Bosnia and Herzegovina
Federation of Bosnia and Herzegovina

Public company Motorways in Federation of Bosnia and Herzegovina

Motorway on Corridor Vc

Land Acquisition and Resettlement Plan and impact assessment result (LARPIAR)

SECTION: TARČIN – ZUKIĆI
SUBSECTION: TARČIN – ENTRANCE TO TUNNEL IVAN

November 2020

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ABBREVATIONS

BiH	Bosnia and Herzegovina
FBiH	Federation of Bosnia and Herzegovina
EIB	European Investment Bank
JPAC	Motorways of the Federation of Bosnia and Herzegovina
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
RAP	Resettlement Action Plan
EIA	Environmental Impact Assessment
LC	Local Community
C.M.	Cadastral municipality
PAP	Project Affected People
PAH	Project Affected Households
PAPs	Project Affected Persons
PIU	Project Implementation Unit
ESS	Environmental and Social Standards

List of Definitions for Terms Used in This Document

CENSUS AND SOCIO-ECONOMIC SURVEY	The census is a process for compiling a 100% sample of individuals, households and businesses (formal or informal) which will be physically and/or economically displaced by a project. The socio-economic survey is used to determine and analyse the socio-economic conditions of individuals, households and businesses (formal or informal) which will be physically and economically displaced by a project. The information gathered is the baseline, which serves as a reference point against which income restoration and the results of other rehabilitation efforts can be measured.
CUT-OFF DATE	The date after which anyone who moves into the project area is no longer entitled to compensation and/or assistance.
ENTITLEMENT	Compensation and assistance which affected people have the right to receive during resettlement. Entitlements are defined for each individual project, and are listed in the form of an Entitlements Matrix, i.e. a table containing information on who is entitled to what type of compensation and/or assistance.
EBRD CATEGORIES OF DISPLACED PERSONS	*Category 1*: those who have formal legal rights to the land (including customary and traditional rights recognised under national laws). *Category 2*: those who do not have formal legal rights to land at the time of the census, but who have a claim to land that is recognised or recognisable under national laws. *Category 3*: those who have no recognisable legal right or claim to the land they occupy.
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. Involuntary resettlement refers to: (a) physical displacement (i.e. physical relocation of residence or loss of shelter), and/or (b) economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources.
PHYSICAL DISPLACEMENT	Loss of house/apartment, dwelling or shelter as a result of project-related land acquisition which requires the affected person(s) to move to another location.
ECONOMIC DISPLACEMENT	Loss of assets (including land) or access to assets that leads to loss of income or means of livelihood as a result of project-related land acquisition or restriction of access to natural resources. People or enterprises may be economically displaced with or without experiencing physical displacement.
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.
MOVING ALLOWANCE	Cash compensation for costs directly associated to moving/relocation of a household or business.
PROJECT AFFECTED PERSONS (PAPs)	Refers to all persons impacted by the involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the case of extended households); the owner and employees of a business; members of an ethnic minority group; tenants; land owners and sharecroppers; informal settlers (i.e. lacking formal titles); holders of customary land-rights; informal business-operators and their employees/assistants. Eligible PAPs may be in any of the following situations: (i) have formal legal rights to the land/structure they occupy; (ii) do not have formal legal rights to land, but have a claim to land that is recognised or recognisable under the national laws (e.g. ancestral, traditional lands); (iii) are dependent on the impacted land for their livelihood by way of customary access to natural resources; (iv) have no recognisable legal right or claim to the land or structure they occupy; and/or (v) economically displaced persons who face loss of assets or access to assets.
REPLACEMENT COST	Replacement Cost refers to the value determined to be fair compensation for: (i) land, based on its productive potential; (ii) houses and structures, based on the current market price of building materials and labor without depreciation or deductions for salvaged

	building material, and (iii) residential land, crops, trees, and other commodities based on their market value. Such cost needs to further account for any removal costs, utility connection costs, taxation costs imposed on new housing/re-established businesses etc. Where markets do not exist, surrogate values must be determined.
LAND ACQUISITION/ RESETTLEMENT FRAMEWORK	A document developed when the exact nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown due to the project development stage. The purpose of a framework is to describe the likely impacts associated with land acquisition and outline the principles which will be followed to address these. Once the individual project components are defined and the required information becomes available, the framework serves as a basis for the development of a detailed plan (see item below).
RESETTLEMENT ACTION PLAN (RAP)	Resettlement Action Plan (RAP) is the document in which the promoter of a project or other responsible competent authority describes the impacts of the involuntary resettlement, specifies the procedures that will be followed to identify, evaluate and compensate the impacts and defines the actions to be undertaken during all phases of the resettlement
VULNERABLE PEOPLE	Individuals and/or groups who are at a higher risk of being unable to anticipate, cope with, resist and recover from project-related risks and/or adverse impacts are considered vulnerable. Vulnerable individuals or groups may include women, children, the elderly, the poor, ethnic, religious, cultural or linguistic minorities, or indigenous groups.

1 INTRODUCTION

1.1 OBJECTIVES AND SCOPE OF THE RESETTLEMENT PLAN

The Public Enterprise “Autoceste Federacije Bosne i Hercegovine d.o.o. Mostar” (JPAC) has prepared and adopted this Land Acquisition and Resettlement Plan and impact assessment result (LARPIAR) for the Motorway construction project (the Project) for the subsection Tarčin – Entrance to Tunnel Ivan with the aim of setting out the principles for addressing the potential impacts of land acquisition within the Project and assessment of impact results in conformance with:

- The laws and regulations in force in the Federation of Bosnia and Herzegovina (FBiH),
- Compensation and Resettlement Framework for the Vc Corridor from 2009
- EIB Environmental and Social Standards (2013)

1.2 OBJECTIVES OF RESETTLEMENT ACTION PLANS (RAPS)

Development projects that involve involuntary land acquisition and resettlement can cause long-term hardship, impoverishment, and environmental damage unless appropriate measures are applied in order to mitigate these impacts. This document is specifically related to the A1 motorway, from Tarčin to entrance to Tunnel Ivan, in the total length of 4,9 km involving approximately 428,485 m² of land to be expropriated.

The **objectives of RAPs** are to:

- minimize the negative effects of population displacement and resettlement;
- mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons’ use of and access to land by providing compensation for loss of assets at replacement cost and ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- improve or, at a minimum, restore the livelihoods and standards of living of displaced persons to pre-Project levels;
- improve living conditions among displaced persons through provision of adequate housing;
- establish organisational arrangements and procedures to monitor the implementation of resettlement plan and take corrective actions as necessary;

This LARPIAR has been prepared based on the Designs for expropriation with parcelling for subsection Tarčin - Zukići and Census and socio-economic survey of Project Affected Persons (PAPs) and households identified within the project affected area. Compensation payment is a process which involves the time to offer compensation as well as time for the PAPs to accept it. At the time of preparation of this specific LARPIAR, expropriation process has been completed. Only small number of disagreements regarding the compensation offer were expected given that at the neighbouring subsection expropriation was finished without many disputes. There are no unknown stakeholders as they have all been identified within the Designs for expropriation. The nature of impacts as well as the appropriate compensation has been determined too. The objective of this LARPIAR is to set out an action plan for the resettlement and rehabilitation of Project affected people (PAP) to ensure that they will benefit

from the project and their standards of living will improve or at least be restored after the displacement. Acquisition of land and other assets for the project may adversely affect the livelihood of persons who live, work or earn their living on the land that will be acquired for the project. Project affected people are defined as those persons whose land is being expropriated, or those persons whose income or livelihoods will be adversely affected by land acquisition[1] for the project.
The purpose of this document is to demonstrate the compliance of the procedures performed during the expropriation process by JPAC with the requirements of the EIB.

1.3 SCOPE OF LARPIAR

Keeping the above objectives in view, the scope of this LARPIAR includes but is not limited to:

- Provide the details on the policies governing land expropriation, the range of adverse impacts and entitlements;
- Present a strategy for achieving the objectives of the resettlement/land acquisition policy;
- Provide a framework for implementation of the stated strategies to enquire timely acquisition of assets, payment of compensation and delivery of the benefits to PAPs;
- Provide details on the public information, consultation and participation, and grievance redress mechanisms in project planning, design and implementation;
- Provide identified sources and estimates of required resources for implementation of the LARPIAR;
- Provide a framework for supervision, monitoring and evaluation of resettlement implementation.

1.4 SOCIAL IMPACT ASSESSMENT

In line with the provisions of LARPIAR, a baseline socio-economic survey among the affected people has been carried out in June 2012 to record their key socio-economic and demographic characteristics that would become the basis for measuring the changes in the living standards in the post-impact period. The survey (inventory of project affected assets) attempts to cover the details of individual losses of land and other properties, while SES (socio-economic survey) is exercised for and collection of household information related to assets, income and demographic characteristics, housing and access to basic amenities.

1.5 EIB ENVIRONMENTAL AND SOCIAL STANDARDS

This LARPIAR was prepared in the period June-August 2020 with the purpose of documenting the results of an assessment of the land acquisition process implemented by JPAC for the section Tarčin – Tunnel Ivan and obtaining an overall understanding of the process of land acquisition conducted to date.

For the section Tarčin – Tunnel Ivan, the Resettlement Action Plan (RAP) was not prepared before starting the expropriation, which resulted in carrying out this LARPIAR after almost all

[1] *Land acquisition is a broader term than land expropriation because land can be purchased both by agreement with the landowner without expropriation or before expropriation as well as by a compensation agreement after the land has been expropriated. In this document there is not much difference between the meaning of "land expropriation" and "land acquisition" as we acquired all the land through expropriation and in both situations person is compelled by a government agency to alienate all or part of the land that person owns or possesses to the ownership and possession of the government agency for public purpose in return for compensation. Although expropriation beneficiaries are legally required to seek to achieve negotiated agreement that model is rarely used and not in one case on this section.*

land acquisition has been completed. The main reason for this is that at the start of the expropriation, it was not known who would finance this section, and thus not in compliance with which provisions the document would be drafted. Another reason was that until January 2020, JPAC did not have an established Division for Study Documentation, Social and Environmental Policy (within the JPAC Department for Documentation). The then existing Division for Study Documentation did not have sufficient capacities to ensure proper addressing of Environmental and Social issues during the pre-construction and construction phases. The newly formed Division is tasked with taking actions to ensure the timely development of land acquisition plans in the future.

It is provided for the purpose of demonstrating compliance with following requirements:

- local legislation governing the process of land acquisition,
- EIB Environmental and Social Standards (ESS) (2018), specifically ESS 6 (Involuntary Resettlement) and ESS 7 (Rights and Interests of Vulnerable Groups).

This LARPIAR also identifies gaps with EIB ESSs 6 and 7, and recommends corrective actions to address such gaps and explains the actions taken on this section to reduce the gaps.

EIB requires that all the projects it is financing are acceptable in environmental and social terms by applying appropriate safeguards to all its operations. The *EIB Environmental and Social Handbook (2013)* provides an operational translation of those standards grouped across 10 thematic areas (ESS).

Projects often necessitate land acquisition, expropriation and/or restrictions on land use, resulting in the temporary or permanent resettlement of people from their original places of residence or their economic activities or subsistence practices. When affected persons and communities do not have the choice to refuse such displacement, this process is known as involuntary resettlement.

The main points of *Involuntary resettlement (ESS 6)* are as follows:

- Avoid or, at least minimise, project-induced resettlement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimise their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Respect individuals', groups' and communities' right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets, or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality. Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income-earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;

- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project-affected people throughout the resettlement process;[2] and,
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted[3].

ESS 7 (Rights and Interests of Vulnerable Groups), which seeks to protect all vulnerable project-affected individuals and groups, whilst seeking that these populations duly benefit from EIB operations. Key requirements of *ESS 7* are the following:

- Affirm, respect, and protect the rights and interests of vulnerable individuals and groups within the designated operational scope, throughout the project life cycle;
- Adopt a gender-sensitive approach to the management of environmental and social impacts, that takes into account the rights and interests of women and girls, men and boys;
- Identify and avoid adverse impacts of EIB operations on the lives and livelihoods of vulnerable individuals and groups, including women and girls, minorities and indigenous peoples. Where avoidance is not feasible, to reduce, minimise, mitigate or effectively remedy impacts;
- Ensure that vulnerable individuals and groups are duly and early on identified and that engagement is meaningful; and
- Enable vulnerable groups, including women and girls, minorities and indigenous peoples to benefit from EIB-financed operations.

2. PROJECT DESCRIPTION

2.1. OVERVIEW

At Conferences held in Crete and Helsinki in 1994 and 1996, ten Trans-European transport corridors were identified as routes in Central and Eastern Europe that required priority investment. Corridor V (five) is an East West corridor of a total length of about 1,600 km linking Kiev in Ukraine to the Adriatic Sea via Lviv and Budapest (Hungary)[4]. From Budapest westwards, Corridor V has two different branches:

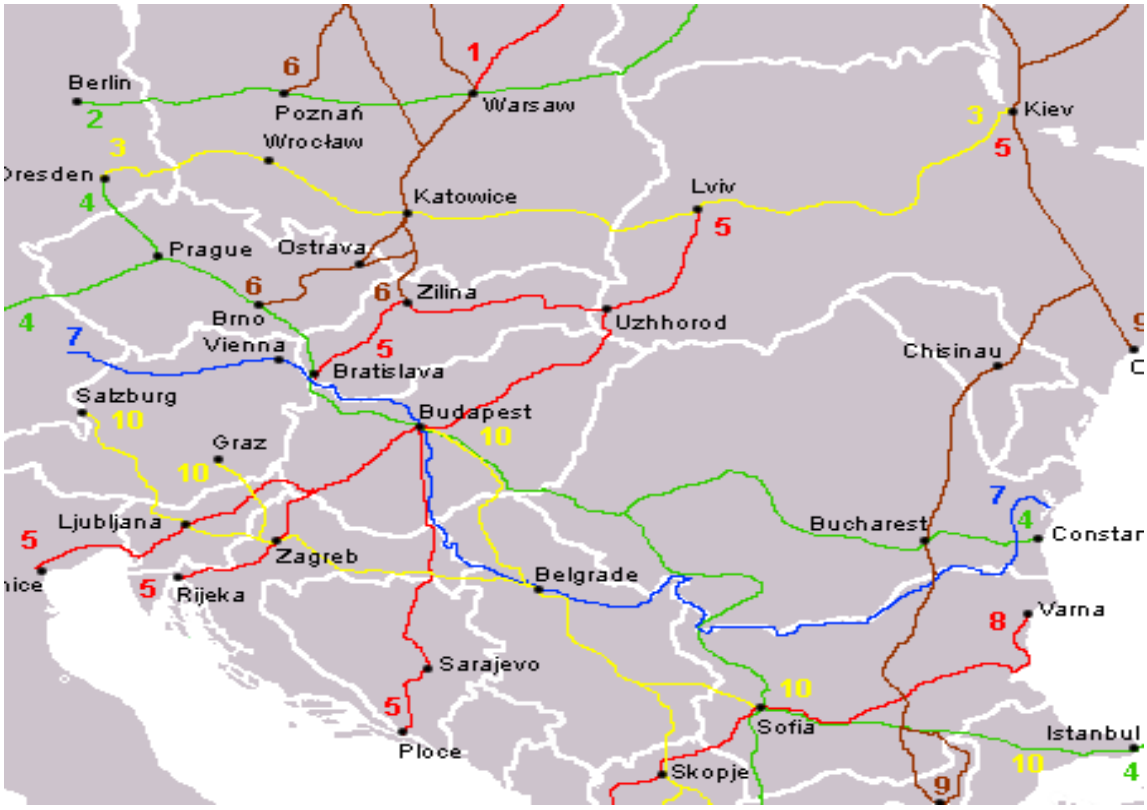
- Budapest to Venice (Italy) and Rijeka (Croatia) via Zagreb (branch “b”); and,
- Budapest to Ploče (Croatia) via Osijek (Croatia) and Sarajevo (branch “c”).

