

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT
(FERP)

Component 3
Abbreviated Resettlement Action Plan
(ARAP)

For Novi Pazar Flood Protection subproject



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

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CURRENCY EQUIVALENTS

(Exchange Rate Effective July 2016)

Currency Unit = RSD

110,3 RSD = USD 1

123,1 RSD = EUR 1

ABREVIATIONS 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 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)¹ completed in July 10, 2014 with the objective of estimating disaster effects². 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.

Sub-Project activities

The flood protection works are executed across the country where the largest vulnerabilities were identified. Novi Pazar Flood Protection sub-project will have civil works along the banks and within the basin of the Raška River (4300 m) and its tributaries Deževska River (500 m) and Banjska River (175 m).

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 Impacts

Novi Pazar Flood Protection sub-project requires minor land acquisition of privately owned land, administrative transfer in one case and relocation of one movable structure – storage house constructed out of aluminium panels on public land without causing disruption of activities for which the structure has been erected. It will be relocated at the place determined by the owner. A total of 25 land parcels in the area of 5616 m² are anticipated to be expropriated. 23, 5 land parcels are in private ownership of 44 owners and 1, 5 parcels are in private- public co-ownership. The smallest part of land to be acquired has an area of 7 m² whereas the largest is 1575 m². Landowners affected by land acquisition will lose less than 10% of the total area of land owned and there will be no negative impacts on owner's livelihoods. Per cadaster registration, the category of land varies and consists mainly of unfertile, fertile (not cultivated), meadows, orchards and forest land.

The expropriation process includes only acquisition of land, without physical relocation of households or businesses. Since the impact of land acquisition implies only small areas of land that are disconnected from the owner's residences, there will be no negative impacts on social networks.

Status of Expropriation Process

The Republic of Serbia passed the Law on elimination of consequences of the Floods in Republic of Serbia ("Official Gazette" of Republic of Serbia No 5/2014, 64/2015 i 68/2015) which served as a Decision on Public interest. By virtue of this Law, expropriation commenced, instigated by the Public Defender's office in Novi

¹ Republic of Serbia, Recovery Needs Assessment, 2014

<http://www.obnova.gov.rs/uploads/useruploads/Documents/RNA-REPORT-140714.pdf> accessed on July 25, 2016

² Disaster effects are classified under damages and losses. Damage refers to the total or partial destruction of physical assets existing in the affected area and losses refer to changes in economic flows arising from the disaster.

Pazar in May 2015. The Public Defender is the legal representative of the Beneficiary of expropriation i.e. city of Novi Pazar.

Within 2 months from commencement of the expropriation process, all Decisions on expropriation were passed, and the plots valued and offers made to affected landowners. The assessment of the Tax administration was disputed by all the PAPs and no amicable settlements were reached. Therefore all cases have been transferred to the jurisdiction of the Basic Court in Novi Pazar.

The average valuation provided by the Tax administration office was 1250 RSD/m² or 10, 1 EUR/m² equivalent. The total amount offered to the 44 affected owners is 6.983.500, 00 (56.619, 91 EUR equivalent). Awaiting the court decision, the City of Novi Pazar has deposited 60.000.000,00 RSD (487.804,00 EUR equivalent) into a Consolidated Treasury Account within the Budget appropriation which includes contingencies. More details on expropriation process and its status up to date are presented in Chapter 1.7 Status of Expropriation Process at preparation of this ARAP.

1. INTRODUCTION

1.1 Project description

Following devastating floods in 2014, the government of Serbia requested to address some of the country's most pressing needs in the wake of this disaster. An emergency Recovery Loan to address some of the country's most pressing rehabilitation and flood protection needs. The Loan was approved and signed on October 9, 2014 in the amount of \$300 million. The 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 Novi Pazar, 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 Novi Pazar 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 Novi Pazar.

1.2 Sub-Project Area Description and Context

During the 2014 floods, the Raška River and some of its tributaries caused severe floods, especially affecting Novi Pazar settlement and surrounding villages.

Novi Pazar is located in the valleys of the Jošanica, Raška, Deževska, and Ljudska rivers at the elevation of 496m, in southeast Sandžak region. The city is surrounded by Golija and Rogozna mountains; Pešter plateau lies southeast from the city which influences the city's climate vigorously. The total area of the City is 742 km² covering over 100 settlements, mostly small and spread over hills and mountains surrounding the city.

According to the last official census in 2011, the City of Novi Pazar has 100,410 inhabitants, while the city itself has 68,749 inhabitants. Population density on the territory of the City is 135.32 inhabitants per square kilometre. Most of Novi Pazar's population are Bosniaks (77.13%), followed by Serbs, Montenegrins and Albanians.

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 Novi Pazar:"

- 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.



Figure 1 Novi Pazar during the 2014 floods

Given the nature of the works all land parcels are located on the very boundaries of the river bed. Since the floods are recurring events it has been identified that some of the land parcels have been impacted by the floods earlier and eroded into the river. The erosion rugged the river banks which directly influenced the design and technical solutions.

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 Novi Pazar sub-project are regulations of particular sections on the following rivers:

- Raska River from Careva cuprija, downstream to GUP border, in total length of 4300 m;
- Left tributary – Dezeva River (Dezevska River), from its confluence to Raska River, upstream to road bridge, in total length of 500m;
- right tributary – Banjska River (Izbicka River), from its confluence to Raska River, upstream to road bridge, in total length of 175 m on Figure 2 Project location, Novi Pazar, work zone marked on Raska River, Dezevska River and Banjska River in blue.

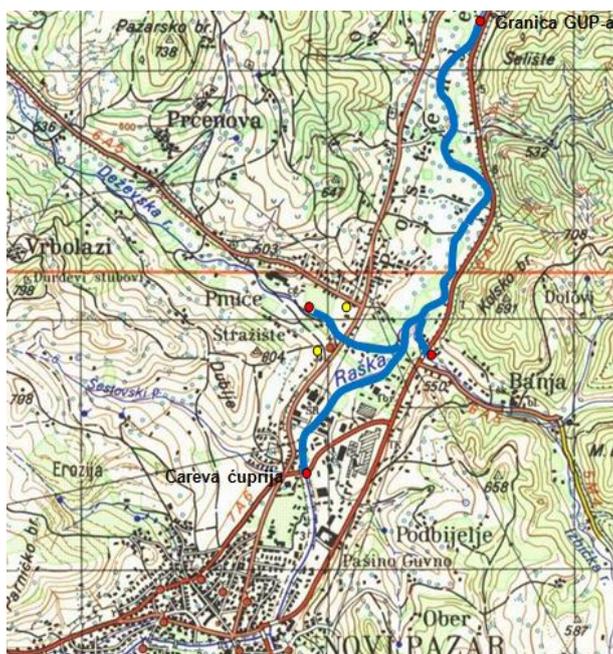


Figure 2 Project location, Novi Pazar, work zone marked on Raska River, Dezevska River and Banjska River in blue

The works are executed mainly within the right of way divided into three Sectors:

- **Sector 1 (S1)**, on which a regulation of the Raska River will be made in the stretch from the Careva čuprija to the confluence of Dezevska River, in length of 1,3 km
- **Sector 2 (S2)**, on which following works will be executed:
 - regulation of Raska River, on stretch from the confluence of Dezevska River to the confluence of Banjska (Izbicka) River, in length of 240 m,
 - regulation of Dezevska River, in length of 500 m
 - regulation of Banjska (Izbicka) River, in length of 200 m
- **Sector 3 (S3)**, on which a regulation of the Raska River will be made in the stretch from the confluence of Banjska (Izbicka) River to GUP boundary, in length of 2,7 km.

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 armoring in locations where erosion of the riverbank may undercut the embankment.

1.4 Scope and Purpose of Abbreviated Resettlement Action Plan

An Abbreviated Resettlement Action Plan is prepared for the Novi Pazar sub-project because minor impacts of land acquisition are anticipated, namely, small impacts to 44 individual landowners (>10% of total land affected) and relocation of 1 movable structure constructed on public land. The impact the project has on the movable storage house is not major since the owner did not want to continue the use of it at the current location and has terminated his lease with the relevant Public Enterprise "Pijace" from Novi Pazar due to reasons not related to the Project nor its impacts. Both land acquisition and removal of the affected structure is pending and will be executed as per schedule presented in this ARAP, but not before the compensation or relocation assistance has been extended to the affected persons. The relocation of the structure is subject to the appropriate schedule to be determined by the Person owning it. Detailed description of impact is given in chapter 5. AFFECTED PEOPLE AND PROJECT IMPACTS.

In accordance with the Loan Agreement, an RPF³ 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,
- Census of the PAPs including persons and their land, assets and property thereon;
- Socioeconomic assessment of the PAPs;
- Identification of land, assets and properties likely to be affected
- Analysis of valuation of the land and assets and property thereon to be expropriated;
- 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 rejected

1.5 Objectives and Principles of the Abbreviated Resettlement Action Plan and Land acquisition

This ARAP, and its detailed provision, is prepared according to the Laws and regulations of Republic of Serbia and the Resettlement Policy Framework 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 acquire land and compensate affected people 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 future impacts to land and provide prompt and effective compensation for residual impacts if any to those eligible. The objectives set shall be adhered to regardless of the scope and scale of impact.

The RPF for the FERP has outlined the key land acquisition and resettlement principles and objectives to be followed, the organizational arrangements and design criteria to be applied to subprojects to be prepared during Project implementation to ensure adequate management of land acquisition and access by sovereignty over occupied land required for the Project.

This ARAP specifies the following:

- Detailed procedures to be followed by Directorate for Water (DfW/PIU), City of Novi Pazar in respect to consultation and disclosure;
- Provide baseline census of affected persons and asset information;
- Describes specific compensation rates and standards;
- 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 is 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:

³ See RPF for FERP, available at <http://www.rdvode.gov.rs/>, accessed on July 25, 2016

- the involuntary taking of land resulting in loss of assets or access to assets⁴.

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, compensation offers 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 to create an inventory of PAPs and land. The field survey consisted of conducting household census of identified PAPs; conducting social assessment of the subproject sites along the 4200 m long corridor of impact along the River of Raška and its tributaries, socioeconomic study of the PAPs as well as census and measurement of their land. The Census was prepared on the basis of data available through the Cadastral Register and the database of the City of Novi Pazar and 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.

1.7 Status of Expropriation Process at preparation of this ARAP

1.7.1 Commencement of expropriation

The Republic of Serbia passed the Law on elimination of consequences of the Floods in Republic of Serbia (“Official Gazette” of Republic of Serbia No 5/2014, 64/2015 i 68/2015) which served as a Decision on Public interest. The Law was publicly disclosed and announcements through the media (television, newspapers and radio) were made nationwide.

