

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT  
(FERP)

Component 3  
Abbreviated Resettlement Action Plan  
(ARAP)

For Aleksinac Flood Protection subproject



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

*Final document*

August 2016

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.

## Contents

EXECUTIVE SUMMARY .....	- 8 -
Project Background .....	- 8 -
Project Impacts .....	- 8 -
Limitations and assumptions.....	- 9 -
1. INTRODUCTION .....	- 9 -
1.1 Project description .....	- 9 -
1.2 Sub-Project Area Description and Context.....	- 10 -
1.3 Sub-Project Objectives and Activities .....	- 10 -
1.4 Scope and Purpose of Abbreviated Resettlement Action Plan .....	- 11 -
1.5 Objectives and Principles of the Abbreviated Resettlement Action Plan and Land acquisition .....	- 11 -
1.6 Study methodology .....	- 12 -
2. LEGAL FRAMEWORK.....	- 13 -
2.1 The National Land Policy - The Republic of Serbia Expropriation Law .....	- 13 -
2.2 Public interest and purpose of expropriation.....	- 13 -
2.3 Expropriation process .....	- 14 -
2.4 Valuation .....	- 14 -
2.5 Information and consultation requirements .....	- 15 -
2.6 Information of public interest .....	- 15 -
2.7 Other Applicable Laws and Provisions .....	- 15 -
3. THE WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT (OP/BP 4.12) .....	- 16 -
3.1 Gap analysis between relevant national legislation and World Bank OP. 4.12 .....	- 16 -
4. MINIMIZATION OF IMPACTS.....	- 19 -
5. AFFECTED PEOPLE AND PROJECT IMPACTS .....	- 23 -
5.1 Overview of Project Impacts.....	- 23 -
5.2 Completed expropriation for access and emergency roads.....	- 26 -
5.3. Review of completed expropriation .....	- 26 -
5.4 Valuation for auxiliary structures .....	- 28 -
5.5. Anticipated Future impacts .....	- 29 -
5.6. Census/Inventory .....	- 29 -
6. SOCIO-ECONOMIC SURVEY .....	- 30 -
6.1 Owners .....	- 30 -
6.2 Demographic features of households .....	- 30 -
6.3 Gender of Respondents.....	- 31 -
6.4 Education.....	- 31 -
6.5 Sources of Livelihood for the affected person and monthly income .....	- 31 -

6.6. Employment status.....	- 33 -
6.7 Place of Residence .....	- 33 -
6.8 Vulnerability .....	- 33 -
6.9 Public infrastructure that will be affected.....	- 33 -
6.10 Community Perception of the Project.....	- 33 -
7. RESETTLEMENT COMPENSATION STRATEGIES .....	- 34 -
7.1 Key Principles .....	- 34 -
7.2 Cut-Off Date .....	- 34 -
7.3 Eligibility .....	- 34 -
7.4 Valuation .....	- 36 -
7.5 Compensation for expropriated land and auxiliary buildings.....	- 37 -
7.6 Compensation for auxiliary structures constructed on public land .....	- 37 -
8. GRIEVANCE MANAGEMENT & REDRESS .....	- 39 -
8.1 Organizational Arrangements for Grievance Management.....	- 39 -
8.2 Grievance Procedure .....	- 39 -
9. CONSULTATION AND PARTICIPATION .....	- 41 -
9.1 Disclosure and consultations requirements during preparation of draft and final ARAP..	- 41 -
10 INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION TEAM .....	- 43 -
10.1 Responsibility for Implementation.....	- 43 -
10.2 Institutional Capacities .....	- 43 -
11. IMPLEMENTATION SCHEDULE .....	- 44 -
11.1 Monitoring, Evaluation and Reporting .....	- 45 -
11.2. Completion Report .....	- 47 -
12. COSTS AND BUDGET .....	- 47 -
Annexes .....	- 49 -
Annex 1 – Invitation for Public Consultation on ARAP Draft.....	- 50 -
Annex 2 – Request to For Access to Information of Public Importance.....	- 51 -
Annex 3 – Socio-economic Survey Questionnaire.....	- 52 -
Annex 4 – Summary of Socio-economic Data- personal information left out .....	- 55 -
Annex 5 – Grievance Commission brochure (page 1).....	- 58 -
Annex 5 – Grievance Commission brochure (page 2) .....	- 59 -
Annex 6 – Grievance registration Form .....	- 60 -
Annex 7 Invitation to Survey .....	- 61 -
Annex 8: Photos from survey April 1, 2016 .....	- 62 -
Annex 9 Signed Agreements with owners – two Samples.....	- 63 -
Anex 10 Social screening check list .....	- 65 -
Annex 11 - Translation of Assessment for staircase Subject for Demolition .....	- 67 -
Annex 12 - Translation of Assessment of Auxiliary structure Subject for Demolition.....	- 72 -
Annex 13 Agreements on comensation in kind with PAP .....	- 77 -

Annex 14 Personal invitation to survey.....	- 79 -
Annex 15 Sample of asset evaluation - Unofficial translation.....	- 80 -

#### List of tables:

Table 1: WB OP 4.12 and Serbian Law on Expropriation: GAP analysis.....	- 17 -
<b>Table 2: Affected land plots by type of ownership and area under both impacts .....</b>	<b>- 24 -</b>
Table 3: Data on PAPs affected by expropriation (permanent land and auxiliary structures and crops) .....	- 25 -
Table 4: Data on PAPs affected by sovereignty to be exercised over occupied public land.....	- 25 -
Table 5: Overview of Affected Land Plots disaggregated by gender under both impacts .....	- 25 -
Table 6: Entitlement matrix for impacts identified .....	- 35 -
Table 7: Organizational Responsibilities and Arrangements .....	- 43 -
Table 8: Tentative Implementation Schedule for ARAP Aleksinac .....	- 45 -
Table 9: Costs incurred and paid for Expropriation and compensat .....	- 48 -

#### List of figures:

Figure 1 Flooding area of Moravica River, and the actual Project Area, Aleksinac in total length of 1580m .....	- 10 -
Figure 2: One of the locations where mitigation measures were successfully implemented & impacted by exercise of right of sovereignty .....	- 19 -
Figure 3, picture and Site plan of location No. 2 where mitigation measures were effectively applied .....	- 20 -
Figure 4 Site Plan of location No.3 where mitigation measures were effectively applied .....	- 21 -
Figure 5 Location No 4 and 5 where mitigation measures were effectively applied .....	- 21 -
Figure 6 Location No. 6 where mitigation measures were effectively applied .....	- 22 -
Figure 7 Location No 7 and 8 where impact was mitigated.....	- 22 -
Figure 8 Location No 9 mitigation measures where effectively applied and location of the second impacted structure .....	- 23 -
Figure 9 Picture of auxiliary structure to be relocated .....	- 24 -
Figure 10 Location of third impact, structure to be demolished .....	- 24 -
Figure 11: Demographic features of households .....	- 31 -
Figure 12 Education.....	- 31 -
Figure 13: Household income.....	- 32 -
Figure 14: Employment status.....	- 33 -
Figure 15: Place of residence.....	- 33 -
Figure 16: Organization of PIU.....	- 44 -

## EXECUTIVE SUMMARY

### Project Background

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

The Government conducted a Recovery Needs Assessment (RNA)<sup>1</sup> completed in July 10, 2014 with the objective of estimating disaster effects<sup>2</sup>. 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 will bring evident benefit by avoided damages of agriculture production, land, assets, households, business etc. The Project is implemented by the Ministry of Agriculture and Environmental Protection.

The Aleksinac Flood Protection sub-project is executed at the banks and within the basin of the Moravica River in the length of 1570 m mainly within the right of way.

The Impact of the Project to land and assets is minor, less than 200 persons are affected and there are no impacts to people's livelihood which is why an abbreviated Resettlement Action Plan is appropriate and acceptable.

Although the Project alignment is set, a significant set of mitigation measures have been applied to avoid the impact, where avoidance was not possible to minimize and finally compensate for any residual impact.

Some of the land needed for construction of access roads and emergency lanes has been acquired two years prior to Floods in 2014 and only very small areas of public occupied land will have to be acquired by exercising sovereignty of right.

The Project will bring evident benefit by avoided damages of agriculture production, land, assets, households, business etc.

### Project Impacts

Aleksinac Flood Protection sub-project required minor land acquisition 14 land parcels, in the total area of 894m<sup>2</sup>, owned by 29 owners (co-owners), affecting 11 auxiliary structures of privately owned land for purposes of construction of the access and emergency roads (allowing easy and unhindered access to the river bed in case of future floods). The expropriation was completed in

---

<sup>1</sup> Republic of Serbia, Recovery Needs Assessment, 2014  
<http://www.obnova.gov.rs/uploads/useruploads/Documents/RNA-REPORT-140714.pdf>

<sup>2</sup> 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.



March 2012, 2 years ahead of the Project start. A review of completed expropriation was prepared for the current ARAP. The review shows that compensation for all impacts has been paid in line with the Serbian Law on Expropriation and there are no pending issues.

Additionally, the sub-project will require relocation of one and demolition of two privately owned auxiliary structure constructed on state-owned land i.e. sovereignty to be exercised over occupied public land for the flood protection works

Overall, the extent of land acquisition and the severity of impacts are fairly minor; there is no physical or economic displacement or impact on livelihoods.

Despite the relatively fixed river alignment, negative impacts on a number of residential structures, erected on public land, were avoided by changing the technical design of the flood protection works.

### Limitations and assumptions

Even though the entire universe of Project Affected Persons (PAPs), those affected by expropriation and already compensated for losses and those affected by exercising sovereignty of right were invited by public invitation to the socio-economic survey, only those from the latter group attended and participated. For this group pre-impact socio-economic baseline will be known. The pre-impact state and socio-economic baseline for those expropriated will not be known and the baseline for those is created in the post-impact stage.

## 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 Aleksinac settlement sub-project.

### 1.2 Sub-Project Area Description and Context

During the 2014 floods, the Moravica River caused severe floods, especially affecting Aleksinac municipality. Aleksinac is located in south east of Serbia, 30 km from Nis to the North, on the Highway to Belgrade. The population of the Municipality of Aleksinac is 51863 persons with an average age of 43,9 years (42,8 in men and 45,1 in women). There are 17016 registered households in Aleksinac with an average number of 3 members per household.

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

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 Aleksinac:”

- 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 Flooding area of Moravica River, and the actual Project Area, Aleksinac in total length of 1580m

### 1.3 Sub-Project Objectives and Activities

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 activities to be implemented under the Aleksinac sub-project include regulation of the Moravica River in the length of 1580 m divided between two sections from the bridge at the brewery ("Brewer's Bridge") from km 2+370 to the bridge near the town cemetery ("Cemetery Bridge") in the total length of 730m. On Figure 1 Flooding area of Moravica River, and the actual Project Area, Aleksinac marked with yellow line, where expropriation has been completed and from km 2+370 to km 3+100, and providing the flow profile of the Moravica river, upstream section, from the "Cemetery Bridge" at km 3+100 to the "Mining Bridge" at km 4+075, in the total length of 850m, in same figure marked with red line were two auxiliary structures will have to be demolished and one stricter relocated for the construction works.

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

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

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

Abbreviated Resettlement Action Plans are prepared in cases where less than 200 persons are displaced and impacts are considered "minor". Aleksinac Flood Protection sub-project requires minor land acquisition and temporary occupancy of privately owned in the total area of 894 m<sup>2</sup>, which acquisition is completed, and demolition of two privately owned auxiliary structures constructed on state-owned land i.e. sovereignty to be exercised over occupied public land and relocation of one movable structure. The demolition and relocation of auxiliary structures is pending and will be executed as per schedule presented in this ARAP, but not before the compensation packages have been negotiated and extended. Detailed description of impact is given in chapter 5 AFFECTED PEOPLE AND PROJECT IMPACTS.

The scope of work undertaken during the ARAP preparation included:

- Screening of project area,
- Survey of projected affected area, land and property thereon;
- 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
- Valuation of the land and assets and property thereon to be expropriated;
- Consultations with affected Project Affected Persons (PAPs)
- Analysis of the relevant legal framework;
- Analysis of institutional framework covering the identification of agencies responsible for
- Establishment of adequate Grievance mechanism

In accordance and in line with the Loan Agreement, an RPF<sup>3</sup> was prepared for the Project, approved by the World Bank and relevant Serbian authorities and publicly disclosed in 2015 and is the guiding document for preparation of this ARAP.

#### 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 review and assess the compliance of the land acquisition and loss of asset already completed for the construction of access and emergency roads and propose remedial actions in respect to discrepancies and gaps if identified. Furthermore the plan shall set out actions on how to avoid and mitigate future impacts by sovereignty of right over occupied land and provide prompt and effective

---

<sup>3</sup> See RPF for FERP, available at <http://www.rdvode.gov.rs/>, accessed on June 22, 2016

compensation for residual impacts to those eligible. The objectives are set and 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), Municipality of Aleksinac in respect to consultation and disclosure;
- Provide baseline census of affected persons and asset information;
- Reviews the completed expropriation in view of national expropriation legislation;
- Describes specific compensation rates and standards as per OP 4.12;
- 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; and
- Provide Implementation and monitoring arrangements.

The RPF and subsequently this ARAP is in line with the local legislation and OP 4.12 and 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) and good practice cases as well but mostly application of individual measures has been chosen based on consultation with PAPs and the in situ 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:

- the involuntary taking of land resulting in loss of assets or access to assets<sup>4</sup>;

## 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 documents including maps for the project sites, cadastral records, Municipal database on PAPs and their assets, expropriation records and preliminary technical designs. The desk study was supplemented with surveying of the project sites to establish the exact impact of the proposed subprojects in terms of required land and affected property and creates an inventory of PAPs, land, and assets attached thereto. The field survey consisted of conducting household census of identified PAPs; conducting social assessment of the subproject sites along the 1580 m long corridor of impact along the River of Moravica, 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 Municipality of Aleksinac 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.

---

<sup>4</sup> See World Bank OP 4.12

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

## 2. LEGAL FRAMEWORK

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

The Republic of Serbia Expropriation Law (passed in 1995 and enacted on January 1, 1996, amended in March 2001, amended again on March 19, 2009) guides expropriation and serves as a general framework for expropriation in the Republic of Serbia. The law also enshrines the principle of compensation at market value.