[2] *Standard 10 provides further details regarding EIB standards on Stakeholder Engagement*

[3] *Standard 7 provides further details regarding EIB standards on Rights and Interest of Vulnerable Groups.*

[4] *Corridor V also includes branch “a” that links Kiev to Bratislava in Slovakia.*

Figure 1: Corridor V – Kiev (Ukraine) to Adriatic Sea and Connections to Other Trans-European Corridors



Corridor Vc follows the European route E73. The concept of corridor is multi-mode, and includes highways as well as rail upgrades and airports. The longest part of Corridor Vcgoes through Bosnia and Herzegovina. Corridor Vc, which also connects the eastern and southern parts of Croatia directly, includes in BiH the following components:

- The European highway E-73 from the Croatian border at Svilaj in the North of BiH, to the Croatian border in the South near the Croatian port of Ploče on the Adriatic Sea, via Doboj, Zenica, Sarajevo and Mostar;
- The railway that follows the same route (Šamac-Doboj-Sarajevo-Mostar-Čapljina-Metković;
- Sarajevo and Mostar Airports; and,
- Various port upgrades.

The Corridor Vc motorway is considered as a priority for BiH, likely to entail major positive economic impacts for the country as a whole. Construction has already started and by now 92 km of motorway has been constructed and have been put in use. The constructed parts refer to subsections: Kakanj - Zenica south, North Sarajevo – Sarajevo, section of West Sarajevo - Tarčin as well as section Zvirovići - Bijača (from Medjugorje loop to the crossing border Bijača.)

2.2. PROJECT OBJECTIVE AND BENEFITS

The driving force behind the construction of the Corridor Vc motorway is to improve connectivity of Bosnia and Herzegovina with its neighbouring countries and to enhance its potential for economic development. The project has strong support from the government and is expected to enable Bosnia and Herzegovina to integrate better with the European economic and social structure. Other expected direct and indirect benefits include the following:

- increased efficiency in the transportation of goods;
- enhanced trade and economic competitiveness;

- increased opportunity for regional private sector investments;
- employment;
- increased tourism potential;
- reduce environmental impacts when compared to current traffic routes.

2.3. PROJECT COMPONENTS AND CHRONOLOGY

Preliminary design for Corridor Vc motorway in Bosnia and Herzegovina includes four main sections (known in Government documents as “Lots”), as follows:

- Lot 1: Svilaj on The Sava River (connection Corridor X) - Doboj (South);
- Lot 2: Doboj (South) - Sarajevo South (Tarčin);
- Lot 3: Sarajevo South (Tarčin) - Mostar (North);
- Lot 4: Mostar (North) –Bijača on the southern border with Croatia.

The potential environmental impacts of the proposed motorway have been assessed in four separates Environmental Impact Assessments (EIA) reports corresponding to each Lot.

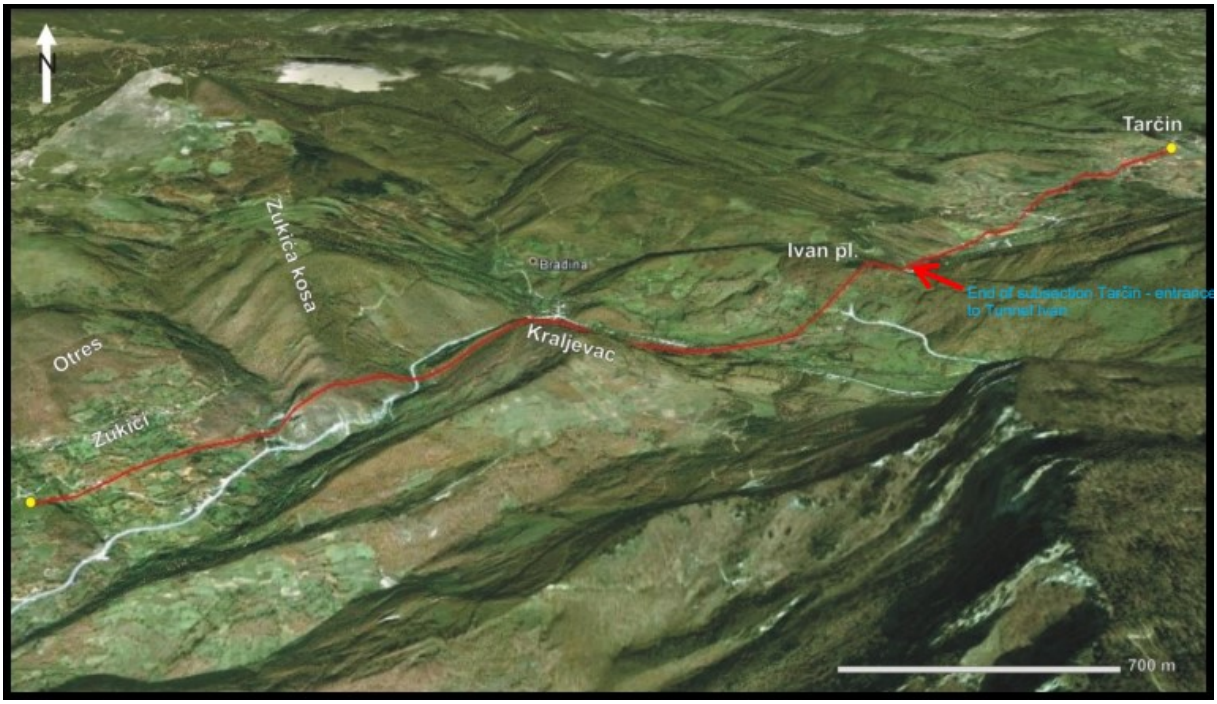
Back in 2005, an Environmental Impact Study was prepared for the Project “Motorway on Corridor Vc” LOT 3 - Section Sarajevo South (Tarčin) - Mostar North, the preparation of which was approved by the Federal Ministry of Physical Planning and Environment by the Decision on the Environmental Impact Study, number UPI/03/02-23-4-52/05 dated July 20th 2005, after conducting public hearings according to the Preliminary Environmental Impact Assessment of this project. The study was entrusted to J.V. C. Lotti & Associates - SPT. The study was done at the time of drafting the Preliminary Design and based on the solutions offered at the time.

After the Preliminary Design, the implementation continued with the preparation of the Main Design for this section, but with significant changes in the direction of the route and also in terms of facilities on it (bridges, tunnels, underpasses, rest areas, etc.). For this reason, and in accordance with the provisions of the Law on Environmental Protection ("Official Gazette of FBiH", No. 33/03 and 38/09), "significant changes to plants and facilities", a new Environmental Impact Study for the motorway section Tarčin - Konjic, Lot 1, (Tarčin - Zukići) was prepared in 2012 based on the previously developed EIA for LOT 3 - Section Sarajevo South (Tarčin) - Mostar North from 2006, which is harmonized with the solutions from the Main Design.

Environmental Permit was issued for the complete section of the Vc Tarčin - Konjic Motorway, which consisted of two sub-sections Lot 1 Tarčin-Zukići (from 1 + 000 to 11 + 050) and Lot -2 Zukići - Konjic (from 11 + 050 to 22 + 150). In February 2017, the competent institutions adopted the Spatial Plan of the area of special significance for the Federation of BiH - Highway on Corridor Vc, along which the route on the subsection Tarčin-Zukići (Lot 1) remained the same, and for the subsection Lot-2 Zukići- Konjic (Lot 2) has been modified. The Federal Ministry of Environment and Tourism issued an environmental permit for section Tarčin –Zukići (from km 0+000 up to 10+500), as part of the Tarčin - Mostar North section number UPI 05/2-23-11-177/17 on September 5th 2017, after the expiration of validity of the previous (first) Environmental Permit for this project number UPI 05/02-23-11-27/12 SS dated June 4th 2012.

The Tarčin - Zukići subsection begins at the end of the Lepenica - Tarčin subsection, immediately after the Tarčin interchange, and ends in the Zukići area (Konjic municipality), at the distance of cca 3 km behind the Ivan Tunnel. The picture below is a 3d view of the section Tarčin - Zukići where the end of the subsection Tarčin – entrance to Tunnel Ivan is marked with a red arrow.

Figure 2: 3d view of the route where the end of the subsection is marked with a red arrow



The subject of interest of this LARP is the part from Tarčin to the entrance to the Ivan Tunnel in the length of 4.9 km, entirely located within the Canton Sarajevo, Municipality Hadžići where there were no design changes and for which the expropriation began in 2012.

2.4. SUBSECTION TARČIN – TUNNEL IVAN– AN OVERVIEW

This project, afterwards defined as Part I: Tarcin – entrance to the tunnel Ivan can be traced in the overall construction plan for Corridor Vc as follows:

- Corridor Vc motorway in BiH, with total length of 335 km
  - Lot 3: Sarajevo South (Tarcin) - Mostar North
    - Section: Tarcin – Konjic
      - Subsection 1: Tarcin – Ivan (6,8 km)
        - **PART I: Tarčin – entrance to tunnel Ivan (4,9 km**) located in Sarajevo Canton
        - PART II: Tunnel Ivan (2,00 km)

The project is part of a wider program, for the realization of the Pan-European Corridor Vc on the territory of Bosnia and Herzegovina which aims at bringing the current north-south road corridor at higher functional level, creating a modern motorway infrastructure with increased road safety and capacity.

The project (Part I) includes construction of an approx. 4.9 km long new motorway section including two bridges and rest area in the central part of Bosnia and Herzegovina. The new road is entirely located within the Canton Sarajevo and is part of the Pan-European Corridor Vc.

The Tarčin – Entrance to Tunnel Ivan subsection (LOT1) starts from the existing Interchange Tarčin in the "Do" locality and ends at km 4+900 before Tunnel Ivan entrance. Start of this subsection route goes along the valley of the Kalašnica River, between the river, the main road M-17 and the Sarajevo - Ploče railway. From km 1+160 to km 1+260, the route cuts the slope below the Raštelica railway station, slope protection with the reinforced concrete grid structure with anchors is designed. After km 1+280, the route crosses to the opposite slope over the Bridge Raštelica 1, length 518 m. From km 1+780 to km 1+980, the motorway alignment goes through steep terrain, so that the left lane is in a deep side cut, and the right lane on the embankment. At this subsection Rest Area Type 1 is foreseen (Figure 3).

Due to the limited space, rest areas could not be opposite to each other. The left rest area is placed from approx. km 2+380 to km 2+660, and the right one from km 4+180 to km 4+480.

On the part of the route between the left and right rest areas, on the section from km 2+280 to km 3+480, the Bridge Raštelica 2 (M2) is located, length approx. 610 m. After the bridge, the route, from km 3+480 to km 3+780, enters in deeper cut 15 m high. After this cut, route goes through side cut where embankments are up to 10 m high. At the km 5+100, the route enters the Tunnel Ivan (Figure 4).

Most significant structures:

- Bridge "Raštelica 1", right bridge lane L=518 m and left bridge lane L=517m;
- Bridge "Raštelica 2", right bridge lane L= 609 m and left bridge lane L=589 m;
- Rest area "Raštelica".

The project will substantially shorten the travel distance along the North – South corridor between the cities of Sarajevo and Mostar and is thus expected to generate substantial benefits in terms of time savings, reduced accident rates, savings in vehicle operating costs and reduction of local pollution in the area.

The project will also increase accessibility and promote regional as well as local economic development by increasing the average annual daily traffic and connect the existing state road M17 with Corridor Vc.

Figure 3: Beginning of the subsection and first part of route explain in text above