By virtue of this Law, expropriation commenced instigated by the Public Defender’s office in Novi Pazar in May 2015. The Public Defender is the legal representative of the Beneficiary of expropriation i.e. city of Novi Pazar.

1.7.2 Information on expropriation

After instigation of the expropriation, all individuals eligible to receive compensation as defined under **6.3 Eligibility** were individually invited to the Property department of Novi Pazar. Detailed information on the proposed expropriation, the process to be followed and principles that shall apply were explained.

Invited were all individuals identified in the inventory list provided by the Cadastral office and enumerated in the detailed design for expropriation as well as those persons claiming they have the right of inheritance even though the succession procedure has not been completed.

In order to facilitate legal successors of deceased owners to be recognized for entitlements without the delay of having to finalize the inheritance process the City of Novi Pazar has passed a decision authorizing the Public Defender and the Property department to recognize such persons as de facto owners and therefore PAPs with the right to claim and receive entitlements.

⁴ See World Bank OP 4.12

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL>

During this first consultation, maps with delineation of the Project were shown. It has been explained that the alignment of the Project is set following the footprint of the river, but that mitigation measures have been applied to avoid severe impacts.

The PAPs all signed off to the delineation of the Project thus to the area of land impacted.

1.7.2 Cut-off date

Following an individual invitation, a Moratorium notice informing the general public of the declaration of cut-off date was presented at the first hearings in February and March 2015, held by the Public Defender's office, when all persons to be affected were individually informed that a census and socio economic survey shall be made to serve as the cut –off date for eligibility to entitlements. All the PAPs were present because this was also a form of initial census and no radio announcement was made but individual letter were sent to home addresses. Public defender confirmed all were present and signed off to the minutes of meeting. During that period all PAPs were informed one by one. It has further been explained that persons who encroach on the area after the cut-off date or commence activities in construction, planting trees, crops, and any other fixed assets established after the cut-off date shall not be compensated.

1.7.3 Social survey

During May 16 and May 24 and later on June 20, 2016 a Socio economic survey was conducted with support of the City of Novi Pazar. Invitation to the survey was posted on the Notice Board and individual notices were served to all 44 affected persons by courier.

1.7.3 Asset screening

After the expropriation proposal was submitted with supporting documentation, and first information disseminated, individual invitations to hearings on expropriation were sent to every PAP. The invitation specified the purpose, time and date of hearing proposed and provided the PAPs with a list of documents to be made available for presentation and discussion at the agreed time. At the hearings, PAPs and the City of Novi Pazar jointly signed off to the inventory of land plots, identified owner and confirmed that besides land, no assets are attached to the land. No crops, trees or similar assets affixed to the land were identified. The land is near the river, and prone to erosions and under eminent flood risk wherefore the PAPs do not cultivate land adjacent to the river. The land is registered as such but it is indeed not cultivated. At that time, claims recognized or recognizable under the Law in respect to inheritance rights were submitted. The PAPs have been assisted with free legal aid by the Public Defender's office. All categories of Project Affected Persons were individually consulted including the Project Affected Person with formal title on tenancy on public land on the local market whose movable structure is affected by the Project.

1.7.4 Decision on expropriation

In the next step the Expropriation decisions were issued. The Expropriation decisions were registered as annotations in the cadastral office to prevent any speculative transaction.

1.7.5 Valuation

Sufficient time was provided for appeal but none of the PAPs appealed to the decisions on expropriation. The decision became legally binding within 15 days of being served to every PAP individually. At this stage, national grievance bodies were available.

In the next step, the City of Novi Pazar submitted a request to the Tax administration office as the competent authority (in accordance with Article 42 Law on expropriation) to assess the value of land. The request was submitted for every case individually. The Tax administration has provided the valuation for all plots based on the planned use which means the land was valued as construction land and therefore no differentiation for types of land was provided.

The Tax administration sent its valuation on May 6, 2015 which was then distributed to the PAPs for consideration. A four month period was given to allow due consideration of the offer given and registering any formal disagreement with the offer. The Project specific Grievance commission was not yet in place then, but under National Law on Expropriation, a valuation specific complaints mechanism within the Tax administration office was available. However none of the PAPs raised their grievance with this commission.

Afterward, during the period September –November 2015 PAPs were invited again individually to state their position on the offer made. All persons rejected the offered and signed off to the rejection.

Since all efforts for negotiation were exhausted all cases were referred to the Basic Court in Novi Pazar. Such cases are deemed as high priority cases and it is expected that the judicial processes will be completed by end of August 2016. Compensation shall be then paid within 15 days of court decision.

1.7.6 Methodology applied during valuation

The value of agricultural land is determined based on the market value of land of equal productive potential or use located in the vicinity of the affected area by comparison of sales transaction in the recent past by applying corrective factors to arrive at actual market value. The methodology applied was in line with the Guidelines for determining market value passed by the Director of the Tax administration office in 2010. The Guidelines set forth principles in determining the market value of land and other immovable property.

In case of valuation of agricultural land valuation is conducted without site visits but based on comparable market value determined in at least two final decision of the tax authority, issued in the procedure of determining the tax on transfer of absolute rights by comparison of the same or similar land on the market, in the same cadastral City or adjacent, of the same or similar quality (field, orchard, meadows, forests, etc.). The comparable sales transaction considered are the one closest to the date when the valuation is conducted. Estimated value of the land have been increased by using the calibration factors depending on location, proximity to roads, provided infrastructure, proximity to populated areas, and registration fees if any. The average land valuation provided by the Tax administration office was 1250 RSD/m² or 10,1 EUR/m². Sample valuation of affected land is available in Annex 16 – Example of Official Property Valuation.

1.7.6 Taxes and Fees

Under the Law on VAT ("Official Gazette of RS" No. 84/2004, 86/2004 - ispr., 61/2005, 61/2007, 93/2012, 108/2013, 6/2014 – rsd amount adjusted . 68/2014 – other law, 142/2014, 5/2015 –rsd amount adjusted, 83/2015 i 5/2016 – rsd amount adjusted) the transaction of agricultural land by virtue of expropriation for flood emergency works is exempt from payment of VAT. These taxes have therefore not been included under the valuation.

Registration fee in the cadastre for transfer of property rights is born by the Beneficiary of Expropriation in accordance with the Law on State Cadastre (Official Gazette RS", No. 72/2009, 18/2010, 65/2013, 15/2015 – decision of Constitutional Court -S i 96/2015). These fees have therefore not been included under the valuation.

The only administrative fee that could be imposed to PAPs is the registration fee in case they would opt to buy new land to replace the expropriated land. Since the land expropriated is rather small (less than 10% of total land), the PAPs did not declare their intent to buy replacement land. However, a corrective factor in form of a contingency of 10.000,00 RSD (81,3 EUR) per PAPs as the average cost of registration fee, has been applied. If at the time of compensation payment, the PAPs declares his intent to buy replacement land the Beneficiary of Expropriation shall top up the compensation with the above said contingency amount. This shall be documented through minutes.

1.7.7 Budget made available

The City of Novi Pazar has deposited 60.000.000,00 RSD (487.804,00 EUR equivalent) into a Consolidated Treasury Account within the Budget appropriation (See Annex 10). Under this account, earmarked payments can only be spent towards the designed purpose and is considered eligible expenditure under National Law on Budget and the Budget system (Official Gazette of RS No. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 - corr, 108/2013, 142/2014, 68/2015 – other and 103/2015)⁵. Local Self-governments are not allowed to open escrow or similar accounts with commercial Banks. For them a Consolidated Treasury Account is opened in the name of the local authority and operated by the Treasury (Bullet 39 of the Law – definitions). Any expenditure is appropriated by the Assembly of the local Government, by law on the Budget of the Republic of Serbia or the decision on the budget. Only by such

⁵ Law on Budget and the Budget system,

http://www.paragraf.rs/propisi/zakon_o_budzetskom_sistemu.html accessed on July 28,2016

appropriation is the Local Government authorized to spend public funds up to a specified amount and the for certain purposes (Bullet 31 definitions). Payments from the Consolidated Treasury Account for the implementation of any obligations of other public funds beneficiaries that are included in the consolidated treasury account system will not be made if the appropriation and budget has not been approved in the manner prescribed by law or act of the Assembly and local government and if the plan is not submitted to the Administration for Treasury for review and audit (Article 58- Payments from the Budget). In this case, payments can only be made to PAPs for compensation due related to expropriation of 25 land parcels acquired for the execution of flood protection construction works. Therefore this amount is only to be used to finance compensation for land acquired as part of Novi Pazar Flood Protection sub-project, as assessed by the Tax administration or the Court.

Notwithstanding, as per RPF, the landowners have an option to receive the fair market value assessed compensation, even when appealing to the court and waiting for the court decision, and receive the outstanding balance if any, based on the court decision (see p. 14 of FERP RPF).

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 Novi Pazar sub-project, the public interest has been established by Law on elimination of consequences of flood (“Official Gazette” RS no 75/2014, 2015, 2016).

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.

All the steps above were completed in the current sub-project expropriation process.

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. So far no such claim has been made by the Beneficiary of 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 Importance⁶ 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. Law of Agricultural Land (adopted in 2006, amended in 2009)
4. Law on State Cadastre (adopted in 2009, amended in 2010)
5. Law on Spatial Planning of the Republic of Serbia from 2010 to 2020 (adopted in 2010)
6. The Law on Elimination of the Consequences of Floods In Serbia (adopted in 2014 amended in 2015 and 2016)

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:

⁷ The classification of land is as registered in the cadastre office and does not necessarily mean this is the way the parcel is utilized

- (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.**

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 beneficiary to the relevant municipality.	Normally, the cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.	The cut-off date for purposes of eligibility shall be the date of beginning of the census Following an individual invitation a Moratorium notice informing the general public of the declaration of cut-off date was presented at the first consultations hearings i in February and March 2015, held by the Public Defender’s office, when all persons to be affected were individually informed that a census and socio economic survey shall be made to serve as the cut –off date for eligibility to entitlements. During that period all PAPs were informed. All PAPs were present since this was an event lasting almost two months in which they all came.

