

2018

Land Acquisition Plan for subsection
Buna - Počitelj



Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
Federal Ministry of Transport and Communications

**Public company Motorways in Federation of Bosnia
and Herzegovina**

Motorway on Corridor Vc

Land Acquisition Plan

Section: Mostar South - Počitelj

Subsection: Buna - Počitelj

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1. INTRODUCTION

1.1. Description and Context of the Proposed Project

PC Motorways FB&H LTD Mostar (“the Company”) is a public company in the Federation of Bosnia and Herzegovina (FBiH), working on the development of the motorway which is a part of the Trans-European Corridor Vc connecting Budapest (Hungary) and Port of Ploče (Croatia). The total length of Corridor Vc in FBiH is approximately 321 km. Construction has already started, and by now around 100 km of motorway have already been constructed and are 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.)

The Corridor Vc motorway is considered as a priority project for Bosnia and Herzegovina (BiH), likely to entail major positive economic impacts for the country as a whole. The driving force behind the construction of the Corridor Vc motorway is to improve connectivity of BiH 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 BiH 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.

The Corridor Vc has been financed by the loan funds of The European Bank for Reconstruction and Development (EBRD), The European Investment Bank (EIB), OFID - OPEC Fund for International Development and other financial institution as well as with own funds of PC Motorways.

1.2. Objective and Scope of the Document

The “PC Motorways” has prepared and adopted this Land Acquisition Plan for subsection Buna - Počitelj (LAP) with the aim of setting out the principles for addressing the potential impacts of land acquisition within the Corridor Vc Project, in conformance with:

- The laws and regulations in force in FBiH,
- Land Acquisition and Resettlement Framework (LARF) from March 2017¹
- EBRD’s Environmental and Social Policy 2014², particularly Performance Requirement (PR) 5: Land Acquisition, Involuntary Resettlement and Economic Displacement.

¹ <http://arhiva.jpautoceste.ba/images/larf.pdf>

² The full text of the Policy is available at: <http://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>

This LAP specifies the procedures to be followed by the Company and the Municipality, and the actions they will take to compensate affected people and communities. This document also provides a description of the households and land plots that will be affected by property acquisition for needs of the construction subsection Buna - Počitelj.

The objectives of this LAP are to:

- 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;
- identify the gaps between national law and EBRD requirements and to propose measures to overcome such gaps.

A sample questionnaire for conducting a socio-economic survey is provided in **Appendix 1** where different research for landowners, household and business are conducted. For the purposes of the Socio-economic Survey, only one type of questionnaire was used and that is Questionnaire for landowners (i.e. owners/users of land plots without structures).

Questionnaire for households (i.e. people living in or using residential structures affected by the Project) and Questionnaire for businesses (i.e. businesses located on the land plot affected by the Project) were not used because there are no affected households nor businesses in surveyed area.

1.3. Subsection Buna – Počitelj – An overview

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

Subsection Buna - Počitelj is on Lot 4 as a part of section Mostar South - Počitelj. Length of subsection is 7,18 km. The potential environmental impacts of the proposed motorway have been assessed in four separate Environmental Impact Assessments (EIA) corresponding to each Lot. A public hearing for the new EIA for the Buna-Počitelj section was held in Čapljina (Municipal Council premises) on 14 July 2016³. The Federal Ministry of Environment and Tourism issued an Environmental permit for subsection Buna - Počitelj in October 2016.

Subsection starts with rest area Rotimski potok, continues to the settlement Počitelj and finishes before interchange Počitelj in settlement Bivolje Brdo. Rest area Rotimski potok is positioned about 4.2 km south of Hodbina, just before overpasses Stanojevići and passage for animals. Design includes construction of Rest areas for both ways of the motorway - two-resting place.

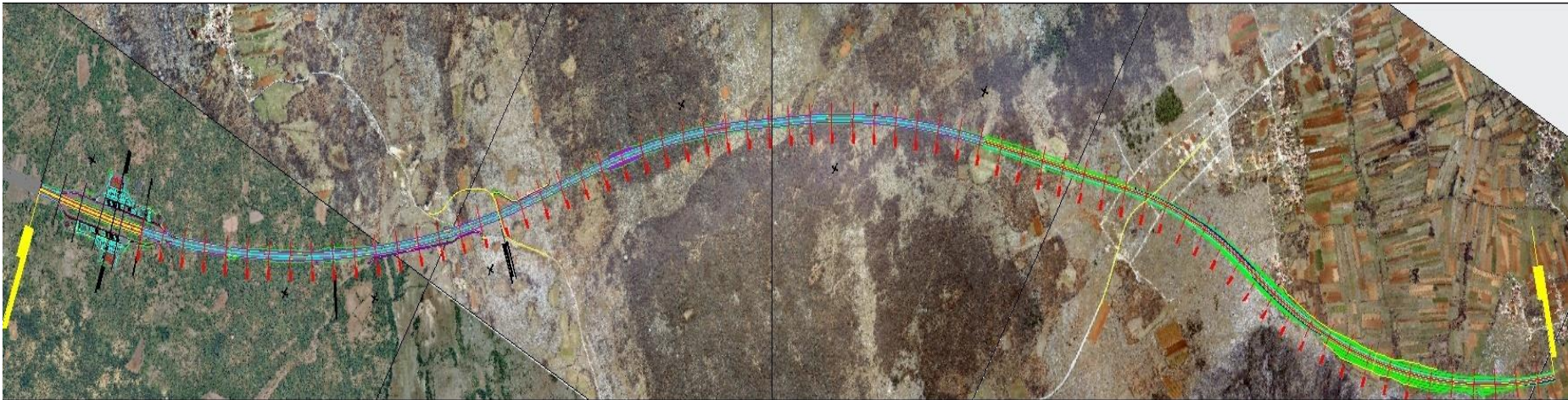
The main structures on subsection are:

- Rest area Rotimski potok, 11+460,00
- Underpass for animals, 12+500,00 and 15+660,00
- Underpass on local road, 17+420,00
- Overpass on local road, 13+287,00 and 16+220,00