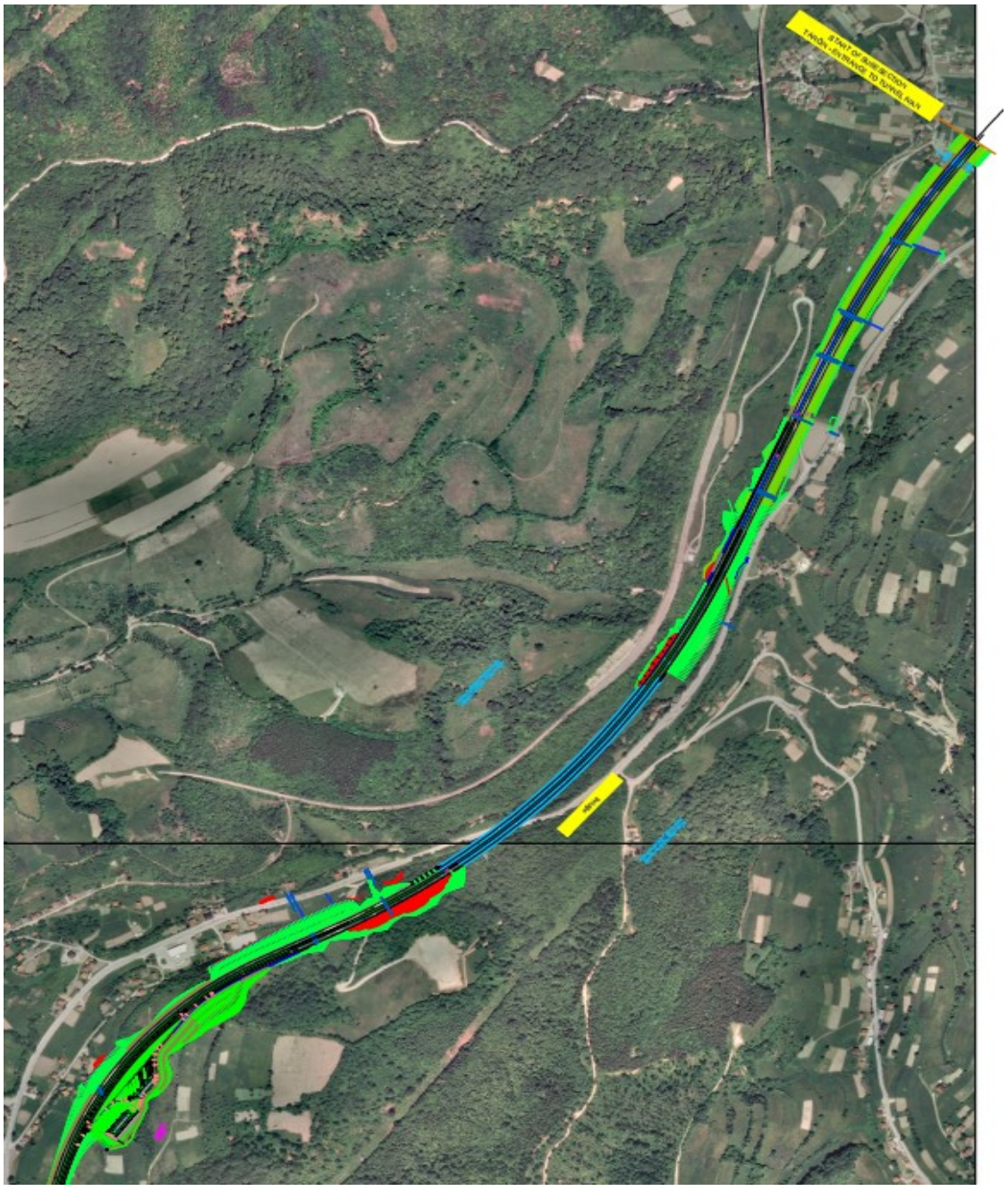
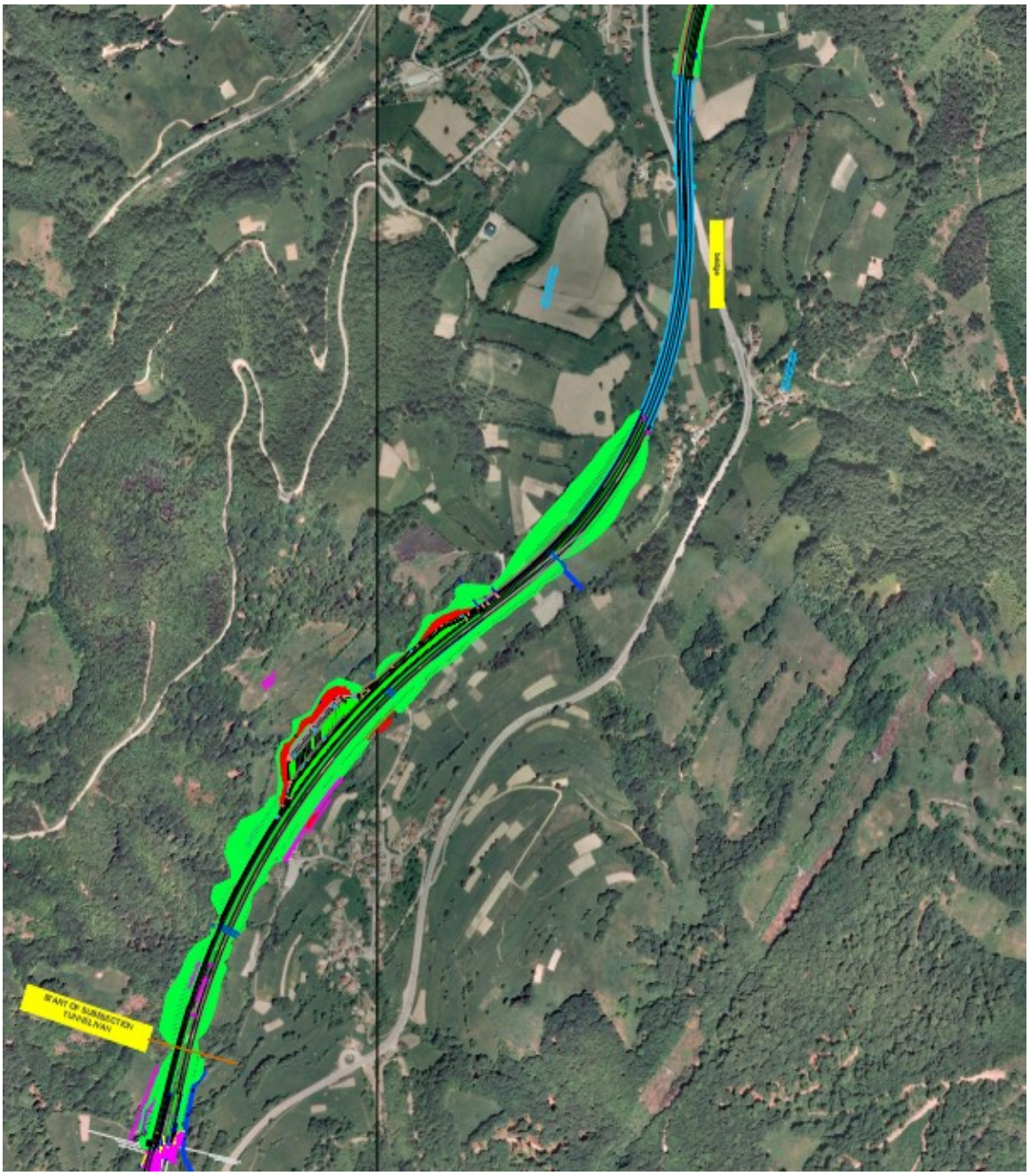


Figure 4: End of the subsection with Rest area and bridge Raštelica 2 explain in text above



3. LEGAL FRAMEWORK

3.1. OVERVIEW

The following laws / policies have been considered for this review:

- Legislation of BiH and FBiH:
  - The Constitutions of BiH and FBiH,
  - The Expropriation Law of FBiH (Official Gazette of FBiH No. 70/07, 36/10, 25/12),
  - The Law on Proprietary Rights of FBiH (Official Gazette of FBiH, No. 66/13, 100/13);
  - The Law on Land Registries of FBiH (Official Gazette of FBiH No. 19/03 and 54/04)
  - FBIH Law on Spatial Planning and Land Use (Official Gazette of FBIH 2/06, 72/07, 32/08)
  - The Law on Construction Land of FBiH (Official Gazette of FBiH, No. 25/03, 16/04, 67/05),
  - FBIH Law on Social Protection, Protection of Civilian War Casualties and Protection of Families with Children (36/99, 54/04, 39/06)

Other pieces of legislation of FBiH apply to resettlement and compensation, but none of their provisions are of relevance to the main issues in the gap analysis below.

3.2. GENERAL ORGANISATION OF THE COUNTRY – OVERVIEW

The current organisation of Bosnia and Herzegovina results from the 1995 Dayton Peace Agreement and is generally quite complex with numerous levels of governance. Bosnia and Herzegovina as a state consisting of two Entities established by the Dayton Agreement, namely the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). There is a government and parliament at the level of the state of BiH as a whole and other governments and parliaments at the level of each of the two entities. Technical ministries such as that in charge in transport and communication exist at both levels.

The Federation is divided into ten Cantons, each with a government and a council. In the Federation, Cantons are themselves divided into Municipalities, whereas the Republika Srpska has only one level of decentralisation, the Municipalities.

The third part of the state of Bosnia and Herzegovina is Brčko District in the north of the country. It officially belongs to both entities, but is self-governed, with its own decentralised government and council.

3.3. THE CONSTITUTIONS OF BIH AND FBIH

3.3.1. Constitution of BiH

The current Constitution of Bosnia and Herzegovina[5] was agreed between the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Accord or Dayton Peace Agreement, dated 1995, and forms Annex 4 thereof. While its main intent is to establish the respective prerogatives of the institutions of BiH and those of the entities, the Constitution also has a strong human rights component, sanctioned in its Article 2, which *inter alia* states that:

5 *The full text of the Constitution of BiH is available at the following link: http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf*

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

3.3.2. Constitution of FBiH

The FBiH Constitution[6]generally follows that of BiH. Its article 2 also guarantees citizens of FBiH the "highest level of human rights protection", and its article 4 addresses return of property of which citizens of the FBiH have been deprived in the course of ethnic cleansing and hostilities in terms similar to those of the Constitution of BiH.

3.4. APPLICABLE LAWS OF BIH AND FBIH

3.4.1. The FBiH Expropriation Law

3.4.1.1. The Law

In Bosnia and Herzegovina (BiH), expropriation, i.e. acquisition of real property in the public interest, is regulated at the level of each of the country's two constitutive entities, whereas the implementation of expropriation is mostly dealt with by municipal administrations. A new Expropriation Law of the Federation of Bosnia and Herzegovina (FBiH) has been in force since 2007 (Official Gazette of FBiH No. 70/07, 36/10, 25/12 and 34/16) and it is to a certain extent based on the preceding Expropriation Law of the Socialist Republic of Bosnia and Herzegovina, which was applied in FBiH since its introduction in 1987 until early 2007.

3.4.1.2. Public Interest

Property can only be expropriated for projects of public interest to the Federation, its cantons or municipalities, i.e. where public interest has been established and in accordance with the physical plans of the area (article 5).

Public interest is defined by the Expropriation Law as situations where "it is assessed that using the real property for which expropriation is proposed shall produce a greater benefit than would be produced if the real property continued to be used in the previous manner" (article 3). Public interest is usually, but not exclusively, declared to the benefit of public entities of the Federation, Cantons, Municipalities, or other public agencies (article 6).

Typical public interest activities that can entail expropriation are the construction of roads, construction of commercial, municipal, or health services, educational, cultural, administration, defence or other structures of public interest (article 3).

Public interest is established either by law, or through a process defined by the Expropriation Law, whereby the beneficiary agency applies to the Government at federal, cantonal or municipal level and presents an expropriation study that must include "geodetic and land survey plan of the territory of expropriation, data on real properties for which establishment of public interest is proposed, the assessment of value of real property, the purpose of expropriation and other information for establishment of public interest".

[6] *The full text of the Constitution of FBiH is available at the following link: http://www.ohr.int/ohr-dept/legal/oth-legist/doc/fbih-constitution.doc*

3.4.1.3. Expropriation Process and Related Procedures

The expropriation procedure comprises the following steps:

- Establishment and declaration of public interest. This is done by the Municipality Council based on a prior expropriation study and then a proposal on expropriation by the potential expropriation beneficiary (article 16), or, where more than one municipality is affected, by the Canton Government based on a prior formal opinion of the concerned municipal councils. In specific cases, the public interest may be established by a dedicated law or decree;
- Within two years of the declaration of public interest, the potential expropriation beneficiary can submit an expropriation proposal to the municipality department in charge, but prior to this expropriation proposal, the potential expropriation beneficiary is obliged to try to reach an amicable sale-purchase agreement with the affected owner (article 23);
- Any disputes between the two parties at this stage are to be processed by the municipal court in charge (article 35);
- If the parties are unable to reach an amicable agreement, the municipality takes over, through its responsible department and notifies the expropriation proposal, interviews the affected owner, and makes a decision on expropriation (article 27).
- Appeal against an expropriation decision as such may be submitted to an unspecified “federal administration”. In the event that the land registry entry does not correspond to the actual ownership situation (often the case), the municipal department should sort out the title issues prior to proceeding with further steps (article 27);
- Once the expropriation decision is made by the Municipality, the municipal department in charge has then to make another attempt at brokering an agreement on compensation. If no agreement is possible, the municipal department forwards the case to the court that is competent over the interested territory. However, while at this stage the court can decide on the compensation level, it cannot make a decision on compensation eligibility which has been decided upon earlier in the process (article 64);
- Formal transfer of legal title over the affected property is possible only upon a formal decision on expropriation and once the compensation is paid (article 68).

The beneficiary agency can use the expropriated land only for the purpose in which it has been expropriated (article 10).

3.4.1.4. Temporary and Partial Expropriation

Expropriation can be temporary, with usufruct rights given to the beneficiary agency in the form of a lease. At the end of the lease, usufruct rights over land are returned to the previous owner. Temporary expropriation is subject to the possibility that the land can be fully restored (article 8) and the validity period of lease shall not exceed five years.

Complete expropriation allows the beneficiary agency to obtain legal title over the expropriated property, whereas a partial or incomplete expropriation provides the beneficiary with servitude rights such as a right of way. However, owners that are affected by a partial loss of their real properties are entitled to request complete expropriation and the corresponding compensation, in case partial expropriation would deteriorate the economic situation of the real property owner or make the remaining part of the real property useless or difficult to use (article 11). Such landowners must be informed about this entitlement by the official managing the expropriation process.

3.4.1.5. Compensation

Compensation costs are borne by the expropriation beneficiary. A general principle of the Expropriation Law is that compensation should be at market value (article 12). However, the law does not provide a clear definition of what market value is to be based upon. This value is to be established based on the buying and selling prices, i.e. offer and demand (article 46), yet the reference date to identify these usually fluctuating prices is not specified.

Compensation for land is based on the type of land as stated in Article 49 of the Law on Expropriation[7] (agricultural land, orchards, vineyard, forests, etc.) and the related benefits that the owner would obtain if there were no expropriation.

A remarkable feature of the Expropriation Law is that, in contrast with most similar laws in Europe, it provides that replacing the affected property by another, equivalent property is the choice method for compensation (article 12), rather than compensation in cash. This paves the way for "land for land" and compensation in the form of resettlement, which is fully consistent with international requirements applied by the EBRD.

The Expropriation Law (article 45) specifies that expropriation of illegally erected structures entails no compensation, and that whoever constructed such structures may have to remove them within a timeframe agreed upon with the municipal department in charge, or otherwise this may be organized by the municipality at the expense of the owners of illegally built structures.

The personal and family circumstances of the owners whose real property is pending expropriation, as well as circumstances which may have adverse economic effects, should be considered when determining the compensation level[8] (article 47). This article addresses livelihood restoration ("material existence" – see footnote 7 below) beyond the sheer compensation of the lost asset by providing flexibility based on a case-by-case assessment of personal circumstances. Businesses are explicitly addressed by Article 47 of the Expropriation Law, and their specific livelihood restoration requirements.

In cases of expropriation requiring large scale[9] displacement of residents, special forms and conditions of compensation may be established by a specific law[10] (article 59). It is just possibility left by legislature in FBiH but specific law about expropriation do not exist.

Article 31 provides that compensation arrangements must be settled prior to formal transfer of ownership of the expropriated property.

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7 *The compensation for expropriated land under the orchard is determined in the amount of the compensation that would be determined for the nearest meadow of the same position. Compensation for expropriated land under vineyards and orchards of intensive cultivation is determined in the amount of compensation that would be determined for the nearest arable land of the same position. (Official Gazette of FBiH No. 70/07, 36/10, 25/12),*

8 *Article 47: "Personal and other family conditions of the previous owner of the expropriated real property shall be taken into consideration as a corrective for any increase in the amount of determined compensation if those conditions are of great importance for the material existence (livelihood, main source of income) of the previous owner, and in particular if his/her material existence has been endangered due to the expropriation of a larger part or the entire land or business premises in which the previous owner legally performed a business activity, as well as in the case where due to the expropriation members of an agricultural household have to move from the territory where they had lived."*

9 *"Large scale displacement" is not defined in the Expropriation Law. Some international resettlement practitioners identify any displacement affecting more than 200 individuals as "large scale" (e.g. warranting a RAP type planning process), but this threshold is disputed.*

10 *"If the expropriation of real property is of such proportion that a large number of population have to move from the area in which the expropriated real property is located".*

3.4.2. Other Legislation of FBiH

3.4.2.1. The Law on Proprietary Rights of FBiH

The Law on Proprietary Rights of FBiH (Official Gazette of FBiH, No. 66/13, 100/13) regulates the issues of acquiring, using, disposing of, protecting and terminating ownership rights and other proprietary rights and possession rights, including the issues of restricting such rights, the right of servitude, co-ownership and joint ownership rights, the procedure for acquiring property rights over land and/or structures erected on someone else's land.