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
Eligibility for Compensation (informal)	The Law only recognizes formal ownership and persons without formal right but have a claim to such land and assets - provided that such claims are recognized under the country laws or become recognized.	According to WB OP 4.12, there are 3 categories of persons in terms of compensation eligibility: a) Those who have formal rights to land 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 c) Those who have no recognizable legal right or claim to the land they are occupying	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, 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 land and structures, "replacement cost" is defined as follows: For agricultural land, it 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, For land in urban areas, it is the pre-	The compensation for loss of land is paid at average comparable sales statistics to arrive at the replacement as defined in the WB policies, if any resulting value from this process does not achieve the replacement value the compensation will be topped up. The top u shall be assessed by accredited experts who will firstly determine the replacement cost and then determine the amount needed to arrive at replacement cost. 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

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
		<p>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, 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,</p>	<p>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.</p>
Payment of taxes and fees	The Law exempts PAPs VAT, and the registration fees are born by the Beneficiary of expropriation	<i>Any tax and fee as a result of expropriation shall be compensated for</i>	<p>In order to meet the gap in payment of taxes and fees, any compensation of productive land and/or property, including businesses, will include the registration cost in the Cadaster Office, or other relevant register, any administrative fees, and/or transfer taxes imposed.</p> <p>Only the cost of registration in case of purchase of new land are included in case the PAP has the intention to buy new land. A contingency of 10.000,00 RSD (81,3 EUR) per PAPs the average cost of registration fee, has been applied and made available within the budget. If at the time of compensation payment, the PAPs declare intent to buy replacement land, the Beneficiary of Expropriation shall top up the compensation with the above said contingency amount. This shall be</p>

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
			documented.
Grievance Redress To serve for issues related to expropriation 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 traditional dispute settlement mechanisms.	The City of Novi Pazar has established the independent grievance committee on June 24, 2016 comprising of: DfW/PIU representative, City representative (delegated by the City), project affected persons representative delegated by the project affected persons.
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. Despite that fact an exceptionally high number of mitigation measures have been applied to mitigate and minimize negative impacts and accommodate mitigation requests of PAPs.

For example, the technical design has been changed to avoid any impacts to residential structures. Several residential structures, constructed on public land would have been impacted if these measures, requested by the PAPs, were not introduced. Along the total area under influence in the length of 4300 m within the river basin similar changes to design have been implemented. The design changes were made through on site consultations with PAPs, the DFW and PIU and in consultation with the designer. These measures have proven effective and as a result only 1 structure occupying public land will need to be relocated.

5. AFFECTED PEOPLE AND PROJECT IMPACTS

5.1 Overview of Project Impacts

As already stated earlier, the Flood protection Project of Novi Pazar is mainly executed within the right of way on the river basin. The river basin is owned by the Republic of Serbia as an asset of public interest. Notwithstanding the previous statement, the following impacts have been identified:

- Permanent acquisition of land by using eminent domain power and expropriation in the total area of 5616 m² (predominantly meadows) and administrative transfer for land owned by public entities,
- Relocation of one structure/ storage in the area of 35 m², built out of aluminium panels, constructed on public land, mainly within or on the very boundary of the river basin, preventing safe works, downstream from Careva cuprija. The white pipe/wall in front of it shall remain intact. Details of impact shown in picture below.



The Picture shows the structure which will have to be dismantled and relocated. The white pipe in front of the picture will remain intact

Figure 3 Impact on the structure partially occupying public land

The owner of the structure leases with valid permits temporarily public land at the local market. He is therefore eligible for compensation or equivalent forms of assistance. He pays lease to the Public Company and was allowed to construct his storage according to the location and area as agreed on through the Contract of lease. However he has constructed part of the storage in compliance with the agreement and layout and another part of the structure beyond the boundaries of the market, close to the river basin.

The tables below show overview details on numbers of land plots by type of ownership.

Table 2: Overview of affected land plots by type of ownership and area

Ownership/co-ownership	Number and percent of ownership over land plots affected by expropriation	Area m2
Private	23,5 (94%)	5077
Public*	1,5 (6%)	83,15
Total	25 (100%)	5616

*3Land parcel are co-owned by private persons and the Republic of Serbia

Table 3: Data on PAPs affected by expropriation

PAPs	Affected by permanent land acquisition
Total number of private owners	44
Total number of land parcels	25
Number of land parcels with private co-owners	9
Number of land parcels with private-public co-owners	3

Table 4: Data on PAPs affected by sovereignty to be exercised over occupied public land.

	Number of PAPs.	Number of auxiliary structures affected	Type of auxiliary structures affected (area and quality)
Total number of private owners	1	1	Storage house, 35 m2, constructed out of aluminium panels

The disaggregation of inventory of owners under both impacts revealed that 16 owners are women and 28 are men. By further disaggregation and analysis of records it has been concluded that majority of women gained ownership by exercising their hereditary rights.

Table 5: Overview of Affected Land Plots disaggregated by gender under both impacts

Ownership	Number of owners (including co-owners)	Percentage
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Women	16	36%
Men	28	64%
Total	44	100%

Table 6: Overview on land size patterns

	m2
Total area impacted by expropriation	5616
Average area	312
Smallest area	7
Largest area	1575

Table 7 Overview of type of land type patterns

Type of land affected ⁷	No of plots and %
Fertile field (uncultivated)	6(24%)
Unfertile	6(24%)
Meadows	6(24%)
Orchards	1(4%)
Forest	6(24%)
Total	25(100%)

Source: Novi Pazar Cadaster office

5.2 Census/Inventory

The Census/Inventory of all PAPs and asset survey was developed in order to gather and analyse data and information required to identify all categories of impacts, the Project Affected People (PAPs) directly affected by land acquisition (owners of affected land plots) and loss of assets caused by sovereignty to be exercised over occupied public land.

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 (m2).
- (vi) Total area of land to be affected (m2)
- (vii) Type of asset on land affected.

⁷ The classification of land is as registered in the cadastre office and does not necessarily mean this is the way the parcel is utilized

- (viii) Compensation received or assessed
- (ix) Other information relevant for individual cases.

The summarized version of the census database is provided in Annex 4 of this ARAP. And the detailed excel file is accompanying this document as a separate file.

5.2 Socio-economic Survey

The Socio-economic survey was conducted with the support of the City of Novi Pazar. For purposes of the Survey, an announcement was issued by the PIU and administered by the City of Novi Pazar. All persons affected were invited to participate.

Posters with the Public invitation to the survey were posted on the bulletin boards of the City of Novi Pazar on May 16, 2016, and individual information about venue, purpose and time was disseminated to the PAPs by the City representatives.

The invitation was supplemented by visits to individual households on May 18, May 20, and June 22, 2016.

All the PAPs were given the contact phone numbers of the Supervising Engineer and the Engineer from the DfWM for liaison and daily communication.

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

The response to the invitation and participation during individual house visits was poor. Only 10 PAPs affected by expropriation and the person whose storage house is affected agreed to participate in the survey. Even those interviewed were reluctant to give answers to all questions so the socio –economic baseline is not fully known. This is a very conservative community where people are unwilling to share details on the socio economic conditions of the household.

The summary of the key data provided in Annex 4 to this ARAP (the full database is in the form of a separate Excel document). Confidential information about individual persons and properties will not be publicly disclosed.

5.4 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 among 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 or children, people with disabilities, elders and the extremely poor.

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.

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

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

- Health & Welfare

. It provides baseline data for future monitoring and evaluation of ARAP implementation.

5.4.1 Owners

Out of a total of 45 (including the affected storage house private owners over 23,5 land parcels) 11 accepted to be surveyed which represents 24% of the universe of affected owners.

5.4.2 Demographic features of households

Amongst the interviewed 18 % would provide information about the household members. 18% of households are single headed, 9 % are with two members, followed 28% of four membered households, 18% five member households and 9% of six membered. Further analysis showed that usually two generations live together. Household features are presented below.

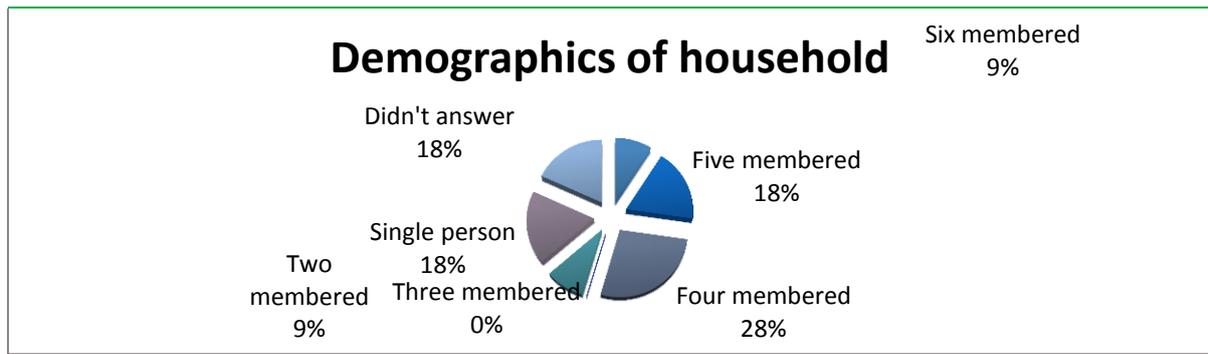
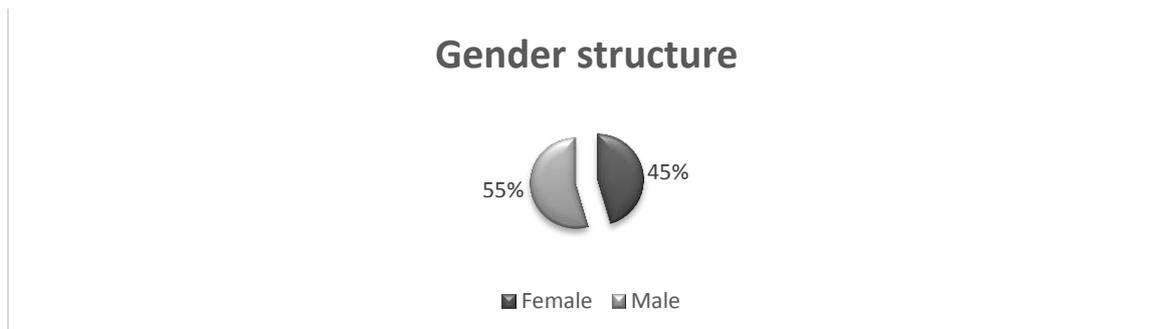


Figure 4: Demographic features of households

5.4.3 Gender of Respondents

Half of the respondents were women. 1 woman accompanied her husband as head of household. From the secondary data the women’s titles are most commonly established by exercising their hereditary right. The Law on succession grants equal rights to succession of both male and female successors. These figures should be interpreted with support of the provisions of marital and family law whereas the ownership right is deemed to be distributed equally between husband and wife and if formal registration of property is made in name of only one spouse a legal assumption of ownership is made on behalf of both.

