamps.

Details of the ARAP were presented with emphasis on the impacts identified and the proposed mitigation/relocation measures agreed.

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

The PAPs showed full understanding of the document. It has been confirmed that the data presented were true and correct. PAPs informed the social safeguard consultant that the document was read and commented in community sessions.

In summary, following were the questions asked.

Question 1:

Can the relocation of shacks be completed within the next 10 days? The relocation has been requested to take place as soon as possible.

Answer: It has been explained that once the final document has been cleared by the World Bank and disclosed the shacks will be relocated.

Question 2: Can the Project assist in erecting a public light in front of the houses?

Answer: It has been explained that the PIU will contact the relevant authorities to try and facilitate such a request to be met.

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<sup>8</sup> The PWC Team could not attend since they have been called to several locations for emergency response due to risk from flooding

Question 3:

Can the Project assist in providing a public water fountain in front of the Roma community ?

Answer: It has been explained that consultations will be made with the Utility Company for water supply and “Monicom” LLC to explore the technical possibility of constructing the water supply network. However, expectations were not raised unfairly and no promises were made which the affected persons understood.

## 9. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION TEAM

### 9.1 Responsibility for Implementation

The Abbreviated Resettlement Action Plan will be implemented by the DWM of MoAE, namely its Project Implementation Unit (PIU) as described in more details further through the document. The PIU will monitor the overall implementation of the subproject, cooperate with Municipality of Nis, the Contractor to be elected for construction works. Other organizations and parties involved in the process of expropriation are the Ministry of Finance, Tax Administration.

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 1 public meeting	PIU
Keeping records of consultation activities	PIU
Direct communication with and visits to owners and occupants	PIU/DFWM
Valuation of impacted structures	PIU through accredited experts
Relocation assistance and relocation of impacted structures	PIU
Monitoring and reporting with respect to relocation	PIU/DfWM
Monitoring and reporting with respect to temporary land occupation carried out after construction commencement	PIU/Contractor
Grievance management	PIU/DfWM/GC
Completion Audit	PIU

### 9.2 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 the Sub-Component 3 of the FER

Project to the DWM. The DWM already has an established PIU which recently completed a World Bank financed Irrigation and Drainage Rehabilitation Project. During preparation of investments and implementation of works, the PIU will work in close coordination with the relevant PWMCs, as well as with the City of Niš.

The staff assigned for implementation of this ARAP and the Niš 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:

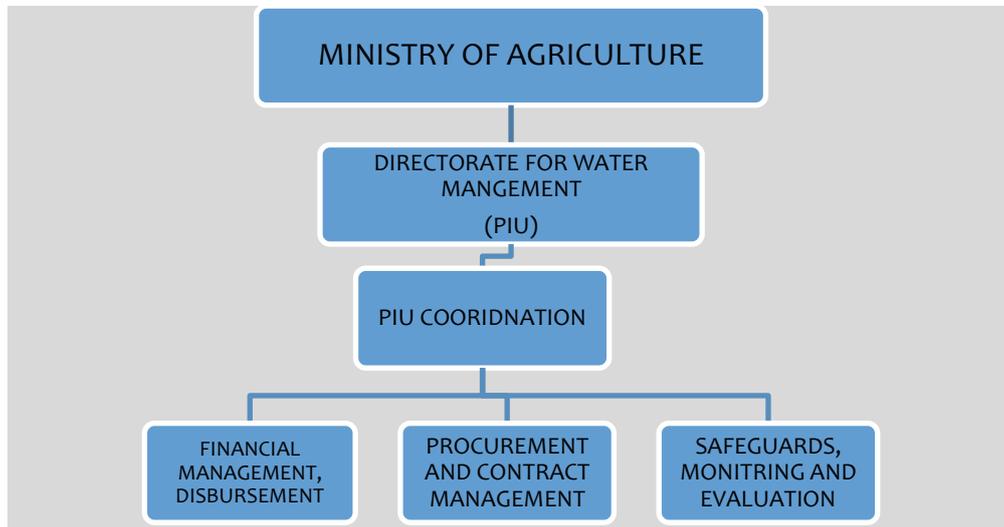


Figure 18: Organization of PIU

## 10. IMPLEMENTATION SCHEDULE

**Table 6: Tentative Implementation Schedule for ARAP Niš**

N°	Activity	Responsibility	2016			2017
			Octobe	November	Decemb	May
1.	Disclosure of draft RAP	PIU	25			
2.	Public consultative meeting	PIU/		18		
3.	Disclosure of final RAP	PIU/Municipality of Nis		30		
4.	Relocation of structures	PIU			15	
5.	Follow up Audit	PIU				1-30

### 10.1 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.

In addition the construction work supervision consultant will have a duty and obligation to monitor implementation of social requirements during the construction phase. 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 records 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 phases 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 **Error! Reference source not found..**

The PIU will maintain a PAP database on 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.