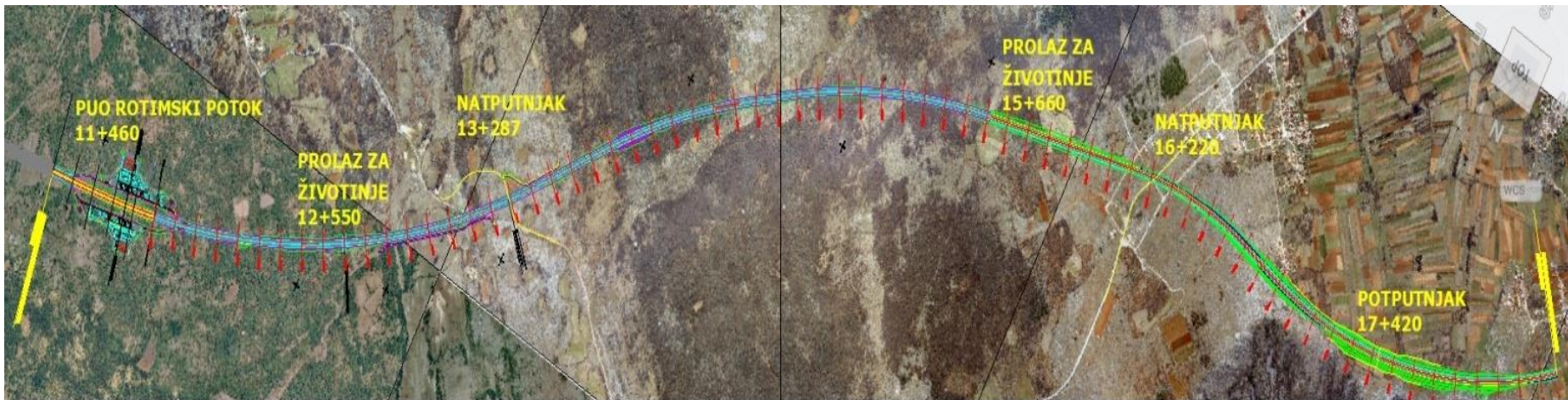
Transversal profile of route:

- Traffic lanes.....2 x (2x3,75) m
- Stopping lanes.....2 x 2,50 m
- Central reservation.....4,0 m (including side lines)

³ The date and venue of the public hearing were announced in the daily newspaper Dnevni List, as well as the websites of the Municipality of Čapljina, PC Motorways and the Federal Ministry of Environment and Tourism. <http://capljina.ba/arhiva/index.php/arhiva-2012/522-odrzana-javna-rasprava-o-ocjeni-studije-o-procjeni-utjecaja-na-okolis-za-autocestu-buna-pocitelj>



No.1_Alignment situation Buna-Počitelj



No.2_ Position of main structures on the alignment of Buna - Počitelj

2. LAWS AND REGULATIONS

2.1. Overview

The following pieces of legislation / policies have been considered for this review:

- Legislation of BiH and FBiH:
 - The Law on Expropriation of FBiH (Official Gazette of FBiH No. 70/07, 36/10, 25/12 and 34/16),
 - The Law on Proprietary Rights of FBiH (Official Gazette of FBiH, No. 66/13, 100/13);
 - The Law on Construction Land of FBiH (Official Gazette of FBiH, No. 25/03, 16/04, 67/05),
 - The Law on Agricultural Land of FBiH (Official Gazette of FBiH, No. 52/09)
 - The Law on Extra-Judicial Proceedings of FBiH (Official Gazette of FBiH, No. 2/98, 39/04)
 - The Law on Administrative Procedures of FBiH (Official Gazette of FBiH, No. 2/98, 48/99)
 - The Law on Land Registration of FBiH (Official Gazette of FBiH No. 19/03 and 54/04)
 - The Law on Land Survey and Cadastral of Property in FBiH (Official Gazette of SRBH, No. 22/84, 12/87, 26/90 and 36/90 and Official Gazette of SRBH, No. 4/93 and 13/94)
 - 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)
 - The Law on Gender Equality in FBiH (Official Gazette of BiH, No. 16/03, 102/09)
- The EBRD's applicable policy

2.2. Law on Expropriation of FBiH

The *Law on Expropriation of FBiH*⁴ regulates the conditions and procedure for expropriation of property for construction of facilities in public interest, compensation eligibility and amounts, handling of grievances and disputes handling and other issues pertaining to the expropriation process.

The key provisions of the Law may be summarized as follows:

- **Public interest and purpose of expropriation:**

Property can only be expropriated upon the establishment of public interest for projects that bring greater benefit for the public (Art. 3 and 5). Expropriation may be carried out for the needs of FBiH, cantons, cities, municipalities, public enterprises and public institutions, unless otherwise provided by the Law.

- **Expropriation process:**

⁴ Official Gazette of FBiH, No. 70/07, 36/10, 25/12 and 34/16

A condition to start expropriation is the existence of evidence that the required funds have been secured and deposited with the bank in the assessed total sum for payment or proof of existence of replacement properties (Art. 24).

The procedure for expropriation starts with a proposal for expropriation, submitted by the Expropriation Beneficiary to the relevant Municipality (“the expropriation authority”). The proposal contains data on the property for which expropriation is proposed, the owners of such property and the purpose for which expropriation is proposed.

Negotiated settlements are explicitly encouraged by the Law (Art. 23). The expropriation beneficiary is required to publish a public announcement to invite the property owners and try to reach a prior amicable sale-purchase agreement with the affected owner. The signed agreement on compensation has to include the timing and rate at which cash compensation will be paid or in kind compensation provided (Art. 26). If no agreement on compensation is reached within 2 months of the validity of the Decision on Expropriation (or less if the Municipal Administration decides as such), the Municipal Administration submits the valid Decision together with other relevant documents to the competent Court, at the territory of which the expropriated real property is located, for the purpose of determining the compensation. The competent court ex officio decides in non-contentious proceedings on the amount of compensation for the expropriated real property.

