**BOSNIA AND HERZEGOVINA**

**AGRICULTURE RESILIENCE AND COMPETITIVENESS PROJECT
(ARCP)**

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**RESETTLEMENT POLICY FRAMEWORK**

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**Abbreviations**

|  |  |
| --- | --- |
| ACRP | Agriculture Resilience and Competitiveness Project |
| BiH | Bosnia and Herzegovina |
| BoE | Beneficiary of Expropriation  |
| CGRC | Central Feedback Desk |
| COVID-19 | Coronavirus Disease |
| ESA | Environmental and Social Assessment  |
| ESF | Environmental and Social Framework |
| ESMF | Environmental and Social Management Framework |
| ESS | Environmental and Social Standards |
| EU | European Union |
| FBiH | Federation of Bosnia and Herzegovina |
| GIS | Geographical Information System |
| GRM | Grievance Redress Mechanism |
| GRS | Grievance Redress Service |
| IDP | Irrigation Development Project |
| IPF | Investment Project Financing |
| IT | Information Technology |
| LGRC | Local Grievance Admission Desks |
| MoAWMF | Ministry of Agriculture, Water Management and Forestry |
| NGO | Non-Governmental Organization |
| PAP | Project Affected Person |
| PIU | Project Implementation Unit |
| RAP | Resettlement Action Plan |
| RPF | Resettlement Policy Framework |
| SEL | Stakeholder Engagement Log |
| SEP | Stakeholder Engagement Plan |
| WB | World Bank |
| WUA | Water User Association |

**List of Definitions of Terms Used in this Document**

|  |  |
| --- | --- |
| **Census Survey and Baseline Socio-Economic Study** | The census identifies affected persons, and includes pertinent demographic (age, gender, family size, births, and deaths) and related social and economic information (ethnicity, health, education, occupation, income sources, livelihood patterns, productive capacity, and so forth). The census helps to determine eligibility of affected persons. It includes undertaking an inventory and valuation of assets and establishing, documenting, and making known the rights of those affected. The information gathered in connection with the census 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 of closure of the public announcement to be published by the BoE, informing all owners and users of the initiation of the expropriation process. Individuals taking up residence in, or use of, the project area after the cut-off date are not eligible for compensation or resettlement assistance. Similarly, loss of fixed assets (such as built structures, fruit trees, and woodlots) built or planted after the cut-off date shall not compensated.  |
| **Economic Displacement** | Loss of assets or access to assets which affects livelihoods or income generation as a result of the project. People or businesses may be economically displaced with or without experiencing physical displacement. |
| **Entitlement** | Compensation and other forms of assistance which affected persons have the right to receive during resettlement. Entitlements are defined for all anticipated losses, and are listed in this document 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. |
| **Expropriation** | Refers to dispossession or restriction of ownership rights on property by use of eminent domain, against compensation.  |
| **Involuntary resettlement** | Refers to Project-related impacts of resettlement without persons affected having the right to decline land acquisition or restrictions on land use, physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. |
| **Land Acquisition** | Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies. |
| **Livelihood**  | Refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering. |
| **Market Value** | Value calculated based on prices of property in the area in which the particular property is acquired, which can be achieved for a particular property on the market, depending on supply and demand at that moment of setting the price. |
| **Moving Allowance** | Compensation for costs directly associated to moving/relocation of a household or business. This may be paid in cash or by direct moving support (logistics such as moving trucks, labor and alike). In-kind arrangements shall be subject to the request and agreement with the PAPs. |
| **Physical Displacement** | Loss of house/apartment, dwelling or shelter as a result of project-related land acquisition which requires the affected person to move to another location. |
| **Project Affected Person (PAP)** | Any person who, as a result of the land acquisition required by the project, loses the right to own, use, or otherwise benefit from a built structure (including employees working for affected businesses), land, annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily. This term also refers to persons losing access to legally designated parks and protected areas resulting in adverse impacts on their livelihoods. |
| **Replacement Cost**  | Defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety.  Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.  |
| **Restrictions on Land Use** | Refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones. |
| **Resettlement Policy Framework (RPF)** | This document- developed in cases 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 clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared. Once the subprojects and individual project components are defined and the necessary information becomes available, the framework is expanded into site specific plans proportionate to potential risks and impacts (see item Resettlement Action Plan below). |
| **Resettlement Action Plan (RAP)** | The document specifying measures to address physical and /or economic displacement to mitigate adverse effects, compensate losses and provide development benefits to persons and communities affected by an investment project.RAPs are prepared for projects resulting in economic and/or physical displacement. The scope and level of detail of the plan varies with the magnitude of displacement and complexity of the measures required to mitigate adverse impacts.  |
| **Security of Tenure** | Means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced. |
| **Transitional allowance** | Refers to one-off (cash or other) assistance to be provided for relocation of household members and their possessions (or business equipment and inventory) to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available. |
| **Vulnerable Individuals / Groups** | those who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. In the context of the project these are people living below the poverty line, the landless, the elderly, women and children. |

## INTRODUCTION

### 1.1. Brief Description the Project

The World Bank (WB) is considering to support Bosnia and Herzegovina (BiH) through the Agriculture Resilience and Competitiveness Project (ARCP). The project objective is to enhance agriculture sector resilience and increase competitiveness towards EU market accession.

The Project will have activities in both entities of BiH (Federation of Bosnia and Hercegovina (FBiH) and Republika Srpska). Notwithstanding, this document covers activities to be implemented in the Federation of Bosnia and Herzegovina (FBiH). The implementation of the Project in the FBiH will be managed by the Project Implementation Unit (PIU) within the Ministry of Agriculture, Water Management and Forestry (MoAWMF).

The Project is designed to achieve its objectives through four Components:

* **Component 1.** Enhancing public support resilience and traceability, with sub-components:
	+ Sub-component 1.1 Enhancing Agriculture Information Systems;
	+ Sub-component 1.2 Supporting Climate-resilient agriculture;
* **Component 2.** Improving agriculture productivity, adaptation to climate change, and enhancing linkages with markets, with sub-components:
	+ Sub-component 2.1. Strengthening Value Chain and Developing Productive Partnerships;
	+ Sub-component 2.2. Improving irrigation and drainage systems for climate change;
* **Component 3.** Food Quality and Safety Enhancement adaptation, with sub-components:
	+ Sub-component 3.1. Food Quality and Safety Standards;
	+ Sub-component 3.2. Information Technology (IT) Systems for Food Safety Enhancement;
* **Component 4.** Project Management.

Activities under The Project are planned to: (1) enhance Agriculture Information Systems; (2) enhance capacity to produce certified seeds and seedlings, and improvement of extension services; (3) provide matching grants to aggregators and farmers (in selected sub-sectors: fruits and vegetables, and dairy) to comply with market requirements; (4) improve agricultural infrastructures - intake structures, main and secondary irrigation networks; (5) improve capacities of project benefitting municipalities and cantons, municipal level public utility companies or joint WUA/public utility companies to participate in the operation and maintenance of the systems rehabilitated or constructed under the project; (6) develop a database of all irrigation systems, including GIS mapping; (7) strengthen the food systems addressing quality and safety standards related to animal health protection, food safety and security and plant health protection with corresponding laboratories; (8) develop and upgrade IT software and hardware systems for improving Food and Feed Safety Standards in the country.

### 1.2. Scope and Purpose of the Resettlement Policy Framework

The project is designed as an Investment Project Financing (IPF) and as such needs to comply with the World Bank’s Environmental and Social Framework (2016) (ESF)[[1]](#footnote-1) comprising, inter alia, the Environmental and Social Standards (ESS). The Framework specifies the mandatory requirements in the form of 10 standards that Borrowers must comply with. One of those standards is the Environmental and Social Standard 5 (ESS5) which concerns Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

In accordance with ESS5, where the likely 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 during project preparation, the Borrower will develop a framework establishing general principles and procedures compatible with ESS5. Therefore, this Resettlement Policy Framework (RPF) is prepared to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub‐projects, and to mitigate potential resettlement impacts, taking into account: the legislation in force in FBiH and the WB Environmental and Social Framework, specifically its ESS5: “Land Acquisition, Restrictions on Land Use and Involuntary Resettlement”.

This RPF also provides a guidance for individual Resettlement Action Plans (RAPs) which will be prepared once the specific locations and impacts become known for any subproject that entails resettlement.

The objectives of this RPF are:

* Review the existing national legal framework, compare it with the WB ESS5 for gaps, if any, and indicate gap-filling measures;
* Define methods of valuing affected assets;
* Define the process for preparation and review of RAPs;
* Define of the cut-off date for compensation eligibility;
* Identify the consultation mechanisms/approaches to be adopted while preparing and implementing RAPs including public disclosures;
* Define the monitoring and evaluation arrangements including Grievance Redress Mechanisms (GRM); and
* Define the institutional and implementation arrangements - role/responsibilities of different stakeholders.

The RPF has been prepared as the exact locations of subprojects, potential land impacts and the extent of resettlement have not yet been defined. Once the specific locations and impacts become known, the RPF will guide the preparation of Resettlement Action Plans (RAPs) where applicable. RAPs will be prepared for all subprojects that entail resettlement, in order to satisfy the provisions of ESS5 and the requirements of local legislation regarding land acquisition. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

The scope of requirements and level of detail of the RAPs will vary with the magnitude and complexity of resettlement. RAPs will be based on up-to-date and reliable information about:

1. the proposed project and its potential impacts on the displaced persons and other adversely affected groups,
2. appropriate and feasible mitigation measures, and
3. the legal and institutional arrangements required for effective implementation of resettlement measures.

The minimum elements of RAPs are provided in **Annex A** to this RPF.

### 1.3. Potential for Land Acquisition/Resettlement and the Screening Process

The proposed Project activities under sub-component 2.2. *Improving irrigation and drainage systems for climate change* may include some minor land acquisition - acquisition of access rights, such as easements or rights of way and restrictions on land use. One of the selection criteria for selecting sub-projects to be supported under this sub-component is minimum environmental and social footprints (i.e., avoiding physical displacement of people). Planned activities under other Project components and sub-components will not require land acquisition/resettlement. The beneficiary of expropriation (BoE) for ARCP project will be Local Governments (Municipalities/Cities).

