

**The Ministry of Transport and Maritime Affairs of
MONTENEGRO
TRAFFIC DIRECTORATE**

**ROAD REHABILITATION AND CITY BYPASSES
(2011-0626)
PROJECT**

**Land Acquisition Plan of Action for Lepenac Climbing Lane
and Rozaje Bypass**

Podgorica, December 2016

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Acronyms and Abbreviations

EIB	European Investment Bank
MTMA	Ministry of Transport and Maritime Affairs of Montenegro
PIU	Project Implementation Unit
RPF	Resettlement Policy Framework
TD	Traffic Directorate
The Project	Road Rehabilitation and City Bypasses Project

1 Introduction

The Road Rehabilitation and City Bypasses Project (the Project) is a multiyear project of the Montenegro Ministry of Transport and Maritime Affairs (MTMA) and its Traffic Directorate (TD), which consists of the rehabilitation and/or construction of 7 selected sections of the national road network in Montenegro, with a total length of approx. 36 km. The Project is being financed through a loan provided by the European Investment Bank (EIB).

The Project requires acquisition of publicly and privately owned land (estimated 50 Ha for seven road sections), which is expected to cause limited economic displacement. In accordance with EIB's Environmental and Social Handbook (2013), particularly Standard No. 6 on Involuntary Resettlement a Project Resettlement Policy Framework (RPF) was developed by the TD Project Implementation Unit (PIU) in 2014, and updated in April 2016. It describes the policies, procedures and processes that are being implemented by the TD to avoid, and where avoidance is not possible, mitigate any negative impacts in relation to the Project land acquisition.

To date, a RAP has been developed and implemented for the Bypass Nikšić II phase section, which has already been constructed. A review of land acquisition for this section, as well as for four other sections where land acquisition has been completed, was carried out by consultants in the period March to December 2016 (climbing lane Kuside, climbing lane Slijepač most, connection of two boulevards in Budva and reconstruction of the road Ulcinj – Krute).

This Land Acquisition Action Plan is being developed to address the land acquisition requirements for the last two outstanding sections of the Project – climbing lane Lepenac and bypass Rozaje.

It is important to note that this document does not repeat the information already contained in the RPF and is to be read in conjunction with that document (presented in Annex 1).

2 Current Status of Land Acquisition and Possible Impacts

Land acquisition for the two outstanding road sections, climbing lane Lepenac and bypass Rozaje, is in similar stages of development. Preliminary expropriation studies have been developed for both sections and it is expected that a request will be submitted to the Government of Montenegro for the proclamation of public interest in the first half of 2017. Following this, the expropriation process will be initiated by the relevant municipal authorities, with participation of the TD PIU.

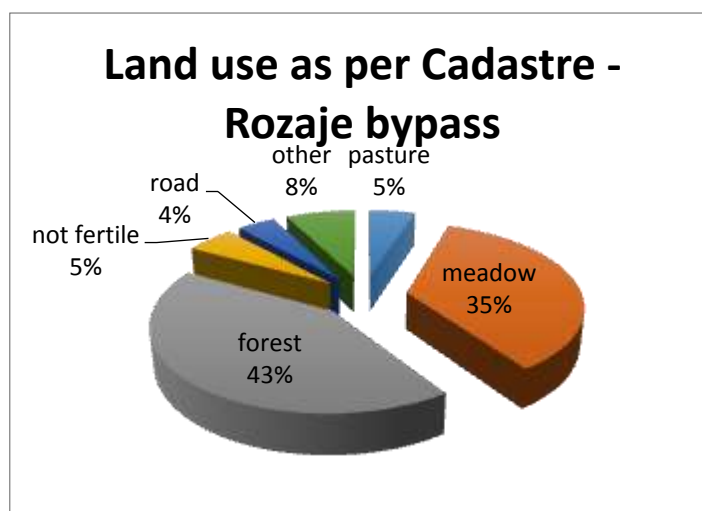
A preliminary site visit to the Rozaje bypass location was undertaken by Consultants, accompanied by a member of the TD PIU, in October 2016. The Consultants visited the project footprint and met with the municipal Real Estate Directorate and Cadastre. At that time, the expropriation study had just been completed however it had not officially been submitted to the Cadastre for review and preparation. Due to this early stage of development, the data had not been made public yet and affected people had not yet been informed about the possible land acquisition. It was therefore not possible to speak to any affected people in the field.

Due to the fact that both Project components would cause limited displacement, it was agreed that an abbreviated plan would be developed to guide the TD PIU in carrying out the key land acquisition activities, as well as monitoring and reporting to EIB.