- **Process of identifying factual owners/users:**

After the submission of the expropriation proposal by the expropriation beneficiary to the municipality, the municipality appoints a committee for conducting the expropriation procedure. The committee is responsible for resolving the so-called “preliminary issue”, i.e. the issue of ownership, prior to issuing the decision on expropriation, which is the result of out-dated information in land registry books (the person registered in the land registry is different from the actual owner/user who may be the heir, the person who purchased the property but failed to report such transfer, etc.). The committee organizes a site investigation in the presence of the expropriation beneficiary, official court valuers of property and the identified property owner and user, and informs the participants that public interest has been declared for the project and that an expropriation proposal has been submitted. A written record of the site investigation is prepared. The committee also invites the identified owners and users, organizes a meeting in the municipality and issues a decision on the resolution of the preliminary issue (i.e. identifies the actual and current owner or user to whom the compensation will be provided). As the last step, the committee issues a decision on expropriation on the basis of the mentioned record and the documentation submitted together with the expropriation proposal. Affected people are entitled to lodge a complaint against this decision with the municipality, which is forwarded to the Federal Administration for Geodetic and Property Affairs as the second instance authority.

- **Information and consultation requirements:**

Prior to the submission of the expropriation proposal, **the expropriation beneficiary is required to publish a public announcement and invite all property owners for purposes of attempting a negotiated settlement** (Art. 23). **Affected owners are informed throughout the expropriation process, i.e. that a proposal for expropriation has been submitted** (Art. 25). Before the decision on expropriation is passed, **the Municipal authority has to invite the affected persons with formal legal rights to a meeting to present any facts which may be relevant for expropriation** (Art. 27).

▪ **Types of expropriation:**

Expropriation can be temporary (incomplete) or permanent (complete).

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 as well as other rights over that real property cease to exist.

Incomplete expropriation provides the beneficiary with usufruct rights on the land and structures, as well as the lease of the land for a definite period of time. At the end of the lease, usufruct rights over land are returned to the previous owner.

Owners affected by a partial loss of their real properties are entitled to request complete expropriation and the corresponding compensation, in case that 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 (Art. 11), and must be informed of such right by the Municipal authority. The right to request expropriation of the complete property may be submitted until the issuance of the Decision on Expropriation in the first instance, as well as during the appeal procedure if the affected owner was not informed of such right.

▪ **Compensation**

Compensation is provided at market value of the affected property (Art. 12), determined on the basis of prices of property in the given area, calculated as the market price which could be achieved for a specific real property, depending on the supply and demand at that particular moment in time (Art. 46).

The Law sets out in detail how compensation is determined for buildings, orchards and vineyards, forest land and timber, agricultural, construction and city land.

Compensation is provided in the form of replacement property (Art. 45), **but may be provided in cash if so requested by the affected owner or if suitable replacement property cannot be identified** (Art. 46). Property owners are entitled to compensation for any losses of benefits they would otherwise have from that property (Art. 54).

Compensation is generally provided to formal owners of property. However, owners of illegally built residential facilities are also entitled to compensation (in the amount of the construction value of such facility) if such facility represents the only residential structure for the builder and the members of his/her immediate family, provided that:

- the competent authorities did not issue a decision on removal of facility,
- the illegally built residential facility is registered on the official orthoimage of the territory of FBiH in the scale of 1:5000 developed by the Federal Administration for Geodetic and Property Affairs.

Personal and family circumstances of the owners whose property is pending expropriation, as well as circumstances which may have adverse economic effects, can be taken into account when determining the amount of compensation, which may

be increased above the market value (Art. 47). This provision addresses livelihood restoration beyond the sheer compensation of the lost asset by providing flexibility based on a case-by-case assessment of personal circumstances.

Compensation costs are borne by the Expropriation Beneficiary (EB). **Compensation arrangements must be settled prior to the formal transfer of ownership of the expropriated property. In exceptional cases involving the construction/reconstruction of public infrastructure facilities, the Government of FBiH may allow taking possession of property prior to the effectiveness of the decision on expropriation or the payment of compensation**, at the request of the EB and due to reasons of urgency or prevention of more significant damage⁵. The exception does not apply to residential or commercial structures for which an equivalent replacement has not been provided by the EB. In such event, the EB is required to inform the affected owner of its intention to request the taking possession of property.

▪ **Grievance procedure**

The Law foresees the rights of affected citizens to appeal at many stages of the expropriation procedure, beginning with administrative and judicial appeals (i.e. against the decision on public interest (Art. 16), the decision on expropriation (Art. 30) and regarding compensation (Art. 60). Explained in detail in *Section 6.2 "Grievance procedure in FBiH"*.

2.3. Other Related Legislation of FBiH

*The Law on Proprietary Rights*⁶ regulates the general 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. The Law states that ownership rights and other proprietary rights may only be limited or taken away in public interest and under the conditions defined by the Law in accordance with the principles of international law. A significant provision of the Law is that occupants of property acquire ownership rights upon 10 years of conscientious and legal occupancy, or upon 20 years of conscientious occupancy. In addition, the Law provides that the conscientious builder of a structure on land owned by another person is entitled to acquire such land, if the land owner did not oppose to the construction. The land owner is in this case entitled to request to be compensated for the market value of the land.

*The Law on Construction Land of FBiH*⁷ 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

⁵ This issue has also been addressed in the RCF which states that compensation shall, as a rule, always be effected prior to land entry or taking of possession, but allows an exception: "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."

⁶ Official Gazette of FBiH, No. 66/13, 100/13

⁷ Official Gazette of FBiH, No. 25/03, 16/04, 67/05

accordance with the Law on Spatial Planning. Legalization of informally constructed buildings is further regulated by decrees taken at cantonal level, and implemented at municipality level.

The Law on Agricultural Land of FBiH⁸ contains the basic definitions and principles regarding the management, protection, use, planning, and records related to agricultural land. The Law provides that a right of way may be established on agricultural land, as decided by the city or municipal council. The owners of such land are entitled to compensation in accordance with the Law on Expropriation.

The Law on Extra-Judicial Proceedings of FBiH⁹ prescribes the rules by which courts decide upon personal, family, property-related and other rights and legal interests resolved in extra-judicial proceedings. The courts determine the amount of compensation for expropriated property in extra-judicial proceedings. The petitioners may conclude an agreement about the compensation form and range, i.e. the amount of compensation, and the court will then base its decision on such agreement, if the court finds that the agreement is not contrary to the regulations which prescribe the proprietary rights over real estate.