Sub-component 2.2 will consist of multiple smaller sub-projects, but not all of them are identified at this stage. There are four implementation-ready irrigation schemes prepared as part of the recently finalized IDP Project. The locations of those sub-projects are in Bihać, Sanski Most, Živinice and Žepče. Within the aforementioned project, it was determined that land acquisition/resettlement will not be required for these sub-projects. There are also 15 potential irrigation schemes to be considered for support under ARCP, but the locations, size, and the zone of impact of such irrigation schemes are currently not known. The scope and scale of land acquisition/resettlement and impacts on structures and other fixed assets; restrictions on land use with potential to cause physical and/or economic displacement are also not known.

Because of these knowledge gaps this Resettlement Policy Framework (RPF) rather than Resettlement Action Plans (RAP) is prepared to establish resettlement principles, organizational arrangements, and design criteria to be applied to subprojects, and to mitigate potential resettlement impacts.

Prior to the submission of sub-projects for funding consideration, the proposed sub-projects have to be screened to assess whether or not land acquisition may be required and to what extent. It is important to take into consideration during such screening that even though the planned project activities may not lead to impacts in terms of expropriation or physical displacement, some activities may involve temporary land acquisition or temporary occupation of land, which impacts will be managed and mitigated in compliance with this RPF.

Following the screening process and determination of potential impacts, the PIU shall report the findings of the screening process to the World Bank and prepare site-specific RAPs, ensuring that all project activities adhere to the requirements of this RPF. No physical and/or economic displacement will occur until such plans have been finalized under due procedure, consideration of engagement and consultation requirements and approved by the WB.

## WORLD BANK STANDARDS ON LAND ACQUISITION, RESTRICTIONS ON LAND AND INVOLUNTARY RESETTLEMENT

The World Bank’s ESS5 on Land Acquisition, Restrictions on Land and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both.

Objectives of ESS5, under which this RPF is prepared, are the following:

* To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
* To avoid forced eviction.
* To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
* To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
* To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
* To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

According to ESS5, affected persons may be classified as persons:

1. Who have formal legal rights to land or assets (i.e., those who have formal documentation under national law to prove their rights, or are specifically recognized in national law as not requiring documentation);
2. Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law (e.g. those who have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by national law, or those who have never been provided formal title or their documents may be incomplete or lost);
3. Who have no recognizable legal right or claim to the land or assets they occupy or use (e.g. seasonal resource users, such as herders, grazers, fishers, hunters, or persons occupying land in violation of applicable laws). Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets.

The key requirements of ESS5 may be summarized as follows:

* Involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.
* The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.
* When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.
* Negotiated settlements with affected persons are encouraged to help avoid administrative or judicial delays associated with formal expropriation, and to the extent possible to reduce the impacts on affected persons associated with formal expropriation.
* In the case of physical displacement, the Borrower will develop a plan designed to mitigate the negative impacts of displacement and, as warranted, to identify development opportunities. It will include a resettlement budget and implementation schedule, and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to gender aspects and the needs of the poor and the vulnerable.
* The Borrower will not resort to forced evictions of affected persons. “Forced eviction” is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection. The exercise of eminent domain, compulsory acquisition or similar powers by a Borrower will not be considered to be forced eviction providing it complies with the requirements of national law and the provisions of ESS5, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate, or excessive force).
* In the case of projects affecting livelihoods or income generation (economic displacement), the Borrower’s plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner. Economically displaced persons who face loss of assets or access to assets will be compensated for such loss at replacement cost.
* Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.
* The Borrower will ensure that a grievance mechanism for the project is in place as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion.
* Where land acquisition or restrictions on land use are unavoidable, the Borrower will conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.

## LEGAL FRAMEWORK IN FEDERATION OF BOSNIA AND HERZEGOVINA

### 3.1. Law on Expropriation of FBiH

The key provisions of the Law on Expropriation of FBiH (“Official Gazette of FBiH”, no. 70/07, 36/10, 25/12, 34/16) are summarized below.

Table 1 Key Provisions of FBiH Law on Expropriation

|  |  |
| --- | --- |
| Public interest and purpose of expropriation | Property can be expropriated for construction of roads, business and industrial zones, economic, communal, medical, educational and cultural structures, civil defense structures and other structures of public interest, with exhaustive listing of specific cases (Art. 3).The subject of expropriation includes real property owned by individuals and legal entities (Art. 4).Property can only be expropriated upon the declaration of public interest for the projects. The Law lists several structures the construction of which justifies expropriation. Public interest is declared by a special decree, a law or a spatial/urban plan (Art. 5).The Beneficiary of Expropriation (BoE) can be the FBiH, cantons, municipalities, public enterprises and public institutions, unless otherwise provided by the Law (Art. 6). |
| Types of expropriation | Expropriation may be complete or incomplete:* Complete expropriation allows the BoE to obtain legal title over the expropriated property, while the rights of the previous owner over the property as well as other rights over that property cease to exist (Art. 7).
* Incomplete expropriation does not entail change of ownership of land. It provides the BoE with easement rights on the land and structures, as well as the lease of the land for a definite period. At the end of the lease, easement rights over land are returned to the previous owner (Art. 8).
 |
| Right to request expropriation of remaining unviable land | 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. Owners must be informed of such right by the municipal/city authority. Such request may be submitted until the Decision on Expropriation is issued in the first instance, as well as during the appeal procedure if the affected owner was not informed of such right. (Art. 11) |
| Negotiations | The Law explicitly encourages negotiated settlements, thus enabling the expropriation beneficiary and property owner to agree on transfer of ownership and compensation during the entire process (Art. 23). |
| Pre‐condition to start expropriation | Expropriation can only be started after 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 provided (Art. 24). |
| Timing of compensation | Compensation must be provided prior to formal transfer of ownership (Art. 31). |
| Access to property | For reasons of urgency and in order to avoid major damage, the BoE may take possession of land even before the Decision on Expropriation becomes final and before compensation is paid, but solely on the basis of a decision by the FBiH Government. Prior to submitting a request to gain early access, the expropriation beneficiary must present to the owner the reasons for the urgency and an offer a negotiated settlement that allows early access to the property. The request for an early access to property is submitted to the FBiH Administrative Commission of the Government, while the Federation Administration for Geodetic and Property Affairs prepares the proposed decision. If the case involves expropriation of a residential or commercial structure, the expropriation beneficiary may not file a request for an early access unless a replacement property is secured. (Art. 31) |
| Preferred type of compensation | In principle, compensation is provided by replacement with another appropriate property corresponding to the market value of the real estate expropriated in the same municipality or city, which offers the owner approximately similar conditions of usage as they had had prior to expropriation (Art. 45).In case the property owner refuses such replacement property, or replacement property cannot be provided by the BoE, compensation is paid in cash at market value of the property. The market value is based from the property prices in the area where the expropriated property is located, which can be achieved for the specific property in the market, and which depends on the demand and supply at the time of determining it. (Art. 46)The Law sets out in detail how compensation is determined for buildings, orchards and vineyards, forest land and trees, agricultural, construction and city land. |
| Compensation eligibility | As a rule, the owners of buildings and land registered in the Land Register, the so‐called formal property, are entitled receive compensation at market value.Owners of illegally built structures are not entitled to receive the compensation; however, the owners of illegally structures may demolish the structure and take away the materials within the time set by the responsible administrative department; otherwise, the structure shall be removed at the expense of the owners of illegally built structures. The exception from this rule is when an illegally built residential building is the only residential building the owner and their closest family members (spouses and children) or their heirs, in which case they are entitled to the compensation at construction value of that building. Condition for recognition of the right to compensation to an owner of an illegally built structure, as defined above, is that the illegally built structure is registered in the official aerial survey of the territory of FBiH in the scale of 1: 5000 made by the Federal Administration for Geodetic and Property-Legal Affairs. (Art. 45) |
| Additional compensation | Property owners are also entitled to:* increased compensation based on “personal and family circumstances”, which are taken into consideration if such circumstances are essential for the owner’s livelihood, particularly in case a major part or whole of the land or commercial premises have been expropriated, thus endangering the livelihood of the former owner, or in case members of an agricultural household must move from the area where they had been living (Art. 47).
* lost profit: the former owners are entitled to the lost profit they would have earned if they had continued using the expropriated property. Lost profits are calculated from the date the owner lost possession of the property until the date he/she received compensation (Art. 54).

Both types of entitlements are defined on a case-by-case basis. |

The **expropriation procedure** comprises the following steps:

1. A proposal for expropriation may be submitted by the BoE after the established public interest for the construction of the facility or the execution of works.
2. The BoE must publish a public invitation to property owners to try to reach a negotiated settlement. The parties then conclude a notarized purchase agreement on transfer of legal title.
3. In case a negotiated settlement has not been reached, the BoE files a proposal for expropriation to the relevant municipality. Even after this step, a negotiated settlement can still be signed.
4. 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 written notification that the expropriation procedure had commenced (except the costs of regular maintenance) – cut‐off date.
5. The expropriation notice is entered into the land register and other registers upon the request of the BoE.
6. The municipality must then meet with the owners to discuss expropriation, and also notify them that they have the right to file a request for expropriation of the remaining unviable part of the property.
7. If land registry data do not correspond to the actual ownership situation (often the case due to outdated information in the land registry books), the municipality must sort out the title issues prior to proceeding with further steps.
8. The municipality issues a Decision on Expropriation. PAP can appeal against this Decision to the Federal Administration for Geodesy and Legal Property Affairs. If still unsatisfied, PAP can initiate an administrative dispute before the cantonal court.
9. When the Decision on Expropriation becomes final, the municipality must invite the PAP to agree on the amount of compensation. If the parties come to an agreement, a formal agreement is signed.
10. If no agreement on compensation is reached within 2 months, the municipality refers the case to the municipal court to determine the compensation. PAP can appeal against the court’s decision and take the case to the cantonal court (whose decision is then considered final but can still be disputed at the Supreme Court).
11. Formal transfer of legal title in the land register is carried out on the basis of a valid Decision and proof of payment of compensation or proof that the previous owner has acquired ownership over other corresponding property.

### 3.2. Other Related Legislation of FBiH

The **Law on Proprietary Rights** (“Official Gazette of FBiH”, No. 66/13, 100/13) stipulates acquisition, use, disposal, protection and termination of ownership rights and other proprietary rights as well as possession rights, including 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 build on someone else’s land. Protection of ownership rights and other proprietary rights is guaranteed by this Law and their rights can only be limited or taken away in public interest, protection of natural resources etc. and under specific conditions defined by the Law in accordance with 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 Agricultural Land** (“Official Gazette of FBiH”, No. 52/09) 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/municipal council. The owners of such land are entitled to compensation in accordance with the Law on Expropriation.