The most important features of the Law on Expropriation are:

- It is intended to ensure simple, efficient process, reducing as far as possible the need for a lengthy judicial process to facilitate necessary expropriation. Under normal circumstances, the entire process of acquisition can be completed within six months;
- The fair value of the land affected by a particular scheme, or project, is determined by the Tax Administration, on behalf of the “Beneficiary of Expropriation”. The value is assessed on the basis of current market price;
- As a condition to start expropriation, the Beneficiary of Expropriation must arrange a Bank Guarantee with a Commercial Bank, in the assessed total sum for payment;
- In the case of privately owned agricultural land, if comparable land of the same type and quality, or the appropriate value, in the same area or vicinity (Article 15 of the Expropriation Law) can be identified, it is offered to the project affected person with formal title;
- The comparability of land is determined on the basis of an assessment of the available public land, by an accredited expert hired either by the Beneficiary of Expropriation, or the Ministry of Agriculture 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;
- 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 (Art. 1).



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

The Law on Expropriation requires the Beneficiary of Expropriation to justify the need for expropriation and to demonstrate that the scheme cannot occur without the proposed expropriation. The declaration of public interest/use is a special procedure, which precedes and enables any property acquisition and expropriation.

The Government of Republic of Serbia passed the Decision on Public interest No. 05 No. 465-1284/2011 dated March 3, 2011 to enabling expropriation of emergency and access lanes.

### 2.3 Expropriation process

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

The procedure for expropriation starts with a proposal for expropriation, submitted by the Expropriation Beneficiary to the relevant Municipality ("the expropriation authority"). A concrete expropriation proposal is prepared for each project-affected person that contains the amount of land involved, the assessment of fair value for any immovable property, the justification of the need for the specific expropriation, together with the confirmation that the scheme is included in the relevant regional and/or spatial plan.

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

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

### 2.4 Valuation

At the valuation stage, the Beneficiary of Expropriation contacts the Taxation Administration for the assessment of fair value for all land. In the specific case of agricultural land, the Beneficiary of Expropriation contacts the MAEP, which provides an assessment of the availability of comparable agricultural land. In addition, the Beneficiary of Expropriation hire, at its own expense, through the relevant City, an accredited expert(s) to assess the value of the land, agricultural output, businesses, and all immovable property and structures in accordance with paragraph 28(iii). At the request of the project-affected persons, they can be present during the valuation process

In the event that the PAPs disagrees with the offered compensation in either form, they can resort to the judicial process, and the Beneficiary of Expropriation can request the Ministry of Finance, on an exceptional basis, to allow access to the site with assistance (Article 35). The decision is being issued on a case to case basis assessing all relevant facts of the individual case. Based on the objectives of the Project, works to be executed are considered as urgent and access to site could be allowed. 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 interest

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

This subject is governed by the Law On Free Access To Information Of Public Importance<sup>5</sup> shall govern the rights of access to information of public importance held by public authorities, with a view to exercising and protecting the public interest to know and attaining a free democratic order and an open society.

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

## 2.7 Other Applicable Laws and Provisions

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

1. Law on Fundamentals of Property Relations (adopted in 1980, amended 1990, 1996 and 2005)
2. Law of Planning and Construction (adopted and corrected in 2009, and amended in 2011)
3. 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)

---

<sup>5</sup> Official Gazette of RS" No. 120/04, 54/07, 104/09 i 36/10

6. The Law on Elimination of the Consequences of Floods In Serbia (adopted in 2014 amended in 2015)

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

All WB financed projects involving involuntary resettlement are subject to OP 4.12. The policy describes the procedures and instruments for eliminating negative economic, social and environmental issues that may arise OP 4.12 is triggered not only in cases of physical relocation, but any loss of land resulting in relocation or loss of shelter, loss of assets or access to assets and loss of income sources and means of livelihood.

The overall objectives of OP 4.12 are the following:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (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. Additionally, the national law does not recognize informal users, occupiers and settlements. It does not require a project specific grievance redress mechanism, a social impact assessment, payment of taxes and fees as part of compensation package, gender disaggregated data and assistance to vulnerable persons.

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



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

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
Census and Socioeconomic Survey and Abbreviated Resettlement Action Plan (ARAP)	No explicit requirement related with socio-economic studies or development of any kind of resettlement instrument regardless of the extent of impact. Nevertheless the Law requires a inventory of affected persons and assets without socio-economic baseline and indicators.	Census and socioeconomic survey to be made for ARAP. The study should include information on (i) current occupants in the affected area, (ii) characteristics of displaced households and their standards of living and livelihoods, (iii) magnitude of expected losses and extent of displacement, and (iv) information on vulnerable groups or persons.	Census and socioeconomic survey conducted according to WB requirement in addition to requirements under National Legislation
Cut-off Date for Eligibility	The Law stipulates that the cut-off date for eligibility is the date of submission of the proposal for expropriation by the expropriation beneficiary to the relevant municipality.	Normally, the cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.	The cut-off date for purposes of eligibility shall be the date of beginning of the census. PAPs will be explicitly informed about this cut-off date and its implications during the consultations on the draft ARAP. PAPs were explicitly informed about the cut-off date and its implications during census held in Aleksinac on April 1, 2016
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 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

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
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-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>The compensation for loss of land is paid at average comparable sales statistics to arrive at the replacement cost 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.</p> <p>In determining the replacement cost of the affected land or asset, the cost of market value plus taxes and fees, if any, will be taken into account. In case of valuing the cost of affected structures, the depreciation cost of structures will not be taken into account and the estimation of costs will be assessed on how much it will cost for building a new one of the same quality. The valuation of affected structures will also take into account value of time invested in construction and applicable taxes, if any</p>
Grievance Redress (To serve for impacts incurred by exercising sovereignty and any other issues arising during construction.)	Besides officially recognized institutions and legal remedies for appeals no other procedure for settlement of Grievances is required	Appropriate, affordable and accessible procedures for third-party settlement of disputes arising from resettlement must be established; such grievance mechanisms should take into account the availability of judicial recourse and community and	The Municipality of Aleksinac has established an independent grievance committee on June 24,2016 comprising of: DfW/PIU representative, municipality representative (delegated by the municipality), project affected persons representative delegated by the project affected persons.

Issue	Requirements of Serbian Law on Expropriation	World Bank OP 4.12 Requirements	Gaps and measures for bridging the gaps
		traditional dispute settlement mechanisms.	
Monitoring	No specific monitoring procedures are required	The Borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instruments.	The PIU will be responsible for monitoring in line with the requirements set out in the RPF and this ARAP.

#### 4. MINIMIZATION OF IMPACTS

An alternative route for the Project could not have been explored and the impact area itself could not have been avoided since the alignment is set as it follows the position of the river. 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.

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.

This is particularly evident in case of the owner of the residential structure on cadastral parcel No. 422 (with informal occupation of neighbouring public land 2885/1 (Aleksinac Varoš, where a bend of the river was re-directed to avoid the impact on the house. Impacts on the residential structure have been avoided and only a stairway will be demolished. This is one of the three households to be impacted by exercising right of sovereignty.

The picture below shows an off-print of the above discussed.

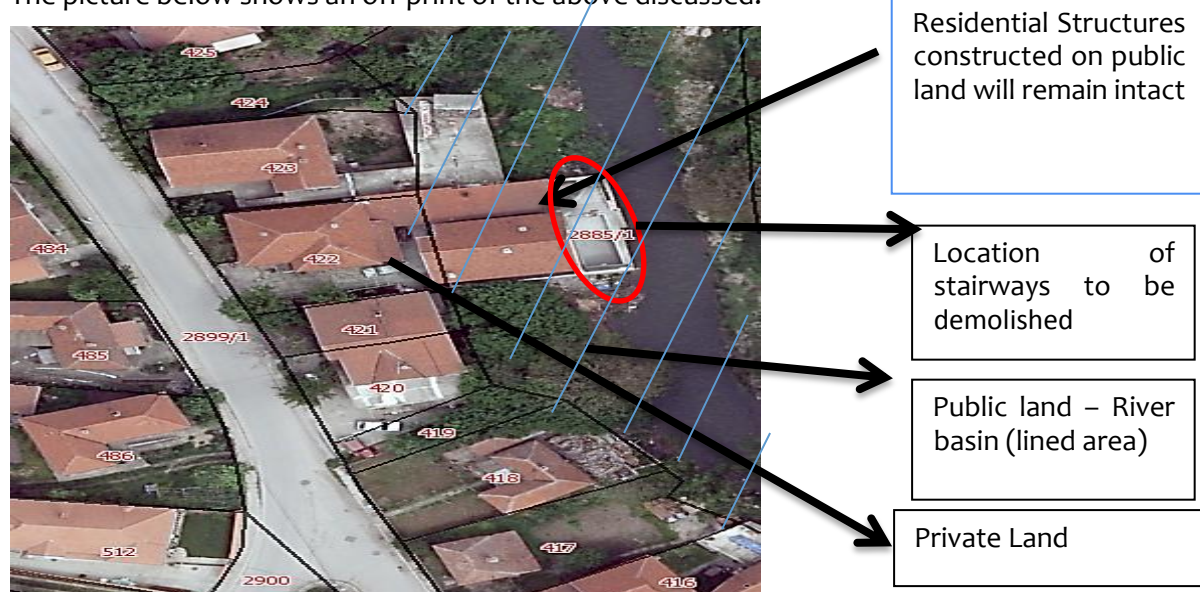


Figure 2: One of the locations where mitigation measures were successfully implemented & impacted by exercise of right of sovereignty

Three types of mitigation measures have been applied:

- change of design,
- incorporation of existing structures into flood protection works,
- Relocation of structures.

These mitigation measures have been applied to the remaining 10 cases and therefore none of the 14 co-owners over the parcels will be negatively affected by the sub-project..

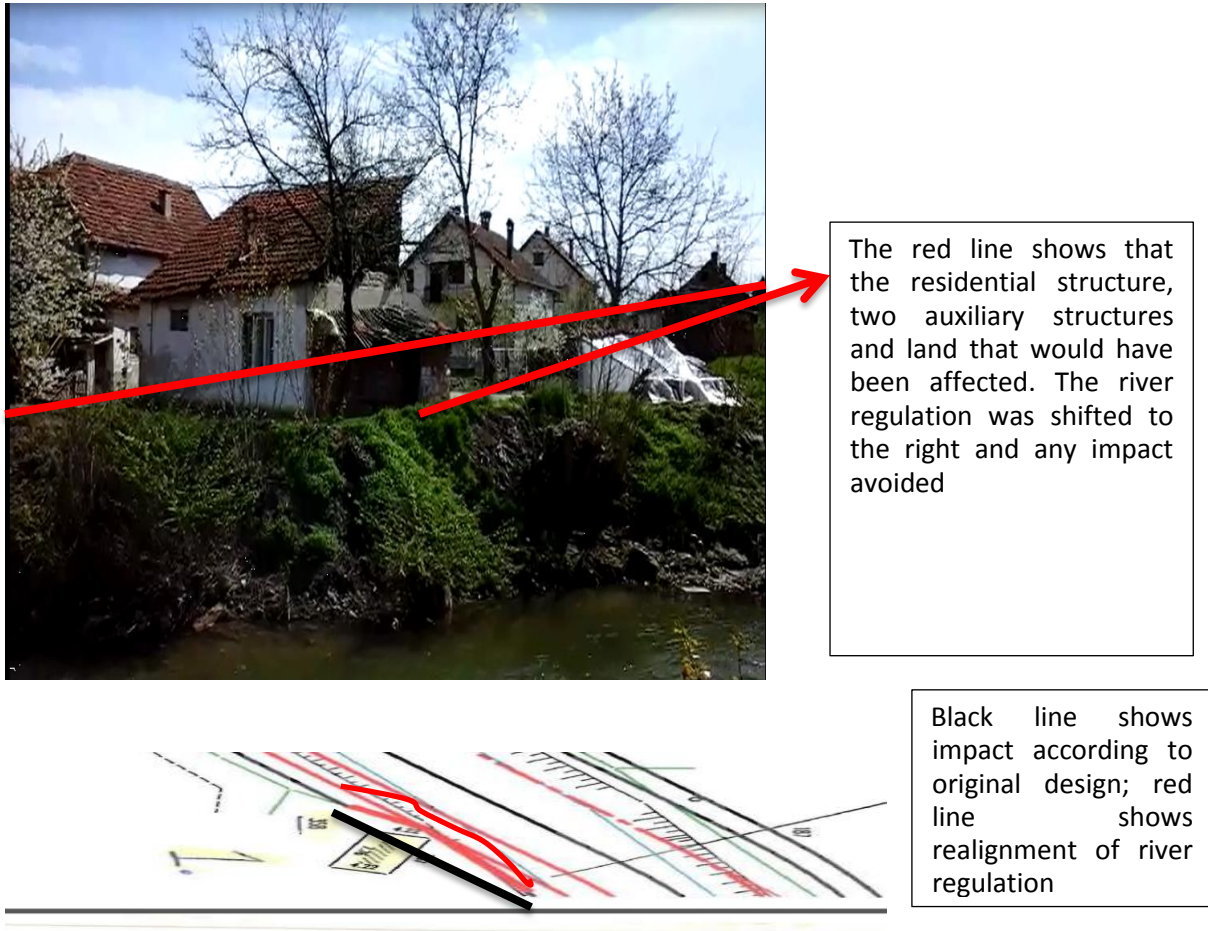


Figure 3. picture and Site plan of location No. 2 where mitigation measures were effectively applied



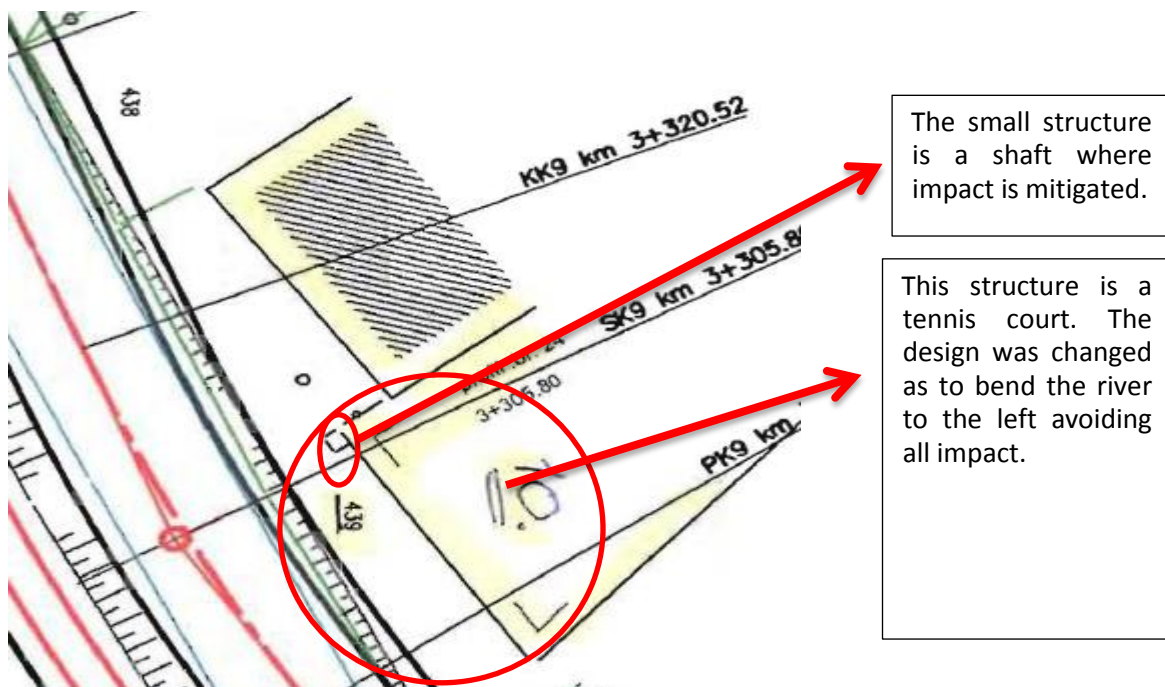


Figure 4. Site Plan of location No.3 where mitigation measures were effectively applied



The picture shows one plateau (circled red) which will be incorporated into the works.