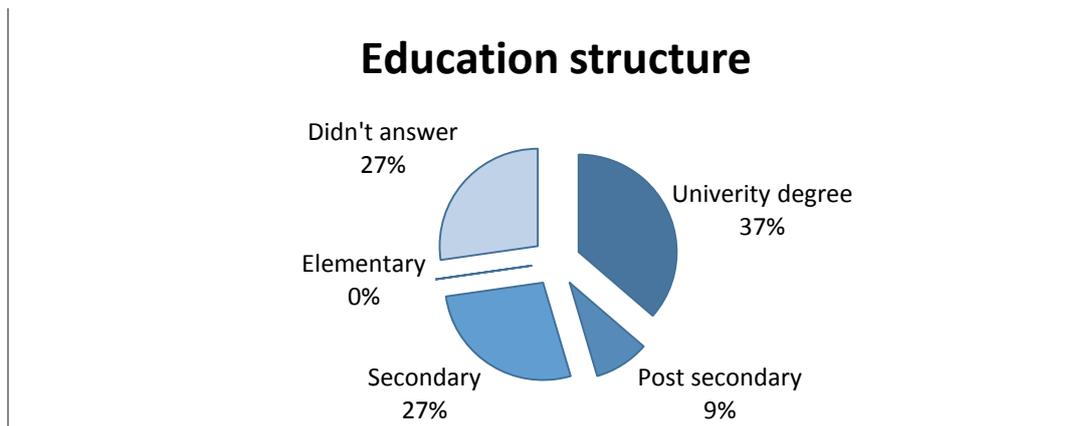
Although in 1 case the legal property title is vested in the husband’s name the wife declared herself as head of Household and was as such interviewed.



5.4.4 Education

The analysis of the respondent’s answers recognized a fairly high education background. 27 % didn’t answer. 37% of respondents have university education, 9% post-secondary, followed by 27 % of secondary education and none of the respondents left after graduating elementary school and the ability to read and

write Serbian and/or Bosnian was used as a proxy for literacy levels. The survey results show that the adult literacy rate is 100%.



5.4.5 Sources of Livelihood for the affected person and monthly income

57 % of respondents reported salaries as their main income followed by pensions in a 43% ratio. The respondents did not report any other source of income neither formal nor informal. No income is land based; there is no commercial agricultural production present. One respondent reported subsistence farming and one household owns land for agricultural production but leases it and has been doing so for the past decade. The lease provides them with cash compensation, but the land leased is not the land affected. 42% of respondent declared their monthly income to be above 70,000 RSD (equivalent of 569 EUR or 636 \$⁸ per month, 14% reported income between 40,000 (325 EUR or 363 \$ equivalent) and 70,000 RSD (569 EUR or 636 \$ equivalent) 21% of respondents have a monthly income between 10,000 (81 EUR or 90\$ equivalent) and 40,000 RSD (325 EUR or 363\$ equivalent) and 14% income less than 10,000 RSD (81 EUR or 90\$ equivalent). 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 lowest wage. When asked to self-assess their economic situation and financial status 4 responded to be very satisfied, 1 was neither satisfied nor dissatisfied, 1 was satisfied and only 1 was dissatisfied.

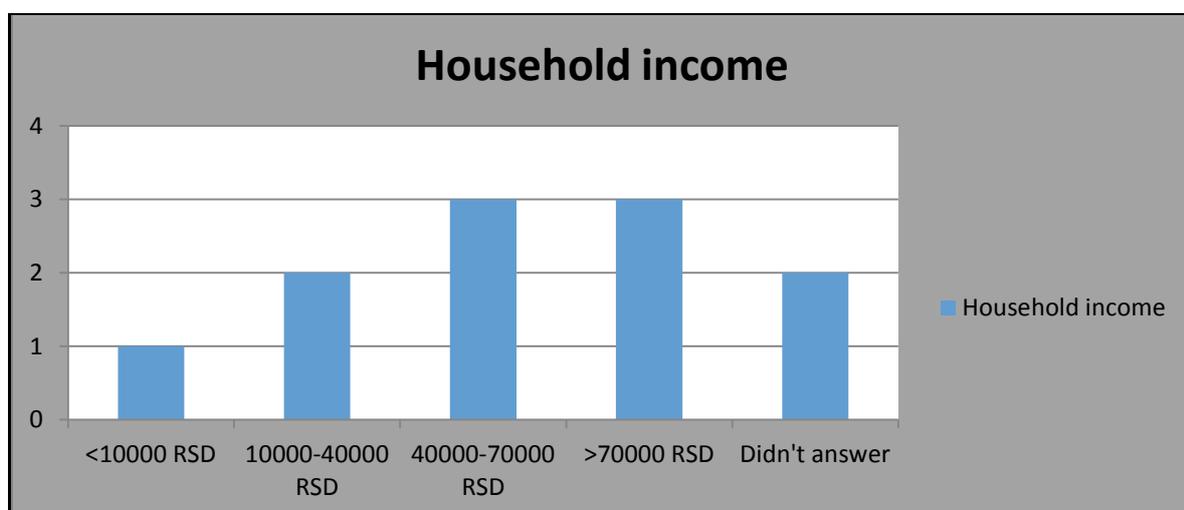


Figure 5: Household income

4.6 Employment status

⁸ Exchange rate given at beginning of this ARAP on top of page 2

Employment status of respondent

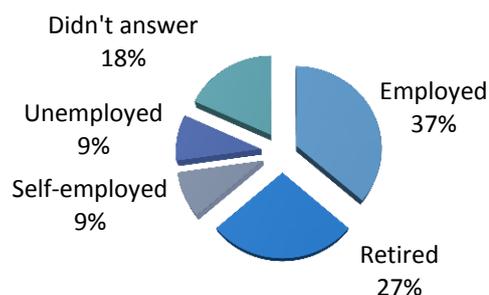


Figure 6: Employment status

5.4.7 Place of Residence

All respondents live in Novi Pazar.

5.4.8 Vulnerability

The Study identified one person living below the poverty line and one single female headed household. The impacts of the sub-project land acquisition are so small and unrelated to livelihoods. Thus, they do not pose further impoverishment or marginalization threats on the person identified as vulnerable. Indicators on generic vulnerability have been taken into account and ascertained that the specific types of changes imposed by the Project shall not worsen their vulnerability.

5.4.9 Public infrastructure that will be affected

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

5.4.10 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. RESETTLEMENT COMPENSATION STRATEGIES

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:

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

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. The individual invitation as well as the minutes of meeting is kept by the Public Defender's office.

A Moratorium notice informing the general public of the declaration of cut-off date was presented at the first consultation instance in February and March 2015, held by the Public Defender's office, when all persons to be affected were individually informed that a census and socio economic survey shall be made to serve as the cut –off date for eligibility to entitlements.

In addition, at the beginning of the Census, every individual surveyed was informed about the moratorium date and the respective consequences of commencing activities after the date of Census.

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 loosing access to such common facilities

This sub-project affects following categories of PAPs

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

The entitlements for different categories of impact and PAPs shall be as per the Entitlement Matrix⁹ as adopted in the RPF for the FER Project shown for **impact categories relevant for the identified impacts only**.

⁹ Only part of the Entitlement Matrix relevant for specific impacts identified under this Subcomponent has been presented. For access to full entitlement Matrix within RPF please see RPF for FERP available at <http://www.rdvode.gov.rs/>, accessed on July 24,2016

Table 8: Entitlement matrix for impacts identified

Impact categories	Entitlement
Partial loss of land for titled owners	<ul style="list-style-type: none"> i. offer of replacement agricultural land of equivalent productive value in the area and vicinity of the land being expropriated, together with all transfer/administrative taxes; ii. monetary compensation based on the assessed fair value including taxes and fees and top-up supplement to the compensation; iii. when expropriation is minor, the option of acquiring land through “Direct Purchase” will also be explored, which means that the Beneficiary of Expropriation will negotiate with the landowner to sell voluntarily rather than to go through the process of expropriation.
Structures and installations in the land (barns, lumberoom/sheds, fences, etc.) with or without building permits	<ul style="list-style-type: none"> iv. The replacement cost assessed for construction of similar quality of structures, and the value of time invested in construction and applicable taxes, if any.
Land needed on temporary basis	<ul style="list-style-type: none"> v. The market rental price for the duration of the lease. The land should be returned to the project-affected person, in the same condition as it was taken.
Untitled users of public and private land	<ul style="list-style-type: none"> vi. compensated for the replacement cost of any investment made on the land;

Although there two vulnerable persons were identified the compensation is commensurate with the entitlements proposed and therefore no special entitlements nor is additional assistance proposed as no displacement will take place.

6.4 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. After the valuation, the Beneficiary of Expropriation presents the offer to the project- affected person. At this point, the project-affected person also agrees to transfer access to the land to the Beneficiary of Expropriation for the commencement of works. If the project-affected person does not accept the offer they can apply to the court, following the standard procedures set forth by Serbian law. The ruling of the court also determines who pays the cost of litigation.

6.5 Compensation for expropriated land

Although the Law provides for compensation in kind, payment of cash compensation will be appropriate since livelihoods are not land based and the land taken for the project is a small fraction of the affected asset and the residual is economically viable

No compensation agreements have been reached in amicable and negotiated settlements. As a result all cases have been remitted to the Basic Court of Novi Pazar as the judicial authority. Hearings are already ongoing, and as stated earlier the nature of proceeding flags the cases as urgent. It is expected that most of the cases shall be ruled on by August 30, 2016.

6.6 Compensation for exercising sovereignty of rights

One structure/storage building on the local market shall be under impact of the Sub-Project.



See

Figure 3 Impact on the structure partially occupying public land.

During preparation of this ARAP, and to streamline project implementation, individual interview was conducted with this person to meaningfully explore his needs, his expectations and best compensation principle. On several occasions during 2016 such meetings were held to be eventually finalized on June 21, 2016 when his request was formulated and disseminated to the City representatives. The PIU agreed to the terms of relocation and a compensation package was signed by both parties.

He will not continue the use of the storage at the same location since he intended to terminate the lease agreement, and given a notice of termination to the Public Company "Pijace". Therefore there is no remaining period of validity to be prorated.

Although the person has decided willingly not to continue with his activities of use of the affected storage, he will be provided with relocation assistance. His relocation assistance was formulated such as to include assistance in dismantling the storage house and transportation to a new destination which will be known at the time of dismantling. He did not require assistance in re-erection of the storage.

Unlike compensation for expropriation which is the obligation of the Beneficiary of expropriation, implementation of this agreement and adherence to all the items shall be the obligation of the PIU.