The **Law on Construction Land** (“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 building permit, by the Municipal Council, in accordance with the Law on Spatial Planning and the Use of Land of FBiH. Legalization of informally constructed buildings is further regulated by decrees taken at county level, and implemented at municipality level.

The **Law on Administrative Procedure** (“Official Gazette of FBiH”, No 2/98, 48/99) regulates the ways of administration bodies acting when they decide on citizens’ rights and obligations within the framework of administrative procedures. Decisions by administration bodies are approved in form of a decree, after completing the procedure as prescribed in this Law. The party has the right to appeal against the decision approved in first instance. The Law gives the possibility of appointing the temporary representative if, for example, the residence of the owner of property being expropriated is unknown. The temporary representative is appointed by the body which manages the procedure, if so required by the urgency of the case. If the temporary representative is appointed to a person whose place of residence is unknown, the body managing the procedure will disclose their conclusion on a notice board or in other usual manner (by means of newspapers or other media).

The **Law on Land Registration** (“Official Gazette of FBiH”, No. 19/03, 54/04) regulates keeping, maintaining and setting up land registries, as well as registration of property and rights over property in land registries of FBiH. The right of ownership and other rights over property arise only upon registration in land registry. The decision of the expropriation is the legal basis of registration of the BoE as the owner.

The **Law on Non-Contentious Proceedings** (“Official Gazette of FBiH”, No. 39/04, 73/05) prescribes the rules by which courts act and decide on personal, family, property-related and other rights and legal interests, which are resolved in non-contentious proceedings. In accordance with this Law, the court in non-contentious proceedings determines compensation for an expropriated property. According to this Law, participants may conclude an Agreement about the amount of compensation, and the court will then base its decision on their agreement, if the court finds that the agreement is not contrary to the regulations which prescribe the proprietary rights over property.

The **Law on the Fundamentals of Social Protection, Protection of Civil Victims of War and Protection of Families with Children** (“Official Gazette of FBiH”., No. 36/99, 54/04, 39/06) regulates social protection and aims at ensuring social protection to its citizens and their families that are in social need. Individuals and families in need are entitled to temporary, one‐time and other types of monetary assistance, as well as other types of assistance. Right to such assistance may be asserted before the responsible body of the municipality where the person and family reside.

### 3.3. Gaps between the national and World Bank legal requirements

In general, the above-described legislation of FBiH provides an adequate framework for conceiving and executing resettlement activities. However, there are areas in the compensation standards, eligibility criteria, recognition of informal users which fall short in compliance with WB requirements. The main gaps between national legislation and WB requirements and the solutions addressed through this RPF are presented in table below.

Table 2 Analysis of gaps and measures to bridge gaps

| Issue | ESS 5 requirements | Provisions of FBIH legislation | Measures to bridge the gap |
| --- | --- | --- | --- |
| Avoidance of involuntary resettlement | Involuntary resettlement should be avoided. Feasible alternative project designs will be considered to avoid or minimize land acquisition or restrictions on land use. | The Law on Expropriation does not specifically mention avoidance of involuntary resettlement and thus does not encourage public authorities to seek such avoidance.  | Involuntary resettlement will be avoided where feasible, or minimized, exploring all viable alternative project designs.  |
| Negotiated settlements | Negotiated settlements with affected persons are encouraged | Negotiated settlements with affected persons are encouraged | No gaps |
| Compensation eligibility | (a) Persons with formal legal rights to land or assets;(b) Persons who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law;(c) Persons who have no recognizable legal right or claim to the land or assets they occupy or use. | Formal owners of property are entitled to receive compensation at market value.Owners of illegally structures may demolish the structure and take away the materials.The exception from this rule is when an illegally built residential building is the only residential building the owner and their closest family members (spouses and children) or their heirs, in which case they are entitled to the compensation at construction value of that building. | Eligibility for compensation will be in accordance with the Entitlement matrix in this RPF. |
| Compensation for property | For persons under (a) and (b) above:Replacement property of equal or higher value, equivalent or better characteristics, and advantages of location + Moving allowance orCompensation at replacement cost | For formal owners only: Appropriate replacement property of similar size and characteristics in the same municipality or city.orCompensation at market value of the property | Compensation according to Entitlement matrix in this RPF. |
| For persons under (c) above:Compensation at replacement cost for the loss of assets other than land, such as dwellings and other improvements to the land such as infrastructure, crops+ Moving allowance |
| Loss of livelihood | Transitional support will be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.Affected business owners will be compensated for the cost of identifying a viable alternative location; for lost net income during the period of transition; for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for reestablishing commercial activities.Affected employees will receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities. | Formal owners are entitled to compensation of lost profit which they would have made through former use of properties during the period from their transfer until the point when they gained access to replacement properties. The formal owner of a business structure is entitled to compensation for any loss of income until he/she is able to fully restore business activities.However, the Law does not foresee compensation for economic displacement to the same extent as ESS5 (e.g. compensation for informal owners/users who will be economically displaced). | Compensation according to Entitlement matrix in this RPF. |
| Moving allowance | Moving allowance should cover the cost of moving furniture and other personal belongings in case of physical resettlement of households, and the costs of transfer and reinstallation of equipment, machinery or other assets for affected businesses. | No particular legal provision. | Compensation according to Entitlement matrix in this RPF. |
| Cut-off date | In conjunction with the census, the Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal | Date when owners are officially notified that the expropriation procedure has been initiated.However, FBiH legislation has no requirement to communicate the cut-off date throughout the project area. | Date of closure of the public announcement to be published by the BoE, informing all owners and users of the initiation of the expropriation process. As defined under the “Key Land Acquisition/Resettlement Principles and Commitments” chapter of this RPF, the cut‐off date will be communicated on websites, in the local media, on notice boards, at consultation meetings. |
| Taking possession of expropriated property | Taking possession of acquired land and related assets only after compensation has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation.Exception to this rule are cases of absentee owners, when the BoE may deposit compensation funds into an escrow account and proceed with the relevant project activities. | Expropriation can only be started after 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 provided.Compensation must be provided prior to formal transfer of ownership. Exception to this rule are cases of absentee owners, when the BoE may deposit compensation funds into an escrow account and proceed with the relevant project activities.Exceptionally, in the case of construction/rehabilitation of public infrastructure facilities (transport, energy, water management, telecommunications, utilities), the Government may, at the request of the BoE who has given valid reasons for the need to urgently take possession of the property, or to eliminate significant damage, allow the property to be handed over to BoE before the decision on expropriation becomes final, ie before the payment of compensation for the expropriated property. | Property will be accessed only after compensation has been made available, and where displaced persons have resettled and moving allowances have been provided to the displaced persons in addition to compensation with the exception of absentees. |
| Escrow account | In cases of difficulties related to the payment of compensation to PAPs, for example, where repeated efforts to contact absentee owners have failed, where project affected persons have rejected compensation that has been offered to them, the Borrower may deposit compensation funds into an escrow or other deposit account and proceed with the relevant project activities. Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved. | On the day the decision on expropriation becomes final, the BoE is obliged to deposit the amount of compensation in a special account (Law on Expropriation).If the participants do not reach an agreement on compensation for expropriated property within two months from the day the decision on expropriation becomes final, the competent service or administrative body shall submit a final decision on expropriation with all documents and evidence of payment to the owner or on the deposit of the compensation amount in court deposit account. The statutory for the claim of the deposit is 3 years, after which the deposit becomes state property and is submitted to the municipality. | As defined under the “Key Land Acquisition/Resettlement Principles and Commitments” chapter of this RPF. |
| Temporary occupation of land | Market price of lease for duration of the occupancy+Affected land and infrastructure shall be restored to the pre-project condition +Cash compensation at replacement cost for any lost asset (such as structure, trees, etc.) | The fee for temporary occupation of land is determined in the amount of lease at market value.For any damages caused to the property during the lease, the BoE is liable to the landowner in accordance with the general regulations on liability for damage. | Compensation according to Entitlement matrix in this RPF. |
| Resettlement Instruments: Census Survey and RAPs | Where land acquisition or restrictions on land use are unavoidable, **census** is conducted to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.RAPs are prepared for any project that results in economic or physical displacement. The scope and level of detail of the plan varies with the magnitude of displacement and complexity of the measures required to mitigate adverse impacts.  | The Law on Expropriation has no explicit requirements related to socio-economic surveys or development of resettlement action plans. However, with a view of facilitating expropriation in an early phase, the Law requires the development of an expropriation study which includes a geodetic/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 identical to the baseline assessment as required by ESS5. | As defined under the “Key Land Acquisition/Resettlement Principles and Commitments” chapter of this RPF, RAPs will be prepared for all subprojects that entail resettlement.The development of the RAPs will also include a socio‐economic survey and census which will identify both formal and informal land/property users as well as vulnerable persons/households. |
| Vulnerable groups | Special attention must be given to vulnerable groups. They are entitled to additional compensation, legal assistance during resettlement and help during physical relocation. | There are no specific provisions in the Law on Expropriation which require consultations with and providing assistance to vulnerable groups in the expropriation process.The Law on Expropriation mentions the vulnerable groups and their entitlement to additional cash compensation. The implications of this provision are very unclear. | As defined under the “Key Land Acquisition/Resettlement Principles and Commitments” chapter of this RPF. |
| Grievance mechanism | Grievance mechanism for the project will be in place, as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. | While the Law on Expropriation does envisage the right of affected population 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 ESS5 will be established as described under the “Grievance Mechanism” chapter of this RPF. |
| Monitoring and evaluation | The Borrower will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESS, and produce periodic monitoring report. | No particular legal provision. | Monitoring and evaluation in line with ESS5 will be established as described under the chapter 9.3. of this RPF. |
| Disclosure of relevant information | Disclosure of relevant information and meaningful participation of affected communities and persons will take place throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process. | Several articles of the Law on Expropriation stipulate notifying of property owners and stakeholders. However, there is no requirement to ensure involvement of all affected population from the earliest phase. | Disclosure of information will be in line with ESS5 as described under the “Disclosure of Information and Public Consultation” chapter of this RPF. |
| Public consultations | Meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs) need to be carried out beginning in the earliest stages of the project. | The PAPs are contacted in the very process of expropriation, but there is no public discussion. | Public consultations will be in line with ESS5 as described under the “Disclosure of Information and Public Consultation” chapter of this RPF. |

## KEY LAND ACQUISITION / RESETTLEMENT PRINCIPLES AND COMMITMENTS

The following principles of resettlement and land acquisition will be adhered to in relation with Project implementation:

**1. Compliance with FBiH legislation and WB requirements**

Any involuntary acquisition of property, restriction of access to assets or resettlement that may arise in conjunction with the implementation of sub-projects will be conducted in compliance with the applicable legislation in FBiH, the requirements of ESS5, this RPF and good international practice. In cases where FBiH Laws are now fully aligned with the ESS5 requirements, ESS5 will prevail.