The Law on Administrative Procedures of FBiH¹⁰ regulates the procedures applied by administration bodies in deciding upon citizens' rights and obligations within the framework of administrative procedures. Parties are entitled to appeal against decisions adopted in the first instance. Only the Law may prescribe that appeals are not permitted in certain administrative issues, if the protection of rights and legality is ensured in some other way. In its Article 54, the Law gives the possibility to appoint a temporary representative if a party does not have a legal representative or if an action is to be taken against a person whose place of residence is unknown, and who does not have a proxy. The temporary representative is appointed by the body which manages the procedure, if so required by the urgency of the case. The body managing the procedure will notify the body of custody immediately thereof, and if the temporary representative is appointed to a person whose place of residence is unknown, it will disclose its conclusion on a notice board or in other usual manner (by means of newspapers or other media). A temporary representative can be appointed to a commercial corporation, institution or other legal entity. The appointed person is obliged to accept the representation and may refuse it solely for the reasons as prescribed in special regulations.

The Law on Land Registration of FBiH¹¹ regulates keeping, maintenance and setting up of land registries, as well as the registration of real estate and proprietary rights in land registries in FBiH. Proprietary rights and other rights come into effect only upon registration in land registry. In the expropriation process, the issued Decision on Expropriation represents the legal basis of registration in the land registry. In addition, expropriation may be registered in the form of conditional registration.

The Law on Land Survey and Cadastral of Property in FBiH¹² regulates survey of land, buildings and other structures, establishment and maintenance of registry of land, buildings

⁸ Official Gazette of FBiH, No. 52/09

⁹ Official Gazette of FBiH, No. 2/98, 39/04

¹⁰ Official Gazette of FBiH, No. 2/98, 48/99

¹¹ Official Gazette of FBiH, No. 19/03, 54/04

¹² Official Gazette of SRBH, No. 22/84, 12/87, 26/90 and 36/90 and Official Gazette of SRBH, No. 4/93 and 13/94

and other structures, records and registration of property. Records of property possessors are kept in the land registry.

The Law on Social Protection, Protection of Civilian War Casualties and Protection of Families with Children¹³ of FBiH regulates Social welfare, which 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 others¹⁴) 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.

The Law on Gender Equality in BiH¹⁵ promotes and guarantees the equal treatment of sexes and equality of opportunities for all in both the public and private domain, and prohibits direct and indirect discrimination on grounds of gender.

2.4. The EBRD's applicable Policy

EBRD applies its Environmental and Social Policy (2014) to this Project. Land acquisition is covered by Performance Requirement (PR) 5 of the Policy. The main points of PR 5 are as follows:

- All feasible alternative project designs should be explored to avoid or at least minimise physical and/or economic displacement;
- Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly;
- Adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land should be mitigated by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that land acquisition activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- The livelihoods and standards of living of displaced persons should be improved or, at a minimum, restored to pre-project levels;
- Informal occupants of land are not entitled to compensation for land; however, they should be compensated for any other improvements to land and provided resettlement assistance;

¹³ Official Gazette of FBiH, No. 36/99, 54/04, 39/06

¹⁴ A person or family in need, which is due to special circumstances require 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.)

¹⁵ Official Gazette of BiH, No. 16/03, 102/09

- A grievance mechanism must be established as early as possible in the process in order to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

3. PROJECT IMPACTS

3.1. Census/Inventory

Announcement of public notice was 10.10.2016. in two main newspapers in FBiH (“*Dnevni Avaz*” and “*Večernj list*”) in which property owners in the affected area were informed about a start of expropriation. After Announcement of public notice, Project Affected persons (PAPs) could inform about land expropriation. Before submitting the proposal for expropriation, expropriation beneficiary is obliged to try, by mutual agreement, resolve with the property owner acquiring the right of ownership of certain property.

The potentially affected population and land plots were identified based on the Design for expropriation with parcelling for subsection Buna – Počitelj („the Design“) which contains register of affected land plots and owners and cadastral maps for the whole subsection. Additional methods used for data collection for the Census preparation included observations on the field and transect walks.

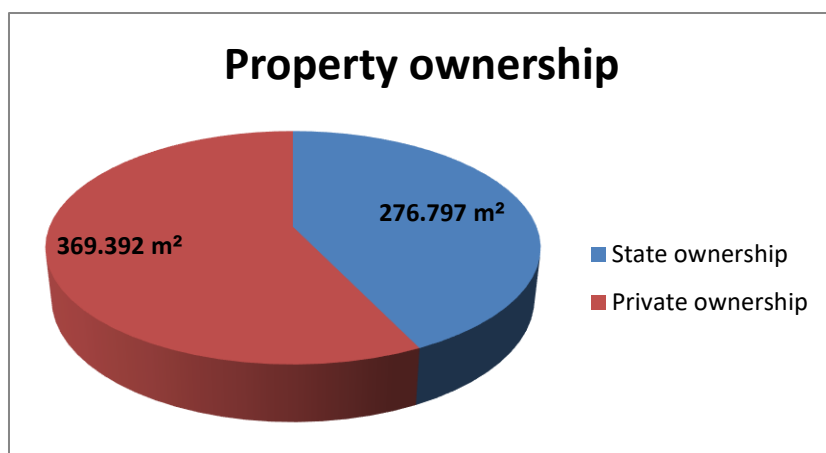
The Census/Inventory of all Project-Affected Persons (PAPs) was developed in order to gather and analyse data and information required to identify all categories of impacts. The Census database contains data on the following:

- location and Cadastral Municipality,
- land plot number,
- type of land plot,
- identified type of impact,
- total area of land plot (m2).

The summarized version of the census database is available on request (the full 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 Čapljina neither City of Mostar and/or EBRD.

There are **339 land plots** in a affected area, part of them in state ownership (72 land plots), and part of them in the private ownership (267 land plots). Land plots are divided into **117 private ownership** files and **7 state ownership files** located into five Cadastral Municipalities which are Bivolje Brdo, Lokve, Stanojevići in Municipality of Čapljina and Pijesci and Gubavica in City of Mostar.