The PIU shall keep a monthly updated status on all baseline information.

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

- Overall spending on 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 and percentage of individual compensation/rehabilitation 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 in the form of excel spreadsheets and send semi-annual updates to the World Bank.

## 10.2 Completion Report

The PIU will monitor the implementation of the relocation/rehabilitation 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.

## 11. COSTS AND BUDGET

The Relocation/rehabilitation cost as per National requirements are the obligation of the PIU. The cost assessment is presented in table below.

**Table 7: Assessment of cost**

Component	Number of structures	Type of cost	Budget lines	Contingency (RSD) (EUR) (\$) A	Costs estimation (RSD) B	Costs (EUR)	Costs (\$)
Relocation of 5 + construction of 2 structures	7	Engagement of adequate machinery, improvement to foundation, replacement of damaged parts, relocation of 5 structures and constructio of 2 new stuctures with saved and new material	Material Preparation of relocation on site Labor Engage ment of machin ery	150.060,00 1220,00 1360,00	350.000,00	2933,55	3235,11
<b>Total cost without contingency (B):</b>					<b>350.000,00</b>	<b>2.2933,55</b>	<b>3235,11</b>
<b>Total Cost with Contingency (A+B):</b>					<b>500.060,00</b>	<b>4153,00,00</b>	<b>4595,11</b>

Annexes

DRAFT



## Annex 1 – Public invitation for Public Consultation on draft ARAP

In accordance with the WB Operational Policy (OP 4.12)

The Ministry of Ministry of Agriculture and Environmental  
Protection  
Directorate for Water Management. issues an invitation for

### **PUBLIC CONSULTATIONS**

On the  
**ABBREVIATED RESETTLEMENT ACTION PLAN FOR (ARAP)**  
**For Nis Flood Protection sub-project**

**Under the Serbia Floods Emergency and Recovery Project (FERP)**

**To be held on August X, 2016 at XX:XX PM (Local time ) at the XXXXX**

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 and Environmental Protection 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 PWC Nis, during working hours,  
and available for download at
- on the web site of the Ministry of Agriculture and Environmental Protection Directorate for Water Management : [www.rdvode.gov.rs](http://www.rdvode.gov.rs)
- On the website of the PWC Nis [www.XXXX](http://www.XXXX)

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:

Ministry of Agriculture and environmental  
protection  
Water Directorate  
PIU

Dr. Ivana Ribara 149/11 Street  
11070 Belgrade, Serbia  
tel./fax. +381 11 / 6163 600  
E-mail: [fer.project@yahoo.com](mailto:fer.project@yahoo.com)

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

**NOTE: This is 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: .2016

Municipality: Nis

Location:

Address:

Cadastral plot reference:

Whole plot affected: YES / NO

If no, specify the size of the non-affected part: m<sup>2</sup>

-----

#### 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 Forest Pasture Unused
2.			Arable land Forest Pasture Unused
3.			Arable land Forest 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, forests, 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)
				M	F		
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	
More than 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	
Furniture, household equipment and routine maintenance of the house	
Health	
Education	
Leisure and recreation	

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

*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 – Summary of PAP Socio-economic Survey Data

					1.	2.	6
ID NUMBER OF PAPS	Cadaster municipality	Gender of surveyed person	Age	Occupation	Number of household members	Total number of structure impacted	Assesed value of structure
1	Niš	m	58	Retired	5	3	96.300
2	Niš	m	42	worker	5	1	74.800
3	Niš	m	45	worker	5	1	25.920
4	Niš	m	45	worker	4	1	32.300
5	Niš	m	69	retired	6	1	60.000
TOTAL						7	289.320

## Do you want to file a Grievance?

In order to solve problems arising from construction works and relocation assistance we established a Grievance Commission.

This brochure is designed to guide you through its basic principles and roles.