3.4.2.2. The Law on Land Registries of FBiH

This law regulates conduct, maintenance and establishment of land registry and registration of real estate and real property rights in the land registry of the Federation Bosnia and Herzegovina. Land Registry, in terms of this Act (*Official Gazette of FBiH No. 19/03 and 54/04*), is the public registry and the public register property rights on real property and other rights, which the law provides for the registration as well as other law provided the facts of importance for legal transactions.
Registered right in the land register is considered to be accurate. It is believed that the right deleted from the land register does not exist. For third parties, who in good faith in the existence of the property or the right in property, through the legal transaction to acquire such a right, the contents of the land register is considered to be exact, if regularity of the land registry is not disputed by registration of complaints or if third person known inaccuracy of the land register or because of gross negligence is not known. (Art. 9) The court in whose jurisdiction the real estate is located is competent to keep land registers (Local jurisdiction) (Art.12)

3.4.2.3. Law on Spatial Planning and Land Use in the FBiH (Official Gazette of FBIH 2/06, 72/07, 32/08)

This Law regulates: land use planning at the FBIH level through the development and adoption of planning documents and their implementation, type and content of planning documents, land use at the Federation level, supervise the implementation of the planning documents of importance to the Federation, supervision over the implementation of this law, as and penalties for legal entities and individuals.

Planning in the FBiH ensures the Parliament of the FBIH and the Government of the FBIH, the legislative and executive authorities of the Canton and administrative services of local governments adopting planning documents and other documents and regulations determined by this Law.

Planning documents determine an appropriate organization, use and purpose of land, as well as measures and Guidelines for protection of the area. Planning documents are:
1) Spatial plan[11]:
2) Urban development plan;
3) Detailed planning documents:

11 *In accordance with the Law (Article 6.) Spatial Plan consists of: Spatial Plan of the FBiH, Spatial Plan of the Canton, Spatial plan of areas with specific characteristics and Spatial Plan of the municipality (except for the municipalities that are part of the cities of Sarajevo and Mostar)*

Spatial plan of the Federation determines the long-term goals and measures of spatial development in accordance with overall economic, social and historical development of significance for the Federation.

3.4.2.4. The Law on Construction Land of FBiH

The Law on Construction Land of FBiH (Official Gazette of FBiH, No. 25/03, 16/04, 67/05) allows for the legalization of informally constructed structures on construction land in state ownership on which a structure has been built. This Law enables the subsequent issuing of a permit for construction, by the Municipal Council, in accordance with the Law on Spatial Planning. Legalization of informally constructed buildings is further regulated by decrees adopted on cantonal level and implemented at municipality level.

3.4.2.5. FBIH Law on Social Protection, Protection of Civilian War Casualties and Protection of Families with Children (Official Gazette of FBiH, No. 36/99, 54/04, 39/06)

Social welfare, in terms of this law, is an organized activity in the Federation, aimed at ensuring the social security of its citizens and their families in need.
The persons or families in need due to a forced migration (among others[12]) are entitled to a temporary, one-off and other financial assistance or natural assistance if they meet two conditions:

- they do not have enough income to support themselves,
- they do not have family members who are legally obligated to support them, or if they have, that these persons are not able to support them.

The right to the assistance shall be exercised by the competent authority of the municipality where the persons and the family are resident.

[12] *A person or family in need, which due to special circumstances requires an appropriate form of social welfare, in terms of Article 12, paragraph 1, item 9) of this Law, is a person or family who finds himself in a state of social needs due to a forced migration, repatriation, natural disaster, the death of one or more family members, return from medical treatment, release from prison or execution of the educational measure (Article 18.)*

3.4.3 Analysis of Gaps and Solutions

The table below presents the analysed gaps between EIB Environmental and Social Standards and the *Law on Expropriation*, with solutions to bridge these gaps to ensure compliance of this document with EIB requirements.

Table 1: Gaps and solutions

Issue	EIB requirement	Gap between EIB requirement and local legislation	Measures to bridge the gap and actions undertaken
Avoiding involuntary resettlement	Project-induced involuntary resettlement should be avoided by analysing alternative project designs and locations. If it is unavoidable, the promoter, with full involvement in the decision-making process of all stakeholders, and in particular the affected people, should adopt adequate steps to minimise and mitigate its adverse impacts from an early stage.	Law on Expropriation does not contain specific provisions on avoidance of expropriation. Project designing processes typically seek to avoid or minimise resettlement and expropriation in practice within efforts to reduce costs and facilitates the expropriation process.	From an early stage activities are undertaken to minimise resettlement therefore we have only a few houses affected on this section. Additionally, possible minor amendments to the section were considered during the development of the Main Design.
Negotiated settlements	To help avoid expropriation and the need to turn to public authorities to enforce relocation, both private and public sector promoters are advised to use negotiated settlements and facilitate resettlement on voluntary basis (i.e. acquire land through voluntary sale at market price) or consider different locations.	Expropriation beneficiaries are legally required to seek to achieve negotiated settlements. The Law makes a reference to a purchase agreement as a way to avoid expropriation. Before submitting the proposal for expropriation, expropriation beneficiary shall through public notice invite owners of real estate in order to obtain a consensual property, and with interested property owner expropriation beneficiary is obliged to try to amicably resolve the acquisition of rights of ownership of a particular property.	Maximum efforts will be made to sign negotiated settlements with PAPs in order to avoid expropriation, and such efforts shall be documented, as defined under the “Key Principles” chapter of this document.
Resettlement planning and implementation	The promoter is required to carry out a census and a socio-economic baseline survey to establish the number of people to be displaced, livelihoods affected, and property to be compensated. The surveys should take into account persons affected through anticipated cumulative impacts of the resettlement. The census should include an inventory of losses (assets, access to resources or services, etc.), a detailed measurement survey and valuation of lost assets, and it covers the total affected population. The socioeconomic baseline survey can be derived from a sample survey and is critical in identifying the current socio-economic, cultural and political profile of the affected persons; their levels of overall resilience or vulnerability; and ensuing degrees and sorts of impacts.	The Law has no explicit requirements related to socio-economic surveys or development of resettlement plans. However, with a view of facilitating expropriation in an early phase, the Law requires development of an expropriation study which includes a geodetic and cadastral plan of the area identified for expropriation, list of affected owners and properties, evaluation of the property value, and other related information. The scope of the expropriation study is not, however, identical to the socio-economic baseline assessment as required by EIB ESS.	A socio-economic survey and inventory/census were carried out for this section, as described in this LARPIAR in Chapter **Error! Reference source not found.**. According to ESS 6 and the Land Acquisition and Resettlement Framework adopted by JPAC, land acquisition plans in compliance with ESS 6 will be developed for each section of the Project that requires the expropriation of land, physical displacement of population, or loss of income due to changes in land use or access to resources. However, for the section Tarčin -Tunnel Ivan, the RAP was not prepared before starting the expropriation, which resulted in carrying

Issue	EIB requirement	Gap between EIB requirement and local legislation	Measures to bridge the gap and actions undertaken
	ESS 6 also requires preparation and implementation of detailed Resettlement Action Plan (RAP) for all operations that entail involuntary resettlement unless otherwise specified		out this LARPIAR after almost all land acquisition has been completed. For future projects sections financed by EIB subject to acquisition of land, physical displacement of population, or loss of income, JPAC shall develop RAP before starting expropriation and providing compensation to PAPs or immediately after the start of expropriation.
Cut-off date	Cut-off date is set primarily to determine the affected population and their eligibility needs. EIB ESS requires that the Promoter establish a cut-off date for eligibility and that the cut-off date is communicated throughout the project area.	No gap	The cut-off date for the establishment of eligibility for this section is the date when the City of Hadžići notified PAP that JPAC submitted the Expropriation Proposal. For structures built without permits or not registered in the land registry, the cut-off date will be the date of the Socio-Economic Survey. The cut-off date will also be disclosed at consultation meetings.

<table>
<tr><th>Issue</th><th>EIB requirement</th><th>Gap between EIB requirement and local legislation</th><th>Measures to bridge the gap and actions undertaken</th></tr>
<tr>
<td>Compensation for PAPs</td>
<td>
The main requirement of ESS 6 is that all displaced persons receive compensation for loss of assets at full replacement cost and other assistance in order to restore, and potentially improve, their standards of living and/or livelihoods to pre-displacement levels.

Project affected persons in terms of ESS 6 may be classified as persons:
<table>
<tr><th></th><th>Categories of project affected persons</th><th>Rights</th></tr>
<tr><td>i)</td><td>Those who have formal legal rights to the land (including customary and traditional rights recognised under national laws)</td><td>Right to compensation for loss of assets at replacement cost</td></tr>
<tr><td>ii)</td><td>Those who do not have formal legal rights to land at the time of the census, but who have a claim to land that is recognised or recognisable under national laws (long time diligent owners and formal possessors and owners ex lege)</td><td>Right to compensation for loss of assets at replacement cost</td></tr>
<tr><td>iii)</td><td>Those who have no recognisable legal right or claim to the land they occupy (persons without recognised legal right – owners of informally built structures, land usurpers, etc.)</td><td>Physically displaced persons from this category must be offered a choice of options for adequate housing with security of tenure, while economically displaced persons must be compensated for any losses on land (crops, infrastructure on the land, etc.)</td></tr>
<tr><td>iv)</td><td>Economically displaced persons who face loss of assets or access to assets</td><td>Right to compensation for loss of assets or access to assets at replacement cost</td></tr>
</table>
</td>
<td>
There are no differences between ESS 6 and the Law on Expropriation with respect to the principle of determining the type of compensation, given that the Law favours allocation of a replacement property of equal value, and if the beneficiary of expropriation does not have appropriate property, it will offer cash compensation at market value of the property.

However, there are two major differences between ESS 6 and the Law on Expropriation.

The first difference is the category of persons who are entitled to compensation. The Law refers to formal owners of property with the exception of “informally built houses for which the responsible authority did not issue a final decision on removal, and which are the only housing unit of their owners and members of their closest family“ where owners of informally built structure are entitled to compensation at the construction value of such structures. The requirement is that the object is recorded in the official 2017 official aerial survey of FBiH and that the responsible authority did not issue a decision on its removal.

The second difference lies in the fact that EIB requires compensation at replacement cost – which is the market value of assets plus the transaction costs (notary fees, moving costs, utility connection costs, taxation costs imposed on new housing/re-established businesses etc.) related to restoring of such assets in a different place. On the other hand, compensation under the Law on Expropriation equals the market value of property and the Law does not explicitly refer to compensation for registration costs and compensation for transfer of ownership.
</td>
<td>
Compensation will be provided in line with EIB ESS, as defined under the “Key Principles” chapter. Specific entitlements are listed in the Entitlements Matrix.

No gaps identified in the process. No informal users as defined by category (iii) (i.e. those who have no recognisable legal right or claim to the land they occupy) were affected by the Project.
</td>
</tr>
</table>

Issue	EIB requirement	Gap between EIB requirement and local legislation	Measures to bridge the gap and actions undertaken
Economic displacement	ESS 6 defines economic displacement as a temporary or permanent loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources. The Client is required: • To compensate displaced persons for loss of assets or access to assets; • To compensate, in cases where land acquisition affects commercial structures, the affected business owner for: (i) the cost of re-establishing commercial activities elsewhere; (ii) lost net income during the period of transition; and (iii) the costs of the transfer and reinstallation of the plant, machinery or other equipment; • To provide replacement property of equal or greater value, or cash compensation at full replacement cost to persons from the category "i" and "ii"; • To compensate category "iii" persons for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost; • To provide additional targeted assistance and opportunities for economically displaced persons; • To provide transitional support to economically displaced persons, as necessary.	The Law foresees two measures: • an increase in compensation based on "personal and family circumstances" (if such circumstances are essential for the owner's livelihood) and • compensation for "loss of profit". However, such additional compensation is provided only to formal property owners.	Same as above.
Vulnerable groups	EIB ESS 6 requires that particular attention must be paid to vulnerable groups and individuals.	There are no specific provisions in *the Law on Expropriation* which require consultations with and providing assistance to vulnerable groups in the expropriation process, while EIB ESS 6 requires that particular attention must be paid to vulnerable groups and individuals. In practice, socially disadvantaged persons are identified in the phase of the public call. Impacts on this population are to a certain extent mitigated through social welfare measures implemented by responsible municipalities and social welfare centres, as well as by applying specific remedies regulated by	Appropriate measures will be applied in line with the requirements of section 4 of this LARPIAR

Issue	EIB requirement	Gap between EIB requirement and local legislation	Measures to bridge the gap and actions undertaken
		the *Law on Expropriation* in form of an increased compensation for expropriated properties to formal owners, and in each specific case taking into account the social status, financial situation, unemployment, income level, etc.	
Grievance mechanism	A project-specific grievance mechanism must be established.	While *the Law on Expropriation* does envisage the right of affected population (those with formal legal rights) to file complaints in various phases of the expropriation procedure, there is no requirement for establishment of an independent grievance mechanism to process complaints related to specific projects.	A grievance mechanism in line with ESS will be established as described under the "Grievance Mechanism" chapter of this LARPIAR. Even though no formal grievance mechanism was established by JPAC as not legally required under the Law on Expropriation of FBiH, JPAC made proactive efforts to communicate with PAP. Thus, an informal grievance mechanism was utilized throughout the entire process by providing PAP with contact information of officials to whom they may address their concerns. However, taking into consideration that establishing a grievance mechanism is EIB requirement JPAC will establish a formal grievance mechanism for this road Section, as well as for other road sections financed by EIB. Grievances in relation to construction activities on the Section will be addressed by construction contractor(s) and their management will be monitored by JPAC.
Participation/ consultations Monitoring, evaluation and reporting	EIB requires appropriate disclosure of information and involvement of all affected population from the earliest phase and during resettlement activities in order to facilitate their early and informed participation in the decision-making processes in relation to resettlement.	Several Articles of *the Law on Expropriation* stipulate notifying of/consultation with property owners and stakeholders.	Disclosure of information and consultations will be carried in out in line with the requirements of this LARPIAR, as set out in chapter 8.

4 AFFECTED ASSETS, AFFECTED PEOPLE AND ENTITLEMENTS

4.1 METHODOLOGY OF THE FIELD INVESTIGATIONS

4.1.1 Approach

According to the Law on Expropriation, JPAC as expropriation beneficiary is legally required to attempt to conclude negotiated settlements whenever possible. JPAC invited all the identified PAP for reaching an agreement on the amicable transfer of ownership rights based on the Law on Expropriation, by publicising announcements in two main newspapers in FBiH ("Dnevni Avaz" and "Oslobođenje"). That is general invitation to all owners of affected area with designated section, municipality, cadastral municipality but without detailed information about PAPs. Affected people and all others can (if they know number or registered owner of the parcel) inform are they affected and on other available project details and conclude agreement if all the necessary conditions are met.
However, a prerequisite for concluding such settlements at an early stage of the process is that data enlisted in the land register and data enlisted in the cadastral office must be harmonized, which was not possible in the majority of cases, due to the fact that the land register is out-dated. Even though a public announcement to invite owners to conclude negotiated settlements was published in daily newspapers and on the JPAC website, none of the affected PAPs came forward with a request to conclude a negotiated settlement. In general, this instrument is rarely used in practice and has not been used in this subsection.