**2. Avoiding or minimizing resettlement**

Involuntary resettlement will be avoided where feasible, or minimized, exploring all viable alternative project designs. To the extent possible, amicable negotiations and agreements with PAP will be sought to avoid or minimize the extent of involuntary resettlement.

**3. Resettlement Action Plans (RAPs)**

Where it is not feasible to avoid resettlement, the procedures and requirements outlined in this RPF will be followed in the preparation and implementation of site‐specific RAPs for each of the locations/sites where resettlement is expected.

During the preparation of RAPs, a census and baseline survey will be conducted in order to determine the number of people affected, their average income and standard of living, employment rate and general health condition etc., and establish who shall be eligible for compensation and assistance.

**4. Cut‐off date**

The cut-off date for the establishment of eligibility for compensation will be the date of closure of the public announcement to be published by the BoE, informing all owners and users of the initiation of the expropriation process.

The cut‐off date will be publicly disclosed on the websites of PIU, MoAWMF and other involved national authorities, local media/newspapers, during consultation meetings, on notice boards in local communities and municipalities, as well as at frequently visited locations throughout the affected areas, as necessary, with an accompanying explanation.

Persons who have settled in the Project area after the cut‐off date will not be eligible for any compensation, but will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. The materials of their dismantled structures will not be confiscated and they will not pay any fine or suffer any sanction.

**5. Improving livelihoods and standards of living**

Livelihoods and standards of living of affected persons shall be improved or at least restored to pre-displacement levels or to levels prior to the beginning of Project implementation, whichever is higher.

**6. Compensation**

Owners, occupants and users of affected properties at the time of the cut‐off date, will be eligible to receive compensation and/or assistance as outlined in the Entitlements Matrix (Table 3 of this document). Both loss of shelter (physical displacement) and loss of livelihoods (economic displacement) shall be taken into account and mitigated.

The Compensation eligibility will be limited only by the cut‐off date which is defined above.

Compensation will always be paid prior to land entry or taking of possession over property by the BoE. The land cannot be taken physically (i.e., any civil works or construction cannot start) before compensation has been paid to the affected persons or replacement property provided. In the case of absentee owners (e.g. people with legal rights to the land but who are living elsewhere), they will still be eligible for compensation and the BoE should make, and document, good faith efforts to find them and inform them about the process. These efforts may include efforts to reach them through their neighbors, publication of an ad in newspapers informing about the process, etc. If they cannot be found, and in accordance with local requirements, the compensation amount must be allocated in an escrow account and be readily available should the absentee owner reappear. The statutory for this claim is 3 years, after which the deposit becomes state property and is submitted to the municipality. This is in accordance with the Law on Extra-Judicial Proceedings of FBiH (section V, Art. 203-216).

In case there any legal issues related to the ownership of a property, the compensation amount must be allocated in an escrow account and be readily available once the legal issues related to the ownership had been resolved.

In accordance with the WB requirements and principles of the FBiH Law on Expropriation, for any displaced persons whose livelihoods are land‐based, preference will be given to land‐based resettlement strategies to the extent possible. Whenever replacement land is offered, affected persons should be provided with land for which the combination of value, area, productive potential, location‐specific advantages and other features is at least equivalent to those of the land to be taken for Project needs. However, payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land to be acquired for the Project represents a small fraction of the affected plot and the residual part is still economically viable; where active markets for land or housing exist and there is sufficient offer of land and housing; or in case of livelihoods that are not land‐based. Cash compensation will be provided at replacement cost. The replacement cost includes the amount sufficient to replace lost assets and cover transaction costs (e.g. administrative, registration, transaction fees, transfer taxes, legalization fees, etc.). In determining the replacement cost, depreciation of the asset will not be taken into account.

In case a business is affected, livelihood restoration assistance will be based on the income lost during the period required to re‐establish the business elsewhere, to be assessed on a case‐by‐case basis.

**7. Information disclosure and consultations**

All affected persons and host communities (if any) will be informed, meaningfully consulted and encouraged to participate in the planning, RAP development, resettlement implementation and evaluation. Affected people will be informed about their options and rights pertaining to resettlement, and consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.

All directly affected persons (owners, occupants and users) will be visited and explained the land acquisition process and the specific impacts on their land.

Access to information and assistance for vulnerable persons/households will be facilitated by the Local Government (BoE) according to the specific needs of such persons. The awareness generation efforts should ensure flow of information up to the most vulnerable groups like women-headed households, physically disabled, elderly, and absentee PAPs. The draft resettlement instruments for each sub-project location will be made available at locations that are convenient to the vulnerable groups in a form and language understandable to these groups. The Local Government will take all appropriate means (through electronic and written media, words of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts.

In addition, the PIU will make this RPF and any future RAPs available to local municipalities on whose territory land acquisition may take place, and assist the municipalities in understanding the requirements set out in these documents. The PIU, in cooperation with local authorities, will ensure that procedures for submitting grievances are communicated and available to PAP at municipal level.

**8. Temporary occupation of land**

Short‐term impacts related to temporary occupation of land for construction purposes will be compensated in accordance with the Entitlements Matrix (Table 3 of this document).

**9. Assistance to vulnerable persons**

Particular attention and consideration must be paid to the needs of vulnerable groups. Vulnerable people will be identified and appropriate measures for providing support to such people will be incorporated in the RAPs, based on the personal situation of such vulnerable people. An indicative list of such measures includes but is not limited to: individual meetings to explain eligibility criteria and entitlements, assistance during the payment process (ensuring that compensation documents and payment process are well understood), supplemental social assistance, support for removal and transportation of materials, etc.

**10. Moving allowance**

Moving allowance should cover the cost of moving furniture and other personal belongings in case of physical resettlement of households, and the costs of transfer and reinstallation of equipment, machinery or other assets for affected businesses. Where applicable, the moving allowance should also include support to cover the cost of identifying and securing a new dwelling, as well as other relocation costs such as the cost of transferring utilities to the new address.

**11. Grievance mechanism**

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, in the manner described in more detail in Chapter 8 of this RPF.

**12. Monitoring and evaluation**

The PIU will monitor and evaluate the implementation of the RAPs, both through internal, official institutional arrangements, as well as through an independent, external monitoring, in the manner described in more detail in Chapter 9.1 of this RPF.

## COMPENSATION AND ENTITLEMENTS

### 5.1. Eligibility criteria for compensation

In cases where land acquisition and resettlement cannot be avoided, all PAP shall be entitled to compensation, according to the compensation principles of the FBiH Law on Expropriation, this RPF and ESS5 requirements, whereas the more stringent (more beneficial to the PAPs) requirements shall prevail. The whole process must be transparent, publicly disclosed, and defined in detail within the RAPs. The primary criterion for PAP eligibility is that the person or the asset must have been located within the project area before the cut‐off date.

According to ESS5, there are 3 categories of persons in terms of compensation eligibility:

* Those who have formal legal rights to land or assets;
* Those who do not have formal legal rights to land or assets, but have claim to land or assets that are recognized or recognizable under national laws; and
* Those who have no recognizable legal right or claim to the land or assets they occupy or use.

This indicates that persons who have or claim formal rights to land or assets are considered eligible for compensation of the land or assets they lose, as well as other assistance such as moving allowance and support after resettlement, whereas persons who do not have any recognizable legal rights or claims to the land and assets they have been occupying before the acquisition procedure are eligible for resettlement and livelihood assistance.

In case a negotiated settlement between the BoE and the affected owner is reached, the PIU must make sure that the settlement is in accordance with ESS5 requirements. No land acquisition (i.e. start of construction) shall take place prior to the provision of all types of required compensation to affected owners or provision of replacement property. Exception to this rule are cases of absentee owners, when the BoE may deposit compensation funds into an escrow account and proceed with the relevant project activities.

Compensation entitlements for different categories of eligible persons and assets are described below in Table 3.

### 5.2. Compensation for different categories of assets

**Compensation for structures and compensation for construction land**

The preferred option for structures and construction land which are identified for expropriation should be a replacement structure/land in accordance with this RPF. In case of replacement assets, the following criteria should be applied to the greatest possible extent:

* Plots with structures should be of equal or higher value, equivalent or better characteristics (including access to utilities), and advantages of location and similar productivity;
* Structures should be at a reasonable distance and have similar potential from the livelihood aspect (e.g. access to employment and agriculture).

If PAPs are offered a replacement property of smaller size or less favorable characteristics, the owners must be paid the difference in value.

If an affected owner decides to take cash compensation in lieu of replacement property or if it is not possible to find appropriate replacement property in the given area, the property shall be compensated in cash at full replacement cost. For structures, replacement cost will be the market value of the materials required to build a replacement structure with an area and quality equivalent to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not to be 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. The costs shall be calculated at the time when the property is replaced, if this is not the case, the calculation shall take into account inflation.

**Compensation for agricultural land**

Compensation for agricultural land shall be determined whenever possible in form of another appropriate property which enables the previous owner approximately equal terms of use. Equal terms of use are satisfied if the following criteria are met:

* Being acceptable to the affected owner/farmer;
* Being equal or higher value, equivalent or better characteristics, and advantages of location;
* Having a similar or better agricultural productivity, i.e. fertility, slope, parcel shape, exposition to sunshine.

In case when the affected owner cannot be offered an equivalent property because no equivalent agricultural land can be found at reasonable distance or the land which is available is not acceptable for the owner, the body in charge of expropriation shall provide a written prove on failed attempts to find similar land, and pay compensation for such land at full replacement cost.

For agricultural land, the replacement cost of the land of equally productive potential or use which is in the vicinity of the affected land during the period before the project or in the pre-displacement phase, whereby the higher value should be taken into account, with the cost of land preparation required to bring it to the level similar to the affected land, including costs of registration in land registry and transfer fees.

The national legislation does not explicitly define the situation when it is possible to offer a plot of smaller size or a plot with lower agricultural potential in lieu, and whether it would be acceptable to pay the difference in cash including compensation in kind in order to settle the difference in size or potential. In situations when it is not possible to identify and offer a plot of the same size and with the same potential, while it is possible to offer smaller plots with less potential, the owner will be offered a possibility to receive a part of compensation in kind (replacement property – plot) and a part in cash. In such case it is necessary to valuate both plots, affected and replacement plot, in order to calculate the difference.

