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**Feasibility Study, Preliminary Design and Tender Documents for  
the construction of road N9 Pristinë/Pristina – Pejë/Peja, section  
Kijevë/Klina to Zahaq/Zahać**

**RESETTLEMENT ACTION PLAN (RAP)**

**November 2019**





*European Western Balkans Joint Fund (EWBJF)*

## **Western Balkans Investment Framework (WBIF) Infrastructure Projects Facility Technical Assistance 6 (IPF 6) Infrastructures: Energy, Environment, Transport and Social**

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## Contents

1.	INTRODUCTION .....	8
2.	SCOPE OF THE RAP .....	10
3.	PROJECT DESCRIPTION .....	11
4.	PROJECT LAND ACQUISITION REQUIREMENTS AND IMPACTS .....	15
4.1	LAND ACQUISITION REQUIREMENTS .....	15
4.2	LAND ACQUISITION IMPACTS .....	16
5.	AFFECTED PEOPLE AND ASSETS .....	20
5.1	COLLECTION OF SOCIO-ECONOMIC DATA .....	20
5.1.1	Environmental Survey .....	20
5.1.2	Public Hearings, 6 <sup>th</sup> and 7 <sup>th</sup> of November .....	20
5.1.3	Socio-economic Survey .....	21
5.1.4	Social field surveys .....	25
5.2	AFFECTED PEOPLE, ASSETS AND PROPERTIES – RESULTS .....	26
5.2.1	Affected household owners .....	27
5.2.2	Affected Land owners .....	35
5.2.3	Affected informal users .....	41
6.	LEGAL FRAMEWORK .....	47
6.1	NATIONAL LEGISLATION AND EBRD REQUIREMENTS .....	47
6.1.1	Expropriation Law and Authority .....	47
6.1.2	Expropriation Procedure .....	47
6.1.3	Gaps Between Kosovo Legislation and EBRD Standards .....	53
7.	KEY COMPENSATION AND ASSISTANCE PRINCIPLES .....	56
8.	ELIGIBILITY FOR COMPENSATION AND ASSISTANCE .....	58
8.1	Persons with formal legal rights and with rights which are recognizable under national law .....	58
8.2	Persons with no formal legal rights to the land they occupy, at the time of the census .....	58
8.3	Vulnerable groups .....	59
8.3.1	Serbian owners .....	59
8.3.2	Informal users .....	60
9.	ENTITLEMENTS MATRIX .....	61
10.	COMPENSATION AND ASSISTANCE .....	66
10.1	Implementation of census, assets survey and socioeconomic survey .....	66
10.2	Compensation for Land, Crops, Plants, Trees .....	66
10.3	Compensation for Residential, Commercial and Non-residential Structures .....	67
10.4	Compensation for Loss of Income .....	67
10.5	Livelihood Restoration Assistance .....	68
10.6	Assistance for Vulnerable Individuals and Households .....	68
10.7	Compensation for Absentee owners .....	70
11.	ORGANISATIONAL RESPONSIBILITIES FOR RAP DEVELOPMENT & IMPLEMENTATION .....	71
12.	DISCLOSURE OF INFORMATION AND CONSULTATIONS .....	73
12.1	DISCLOSURE OF INFORMATION AND CONSULTATIONS HELD TO DATE .....	73
12.2	COMMUNICATION TOOLS .....	74
12.3	PLANNED DISCLOSURE OF INFORMATION AND CONSULTATIONS FOR RAP IMPLEMENTATION .....	74
13.	GRIEVANCE MECHANISM .....	78
	Grievance procedure flowchart .....	80
14.	MONITORING AND REPORTING .....	82
14.1	MONITORING .....	82
14.2	REPORTING .....	83
15.	IMPLEMENTATION COSTS .....	85

### **LIST OF ANNEXES**

- Annex 1: Buildings affected by the project, to be expropriated
- Annex 2: Information on owners from Serbian ethnicity (vulnerable group) [Confidential]
- Annex 3 (1): Database of landowners affected by the project [Confidential]
- Annex 3 (2): Confidential information of affected households' owners [Confidential]
- Annex 4: Households questionnaires [Confidential]
- Annex 5: Grievance procedure flowchart and Grievance Form
- Annex 6: Valuation of Crops & Assets