That Announcement of public notice which was published on May 15th, 2012 and that is a general cut-off date for the establishment of eligibility was the date when the PAPs were notified and was used in a way to make people more informed about land expropriation and to collect data for socio-economic survey of affected people.

4.1.1.1 Overview

JPAC is the expropriation beneficiary, and land acquisition activities are carried out by JPAC's Department of Legal and Property Affairs in Sarajevo. The proposal for land expropriation for subsection Tarčin – Zukići was submitted in February 2012[13]. Municipality of Hadžići which is the expropriation authority for all the affected land plots issued a Decision on the appointment of the Commission for the implementation of the expropriation procedure on the subsection Tarčin - Zukići number *02-05-2-7814/12 from 13.09.2012.* Upon receiving the proposal, the municipality must notify the owners that the expropriation procedure has been initiated, together with a warning to the owners that they shall not be entitled to compensation of costs of their investments in land or buildings made after they received notification that the expropriation procedure had commenced (except the costs of regular maintenance) – ***cut-off date.*** That individual notification of owners is the **cut-off date** for the establishment of eligibility as defined by the Law on Expropriation because without evidence of notification they can always argue that they were not informed.
Municipality of Hadžići had an obligation to carry out the procedure of land acquisition according to the Law of land acquisition in the Federation of Bosnia and Herzegovina in cadastral municipalities (c.m.) of Tarčin and Raštelica. The potentially affected population and land plots were identified based on the Designs for expropriation with parcelling for subsection Tarčin - Zukići („the Designs") which contains register of affected land plots and owners and cadastral maps for the whole subsection with sketch of the affected plot with relevant GPS coordinates of spots where the highway intersects an existing land plot.

[13] *The specificity of the Hadžići municipality is that a separate proposal for expropriation had to be submitted in each case. One case can have one or more land plots*

The field investigations for the first part of subsection have started on June18th2012. in the cadastral municipality of Tarčin. The second field investigation took place mostly in July 2013 and, as before, have included two components:

- An initial physical census, intended at inventorying affected properties in the Project footprint;
- A socio-economic survey, to characterise the affected population from a social and economic perspective, with focus on livelihoods.

4.1.1.2 Census/Inventory

The Census of all Project-Affected Persons (PAPs) and properties was developed in order to gather and analyse data and information required to identify all categories of impacts. The Census database contains data on the following:

- location and Cadastral Municipality,
- land plot number,
- type of land plot,
- identified type of impact,
- name of PAP,
- total area of land plot (m2) and possible orphan land
- structures (residential/commercial),
- other assets on land (natural objects or auxiliary structures),
- information on economic/physical displacement.

The summarized version of the census database is available on request (database in the form of a separate Excel document). Confidential information about individual persons and properties will not be publicly disclosed by the Company, Municipality of Hadžići and/or EIB.

4.1.1.3 Socio-Economic Survey

Although the planned Tarčin - Zukići section encompasses two municipalities, Hadžići and Konjic, the expropriation was carried out only in the Hadžići municipality area until the entrance to the Ivan tunnel. The complete expropriation proceeding through administrative proceedings is conducted by the Municipality of Hadžići in cadastral municipalities of Tarčin and Raštelica with 158 files. In this investigation we've interviewed persons who claimed to be real owners of the properties and are divided into 146 private ownership files. Total area of land that needed to be acquired is 428 485 m². Although, the target area has a greater number of co-ownership of land for the purpose of research we have taken one person, for one file.

The socio-economic survey involved gathering information from the household heads on the following topics:

- Ethnicity
- Educational status;
- The date and circumstances of the household's settlement in the affected area (particularly in connection with potential displacement during the hostilities);
- Information on cash income, as well as on the main sources from which the household derives its livelihood;
- Ranking of main sources of household expenses;
- Information on the extent to which the household produces its own food;
- Information on potential hardship to which the household is exposed (period, reasons); and,

- Information on compensation preferences (land for land compensation as opposed to cash compensation),
- Preferred resettlement location

4.2 AFFECTED ASSETS AND PEOPLE- RESULTS OF CENSUS AND SOCIOECONOMIC SURVEY

4.2.1 Overview

There are 340 land plots in an affected area, part of them in state ownership (68 land plots), and part of them in the private ownership (272 land plots). Land plots are divided into **146 private ownership files** and **12 state ownership files**. In **Error! Reference source not found.** is located which contains detail information on the status of the land plots in one place.

Table 2: Number of Affected Land plots

Locality	Total Number of land plots	Total Number of files	State owned land plots	State owned files	Private owned land plots	Private owned files
Tarčin	42	15	6	3	36	12
Raštelica	298	143	62	9	236	134
Total	**340**	**158**	**68**	**12**	**272**	**146**

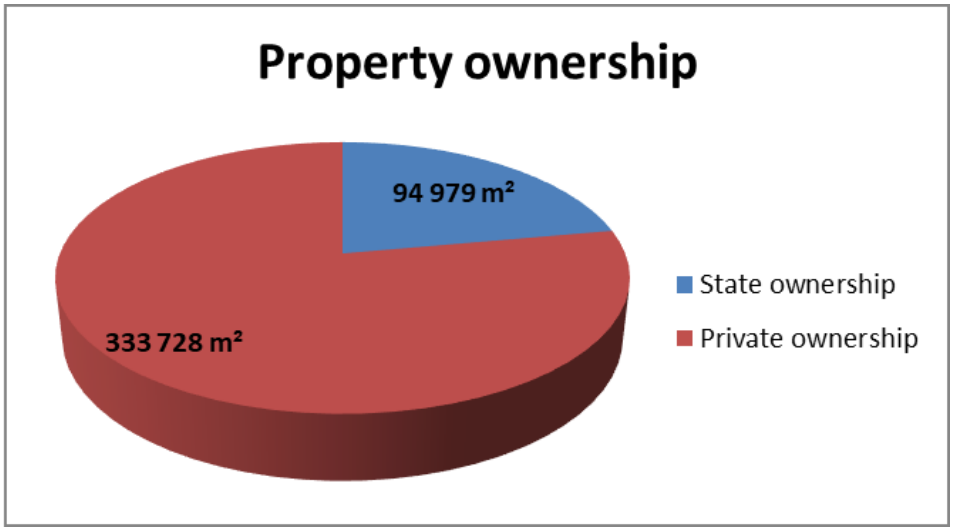
Results of Socio-economic Survey for owners/users of land (without houses) which will be acquired show us that total number of affected land owners who do not live on the affected land plots is 172, of which 16 were in c.m. Tarčin and 156 in c.m. Raštelica. In our survey we can only investigate people who we find on the field claiming to be real owners of the land plots.

In the projected area, we have a total of 7 affected residential structures (houses). Three of them are in cadastral municipality of Tarčin, Local Community Smucka and four of them in cadastral municipality of Raštelica all belonging to the Municipality of Hadžići. They are divided into 7 private ownership files.

The three houses are uninhabited so number of households that need to be resettled is 4. In these houses we found 13 Project-affected persons (PAPs)[14]. Results of Socio-economic Survey for Households to Be Resettled will be provided in *Chapter 4.2.3.*

[14] *According to Environmental and Social Standards (2013) of the European Investments Bank (EIB) "Project-affected persons (PAPs) refers to all persons impacted by the involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the case of extended households); the owner and employees of a business; members of an ethnic minority group; tenants; land owners and sharecroppers; informal settlers (i.e. lacking formal titles); holders of customary land-rights; informal business-operators and their employees/assistants"*

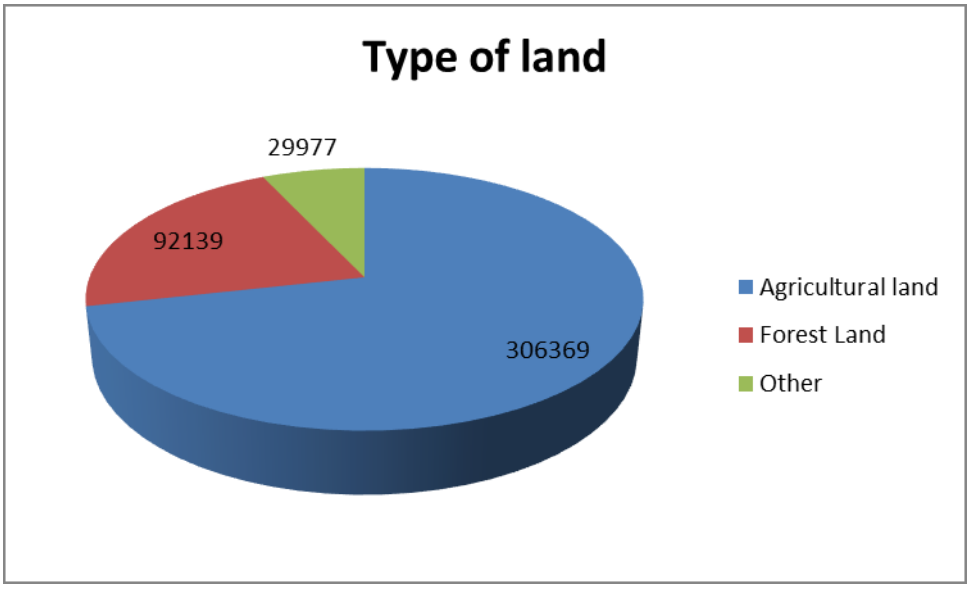
Chart 1: Relationship between the state owned and privately owned land affected by expropriation



Subsection Tarčin – Tunnel Ivan mostly goes through private ownership land (77,90%) while state owned land covers 22.10 %. In c.m. Tarčin state owned land covers 8,83 % of the affected area and in c.m. Raštelica that percentage is 24,11 % affected area.

The land affected by expropriation is mostly *agricultural land* (farm land, meadow and pasture) but especially in Raštelica area we have *forest land* that is largely state-owned. *Other* land represents public roads, uncategorised roads, auxiliary and residential buildings, courtyard, railway etc. Type of land affected by expropriation in m^2 is in the *Chart 2* below.

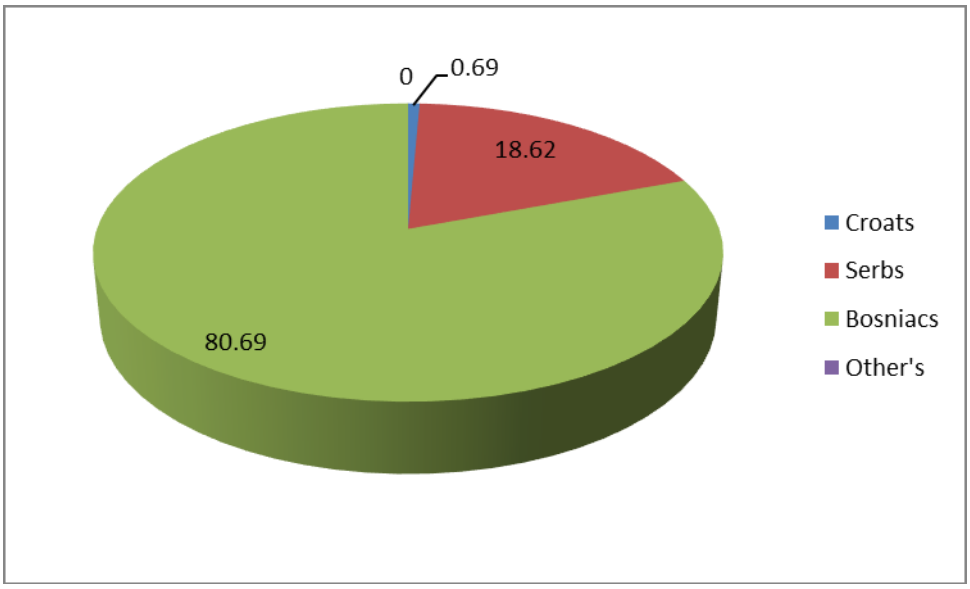
Chart 2: Type of land affected by expropriation



4.2.2 Summary Socio-Economic Profile of the Affected Population

4.2.2.1 Ethnicity affected by expropriation

Chart 3: Ethnic structure of property owners

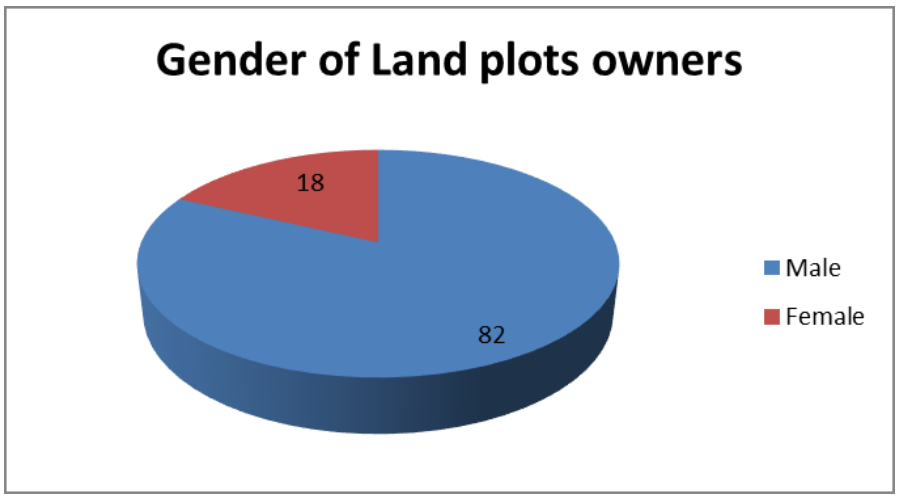


According to the ethnic structure of the affected population the vast majority of them are Bosniacs, more than 80.68 %. In our survey we also recorded that there are 18.22% Serbs and 0.69 % Croats.

4.2.2.2 Land plots owners Composition and Demography

82% of land plots owners are male and 18% are female. We haven't encountered with the joint ownership of land between spouses and among this targeted population is rarely seen.

Chart 4: Gender of land plots owners/co-owners



4.2.3 Results of Socio-economic Survey for Households to Be Resettled

The total number of households to be physically resettled is four (4) and all these households were surveyed. In these houses we found 13 Project-affected persons (PAPs):

- 1 house (c.m. Tarčin - Smucka) is in the vicinity of the expropriation zone according to the Expropriation Study – household have requested to be resettled in line with Article 11 of the Law on Expropriation,
- 3 houses (all in Raštelica) will be affected. One house is located within the expropriation zone according to the Expropriation Study and two households have requested to be resettled in line with Article 11 of the Law on Expropriation

All households are located on their own land plots and that are only residential land plots affected. No informally inhabited houses were identified.

A summary of the results of the survey is provided in below.