2.1 Rozaje Bypass

A review of the Rozaje bypass expropriation study reveals that the construction of the bypass (2.5 km) will affect a total of 30 land plots owned by 36 private landowners (24 plots), the municipality Rozaje (5 plots) and the Rozaje Employment Bureau (1 plot). The total area of all affected plots is 31.87 ha, however only 2.93 Ha will be acquired (9%). Land use as recorded in the Cadastre is presented in Figure 2.1, which shows that most of it is forest land (of a lower quality) and meadows.

Figure 2.1 Rozaje Bypass Land Use



The Rozaje bypass consists of two underground tunnels and one viaduct, which is why the amount of land to be acquired, as well as associated impacts are limited. At the time of developing this plan, based on a preliminary site visit, it has been determined that the construction of the bypass, more specifically, the junction to connect an existing road and the future tunnel, will require the acquisition of one small business and a part of a storage yard (see **Error! Reference source not found.**).

Figure 2.2 Entrance to the future Rozaje Bypass tunnel, affected storage yard in front of the hill



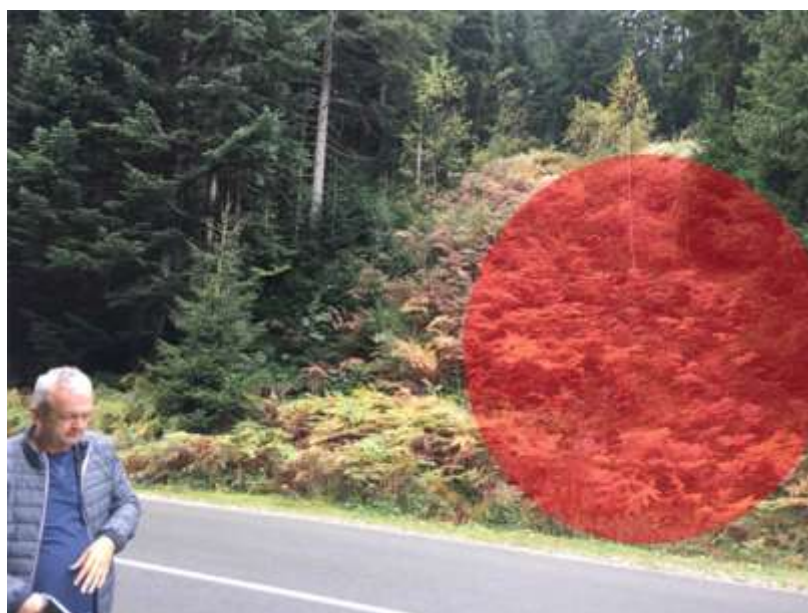
The viaduct is expected to cross agricultural land, mainly pastures (see Figure 2.3). In accordance with Montenegrin legislation, the land below the viaduct, including a safety zone will have to be fully acquired and compensated, however the owners and users of the land will be allowed to continue using it for grazing animals and other agricultural activities.

Figure 2.3 Rozaje bypass viaduct approximate location (in a hollow between two hills)



The second tunnel for the Rozaje bypass is not expected to cause any economic displacement, as it requires acquisition of unused forest land. The exit of this second tunnel and connection to an existing road is shown in Figure 2.4.

Figure 2.4 Exit of the future Rozaje Bypass tunnel



2.2 Climbing Lane Lepenac

The construction of the climbing lane Lepenac will affect a total of 36 land plots owned by 36 private landowners (30 plots) and the Government of Montenegro (6 plots). The total area of all affected plots is 38.27 ha, however only 1.1 ha will be acquired (2.9%). The land use as recorded in the cadastre is presented in Figure 2.5. Most of the land is registered as forest land (of a lower quality) and meadows and pastures.

The construction of the climbing lane Lepenac, i.e. widening of an existing road (2 km), requires the acquisition of edges of land plots, where the land will cut into the hillside. The required land is largely unused land, as seen on Figure 2.6 and

Figure 2.7 and therefore no economic displacement is expected to occur in connection to its acquisition.