Minutes of the consultation and signed agreement on relocation assistance are presented in Annex 11 - *Agreement with the PAP affected by exercising sovereignty of right.*

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 June 24, 2016 and is fully in function. The establishment decision is presented in Annex 13 - Constitution of Grievance Commission

There are several complementary mechanism in place (e.g the Property department of City of Novi Pazar, The Engineer (Supervisor of works) daily already on Site and the Public Water Management Company “Srbijavode” Belgrade, VPC Novi Pazar, an official and formal Grievance Committee was established as a forum for grievances and comments and relation to expropriation, temporary impact to any kind of property, damages in relation to execution of the works, giving people better access to project authorities which has proven to be very helpful. 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 shall be a representative of PAPs , one is an government official from the City of Novi Pazar not directly involved in the process of expropriation to ensure full impartiality and one member is a representative of the PIU/DfW. The GC will meet as necessary, depending on the range and nature of grievances.

The GC is responsible for receiving and responding to grievances/comments of the following two groups:

- Persons directly affected by the Project including land acquisition impacts,
- Residents living in the Project area who are interested in and/or affected by the Project

The GC is supported by the PIU/DfW and the City of Novi Pazar .

The PIU/DfW in cooperation with the City of Novi Pazar will ensure that all PAPs are fully 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 Novi Pazar (www.NoviPazar.org),
- on the Construction Site in the Camp of the Engineer,

In addition, the PIU/DfW has distributed a brochure containing information on the role of the GC and the contact information for filing grievances/comments. The Brochure is presented in Annex 5 – Grievance Commission brochure.

To allow easy access to the GC a printout of the grievance recording form will be available at the City of Novi Pazar and for download on the website of the City of Novi Pazar and of MAEP. The grievance recording form template is presented in Annex 6 – Grievance registration Form.

7.2 Grievance Procedure

The grievance procedure is designed to be effective, easy, understandable and without costs to the complainant. Any grievance can be brought to the attention of the GC personally or by telephone or in

writing by filling in the grievance form (by post, fax or personal delivery to the addresses/numbers given below:

City of Novi Pazar
Grievance Commission
Knjaza Miloša 169
18220 Novi Pazar
Phone number 020/318-213
020/320-759

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.

8.Consultation and Participation

The Project Implementation Unit (PIU), together with the representatives of Municipal departments in charge of expropriation, 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 is assisting the city officials in understanding the requirements set out in the RPF and ARAP. This is not a one off action. The PIU will provide ongoing support until full implementation is achieved.

The PIU, together with the City of Novi Pazar, the PWC and the external Social Safeguard consultant wcarried out public consultations on the ARAP and information dissemination reflecting 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,
- the website of www.NoviPazar.org
- noticeboard of City of Novi Pazar

This ARAP was disclosed in Serbian, and English on the above mentioned websites, as well as made available as printed copies at the premises of City of Novi Pazar and the premises of the PIU.

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 City of Novi Pazar www.novipazar.org and on the website of the Ministry [/http://www.rdvode.gov.rs/](http://www.rdvode.gov.rs/) on August 30, 2016 but due to technical issues of the website refreshed on September 5, 2016. On the same date the Public invitation to the consultation was announced and put on the notice board of the municipality and individual invitation were sent to the PAPs. The public invitation is presented in Annex.

During the 12 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 invitation included information on where the public consultation will be held, where the draft ARAP can be accessed and that the consultation has been scheduled for Friday at 2 pm as advised by the City representatives to allow all those interested to participate without disruption of their daily routine.

The Public consultation was held on September 9, 2016 at the premises of the City of Novi Pazar, commenced at 2 pm and lasted approximately two hours.

The participants were provided with cold beverages and coffee and the conference room was air conditioned with sufficient seating available. The presentation was delivered by the PIUs external Social Safeguard consultant in the form of a chapter by chapter presentation and printed hand-outs of the Entitlement Matrix were distributed to participants. The ARAP was printed and copies made available to participants for this occasion in addition to the hard copies already made available at the Municipality

The public consultation was attended by 17 participants present (10 PAPs, 4 women and 6 men, and 3 FER Project team members, 1 PWC team member and 3 Municipality representative), Despite the effort of inviting women and encouraging the participation the target of 50% of women present could not be achieved. The signed attendance sheet is presented in Annex 17 – List of participants and Annex 21 – Pictures from public consultation provides picture documentation from the public consultation.

The Public consultation had a presentation of the salient features of the ARAP followed by a short presentation on role and responsibilities of the Grievance Commission.

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.

Additional 50 kits were made available at the municipality and at the main compound of the Supervision Engineer on site.

Details of the ARAP were presented with emphasis on the impacts identified as well as the entitlement Matrix applicable for the impacts identified.

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

In summary, only one question was asked.

Question 1:

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

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

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 City of Novi Pazar, 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 9: 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, if needed, visits to owners and occupants	PIU/DFWM/City of Novi Pazar
Valuation of property to be acquired	City of Novi Pazar with Tax administration office
Expropriation of property	City of Novi Pazar
Payment of compensation	City of Novi Pazar
Providing relocation assistance and dismantling of storage structure and transportation	PIU
Monitoring and reporting with respect to land acquisition	PIU/DfWM
Monitoring and reporting with respect to temporary land occupation carried out during construction	PIU/Beneficiary of Expropriation City of Novi Pazar , Contractor
Grievance management	PIU/DfWM/GC
Completion Report	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 FERP Sub-Component 3 to the DWM. The DWM already has an established PIU for a World Bank financed Irrigation and Drainage Rehabilitation Project which closed on March 31, 2013. During preparation of investments and implementation of works, the PIU will work in close coordination with the relevant PWMCs, as well as with the City of Novi Pazar.

The staff assigned for implementation of this ARAP and the Novi Pazar Flood protection sub-project is deemed to be sufficient to carry out all tasks related to ARAP implementation. However the PIU shall engage an external short term expert to support the implementation and assist in the completion report.

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

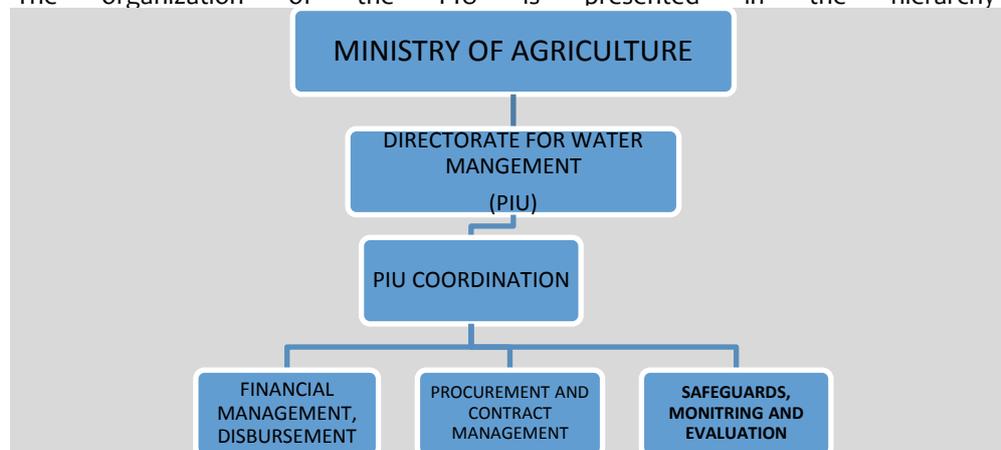


Figure 7: Organization of PIU

10. Implementation Schedule

Table 10: Tentative Implementation Schedule for ARAP Novi Pazar

N°	Activity	Responsibility	2016				2017
			June	July	August	Sept	APR
1.	Census and socioeconomic baseline data necessary establish baseline conditions and formulate entitlements	PIU/Social Safeguards Specialist	17-22				
2.	Disclosure of draft ARAP	PIU			10		
3.	Public consultative meeting	PIU/City of Novi Pazar			25		
4.	Disclosure of final ARAP	PIU/City of Novi Pazar			27		
5	Valuation at negotiation stage	Taxadministration office	Completed in 2015				
6	Valuation in court procedures	Tax administration and accredited expert			15		
7	Providing relocation assistance and dismantling of storage house and transportation to new location	PIU			30		

N°	Activity	Responsibility	2016				2017
			June	July	August	Sept	APR
1.	Census and socioeconomic baseline data necessary establish baseline conditions and formulate entitlements	PIU/Social Safeguards Specialist	17-22				
8	Compensation distribution	Municipality of Novi Pazar				20	
9	Completion Report	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 in respect to ARAP timeline
- Preparation and submission to the MoAEP 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 Annex 8 - Social screening check list.

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

The PIU shall keep Monthly updated database in the form of excel spreadsheets and send semi-annual updates to the World Bank.

10.2 Completion Report

The Beneficiary of Expropriation (DfW/PIU) will monitor the implementation of the resettlement 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 within 2 months of resettlement completion 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

As per national requirements the costs of the land acquisition is financed by the Beneficiary of expropriation i.e City of Novi Pazar. The proceeds required for land acquisition were secured and allocated in the in the Budget of the City of Novi Pazar. Certificate of Evidence of funds is presented in Annex 9 - Evidence of secured funds for expropriation

Table 11: Assessment of Budget to be paid for Expropriation

Component	# of plots	Area of land in total (m2)	Budget w/ contingency for registration fees* made available	Contingency amount for Registration fee (included in Total Budget)	Type of cost per category of land/structure	Costs estimation		Status of payment
						As administration (RSD)	Per Tax (EUR)	
Component 3: Land acquisition by expropriation	25	5616	60.000.000,00 RSD or 487.804,00 EUR equivalent	440.000,00 RSD 3577,23 EUR	Fertile(uncultivated):	1.021.250,00	8.302,91	Pending . Money available and allocated within the Budget
					Unfertile:	2.340.250,00	19.026,00	
					Meadows class 1,2 & 3:	1.653.250,00	13.441,00	
					Forest:	1.968.750,00	16.006,00	
					Orchards:	48.750,00	396,34	
1 Storage house					costs of the transfer of the plant	50.000,00	406,00	Pending
TOTAL:	25	5616				7.033.500	57.578	

*Since all the cases have been referred to the Court, significant contingency budget has been appropriated allowing payment of compensation packages as determined by the Court and payment of Registration taxes if any



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

ABBREVIATED RESETTLEMENT ACTION PLAN FOR (ARAP)

For Novi Pazar Flood Protection sub-project

Under the Serbia Floods Emergency and Recovery Project (FERP)

To be held on September 9, 2016 at 14:00 PM (Local time) at the City of Novi Pazar

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 City of Novi Pazar, during working hours,
- on the web site of the Ministry of Agriculture and Environmental Protection Directorate for Water Management : www.rdvode.gov.rs
- On the website of the City of Novi Pazar: www.NoviPazar.org

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
2a Bulevar Umetnosti Street
11070 Belgrade, Serbia
tel./fax. +381 11 / 2174153
E-mail: fer.project@yahoo.com

Annex 2 – Request For Access to Information of Public Importance

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

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

REQUEST

For Access to Information of Public Importance

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

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

This request relates to the following information:

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

Applicant / Name and Surname

In _____, _____

Address

On _____ 201__ (date) _____

Other contact data

Signature _____

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

Annex 3 – Socio-economic Survey Questionnaire

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

Survey date: .2016

City: Novi Pazar

Location:

Address:

Cadastral plot reference:

Whole plot affected: YES / NO

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

1. GENERAL INFORMATION ON THE RESPONDENT

1.1. Respondent's name and surname:

1.2. Place of living:

1.3. Owner or user of land plot:

1.4. Ethnic group:

1.5. Phone number:

2. GENERAL INFORMATION ON AFFECTED PROPERTY (PLOT)

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

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

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,	

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

gas, fuels, etc.)	
Food	
Furniture, household equipment and routine maintenance of the house	
Health	
Education	
Leisure and recreation	

Tick appropriate box

7.2. Are you satisfied with your economic situation?

Highly satisfied	
Satisfied	
Neither satisfied nor dissatisfied	
Dissatisfied	
Highly dissatisfied	

Tick applicable box

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

THANK YOU!