*What is the Grievance Commission? Where and how to your grievance. How do I know my rights have been denied?*

### WATER DIRECTORATE

Gandijeva 189/2 street, Belgrade  
E-mail: fer.project@yahoo.com  
Phone number 011 / 217 4153

## Water Directorate

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F E R P

## Short guide on the Grievance Commission

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## **What is the Grievance Commission?**

### **Is the Grievance Commission an independent body?**

Yes. The Grievance Commission is an independent body consisting of 3 members who decide on potential objections and claims made by individuals impacted by the project.

### **Who are GC members ?**

GC has 3 members, 1 PAPs representative, 1 PIU representative and 1 representative of PWC Nis.

### **How to contact the GC?**

1) File your grievance with the PWC Nis and you will be assisted to fill in the registration form

2) Electronically by e-mail **fer.project@yahoo.com**

3) By phone **011/ 217-4153**

### **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

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 defense against floods as a positive impact to your community. During the implementation as much caution is put into by all grievance and concerns may rise. In order to effectively address those concerns and uphold the trust build the GC has been established to act in your best interest.

Contact: DfWM, PIU  
Gandijeva 189/2 Street, Belgrade,  
Telephone  
011/217-4153

Annex 6 – Grievance registration Form

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT (FERP)	
<b>Component 3- Nis sub-project</b>	
Reference number:	
Full name:	
Contact information:	
Please mark how you wish to be contacted (mail, telephone, e-mail).	
<input type="checkbox"/> By post: Please provide mailing address:	
_____	
-	
_____	
-	
<input type="checkbox"/> By telephone: _____	
<input type="checkbox"/> By e-mail: _____	
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?	
. .2016 Date and Place	Signature

## Annex 7 – Individual invitation to consultation on draft ARAP

In accordance with the WB Operational Policy (OP 4.12)

The Ministry of Ministry of Agriculture and Environmental  
Protection

Directorate for Water Management

Invites

Mr. XXXXX from Nis

to

**PUBLIC CONSULTATIONS**

on

**ABBREVIATED RESETTLEMENT ACTION PLAN FOR (ARAP)**

**For Nis Flood Protection sub-project**

**Under the Serbia Floods Emergency and Recovery Project (FERP)**

**To be held on August X, 2016 at XX:XX PM (Local time ) at the XXX**

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 and Environmental Protection 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.
- on the web site of the Ministry of Agriculture and Environmental Protection Directorate for Water Management : [www.rdvode.gov.rs](http://www.rdvode.gov.rs)

The document will be printed and handed to all PAPs .

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:

Ministry of Agriculture and environmental protection

Water Directorate

2 Bulevar Umetnosti Street

11070 Belgrade, Serbia

tel./fax. +381 11 / 6163 600

E-mail: [fer.project@yahoo.com](mailto:fer.project@yahoo.com)

## Annex 8 – Template of Signed Agreements with owners

### ЗАПИСНИК о давању сагласности

Сачињен дана 10.07.2015. године, од стране Управе за имовину и инспекцијске послове Града Ниша, ради упознавања са плановима регулације реке Нишаве (пројектом заштите корита и приобаља реке Нишаве од поплава) и изградњом сервисне саобраћајнице на потесу од комплекса бивше КТК “Бука Динић” до Медошевачког моста у Нишу (у складу са Споразумом о заједничком извршењу хитних радова за заштиту насеља и индустријске зоне у Нишу од поплава закљученог између Града Ниша и ЈВП „Србијаводе“) и добијања сагласности за несметано извођење радова, у складу са планским документима.

#### ПРИСУТНИ СУ:

Службено лице испред Управе  
За имовину и инспекцијске послове,  
Весна Дамњановић, дипл.правник

Геометар,  
Ненад Петровић

Странка,

JASAR KEMAL

за ЈП „Дирекција за изградњу  
Града Ниша,  
1.Зоран Милић, дипл.инг.грађ.

и 2.Милан Николић, дипл.правник

Започето у 12<sup>00</sup> часова.

Службено лице констатује да су присутна позвана лица.