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



3.2. Socio-economic Survey

The Socio-economic Survey was conducted to solicit the opinions of the PAPs about the Project impacts and compensation payments as well as to obtain specific data on current livelihoods and living conditions of PAPs, including the identification of vulnerable categories of PAPs.

The Survey was conducted in the period 18-20 October 2016 by a four members of Project Implementation Unit (PIU) responsible for the expropriation, on the basis of Survey questionnaires prepared by land acquisition experts. The residents of the Project area were notified about the Survey 2 days in advance – a written notification was posted on the bulletin board of the Municipalities of Čapljina and Mostar as well as through the representatives of local communities affected by expropriation. The notification contained information about the Survey, with the details of the Project and purpose of the Survey, and confirmation that collected data would not be publicly disclosed. The letter of notification is provided in **APPENDIX 3** to this LAP.

The team of surveyors visited the identified properties. Interviews were carried out with affected owners/users living on affected land plots or present at the time of the Survey. Land plots with no structures or no one present were recorded by the surveyors in the Census database.

For the purposes of the Socio-economic Survey, only one type of questionnaire was used, as follows:

- Questionnaire for landowners (i.e. owners/users of land plots without structures)

Questionnaire for households (i.e. people living in or using residential structures affected by the Project) and Questionnaire for businesses (i.e. businesses located on the land plot affected by the Project) were not used because there are no affected households nor businesses in surveyed area.

In addition, any land plots with no owner or user present were recorded by the surveyors in the Census database with the following data: (i) location, (ii) number of cadastral plot; (iii) whole plot affected (yes/no); (iv) physical structures; (v) natural structures / crop; (vi) information obtained from neighbours, if any.

For the all five cadastral municipalities main characteristic is mostly unresolved land registry condition so that in a few cases also reflects the actual state of the property. In our survey we can only investigate people who we find on the field claiming to be real owners of the land plots although their ancestors are probably real owners of the property. While 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 because it is probably the person who is most affected by expropriation.

Data on the number of private land plot owners/files to be affected by the Project and data on the number of owners interviewed during the Socio-economic Survey are shown in Table 1 below. All PAPs are affected by permanent land acquisition, there are no PAPs affected by temporary land acquisition.

Table 1: Total number of land plot owners/users interviewed

	Total no. of private ownership files	Total no. of private land plots	No. of interviewed land owners	No. of land plots owned by interviewed land plot owners
Affected by permanent land acquisition	117	267	56	136

3.3. Identified Impacts

The Project will not require the acquisition of any structures (residential, auxiliary or commercial) or the physical relocation of any households or businesses.

Land acquisition will be, as defined by national legislation, “complete expropriation”¹⁶.

Table 2: Overview of project impacts on private property

Impact	Location of:	Number of private land plots	Of which: land plots with non residential structures	Of which: The type of land plot
Affected by complete land acquisition	Cadastral municipality Bivolje Brdo	166	126 Dry stone walls 1 Draw well 5 wire fence	<ul style="list-style-type: none"> • 39 forest plot • 38 pasture land plots • 73 agricultural land • 12 orchard • 4 vineyard
	Cadastral municipality Lokve	49	37 Dry stone walls	<ul style="list-style-type: none"> • 44 forest plot • 5 pasture land plots
	Cadastral municipality Stanojevići	18	12 Dry stone walls	<ul style="list-style-type: none"> • 13 forest plot • 5 pasture land plots

¹⁶ 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.

Impact	Location of:	Number of private land plots	Of which: land plots with non residential structures	Of which: The type of land plot
	Cadastral municipality Pijesci	25	7 Dry stone walls	<ul style="list-style-type: none"> • 3 forest plot • 8 pasture land plots • 11 agricultural land
	Cadastral municipality Gubavica	9	7 Dry stone walls	<ul style="list-style-type: none"> • 9 forest plot

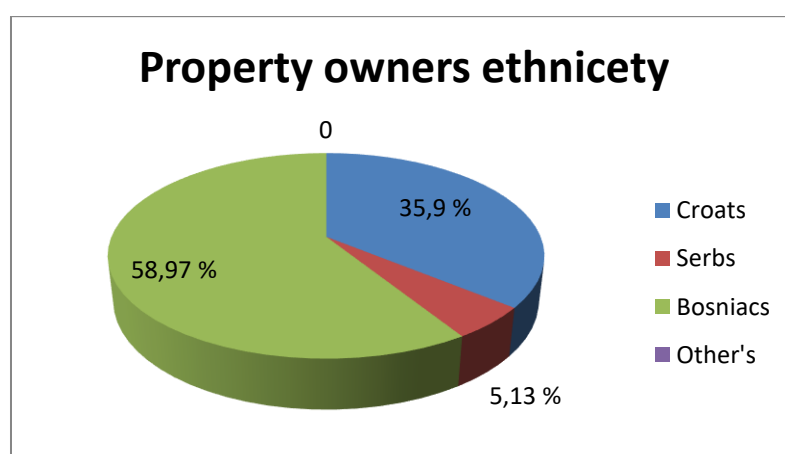
Agricultural production. Although this affected area is traditionally agricultural and lot of interviewed people are producing food for their own needs minority of land plots are identified as agricultural land plots. Only in Cadastral municipalities of Bivolje Brdo and Pijeci there are agricultural land plots, orchards and vineyards along with the forest land that occupies the vast majority of the affected property. In in Cadastral municipalities of Lokve, Stanojevići and Gubavica only forest and pasture land plots are affected and there are no agricultural land in affected area.

3.4. Affected People and Properties

The total number of affected private land plots is 267. Out of the 267 land plots which will be acquired, the owners of 136 land plots were surveyed. These land plots are divided into **56 private ownership** files.

Ethnicity affected by expropriation. 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. 58,97% of respondents declared themselves as Bosniaks, 35,90% as Croats and 5,13 % as Serbs.