<table>
<tr><td>Household members</td><td>Total number of household members living in the 3 households surveyed = 13
Men to women ratio = 8:5
Ratio of male-headed to female-headed households = 4:0
Smallest household = 3 member
Largest household = 4 members
Eldest household member = 63 years old (female)
Youngest = 1 years old (male)</td></tr>
<tr><td>Ethnicity</td><td>Bosniak = 4 respondent

Given that the question on nationality and/or ethnic background is a sensitive socio-political issue, the respondents were given the opportunity to respond to the question in an open-ended format.</td></tr>
<tr><td>Household income and livelihoods</td><td>< BAM 500 of monthly income = 1 household
BAM 500 to 1000 = 2 households
BAM 1000 to 1500 = 1 household

Pensions as main income = 2 households
Salary as main source of income = 2 household
Agricultural production as secondary source of income = 2 households

2 household is “moderately satisfied” with the level of income, while 2 households are “satisfied”.</td></tr>
<tr><td>Legality of land</td><td>4 households are formal owners of land</td></tr>
<tr><td>Residential structures and auxiliary structures</td><td>2 houses with construction facilities (in Raštelica)
1 house with barn (in Raštelica)
1 house with garage and barn (in Tarčin)</td></tr>
<tr><td>Agricultural production</td><td>2 households (from Raštelica) own orchards (apples, pears and plums) and use the harvest for commercial purposes. However, they don’t rely exclusively on agriculture as a source of income, but it is a secondary source of income as stated in the survey.</td></tr>
<tr><td>Educational level of household members</td><td>Out of 13 household members in total:
- 2 have University degree
- 8 have high school education
- 1 has primary school education
- 1 student
- 1 child</td></tr>
<tr><td>Employment status of respondents</td><td>Employed = 5 respondents
Pensioner = 2 respondents
Unemployed = 2 respondents</td></tr>
<tr><td>Vulnerability</td><td>0% reported any type of vulnerability.</td></tr>
<tr><td>Perceived losses and compensation preferences</td><td>The respondents were asked to indicate each potential type of loss caused by the Project. The perceived losses and frequencies of responses are as follows:

<table><tr><th>Type of loss</th><th>Frequencies of responses</th></tr><tr><td>Loss of harvest</td><td>3</td></tr><tr><td>Loss of social connections</td><td>1</td></tr><tr><td>Loss of real estate</td><td>1</td></tr><tr><td>No problem</td><td>1</td></tr></table>
All respondents stated they would prefer monetary compensation.</td></tr>
</table>

4.2.4 Characteristics of Affected Assets

4.2.4.1 Residential and Auxiliary Structures

In the projected area, we have a total of **7 affected residential structures (houses)**. Three of them are in cadastral municipality of Tarčin, Local Community Smucka and four of them in cadastral municipality of Raštelica all belonging to the Municipality of Hadžići. They are divided into 7 private ownership files (APPENDIX 3 – Affected STRUCTURE).

The three houses are uninhabited from which people moved out and live abroad or in other parts of BiH so number of households that need to be resettled is 4. All households are located on their own land plots. No informally inhabited houses were identified.
Residential structures are of different sizes and quality and are mostly in solid or very good condition. One house with two auxiliary structures in Raštelica is in poor condition and it is uninhabited. Some houses have auxiliary structures and construction facilities (Barn and garage) that also need to be acquired. Local population live in all affected residential buildings.

4.2.4.2 Businesses Structures

In affected area there are no businesses structure that need to be expropriated. We have two (2) expropriation cases/files and 9 land plots owned by a business entity but without an active business that need relocation. Expropriation for a business entity will be in the same way as for any other private person.

4.2.4.3 Land Plots Structures

A total of 340 affected land plots were surveyed in this area, all in the Municipality of Hadžići off which 68 land plots in state ownership and 272 land plots in private ownership.

Table 3: Number of Affected Private and State Land plots

Location	Total number of affected plots	State land plots	Private land plots
Tarčin	42	6	36
Raštelica	298	62	236
Total	340	68	272

The average size of private land plots is 984 m^2 and the average size of public land plots is 1393 m^2. The first data shows that 76% of the private land plots are declared as fully titled, while the other 24% are co-owned, but we can have complete information on the above only after the decisions on expropriation are made and the real owner/s are identified. The average number of co-owners has been around 2 (from 2 to 3). (**Error! Reference source not found.**)

Land acquisition will be, as defined by national legislation, "complete expropriation"[15]. This affected area is traditionally agricultural, and some of interviewed people are producing food for their own needs (potatoes, carrots, cabbage) but only small number of them have significant agricultural production and perennial crops. Two of the three largest orchards are owned by

[15] *According to the Law on Expropriation of FBiH, complete expropriation allows the expropriation beneficiary to obtain legal title over the expropriated property, while the rights of the previous owner over the real property cease to exist.*

Households that need to be Resettled. We did not come across people for whom agricultural production is the main source of income.

Table 4: Overview of project impacts on private property[16]

Impact	Location of:	Number of private land plots	Of which: land plots with attached residential/auxiliary structures	The types of use of project affected private land sub-plots subject to compensation	No of files and APs eligible to compensation
Affected by complete land acquisition	Cadastral municipality Tarčin	36	3 Residential buildings on 3 residential land plots 2 Auxiliary structures	22 farm land 1 pasture 14 meadow 5 forest 5 Other Sub-total: 47 of sub-plots creating 36 private plots w/o double counting	12
	Cadastral municipality Raštelica	236	4 Residential buildings on 4 residential land plots 5 Auxiliary structures	161 farm land 18 pasture 49 meadow 11 orchards 39 forest 10 Other Sub-total: 249 of sub-plots creating 288 private plots w/o double counting	134
TOTAL		**272**	7 land plots with residential structures (7 residential land plots) 7 land plots with auxiliary structures	276 Agricultural land plots 44 Forest land plots 15 Other[17] Total of 335 sub-plots plots creating 272 private plots w/o double counting	146

As mentioned above in many cases one private land parcel is used for several purposes, such as orchard, courtyard in front of residential area, area attached with rural residential house, farm land or even private forest.

The summarized version of the census database is available on request (the database in the form of a separate Excel document). Confidential information about individual persons and properties will not be publicly disclosed by the Company, Municipality of Hadžići and/or Creditor.

4.2.5 Relocation Preferences

All the households residing in the surveyed residential structures on the Corridor route confirmed to prefer cash compensation. Some of the houses are in the poor condition and cash payment can improve their living standard in future. Some of the affected population stated that they did not want to build a new house in the immediate vicinity of the current one, but decided to move to an apartment in the City of Hadžići while others prefer to buy or build a house and stay in same settlement.

The company will monitor affected households and their relocation locations and report on this as needed. All affected households will be given enough time to relocate and provide any necessary resettlement assistance.

[16] *Some land plots are with more characteristics, for example we have land plot which is by type pasture and forest or residential building, yard and meadow and this was recorded in the expropriation study. It is a common situation in FBiH that we also have privately owned forest land.*

[17] *Other land in general represents public roads, uncategorised roads, auxiliary and residential buildings, courtyard, railway etc. In this case it represents 7 land plots with residential structures 7 land plots with auxiliary structures and 1 private access road*

5 ENTITLEMENTS AND COMPENSATION

5.1 KEY PRINCIPLES

The following principles of land acquisition and compensation have been committed upon by the Company, and shall be adhered to during Project implementation:

1. Land acquisition will be carried out in compliance with the applicable legislation in FBiH (in particular, the *Law on Expropriation of FBiH*), *Compensation and Resettlement Framework for the Vc Corridor from 2009*, applicable EIB requirements (*EIB's Environmental and Social Standards 2013)* and good international practice. The Project will enable the consideration of micro realignments in order to avoid land acquisition where possible.
2. **All affected persons will be informed and consulted** during Project preparation and implementation. All owners, occupants and users shall be visited and explained the land acquisition process and the specific impacts on their land, to give an opportunity for micro re-alignments to be made in order to reduce potential impacts and inconveniences.
3. The **baseline socio-economic survey and census** for LARP will identify both formal and informal land/property users, including vulnerable persons/households
4. The **cut-off date** for the establishment of eligibility (for both formal and informal land owners/users) **will be the date of notification owners that the expropriation process has been initiated by the JPAC** as the Expropriation Beneficiary. Persons who have settled in the Project area after the cut-off date will not be eligible for any compensation. Municipality of Hadžići must notify the owners that the expropriation procedure has been initiated, together with a warning to the owners that they shall not be entitled to compensation of costs of their investments in land or buildings made after they received written notification that the expropriation procedure had commenced (except the costs of regular maintenance).
5. All owners, occupants and users of affected land at the time of the cut-off date, whether with or without fully recognized ownership rights, are eligible for compensation and/or assistance, as outlined in the *Specific Compensation Entitlements* (Table 5 of this document)**.**
6. **Temporary occupation of land for construction purposes will be compensated** in accordance with the Law on Expropriation of FBiH, as stipulated in the Specific Compensation Entitlements (Table 5).
7. **Standards of living and/or livelihoods of affected persons will be restored and potentially improved**, in as short a period as possible.
8. **Official valuation** of properties/improvements to land will be carried out by official court experts selected from the official list of court experts by PC Motorways FBiH or the Municipality of Hadžići.
9. Compensation will be provided before displacement or imposition of access restrictions. Issues related to **payment of cash compensation will be discussed and agreed with owners and all affected members** of households. Cash compensation will be paid in full or in instalments as agreed with the owners and affected members of the households and as defined by contracts, to the bank accounts specified by the owners, with agreement of all affected members of the household. In cases where there is more than one owner of property (i.e. co-ownership of married couples),

compensation amounts will be divided and paid to the bank accounts they specify.

10. **Moving allowance shall be provided to all categories of Project Affected People (PAP). A construction expert will be aware of the need for moving allowance and include it in his findings**
11. **Project Affected People and communities will be provided with information and consulted** in order to facilitate their early and informed participation in the decision making process related to resettlement. Access to information and assistance for vulnerable persons/households will be facilitated by the Company according to their specific needs, on the basis of case-by-case screening to be carried out with support from the relevant municipal social departments.
12. An effective grievance mechanism will be in place for receiving and addressing in a timely fashion specific concerns about compensation and relocation raised by displaced persons.
13. The Company will **monitor the implementation of the land acquisition and livelihood restoration processes** through internal institutional arrangements and through an independent, external monitor if needed.

5.2 METHODOLOGY FOR VALUATION OF PROPERTY

Valuation of land and assets on land will be conducted by independent court experts for valuation of property[18] (agricultural expert and construction expert) selected from the official list of court experts by PC Motorways FBiH or the Municipality of Hadžići which is the expropriation authority for all of the affected land plots.

Agricultural and forest land

As provided under the Law on Expropriation of FBiH, compensation for land will, wherever feasible, be in the form of a replacement property allowing the owner approximately the same conditions of use[19] of the new property as the expropriated one. *Same conditions of use* are to be understood as meeting the following criteria:

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

[18] *In accordance with Art. 183 of the Law on Administrative Proceedings of FBiH (Official Gazette of FBiH, No. 2/98, 48/99) paragraph (1) For the purpose of presenting evidence by an expert witness, the official conducting the procedure shall appoint, ex officio or at the proposal of a party, one expert witness, and when he deems that the expert report is complex, he may appoint two or more expert witnesses. (2) Experts shall be persons who are experts, primarily those who have a special authority to give an expert opinion on issues in the relevant profession, if such authority is provided by regulations.*

[19] *According to Article 45 of the Law on Expropriation, compensation for expropriated real property is determined by providing other corresponding real property equal in market value to the expropriated real property in the same municipality or city, thus allowing the owner of expropriated real property approximately the same conditions of use.*

Where replacement property cannot be offered to the affected landowner because suitable agricultural land is not available at reasonable distance or is not acceptable to the landowner, the expropriating authority will establish written evidence of its unsuccessful efforts to identify such similar land, and compensate for such land at full replacement cost.

For agricultural land, replacement cost represents 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.

The Law on Expropriation does not explicitly regulate the situations where only a plot smaller in size or agricultural potential can be offered as a replacement property, and whether it would be acceptable to pay a balance in cash on top of the compensation in kind to offset such a difference in size or potential. In situations where a plot of equivalent size or potential cannot be identified and offered, and plots smaller in size or potential can be offered, the owner will be allowed the option to receive compensation partly in kind (replacement property - plot), and partly in cash. This requires both the affected and the replacement plot to be valued so that the difference can be calculated. As a general rule, if the difference in established values is less than 10%, the plots will be considered approximately equivalent and no cash compensation will be provided to offset this difference. In any case, the requirements set out in the Specific Compensation Entitlements (Table 5 of this document) will be applied.

In situations of partial expropriation of agricultural land where the land owner would assess the plot remainder as unsuitable for further agricultural use or in every case where the land plot would lose its access road, the owner can apply for expropriation of the whole plot according to provisions of Article 11 of the Law on Expropriation. Such situations are to be assessed on an individual basis by the expropriating authority.

Residential land

The preferred option for residential land to be expropriated will be replacement with alternative land according to the provisions of the Law on Expropriation. The compensation package will usually include compensation for residential houses on the given plot.

If residential land is affected but the house itself is not, compensation will usually be in the form of cash. Cash compensation will be provided at replacement cost, i.e. 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.

Houses or other structures

When assessing the replacement properties, the following criteria shell be applied to the extent possible:

- parcel on which the houses or other structures are located shall have approximately the same size,
- houses shall have similar size and standards, including access to utilities, and

- houses shall be located at a reasonable distance and be with a similar potential from the livelihood point of view (access to employment or agriculture).

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

Where the affected owner opts for cash compensation rather than replacement property or if no suitable substitute property can be identified in the area, residential structures will be compensated in cash at full replacement cost. For houses and other structures, replacement cost 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 labour 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.

Crops and forest

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

Annual crops that cannot be harvested prior to land entry or that are damaged by construction works shall be compensated for at full replacement cost. Recent agricultural produce prices at municipal or canton level shall be applied. Where such records are not available, the records from the Agency for Statistic of BiH which are published in the form of First Release and are updated quarterly shall be used. Agricultural expert will use such data for his/her findings in the absence of data from municipalities and cantons.

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

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

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

V - average market value of the produce of one tree for one year
D - average period of time required to re-establish the tree to an adult production level, in years
$\mathbf{C_P}$ - cost of planting (seedling, soil preparation, initial fertilization)
$\mathbf{C_L}$ - 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 rates will be generated for the following stages of plant (tree) development:

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

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

Conditions for entry into possession

Compensation shall, as a rule, always be affected prior to land entry or taking of possession. As a general rule, the compensation recipients will be given a minimum of three months' notice to vacate the property unless otherwise provided in the agreement between the owner and the expropriation beneficiary. Exceptionally, upon request of the expropriation beneficiary who has produced valid reasons for urgent need to take possession of the expropriated real property, FBH Government can decide that the real property is turned over to the expropriation beneficiary before the effectiveness of the decision on expropriation, if it establishes that this is necessary due to the urgency of the situation or in order to avoid larger damage.

5.3 Eligibility and Entitlements

Compensation entitlements for different categories of eligible households, businesses and properties covered by the current applicable legislation of FBiH and EIB ESS are described in summary in **Table 5** below. Hereinafter are details on entitlements and compensation for all categories of affected assets in surveyed area and methodology for valuation of property.