## LIST OF TABLES

Table 2.1: Number of buildings to be expropriated .....	10
Table 2.2: Scope of the land expropriation.....	10
Table 3.1: Settlements' Location, Position and Distance from the Alignment .....	12
Table 3.2: Settlements in close vicinity to the motorway (inside the study area) .....	13
Table 4.1: Areas that will be occupied by the proposed alignment .....	15
Table 4.2: Summary of Physical & Economic Displacement Impacts Table.....	18
Table 5.1: Summary of social-related activities related to the project .....	20
Table 5.2: Summary of socio-economic survey .....	21
Table 5.3: Preconditions fulfilled before the start of Socio-Economic Survey .....	22
Table 5.4: Organisation of Socio-economic surveys .....	22
Table 5.5: Information and Organisation of interviews.....	23
Table 5.6: Categories of affected people.....	26
Table 5.7: List of buildings to be demolished .....	27
Table 5.8: Land to be expropriated.....	35
Table 5.9: Land use of parcels to be expropriated .....	41
Table 5.10: Land use of parcels used by informal users to be expropriated.....	46
Table 8.1: Vulnerable People affected by the project .....	60
Table 9.1: Entitlements Matrix .....	61
Table 11.1: Implementation of the RAP responsibilities .....	71
Table 12.1: Timing of consultation and communication .....	76
Table 13.1: Contact details for submission of grievances.....	79
Table 13.2: Grievance form.....	81
Table 14.1: Indicative monitoring indicators .....	82
Table 15.1: Estimated Implementation Costs.....	85

## LIST OF FIGURES AND GRAPHS

Figure 3.1: Detailed Design of the motorway (red line) - Study area in yellow line. ....	11
Graph 5.1: Type of property expropriated .....	29
Graph 5.2: Nature of expropriation .....	29
Graph 5.3: Total income of expropriated households .....	30
Graph 5.4: Number of people under the responsibility of the head of family .....	30
Graph 5.5: Main source of income of the household .....	31
Graph 5.6: Level of education of the head of the HH .....	31
Graph 5.7: Legal status of the property at the time of the survey .....	32
Graph 5.8: Nature of the cultures to be expropriated.....	37
Graph 5.9: Category of the cultures to be expropriated .....	38
Graph 5.10: Number of owners per nature of the parcel to be expropriated .....	39
Graph 5.11: Number of owners per category of culture of the parcel to be expropriated .....	40
Graph 5.12: Nature of the parcels to be expropriated used by informal users, in m2 .....	42
Graph 5.13: Category of the cultures to be expropriated used by informal users, in m2.....	43
Graph 5.14: Repartition by cultures of the parcels to be expropriated used by informal users.....	44
Graph 5.15: Repartition by category of cultures of the parcels used by informal users to be expropriated .....	45
Graph 13.1: Grievance procedure flowchart .....	80

# 1. INTRODUCTION

The Project is the Road N9 Prishtinë - Pejë (SEETO Route 6 B), section from Kijevë–Klinë to Zahaq (30.4 km), financed within the framework of the Western Balkans Investment Framework (WBIF) and implemented under the Infrastructure Project Facility 6 Technical Assistance (IPF6 TA) contracted by the SAFEGE-EPTISA-PM Group-TRACTEBEL Consortium, also called as SUEZ Consortium. The international Financial Institutes (IFIs) are the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD), with EIB being the lead in the grant and implementation process. The Project's Beneficiary is the Ministry of Infrastructure (MIT) of Kosovo (Department of Road Infrastructure).

For the Project an ESIA<sup>1</sup> and a Land Acquisition Framework (LARF) were prepared based on the Conceptual design of the motorway. An updated ESIA<sup>2</sup> based on the Draft Detailed Design has been prepared including a social survey with the land and buildings owners and the businesses in the affected area. This survey took place in September 2018. This present **Resettlement Action Plan (RAP)** is developed in accordance with this LARF. The RAP is based on the Detailed Design of the Project and accompanies the updated ESIA. While the LARF set out the Project's planned approach, processes, responsibilities and compensation entitlements to land acquisition and resettlement, RAP is providing details of actual land ownership, the nature of the displacement impacts and identifying all persons affected by land acquisition.

The Project is expected to cause significant positive effects not only on the socioeconomic development of the broad area but also on the environment and the traffic safety. In particular the under-study project will have positive effects on the following areas:

- Integrating the Kosovo roads to the Core Transport Network and in the South –East Europe Transport Observatory (SEETO).
- Meeting goals of the Kosovo Transport Policy and Spatial Plan
- Serving the increasing traffic growth and minimizing congestion
- Improving local environmental and social conditions
- Accelerating economic development
- Improving traffic safety
- Improving mobility of citizens
- Improvement of the environmental conditions and safety along the existing national road N9 (Section from Kijevë – Klinë to Zahaq)

The land acquisition process for the Project is in its early stages. The Project will require acquisition of land, and limited physical resettlement where residential buildings will be affected.

The LARF, previously approved by the Beneficiary and this RAP have been developed in accordance with the Kosovar legal framework and in compliance with EBRD's Environmental & Social Policy 2014 (ESP 2014), and specifically Performance Requirement 5 (PR5) - Land Acquisition, Involuntary Resettlement & Economic Displacement. This Resettlement Action Plan presents the displacement impacts associated with the Project, and the compensation and resettlement principles and responsibilities to ensure no one affected by the Project's implementation is disadvantaged compared to current conditions.