Chart 2: Ethnic structure of property owners

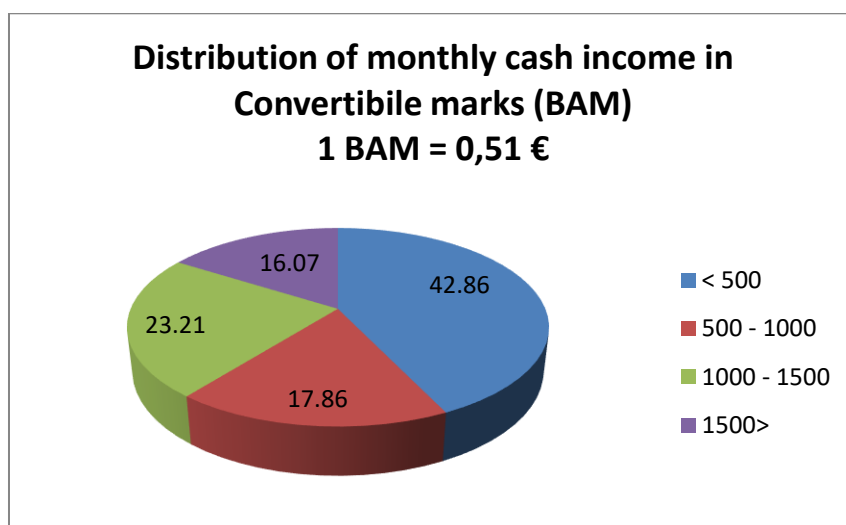


Household members. The total number of household members in the surveyed households is 205. The average household consists of 3.66 members. The average age of household members is 39.1 (the youngest member is 1 year old while the oldest member is 84 years

old). Out of the total number of household members, 19.3% are minors (below 18 years of age), 59.6% belong to the age group between 18-60 years old, whereas 21.1% are elderly persons (older than 60). In 53 families, the head of the household is male, while in 3 households the head of the household is female.

Household income. 16,07% of households reported having monthly income higher than 1500 KM, 23,21% of households reported monthly income in the range from 1000 to 1500 KM, 17,86% of households from 500 to 1000 KM, and majority of households have less than 500 KM, exactly 42,86% of them.

Chart 3: *Distribution of monthly cash income in Convertible marks in surveyed households*



Primary source of income. Majority of surveyed people reported pensions as the primary source of income. For 46,42% of households pensions are primary source of income and 15,38 % of them reported own agricultural production as a secondary source with the pensions. For 35,71% of households salaries are primary source of income and 15% of them reported own agricultural production as a secondary source with the salaries. 16,07 % of surveyed reported only own agricultural production as a source of income and other sources reported 2% of households.

Satisfaction with economic situation. 19,64% of respondents reported to be satisfied with economic situation; 42,86% respondents reported to be neither satisfied nor dissatisfied with economic situation, 30,36% respondents reported to be dissatisfied with economic situation, and a minority of them, 7,14% reported to be highly dissatisfied with economic situation.

Vulnerability. 8 households with one or more types of vulnerability were identified. The respondents were given the option to indicate vulnerability for any present household member. The most frequent type of vulnerability is chronic disease (5 household members), followed by the elderly (in 4 households). Physical disability was reported in two household (war veterans).

Compensation preferences. All but one of surveyed reported to prefer cash compensation and one respondent stated that he wanted plot for plot exchange.

4. KEY LAND ACQUISITION / COMPENSATION PRINCIPLES AND ISSUES

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 shall be carried out in compliance with the **applicable legislation in FBiH** (in particular, the *Law on Expropriation of FBiH*), the **EBRD Environmental and Social Policy 2014** and its Performance Requirement 5 (*Land Acquisition, Involuntary Resettlement and Economic Displacement*), **Land Acquisition and Resettlement Framework (LARF)** 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 shall 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, so as 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 LAP shall identify both formal and informal land/property users, including vulnerable persons/households, such as single mothers, widows and widowers, disabled people, or those living in extreme poverty.
4. The **cut-off date** for the establishment of eligibility (for both formal and informal land owners/users) **will be the date of submission of proposals for expropriation by the Company** as the Expropriation Beneficiary to relevant municipalities. Persons who have settled in the Project area after the cut-off date shall not be eligible for any compensation. The cut-off-date shall be disclosed and disseminated publicly in the daily newspapers, on public bulletin boards in settlements and consultation meetings in the concerned affected communities.
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 Entitlements Matrix (5.3 Table of this document).**
6. **Standards of living and/or livelihoods of affected persons will be restored and potentially improved**, in as short a period as possible.
7. **Official valuation** of properties/improvements to land will be carried out by designated certified valuers, selected on the basis of a public procurement procedure.
8. Compensation will be provided before displacement or imposition of access restrictions. 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.
9. **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.

10. An effective grievance mechanism will be in place for receiving and addressing in a timely fashion specific concerns about compensation and relocation raised by affected landowners. Explained in detail in *Chapter 6. GRIEVANCES MANAGEMENT AND REDRESS*
11. The Company shall **monitor the implementation of the land acquisition and livelihood restoration processes** through internal institutional arrangements as well as through an independent, external monitor.

5. ENTITLEMENTS AND COMPENSATION

5.1. Methodology for valuation of property

Valuation of land and assets on land will be conducted by independent court experts for valuation of property (agricultural expert and construction expert) selected from the official list of court experts by PC Motorways FBiH or the Municipality of Čapljina and City of Mostar¹⁷.

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 use¹⁸. *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.

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

¹⁷ At the act of the municipality of Čapljina no. 06-33-5635/16-2 dated 16.11.2016 and City of Mostar no. UPI-05/2-33-4428/17 dated 12.05.2017, court experts were appointed;

¹⁸ 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.

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 3 of this LAP) 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.

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 should 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 Release¹⁹ 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 should 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:

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

¹⁹ AGRICULTURE, ENVIRONMENT AND REGIONAL STATISTICS, SALE OF AGRICULTURAL PRODUCTS ON GREEN MARKETS are available on the official website of the Agency (e.g. for 1 quarter of 2017 http://www.bhas.ba/saopstenja/2017/AGR_2017Q1_009_01_BH.pdf)

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

C_P - cost of planting (seedling, soil preparation, initial fertilization)

C_L - cost of the labor 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 should 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.