To the right is another plateau with disposed material to be incorporated into the works as well

Figure 5 Location No 4 and 5 where mitigation measures were effectively applied

Both of the structures the left plateau and the right one are not being used and are not in function as confirmed by the PAPs. They have not been in function at all by the PAPs residing in the houses above. The sites were never safe to be used, and could not have been used further due to the water level increase and decrease and especially during floods. Both of the items shall be incorporated in the permanent works as agreed with affected PAPs. At this location the river bends to the left. During floods the impact to those structures is more severe since the water abruptly crushes to the banks and there is always eminent danger to the houses foundation.



Green line shows impact line by original design. The Red line shows mitigation measures by changes in the design. The works have been moved to the right river bank side affecting only public land. There is no informal occupancy. The Trees on the picture are self-grown.

Figure 6 Location No. 6 where mitigation measures were effectively applied



The Red circle shows a pile retaining wall constructed to protect the two household in the picture behind from floods. The protection was ineffective in response to heavy rain fall. The wall shall be incorporated into the permanent works and the wall will continue to function now fit for purpose.

Figure 7 Location No 7 and 8 where impact was mitigated



The red circle shows the continuing pile retaining wall shown on Figure 8. It will be incorporated into the permanent works and resuming the function in higher capacity.

The green circle marks the refrigerator which will be relocated on private property as the preferred option of the PAPs.

Figure 8 Location No 9 mitigation measures where effectively applied and location of the second impacted structure

Along the total area under influence in the length of 1580 m within the river basin similar changes to design have been implemented. The changes were designed on site in daily consultation with the PAPs, the DFW and PIU. These measures have proven to be effective and as a result only the external staircase shown on Figure 1 will be demolished and one movable refrigerator container on Figure 8 Location No 9 mitigation measures where effectively applied and location of the second impacted structure will be relocated to the location determined by the owner.

## 5. AFFECTED PEOPLE AND PROJECT IMPACTS

### 5.1 Overview of Project Impacts

As already stated earlier, the Aleksinac Flood protection sub-project 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 land and auxiliary building (predominantly fences, lumber rooms, etc.) was acquired by expropriation, mostly for construction of emergency access roads and lanes along the river flow from km 2+370 to 3+100 on Figure 1 Flooding area of Moravica River, and the actual Project Area, Aleksinac in total length of 1580m marked with yellow line. (Completed)  
Demolishment & relocation of two auxiliary structures (shown in Figure 2: One of the locations where mitigation measures were successfully implemented and Figure 10 Location of third impact, structure to be demolished) & relocation of mobile auxiliary structures constructed on public land (Shown in



- Figure 9 Picture of auxiliary structure to be relocated), mainly within or on the very boundary of the river basin, preventing safe works, along the river from km 3+100 to 4+0,75 on Figure 1 Flooding area of Moravica River, and the actual Project Area, Aleksinac in total length of 1580m marked with red line. (Pending completion)



Figure 9 Picture of auxiliary structure to be relocated



Figure 10 Location of third impact, structure to be demolished

The Tables below show overview details on numbers of land plots by type of ownership for both impacts.

Table 2: Affected land plots by type of ownership and area under both impacts

Ownership	Number and percent of ownership over land plots and sovereignty acquisition	Area m2
Private	25 (49,1%)	984
Public	26 (50,9%)	2230
Total	51 (100%)	3214

\*This area includes the area of the river Moravica Basin



Table 3: Data on PAPs affected by expropriation (permanent land and auxiliary structures)

PAPs	Affected by permanent land acquisition	Number of auxiliary structures affected by permanent land acquisition	Types of auxiliary structures affected	Number and type of crops	Number and type nursery and perennial crops
Total number of private owners	29	11	Fences , Barns, Lumberoom/sheds , Cotes and Porch doors and poultry house	21 Fruit bearing trees 2 Walnuts 2 Hazelnut	n/a
Total number of land parcels	14				
Number of land parcels with co-owners	7				

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

	Number of PAPs.	Number of auxiliary structures affected	Types of auxiliary structures affected	Number and type of crops
Total number of private owners	16	3	Stairways* Movable refrigerator** Auxiliary structure shack *	/

\*These are the two only structures to be demolished

\*\*Movable refrigerator shall be relocated at the preference location of the owner which has already been agreed with him

Only in these three cases could the impact not been avoided. The impacts are demolition of two structures and relocation of one mobile refrigerator.

The disaggregation of inventory of owners under both impacts revealed that 18 owners are women and 27 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
Women	18	40%
Men	27	60%
Total	45	100%

During the preparation of the design and delineation of the Project the PAPs were consulted on. The consultation were held in the premises of Municipality of Aleksinac on several occasions March 2, 15, 18 and 20 2014 when agreements between the PAPs and the Municipality of Aleksinac were signed. By these agreements the future contractor was allowed to enter with

equipment on their land if needed, signed agreements are presented in Annex 9. The Agreements were signed by the PAPs in the three impact cases as well because demolition and relocation will take place as part of/during the civil works.

## 5.2 Completed expropriation for access and emergency roads

The Government of Republic of Serbia passed the Decision on Public interest No. 05 No. 465-1284/2011 dated March 3, 2011 to allow land acquisition by expropriation of 14 land parcels, in the total area of 894m<sup>2</sup>, owned by 29 owners (co-owners), affecting 11 auxiliary structures. 25 fruit bearing and nut trees for construction of access and emergency roads access roads and lanes along the river flow from “Brewers Bridge” at km 2+370 to “Cemetery Bridge” at km 3+100 on Figure 1: Flooding area of Moravica River, and the actual Project Area, Aleksinac marked with yellow line. At this section there was no need to “exercise right of sovereignty” nor remove illegally constructed assets.

By virtue of this Decision, expropriation commenced on May 27, 2011 and was completed within the next 10 months by March 2012. The expropriation was completed 2 years before World Bank involvement.

Compensation for all impacts has been paid in line with the Serbian Law on Expropriation (see following section on details about compensation evaluation) and there are no pending issues. There are no pending court cases, nor are there other complaints. Compensation was provided prior to taking possession of the assets. Compensation agreements were signed with every individual PAP.

Special attention has been given to the elderly although there are no requirements under National law for identifying vulnerable groups and assisting them additionally. They were offered transportation to the Municipality, official visited them at home in order to spare them from exhausting travel to the Municipality.

The analysis conducted indicates that the land acquisition activities have been carried out adequately by the competent authorities and fully in compliance with the Law on Expropriation of RS. It may, therefore, be concluded that no action is currently required to be undertaken by the Municipality of Aleksinac, as Beneficiary of expropriation, with regards to the land acquisition process conducted for the section with completed expropriation.

## 5.3. Review of completed expropriation

The expropriation was completed for the intention of the Government of Republic of Serbia and Municipality of Aleksinac to act on the assessment that protection against 1 in 100 years precipitation flood events is necessary and not in anticipation of the WB Loan which was negotiated in September 2014.

The expropriation process included the acquisition of land plots, without physical relocation of households or businesses. 11 auxiliary structures on land including mainly fences, shacks, barns, fruit trees and similar, were affected. A total of 14 land parcels in the area of 894 m<sup>2</sup> were acquired. All parcels were in the private ownership of 29 owners. The number of parcel differs from the number of owners since there are several co-owners over one land plot. The impact to all owners is less than 10% of the total area of land owned. The smallest part of land acquired had

an area of 1 m<sup>2</sup> and the largest 105 m<sup>2</sup>. The Summary of inventory of owners and assets is presented in Annex 4 – Summary of Socio-economic Data.

The review of completed expropriation included following actions:

1. Review of available documentation provided by Municipality of Aleksinac including the Expropriation Studies, Decisions on Expropriation, Property Valuation Reports, Reports on Compensation Paid and Agreements on Compensation;
2. Analysis of the legal framework governing land acquisition in RS
3. Discussions with officials of the Municipality of Aleksinac, including the representatives of the Department of Property and Legal Affairs and Expropriation tasked with carrying out tasks related to expropriation
4. Site visits
5. Interview with PAPs
6. Preparation of census database with data on all affected land plots, assets, compensation paid and analysis of collected data and information.

Expropriation Studies were prepared as the baseline census, which is a prerequisite under the national legislation (Law on Expropriation, Law on planning and construction), but no socio-economic survey was conducted, as there is no legal explicit requirement for preparing socio-economic studies or resettlement plans under the national legislation. However, the Expropriation Studies contained basic information about PAPs and assets (name, age, place of residence, cadastral parcel, cadastral municipality reference, ownership status, land categorization, area affected and total land size. Data about structures, ownership of structure affected assets, such as auxiliary structures and crops, trees etc. are not included in the study. Identification of these categories is done at a later stage by accredited valuers and experts. The study also contains a rough estimate of valuation of land.

The cut-off date for was March 3, 2011 date of Declaration of public interest which was communicated to the PAPs through the publicly available Official Gazette, pre-disclosure requirements of the Serbian Law on Expropriation and during individual hearings. In addition, the Municipality of Aleksinac presented the Decision of the Government declaring the public interest to each owner affected by expropriation to verify the legal basis of expropriation.

All PAPs were individually invited by the Municipality and the court experts for valuation of property. They were additionally informed and consulted during various stages of the expropriation process.

No informal users as defined by OP 4.12 (i.e. those with no recognizable legal right or claim to the land they are occupy) were affected by completed expropriation. . The inventory shows all plots are registered and the compensation agreements state the relevant cadastral and public records reference number of ownership.

Compensation was paid to affected landowners prior to formal transfer of ownership of expropriated property. Details on amount of compensation and date of payment are presented in section 12. **COSTS AND BUDGET**. A condition precedent to start expropriation is presentation of evidence that the required funds have been secured and deposited with the bank in the assessed total sum for payment.

Compensation paid for assets lost and fruit and nut trees were valued at replacement cost as defined by the Serbian Law on Expropriation, which do not differ from the WB OP 4.12.

Independent court experts for valuation of property (agricultural expert and construction expert) conducted valuation of the existing state of crops and other assets on land in line with the provisions of the Law on Expropriation. The determination of the full replacement value requires consideration not only of the yield of the crop over one year, but also of the cost of re-establishing the plantation (seedlings, soil preparation, fertilizers, etc.), as well as of the lost income during the period needed to re-establish the crop.

Compensation rates are determined by application of the following formula:

$$C = V \times D + CP + CL$$

V - Average market value of the produce of one tree for one year (determined according to market prices at truck road or another loading or the place of purchase, less the costs of production)

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

CP - Cost of planting (seedling, soil preparation, initial fertilization)

CL - Cost of the labour required to maintain the crop during the period of time needed to re-establish it to its previous production level

The calculated unit rate C is then applied to the whole plot assuming either an average density or based on the precise count of all standing trees. Compensation for land was determined and paid at market value as prescribed by Law on Expropriation. The remaining part of land parcels was economically viable. This is supported by none of them having required additional expropriation by virtue of unviability.

#### 5.4 Valuation for auxiliary structures

The National Law on Expropriation is broadly compatible and in compliance with the replacement value requirement of OP 4.12 in cases of all structures excluding residential buildings<sup>6</sup>, but this structure category was not affected by the completed sub-project land acquisition. As for auxiliary structures such as fences, shacks, barns, henhouse, pile retaining walls, staircases, outdoor WC, standalone terraces, verandas etc. are they are valued by applying the following formula:

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

C- Compensation at replacement Cost

M-Market cost of material

Q-Quantity of material needed

T- Transport of material to construction site

L- Cost of labour

Cf- Contractor's fee and supervision cost

U- Cost of utility connections

Tx- registration and transfer taxes

---

<sup>6</sup> Residential structures are valued at the market price whereas auxiliary structures are valued to take into account market value plus cost of material, labour, transportation costs and similar and arrive at replacement cost

*Based on the review of the completed expropriation on grounds of review of individual resettlement dossiers, key informants interviews and other available desktop data the review concludes that no gaps were found between national legislation and the completed expropriation process.*

Compensation for all impacts has been paid in line with the Serbian Law on Expropriation (see following section on details about compensation evaluation) and there are no pending issues. There are no pending court cases, nor are there other complaints. Compensation was provided prior to taking possession of the assets. Compensation agreements were signed with every individual PAP.

### 5.5. Anticipated Future impacts

The land needed for flood protection works from “Cemetery Bridge” at 3+100 to the Mining Bridge “at km 4+075, in the length of 850m in Figure 1 marked with red line, shall be accessed by exercising sovereignty over occupied public land in compliance to the principles set out in the Resettlement Policy Framework (RPF) and this Abbreviated Resettlement Action Plan (ARAP). In addition, after commencement of works, some land may be needed on temporary/lease basis which will be returned to the owners after completion of works. For such temporary occupation owners shall be compensated according to the prevailing market price of rent as established in negotiations between the PAPs and the Contractor on the free lease base.

11 land parcels shall be accessed by exercising sovereignty over occupied land and 3 auxiliary structures affected. Affected parcels have been occupied by 16 private owners and co-owners. Total area of land affected is 90 m<sup>2</sup>.

### 5.6. Census/Inventory

The Census/Inventory of all PAPs and assets 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 (m<sup>2</sup>),
- (vi) Total area of land to be affected (m<sup>2</sup>),
- (vii) Type of asset on land affected,
- (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.