Пошто је службено лице упознато присутне са предметом данашњег записника, односно да је у циљу регулације корита и приобаља реке Нишаве и изградње сервисне саобраћајнице неопходно уклонити објекат - шупу и изместити је на одговарајућу локацију како би се несметано обављали радови и пошто су све странке након обављеног увиђаја на лицу места ближе упознате са чињеничним стањем, објектом који треба уклонити, то странка даје

#### САГЛАСНОСТ

Ја- KEMAL JASAR, ЈМБГ: 2010958730031, лп. 641489, СМД Ниш

изјављујем да сам упознат/а са увиђајним налазом, да немам примедби, да се слажем и **ДАЈЕМ САГЛАСНОСТ** да се уклони бесправно изграђени објекат, односно шупа на предметној парцели која је у власништву ЈВП „Србијаводе“, а због којег се не могу несметано изводити радови, а такође истичем да немам никаквих примедби нити ћу ометати радове у циљу регулације корита и приобаља реке Нишаве у Нишу и изградње сервисне саобраћајнице.

Записник је гласно диктиран и на исти нема примедби, па се потписује,  
Завршено у 12<sup>05</sup> часова.

Службено лице испред Управе за имовину  
и инспекцијске послове,  
Весна Дамњановић, дипл.правник  
Геометар,  
Ненад Петровић

за ЈП „Дирекција за изградњу  
Града Ниша,  
1.Зоран Милић, дипл.инг.грађ.

и 2.Милан Николић, дипл.правник

Странка,

JASAR KEMAL

## Annex 9 - Unofficial translations of signed agreements

### MINUTES OF MEETING

#### And agreement

Made on the day of July 10,2016 by the Department of property and inspection relation of the City of Nis, for the purpose of informing about the plans of the river regulation (FERP ) and construction of access roads on the location from KTK Djuka Dini'up to the Medosevac Bridge in Nis( in line with the Agreement on mutual execution of emergency works for protection of the settlements and industrial area of Nis from floods, signed between the City of Nis and PWC Srbijavode) and obtaining consent for unhindered access to site and execution of works

PRESENT ARE:

City officer

Vesna Damjanovic, lawyer

Surveyer

Nenad Petrovic

Kemal Jasar

For the Contruction Directrate of Nis

Yoran Milić and Milan Nikolic

Commenced at 12 o clock.

The City officer states all invited persons are present.

After informing all present arties about the purpose of todays meeting, that the todays discussion is about the FER Project and that is neccesery to relocate the structure/stable to a mutually agreed location to execute the works safely, and after the joint site visit,during which the assets have been surveyed and the structure to be relocated indentified, the PAPs hereby

#### A G R E E S

I Kemal Jasar, personal id XXXXX,declare my consent with the assessment and identification of asset and give consent that my structure without formal title, constructed on the parcel owned by PWC Srbijavode, be removed and relocated. I have no objection for the works to be executed.

The Minutes have been read out loud and the parties sign the mInutes in agreement and with free consent.

Finished in 12,05

Signatures of all parties

-----End of translation -----



Република Србија  
МИНИСТАРСТВО ПОЉОПРИВРЕДЕ  
И ЗАШТИТЕ ЖИВОТНЕ СРЕДИНЕ  
Републичка дирекција за воде  
401-00-3994/2015-07  
15. мај 2016. године  
Београд

На основу одредаба Оквирног Плана Расељавања за Пројекат хитне санације од поплава, који је објављен дана 10.03.2015. године и сагласно захтевима Оперативних Политика Светске Банке ОП 4.12, чија је примена обавезујућа у складу са Законом о ратификацији споразума о Зајму хитне санације последице поплава („Службени Гласник“ РС- Међународни уговори бр. XX/2014) Директор Јединице за управљање Пројектом дана 15.05.2016. године доноси

**РЕШЕЊЕ**  
**О ОБРАЗОВАЊУ КОМИСИЈЕ ЗА ЖАЛБЕ ЗА ПОД ПРОЈЕКАТ ЗАШТИТЕ ГРАДА**  
**НИША ОД ПОПЛАВА**

- I **ОБРАЗУЈЕ СЕ** Комисија за жалбе за под-пројекат заштите Града Ниша од поплава са седиштем у Нишу.
- II Комисија је надлежна да прима и одлучује по жалбама грађана који су погођени пројектом заштите од поплава чији повод за жалбу је у директној вези или директна последица извођења грађевинских радова.
- III За чланове Комисије именују се:
- Зоран Динић, представник ЈВП Србијаводе, ВПЦ „Морава“, Ниш,
  - Ненад Бркић, представник Јединице за имплементацију Пројекта отклањања последица од поплава,
  - Раде Амзић, представник особа директно погођених пројектом заштите Ниша од поплава.
- IV За Секретара Комисије именује се Ана Петровић. Секретар ће водити евиденцију Књигу жалби, водити записнике са састанака и старати се о административном извршењу и достави донетих одлука.
- V Комисија за свој рад неће примати накнаду.
- VI Комисија је дужна да конститутиву седницу одржи најкасније у року од 15 дана од дана доставе овог Решења свим члановима Комисије.