5.2. Assistance for 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. The results of the Socio-economic Survey show that there are several vulnerable households identified. The categories of vulnerability include, by order of frequency:

- Unemployed persons
- Elderly headed households
- Physically or mentally ill people

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 Municipalities Social Welfare Bureau:

- 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).

5.3. Entitlement Matrix

Compensation entitlements for different categories of eligible households and properties covered by the current applicable legislation of FBiH are described in summary in **Table 3** below. Hereinafter are details on entitlements and compensation for all categories of affected assets and methodology for valuation of property.

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

- there are no informal owners or users of affected land
- no residential or commercial structures will be affected
- no auxiliary structures will be affected
- no businesses affected
- 267 land plots without residential structures will be acquired (private land plots)
- majority of land is forest land
- temporary land occupation may be expected during construction works
- several vulnerable households have been identified

Table 3: Specific Compensation Entitlements

Type of Project affected right or property or loss	Applicable legal / policy framework	Entitlement	Process and specific conditions
Loss of land plots (agricultural or forest land)	Law on Expropriation of FBiH	Replacement property of similar size and characteristics or Cash compensation for land plot at replacement value	<ul style="list-style-type: none"> • Transfer of property in accordance with the amicable agreement or expropriation process in accordance with Law on Expropriation. • Provision of replacement value and moving allowance in accordance with EBRD Policy.
Loss of auxiliary structures (including dry stone wall, wire fence and draw well)	Law on Expropriation of FBiH	Cash compensation for auxiliary structures at replacement value	

Loss of right of way	Law on Expropriation of FBiH	Compensation for reduced market value of the property + Compensation for any damages to the property	<ul style="list-style-type: none"> • 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	The right to harvest crops or (if harvesting not possible) Cash compensation for annual crops at replacement value	<ul style="list-style-type: none"> • 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
Lose of perennial crops / orchards and vineyards (both for orchards and vineyards on one's own land and for orchards and vineyards on state-owned land)	Law on Expropriation of FBiH EBRD Policy	The right to pick fruits, vegetables, etc. + Cash compensation for perennial trees/plants at replacement value	<ul style="list-style-type: none"> • 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

Temporary land acquisition	Law on Expropriation of FBiH	<p>Affected land and infrastructure will be restored to pre-project conditions +</p> <p>Cash compensation for temporary land occupation in the amount of lease at market prices+</p> <p>Cash compensation for lost assets (e.g. structures, trees) to the owner of assets+</p> <p>Compensation at market value for loss of net income from subsequent crops that cannot be planted for the duration of temporary possession (e.g. compensation for harvests lost at average yield/hectare)</p>	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 EBRD Policy	Any undetermined impacts will be mitigated in accordance with both the Law on Expropriation and EBRD Policy principles and requirements	In case of discrepancies between the Law on Expropriation and EBRD Policy in a particular case, the provision more favourable for the affected owner/user shall prevail.

6. GRIEVANCES MANAGEMENT AND REDRESS

6.1 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.) and will be available on the PC Motorways website: <http://www.jpautoceste.ba> as well as the websites of municipalities affected by expropriation.

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. Grievances in relation to construction activities will be addressed by construction contractor(s) and their management will be monitored by PC Motorways.

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: *Ivan Rebac*
Department of Property and legal affairs
PC Motorways
Postal Address: Adema Buća 20, 88000 Mostar
Telephone: +387 36 512 308
E-mail address: *r.ivan@jpautoceste.ba*
www.jpautoceste.ba

6.2 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 the 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 extrajudiciary 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

The Company will conduct monitoring and maintain a land acquisition database on the families whose properties have been affected (including the non-owners). The data/information will be updated periodically in order to keep track of the families' progress.

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

- Overall spending on expropriation and compensation
- Number of Project Affected People by categories
- Number of public meetings and consultations with affected people
- Number and percentage of individual compensation agreements signed before the beginning of construction activities

- Number of persons requesting special assistance and types of assistance provided to vulnerable individuals/households in a timely manner
- Number of people having received cash compensation in the period with distribution by compensation type and by classes of amounts
- Number and amount of payments that restore loss 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)

The Company will prepare and submit to EBRD annual reports on the progress achieved in the implementation of this LAP.

8. IMPLEMENTATION

8.1 LAP and Organisational Arrangements for Implementation

Land Acquisition Plan (LAP) has been prepared ahead of the actual implementation of compensation activities and shall be publicly disclosed.

In accordance with the Expropriation Law as well as for practical reasons, responsibilities shall be shared between a Project Implementation Unit within the Company and the involved Municipalities.

On behalf of the Municipality of Čapljina, the expropriation process will be led by the Department of Property and Legal Affairs and Property Cadastre. On behalf of the City of Mostar, the expropriation process will be led by the Department for Urban Planning and Construction.

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

Table 4: 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 Municipalities
Concluding negotiated settlements prior to expropriation	PIU
Expropriation of property in case negotiated settlements are not concluded	Municipalities
Provision of assistance to vulnerable persons / households as necessary	PIU and the Municipalities
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 Plan, the responsibilities of the municipalities, which are listed in the above table, shall be harmonized with the relevant legal regulations that stipulate the obligations and responsibilities of municipalities during the expropriation process.

8.2 Resources Required for Implementation at PIU Level

Project Coordinator and twelve other members of Project Implementation Unit (PIU) have been appointed by *Decision of appointment of the Project Implementation Unit*²⁰, five 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.

In accordance with Article II of the Decision, PIU is obliged to fully follow and respect all provisions of the *Loan Agreement, No. 47372 (BA)* between BiH and EBRD as well as all other Procedures applied by the EBRD, during the construction of Buna - Počitelj motorway subsection.

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 UniCredit Bank Plc. No 06-2-S-UCB-373/16 from 27.10.2016* as evidence that required funds have been secured and deposited²¹. 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 Buna - Počitelj Project.

Table below presents the estimated LAP budget for subsection Buna - Počitelj.