## 6. SOCIO-ECONOMIC SURVEY

The Socio-economic survey was conducted with the support of the Municipality of Aleksinac, the PIU and the DfWM of Nis.

For purposes of the Survey an announcement/invitation, was issued by the PIU unit and administered by the Municipality of Aleksinac. Invited were all persons affected, from both category of impacted i.e. those whose land has been affected due to expropriation and those impacted due to sovereignty over occupied land.

Only PAPs affected by demolition of auxiliary structures constructed on public land, mainly within or on the very boundary of the river basin, from km 3+100 to 4+0,75 attended the scheduled survey. Therefore, as stated earlier in the section “Limitations and assumptions” the social impact assessment presented further is limited only to those PAPs.

Posters with the public invitation to the survey were posted on the bulletin boards of the Municipality of Aleksinac on March 25, 2016, disclosed at the local grocery shop (See Annex 7) and individual information about venue, purpose and time was disseminated to the PAPs by the Municipality representatives.

PAPs were provided with the contact details for more information in advance if needed.

The Socio-economic Survey was conducted on April 1, 2016 in the Municipality of Aleksinac. Pictures of survey process are presented in Annex 8.

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

The event served to additionally present the details of the Project with relevant maps where all spots with mitigation measures were pinned. The measures have been confirmed to the PAPs and technical details of the alternative provided.

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 and other relevant data for the Project Affected Population, see survey template (annex 3).

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.

### 6.1 Owners

Out of a total of 16 private owners occupying the 11 land parcels of public land 7 attended the survey which represents 43.75% of the universe of affected owners. As stated earlier 7 land parcels have co-owners with a very small ownership contribution.

The average land area affected per owner is 8,8 m<sup>2</sup>. The area ranges between a minimum of 2 m<sup>2</sup> up to a maximum of 30 m<sup>2</sup>.

### 6.2 Demographic features of households

Amongst the interviewed there were no women headed nor single headed households. More than ½ live in a household with three members, followed by four and five member households. Further analysis showed that usually two generations live together. Household features are presented below.

## Demographics of household

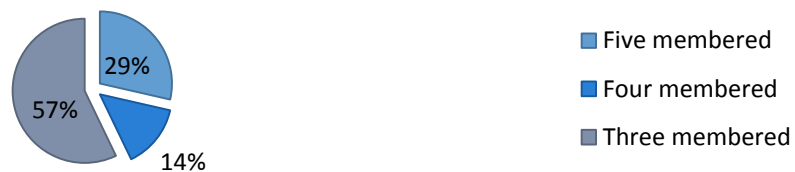


Figure 11: Demographic features of households

### 6.3 Gender of Respondents

None of the respondents were women. 1 woman accompanied her husband as head of household. From the secondary data it was concluded that 25% of owners are women, 75% are men and that 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 followed by 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.

### 6.4 Education

The analysis of the respondent's answers recognized a fairly good education background. There is an equal distribution of respondents with university and post-secondary education, followed by those with secondary education and none of the respondents left after graduating elementary school and the Adult literacy rate is 100%.

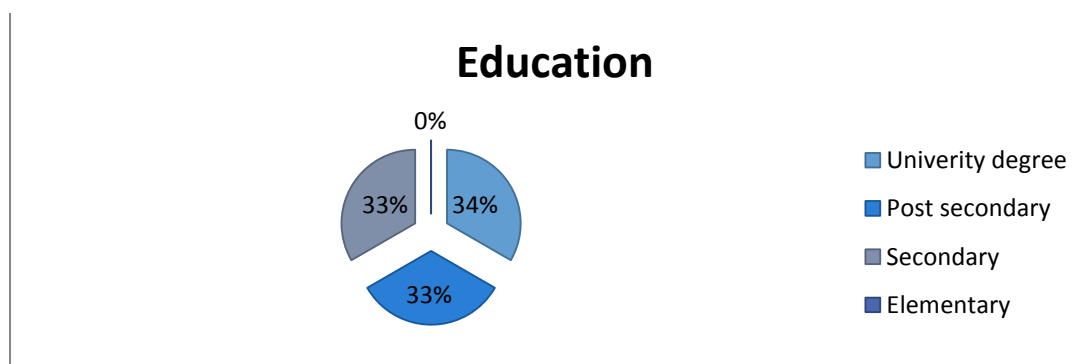


Figure 12 Education

### 6.5 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 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. 42% of respondent declared their monthly income to be above 70,000 RSD (equivalent of 569 EUR or 636 \$<sup>7</sup> 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 February 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.

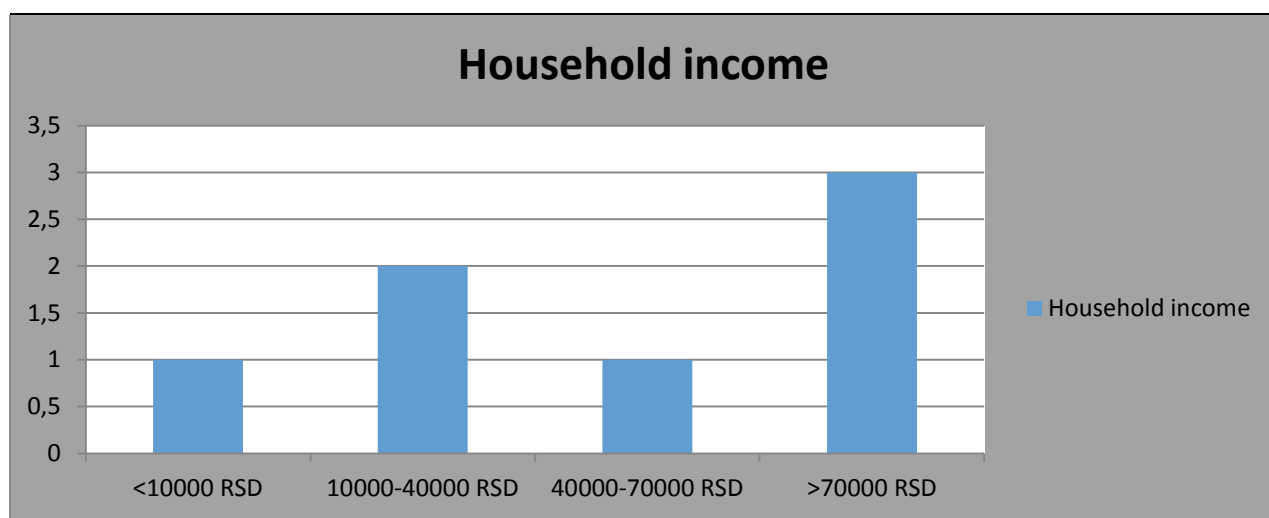


Figure 13: Household income

<sup>7</sup> Exchange rate given at beginning of this ARAP on top of page 2



## 6.6. Employment status

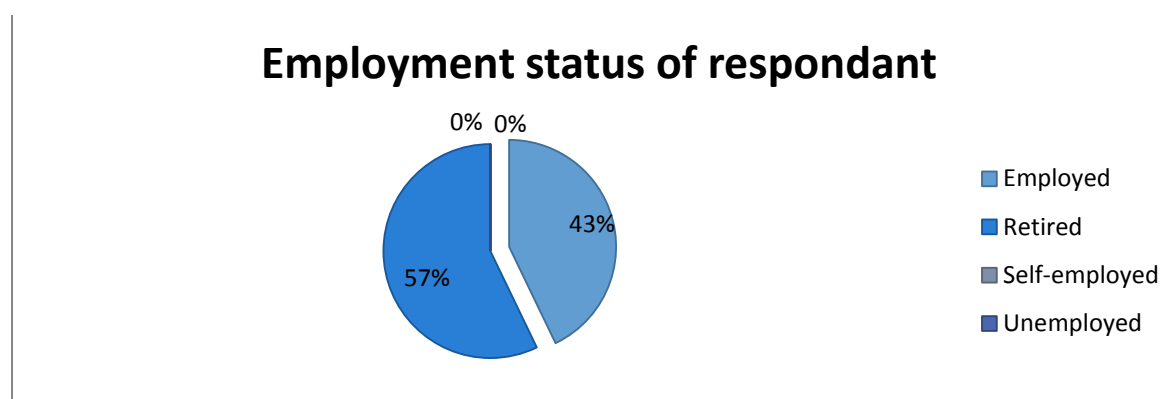


Figure 14: Employment status

## 6.7 Place of Residence

The majority of 86 % of respondents reported their place of residence to be Aleksinac. One respondent lives in Austria.

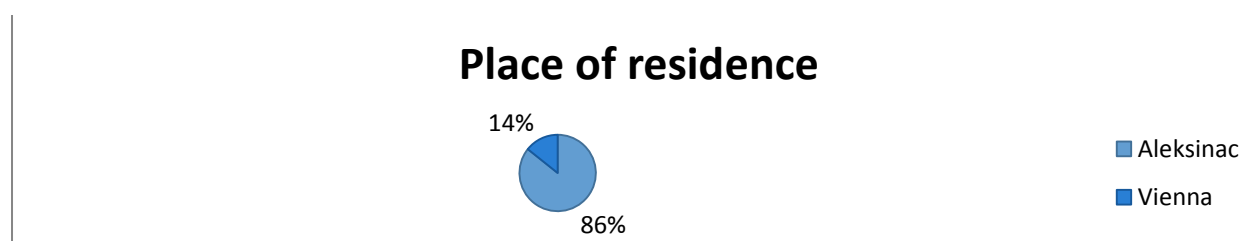


Figure 15: Place of residence

## 6.8 Vulnerability

The Study identified one person living below the poverty line. There is no impact the sub-project imposes to result in impoverishment or marginalization as a result loss of assets. 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.

## 6.9 Public infrastructure that will be affected

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

## 6.10 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. All respondents look forward to successful completion of the project.

## 7. RESETTLEMENT COMPENSATION STRATEGIES

### 7.1 Key Principles

The RPF and the LA 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
- Displaced People will be compensated for their losses at replacement cost to allow restoration at pre-displacement level,
- The ARAP implementation and outcomes will be monitored and evaluated by the PIU

### 7.2 Cut-Off Date

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

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

At the census and preparation of socio-economic survey the individual owner were informed about the relation between the cut-off date and the eligibility for entitlements.

And finally, during consultation on the draft ARAP the correlation between the actual cut-off date and the eligibility for entitlements shall be reiterated and explained in details.

### 7.3 Eligibility

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

Project affected persons are defined to include the following categories:

- Project affected persons, with formal title, who lose all or part of their land;
- Project affected persons, with formal title, who have immovable property with or without building permissions on the land to be expropriated;
- Project affected persons with formal title over businesses that are affected by the loss of all or part of the land on which businesses are located
- Project affected persons with formal title over animal husbandries and agricultural processors that are affected by the loss of all or part of the land on which they are based;
- Project affected persons with formal title of tenancy on private or public land;
- Project affected persons with formal title over land that will be needed during construction on a temporary basis;
- Project affected persons without formal title on affected land or businesses but their livelihoods are directly dependent on the affected land or businesses (e.g., those working on affected agricultural land or working in the affected businesses);

- Project affected persons without formal title of ownership or use but who have established usage of public or private land by investing in immovable objects, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them; and
- Any affected community facilities will also be reconstructed or necessary support will be provided for their relation to the community losing access to such common facilities

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

- 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, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them;

The entitlements for different categories of impact and PAPs shall be as per the Entitlement Matrix<sup>8</sup> as adopted in the RPF for the FER Project shown for **impact categories relevant for the identified impacts only**.

Table 6: Entitlement matrix for impacts identified

Impact categories	Entitlement
Crops	The value of the crop, including the value of time needed to reproduce such a crop, and the replacement cost for any investment made (input, labor etc.).
Partial loss of land	<ul style="list-style-type: none"> <li>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;</li> <li>ii. monetary compensation based on the assessed fair value including taxes and fees and top-up supplement to the compensation;</li> <li>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.</li> </ul>
Structures and installations in the land (barns, lumberoom/sheds,	iv. The replacement cost assessed for construction of similar quality of structures, and the value of time invested in

<sup>8</sup> Only part of the Entitlement Matrix relevant for specific impacts identified under this Subcomponent has been presented. For access to full entitlement Matrix within RPF please see RPF for FERP available at <http://www.rdvode.gov.rs/>, accessed on June 22,2016

Impact categories	Entitlement
fences, etc.) with or without building permits	construction and applicable taxes, if any.
Fruit bearing plants, vineyards, and orchards	v. The value of the harvest, including the value of time needed to reproduce such a harvest, the replacement cost for any investment made, (input, labor etc.) to raise new plants, vineyard or orchard until they reach full yielding potential. The compensation for fruit bearing plants, vineyards, and orchards is determined by article 42 of the Expropriation Law. The amount is added to the market price of outstanding investments made for raising and maintaining such a vineyard or orchard and the amount of net income, which the vineyard or orchard has given (considering its age and fertility), for as many years as it takes to raise it and for the orchard or vineyard to come into full bearing.
Land needed on temporary basis	vi. 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	compensated for the replacement cost of any investment made on the land;

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

#### 7.4 Valuation

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. **Valuation for assets** attached to the land, immovable and movable property such as structures residential or auxiliary, crops, trees etc. shall be done by accredited experts. The experts shall submit their findings and assessments to both the Beneficiary of expropriation and the PAPs who then have a right to object to the finding or require remedies of any defaults identified or ask for amendments, whatever is appropriate, within 15 days upon receipt. The expert shall, if needed, visit the subject location again, to verify the claims. It is mandatory to inform on exact date, time and location of valuation both the Beneficiary of expropriation and the PAPs but the actual attendance is their discretionary right there are not obliged to attend but

for the purposes of transparency they almost always are. Once agreed the finding serves as basis for the compensation agreement. The same procedure applies afterwards as explained in the above section – valuation of land.

### 7.5 Compensation for expropriated land and auxiliary buildings

Compensation to all PAPs affected by permanent acquisition of land and auxiliary structures was paid during 2011 and 2012. Details on compensation received by all owners, and entitlements are presented in section 12. COSTS AND BUDGET and in Annex 15 - Sample of asset evaluation - Unofficial translation.

### 7.6 Compensation for auxiliary structures constructed on public land

#### *CASE 1: Demolition of unused staircase & in-kind compensation through rehabilitation of private access road*

As shown the mitigation measures have left residual impacts to three structures two of which are auxiliary and one of them is a movable refrigerator.

Compensation packages have been in details discussed with every owner individually.