**Compensation for unviable land**

Unviable land refers to land remaining after partial expropriation of land, when partial acquisition renders the remainder economically unviable, or make the remaining parcel unsafe or inaccessible for human use or occupancy. In case where the land owner assesses the plot remainder as unsuitable for further use or in case where the land plot would lose its access road, the owner can apply for expropriation of the whole plot. Such situations are to be assessed on an individual basis, based on the following criteria:

* Size, dimensions and shape of the unviable part of the plot;
* Usage potential (agricultural, construction, and other) of the remaining part of the plot compared to that of the expropriated part;
* Access restrictions;
* Size and nature of mechanical equipment typically used on this plot and whether such equipment reasonably can be used given the size, shape and dimensions of the unviable part of the plot.

Compensation for unviable land, once recognized such, will be based on the same entitlements as the main affected piece of land.

**Compensation for crops and trees**

All perennial plants and trees (that cannot be harvested prior to land entry) shall be compensated at full replacement cost. Any potential damages as a result of construction works on plants and trees shall also be compensated at full replacement cost.

To the extent possible, expropriation and land entry will generally be phased in such a manner that any standing annual crops, regardless of their development stage, can be harvested before the land is taken from the land owner or land user. Annual crops that are harvested before land occupation by the BoE shall not be compensated. Recent records of agricultural product prices at cantonal or municipal level shall be used. Where such records are not available, the most recent official data published by the Agency for Statistics of BiH shall be used by agricultural experts.

The calculation of the full replacement cost requires consideration not only of the product of the crop over one year, but also of the cost of re-establishing the plantation (seedlings, soil preparation, fertilizers, others), as well as of the lost income during the period needed to re-establish the crop. In addition, appraisers will assess whether current productivity reflects the true productivity of the land or if it is a function of lack of inputs to the land. In the event that more than one year´s compensation is due to the affected persons, the crops after the first year will be compensated at gross market value.

For trees and forests the calculation should be made in accordance with the principle of full replacement cost, whereby the rate of compensation C for a tree shall be determined by application of the following formula:

C = V x D + CP + CL

V – Average market value of production of one tree for one year

D – Average period of time required to grow a new tree to an adult production level, in years

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

CL – Costs of the labor required to maintain the crop during the period of time needed to grow a new tree to the previous production level

The unit rate C per tree shall then be applied to the whole plot under the assumption of an average density or on the basis of precise counting of all trees.

Compensation rates will be generated for the following four stages of tree development:

* Seedling,
* Young, not productive,
* Young productive, and
* Mature.

Unlike perennial plantation of fruit trees, where crops can be harvested over a prolonged period of time, the majority of commercial types of trees produce yield only once. The replacement cost should therefore be the market value of an average timber. If affected commercial forests cannot be logged before the expropriation beneficiary gains access to the plot, the principle of compensation will be similar to the one applied to annual crops, taking into account the value of lost timber and time needed to reproduce.

**Compensation for business-related losses**

Businesses that need to be relocated will be compensated for:

* cash compensation at full replacement cost for commercial structures and land (in line with the same principles as defined above for residential assets);
* relocation costs (e.g. costs of the transfer and reinstallation of the plant, machinery or other equipment);
* loss of net profit incurred as a result of Project activities until the full restoration of business activities.

Businesses losing only part of their land will be provided with:

* cash compensation at full replacement cost for land;
* loss of net profit incurred as a result of Project activities;
* any damages caused by construction activities.

Owners of businesses who would prefer to be provided with an alternative (replacement) business location instead of cash compensation will be offered support from the PIU and the municipal authorities in locating an appropriate replacement property with similar conditions of use in the manner defined above.

Table 3 Entitlement Matrix

| **TYPE OF LOSS**  | **AFFECTED PERSONS** | **ENTITLEMENT** |
| --- | --- | --- |
| **LAND** |
| Loss of land (all land losses regardless of type and severity or actual use) | Owner with formal property title (including owner with legally recognizable claim)  | Replacement property of equal or higher value, equivalent or better characteristics, and advantages of location, together with administrative fees needed for transfer of ownership rights, if anyor, Cash compensation at replacement cost+Moving allowance (equal to actual relocation costs)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed  |
| Lessee with valid documents of the right of lease who cultivates agricultural land pursuant to agreement | Provision of other land with safe and long-term agricultural use (lease of state land) or assistance to identify an alternative location or, transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level while identifying a viable alternative location+Cash compensation at replacement cost for any investments on land (such as infrastructure, crops, etc.) +Moving allowance (equal to actual relocation costs)+Lost net income during the period of transition (measured based on census survey) |
| PAPs without formal title (users of agricultural land and livelihood is land based) | Cash compensation at replacement cost for any investments on land (such as infrastructure, crops etc.)+Moving allowance (equal to actual relocation costs)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed+Lost net income during the period of transition (measured based on census survey) |
| Construction land used for business enterprise, regardless to severity of loss (whether partial or complete loss) | Owner with formal or recognizable title, or users of publicly/state owned construction land | Replacement property of equal or higher value, equivalent or better characteristics, and advantages of location, together with administrative fees needed for transfer of ownership rights, if anyor, Cash compensation at replacement cost+Compensation for all investments on land at replacement cost+Moving allowance (equal to actual relocation costs)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed+Lost net income during the period of transition (measured based on census survey) |
| Lessee with valid documents of the right of lease | Offer replacement land for lease, if land was leased from stateor, transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, while identifying a viable alternative location+Compensation for all investments on land at replacement cost+Moving allowance (equal to actual relocation costs)+Lost net income during the period of transition (measured based on census survey) |
| PAPs without formal title | Compensation for all investments on land at replacement cost+Moving allowance (equal to actual relocation costs)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed+Lost net income during the period of transition (measured based on census survey) |
| Unviable land | All PAPs | In case the remaining area of land is not viable[[2]](#footnote-2), it can be expropriated upon PAPs’ request. Compensation shall be provided in line with this matrix, according to type of property. |
| **PLANTS AND STRUCTURES ON AGRICULTURAL LAND (other than houses)** |
| Loss of annual crops, that could not have been harvested prior to land repossession | Owners of crops without regard to the legality and types of their tenure rights over the land | Cash compensation at replacement cost. Loss of annual crop will be avoided by adjusting construction schedule. |
| Loss of perennial plants and trees (fruit bearing trees, vineyards and fruit bearing plants) | Owners of plants without regard to the legality and types of their tenure rights over the land | The right to collect fruits or lumber+Cash compensation at replacement cost on the basis of sort, year and productive value, including the value of time needed to produce such crop and net income loss, as well as costs of possible investment (work and labor force) to plant a new vineyard, orchard or similar, till the moment it reaches the full fructuous potential. |
| Affected vineyards and orchards not yet fruit bearing | Cash compensation sufficient to re-establish or buy a similar vineyard or orchard, including the value of time needed to reproduce a replacement vineyard or orchard and net income loss. |
| Wood mass (mature or nearly mature) | The replacement cost determined based on the value of the “wood on the stump” at market value. |
| Forests without mature wood mass | Cash compensation sufficient to re-establish a similar forest, including the value of time needed to reproduce a replacement forest and net income loss. |
| Nursery not yet yielding | Cash compensation sufficient to re-establish planting material (nursery and other reproductive material). |
| Buildings used for keeping and raising livestock (sheds, stables, etc.) | Owners of structures used for keeping livestock | Replacement property, together with administrative fees needed for transfer of ownership rights, if anyor, Cash compensation at replacement cost+Moving allowance (equal to actual relocation costs)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, while identifying a viable alternative location, if owner doesn't own alternative location+Lost net income during the period of transition (measured based on census survey) |
| Impact on agricultural employees, or processors | Workers, employees | In case of disturbance of income source, transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level+Training for alternative jobs if possible and if needed+Priority in employment on the Project, if possible and on a case-by-case basis (in accordance with social assessment processed in RAPs) |
| **BUSINESS (but not agriculture)** |
| Business structures (shops, offices buildings) etc. | Owners with formal title (including owner with legally recognizable claim) | Cash compensation at replacement costs, including taxes+Moving allowance (costs of equipment and inventory relocation and re-installation)+Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, while identifying a viable alternative location+Lost net income during the period of transition (measured based on census survey) |
| Lessee operating in the premises under a valid lease contract | Cash compensation at replacement costs for all improvements on premises (such as reconstruction, refurbishment etc.)+Moving allowance (costs of equipment and inventory relocation and re-installation)+Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, while identifying a viable alternative location+Replacement premises for lease, if premises were leased from state+Lost net income during the period of transition (measured based on census survey) |
| PAPs, owners without formal title (building constructed without building permit on land they own, or land owned by third persons- commonly state owned) | Cash compensation for the building at replacement cost of the structure, including taxes+Moving allowance (costs of equipment and inventory relocation and re-installation)+Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, while identifying a viable alternative location |
| Loss of any non-agricultural business | Owner of business (regardless if formally registered or not as long as the activity is not sanctioned under the law) | Cost of moving, including compensation for immovable inventory and replacement cost of investment.+Transitional allowance for 3-month of loss of net income during the period of transition (net income measured based on census survey)+Appropriate level of support for improving the skills, if necessary, to restore and/or diversify source of livelihood |
| Loss of non-agricultural business | Workers, employees | If employment is terminated or disrupted due to land acquisition, transitional allowance on a one-off basis in the amount of three month’s salaries will be paid commensurate with income loss. To be determined on a case-to-case basis+Training for alternative jobs if possible and if needed+Priority in employment on the Project, if possible and on a case-by-case basis (in accordance with social assessment processed in RAPs) |
| Loss of buildings (houses, flats) leased and providing source of livelihood | Owner of property | Cash compensation for lost assets at full replacement cost+Moving allowance (relocation cost) +Transitional allowance on a one-off basis in the amount of three month’s lease (if the rent was the main source of livelihood) |
| **PHYSICAL RESETTLEMENT** |
| Buildings (residential, houses, apartments etc.) | Owner with formal title (including owner with legally recognizable claim) | Replacement property of equal or higher value, equivalent or better characteristics, and advantages of location, together with administrative fees needed for transfer of ownership rights, if anyor, Cash compensation at replacement cost+Moving allowance (equal to actual relocation costs + cost of identifying and securing a new dwelling)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed |
| Informal owner - building constructed without building permit on one’s own plot of land if subject to legalization |
| Informal owner - building constructed without building permit on one’s own plot of land or constructed without building permit on someone else’s or state-owned - not eligible for legalization | Cash compensation for the building at replacement cost of the structure + Provide arrangements to allow them to obtain adequate housing with security of tenure (if they don't own other structures)+Moving allowance (equal to actual relocation costs + cost of identifying and securing a new dwelling)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed |
| Lessee of the affected property | Moving allowance (equal to actual relocation costs + cost of identifying and securing a new dwelling)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed |
| Lessee or person with occupancy right to state owned flat | Provide lease or occupancy rights of same kind of another equivalent, social or state-owned property in the vicinity. If equivalent state or socially owned flat is not available in the vicinity, PAP will be offered state or social owned flat more remote from the area of expropriated flat.+Moving allowance (equal to actual relocation costs + cost of identifying and securing a new dwelling)+ Transitional allowance equal to 3-month minimum wage in the month preceding the payment, at FBiH level, if needed |
| **other RESETTLEMENT** |
| Loss of access to usual natural resources and buildings | Communities, businesses, individuals or households | Replacement of public ownership or conveniences (roads and the like). Access to equal conveniences or services.Measures will be implemented to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where community property resources are affected, compensation associated with restrictions on natural resource usage may be collective by nature |
| Temporary land occupation and any damages to the property | Property owner (including owner with legally recognizable claim) | Market price of lease for duration of the occupancy. The land must be returned to original condition. Improved quality of the land due to top soiling work should not be removed, except if agreed differently with PAP.+Cash compensation at replacement cost for any lost asset (crops, orchards, nurseries etc.) in accordance with relevant sections of this matrix+Compensation for any damages to the property evaluated at replacement costs |
| Established permanent easement rights on the property (i.e., right of way over land or property) | Property owner (including owner with legally recognizable claim) | Compensation for decrease of market value of land or building due to easement rights implementation + Cash compensation at replacement cost for any lost asset (crops, orchards, nurseries etc.) in accordance with relevant sections of this matrix+ Compensation for any permanent loss of income due to easement evaluated at replacement costs as assessed by accredited experts by assessing net gains potential of land after easement |
| Impacts on vulnerable groups | Vulnerable PAPs | On top of all rights defined in this matrix, vulnerable PAP will be provided additional assistance including: legal assistance, employment opportunities, skill upgrade, improvement of access to services, individual meetings to explain eligibility criteria and entitlements, assistance during the payment process (ensuring that compensation documents and payment process are well understood), supplemental social assistance, support for removal and transportation of materials, etc. Additional assistance can also be offered as cash payment equal to 3-month minimum wage, in the month preceding the payment at FBiH level, if needed. Any additional support required for any affected vulnerable households will be determined on case-to-case basis. RAPs shall develop a detailed methodology based on the socio-economic surveys.These PAP are to be given priority of employment on the project if possible. |
| Undetermined impact | Owner or formal beneficiary | Any undefined impact shall be mitigated in accordance with the principles and objectives of this RPF. In case of discrepancies between national legislation and WB policy in a particular case, the provision more favorable for the affected owner/user shall prevail. |