### Образложење

Република Србије закључила је дана 9. октобра 2014. Споразум о зајму (пројекат Хитне санације од поплава) са Међународном Банком за Обнову и Развој којим је Републици Србији стављен на располагање износ зајма од 227,5 милиона евра (У даљем тексту: Зајам).

Обавеза Зајмопримца је да имплементацију пројекта и свих његових компоненти спроводи поштујући Оперативне Политике Светске Банке ОП 4.12 о невољном расељавању као и других заштитних мера.

У складу са Зајмом Министарство пољопривреде и заштите животне средине, Републичка дирекција за воде донела је Оквирни План Расељавања (објављен 10.03.2015.) године којим је створена обавеза установљења и формирање Комисије за жалбе.

Имајући у виду напред изнето донета је одлука као у диспозитиву овог решења.

**В. Д. ДИРЕКТОРА**

  
Наташа Милић



Доставити:  
- Именованим лицима;  
- Архиви

## Annex 11 – Template of structure assessment, unofficial translation

### VALUER'S STATEMENT

„NIŠINVEST“ LLC from Niš, Company registration number 171210963, hereby declares under criminal and material liability, that it is neither connected with the debtor, i.e. proprietor of the possession, in the manner prescribed by the Law on Banks, nor included in any financial placement approval process or sale of the property, the subject of this valuation.

#### Sources of information

All information associated with the valuation subject, current land status, including all details related to the legal issues is received from the client, its advisors and/or consultants. Additional information is gathered from various number of sources deemed to be reliable. In the cases when verification was not possible, it was assumed that the information received was correct.

#### Legal title of the valuation subject

The legal title of the valuation subject, presumed to be legal and actual, was not investigated. Any legal aspects of documentation used in the course of valuation were not investigated. No components of this report should be interpreted as a legal opinion in relation to the legal title status.

#### Encumbrances, legal decisions, other issues

This report is prepared under the assumption that all the documentation provided by the client is in accordance with the legal regulations, and there are no instigated or unsolved claims in terms of restitution, and presuming that property deeds are free of any legal issues. All documentation available was received in a form of uncertified copies from the valuation ordering party, whereas its validity was not verified with the appropriate issuing authorities. This report is prepared under the presumption that all the documentation submitted to the valuer is identical to the original documents, legally viable and valid and that there are no instigated or unsolved claims in terms of restitution, including the fact that property deeds are free of any legal issues.

VALUER

---

Nebojša Kesić, B.Sc. C.E.  
Decision no.: 740-05-02581/2010-03 of July 6, 2011  
Republic of Serbia – Ministry of Justice

Niš, august 2016

“NIŠINVEST”, LLC  
EXPERT ASSESSMENT AND CONSTRUCTION INVESTMENT COMPANY FROM NIŠ

## 2. VALUATION SUBJECT

### 2.1. INTRODUCTION

In accordance with the request of the Employer, **Ministry of Agriculture and Environmental Protection, Water Directorate, 2 A Bulevar Umetnosti St., 11070 Belgrade**, the valuation of the illegally built structure on the Cadastral Plot No. 2885, the property of the Republic of Serbia and used by the Public Water Management Company “Srbijavode”, was performed.

Based on the decision of Expert Assessment and Construction Investment Company “NIŠINVEST” from Niš, an authorized person has performed the assessment for the purpose of valuation of the said structure and accordingly submitted the report on August 6, 2016.

The purpose of the valuation was determining the value of the immovable property, illegally built on the Cadastral Plot 1/2 in order to remove the said structure and arrange for unobstructed performance of construction works: Flood Protection of the City of Nis – Regulation of the Nisava River Embankment through the City of Nis, through the settlements, in the length of 1.6 km facilitating capacity for high water upstream from 303 m and downstream in the length of 900m.

This report for was preceded by gathering of the appropriate documentation, filed visit and surveying of the structure in the field.

The fee covering the valuer field activities was covered by the Investor's representative, Mr Đurađ.