The first case, the auxiliary structure in the form of external staircases as shown in Figure 2: One of the locations where mitigation measures were successfully implemented has never been used. The whole household was erected by the owner's father who died. The staircase was never in function and his incentive to construct the stairs was never understood by the other member of the household. By demolition there will be no disruption of use, nor will the PAPs be disabled in accessing any resources. The PAP stated that he was not interested in constructing another stairs elsewhere.

Whilst discussions have been conducted with the owner, and best compensation measures explored the PAP himself required in kind compensation and that he preferred this over replacement cost in cash of the structure.

The decision was not driven by the function of the structure affected nor the need to have functional equivalent. As explained the stairs had no real function and were not in use.

To the left of his house there is a dirt path connecting the main road with his backyard. This path is often muddy and was not maintained for a long time and therefore out of use. The road is approximately 70 m long.

During negotiations the owner was requesting whether rehabilitation of this dirt road, widening and covering with aggregate stones could be possible and extended to him as the in kind compensation. And if so this would be his preferred option.

The PIU concurred with this preference and officially addressed the PAP by letter offering the rehabilitation of the dirt road left to his house as in kind compensation. The Letter is presented in Annex 13 Agreements with PAPs on compensation in kind. The PAPs has signed off for the in kind compensation and kept in the Individual household dossiers documented by the PIU.

In order to meet the requirement that the in kind compensation must be at same or higher value compared to the impacted asset valuation was done by an accredited expert. The assessment was guided by the principle stated in **5.4 Valuation for auxiliary structures** and the assessment and comparison of values is kept in the database. The methodology applied meets the replacement cost standards as per formula presented in the assessment. The valuation was conducted on site on July 7, 2016 in the presence of the Representative of the PIU and the owner and signed off by all parties.

By comparing the two values it is concluded that the value of the road offered as in kind compensation by preference of the PAP exceeds the value of the stairs impacted and therefore the in-kind compensation is agreed.

Value of staircase to be demolished	Value of road offered as in kind compensation
7.500,00 RSD (60.9 EUR)	1.041,587,25 RSD (8468,18 EUR)

CASE 2: Demolition of unused auxiliary structure & in-kind compensation through rehabilitation of private road

**The second case**, the auxiliary structure is shown in Figure 10 Location of third impact, structure to be demolished . The structure has never been completed. The owner has constructed this auxiliary structure as a storage house for items not used in the household but has never used it since it was constructed to close to the river and there was always a risk when the river floods the items stored inside would be affected by water. By demolition there will be no disruption of use, nor will the PAPs be disabled in accessing any resources. The PAP stated that he was not interested in constructing another structure elsewhere.

Whilst discussions have been conducted with the owner, and best compensation measures explored the PAP himself required in kind compensation, as well as his neighbour and that he preferred this over replacement cost in cash of the structure.

The decision was not driven by the function of the structure affected nor the need to have functional equivalent. As explained the stairs had no real function and were not in use.

To the left of his house there is a dirt path connecting the main road with his backyard. This path is often muddy and was not maintained for a long time and therefore out of use. The road is approximately 40 m long.

During negotiations the owner was requesting whether rehabilitation of this dirt road, widening and covering with aggregate stones could be possible and extended to him as the in kind compensation. And if so this would be his preferred option.

The PIU concurred with this preference and officially addressed the PAP by letter offering the rehabilitation of the dirt road left to his house as in kind compensation. The Letter is presented in Annex 13 Agreements with PAPs on compensation in kind **Error! Reference source not found..** The PAPs has signed off for the in kind compensation and his choice has been recorded in the minutes of negotiations. Letter is presented in Annex 20 and kept in the Individual household dossiers documented by the PIU.

In order to meet the requirement that the in kind compensation must be at same or higher value compared to the impacted asset valuation was done by an accredited expert. The assessment was guided by principle stated in 5.4 Valuation for auxiliary structures .The methodology applied meets the replacement cost standards as per formula presented. The valuation was conducted on site on July 7, 2016 in the presence of the Representative of the PIU and the Owner and signed off by all parties. By comparing the two values it is concluded that the value of the road offered as in kind compensation by preference of the PAP exceeds the value of the structure impacted and therefore the in-kind compensation was agreed.

Value of structure to be demolished	Value of road offered as in kind compensation
86,592,00 RSD (704.00 EUR)	98,950,00 RSD (804,00 EUR)



## 8. GRIEVANCE MANAGEMENT & REDRESS

### 8.1 Organizational Arrangements for Grievance Management

The RPF has outlined the basic requirements for Grievance commission and management of its activities. After dully consideration, the grievance redress mechanism was tailored to fit the purpose and mirror the local needs, customs, habits and expectations of the community.

The RPF has outlined the basic requirements for Grievance commission and management of its activities. After dully consideration, the grievance redress mechanism was tailored to fit the purpose and mirror the local needs, customs, habits and expectations of the community.

There are several complementary mechanism in place (e.g. the Property department of Municipality of Aleksinac, The Engineer (Supervisor of works) daily already on Site and the Public Water Management Company “Srbijavode” Belgrade, VPC Niš, an official and formal Grievance Committee was established as a forum for grievances and comments in relation to expropriation, temporary impact to any kind of property, damages in relation to execution of the works on June 24, 2016. Since the small Scope of the Project and relatively small impact, the GC shall be a body of three members. This is deemed to be sufficient capacity to deal with grievances. One of the members is a representative of PAPs ( delegated during the Social Survey ) one a government official from the Municipality of Aleksinac not directly involved in the process of expropriation to ensure full impartiality and the third 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 & rights to be exercised over occupied land.
- Residents living in the Project area who are interested in and/or affected by the Project .

The GC is supported by the PIU/DfW and theMunicipality of Aleksinac .

The PIU/DfW in cooperation with the Municipality of Aleksinac distributed Grievance Brochures (presented in **Error! Reference source not found.**to inform of the grievance mechanism, its function, the contact persons and the procedures to submit a complaint in the affected areas and made Information on the GC available at:

- the notice board and website of Municipality of Aleksinac ([www.aleksinac.org](http://www.aleksinac.org)) ,
- on the Construction Site in the Camp of the Engineer,

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

## 8.2 Grievance Procedure

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

Municipality of Aleksinac  
Grievance Commission  
Knjaza Miloša 169  
18220 Aleksinac  
Phone Number: 018/809-008, 018/804-711

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

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

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

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

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



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

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

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

## 9. CONSULTATION AND PARTICIPATION

The Project Implementation Unit (PIU), together with the representatives of Municipal departments in charge of expropriation, is responsible for communicating with affected communities, Project Affected People (PAPs) and representatives of Local Community Offices. The PIU assisted the Municipalities 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 Municipality of Aleksinac , the PWC Niš and the external Social Safeguards consultant carried out public consultations on the draft ARAP and disseminated information reflecting main issues of relevance to the Project. Immediately after the official start of the Project, all stakeholders were 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.aleksinac.org](http://www.aleksinac.org)
- the website of the MoAEP on <http://www.rdvode.gov.rs/>
- noticeboard of Municipality of Aleksinac

.

### 9.1 Disclosure and consultations requirements and report on public consultation

The draft ARAP in Serbian and English was disclosed on the website of Municipality of Aleksinac [www.aleksinac.org](http://www.aleksinac.org), and the website of the Ministry [/http://www.rdvode.gov.rs/](http://www.rdvode.gov.rs/) on August 16, 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 16.

During the 14 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 after official working hours to allow all those interested to participate without disruption of their daily routine.

The public consultation was held on August 31 2016 at the premises of municipality of Aleksinac and commenced at 4 pm and lasted approximately one and half hours.

The participants were provided with cold beverages 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 power point 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 18 participants present (13 PAPs, 4 women and 9 men, and 3 FER Project team members, 1 PWC team member and 1 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 and Annex 18 – Pictures from public consultation provides picture documentation from the public consultation.

The Public consultation first had a power point presentation with the salient features of the ARAP followed by a short power point 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, the distinction between the expropriation completed and the sovereignty of right to be exercised over occupied land 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, two set of questions were 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.

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

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

## 10 INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION TEAM

### 10.1 Responsibility for Implementation

The Abbreviated Resettlement Action Plan will be implemented by the 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 Aleksinac Municipality, 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, and accredited experts,

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

Table 7: Organizational Responsibilities and Arrangements

Task	Responsible Entity
Disclosure of information and documents to all Project Affected People and communities, and organization of 3 public meetings at commencement, mid-term and Project completion	PIU
Keeping records of consultation activities	PIU
Direct communication with and, if needed, visits to owners and occupants	PIU/DFWM/Municipality of Aleksinac
Valuation of property to be acquired	Municipality of Aleksinac with Tax administration office and Accredited experts
Expropriation of property	Municipality of Aleksinac
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 Municipality of Aleksinac , Contractor
Grievance management	PIU/DfWM/GC
Completion Report	PIU

### 10.2 Institutional Capacities

The implementation of the provisions and obligations under this ARAP shall be by the Ministry of Agriculture which assigned responsibility for implementation of FERP Sub-Component 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 Municipality of Aleksinac.

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

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

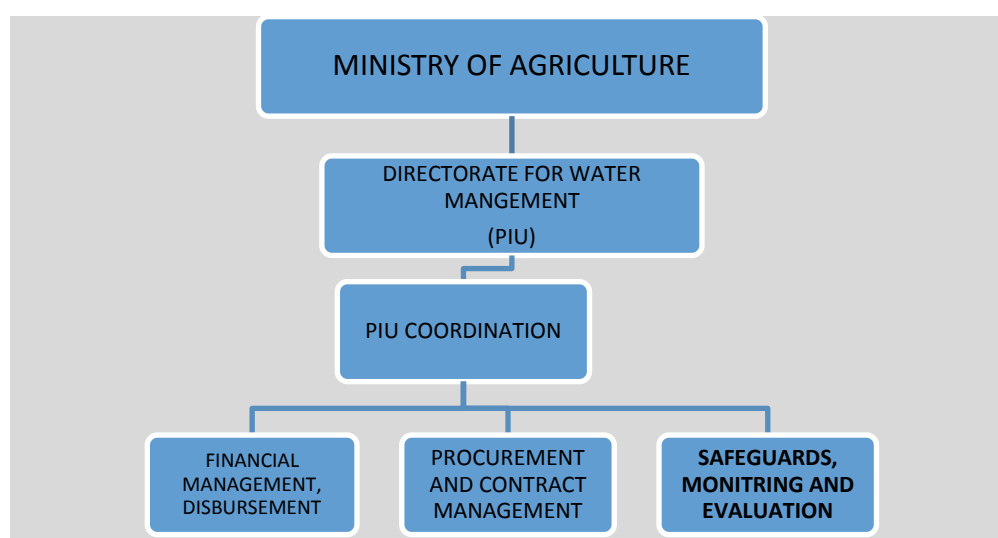


Figure 16: Organization of PIU

## 11. IMPLEMENTATION SCHEDULE

Table 8: Tentative Implementation Schedule for ARAP Aleksinac

N°	Activity	Responsibility	2016			2017
			June	August	September	April
1.	Disclosure of draft RAP	PIU		15		
2.	Public consultative meeting	PIU/		30		
3.	Disclosure of final RAP	PIU/Municipality of Aleksinac			3	
4.	Follow up Audit	PIU				1-30
5.	Valuation of assets	Municipality of Aleksinac/Accredited expert	To be determined after ARAP disclosure			
5.	Compensation payment	Municipality of Aleksinac			30	
6.	Relocation of movable structures	PIU/Contractor	During construction works			
7.	Provision of In kind compensation	PIU/Contractor	During Construction works			
8.	Establishment of Grievance Commission	Municipality of Aleksinac	Completed in June			

### 11.1 Monitoring, Evaluation and Reporting

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

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

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

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

- Supervision of the contractors in performance of their obligations and ARAP implementation;
- Preparation and submission to the Employer of regular reports on implementation of measures for social monitoring;
- Provision of service to the local community through receipt of feedback and proposals.
- The board on the site will include clearly visible information on contact persons on behalf of the supervision, as well as working hours for contacts with the public. All complaints, praises, proposals received by the supervision contractor, would be forwarded together with

the Supervisor's opinion to the Employer for further acting. The idea is that every reaction of the local population is provided with a timely response, while a unified records of the correspondence with the local population will be presented in regular reports to the financing institution; It is very important that local - The population shall be fully aware of complaint possibility and that mechanism for submission of complaints is very simple.

- Suspension of works causing a high level of noise in periods when such noise is not allowed;
- Suspension of the works if inadequate protection of local population and environment against dust and pollution is provided. It is planned that within the final phases of the works execution, the supervisor completes questionnaires with the local population on behalf of the Employer in order to assess the level of content of local population. The questionnaires would be sent to the mailboxes of locals, while ones completing these questionnaires could deliver them in person to the supervisor's representative or send them by regular post to the Employer's address. Experience gained during the realization of the different infrastructure rehabilitation projects in Serbia, funded by WB Loans, significantly contributed to preparation of bases for social monitoring and assessment subsequent mitigation of impacts produced by the project on local community. Related to positive practice, PIU representative will perform regular controls of measures taken by the contractor and supervision, and control will be performed by the checklist shown in Attachment X.

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

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

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

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

## 11.2. Completion Report

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

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

## 12. COSTS AND BUDGET

As per national requirements the costs of the land acquisition process is and some already has been financed by the Beneficiary of expropriation i.e Municipality of Aleksinac. The resources required for land acquisition for impacts under completed expropriation were secured and allocated in the in the Budget of the Municipality of Alekisinac for the respective year in which the expropriation took place and compensation paid.

The budget for extending in kind compensation, and relocation of movable refrigerator for sovereignty to be exercised over occupied public land agreements as explained in section 7.6 Compensation for auxiliary structures constructed on public land has been provided. Structure of budget is presented in table below.