Note: The census and socio-economic survey show that:

- 272 privately owned land plots will be completely acquired. All owners are either formal owners of land or in the process of formalisation (e.g. heirs who have not yet been registered as formal owners in the land registry)
- However, an additional 82 land plots are planned to be acquired (orphan land) based on Article 11 of the Law on Expropriation FBiH, which stipulates that landowners affected by a partial loss of their property are entitled to request complete expropriation and the corresponding compensation, in case partial expropriation would deteriorate

the economic situation of the actual property owner or make the remaining part of the property useless or difficult to use.[20]

- there are no informal owners or users of affected land
- State owned plots are not used informally by any PAP
- A significant percentage of affected private land is farmland
- 7 houses will be acquired[21]. All seven houses are legally registered
- 4 families will be physically resettled while for three houses there is no need to relocate because no one lives in them
- 11 auxiliary structures will be acquired
- several vulnerable households have been identified but they are not among households that need to be resettled
- temporary land occupation may be expected during construction works

[20] *It is possible that additional requests by PAP will be filed, and they will be decided on a case by case basis. All these 82 land plots are actually owned by PAP identified in the Expropriation Study – the already affected PAP requested additional expropriation of their remaining land plots*

[21] *Three (3) houses are in the line of expropriation while 4 are in the immediate vicinity of the highway and are likely to be expropriated*

Table 5: Specific Compensation Entitlements - Entitlement Matrix

Type of Project affected right or property or loss	Applicable legal / policy framework	Entitlement	Process and specific conditions
Loss of residential structure (all houses including weekend houses)	Law on Expropriation of FBiH EIB ESS	Replacement property of similar size and characteristics *or* Cash compensation for house + Moving allowance and compensation for other resettlement related expenses	• Transfer of property in accordance with the amicable agreement or expropriation process in accordance with Law on Expropriation. • Provision of replacement cost/value and moving allowance in accordance with LARF.
Loss of land plots (agricultural or forest land)	Law on Expropriation of FBiH EIB ESS	Replacement property of similar size and characteristics or Cash compensation for land plot at replacement cost	• Transfer of property in accordance with the amicable agreement or expropriation process in accordance with Law on Expropriation. • Provision of replacement cost/value and moving allowance in accordance with LARF.
Orphan land	Law on Expropriation of FBiH EIB ESS	Cash compensation for land plot at replacement cost same as above	• Transfer of property in accordance with the amicable agreement or expropriation process in accordance with Law on Expropriation. • Provision of replacement cost/value and moving allowance in accordance with LARF.
Sever impacts on PAPs	Law on Expropriation of FBiH EIB ESS	Increase in the amount of determined compensation if the conditions are met + Non-monetary assistance	• Personal and other family circumstances of the previous owner of the expropriated real property shall be taken into consideration as a corrective for any increase in the amount of determined compensation if those conditions are of great importance for the material existence (livelihood, main source of income) of the previous owner, and in particular if his/her material existence has been endangered due to the expropriation of a larger part or the entire land or business premises in which the previous owner legally performed a business activity, as well as in the case where due to the expropriation members of an agricultural household have to move from the territory where they had lived. Art. 47 of the Law on Expropriation

Loss of auxiliary structures	Law on Expropriation of FBiH EIB ESS	Cash compensation for auxiliary structures	• Transfer of property in accordance with the amicable agreement or expropriation process in accordance with Law on Expropriation. • Provision of replacement cost/value and moving allowance in accordance with LARF.
Loss of right of way	Law on Expropriation of FBiH EIB ESS	Compensation for reduced market value of the property + Compensation for any damages to the property	• Compensation for establishment of right of way on private property to be provided in accordance with Art. 56 of the Law on Expropriation
Loss of annual crops	Law on Expropriation of FBiH EIB ESS	The right to harvest crops or (if harvesting not possible) Cash compensation for annual crops at replacement cost	• Cash compensation for crops will be provided only if annual crops could not be harvested before expropriation takes place, in accordance with the Law on Expropriation of FBiH (Art. 55). If that is not possible (e.g., the crops are not ripe yet), the land owner/tenant is entitled to cash compensation at full replacement cost of the crops • To the extent possible, land acquisition and land entry will be scheduled so that any standing annual crop, regardless of its development stage, can be harvested before the initiation of construction works
Loss of perennial crops / orchards and vineyards (both for orchards on one's own land and for orchards on state-owned land)	Law on Expropriation of FBiH EIB ESS	The right to pick fruits, vegetables, etc. + Cash compensation for perennial trees/plants at replacement cost	• Compensation will include all trees and plants, and the court expert will assess their value depending on the age, type, etc. (Art. 50 of the Law on Expropriation) • If the perennial crops cannot be harvested, the owner is entitled to cash compensation for the expected crops, in accordance with the Law on Expropriation • Perennial crops and trees will be valued at the cost of replacement (determination of full replacement value includes the yield of the crop over one year, 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) • The replacement value for commercial timber tree species should be the market value of the logged timber. If an affected commercial forest cannot be logged before entry of the expropriation beneficiary into the land plot, the compensation principle will be similar to that for annual crops, taking consideration of the market value of the lost timber

Loss of business structure and loss of business income	Law on Expropriation of FBiH EIB ESS	Replacement property with similar or same characteristics or Cash compensation for business structure + Cash compensation for costs of the transfer and re-installation of the plant, machinery or other equipment	• Transfer of property in accordance with the amicable agreement or expropriation process in accordance with Law on Expropriation.
Temporary land acquisition	Law on Expropriation of FBiH EIB ESS	Affected land and infrastructure will be restored to pre-project conditions + Cash compensation for temporary land occupation in the amount of lease at market prices	Temporary land occupation and any damages to assets compensated in accordance with Art. 57 of the Law on Expropriation. Compensation for damages during the period of temporary possession at replacement cost of material and labour without deduction for depreciation or salvageable materials.
Undetermined impacts	Law on Expropriation of FBiH EIB ESS	Any undetermined impacts will be mitigated in accordance with both the Law on Expropriation and ESS	

5.4 ASSISTANCE TO VULNERABLE PEOPLE

Vulnerable people are those affected people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement and expropriation than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

Particular attention and support will be given to the needs of vulnerable groups based on the personal situation of such vulnerable people. Although we did not find any vulnerable PAPs that need relocation, the results of the Socio-economic Survey show that there are several vulnerable people and households among affected people. We were able to identify ***13*** *vulnerable landowners* and another ***16*** *vulnerable household members*. **Total number of identified vulnerable persons is 29.** The categories of vulnerability include, by order of frequency:

- Elderly persons,
- Unemployed persons
- Persons with a disability or chronic illness

Table 6: Number of vulnerable persons identified

Settlement	No. of vulnerable owners of project affected land plot owners	Types of vulnerability reported	No. of vulnerable household members of project affected	Type of vulnerability of members who depend on HH reported
Tarčin	3 (1 female, 2 males)	Elderly persons, unemployed persons	4 (2 females, 2 male)	Elderly persons, unemployed persons
Raštelica	10 (4 females, 6 male)	Elderly persons, unemployed persons Chronic illness	12 (6 females, 6 male)	Elderly persons, unemployed persons, disability or chronic illness
Total	13		16	

Individual meetings with each vulnerable person will be held in order to determine their needs concerning expropriation as well as the manner of meeting the identified needs. Vulnerable people will be consulted on the type of assistance they need and will be provided with assistance suitable for their needs. Assistance to vulnerable people shall include the following activities, depending on a case-by-case screening to be carried out with support from the *Municipality of Hadžići (Department of Social Affairs):*

- Assistance during the census and expropriation process (e.g. direct visits to the homes of vulnerable persons/households, in particular for elderly people and people with chronic illnesses)
- Individual meetings to explain eligibility criteria and entitlements,
- assistance during the payment process, i.e. ensuring that compensation documents and payment process are well understood (in particular for elderly people)
- assistance during the post-payment period (e.g. assistance in finding training courses to enhance employability and prioritization for employment where possible – in particular for poor and/or unemployed people; assistance in securing the compensation money and reduce risks of misuse or robbery; checking that the

solidarity networks that the vulnerable person was relying on have been re-established).

The socio-economic characteristics and vulnerability of the affected population were evaluated informally during the process of consultations with such PAP encountered during individual hearings organized by Municipality of Hadžići in the presence of representatives of JPAC. During these meetings, JPAC collected information on the socio-economic status and vulnerability of PAPs which was taken into consideration when proposing compensation. If the conditions of Article 47 of the Expropriation Law of FBiH[22] were met, they received an increase in compensation in addition to the above activities.

[22] *The personal and family circumstances of the owners whose real property is pending expropriation, as well as circumstances which may have adverse economic effects, should be considered when determining the compensation level.*

6 GRIEVANCE MANAGEMENT AND REDRESS

6.1 ANTICIPATED CATEGORIES OF GRIEVANCES

In practice, grievances and disputes anticipated for the Corridor Vc resettlement and compensation programme are the following:

- Census and planning stage:
  - Misidentification of properties (allocation of a property to the wrong owner due to deliberately misleading statements or mistakes by the census team),
  - Disputes over plot boundaries, between affected person and Project or between two neighbours,
  - Dispute over the ownership of a given property (two or more individuals claim to be the owner of this property),
  - Disagreement over the valuation (either unit rate applied or count) of a plot, crop or house;
  - Post cut-off date establishment of a structure or other asset, whether deliberate (opportunistic occupation in anticipation of compensation) or not,
  - Multiplication of households (where one household used to live, several suddenly appear),
  - Confusion between legal occupants and informal occupants,
  - Forged documents (Identification Card, ownership or others);

- Implementation stage:
  - Successions, divorces, and other family issues, resulting in disputes between heirs or shareholders in the disputed property,
  - Disagreement over resettlement measures, for instance the location of the resettlement site, the type, size or standing of proposed tenements,
  - Disagreement over compensation for businesses (disputed valuation, resettlement package deemed inappropriate – location, tenement, or other issues),
  - Disputed ownership or shared ownership of a business (for instance where the owner and the operator are different legal or physical persons),
  - Disputes amongst occupants themselves or between occupants and the implementing agency over salvaging of materials in the displaced site;
  - Restriction on alienation of property due to unpaid mortgage loan interests or tax liabilities imposed to project affected property

- Post-resettlement stage:
  - Maintenance and guarantee issues in the new housing.

6.2 PUBLIC GRIEVANCE MECHANISM

PC Motorways and the Contractor(s) will receive and consider all comments and complaints associated with the Project. A sample of the Project's Grievance Form which can be used for comments and complaints is provided at the end of this document (APPENDIX 2 – PUBLIC GRIEVANCE FORM AND CONTACT INFORMATION) and will be available on the PC Motorways website: http://www.jpautoceste.ba as well as the websites of Municipality of Hadžići.

PC Motorways will establish a Grievance Registry and will inform all stakeholders of the grievance mechanism by communicating the availability of this registry, its function, the contact

persons and the procedures for submitting a complaint in the affected areas. Any person or organisation may send comments, complaints and/or requests for information in person or via post, telephone or email using the contact information provided at the end of the document. Individuals who submit their comments or grievances have the right to request that their name be kept confidential.

All comments and complaints will be responded to either verbally or in writing, in accordance with the preferred method of communication specified by the complainant, if contact details of the complainant are provided. All grievances will be registered and acknowledged within 5 days and responded to within 20 working days of their receipt.

Contact details for submitting comments and concerns regarding the Project are available below. After the start of construction works, the grievance form may also be submitted directly to the Contractor for construction works, which will forward any such received grievances/comments to JPAC without delay to allow JPAC to further process the grievance/comment (i.e., record, acknowledge and respond to the grievance in the time frames defined below). The Contractor is obliged to hand out the Project Grievance Form, explain the grievance mechanism to the concerned citizen(s) and forward the filled-in Grievance Form to JPAC.

Contact Information

All types of stakeholder grievances (apart from those raised by employees and contractors) relating to this Project should be channelled to PC Motorways through the following designated staff member:

Attention: *Azem Zilić*
Department of Property and legal affairs
PC Motorways
Postal Address: Ul. Hamdije Kreševljakovića 19, 71000 Sarajevo
Telephone: +387 33277919
E-mail address: z.*azem@jpautoceste.ba*
www.jpautoceste.ba

6.3 Grievance Procedure in FBiH

In addition to using this grievance mechanism, complainants will also be able to seek legal remedies in accordance with the laws and regulations of the FBiH at all times. The procedure is summarized as follows:

- Complaints against the decision on expropriation shall be decided upon by the Federal Administration for Geodesy and Property-Legal Affairs;
- Grievances are submitted to the first level administrative body that brought the decision on expropriation (municipality);
- Deadline for submission of grievances is 15 days;
- Any grievance shall be responded to and processed within 30 days;

- Against the decision of the second level administrative body, administrative litigation can be initiated before the cantonal court within 30 days from the date when the decision was received;
- Information on legal recourse represents an integral part of every decision;
- If no agreement on the compensation is reached within two months from the date when he decision on expropriation entered into force, the municipal administrative body shall promptly submit the valid expropriation decision together with other relevant documents to the competent Court, at whose territory the expropriated real property is located, for the purpose of determining the compensation.
- If the municipal administrative body fails to act in line with the above provision, the previous owner and the expropriation beneficiary may approach the Court directly for the purpose of determining the compensation.
- The Law on administrative procedure prevails over the Law on Expropriation so that the grievance procedure shall be conducted in accordance with the Law on Administrative Procedure.
- For resolution of any disputes that could not be readily solved by direct interaction between the parties, mediation will be used as a voluntary procedure for extra judiciary settlement of disputes. A third party independent and impartial mediator will be hired by the Federation's Motorway Directorate and shall receive the information on all disputes.
- The competent court shall *ex officio* decide in out-of-court proceedings on the amount of compensation for the expropriated real property.
- Proceedings for determining the compensation for expropriated real property are urgent. The proceedings should be completed as soon as possible and not later than 30 days from the date of initiating court proceedings;
- It is possible to file a separate appeal against the court decision on the compensation.

7 MONITORING AND EVALUATION

JPAC will monitor the land acquisition process and maintain a land acquisition database. The data/information will be updated periodically. All information on PAPs, their holdings and their compensation payments and assistance measures will be kept confidential.

The indicators to be used for monitoring will include, in particular, the following:

- Overall **spending** on expropriation and compensation
- Number of **PAP by categories** (consistent with categories in the entitlement matrix)
- Number of **structures** (residential, commercial and auxiliary) identified on affected land plots
- Number of **public meetings and consultations** with affected people
- Number and percentage of **negotiated settlements** signed
- Number of persons requesting **special assistance** and types of assistance provided to vulnerable individuals/households in a timely manner
- Number of people having received **compensation** in the period with distribution by compensation type and by classes of amounts
- Number and amount of **payments that restore livelihood loss**
- Number and amount of **payments that restore loss of income**
- Successful re-establishment of **relocated businesses** (new location, level of income, number of employees)
- Successful **relocation of households** (new location, level of income)
- Number of successfully **re-established agricultural activities** after land acquisition or restriction of access as a result of the Project (level of income)
- Number and type of **grievances**, including any court cases, related to land acquisition (submitted and resolved and how long it took for them to be resolved)

JPAC will produce biannual reports on the progress achieved with the implementation of the LARP. These reports will consolidate information on compensation and livelihood restoration measures, consultations, information on negotiations and results, provision of assistance to vulnerable groups, grievance management, etc.