## RESETTLEMENT INSTRUMENTS

### 6.1. Social analysis of sub-projects for land acquisition, restriction on land use and involuntary resettlement impacts

The PIU will receive preliminary information from Local Governments once the locations of proposed sub-projects are known. The required information shall include a description of the nature, scope and location of the proposed sub-project, accompanied by location maps and any other details as may be required. By using the resettlement screening checklist provided in **Annex B** of this RPF, the PIU will verify on site the information provided in cooperation with local authorities, to confirm whether the project has potential involuntary resettlement impacts.

Screening of activities will be carried out by the PIU and will be endorsed by the Head of the PIU and submitted to the World Bank. The screening will rely on the following criteria and will aim to faithfully identify whether the proposed sub-projects will have adverse impacts on:

* loss of shelter, physical displacement;
* assets/resources or access to assets/resources;
* loss of income sources or means of livelihood;
* loss of, or loss of access to, land;
* loss of business both permanent and temporary;
* loss of access to education and health of the community;
* loss of community recourse;
* vulnerable persons and households.

The Social analysis will identify persons with formal rights to land and assets (including customary and traditional rights recognized under the laws of the country). The analysis will also identify persons who do not have formal rights to land but have a claim to such land and assets. It will not rely only on the use and analysis of secondary data that is readily available, but will also require a walk-over survey to validate that the secondary data provides a true, reliable and accurate accounting of the social environment. In cases where no conclusive decisions can be drawn from the walkover survey, further efforts will be made to acquire and verify information through key informant interviews, focus group discussions and other adequate methodology. If the analysis finds that such impacts as described above are present on sub-project affected land, a RAP applicable will be prepared based on the principles and guidance provided by the RPF.

COVID-19 consideration - Since the current COVID-19 pandemics could take unpredictable turns site visits and travels might not be allowed. Depending on the severity on non-pharmaceutical interventions and measures imposed by the public authorities and the Government of FBiH the Social analysis will be adapted to acceptable telephone surveys, census and surveys conducted through appropriately trained local representatives who will have received adequate training from the PIUs’ Social Specialist to be hired under the project.

### 6.2 Resettlement Action Plans

Based on this RPF and the Social analysis, RAPs for sub-projects requiring land acquisition will be prepared once detailed designs for these become available.

RAPs will define the procedures that PIU will follow ensuring the land acquisition and resettlement including payment of compensations is in line with this RPF, national legal framework and ESS5. RAPs in their contents must include the exact number and description of all properties that will be subject to expropriation, as well as all owners i.e. persons and/or households which are likely to be affected by land acquisition and involuntary resettlement (regardless of their legal status). This will be achieved through census i.e. a socio-economic census will be undertaken to collect information about the number, location, type of loss and household members including education, source of livelihood, etc.). In addition to the census, a qualitative approach will be undertaken to collect relevant information on social and cultural aspects about attitudes of population toward the project, preferences etc. using focus groups and key informant interviews addressed to small groups constituted by age, gender, income amount, profession etc. with a special attention to be paid to women and those vulnerable.

Goals of the RAPs are as follows:

* To minimize possible adverse impacts of resettlement of population and goods;
* To mitigate adverse social and economic impacts of expropriation and temporary or permanent losses by providing compensation for losses on the basis of replacement costs and ensure implementation of the activities of resettlement with appropriate data disclosure, consultations and participation of PAPs;
* Re-establish or even improve sources of income and living standards of resettled persons on the level before Project impact;
* To establish organizational systems and procedures for monitoring the realization of resettlement plan and to take corrective measures.

For the preparation of the RAPs it is necessary to carry out a socio-economic census for each sub-project, in order to identify the following:

1. Current beneficiaries of the area in the scope of the Project, in order to establish fundaments for creating the resettlement program;
2. Standard characteristics of household, with the basic information about livelihood (including, if relevant, level of production and income obtained from formal and informal economic activities) and standard of living (including health condition);
3. Range of expected losses (total or partial) and range of displacement, whether physical or economic;
4. Information on vulnerable groups, particularly those below the poverty line, old persons, women and children, ethnic groups and other resettled persons who are not protected by the Law on Expropriation, and for whom special measures must be taken.

RAPs need to contain a detailed budget and schedule of compensation distribution. RAPs will be submitted to the WB for review and clearance. No activities on construction works can commence until and unless compensation has been paid or replacement property administered to PAPs.

Implementation of RAPs is an obligation of PIU. Duty of the PIU is to monitor overall implementation, to collaborate with the LGs in whose territory the works are taking place, collaborate with contractors and disclose information to all PAPs.

Activities on the preparation of site-specific RAPs will be disclosed in the way to enable significant participation of PAPs. That assumes the phase of preliminary preparations, disclosure of preparations for population census, disclosure of census results while respecting personal data, disclosure of social assessment, as well as disclosure of RAP drafts. The purpose of public disclosure and discussions it to ensure significant participation of PAPs in the process of preparation, implementation and monitoring of resettlement instruments. Minimum elements any RAP shall contain are provided in **Annex A**.

### 6.3 Resettlement Audit

This ESS5 applies to permanent or temporary physical and economic displacement undertaken prior to or in parallel to the implementation of the project, but in anticipation of, or in preparation for, the project. If such cases are identified through the Social analysis of sub-projects, an audit will be undertaken by a Resettlement specialist (to be hired on a need basis in such cases) to: (a) document and assess the adequacy of the mitigation measures employed in light of the ESS5; (b) assess compliance with national legislation; (c) identify gaps in meeting the requirements of ESS5 and this RPF; (d) identify any complaints, grievances, or other outstanding issues; and (e) determine measures to close identified gaps and address complaints. This due diligence is undertaken within an agreed upon time frame that takes into account the context of the project and significance of the prior resettlement. It may not be possible to retroactively satisfy certain aspects of ESS5, such as consultation and disclosure. The due diligence may include review of relevant documents, field visits, interviews, and consultations held with affected persons and other key stakeholders. The Bank’s clearance of such audit report, and the implementation of gap filling measures, is the pre-requisite for the start of subprojects in such cases.

## DISCLOSURE OF INFORMATION AND PUBLIC CONSULTATIONS

The PIU is responsible for all disclosure and consultation activities according to the ESS5. It needs to establish an ongoing relationship with affected communities, from as early as possible in the sub-project planning process, and throughout the life of the Project. The engagement process will ensure meaningful consultation with them in order to arrive at common understanding of the nature and duration of the impacts; inform participation on matters that affect them directly; propose mitigation measures; share development benefits and opportunities; and implementation issues. Individual meetings may be held with PAPs regarding specific cases, including upon request by PAPs.

Affected individuals and communities will be included in decision-making processes related to resettlement and livelihood restoration. Potential impacts covered under this RPF shall be disclosed in a timely manner to affected persons and communities allowing a participatory approach as early as the planning stage. It is important that affected disadvantaged or vulnerable individuals or groups have a voice in consultation and planning processes. This may involve special efforts to include those who are particularly vulnerable to hardship because of physical or economic displacement. The consultation process should ensure that women’s perspectives are obtained and their interests factored into all aspects of resettlement planning and implementation.

### 7.1. Disclosure of information

All PAP will be timely informed about the Project’s scope and impacts, as well as contacts for further information inquiries, the available grievance mechanism and the availability of the publicly available documents, through:

* the website of the PIU ([www.piusum.ba](http://www.piusum.ba));
* the website of the MoAWMF of FBiH ([www.fmpvs.gov.ba](http://www.fmpvs.gov.ba));
* the websites of other involved national authorities (in accordance with the sub-projects);
* the website of the involved Local Government;
* on notice boards of municipalities;
* on and around construction sites and affected areas by printed information posters and leaflets;
* through national, entity, cantonal and local media announcements and information,
* through door-to-door meetings, when appropriate.