Table 9: Costs incurred and paid for Expropriation and compensation

Number of land plots	Area of land / structure in total (m2)	Component	Type of cost	Assesed cost of s tructures for *		Asesed cost of in kind compensation		Costs estimation of compensation (RSD)	Costs (EUR)	Status of payment	
				(RSD)	(EUR)	(RSD)	(EUR)				
14	894	Component 3: Land acquisition by expropriation for acces and emergency roads	A Compensation for land plots		/		/	887,622.13	7,216.00	Paid in 2011 and March 2012	
			a) Compensation for barn		/		/	18,000.00	146.34	Paid in 2011	
			b) Compensation for Lumber-room sheds and cotes		/		/	732,780.00	5,957.56	Paid in 2011	
			c) Compensation for Fence and porch door		/		/	259,542.28	2,110.00	Paid in 2011	
			d) Compensation for poultry house		/		/	11,500.00	93.49	Paid in 2011	
			B)Compensation for auxiliary structures on private land: TOTAL a+b+c+d		/		/	1,021,832.28	8,307.00	Paid in 2011	
			a) Compensation for fruit bearing trees		/		/	14,600.00	118.69	Paid in 2011	
			b) Compensation for Hazelnut trees		/		/	11,040.00	89.75	Paid in 2011	
			c) Compensation for Walnut trees		/		/	15,470.00	125.77	Paid in 2011	
			C) Compensation for crops TOTAL a+b+c:		/		/	41,110.00	334.22	Paid in 2011	
			Total compensation paid for							1,950,564.41	15,857.22
		In kind compensation for demolition of stairs	D) Compensation for informal structures constructed on public land	7,500.00	60.98	1,041,587.25	8,468.19	/	/	To be completed during Augus/2016	
		In kind compensation for demolition of structure *	E) Compensation for informal structure constructed on public land	86,592.00	704.00	98,950.00	804.47	/	/	To be completed during august 2016	
		Relocation cost for movable refrigerator*	F) Relocation cost		n/a		/	12,000.00	97.00	Pending	
Total compensation paid for demolition				94,092.00	764.98	1,140,537.25	9,272.66	12,000.00	97.00		
Total compensation paid (RSD)										3,197,193.66	
Total compensation paid (EUR)										25,993.44	

# Annexes

## Annex 1 – Invitation for Public Consultation on ARAP Draft



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 Aleksinac Flood Protection sub-project**

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

**To be held on August 31 2016 at 16:00 PM (Local time ) at the Municipality of Aleksinac**

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 Municipality of Aleksinac, during working hours,
- on the web site of the Ministry of Agriculture and Environmental Protection Directorate for Water Management : [www.rdvode.gov.rs](http://www.rdvode.gov.rs)
- On the website of the Municipality of Aleksinac: [www.aleksinac.org](http://www.aleksinac.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  
2 Bulevar Umetnosti Street  
11070 Belgrade, Serbia  
tel./fax. +381 11 / 2174158  
E-mail: [ferproject@yahoo.com](mailto:ferproject@yahoo.com)

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

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

.....

name and head office of the addressed authority

### REQUEST

#### For Access to Information of Public Importance

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

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

This request relates to the following information:

\_\_\_\_\_

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

\_\_\_\_\_

In \_\_\_\_\_, \_\_\_\_\_ Applicant / Name and Surname

On \_\_\_\_\_ 201\_\_ (date) \_\_\_\_\_ Address

\_\_\_\_\_ Other contact data

Signature \_\_\_\_\_

\* Check the box next to the legal right to access to information that you wish to exercise.

\*\* Check the box next to the means by which the copy of the document is to be sent.

\*\*\* If you require the copy to be sent by other means, please indicate by which other means.

## Annex 3 – Socio-economic Survey Questionnaire

Questionnaire  
number

Survey date: .2016

Municipality: Aleksinac

Location:

Address:

Cadastral plot reference:

Whole plot affected: YES / NO

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

### 1. GENERAL INFORMATION ON THE RESPONDENT

1.1. Respondent's name and surname:

1.2. Place of living:

1.3. Owner or user of land plot:

1.4. Ethnic group:

1.5. Phone number:

### 2. GENERAL INFORMATION ON AFFECTED PROPERTY (PLOT)

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

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

### 3. OWNERSHIP ISSUES

3.1. Owner: Yes No

3.2. User: Yes No

#### 3.3. Ownership details

With fully registered  
title

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

Tick applicable box

#### 4. AGRICULTURAL ACTIVITIES

4.1. Perennial / annual species:

4.2. If perennial: Year of plantation: \_\_\_\_\_

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

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

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

4.5. Of which farmed this year: \_\_\_\_\_ hectares

#### 5. AGRICULTURAL ACTIVITIES

5.1. Do you sell crops

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

#### 6. GENERAL INFORMATION ON AFFECTED HOUSEHOLD MEMBERS

##### 6.1. Information on household members

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

#### 7. SOCIO-ECONOMIC DETAILS ABOUT THE AFFECTED HOUSEHOLD

##### VULNERABILITY



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

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

#### 7.1. Total household income

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

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

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

Tick appropriate box

#### 7.2 Total Monthly expenditure and categories

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

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

Amongst the following, what are your main expenditure categories or assign a relevant range or amount	
Food and non-alcoholic beverages	
Housing related expenses (rent, water, electricity, gas, fuels, etc.)	
Food	
Furniture, household equipment and routine maintenance of the house	
Health	
Education	
Leisure and recreation	

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- personal information left out

	Cadastral Parcel	Total area m2	Area to be expropriated m2	LN	Cadastral Municipality	Owner	Compensation for structure (in RSD)	Compensation for Land (in RSD)	Compensation for Crops (in RSD)	Crops	Structure
1	301/2	528	37	1891	Aleksinac Varoš	Nikolić Gradimir, Aleksinac, Ratka Jovića 2				n/a	n/a
2	302/2	530	27	1885	Aleksinac Varoš	Ignjatović Dana, Jagodina				n/a	n/a
3	297/2	166	31	2673	Aleksinac Varoš	1.Milenković Tomislav, Aleksinac, Kej Živorada Kostića 10 ( owner of 912/1446 or 63%); 2. Trifunović Zagorka, Aleksinac (Owner of 89/1446 or 6,15%); 3.Miličević Biljana, Aleksinac, Ratka Jovića 8 (owner of 89/1446 or 18,5 %); 4. Petković Gordana, Aleksinac,Ratka Jovića 8 (owner of 267/1448 or 18,5% )				Fruit Bearing Trees 1 Cherry, 1 Sourcherry, 1 Hazelnut, 1 Walnut	n/a
4	297	1250	105	2673	Aleksinac Varoš	4. Petković Gordana, Aleksinac,Ratka Jovića 8 (owner of 267/1448 or 18,5%				Fruit Bearing Trees 1 Cherry, 1 Pear, 1 Apricot , 1 Hazelnut, 1 Apple, 2 Peaches, 2 Sourcherry	1 Auxilliary structure shack 1 Cote
5	297/2	750	31	2673	Aleksinac Varoš	Ilić Radoslav, Ratka Jovića bb Aleksinac				n/a	1 Smokehouse 1 Storage barn 1 Cote 1 Wired fence
6	299/2	5680	160	908	Aleksinac Varoš	1. Milenković Luka (Petrušić Stevo successor), Aleksinac, Ljupče Nikolića 8 (owner of 540/975 or 55,40%; 2. Marković Hranislav, Aleksinac, Ratka Jovića 22 (owner of 218/975 or 22,35%); 3.Marković Radmila, Aleksinac, Ratka Jovića 22 (owner of 217/975 or 22,5%)				10 Fruit Bearing Trees	1 Metal Fence (Wire, metal porchdoor,
7	303/2	980	56	1300	Aleksinac Varoš	Radić Toplica , Gornji Ljubeš, (occupier of 2/4 ); 3. Stojanović Miodrag, Dol Ljubljana, Kamnica 10 (owner of 1/4), 2. Stojanović Dragica, Dol Ljubljana, Kamnica 10, (owner of 1/4); 3. Stojanović Miodrag, Dol Ljubljana, Kamnica 10 (owner of 1/4),				n/a	n/a
8	304/2	3250	255	1292	Aleksinac Varoš	Milojković Svetlana , Aleksinac, Ozrenska 89,(owner of 8/24 or 33,33% Radosavljević Bogdana, Aleksinac, Ozrenska , (owner of 8/24 or 33,33%), Prijičević Veselin, Aleksinac, Majora Tepića 1, (owner of 6/24 or 25%), Živković Gordana, Aleksinac, 7.Juli 19/1,((owner of 2/24 or 8,30%)				n/a	n/a
9	1329/2	485	40	2439	Aleksinac Varoš	Veljković Mirjana, Aleksinac, Taušanovićeva 23				n/a	n/a
10	1514/6	520	1	2059	Aleksinac Varoš	1. Jovanović Mihaljo, USA, Wisconsin, (owner 3/8or 37,5%) 2. Petrović Vidosava, Niš (owner 1/8 or 12,5%), 3. Jovanović Jagoda, Aleksinac (owner 4/8 or 50%)				n/a	n/a
11	1511/11	752	26	1642	Aleksinac Varoš	Cvetković Milorad, Aleksinac, Sportska 31, (owner 1/2 or 50%), 2. Stanojević Ilija, Aleksinac, Sportska 33 (owner 1/2 or 50%)				n/a	n/a
12	311/10	465	1	887	Aleksinac Varoš	1. Jovanović Milena, Aleksinac, Ljupčeta Nikolića 14 (owner 5/6 or 83,33%) 2. Jovanović Aleksandar, Aleksinac, Ljupčeta Nikolića 14 (owner 1/6 or 16,7%)				n/a	n/a
13	298/2	1625	83	2358	Aleksinac Varoš	Jovanović Miroslav, Aleksinac, Ratka Jovića 6				n/a	Auxiliary Structure 1 P+1 and Auxiliary structure 2 P and Auxiliary structure 3 P
14	300/2	1235	42	1387	Aleksinac Varoš	Cvetković Vladica, Ratka Jovića 2				n/a	
Total area:		894				Total contribution for structure in RSD:	1.021.832,28				
						Total contribution for structure in EUR based on 06/04/2016:	8.331,29				
						Total contribution for land in RSD:		887.622,13			
						Total contribution for land in EUR based on 06/04/2016:		7.237,03			
						Total contribution for crops in RSD:			41.110,00		
						Total contribution for crops in EUR based on 06/04/2016:			335,18		
						Total contributions paid in RSD (structure+land+crops):		1.950.564,41			
						Total contributions paid in EUR (structure+land+crops):		15.903,50			
						RSD/EUR exchange rate on 06/04/2016		122,65			



INVENTORY ON IMPACT ON OCCUPIED PUBLIC LAND					
	Cadstra l Parcel	Area m2	Cadastral Municipality	Owner	Structure
1	358	n/a		Petković Leposava	n/a
2	407	15	Aleksinac Varoš	Marinković Dejan (1/2), Ratka Jovića Bb, Living in Wiena	One refrigerator container shall be moved as additional assistance to the PAPs
				Nedeljković Ljubiša (1/2)	
3	413	20	Aleksinac Varoš	Slaviša Biškup, Aleksinac, Lole Ribara 47	Pile retaining wall will not be demolished due to mitigation measure applied
4	414	n/a	Aleksinac Varoš	Đurić Ivica (1/2)	n/a
				Đurić Mirko (1/2)	
5	415	2	Aleksinac Varoš	Desanka Gojković	Retaining wall partly affected but by will not be demolished due to mitigation measures
6	416	n/a	Aleksinac Varoš	Veljković Nadica	After Consultation the design has been changed to avoid impact on this household.
7	418	8	Aleksinac Varoš	Siniša Stojanović	n/a
8	422	15	Aleksinac Varoš	Antić Marko	1 stairway and part of connecting a terrace with the river. Change of design to avoid impact on residential structure
9	423	30	Aleksinac Varoš	Joković Petar	only access for the machines
10	439	n/a	Aleksinac Varoš	Kuzmanović Aleksandar	Tennis Court and sports arena. Partly build on public land. Not affected and avoided by applying mitigation measures and avoiding impact. The Method statement has been changed.
				Kuzmanović Dušan	
11	460	n/a	Aleksinac Varoš	Rakić Miroslav	Mitigation measures applied to avoid impact
	Total area:	90			

## 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.xxxxxxxxxxxxxr5

## Directorate for Water Management

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

## Annex 5 – Grievance Commission brochure (page 2)

### 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?

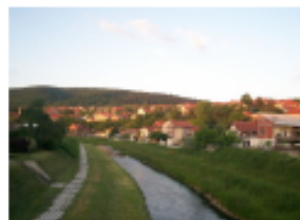
- 1) Visit or write to local administrative bodies - municipalities. If you visit the GC in person at respective municipalities office, the commission shall draft a claim on your behalf and respond within 3 weeks.
- 2) Orally or in writing, during a discussion. This type of claim may be filed during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

Ministry for Agriculture and Environment  
Directorate for Water Management  
2 Blvd Umetnosti  
11000 Belgrade, Republic of Serbia  
Phone: 011/  
Fax: 011/





## Annex 6 – Grievance registration Form

SERBIA FLOODS EMERGENCY AND RECOVERY PROJECT (FERP)	
<b>Component 3- ALeksinac sub-project</b>	
Reference number:	
Full name:	
Contact information:	
Please mark how you wish to be contacted (mail, telephone, e-mail).	
<input type="checkbox"/>	By post: Please provide mailing address: _____ _____
<input type="checkbox"/>	By telephone: _____
<input type="checkbox"/>	By e-mail: _____
Description of the event giving rise to the grievance. What happened? Where did it happen? Who did it happen to? When did it happen? Main consequences of the event? Any other relevant information on the grievance	
How do you see your case would be best resolved?	
<div style="float: left;">         . .2016  Date and Place         </div> <div style="float: right; width: 200px;">Signature</div>	

## Annex 7 - Invitation to Survey

ИСТАКНУТО НА ОГЛАСНОЈ ТАБЛИ  
ОПШТИНСКЕ УПРАВЕ ОПШТИНЕ АЛЕКСИНАЦ

Дана 20.03.2016 год.  
Службено лице,  




Министарство пољопривреде и заштите животне средине, Републичка дирекција за  
воде, Јединица за имплементацију  
Објављује

**ЈАВНИ ПОЗИВ**

За анкетирање власника и корисника оних непокретности које се налазе у склопу  
будућег Пројекта ХИТНЕ САНАЦИЈЕ ОД ПОПЛАВА, компонента 3 заштита града  
Алексинца од поплава, регулацијом насипа реке Моравице кроз град Алексинац од км  
2+370 до км 3+100 и обезбеђивање протицаја на узводној секцији од км 3+100 до км  
3+950 који се реализује уз финансијску асистенцију Светске Банке.

Анкетирање ће се обавити дана **01.априла 2016.** године у **12 часова** (по локалном  
времену) у просторијама града Алексинца, сала Комитета, Књаза милоша 144.

У поступку имплементације Пројекта, Министарство пољопривреде и заштите животне  
средине, Републичка дирекција за воде намерава извршити социо-економско  
анкетирање пројектом захваћеног становништва у сврху што бољег планирања  
Пројекта.

Сврха ове анкете јесте прикупљање података о социјалним и економским  
карактеристикама домаћинстава која се налазе на потезу на коме ће се изводити радови  
на санацији реке Моравица како би се сагледали сви аспекти Пројекта заштите од  
поплава.