N°	Item	Unit	Unit Cost (BAM)	Quantity	Total Cost (BAM)
1	RESETTLEMENT HOUSING (buildings and land)		-	-	-
1.1	Residential plot and structure (poor condition)	unit	-	-	-
1.2	Residential plot and structure (good condition)	unit	-	-	-
	Sub-total 1				
2	REPLACEMENT AGRICULTURAL LAND				

²⁰ FBiH Public Company Motorways made Decision of appointment of the Project Implementation Unit for the construction of Motorway on the corridor Vc, Section Mostar South - Počitelj, Subsection Buna - Počitelj NO: 01-3562/16 from 14.10.2016.

²¹ *Law on Expropriation of FBiH, Art.24 (Official Gazette of FBiH, No. 70/07, 36/10, 25/12 and 34/16)*

N°	Item	Unit	Unit Cost (BAM)	Quantity	Total Cost (BAM)
2.1	Agricultural land	m ²	-	-	-
	Sub-total 2				-
3	ADMINISTRATIVE PROCEDURE COSTS				
3.1	Cadastral costs	-	-	-	60.000
3.2	Court experts	-	-	-	40.000
	Sub-total 3				100.000
4	CASH COMPENSATION				
4.1	Agricultural land	m ²	10,59	369.392	3.913.000
4.2	Crops				
4.21	Standing annual crops (agricultural and residential plots)	m ²	-	-	-
4.22	Perennial crops - average value per parcel	m ²	1.458	96	150.000
4.23	Woods	m ³	30	14.295	400.000
	Sub-total 4.2				550.000
4.3	Resettlement				
4.31	Legalisation fees	unit	-	-	-
4.32	Moving fees	unit	-	-	-
	Sub-total 4.3				-
4.4	Structures				
4.41	Non-residential structures (dry stone walls)	m ³	25,25	-	120.000
	Sub-total 4.4				120.000
4.5	Vulnerable people				
4.51	Assistance to vulnerable people	unit	3000	5	15.000
	Sub-total 4.5				15.000
4.6	Businesses				
4.61	Assistance with relocation	unit	-	-	-
	Sub-total 4.6				-
	Sub-total 4				4.598.000
4	IMPLEMENTATION				
4.1	Implementation				
4.11	Professional staff (3 staff / 1 years)	person month	1,500	36	54.000
4.12	Support staff (2 staff / 2 years)	person month	-	-	-
4.13	Vehicle	month	500	12	6.000
	Sub-total 5.1				60,000
4.2	Monitoring				
4.21	Participation of an independent observer in the grievance mechanism	month	1,500	12	18,000
4.22	Six monthly monitoring missions	unit	6,000	2	12,000

N°	Item	Unit	Unit Cost (BAM)	Quantity	Total Cost (BAM)
4.23	Yearly monitoring missions after completion of physical resettlement	unit	6,000	2	12,000
	Sub-total 5.2				42,000
	Sub-total 5				102.000
	GRAND TOTAL (BAM)				4.800.000
	GRAND TOTAL (EUR)				2.454.201

9. APPENDIX 1 - SOCIO-ECONOMIC SURVEY QUESTIONNAIRE

QUESTIONNAIRE FOR LANDOWNERS

Questionnaire number	
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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 <i>Tick applicable use</i>
1.			Arable land Forest Pasture Unused

2.			Arable land Forest Pasture Unused
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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. 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. SOCIO-ECONOMIC DETAILS ABOUT THE AFFECTED HOUSEHOLD

8.1. 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)

8.2. Are you satisfied with your economic situation?

Highly satisfied	
Satisfied	
Neither satisfied nor dissatisfied	
Dissatisfied	
Highly dissatisfied	

Tick applicable box

9. COMPENSATION PREFERENCES

9.1. Compensation in cash YES / NO

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

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

10. APPENDIX 2 - PUBLIC GRIEVANCE FORM AND CONTACT INFORMATION

Public Grievance Form

Reference No:	
Full Name (optional)	
Contact Information	<input type="checkbox"/> By Post: Please provide mailing address: _____ _____ _____
Please mark how you wish to be contacted (mail, telephone, e-mail).	<ul style="list-style-type: none"> • By Telephone: _____ • By E-mail _____
Project name:	<input type="checkbox"/> Section/Subsection: _____
Location:	<input type="checkbox"/> 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	
	<input type="checkbox"/> One time incident/grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
What would you like to see happen to resolve the problem?	

Signature: _____

Date: _____

Please return this form to:

Attention: Ivan Rebac

Department of Property and legal affairs

PC Motorways

Postal Address: Adema Buća 20, 88000 Mostar

Telephone: +387 36 512 308

E-mail address: r.ivan@jpautoceste.ba

11. APPENDIX 3 - NOTIFICATION ON SOCIO-ECONOMIC SURVEY

NOTIFICATION ON SOCIO-ECONOMIC SURVEY

OF OWNERS/USERS OF LAND PLOTS AND STRUCTURES ON THE ROUTE OF THE SECTION MOSTAR SOUTH - POCITELJ, SUBSECTION BUNA – POCITELJ, PROJECT CORRIDOR Vc

Please be informed that a census and socio-economic survey of owners/users of land plots and structures at the locations of cadastral municipality Bivolje Brdo, Lokve, Stanojevići, Pijesci and Gubavica which will be subject to complete expropriation, which are located on the planned construction route of subsection Buna - Pocitelj within project construction of the corridor Vc, will be conducted in the period from 18 October 2016 (Tuesday) to 20 October 2016 (Thursday).

The purpose of this survey is to collect socio-economic data on families and individuals living or working at the locations where construction works on the subsection Buna - Počitelj will be executed, in order to enable a fair system of acquisition of property, and to enable the PC Motorways to better plan its activities.

The collected data will be confidential and will solely be used for purposes of preparing the "Land Acquisition Plan" for needs of the Project.

The survey will be organized by the employees of PC Motorways.

If you are unable to attend the survey, please contact us by phone at the following contacts:

Ivan Rebac / Marin Šimunović: 036 512 308

Damir Murić / Toni Vrljić: 036 512 310

Thank you in advance for your cooperation.

Yours respectfully,

PC Motorways FBiH

12.APPENDIX 4 – PHOTOGRAPHS OF PROJECT AREA