## 4. VALUATION METHODOLOGY IN GENERAL

The valuation methodology commonly used for civil structures is a process where the data used for capital value assessment, are gathered, classified, analyzed and subsequently presented in appropriate format. There are three generally known principles used for determining value of civil structures: (1) investment costs approach, (2) comparability approach and (2) income approach. Type and age of the structure on one hand, scope quality of data on the other, influence the applicability of the individual approach in each situation. The basic principle for all three approaches is the principle of substitution, which implies that the buyer has three alternative choices:

- to purchase unoccupied land and build the similar real property (investment/replacement cost principle),
- to obtain the similar property that will yield the comparable benefits (principle of market sales comparability)
- to purchase the property that will secure equal income of comparable quality, amount and durability (income approach).

### A. Investment Cost approach or replacement value

The result of applied cost principle is acquired by adding of the determined value of the land, construction land development fee and construction cost of the new structure (construction value), according to the building age and its technical structural condition, including auxiliary structures and technical benefits.

The assumption is that a buyer will not pay more for a property, than the total investment cost of such a property at the same location. This method is suitable in the situation where there is no available information on performed similar property transactions, or when it is difficult to anticipate the potential income from the said property.

The market principle of invested funds implies introducing other factors that may influence determining of the price such as:

- marketability highly affected by legal limitations; in this case where there is no construction and occupancy permit, the value of the structure is additionally decreased,
- location of the structure, predominantly traffic connections,
- functional equipment level,
- well-equipped infrastructure,
- zoning the areas of the structure & etc.
- value of construction materials,
- costs of construction material transportation to the construction site,
- costs of utility connections, taxes & etc.

**This method will be used to determine value of the said structure.**

#### **4.1. CONSTRUCTION VALUE**

The construction value of the structure comprises the following components:

1. Cost of construction
2. Cost of land
3. Construction land development fee.

Cost of construction

of the structure is determined based on the average price of the contractor's items of works to be defined in accordance with the following parameters:

- average construction constants prescribing the usage of material and work hours,
- labor force costs (average costs of the services within the city area),
- costs of construction material according to the average retail prices within the city area,
- costs of external transportation up to 10 km.

Based on the items of works calculated in this manner, depending on the type of construction, the total prices per unit of residential building - business premises were established, including the construction part of the structure, complete construction – finishing works, electric power installations, plumbing, sewage and mechanical installations.

Value of compensation for construction land development is determined by:

- ☐ Costs of planning documents preparation.
- ☐ Cost of arterial and primary road surfaces construction.
- ☐ Costs of arterial and primary water supply structures construction.
- ☐ Costs of arterial and primary waste water disposal systems construction.
- ☐ Compensation for benefits the land provides to the owner.

**In a view of the fact that the said structure does not have construction approval and is not built on the proprietor's plot, the value of the land and the amount of compensation for construction land development are not the subject of this valuation.**

For the purpose of determining the market value of the existing structure, the acquired construction value for building of the new structure, the corrective factors are introduced.

Primarily, depreciation of assets is introduced, so the value of the structure is depreciated according to the structure obsolescence.

The market principle of invested funds

- marketability highly affected by legal limitations,
- location of the structure, predominantly traffic connections,
- functional equipment level,
- infrastructure equipment level,
- zoning the areas of the structure & etc.

**5. BASIC INFORMATION ON THE STRUCTURE PROPRIETOR, LOCATION AND OWNER OF THE PLOT WHERE THE STRUCTURE IS LOCATED, VALUE OF THE STRUCTURE**

Owner of illegally built structure: **Name: XXXXX, From Nis**, Location of the illegally built structure: cadastral parcel 1/2

The owner of the illegally built structure signed the consent for demolition of the said structure. The consent in question is an integral part of this Record.

**6. VALUE OF THE STRUCTURE**

**Structure description**

Shed of wooden boards consisting of two rooms. Two doors made of wood. A window of wood without glass. Under the free flooring without proper floor construction. Walls without final processing. The ceiling also. The roof is a single pitch, the roof cover asbestos plates, one part without asbestos, only boards that are unevenly distributed, with holes between them. No gutters. The building has no installation of electricity, water, sewage, heating.

The building is in the form of the Cyrillic letter G, the external dimensions of 3.82 \* 4.12 \* 7.50 + 3.72m, total area of 44m<sup>2</sup>.