Подаци прикупљени овом анкетом служиће искључиво за потребе израде социо-  
економске студије и процене утицаја на становништво под директним утицајем  
пројекта које ће бити саставни део Скраћеног Акционог Плана Расељавања.

Сви подаци прибаљени у току анкетирања биће заштићени у складу са законом.

Министарство пољопривреде и заштите животне средине  
Републичка дирекција за воде  
Булевар Уметности 2а  
11070 Београд  
Тел.: +381 11 / 21 74 158  
е-мејл : ferproject@yahoo.com

ИСТАКНУТО НА ОГЛАСНОЈ ТАБЛИ  
ОПШТИНСКЕ УПРАВЕ ОПШТИНЕ АЛЕКСИНАЦ

Дана \_\_\_\_\_ год.  
Службено лице,  
\_\_\_\_\_



## Annex 8 - Photos from survey April 1, 2016



## Annex 9 - Signed Agreements with owners – two Samples

### ЗАПИСНИК о давању сагласности

Сачињен дана 20.03.2014.године, од стране Одсека за имовинско правне послове Општинске управе Општине Алексинац, ради упознавања са плановима ВПЦ тј.регулацијом реке Моравице на потесу од Гробљанског до Рударског моста у Алексинцу и добијања сагласности за несметано извођење радова, у складу са важећим Планским документима.

### ПРИСУТНИ СУ:

Службено лице,  
Драгица Масловарић

Странке,  
1. Антић Марко

Записничар,  
Слађана Милосављевић

За ЈП. Дирекцију ...  
Родољуб Пауновић

Започето у 13,00 часова

Службено лице констатује да су присутна позвана лица.

Пошто је службено лице упознато присутне са предметом данашњег записника, односно да је у циљу регулације реке Моравице неопходно уклонити делове бесправно подигнутих објеката на кп. бр.422 КО Алексинац варош и то део степеништа део оgrade, део базена и зида, то странка даје

### САГЛАСНОСТ

Антић Марко изјављује да је упознат са увиђајним налазом, да нема примедби, да се слаже и да **ДАЈЕ сагласност** да се уклоне бесправно изграђени делови објеката на предметној парцели која је у власништву ВПЦ-а, а због којих се не могу изводити радови, а такође истиче да нема никаквих примедби нити ће ометати радове у циљу регулације реке Моравице у Алексинцу.

Странка додаје да је његов деда својевремено добио на коришћење парцелу од СО Алексинац, да поседује и тапију, да се приликом рушења остали део објекта не оштети. Такође предлаже разговор са ВПЦ-ом о измени плана, као и да је од оца добио претметну парцелу мада се у катастру још увек води на име оца Антић Драгана.

Странка тражи да се рушење спорних објеката изврши о трошку инвеститора уз Обезбеђење осталих објекат, а по мерама из Пројектне документације.

Записник је гласно диктиран на исти нема примедби па се потписује.

Завршено у 13,30 часова.

Службено лице,  
Драгица Масловарић

За ЈП. Дирекцију....  
Родољуб Пауновић

Странке,  
Марко Антић

**ЗАПИСНИК**  
**о давању сагласности**

Сачињен дана 20.03.2014.године, од стране Одсека за имовинско правне послове Општинске управе Општине Алексинац, ради упознавања са плановима ВПЦ тј.регулацијом реке Моравице на потесу од Гробљанског до Рударског моста у Алексинцу и добијања сагласности за несметано извођење радова, у складу са важећим Планским документима.

**ПРИСУТНИ СУ:**

Службено лице,  
Драгица Масловарић

Странке,  
1. Мирослав Ракић

Записничар,  
Слађана Милосављевић

За ЈП. Дирекцију ...  
Родољуб Пауновић

Започето у 13,00 часова

Службено лице констатује да су присутна позвана лица.

Пошто је службено лице упознато присутне са предметом данашњег записника, односно да је у циљу регулације реке Моравице неопходно уклонити све бесправно подигнуте објекте-делове на парцели у власништву ВПЦ-а како би се несметано обављали радови и пошту су све странке након обављеног увиђаја на лицу места и на **кп. бр.460** КО Алексинац варош ближе упознате са чињеничним стањем и објектима које треба уклонити, (део помоћног објекта од тврдог материјала озидан шљако блоковима са плочом), то странка даје

**САГЛАСНОСТ**

**Мирослав Ракић** изјављује да је упознат са увиђајним налазом, да се слаже и да **ДАЈЕ сагласност** да се уклони бесправно изграђени део објекта на предметној парцели која је у власништву ВПЦ-а, а због којег се не могу изводити радови, нити ће ометати извођење радова у циљу регулације реке Моравице у Алексинцу.

Странка додаје и тврди да део његовог објекта не смета за регулацију и извођењу радова, да се објекат може задржати и да ВПЦ треба размотрити ту чињеницу, а уколико је потребно рушење мора да иде о трошку инвеститора или извођача радова. Уколико извођач причини штету на мом делу објекта дужан је да исту надокнади и санира. Парцела се у катастру води на више лица али је тај део где се налази објекта он купио о чему поседује доказ.

Записник је гласно диктиран на исти нема примедби па се потписује.

Завршено у 13,30 часова.

Службено лице,  
Драгица Масловарић

За ЈП. Дирекцију....  
Родољуб Пауновић

Странка  
Мирослав Ракић



## Annex 10 - Social screening check list

<b>SUB-PROJECT:</b>	(section name)			
<b>Screening team:</b>	(Names of team members performing screening)			
<b>Attachments:</b>	(Photos, additional docs, tables, etc.)	<b>date:</b>		
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 <sup>9</sup> Commercial objects (workshops, cafes, stores etc.)			



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

## **Annex 11 - Translation of Assessment for staircase Subject for Demolition**

**"NIŠINVEST", LLC**  
**EXPERT AND CONSTRUCTION ASSESSMENT INVESTMENT COMPANY FROM NIŠ**

**EMPLOYER:**

**MINISTRY OF AGRICULTURE AND ENVIRONMENTAL PROTECTION, WATER DIRECTORATE,  
2 A BULEVAR UMETNOSTI ST., 11070 BELGRADE**

### **RECORD ON ASSESSMENT AND VALUATION**

**OF ILLEGALLY BUILT STRUCTURE ON THE CADASTRAL PLOT NO. 2885, CADASTRAL  
MUNICIPALITY OF ALEKSINAC VAROŠ, THE PROPERTY OF THE REPUBLIC OF SERBIA,  
USED BY THE PUBLIC UTILITY COMPANY „SRBIJA VODE“, BELGRADE, 5 BRODARSKA ST.**

Signed by:

Director

**Nebojša Kesić, B.Sc. CE**

**Niš, July 2016**

## 2. VALUATION SUBJECT

### 2.1. INTRODUCTION

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

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

The purpose of the valuation was determining the value of the immovable property, illegally y built on the Cadastral Plot No.422, Cadastral Municipality of Aleksinac Varoš, in order to remove the said structure and arrange for unobstructed performance of construction works: Flood Protection of the City of Alesinac – Regulation of the Moravica River Embankment through the City of Aleksinac, from km 2+370 to km 3+100 and securing the flow profile on the upstream section from km 3+100 to km 3+950 and downstream section from km 2+000 to km 2+370.

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

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

Subsequent to the review of documentation submitted to the court valuer for inspection and the situation in the field, preparation of the record commenced.

A. Cost approach or replacement value

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

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

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

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

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

## 6. VALUE OF THE STRUCTURE

### Structure description:

Structure description:

Staircase with the landing 2.5 m x 1 m in horizontal projection

Total quantity of construction works:

2.5 m x 1 m = 2.5 m<sup>2</sup>

RC Staircase concrete placing in the required formwork is 3.000,00 RSD/m<sup>2</sup>

Calculation as per m<sup>2</sup> of horizontal projection:

2.5 m x 3.000,00 RSD = 7.500,00 RSD

Total value of the structure: 7.500,00 RSD

Value of the access road:

- Excavation for pipes 57.075,75 RSD
- Gravel placement 42.286,00 RSD
- Transportation of the excavated material 33.2230,00 RSD
- Pipes Ø 1000 222.130,00
- Road filling with broken stone 33.950,00
- Inlet structure 338.700,00
- Outlet structure with mica flap 314.700,00

Total value of the access road: 1.041.587, 25 RSD

### Valuer:

Nebojša Kesić, B.Sc. C.E.

Decision no.: 740-05-02581/2010-03 of July 6, 2011

Republic of Serbia – Ministry of Justice

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

Owner of illegally built structure:

**Name:** Antić Marko, from Aleksinac

Owner of the adjacent cadastral plot no. 422 AleksinacVaroš

Location of the illegally built structure:

Cadastral plot 422 (2885/1), Cadastral Municipality of AleksinacVaroš

**Plot owner:**

Republic of Serbia

**User:**

Public Water Management Company „Srbijavode“, Belgrade, 5 Brodarska St.

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

Public Water Management Company „Srbijavode“, Belgrade, 5 Brodarska St., agreed to the decision to build the access road and vehicle entrance to the said structure.



## **Annex 12 - Translation of Assessment of Auxiliary structure Subject for Demolition**

**"NIŠINVEST", LLC  
EXPERT AND CONSTRUCTION ASSESSMENT INVESTMENT COMPANY FROM NIŠ**

**EMPLOYER:**

**MINISTRY OF AGRICULTURE AND ENVIRONMENTAL PROTECTION, WATER DIRECTORATE,  
2 A BULEVAR UMETNOSTI ST., 11070 BELGRADE**

### **RECORD ON ASSESSMENT AND VALUATION**

**OF ILLEGALLY BUILT STRUCTURE ON THE CADASTRAL PLOT NO. 2885, CADASTRAL  
MUNICIPALITY OF ALEKSINAC VAROŠ, THE PROPERTY OF THE REPUBLIC OF SERBIA,  
USED BY THE PUBLIC UTILITY COMPANY „SRBIJA VODE“, BELGRADE, 5 BRODARSKA ST.**

Signed by:

Director

Nebojša Kesić, B.Sc. CE

Niš, July 2016

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

Owner of illegally built structure:

**Name:** Miroslav Rakić

Owner of the adjacent cadastral plot no. 480 AleksinacVaroš

Location of the illegally built structure:

Cadastral plot 2885, Cadastral Municipality of AleksinacVaroš

**Plot owner:**

Republic of Serbia

**User:**

Public Water Management Company „Srbijavode“, Belgrade, 5 Brodarska St.

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

Public Water Management Company „Srbijavode“; Belgrade, 5 Brodarska St., agreed to the decision to build the access road and vehicle entrance to the said structure.

## 2. VALUATION SUBJECT

### 2.1. INTRODUCTION

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

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

The purpose of the valuation was determining the value of the immovable property, illegally y built on the Cadastral Plot No. 2885, Cadastral Municipality of Aleksinac Varoš, in order to remove the said structure and arrange for unobstructed performance of construction works: Flood Protection of the City of Alesinac – Regulation of the Moravica River Embankment through the City of Aleksinac, from km 2+370 to km 3+100 and securing the flow profile on the upstream section from km 3+100 to km 3+950 and downstream section from km 2+000 to km 2+370.

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

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

Subsequent to the review of documentation submitted to the court valuer for inspection and the situation in the field, preparation of the record commenced.

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

Owner of illegally built structure:

**Name:** Miroslav Rakić

Owner of the adjacent cadastral plot no. 480 AleksinacVaroš

Location of the illegally built structure:

Cadastral plot 2885, Cadastral Municipality of AleksinacVaroš

**Plot owner:**

Republic of Serbia

**User:**

Public Water Management Company „Srbijavode“, Belgrade, 5 Brodarska St.

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

Public Water Management Company „Srbijavode“; Belgrade, 5 Brodarska St., agreed to the decision to build the access road and vehicle entrance to the said structure.

## 6. VALUE OF THE STRUCTURE

### Structure description:

Single storey structure, of dimensions 4.8 x 2 m and the total surface are of 39.36 m<sup>2</sup>. The structure is in poor condition, roughly finished. The walls are made of concrete blocks, roofing in a form of flat concrete slab. The construction is structurally unstable and unfinished.

Value as per m<sup>2</sup>, amounts to 2.200,00 RSD

39.36 m<sup>2</sup> \* 2.200,00 RSD = 86.592,00 RSD

**Total value of the structure: 86.592,00 RSD**

Valuation of in kind compensation and comparison.

### Value of the access road:

- Gravel placement 38,550,00 RSD
- Transportation of the excavated material 29.900,00 RSD
- Road filling with broken stone 30.500,00 RSD

**Total value of the access road: 98.950,00 RSD**

### Valuer:

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

## Annex 13 Agreements on compensation in kind with PAP

Ministry of Agriculture and Environmental Protection  
FER Project Implementation Unit  
Bulevar umetnosti 2a  
11 070 Belgrade  
401-00-3993/2015-07-09  
July 11, 2016

To: Mr. [REDACTED]  
60 Lole Ribara street  
Aleksinac

Dear Mr. [REDACTED]

In the continuation of our negotiations in connection with the consent that you gave that part of the illegal object –stairs constructed on Cadaster Parcel [REDACTED] KO Aleksinac Varos can be demolished we hereby declare the following..

Namely, in accordance with the Resettlement Policy Framework, developed and in force for the Implementation of the Floods Emergency Rehabilitation Project financed by the World Bank, structures constructed without proper building permits must be taken into account when determining compensation if they are under the influence of project.

At meetings and consultations on this issue that were held on several occasions and the last on July 8, 2016 at the site, where the Accredited expert was present as well an assessment of the asset was made. To this assessment you signed off as well with the amount determined by the expert as a replacement value for the building that will be demolished due to construction works.

When negotiating the compensation package you undoubtedly expressed your request that your preference for compensation for the stairs is in –kind compensation. The in kind compensation is in the form of reconstruction of the existing dirt road which is located on the left side your residential building.

On the same occasion the expert gave an estimate of the value of the investment for the reconstruction of the said road and we jointly concluded that the value that is offered in kind is of higher value compared to the replacement value of the staircase.

Bearing in mind that the conditions for reaching an agreement on compensation have been met we are glad to inform you that your preferred compensation package in form of road reconstruction is accepted and that the works on the construction of this road will be completed by September 2016.

Kind regards,

  
Dmtar Zakula, PIU director



Ministry of Agriculture and Environmental Protection  
FER Project Implementation Unit  
Bulevar umetnosti 2a  
11 070 Belgrade  
401-00-3993/2015-07-08  
July 11, 2016

To: Mr. [REDACTED]  
58 Lole Ribara street  
Aleksinac

Dear Mr. [REDACTED]

In the continuation of our negotiations in connection with the consent that you gave that part of the illegal object –auxiliary structure constructed on Cadaster Parcel [REDACTED] KO Aleksinac Varos can be demolished we hereby declare the following.