Annex 4 – Summary of Socio-economic Data for those expropriated

Note: Full data with compensation amounts is provided in separate excel sheet

	Cadastral Parcel	Total area m ²	Area to be expropriated m ²	LN	Cadastral Municipality	Land classification	of land ty	Number of owners	of ow	Gender	Date of compensation offer	Date of compensation refusal
1	41/2	2416	177	13289	Novi Pazar	fertile field, class 1	1	1	1	M	may 6, 2015	14. oktobar 2015
2	4764/3	386	13	2600	Postenje	meadow, class 2	2	1	2	M	may 6, 2015	11. november 2015
3	49/2	3306	39	13204	Novi Pazar	orchard, class 2	3	5	3	M	may 6, 2015	22. septembar 2015
									4	M		
									5	F		
									7	F		
4	80/7	3886	568	13318	Novi Pazar	barren land	4	1	8	M	may 6, 2015	24. septembar 2015
5	4494/2	59098	760	13613	Novi Pazar	barren land	4	8	9	M	may 6, 2015	9. november 2015
									10	M	may 6, 2015	9. november 2015
									11	M	may 6, 2015	9. november 2015
									3	M	may 6, 2015	9. november 2015
									4	M	may 6, 2015	9. november 2015
									7	F	may 6, 2015	9. november 2015
									6	F	may 6, 2015	9. november 2015
									5	F	may 6, 2015	9. november 2015
6	44/2	1853	275	13290	Novi Pazar	fertile field, class 2	5	2	10	M	may 6, 2015	16. septembar 2015
7	81/2	1143	169	13370	Novi Pazar	barren land	4	5	12	state	may 6, 2015	13. oktobar 2015
									13	M		
									14	M		
									15	F		
									16	M		
									8	M		
8	4776/5	3445	65	2635	Postenje	meadow, class 3	6	6	17	F	may 6, 2015	5. oktobar 2015
	4776/6								18	M		
									19	M		
									20	F		
									21	M		
									22	F		
9	53/2	1378	7	13296	Novi Pazar	fertile field class 2	7	1	23	F	may 6, 2015	14. oktobar 2015
10	80/8	1383	68	1448	Novi Pazar	barren land	4	2	24	M	may 6, 2015	25. februar 2016
11	4763/2	1384	278	2597	Postenje	fertile field class 3	8	2	25	state	may 6, 2015	17. septembar 2015
									26	M		
12	4761/2	14278	1575	2631	Postenje	forest, class 3	9	3	12	state	may 6, 2015	10. november 2015
	4761/3											
	4762/3											
	4762/4											
	4775/3											
4776/4												
13	4767/2	5164	62	2611	Postenje	meadow, class 2	2	1	30	M	may 6, 2015	2. septembar 2015
14	66/3	17577	747	13330	Novi Pazar	meadow, class 2	2	4	31	M	may 6, 2015	28. septembar 2015
									32	F	may 6, 2015	28. septembar 2015
									33	M	may 6, 2015	28. septembar 2015
									34	M	may 6, 2015	
15	71/2	9677	100	13574	Novi Pazar	barren land	4	1	35	company	may 6, 2015	5. november 2015
16	48/3	5834	17	18612	Novi Pazar	fertile field, class 2	7	4	36	M	may 6, 2015	21. oktobar 2015
	51/4								37	F		
									38	F		
									39	F		
17	4777/2	815	372	2642	Postenje	meadow, class 3	6	5	40	M	may 6, 2015	23. oktobar 2015
									41	F	may 6, 2015	23. oktobar 2015
									42	M	may 6, 2015	
									43	F	may 6, 2015	23. oktobar 2015
									44	F	may 6, 2015	23. oktobar 2015
18	4773/2	1089	324	2628	Postenje	barren land	4	8	27	M	may 6, 2015	5. november 2015
									28	M	may 6, 2015	5. november 2015
									29	F	may 6, 2015	5. november 2015
									40	M	may 6, 2015	10. november 2015
									43	F	may 6, 2015	10. november 2015
									42	M	may 6, 2015	5. november 2015
									44	F	may 6, 2015	10. november 2015
									41	F	may 6, 2015	10. november 2015
Total area:			5616					60				
Average expropriation plot area:			312									
Largest plot to be expropriated:			1575									
Smallest plot to be expropriated:			7									
						Total number of co-owners:	60					
						Number of different owners:	44					
						Number of female owners:	16					
						Number of male owners:	28					

Do you want to file a grievance?

In order to solve the problems that may occur during the expropriation procedure and Construction works efficiently, we have established an Grievance Commission. This brochure is designed to introduce the basic principles

What is the Grievance Commission?

How to contact the Grievance Commission?

When have my rights been denied?

What to expect?



Directorate for Water Management

11000 Belgrade,
Republic of Serbia.
www.xxxxxxxxxx.rs

Directorate for Water Management

A short guide for the Grievance Commission and for solving problems occurring during the expropriation procedure

What is the Grievance Commission?

Is the Grievance Commission an independent body?

Yes. The Grievance Commission is an independent body consisting of seven members who decide on potential objections and claims made by individuals included in the expropriation procedure (for example, owners of the parcels, beneficiaries, holders, etc.)

Who are the members of the Grievance Commission?

The GC has seven members, including three representatives of the persons included in the expropriation procedure, two representatives of Public Utility Company "Roads of Serbia", one person representing "Corridors of Serbia" and one representing the local municipal administration.

What is the purpose of the Grievance Commission?

The purpose of the GC is to collect the claims filed by the persons involved in the expropriation procedure and to resolve them in an transparent, objective and efficient manner. Land prices are determined by the Tax Department, not by GC.

How to contact the Grievance Commission?

- 1) Visit or write to local administrative bodies - municipalities.** If you visit the GC in person at respective municipality's office, the commission shall draft a claim on your behalf and respond within 3 weeks.
- 2) Orally or in writing, during a discussion.** This type of claim may be filed during any of the phases of the expropriation procedure.
- 3) Electronically, via e-mail,** using the official e-mail address of the ferpnovipazar@XXXXX.com

When can I turn to the Grievance Commission?

You may turn to the Grievance Commission at any stage of the expropriation procedure, provided that you adhere to any of the three described modes of filing a claim.

Which of my rights may be endangered?

You may turn to the Grievance Commission if you believe that you have been wronged, i.e. **if the exchange of land was not offered to you, is you believe that the compensation for the crops was not adequate (orchards, vineyards, plant nurseries, etc.), if you believe that you do not have economic interest to use the remaining part of the parcel or if you believe that you have been damaged in respect of the compensation of the auxiliary facilities in your household (fences, cesspit, henhouse, wells, stable, outhouses, etc.)**

If you are not satisfied with Grievance Commission decision, you can further pursue the matter in court.

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

Should it be necessary, the Grievance Commission is obliged to visit the site in question and to draft a minutes pertaining to the claim. The Grievance Commission shall act objectively, impartially and in accordance with the Laws of the Republic of Serbia and with the principles of Resettlement Action plan. Furthermore, the Grievance Commission is obliged to draft a record on the claim and to deliver the record to the person who filed the claim.

Conclusion

The expropriation procedure is a procedure that has a goal to construct a highway, infrastructure and the network of local roads. The investment into the highway is an investment that would bring economic benefit and prosperity to the entire region. During the course of the procedure which is governed by the law, certain problems may occur on the level of local government, users of the expropriation, tax administration, contractors, but also individuals included in the expropriation procedure. For this reason, we have formed an Grievance Commission whose aim is to make the expropriation procedure easier and more efficient.

Contact

Municipality of Novi Pazar
Stevana Nemanje 2
36 300 Novi Pazar
Tel: 020 313 644
www.novipazar.rs

Annex 6 – Grievance registration Form

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT (FERP)

Component 3- Novi Pazar sub-project

Reference number:

Full name:

Contact information:

Please mark how you wish to be contacted (mail, telephone, e-mail).