The total amount of construction work on the facility Type of material	Quantity	Value ( quantity multiplied with unit price) in RSD
Wooden laths for walls with associated support structure and a binder material	30.88 X 2.5 X 0.024m = 1.85m <sup>3</sup>	1.85m <sup>3</sup> X 20.000RSD = 37.000,00
Substructure for asbestos - wooden beams of various sizes	0,5 m <sup>3</sup>	0.5m <sup>3</sup> X 20.000RSD = 10.000,00
Salonite structures	24	24X 750,00= 18.000,00
Wooden boards that are over one part of the roof	10	10X100=1.000,00
Doors wooden	2	2X500,00=1.000,00
A window without glass, untreated,	1	1X200,00=200,00
Other supplies and construction material, nails, glue, cement, with transportation cost		5000,00
Insulation fiberglass		2600,00
<b>TOTAL</b>		<b>74.800,00</b>

**Valuer:**

Nebojša Kesić, B.Sc. C.E.  
Decision no.: 740-05-02581/2010-03 of July 6, 2011  
Republic of Serbia – Ministry of Construction

## Annex 12 – Pictures from Survey



Annex 13 – Pictures taken during individual information on public consultation



## Annex 14 – Signed confirmation of receipt

EVIDENCE OF RECEIPT OF DRAFT ARAP FOR NIŠ SUB-PROJECT AND GRIEVANCE RELATED DOCUMENTS (BROCHURE, GRIEVANCE REGISTRATION FORM)				
PROJEKAT /PROJECT: FERP IMPLEMENTATOR/IMPLEMENTING ENTITY: MINISTARSTVO POLJOPRIVREDE I ZAŠTITE ŽIVOTNE SREDINE, JEDINICA ZA URAVLJANJE PROJEKTOM DOKUMENT/DOCUMENT : SKRAĆENI AKCIONI PLAN RASELJAVANJA NIŠ /ABBREVIATED RESETTLEMENT ACTION PLAN NIŠ			Datum	7.11.2016
We the undersigned hereby declare and verify that we have been submitted with copies of the ARAP for Niš Sub-Project. Furthermore, we acknowledge to have been informed that the public consultation on the received document will be held on November 15, 2016 at 12:00 AM at the relocation site.				
Mi dole potpisani izjavljujemo da smo dana 7.11.2016. godine primili kopije Skraćenog Akcionog Plana Rasejavanja za pod projekat grada Niša. Dalje potvrđujemo da smo obavješteni da će se konsultacije održati dana 15. 11.2016. godine u 12 h na lokaciji Baraka.				
No.	Ime i prezime /Name	Adresa	Telefon	E-Mail
1	<del>Baraka</del> Kemal Jašar	Sime Matavulja 6		428-5792 KEMAL JAŠAR ✓
2	Amzić Alija (2 šum)	Sime Matavulja 6		4527-115 AMZIĆ ALIJA
3	Amzić <del>Rade</del> Nedžad (1)	Sime Matavulja 6		—  — NADŽAD AMZIĆ
4	Asanović Ramdan (Rade)	—  —		"
5	Asanović Bahtjar *	—  —		061/2746-723 DEJAN ASANOVIĆ
6				
7	* 15 in jar			
8				
9				
10				
11				

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## Annex 14 – Attendance sheet

JAVNE KONSULTACIJE /PUBLIC CONSULTATION				
LISTA PRISUTNIH/ SIGN IN SHEET				
PROJEKAT /PROJECT: FERP IMPLEMENTATOR/IMPLEMENTING ENTITY: MINISTARSTVO POLJOPRIVREDE I ZAŠTITE ŽIVOTNE SREDINE, JEDINICA ZA URAVLJANJE PROJEKTOM DOKUMENT/DOCUMENT : SKRAĆENI AKCIONI PLAN RASELJAVANJA NIŠ /ABBREVIATED RESETTLEMENT ACTION PLAN NIŠ			Datum	15.11.2016
No.	Ime i prezime /Name	Adresa	Telefon	E-Mail
1	AMZIĆ ALISA	ŠIME MAZAVUJAC	428-5792	ALIJARMIĆ
2	JASAR KEMAL	— W —	4527-115	JASAR KEMAL
3	BUDIĆ SEVLJA	— W —	48-5792	BUDIĆ SEVLJA
4	JASAR ANDRIJANA	— W —	—	JASAR ANDRIJANA
5	ISLAM INDIRA	— W —	—	ISLAM INDIRA
6	Đurina Surlun	— W FERD	—	surlun@yaboo.com
7	SELIM OVIĆ NADIJA	— W —	—	SELIMOVICNADIJA
8				
9				
10				
11				
12				

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