The PIU will disclose this RPF and any future RAPs to LGs on whose territory land acquisition may take place (in both English and local languages), and assist the LGs in understanding the requirements set out in these documents. Hard copies of the documentation shall be available in the affected LGs.

The PIU, in cooperation with Local Governments, will ensure that procedures for submitting grievances are communicated and available to PAPs at local level.

PAPs will be informed about the preparation of the RAP and on the results of the census and baseline survey, and their opinions on compensation or other resettlement assistance will be given due consideration. The processes and mechanisms ensuring the active involvement of PAPs and other stakeholders will be detailed in the RAPs which will also include an appendix with the date, list of participants, and minutes of consultation meetings.

Affected households and businesses will be individually visited and informed by the public departments in charge of expropriation about the impacts of the Project on their property and magnitude of loss.

Access to information for vulnerable groups will be facilitated by the PIU, as appropriate for each person/household according to their specific needs and/or situation, in cooperation with municipal departments for social affairs.

Communication and outreach strategies to vulnerable groups shall be through targeted messages in line with the Project Stakeholder Engagement Plan (SEP) and shall observe the need for any adaptation.

### 7.2. Public consultation

Public consultation on this RPF will be held (this may be held at the same time as public consultation for the other ESF Instruments prepared for this Project). The RPF will be disclosed (on the website of the PIU, MoAWMF of FBiH, and municipalities) and will be available for public insight at least 10 days prior to public consultations and sufficient time must be given for submitting comments and questions. The public consultation invitation will be sent to institutional stakeholders and published in national and local newspapers of communities that are known to be, or may be, affected by the Project. Public consultation will be announced in other media, as available (websites, social media, TV and radio stations). Evidence of disclosure and information shall be kept by the PIU.

Any public consultations will take into consideration the limitation posed by the current COVID-19 pandemic and will rely more extensively on online and distant tools (TV, radio, phone, websites) to accommodate the need for social distancing[[3]](#footnote-3). However, this decision shall be preceded by an assessment of potential technological constrains that might impede reaching relevant stakeholders.

Report and comments from public consultation, with a list of participants, evidence of disclosure, will be added to this RPF and sent to WB for final review and re‐disclosed. The final RPF shall be in public domain throughout the Project timeline.

### 7.3. Stakeholder Engagement Log (SEL)

To document and record all stakeholder engagement activities, including group and individual meetings, any virtual meeting or engagement, planned or spontaneous meetings, formal or informal, phone conversations, written exchanges etc. the PIU shall maintain a SEL. Each log entry shall contain details of stakeholders engaged, date, time and place of meeting/method of communication, short description of the topics discussed, information gathered, a summary of the feedback received, if any, and a brief explanation of how the feedback was taken into account, or the reasons why it was not. The log may be supported by multimedia (photo, video) records of the meetings if available, and written documents that were discussed or issued in relations to the engagement.

The SEL will be a valuable tool providing an overview of key engagement phases, and actions within, facilitating monitoring of SEP, Sub-Project and RAP implementation, resettlement process feedback, evaluation of empowerment of PAPs while agreeing the compensation packages as designed in the RPF and Sub-Project Specific Plans. The SEL shall be managed by the Social Specialist of the PIU.

## GRIEVANCE REDRESS MECHANISM

### 8.1. Description of the GRM

The grievance redress mechanism (GRM), to be established by the PIU in accordance with ESS5, will be set up as early as possible in project development to address specific concerns about compensation, relocation, or livelihood restoration measures raised by PAPs in a timely fashion. If a grievance mechanism is already in place within the PIU under another WB-funded project, the same will be used for the ARCP project as well.

Regardless of scale, involuntary resettlement may give rise to grievances among PAPs on issues ranging from rates of compensation and eligibility criteria to the location of resettlement sites and the quality of services at those sites.

The GRM is available at no cost, and it is important that it be easily accessible.

A Project level GRM will consist of a Central Grievance Redress Committee (CGRC)CGRC established and administered by the PIU and sub-project specific Local Grievance Redress Committees (LGRC)LGRC (collectively referred to as GRM) established and administered by the municipalities. The PIU will ensure that the involved municipalities dedicate one officer to the task of admission of grievances (Local Government officer).

The CGRC shall be effective immediately after appraisal of the Project, in order to manage and appropriately answer complaints during its different phases while the LGRC shall be effective upon decision on each new sub-project has been taken. In addition to the GRM, legal remedies available under the FBiH legislation are also available (courts, inspections, administrative authorities, etc.).

PIU and the municipalities respectively are responsible for establishing functioning GRM and informing stakeholders about the GRM role and function, the contact persons and the procedures to submit a complaint in the affected areas. Information on the GRM will be available: on the websites of the PIU ([www.piusum.ba](http://www.piusum.ba)) and involved municipalities, on the notice boards of municipalities, through social media campaigns. A leaflet containing grievance mechanism procedure should be made and disseminated to the PAPs in public meetings during each phase of the project, as well as placed in local communities’ offices.

### 8.2. Raising grievances

Any comments or concerns can be brought to the attention of the GRM personally or by telephone or in writing (by post, fax, e‐mail or personal delivery) by filling in a grievance form, without any costs incurred to the complainant. Grievances can also be submitted anonymously.

A sample grievance form is provided in **Annex C** of this RPF.

### 8.3. Grievance administration

Any grievance shall follow the path of the following mandatory steps: receive, assess and assign, acknowledge, investigate, respond, follow up and close out.

Once logged, the GRM shall conduct a rapid assessment to verify the nature of grievances and determine on the severity. Within 3 days from logging, it will acknowledge that the case is registered and provide the grievant with the basic next step information. It will then investigate by trying to understand the issue from the perspective of the grievant and understand what action he/she requires. The GRM will investigate the facts and circumstances and articulate an answer. The final agreement should be issued and grievant be informed about the final decision not later than 30 days after the logging of the grievance. Closing out the grievance occurs after the implementation of the resolution has been verified.

Even when an agreement is not reached, or the grievance was rejected, the results will be documented, actions and effort put into the resolution. If the grievance could not be resolved in amicable endeavor, the grievant can resort to the formal judicial procedures, as made available under the FBiH legal framework. Logging a grievance with the GRM does not preclude or prevent seeking resolution from an official authority, judicial or other at any time (including during the grievance process) provided by the FBiH legal framework.

In case of anonymous grievance, after acknowledgment of the grievance within 3 days from logging, the GRM will investigate the grievance and within 30 days from logging the grievance, issue the final decision that will be disclosed on the PIU website.

The sub-project specific SEPs shall have details on each grievance admission points, grievance administration processes, timelines, investigation activities and closure conditions.

Until such details are disclosed stakeholders are encouraged to send all grievances, concerns and queries to the following addresses:

|  |
| --- |
| PIU, Grievance MechanismAddress: Ul. Trampina 4/I, Sarajevo 71000Phone: +387 33 213 098Fax: +387 33 213 099e-mail: info@piusum.ba  |

Local access details to be known and disseminated at later stages.

### 8.4. Grievance log

The PIU will maintain grievance logs. Each grievance will be recorded in the grievance log with the following information:

* the name and contact details of the grievant, if appropriate;
* the date of grievance submission;
* description of grievance;
* the name of the officer charged with addressing the complaint, if appropriate;
* date of receipt acknowledgement returned to the grievant;
* any follow up actions taken;
* the proposed resolution of the grievance;
* whether longer-term management actions have been taken to avoid the recurrence of similar grievances in the future, if applicable.
* date of resolution and closure / provision of feedback to the grievant.

### 8.5. Grievance feedback

Feedback to the grievant will be sent using the contact details submitted along with the grievance.

The CGRC shall compile quarterly reports about the number and type of grievances addressed and closed-out. This Report shall be disaggregated by type of grievances. A summary of grievances and the measures taken to resolve them shall be made public on PIU and municipal websites on a regular (quarterly) basis.

### 8.6. Grievance processing

The CGRC will lead a grievance inquiry, if needed, including collecting relevant documents, conducting field visits, consulting appropriate internal staff, contacting external stakeholders, and other activities. The investigative findings will be used to document the decision-making process and inform the proposed improvement.

Grievances that have been investigated will be followed up to get the best results for all parties in accordance with the applicable laws and regulations in FBiH and this RPF. The grievant will be provided information about the status and progress of grievance submitted. The decision shall be in writing and shall be delivered to the person who filed the grievance as well as to any other person or entity to which the recommendation and measures shall apply. If the grievant accepts the proposed resolution, the agreed action(s) will be implemented. The grievance officer is responsible to ensure implementation of the agreed action(s) by relevant parties, including the agreed timeline for implementing the resolution. This process will be recorded in the grievance log with supporting documentation. If necessary, a regular monitoring will be performed to verify the implementation.

Following the resolution, the grievance can be officially closed.

### 8.7. Monitoring and reporting

The CGRC will be responsible for:

* Collecting data from LGRC serving as local admission points on the number, substance and status of grievances and uploading them into the project database;
* Maintaining the grievance logs on the grievances received;
* Disclosing quarterly reports on GRM mechanisms;
* Summarizing and analyzing the qualitative data received from the local grievance admission points on the number, substance and status of complaints and uploading them into the project database;
* Monitoring outstanding issues and proposing measures to resolve them.

The regular social monitoring reports to the WB shall be submitted through the PIU, which shall include a section related to GRM which provides updated information on the following:

* Status of GRM implementation (procedures, training, public awareness campaigns, budgeting, etc.);
* Data on number of received grievances (applications, suggestions, complaints, requests, positive feedback), number of resolved grievances, number of grievances that remain unresolved;
* Level of satisfaction by the measures (response) taken;
* Any corrective measures taken.

### 8.8 World Bank Grievance Redress Service

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB’s Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB’s independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank’s attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank’s corporate Grievance Redress Service (GRS), please visit: <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

## IMPLEMENTATION ARRANGEMENTS

Ensuring that the entire process of RAP preparation and implementation in FBiH is carried out adequately in line with the requirements of this RPF will be the responsibility of the PIU.

The PIU will appoint an officer for liaison with municipalities and other involved agencies, who will be responsible for communication with and disclosure of information to all involved parties.

RAPs will be in place prior to the initiation of any land acquisition/resettlement activities.

The specific tasks regarding the preparation and implementations of RAPs will be shared between the PIU, municipal administrations and other involved agencies, according to table below.