- By post: Please provide mailing address:

- By telephone: _____

- By e-mail: _____

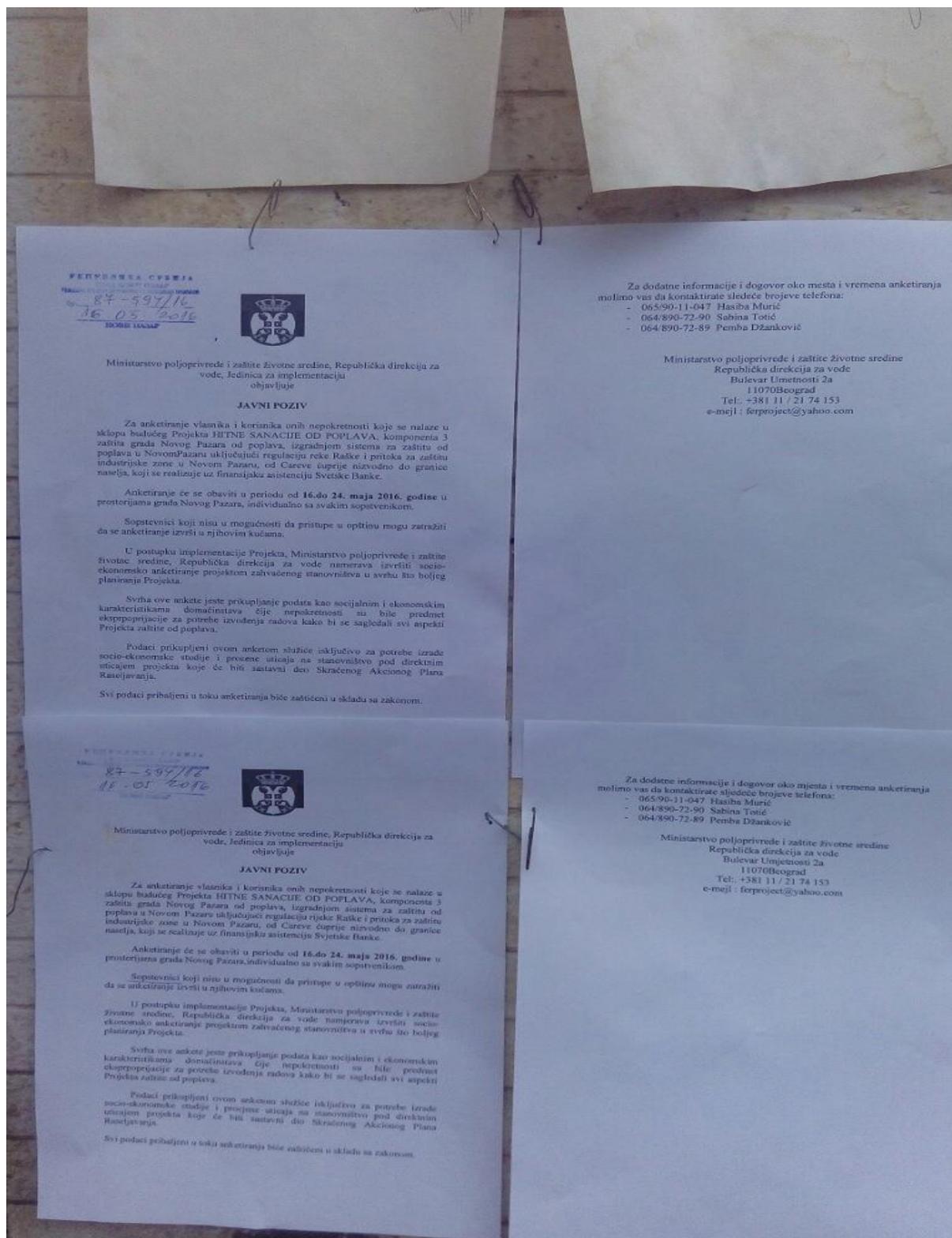
Description of the event giving rise to the grievance. What happened? Where did it happen? Who did it happen to? When did it happen? Main consequences of the event? Any other relevant information on the grievance

How do you see your case would be best resolved?

Date and Place|

Signature

Annex 7 - Invitation to Survey



Annex 8 -Social screening check list

SUB-PROJECT:	(section name)			
Screening team:	(Names of team members performing screening)			
Attachments:	(Photos, additional docs, tables, etc.)	date:		
No	Item description	Checked	Note for designer	Screening comments
1	Identification of section location Start point End point			
2	Identification of lane width Lane width Lane no:			
3	Shoulders width Shoulders width Shoulders condition			
4	Identification of Settlements, and subsections with high intensity pedestrian traffic Settlements Type of settlements High intensity pedestrian traffic			
5	Identification of subsections with agricultural land next to the flood protection structure - Agricultural area identification			
6	Identification of subsections passing by the woods Woods Green areas			
7	Identification of structures ¹⁰ Commercial objects (workshops, cafes, stores etc.) Residential objects			
8	Identification of places of great cultural heritage Historical heritage			

	<p>Cultural heritage</p> <p>Nature preserved area</p> <p>Weekend rest areas</p>			
11	<p>Vulnerable categories needs</p> <p>Access to road</p> <p>Sidewalks</p> <p>Cycle lane</p> <p>Banquette</p> <p>Underground passage</p>			
12	<p>Identification of rivers</p> <p>- Sources of drinking water</p>			
13	<p>Identification of utilities</p> <p>Electricity</p> <p>Low-voltage cable</p> <p>Overhead Installation</p>			
15	<p>Identification of dangerous places (memorial stones and others)</p>			

Annex 9 - Evidence of secured funds for expropriation

Republika Srbija
Grad Novi Pazar
Gradska uprava za izvorne i poverene poslove
Odeljenje za finansije
Novi Pazar
Broj sl.
15.05.2015.godine



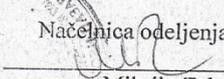
GRADSKO PRAVOBRANIŁAŠTVO

Predmet : Obaveštenje

Na osnovu vašeg dopisa od 14.05.2015.godine,obaveštavmao vas da su Odlukom o prvoj izmeni budžeta grada Novog Pazara koji je usvojila Skupština grada Novog Pazara dana 27.02.2015.godine, predviđena sredstva za kupovinu zemljišta na ekonomskoj klasifikaciji 541- Zemljište u iznosu od 60.000.000,00 dinara.



Naeelnica odeljenja za finansije


Mihrija Zeković

Annex 10 - Unofficial translation of evidence of secured funds

Unofficial translation

Republic of Serbia

- Receipt stamp with date-

City of Novi Pazar
City administration for entrusted affairs
Financial department
Novi Pazar
Number official
May 15, 2015

PUBLIC DEFENDERS OFFICE

SUBJECT NOTICE

In reply to your letter dated May 14, 2015 you are hereby notified that by the first Amendment to the the Budget passed by the Assembly of Novi Pazar on February 27, 2015 an amount of 60.000.000,00 RSD has been allocated at the economic classification 541- Land ,

Chief Financial Officer

Mihrija Zekovic

-----End of Translation-----

JKP „ČISTOČA“
BROJ. SL. _____
21.06.2016 GOD.
NOVI PAZAR

ZAPISNIK O SASLUŠANJU STRANKE

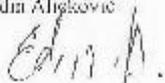
UTORAK 21.06.2016 god.

Saslušan dana 21.06.2016 u 12.30h u prostorijama JKP „Gradska Čistoća“ pijačne uprave.

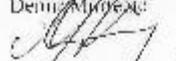
Predmet rasprave je pomenutoje montažno-demontaznog objekta postavljenog na Kventaskejoj pijaci u polju I/2. Na sastanku prisutni zakupac Edin Aličković, ul. Hercegovačka 230 i direktor pijace Demir Murtezić. Na raspravi se konstatuje da je grad Novi Pazar zaključio sporazum radi realizacije projekta himni građeva za zaštitu naselja i industrijske zone u Novom Pazaru od poplava, regulacija reke Ruske kod ušća reke Brajske do mosta Carske cunrije koji podrazumeva i pomeranje montažno-demontaznog objekta zakupca Edina Aličkovića.

Pre prisutna stranka Edin Aličković izjavljuje da je saglasan da ukloni montažno-demontazni objekat i ne zeli drugu lokaciju jer sum planirao da raskine ugovor zašto je podneo izjavu o raskidu ugovora 21.06.2016

ZAKUPAC
Edin Aličković



DIREKTOR PIJACE
Demir Murtezić



Annex 12 – Individual invitation to 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

Invites

Mr. XXXXX from Novi Pazar

to

PUBLIC CONSULTATIONS

on

ABBREVIATED RESETTLEMENT ACTION PLAN FOR (ARAP)

For Novi Pazar 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 City of Novi Pazar

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 City of Novi Pazar, during working hours,
- on the web site of the Ministry of Agriculture and Environmental Protection Directorate for Water Management : www.rdvode.gov.rs
- On the website of the City of Novi Pazar: www.NoviPazar.org

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

2a Bulevar Umetnosti Street

11070 Belgrade, Serbia

tel./fax. +381 11 / 2174153

E-mail: fer.project@yahoo.com

Na osnovu odredbi Okvirnog Plana Raseljavanja za Projekat hitne sanacije od poplava, koji je objavljen dana 7.07.2015. godine i saglasno zahtevima Operativnih Politika Svetske Banke OP 4.12, čija je primena obavezujuća u skladu sa Zakonom o potvrđivanju sporazuma o Zajmu (Projekat hitne sanacije od poplava) između Republike Srbije i Međunarodne banke za obnovu i razvoj („Službeni Glasnik RS- Međunarodni ugovori“ br. 17/2014) Načelnik Gradske uprave za izvorne i poverene poslove grada Novog Pazara, dana 24.06.2016. godine donosi

REŠENJE
O OBRAZOVANJU KOMISIJE ZA ŽALBE ZA PROJEKAT ZAŠTITE GRADA
NOVOG PAZARA OD POPLAVA

- I. **OBRAZUJE SE** Komisija za žalbe za pod-projekat zaštite Grada Novog Pazara od poplava sa sedištem u Novom Pazaru, Stevana Nemanje 2.
- II. Komisija je nadležna da prima i odlučuje po žalbama sopstvenika eksproprisanih nepokretnosti kao i drugih osoba pogođenih projektom zaštite od poplava čiji povod za žalbu je u u direktnoj vezi ili direktna posledica izvođenja građevinskih radova.
- III. Za članove Komisije imenuju se:
 - Nihad Hasanović, zamenik predsednika skupštine - predstavnik jedinice lokalne samouprave grada Novog Pazara,
 - Nenad Brkić, predstavnik Jedinice za implementaciju Projekta otklanjanja posledica od poplava,
 - Slobodan Milanović, sopstvenik čija je imovina eksproprisan za potrebe pod-projekta zaštite Novog Pazara od poplava.
- IV. Za Sekretara Komisije imenuje se Naser Crnovršanin, zaposleni Gradske uprave za izvorne i poverene poslove grada Novog Pazara
- V. Sekretar će voditi evidenciju Knjigu žalbi, voditi zaspinike sa sastanaka i starati se o administrativnom izvršenju i dostavi donetih odluka.
- VI. Komisija će poslove radi kojih je osnovana obavljati u prostorijama grada Novog Pazara.
- VII. Komisija za svoj rad neće primati naknadu.
- VIII. Komisija je dužna da konstitutivnu sednicu održi najkasnije u roku od 15 dana od dana dostave ovog Rešenja svim članovima Komisije.

Obrazloženje

Republika Srbija zaključila je dana 9. oktobra 2014 Sporazuma o zajmu (projekat hitne sanacije od poplava) sa Međunarodnom Bankom za Obnovu i Razvoj kojim je Republici Srbiji stavljen na raspolaganje iznos zajma od 227,5 miliona evra (U daljem tekstu: Zajam).