Figure 2.5 Lepenac Climbing Lane Land Use

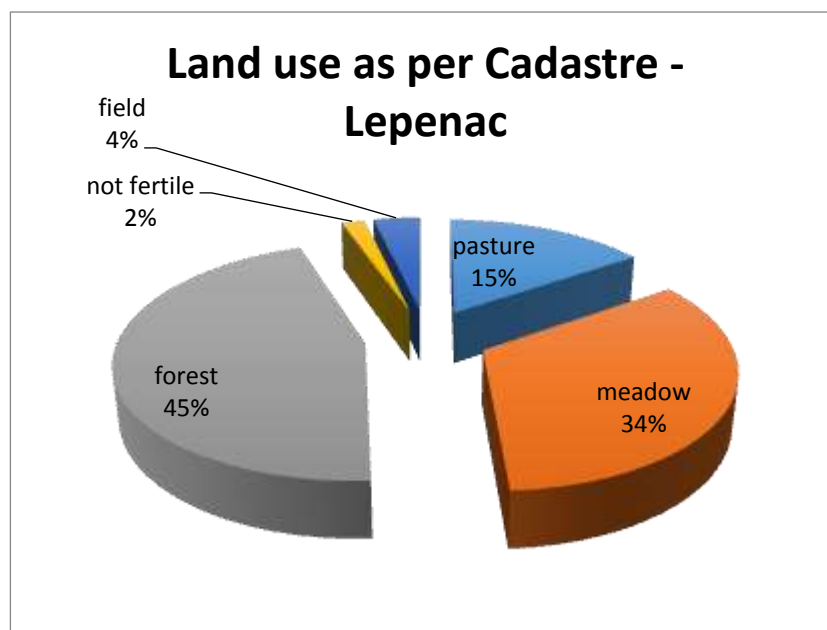


Figure 2.6 Lepenac Climbing Lane Location 1



Figure 2.7 Lepenac Climbing Lane Location 2



3 Key Activities for Implementation

In accordance with the key principles committed upon by the TD in respect of compensation and resettlement (see RPF Section 4), the following activities will be implemented after the proclamation of public interest for the two road sections:

Census list

A list of plots of land which have to be acquired for the road will be prepared based on data from the Cadastre (expropriation study) and then supplemented with any additional information based on a site visit and detailed review of the Project footprint. A site visit is needed to identify any unregistered structures, land use and/or users, which are to be compensated and assisted, as per the RPF Entitlements Matrix.

The census list will contain the following information:

- Plot number (as per Cadastre)
- Name of owner and contact details
- Name of user if different than the owner and contact details
- Total area of the land plot
- Area of the land plot needed for the Project
- Land use (field, pasture, unused, forest, etc.)
- Structures on the land (description of structure and size)
- Additional comments

Disclosure and consultations

Owners and users of affected properties will be invited to group or individual meetings by the municipal Real Estate Agency for each of the two road sections after the proclamation of public interest, to present the road section which will be constructed (using maps to show the affected land plots) and inform the affected people of the planned acquisition process. All meetings and consultations will be documented by the TD PIU, providing the date when the meeting/ consultation was held, list of attendees, and a summary of the discussions. The minutes will be included in reports provided to EIB.

Collection of baseline data and agreement on assistance

TD will meet with the owners of two affected business facilities/areas as well as with any other subsequently identified individuals/households whose economic/livelihood activities are affected by land acquisition. TD PIU will discuss with the owners of these assets their plans for re-establishing their activities and will determine whether they need to provide any specific relocation and/or livelihood restoration assistance in addition to compensation at full replacement cost. For example, this assistance may include finding a new replacement property to purchase with received compensation, assistance to register the new property, assistance to organise the move of any equipment or machinery, assistance to construct a replacement structure, etc. TD PIU will also record baseline data which will enable it to monitor the relocation and determine whether the affected persons/businesses

were able to restore their economic activities in another location or if additional assistance is needed (see RPF Section 13).

Economic losses during the period of transition (from the moment the affected person loses access to its property to the moment when he/she acquires a replacement property), will be evaluated by professional appraisers and will be compensated at full replacement cost, regardless of whether the affected activities are formal or informal, as described in the RPF. Any affected employees will also be compensated as per the RPF entitlements matrix and will be assisted by TD PIU to restore their livelihoods if necessary.

Grievance management

TD PIU will continue to implement the grievance mechanism as described in the RPF and will also report on grievance management to EIB.

Provision of assistance and monitoring and reporting

Once compensation is executed, TD PIU will implement any agreed assistance measures for owners/users of affected properties, as discussed in the above section (*Collection of baseline data and agreement on assistance*).

Using the monitoring framework described in Section 13 of the RPF, TD PIU will produce quarterly progress reports on the progress achieved with the implementation of the RPF/Land Acquisition Action Plan and submit them to EIB.

A final report will be developed and submitted to EIB when all land acquisition has been completed and all impacts successfully mitigated.