Table 4 Institutional responsibilities and arrangements

| Task | Responsible party |
| --- | --- |
| *Preparation of resettlement instruments* |
| Preparation of resettlement instruments: the census and socioeconomic surveys, RAPs  | PIU |
| Developing municipalities’ awareness of the requirements of RPF and RAPs  | PIU |
| Approval of resettlement instruments | WB |
| *Information disclosure and consultations* |
| Disclosure of information and documents to all PAPs, and organization of public meetings | PIU in cooperation with BoE (Local Governments) |
| Maintaining Stakeholder Engagement Log | PIU |
| *Land acquisition/resettlement process* |
| Direct communication with and visits to owners and occupants  | BoE (Local Governments) |
| Negotiations and expropriation activities, prior to construction commencement | BoE (Local Governments) |
| Provision of assistance to vulnerable persons / households | BoE (Local Governments) |
| Compensation payment | BoE (Local Governments) |
| *Monitoring and reporting* |
| Monitoring and reporting to WB with respect to expropriation and resettlement | PIU |
| Monitoring and reporting in respect of temporary land occupation carried out after construction commencement | Contractor |
| Preparation of a Completion Audit at the end of the land acquisition process | Independent third party contracted by PIU |
| *Receiving and managing grievances* |
| Grievance management | PIU |
| Receiving grievances and acknowledging receipt of grievances | PIU / Local Government officer |
| Keeping registry of grievances | PIU |

### 9.1. Monitoring and Reporting on Resettlement Process

Monitoring of the land acquisition and resettlement process will be conducted by the PIU, i.e. the Social Specialist supporting implementation of the Project and managing its social aspects and risks. The Social specialist will, inter alia:

* ascertain whether activities are in progress as per schedule and the timelines are being met;
* ensure that the standards of living of PAPs are restored or improved;
* assess whether the compensation / rehabilitation measures are sufficient;
* identify any potential issues; and
* identify methods to mitigate any identified issues.

The PIU will maintain a land acquisition/resettlement database on the PAPs whose properties have been affected. The data/information will be updated periodically in order to keep track of the PAPs’ progress.

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

* Number of PAPs by categories;
* Number of public meetings and consultations with affected persons;
* Number and percentage of negotiated settlements signed;
* Number of successful relocations of households;
* Number of successful relocations of businesses;
* Number of people having received compensation in the period disaggregated by type of compensation;
* Overall spending on land acquisition and compensation;
* Number of structures (residential, commercial and auxiliary) identified for expropriation;
* Number of private land plots identified by the contractor as necessary to be temporarily occupied during construction works (type of land plot, amount of compensation paid, duration of land occupation);
* Number of persons requesting special assistance and types of assistance provided to vulnerable individuals/households in a timely manner;
* Number of successfully re‐established agricultural activities after land acquisition or restriction of access as a result of the Project;
* Number and type of grievances in relation to land acquisition/resettlement (number of grievances, number and percentage of grievances resolved within set deadlines, number and percentage of persons satisfied with the outcome, disaggregated by gender) and number of court cases related to resettlement/land acquisition.

The PIU will prepare reports on the progress achieved in the implementation of RAPs within the overall reporting of the Project.

In addition, the PIU will facilitate the development of a Completion report at the end of the land acquisition and resettlement process by an external monitoring and evaluation consultant. A RAP Completion report will be prepared and submitted to the World Bank within 2 months of the RAP completion. The report should verify that all entitlements have been delivered in line with the site-specific RAPs.

## COST AND BUDGET

The costs of the land acquisition and resettlement process are born by the Beneficiary of Expropriation (BoE), i.e. Local Governments. Taking possession of the land cannot be done without evidence that the necessary funds were ensured and deposited at a bank, on a special account, in the amount which is approximately necessary for awarding compensations for the properties proposed for expropriation and costs of the expropriation procedure.

Costs for the implementation of this RPF include categories: (a) administrative costs including cost associated with expropriation (if necessary), (b) compensation for land acquisition, and asset loss, including transitional and any other allowance as necessary, (c) external monitoring and evaluation consultant for the development of a Completion report.

Given the early stage of the Project and unknown scale, type and magnitude of impact, it is not possible to provide detailed information on the range of expropriation in this RPF.

Detailed cost disaggregated by impacts and assistance type will be provided any the sub-projects’ RAPs.

### ANNEX A - Minimum elements of a Resettlement Action Plan

The tables below have been prepared based on the requirements set out in the WB Framework, specifically *ESS5—Annex 1. Involuntary resettlement instruments.*

General requirements for a RAP

| ELEMENT | EXPLANATION |
| --- | --- |
| Description of the project | General description of the project and identification of the project area |
| Potential impacts | Identification of: 1. project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
2. zone of impact of such components or activities;
3. scope and scale of land acquisition and impacts on structures and other fixed assets;
4. any project-imposed restrictions on use of, or access to, land or natural resources;
5. alternatives considered to avoid or minimize displacement and why those were rejected; and
6. mechanisms established to minimize displacement, to the extent possible, during project implementation.
 |
| Objectives | The main objectives of the resettlement program. |
| Census survey and baseline socioeconomic studies | The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected. The census survey also serves other essential functions:1. identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
2. information on vulnerable groups or persons for whom special provisions may have to be made;
3. identifying public or community infrastructure, property or services that may be affected;
4. providing a basis for the design of, and budgeting for, the resettlement program;
5. in conjunction with establishment of a cutoff date, providing a basis for excluding ineligible people from compensation and resettlement assistance;
6. establishing baseline conditions for monitoring and evaluation purposes.

If deemed relevant, additional studies on the following subjects may be required:1. land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
2. the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
3. social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
 |
| Legal framework | The findings of an analysis of the legal framework, covering:1. scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
2. applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
3. laws and regulations relating to the agencies responsible for implementing resettlement activities;
4. gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.
 |
| Institutional framework | The findings of an analysis of the institutional framework covering:1. identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
2. assessment of the institutional capacity of such agencies and NGOs/CSOs;
3. any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.
 |
| Eligibility | Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates. |
| Valuation of and compensation for losses | The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them. |
| Community participation | Involvement of displaced persons (including host communities, where relevant):1. description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
2. summary of the views expressed and how these views were taken into account in preparing the RAP;
3. review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them;
4. institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
 |
| Implementation schedule | An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all RAP activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project. |
| Costs and budget | Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies. |
| Grievance redress mechanism | The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms. |
| Monitoring and evaluation | Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation. |
| Arrangements for adaptive management | The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes. |

Additional planning requirements where resettlement involves physical displacement

When project circumstances require the physical relocation of residents (or businesses), RAPs require additional information and planning elements, as follows:

| ELEMENT | EXPLANATION |
| --- | --- |
| Transitional assistance | The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available. |
| Site selection, site preparation, and relocation | When planned relocation sites are to be prepared, the RAP describes the alternative relocation sites considered and explains sites selected, covering:1. institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
2. identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;
3. any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
4. procedures for physical relocation under the project, including timetables for site preparation and transfer; and
5. legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
 |
| Housing, infrastructure, and social services | Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities. |
| Environmental protection and management | A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement). |
| Consultation on relocation arrangements | The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g., places of worship, pilgrimage centers, cemeteries). |
| Integration with host populations | Measures to mitigate the impact of planned relocation sites on any host communities, including:1. consultations with host communities and Local Governments;
2. arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
3. arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
4. any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.
 |

Additional planning requirements where resettlement involves economic displacement

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the RAP, or into a separate livelihood improvement plan. These include:

|  |  |
| --- | --- |
| ELEMENT | EXPLANATION |
| Direct land replacement | For those with agricultural livelihoods, the RAP provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons. |
| Loss of access to land or resources | For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the RAP describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods. |
| Support for alternative livelihoods | For all other categories of economically displaced persons, the RAP describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods. |
| Consideration of economic development opportunities | The RAP identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements. |
| Transitional support | The RAP provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period. |

### ANNEX B - Resettlement Screening Form

This screening report shall comprise of the screening form, ownership evidence and pictures from the walkover survey.

Name of Sub project:

Location:

Type of Activity and Procurement Package as assigned in the Procurement Plan:

Nature of Project:

Size/Scale:

Project Implementing Agency:

Description of Project Surroundings:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Screening indicators related to Land acquisition, assets and access to resources | YES | NO |
|  | Type of activity – Will/has the sub-project: |  |  |
| 1 | Require that land (private) to be acquired (temporarily or permanently) for its development? |  |  |
| 2 | Acquired land in anticipation of the Project? |  |  |
| 3 | Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)? |  |  |
| 4 | Physically displace individuals, families or businesses? |  |  |
| 5 | Result in the temporary or permanent loss of crops, fruit trees or household infrastructure? |  |  |
| 6 | Result in the involuntary restriction of access by people to legally designated parks and protected areas? |  |  |
| 7 | Result in loss of livelihood? |  |  |
| 8 | Have negative impact to any vulnerable individuals or groups? |  |  |
| 9 | Have negative impact to informal side road shops, traders or any nomadic type of commercial activity? |  |  |
| 10 | Impact to community Health & Safety? |  |  |
| 11 | Impact on internally displaced persons or refugees? |  |  |
| 12 | Disrupt access to health care and education? |  |  |

If any of the boxes 1 through 9 are ticked YES the ESS5 will be relevant and site specific instruments in line with this RPF will be prepared.

If any of the boxes 10 through 13 are ticked YES commensurate mitigation measures shall be designed through the site specific ESMP

CERTIFICATION

We hereby certify that we have thoroughly examined all the potential adverse effects of this sub project. To the best of our knowledge, the sub project does not avoid /avoids all adverse social impacts.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_For the PIU | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Social specialist |

### ANNEX C - Sample Grievance Form

|  |  |
| --- | --- |
| Reference number: |  |
| Full name (*optional*) | * I wish to remain anonymous
 |
| Gender | * Male
* Female
* Do not wish to disclose
 |
| Contact information (optional)Please mark how you wish to be contacted (mail, telephone, e-mail). | * By post: Please provide mailing address:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* By telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* By e-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* On website
 |
| Preferred language of communication | * Bosnian / Serbian / Croatian
* English (if possible)
* Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 |
| Description of incident for 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?  |
|  |

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The ESF is accessible at - https://www.worldbank.org/en/projects-operations/environmental-and-social-framework [↑](#footnote-ref-1)
2. Economic viability shall be assessed by an accredited expert on a case-to-case basis. [↑](#footnote-ref-2)
3. According to the guidance in the WB’s “Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings” (March, 2020) [↑](#footnote-ref-3)