JPAC will document all meetings and consultations with minutes and photographs, and will submit these to Creditor, together with progress reports.

8 IMPLEMENTATION

8.1 RAP AND ORGANISATIONAL ARRANGEMENTS FOR IMPLEMENTATION

Land Acquisition and Resettlement Plan (LARP) has been prepared ahead of the actual implementation of resettlement and compensation activities and shall be publicly disclosed. JPAC communicates with the public through its website (www.jpautoceste.ba) and its Facebook page, as well as electronic, digital and printed media (TV, newspapers, radio, online media). The website is updated regularly.
The LARP will be disclosed in English on the official website of JPAC (www.jpautoceste.ba) and website of the Municipality of Hadžići (https://hadzici.ba/). LARP will remain in the public domain for the entire duration of the Project cycle.

In accordance with the Expropriation Law as well as for practical reasons, responsibilities will be shared between a Project Implementation Unit within the FBiH Public Company Motorways and Municipality of Hadžići.

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

Table 7: Organizational responsibilities and arrangements

Task	Responsible Entity
Information disclosure to all Project affected people and communities	PIU
Direct communication with and visits to owners and occupants	PIU and the Municipality of Hadžići
Concluding negotiated settlements prior to expropriation	PIU
Expropriation of property in case negotiated settlements are not concluded	Municipality of Hadžići
Provision of assistance to vulnerable persons / households as necessary	PIU and the Municipality of Hadžići
Payment / provision of compensation packages	PIU
Monitoring and reporting with respect to expropriation	PIU
Monitoring and reporting in respect of temporary land occupation carried out after construction commencement	Contractor
Grievance management	PIU

During the implementation of this Land Acquisition and Resettlement Plan, the responsibilities of the Municipality of Hadžići, which are listed in the above table, shall be harmonized with the relevant legal regulations that stipulate the obligations and responsibilities of the municipality during the expropriation process.

8.2 RESOURCES REQUIRED FOR IMPLEMENTATION AT PIU LEVEL

The Land Acquisition and Resettlement Plan will be implemented by JP Autoceste FBiH, namely its Project Implementation Unit (PIU).

Project Coordinator and seven other members of Project Implementation Unit (PIU) have been appointed by *Decision of appointment of the Project Implementation Unit for the construction of motorway on the Corridor Vc, section Tarčin – Konjic, subsection Tarčin – Tunnel Ivan* three of whom are responsible for the expropriation, including Compensation and Resettlement Coordinator, who report to the overall Project Coordinator and who will make sure that tasks identified above are timely implemented.

8.3 FUNDING ARRANGEMENTS

The borrower is to fund compensations for expropriation as well as expenses related with implementation of moving and resettlement activities, so the borrower provided *Confirmation of Raiffeisen Bank No 00660/2012 from 30.05.2012 for subsection Tarčin - Zukići.* as evidence that required funds have been secured and deposited[23]. A specific item shall be identified in the budget of the FBiH Motorway Directorate to take care of compensation and resettlement activities associated with the subsection Tarčin–Zukići (Tunnel Ivan) Project.

Table 8: Estimated LARP budget for subsection Tarčin – (Tunnel Ivan) Zukići

Type of expense	Amount (BAM)
Compensation for residential structures	700,000.00 KM
Compensation for auxiliary structures and other construction elements (e.g. water wells, water pipes...)	50,000.00 KM
Compensation for agricultural and forest land	6,000,000.00 KM
Compensation for orphan land	620,000.00 KM
Compensation for crops	300,000.00 KM
Compensation for construction land	60,000.00 KM
Expenses under Article 47 of the Expropriation Law	30,000.00 KM
Assistance to vulnerable people	30,000.00 KM
Costs of court experts, commissions and other expenses	60,000.00 KM
Land conversion from agricultural/forest to construction land	150,000.00 KM
Total (€)	**4,090,335.05**
Total (BAM)	**8,000,000.00 KM**

[23] *Law on Expropriation of FBiH, Art.24 (Official Gazette of FBiH, No. 70/07, 36/10, 25/12 and 34/16)*

APPENDIX 1–SOCIO-ECONOMIC SURVEY QUESTIONNAIRE

QUESTIONNAIRE FOR HOUSEHOLDS

Questionnaire number	

Survey date:	
Surveyor's name and surname:	

1. GENERAL INFORMATION ON AFFECTED HOUSEHOLD

1.1. Location:	
1.2. Municipality:	
1.3. Cadastral plot reference:	
1.4. Full name of the respondent:	
1.5. Ethnic group:	
1.6. Phone number:	
1.7. Whole plot affected: Yes/No	
1.8. If no, specify the size of the non-affected part:	m²

2. GENERAL INFORMATION ON AFFECTED PROPERTY (PLOT)

2.1. Total size:	m²

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

Location	Total number of cadastral plots	Cadastral plot reference	Current use *Tick applicable use*
1.			Mainly residential Mainly agricultural Forest Pasture Mainly business Unused
2.			Mainly residential Mainly agricultural Forest Pasture Mainly business Unused

3. AGRICULTURAL ACTIVITIES

3.1. Crops observed on the affected part of the plot at the time of the survey: _____

3.2. Perennial / annual species: _____

3.3. If perennial: Year of plantation: _____

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

3.5. 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

3.6. Of which farmed this year: _____ hectares

4. GENERAL INFORMATION ON AFFECTED STRUCTURE

4.1. Detached building: YES / NO
4.2. Apartment in a larger house: YES / NO
4.3. Apartment in a building: YES / NO
4.4. House: YES / NO

4.5. Outside dimensions (main building) m x m	
4.6. Built in year:	
4.7. General condition (main building):	Exterior: Interior: *1: new or very good* *2: fair* *3: poor* *4: ruin, unusable*

4.8. Auxiliary structures		**4.9. Build of solid materials**
Summer kitchen		YES NO
Garage		YES NO
Pantry		YES NO
Stall		YES NO
Other (specify):		YES NO
Other (specify):		YES NO

Tick applicable box

5. OWNERSHIP ISSUES

5.1. Owner: Yes No

5.2. User: Yes No

5.3. 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

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. 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

8. AFFECTED HOUSEHOLD (HOUSING)

8.1. How long have you been living here (year when you settled here):
8.2. Where did you live before?
8.3. Under what circumstances did you settle here?

9. SOCIO-ECONOMIC DETAILS ABOUT THE AFFECTED HOUSEHOLD

9.1. Total household income

Which of the following categories does the average total monthly income of your whole household fall in:	
Less than 500 KM	
Between 500 and 1,000 KM	
Between 1,000 and 1,500 KM	
More than 1,500 KM	

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):	

(1: highest, 2 second highest, etc… – 0: not significant or not applicable)

9.2. Are you satisfied with your economic situation?

Highly satisfied	
Satisfied	
Neither satisfied nor dissatisfied	
Dissatisfied	
Highly dissatisfied	

Tick applicable box

10. DISPLACEMENT

10.1. What do you envision your main problems will be if you end up being affected by the project implementation?

Loss of livelihood			Loss of social connections		Loss of property		Other (specify):	
Male member of the household								

Female member of the household								

(1: most important, 2 second most important, etc. – 0: not significant or not applicable)

11. COMPENSATION PREFERENCES

11.1. Resettlement (relocation to another house in an unaffected area) YES / NO

10.2. What would be most important for you in the selection of a resettlement location (please rank)?

	Proximity to schools	Proximity to health care centers	Proximity to relatives	Proximity to social networks (specify)	Proximity to place of work
Male member of the household					
Female member of the household					
	Other (specify):	Other (specify):	Other (specify):	Other (specify):	Other (specify):
Male member of the household					
Female member of the household					

(1: most important, 2 second most important, etc. – 0: not significant or not applicable)

10.3. Compensation in cash YES / NO

10.4 Do you have another house that you could relocate to? YES / NO

QUESTIONNAIRE FOR LANDOWNERS

Questionnaire number	

Survey date	
Surveyor's name and surname:	

Municipality:	
Location:	
Address:	
Cadastral plot reference:	
Photograph of affected property (number):	
Whole plot affected: YES / NO	
If no, specify the size of the non-affected part: m^2	

1. GENERAL INFORMATION ON THE RESPONDENT

1.1. Respondent's name and surname:
1.2. Owner or user of land plot:
1.3. Ethnic group:

1.4. 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 *Tick applicable use*
1.			Arable land Forest Pasture Unused
2.			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. Crops observed on the affected part of the plot at the time of the survey: _____

4.2. Perennial / annual species: _____

4.3. If perennial: Year of plantation: _____

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

4.5. 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.

4.6. Of which farmed this year: _____ hectares

5. INCOME FROM 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 referring to the affected part of the plot? YES or NO

5.5. If YES, what were your intentions? _____

6. COMPENSATION PREFERENCES

6.1. Compensation in cash YES / NO

6.2. Would you prefer plot for plot exchange? YES/NO

6.3. Would you buy another property instead of this land plot? YES/NO

QUESTIONNAIRE FOR BUSINESSES

Questionnaire number	

Survey date:	
Surveyor name:	

Municipality:	
Location:	
Address:	
Cadastral plot reference:	
Photograph of affected property (number):	

1. GENERAL INFORMATION ON THE SURVEYEE (REPRESENTATIVE OF THE BUSINESS ENTITY CONCERNED)

1.1. Respondent's name and surname:
1.2. Position the respondent holds within the business entity:
1.3. Ethnic group:
1.4. Phone number:
2. GENERAL INFORMATION ON AFFECTED BUSINESS ENTITY 2.1. Type of business activity:
2.2. Year of establishment:
2.3. Owner (co-owner):
2.4. Legal form of the business entity:
2.5. Business entity is formally registered: YES / NO
2.6. Is the structure where business entity operates, legalized? YES / NO

(if not, clarify _____)

2.7. Number of full time employees: _____ and number of part-time employees: _____

3. INFORMATION ON BUSINESS INCOME

3.1. In average, over the last three years:

Total income (KM annually)

Note: If the business entity has been operating for less than 3 years, provide information for the last year.

4. COMPENSATION PREFERENCES

4.1 What do you envision your main problems will be if you end up being affected by the project implementation?

Loss of customers (business)		Obstruction of business activities due to works		Equipment damages		Other (specify):	

(1: most important, 2 second most important, etc. – 0: not significant or not applicable)

4.2 What would be the most appropriate type of compensation for you?

_____

_____

_____

APPENDIX 2 – PUBLIC GRIEVANCE FORM AND CONTACT INFORMATION

Public Grievance Form

Reference No:	
Full Name (optional)	
Contact Information **Please mark how you wish to be contacted (mail, telephone, e-mail).**	☐ **By Post: Please provide mailing address:** _____ _____ _____ • **By Telephone:** _____ • **By E-mail** _____
Project name: **Location:**	☐ **Section/Subsection:**_____ ☐ **Cadastral municipality:**_____
Description of Incident or Grievance:	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
Date of Incident/Grievance	
	☐ **One time incident/grievance (date _____)** ☐ **Happened more than once (how many times? _____)** ☐ **On-going (currently experiencing problem)**
What would you like to see happen to resolve the problem?	

Signature: _____

Date: _____

Please return this form to:
Attention: Azem Zilić
Head of department of Property and legal affairs
PC Motorways
Ul. Hamdije Kreševljakovića 19, 71000 Sarajevo
Telephone: +387 33 277 919
E-mail address: z.azem@jpautoceste.ba

APPENDIX 3 – AFFECTED STRUCTURE

RESIDENTIAL STRUCTURES – Tarčin (Hadžići)

MAIN CHARACTERISTICS

- Location – Smucka – Tarčin (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – Good
- Compensation Preference – Cash only
- Need for Physical Resettlement - No

RESIDENTIAL STRUCTURES – Tarčin (Hadžići)

MAIN CHARACTERISTICS

- Location – Smucka – Tarčin (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – good
- Compensation Preference – Cash only
- Need for Physical Resettlement - No

RESIDENTIAL STRUCTURES – Tarčin (Hadžići)

MAIN CHARACTERISTICS

- Location – Smucka – Tarčin (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – good
- Compensation Preference – Cash only
- Need for Physical Resettlement - Yes

RESIDENTIAL STRUCTURES – (Hadžići)

MAIN CHARACTERISTICS

- Location – Raštelica (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – poor
- Compensation Preference – Cash only
- Need for Physical Resettlement - No

RESIDENTIAL STRUCTURES – Raštelica (Hadžići)

MAIN CHARACTERISTICS

- Location – Raštelica (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – good
- Compensation Preference – Cash only
- Need for Physical Resettlement - Yes

RESIDENTIAL STRUCTURES – Raštelica (Hadžići)

MAIN CHARACTERISTICS

- Location – Raštelica (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – solid
- Compensation Preference – Cash only
- Need for Physical Resettlement - Yes

RESIDENTIAL STRUCTURES – Nemila(Zenica)

MAIN CHARACTERISTICS

- Location – Vukovići - Raštelica (Hadžići)
- Name of Head of Household – Personal data, available for insight
- Vulnerability – No
- Ownership – Yes
- Building Permit – Yes
- External condition – good
- Compensation Preference – Cash only
- Need for Physical Resettlement - Yes

APPENDIX 4 – PROJECT IMPACT SUMMARY TABLE

No.	Description	Unit	Number
Land Tenure Patterns			
1	Total of project affected land parcels	No.	340
		Sq.m.	428,485
2	Total of State-owned land parcels	No	68
		Sq.m.	94,979
3	Total of project affected private land parcels	No	272
		Sq.m.	333,728
Status of Title Registration in Land register and Cadastral register			
4	State land parcels with Land register registration	No	68
5	State land parcels for which the harmonization of Land register and Cadastral register has been completed	No	0
6	Private land parcels with Land register registration	No	272
7	Private land parcels for which the harmonization of Land register and Cadastral register has been completed	No	0
8	Private ownership land parcels with Land register registration	No	206
9	Private co-ownership land parcels with Land register registration	No	66
10	No data available	No	0
	Sub-total		340
Land Use and Compensation Categories			
11	Agricultural	No.	236
		sq.m	306,369
12	Non-agricultural	No.	104
		sq.m	122,116
12.1	Forest	No.	64
		sq.m	92,139
12.2	Other (public road, uncategorised road, river, stream, railway and other barren land)	No.	33
		sq.m	28,063
12.3	Residential	No.	7
		sq.m	3,315
13	State/No compensation (Agricultural and Non-agricultural)	No.	68
		sq.m	94,979
Agricultural Patterns			
Annual Crops			
15	Total of agricultural land parcels and approximate area of land with potent use for growing annual crops	No	219
		sq.m	264,972
Affected Perennials			
16	Total of residential land parcels with affected fruit bearing trees	No	11
		sq.m	9645
Affected Structures			
17	Residential houses	No	7
		sq.m.	911
18	Land parcels attached with ancillary structures	No	7
		sq.m.	2,404
18	Land parcels attached with commercial facilities	No	0
		sq.m.	0
Affected Households			
20	Total of affected households	No.	140
21	Total of affected persons	No.	185
22	Males affected	No.	151
23	Females affected	No.	34

No.	Description	Unit	Number
24	Severely affected land parcels (only private)	No.	130
25	Vulnerable persons	No	29
26	Resettled households	No.	4