Namely, in accordance with the Resettlement Policy Framework, developed and in force for the Implementation of the Floods Emergency Rehabilitation Project financed by the World Bank, structures constructed without proper building permits must be taken into account when determining compensation if they are under the influence of project.

At meetings and consultations on this issue that were held on several occasions and the last on July 8, 2016 at the site, where the accredited expert was present as well an assessment of the asset was made. To this assessment you signed off as well with the amount determined by the expert as a replacement value for the building that will be demolished due to construction works.

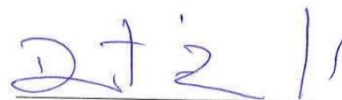
When negotiating the compensation package you undoubtedly expressed your request that your preference for compensation for the stairs is in –kind compensation instead of cash replacement cost. The in kind compensation is in the form of reconstruction of the existing dirt road which is located on the left side your residential building.

On the same occasion the expert gave an estimate of the value of the investment for the reconstruction of the said road and we jointly concluded that the value that is offered in kind is of higher value compared to the replacement value of the staircase.

Bearing in mind that the conditions for reaching an agreement on compensation have been met we are glad to inform you that your preferred compensation package in form of road reconstruction is accepted and that the works on the construction of this road will be completed by September 2016.

Enclosed are the Minutes of the negotiations on the form and amount of compensation for the structure influenced by the Project held on July 8 2016 which were mutually agreed

Kind regards,

  
Dmtar Zakula, PIU director



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**

To Mrs/Ms/Mr \_\_\_\_\_

on

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

**For Aleksinac Flood Protection sub-project**

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

**To be held on June X, 2016 at XX:XX PM (Local time ) at the Municipality of Aleksinac**

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 Municipality of Aleksinac, during working hours,
- on the web site of the Ministry of Agriculture and Environmental Protection Directorate for Water Management : [www.rdvode.gov.rs](http://www.rdvode.gov.rs)
- On the website of the Municipality of Aleksinac: [www.aleksinac.org](http://www.aleksinac.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  
2 Bulevar Umetnosti Street  
11070 Belgrade, Serbia  
tel./fax. +381 11 / 2174158  
E-mail: [ferproject@yahoo.com](mailto:ferproject@yahoo.com)

## Annex 15 - Sample of asset evaluation - Unofficial translation

Republic of Serbia  
Municipality of Aleksinac  
Municipality administration - department for economy  
Agricultural section  
08.11.2010.  
ALEKSINAC

### TO THE PROPERTY-LEGAL DEPARTMENT

Subject: damage assessment

Inspection on the spot to the part of the parcel number 297 Cadastre Municipality (C.M.) Aleksinac-town has been made for the purpose of establishing the value of sour cherry, cherry, walnut and hazelnut trees correspondent to minutes record made on 18.05.2010. no. 465-sl./10, I have established the following.

Above mentioned sour cherry, cherry, walnut and hazelnut trees are located on part of the parcel no. 297, property of Milenkovic Tomislav from Aleksinac.

Damage made by removing sour cherry, cherry, walnut and hazelnut trees amounts to: (economic yearly yield, costs of planting new trees and compensation to full fruiting).

#### **3. Cost assessment for the sour cherry tree**

A) Yearly economic yield per tree 5 kg.

Price of 1 kg of sour cherries 20 RSD/kg

5 kg x 20 RSD/kg.=100 RSD

B) Costs of planting new tree.

-purchase of planting material (one seedling of sour cherry 150 RSD)

-soil preparation for planting new seedling

(digging the hole and planting 300 RSD)

V) Compensation to full fruiting,

The yield of sour cherry trees are not economically significant until it reaches five years of age because during that period of time investment in production are necessary (soil maintenance, fertilization, watering, pruning, diseases and pests protection)

Yield for one economic yield x five years until full fruiting

5kg./tree x 20 RSD/kg x 5 economic years = 500 RSD

#### **Cost assessment for the sour cherry**

B+V-20% (production costs) = 500,00 + 500,00 = 1.000,00-20% (200,00) =

**800,00 RSD**

Two sour cherries tree: 1600,00 RSD

#### **3. Cost assessment for the cherry tree**

A) Yearly economic yield per cherry tree 5kg

Price for 1kg of cherries 50RSD/kg.

5 kg x 50 RSD/kg = 250,00 RSD

B) Costs of planting new tree.

-purchase of planting material (one seedling of cherry 150 RSD)

-soil preparation for planting new seedling

(digging the hole and planting 300 RSD)

V) Compensation to full fruiting,

The yield of cherry trees are not economically significant until it reaches five years of age because during that period of time investment in production are necessary (soil maintenance, fertilization, watering, pruning, diseases and pests protection)

Yield for one economic yield x five years until full fruiting

5kg. (250,00) x 5 economic years = 1.250,00 RSD

#### **Cost assessment for the cherry tree**

$B+V-30\%$  (production costs) = 450 + 1.250 = 1.700,00-30% (production costs) =  
**1.190,00 RSD**

**According to her statement, the party removed one tree of hazelnut and one tree of walnut.**

#### **Cost assessment for the hazelnut tree**

A) Yearly economic yield per hazelnut tree 3kg

Price for 1kg of hazelnuts 300 RSD/kg.

3 kg x 300 RSD/kg = 900,00 RSD

B) Costs of planting new hazelnut tree.

-purchase of planting material (one seedling of hazelnut 300 RSD)

-soil preparation for planting new seedling

(digging the hole and planting 300 RSD)

V) Compensation to full fruiting,

The yield of hazelnut trees are not economically significant until it reaches seven years of age because during that period of time investment in production are necessary (soil maintenance, fertilization, watering, pruning, diseases and pests protection)

Yield for one economic yield x seven years until full fruiting

3kg. / tree 300 RSD/kg x 7 economic years = 6.300,00 RSD

#### **Total cost assessment**

$B+V-20\%$  (production costs) = 600 + 6.300,00 = 6.900,00-20% (1.380,00) =

**5.520,00 RSD**

#### **Cost assessment for the walnut tree**

A) Yearly economic yield per tree 10kg

Price for 1kg of walnuts 200 RSD/kg.

10 kg x 200 RSD/kg = 2.000,00 RSD

B) Costs of planting new walnut tree.

-purchase of planting material (one seedling of walnut 300 RSD)

-soil preparation for planting new seedling

(digging the hole and planting 500 RSD)

V) Compensation to full fruiting,

The yield of walnut trees are not economically significant until it reaches eight years of age because during that period of time investment in production are necessary (soil maintenance, fertilization, watering, pruning, diseases and pests protection)

Yield for one economic yield x eight years until full fruiting

10kg. / tree 200 RSD/kg x 8 economic years = 16.000,00 RSD

#### **Total cost assessment**

$B+V-20\%$  (production costs) = 800,00 + 16.000,00 = 16.800,00-20% (4.960,00) =

**13.440,00 RSD**

Assessment made by  
Srdjan Stanimirovic, Sc. engineer agronomist

(signature)

Република Србија  
ОПШТИНСКА УПРАВА  
ОПШТИНЕ АЛЕКСИНАЦ  
Бр. 211-63  
16.08.2016

ИСТАКНУТО НА ОГЛАСНОЈ ТАБЛИ  
ОПШТИНЕ АЛЕКСИНАЦ  
Датум: 16.08.2016  
И. Милошевић

У складу са оперативном политиком Светске Банке (ОП 4.12)  
Министарство пољопривреде и заштите животне средине  
Републичка дирекција за воде  
Јединица за управљање пројектом позива на

**ЈАВНУ РАСПРАВУ**  
Појединце, јавност, органе и организације заинтересоване за  
**СКРАЋЕНИ АКЦИОНИ ПЛАН РАСЕЉАВАЊА**  
(САПР)  
За подпројекат заштите града Алексинаца од поплава  
у оквиру  
**ПРОЈЕКТА ХИТНЕ САНАЦИЈЕ ОД ПОПЛАВА**  
Које ће се одржати дана 31. 08. 2016. године у 16:00 часова (по локалном  
времену) у згради општине Алексинац

Примерак документа кој је предмет консултација може се преузети на следећим адресама:

- у просторијама Министарства пољопривреде и заштите животне средине, Републичка дирекција за воде, Јединица за управљање пројектом, у Београду, Гандијева 189/2 радним данима од 10:00 до 15:00 часова (по локалном времену), у року од 14 дана од дана објаве овог позива,
- у просторијама општине Алексинац радним данима,
- на интернет страници Министарства пољопривреде и заштите животне средине, Дирекција за воде, [www.rdvode.gov.rs](http://www.rdvode.gov.rs)
- на интернет страници општине Алексинац: [www.aleksinac.org](http://www.aleksinac.org)

Питања и коментаре поводом одредаба документа могу бити достављени писаном путем доставом или путем е-поште на доле наведене адресе или директно током јавних консултација.

За додатне информације молим вас да контактирате:

Министарство пољопривреде и заштите животне средине  
Републичка дирекција за воде  
Гандијева 189/2  
11000 Београд, Србија  
тел./факс: +381 11 / 3174153  
Е-пошта: [fer.project@yahoo.com](mailto:fer.project@yahoo.com)

Општинска управа општине Алексинац  
Одељење за привреду  
Одељење за урбанизам, стамбено комуналну делатност и заштиту животне средине  
даје следеће

**ОБАВЕШТЕЊЕ**

Обавештава се јавност и заинтересовани органи и организације да се ће 02.09.2016. године у општинској сали СО Алексинац са почетком у 12:30 часова бити одржан јавна расправа и презентација Студије о пројекти утицаја на животну средину пројекта пројектовања и реализације неопходних система и садржаја хитне санације које се користе у производном процесу (компонента А – поплава, у максималној количини од 14980kg; компонента Б – инвазија, у максималној количини од 17220kg; инвазија, у максималној количини од 688kg, на к.б. бр. 2770/14, КО Алексинац варијан, на територији општине Алексинац, послој пројекта "Немилу" д.о.о. Београд.

Увид у поднату Студију о пројекти утицаја на животну средину може се извршити у просторијама општинске управе општине Алексинац, у канцеларији бр. 18, сваког радног дана од 11:00 до 14:00 часова, до 31.08.2016. године.

Премадби и мишљења на Студију о пројекти утицаја достављају се писмено Министарству пољопривреде и заштите животне средине, уз Општинска бригада 1, Нови Београд.

Предметна студија прелат је уз захтев за сагласност Министарству пољопривреде и заштите животне средине (захтев датум под 353-02-01/155/2016-16). Обавештење Министарства је Алексинац у виду "Позива" дана 11.08.2016. године. Овај у просторијама Општинске управе и заштите животне средине, уз Општинска бригада 1, Нови Београд, соба 426, сваког радног дана од 11:00 до 14:00 часова у року од 20 дана од дана објављивања обавештења, као и на сајту <http://www.aleksinac.org>

У Алексинцу  
11.08.2016. године

НАЧЕЛНИК  
ОПШТИНСКЕ УПРАВЕ ОПШТИНЕ АЛЕКСИНАЦ  
Дејан Милошевић с.р.

КОМИСИЈА  
ЗА НАБАВУ  
УПАДНЕ  
ЗАПИСНИК  
ЛИСТА ДОК

ИСТАКНУТО НА ОГЛАСНОЈ ТАБЛИ  
ОПШТИНЕ АЛЕКСИНАЦ

1. Милошевић  
2. Јован  
3. Симе  
4. Јован  
5. Петр

Кона  
повремен

С.З.  
ОПШ

На основу члана 40.  
Републике Србије, број 12  
општине Алексинац на сед  
довела је

Утврђује се да су сле  
маиште и то:

- АЛЕКСАНДАР ВУЧИЋ – С
- ЈЕДИНСТВЕНА СРБИЈА – Д
- СОЦИЈАЛИСТИЧКА ПАР
- НАРОДНИ ПОКРЕТ – ГРУП
- ОДГОВОРНО ЗА АЛЕКСИ
- ДР ВОЈИСЛАВ ШЕШЕЉ –
- САЗЕД ЗА БОЉИ АЛЕКСИ
- СТРАНКА РУСА СРБИЈЕ

Изборна комисија  
Свакој изборној листи пр

Одлуку о расподел  
и на огласној табли Општ

П/01 Број: 013-1/112  
У Алексинцу, 25.04.2016.

ИЗБОР



## Annex 17- Attendance Sheet

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 ALEKSINAC /ABREVIATED RESETTLEMENT ACTION PLAN ALEKSINAC.				Datum 31.08.2016
No.	Ime i prezime /Name	Adresa	Telefon	E-Mail
1	Anuša Hegembović	c. HOSRUHA		anisa.hegembovic@yahoo.com
2	Pustih Muriša	Aradunpa Kocutja BP.11		misticm@live.com
3	Žolanić Branka	S. NARINA	060/234288	brankatolaj@yahoo.com
4	Žorah Žuković	C. BOBOVUITE		zzokibob@gmail.com
5	Žuković Žorah	Dratunpa Kocutja H	060/2121055	
6	Perić Božan	Mamiša Potovuta B.5	060/18224	
7	Milenković Božan	S. PRAMCA 72	0	
8	Ivan Radulović	S. PRICOVIC		
9	Uroš VELIČKOVIĆ	OZRENSKA 3	060/218 2208	URO.S.VELICKOVIC@ALEKSINAC.ORG
10	Milošević Dejan	KOŠE PIZAR 09. ARADUNPA	060/2182207	DEJAN.MILOSEVIC@ALEKSINAC.ORG
11	Brčić Nenad	FER PROJEKT	060/834264	
12	IGOR RADONIC	FER PROJEKT	062 491345	

Page 1 of 4

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 ALEKSINAC /ABREVIATED RESETTLEMENT ACTION PLAN ALEKSINAC.				Datum 31.08.2016
No.	Ime i prezime /Name	Adresa	Telefon	E-Mail
13	Stanić Stojan	S. JZEBUBA 2.2.		
14	Stanić Miroslav MIRSLAV STANIC	R. Jovicic 14		
15	DRAGAN GOSTKOVIĆ	LOVE KIBARA 50		
16	Stanić Miroslav	B. KARAVANKA 2.2.		
17	Stanić Miroslav	pop. Crnatica i Miroslav		
18	Stanić Miroslav	Tratovuga		
19				
20				
21				
22				
23				
24				

Page 2 of 4

## Annex 18 – Pictures from public consultation