Obaveza Zajmoprimca je da implementaciju projekta i svih njegovih komponenti sprovodi poštujući Operativne Politike Svetske Banke OP 4.12 o nevoljnom raseljavanju kao i drugih zaštitnih mera.

U skladu sa Zajmom Ministarstvo poljoprivrede i zaštite životne sredine, Direkcija za vode donela je Okvirni Plan Raseljavanja (objavljen 07.07.2015) godine kojime je stvorena obaveza ustanovljenja i formiranje Komisije za žalbe.

Imajući u vidu napred izneto doneta je odluka kao u dispozitivu ovog rešenja.



NAČELNIK,

Almir Leković, dipl.pravnik

A handwritten signature in black ink, appearing to read 'Almir Leković', is written over a horizontal line.

Dostaviti:

- Imenovanim licima;
- Ministarstvu poljoprivrede i zaštite životne sredine, Direkciji za vode, Jedinici za upravljanje projektom preko adresa: Bulevar umetnosti 2a, 11070 Beograd
- Odeljenju za imovinsko-pravne poslove grada Novog Pazara.
- Arhivi

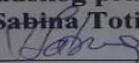
REPUBLIKA SRBIJA
GRAD NOVI PAZAR
GRADSKO O PRAVOBRANIŠTVO
BR.SI.
DATUM: 13.05.2015.GODINE
NOVI PAZAR

ODELJENJE ZA FINANSIJE

Grad Novi Pazar planira realizaciju „Projekta hitne obnove nakon poplava 2014.godine“ koji se finansira iz sredstava Međunarodne banke za obnovu i razvoj u okviru kreditnog sporazuma sa Vladom Republike Srbije.

Obzirom da je Nacrtom Sporazuma o zajedničkom izvršenju hitnih radova za zaštitu naselja i industrijske zone u Novom Pazaru, koji će biti potpisan sa JVP“Srbijavode“, predviđeno da je Grad u obavezi da izvrši eksproprijaciju zemljišta potrebno je da nas obavestite da li su Budžetom za tekuću godinu predviđena sredstva za ovu namenu i u kojem iznosu.

Zamenik gradskog pravobranioca
Sabina Totić



Annex 15 - Unofficial translation of Letter to provide evidence of secured funds

-----Unofficial Translation-----

Republic of Serbia
City of Novi Pazar
Public Defender
Number: official
Dated May 13, 2015
Novi Pazar

FINANCIAL DEPARTMENT

The City of Novi Pazar is planning to implement the Floods Emergency Project after the 2014 floods financed through the proceeds of the Loan agreement signed between the International Bank for Reconstruction and Development and the Government of Republic of Serbia.

By draft agreement of the joint execution of emergency works for protection of the city and industrial zone in Novi Pazar, to be signed with PWC „Srbijavode“, the obligation of the city of Novi Pazar is to conduct the expropriation of land needed. You are kindly asked to inform us whether proceeds for the purpose of expropriation have been allocated, and in what amount, within the current Budget.

Deputy Public Defender

Sabina Totić
(Signature)

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

Annex 16 – Example of Official Property Valuation

1. BACKGROUND

Pursuant to decision of the Court in Novi Pazar NO 11P1 98/15, by the Judge Jelena Sretkovic, I have been appointed as accredited expert in this matter to evaluate the cadastral parcel owned by Mujdragic Izete and others, at the request of the Beneficiary of Expropriation City of Novi Pazar, represented by the Public Defender.

The objective of this valuation is to assess the market value of immovable property, defined as cadastral parcel no. 4777/2, Postenje –Galije, meadow 3rd class, but assessed as construction land outside the construction area, in the total area of 372 m². The plot is listed in registration sheet no 2642 Cadastral Municipality Postenje, Novi Pazar.

In my assessment I have taken into account all relevant circumstances that influence the market value, like the boundary of the Detailed Urban Plan and other assessments of parcels of the similar or same quality as the respective parcel.

Based on everything stated in this assessment, I have determined the market value of the land in the amount of 3.500,00 EUR per 100 m², payable in Serbian dinars equivalent.

2. ELEMENTS OF ASSESSMENT

Methodology

For determination of the market value of land I have applied the accepted methodology of direct comparison of prices.

This methodology implies to determine the range of value for the specific immovable property could achieve, and then compare this range with achieved prices for same or similar immovable properties sold in the recent past, by calculating and assessing all the specific details and quality property has at the date of assessment.

Therefore this methodology requires acquiring information on market price for similar or same land. These comparable prices are then corrected by applying a corrective factor.

During the Assessment of the agricultural land the following analysis and research were conducted>

- Analysis of size and location of parcel,
- Analysis of purpose (special qualities of land for cultivation or construction purposes),
- Analysis of vicinity and accessibility to road infrastructure and distance from town centre,
- Analysis of urbanity possibilities.

Research was conducted on available documentation in recent sales transaction, for same or similar land, especially in respect to price of agricultural land in the vicinity of the plot I am valuating and other types of land offered on the market.

Construction possibilities

The parcel is within the boundaries of the Detailed Urban Plan of Novi Pazar. Based on that fact it is possible to build on this land plot. This fact influences the value of the plot.

Comparable samples

As the accredited expert I reviewed the Purchase Contract signed on January 24, 2000. Between Mujdragic Ljutvo, Osman I Milhata all from Novi Pazar and Metic Fadil, where they sold a land plot adjacent to this one for the amount of 4.100 DM (Deutsch Marks, 1 DM equals 1.98 EUR) per 100m². I have reviewed similar contracts as well.

With this Court during year 2015 a court settlement has been reached for expropriated land between PE Railways of Serbia and Petrovic Milinka and others for the amount of 5.000,00 EUR per 100 m².

In the vicinity of the elementary school in Postenje, 500 m away from the city centre another sales transaction was concluded between Spasojevic Milica and others for the price of 3.000,00 and 3.500,00 EUR per 100 m² .

3. EXPERT FINDINGS, OPINION AND VALUATION OF THE MARKET VALUE OF THE REAL PROPERTY

Based on the findings, or in more details based on the condition on site, comparison of market prices of land achieved in willing by willing sell transactions as well as in settlements with this Court, then based on the offer of similar or same land in the vicinity, possibility to construct on the land and the attractiveness of location for construction, and based on the fact that the area of land left has now a diminished value due to expropriation and is unlikely to be used for agricultural purposes I asses that the immovable property cadastral No, 4777/2, Postenje, meadow 3rd class, but valuated as construction land, in the total area of 372 m², at the date of assessment has a range of market price between 2.070,00 to 4.500,00 EUR per 100m², whereas:

- Lowest threshold of market price is – 2.070,00EUR per 100 m²
- Expected realistic market price is – 3.500,00EUR per 100 m²,
- Highest threshold of market price is – 4.500,00 EUR per 100 m²

Base on the above I am of the opinion:

That the expected realistic market value of the cadastral parcel 4777/2, Postenje Novi Pazar- Galije, meadow 3rd class, valuated as construction land outside construction areas, in the total area of 372 m², at the date of assessment is 3.500,00 EUR per 100 m² in Serbian dinars counter value, by applying the middle rate of the National Bank of Serbia dated June 27,2016 (1 EUR 123,78 RSD) is 433.230,00 RSD per 100 m² (4.332,30RSD per 1 m²).

JAVNE KONSULTACIJE / PUBLIC CONSULTATION			
PROJEKAT /PROJECT: FERP IMPLEMENTATOR/IMPLEMENTING ENTITY: MINISTARSTVO POLJOPRIVREDE I ZAŠTITE ŽIVOTNE SREDINE, JEDINICA ZA URAVLJANJE PROJEKTOM DOKUMENT/DOCUMENT : SKRAĆENI AKCIONI PLAN RASELJAVANJA NOVI PAZAR /ABBREVIATED RESETTLEMENT ACTION PLAN NOVI PAZAR		Datum	9.9.2016
No.	Ime i prezime /Name	Adresa	Telefon E-Mail
1	SABINA TOTIĆ	SUNADIJSICA 5	064/880-7290 sabina.totic@novipazar.org.rs
2	MILOS RADUNAVIĆ	JUP "SEBIJNODE 1"	069/899074 m.pas.zadornovic@sbijno.de
3	SAKIR LEXIĆ	Novi Pazar	069/609524 sakirlexic@snacco.np@hotmail.com
4	OMEROVIĆ EMIN	Novi PAZAR	0658516001 eminomerovic@hotmail.com
5	ERVIN ČAŠIĆ	Koluševica 25 Novi Pazar	064/908824 ervincacic@gmail.com
6	SUAT LIJAJIĆ	ul. 28. Novembra br. 2 Novi Pazar	064-206882 suat.lijajic@gmail.com
7	DARZAREVIĆ Edin	ul. D. Stupovića 67 Novi Pazar	062/509955 edindarzar@kotwar.org.rs
8	LATIF ĐERDŽIĆ	Rygen Bošićević 4 99. Novi Pazar	063/626-772 Latif.DJERDZIC@gmail.com
9	Ervin Ljajić	Koljević 233 Novi Pazar	061/9011076 ljajic@novipazar.org.rs
10	MIRIĆ Jasna	Sarajevska 18	065/601074 jasna.miric@novipazar.org.rs
11	Hocep Gumborović	ul. Č. Čokulovića 22	069/788-887 hocep.gumborovic@gmail.com
12	Jure Džupar	Beograd	063/61000 pep

JAVNE KONSULTACIJE / PUBLIC CONSULTATION			
PROJEKAT / PROJECT: FERP IMPLEMENTATOR/IMPLEMENTING ENTITY: MINISTARSTVO POLJOPRIVREDE I ZAŠTITE ŽIVOTNE SREDINE, JEDINICA ZA URAVLJANJE PROJEKTOM DOKUMENT/DOCUMENT : SKRAĆENI AKCIONI PLAN RASELJAVANJA NOVI PAZAR /ABBREVIATED RESETTLEMENT ACTION PLAN NOVI PAZAR			
		Datum	9.9.2016
No.	Ime i prezime /Name	Adresa	
		Adresa	
		Telefon	E-Mail
13	DMITAR ŽAKULA	PIU	064 176897 DMITARŽAKULA@YAHOO.CO.Y
14	Mirka Debelić	Stevana Nempe 113	060 3303602 bebajep@hotmail.com
15	Ona Jovanović	Alece Manuška 18	060 488149
16	Viša Sanjić	Avnija	065 80 2204 ogca.sanjić@gmail.com
17	Hana Savihagić	Josavica	065 20 11 029 hanasavihagic@gmail.com
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Annex 18 – Pictures from public consultation