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1 ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (DRAFT), ANA PETROVSKA, DECEMBER 2016.

2 ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT, IPF6, NOVEMBER 2018.



This report includes a grievance mechanism for people affected by land acquisition as a way to raise concerns and provide a mechanism for problem solving. The Socio-economic surveys which took place in September 2018 and in July 2019 provided data about the scale and nature of the economic and physical displacement and these impacts on the **Project Affected Persons** (PAPs) which were used to inform this RAP.

The team of experts of the present RAP is:

- Ioannis Bekiaris, IPF6 Environmental Expert
- Alexandre Quintin, IPF6 Environmental Expert
- Gordana Bajic, IPF6 Social Expert.

## 2. SCOPE OF THE RAP

The expropriation of buildings and land parcels was limited to a minimum thanks to specific attention provided to this crucial issue during the development of both Preliminary Design and Detailed Design. However, some resettlement, even limited, is impossible to avoid in such big infrastructure project.

A total of 40 buildings will be expropriated. The cadastral details of the buildings to be demolished are presented in Annex 1.

**Table 2.1: Number of buildings to be expropriated**

Municipality	Number of expropriated buildings
Malishevo	0
Klina	32
Peja	8
<b>TOTAL</b>	<b>40</b>

The Project will affect an estimated 1111 land plots (approx. 355 ha). Among these 1111 land parcels, 187 will be fully expropriated (83,2%) while 924 plots will be partly expropriated (16,8%).

**Table 2.2: Scope of the land expropriation**

Municipality	Number of plots	Number of plots partly expropriated	Number of plots fully expropriated	Area to be expropriated [m <sup>2</sup> ]
Malishevo	57	50	7	113,461
Klina	892	724	168	2,549,515
Peja	162	150	12	887,161
<b>Total</b>	<b>1,111</b>	<b>924</b>	<b>187</b>	<b>3,550,138</b>

Households and landowners from Serbian ethnicity should be considered as a vulnerable group since they have left the region affected by the project and, therefore, their level of information regarding the project is low. The Project Implementation Unit (PIU) set up within the Ministry of Infrastructure of Kosovo (MIT) manage to indentify users (land tenants without written agreements) during the field visits of summer 2019. They should also be consired with a particulare attention during the RAP impmmentation. No other vulnerable group were recorded/identified during the field visits and public presentation organized by IPF6 and PIU in 2018 and during socioeconomic survey completed in June-July 2019. Also, the Municipalities impacted by the project didn't provide any data to IPF6 regarding existing vulnerable groups.

The area of the parcels to be affected has been defined in the Elaborate and all Project impacts related to land expropriation are defined. Valuation was completed in August 2019. The government of Kosovo has notified identified property right holders.

The Social survey was more focused on formal landowners/ land-users as the Kosovo legislation does not recognize informal land users (please see Section 2.5 of this document for description of gaps between Kosovo legislation and EBRD requirements). Nevertheless, IPF6, together with PIU, worked on identification of informal users affected by Project implementation specially during survey in June -July 2019. Detailed description of the undertaken activities is presented in Section 5 of this document.

### 3. PROJECT DESCRIPTION

The project includes section Kijevë–Klinë to Zahaq, of Motorway N9 Prishtinë - Pejë and has a total length of approximately 30.42 km. The Detailed Design is based on the Preliminary design of the motorway which has been approved by the Ministry of Infrastructure on November 2017.

The motorway has a speed of 100 km/h, includes 8 junctions, 62 structures, 1 parking area and specific sections with retaining walls and noise protection barriers, and is designed taking into account TEM and German Standards. The planned Motorway, as part of Road N9, will connect Kosovo and Montenegro and is a project of economic importance with high priority according to the Ministry of Infrastructure. Main objective of the project is to improve the transportation quality, capacity, and safety. The objectives of the Motorway are:

- To secure traffic flows on the connections with the Kosovo Main and Regional Road Network and the Pristina road network;
- To minimize overall travel and transport time;
- To ensure traffic safety on the Motorway and on its utilities;
- To improve accessibility, traffic safety and livability of neighbouring municipalities on the parallel N9 main road;
- To minimize the negative impacts of the project on landscape, land use and environment;
- To generate a sufficient transport chain for goods.

The Project forms part of the east-west route between Pristina and the border with Montenegro. The larger towns close to the motorway are Pristina (or Prishtina) and Peja. The alignment of the Project is located at a distance of up to 1.5 km north from the existing road N9 (see Figure 2-1). The existing road will be used as a parallel road servicing local traffic mainly. No interventions on the existing road are planned with the Project, except the related traffic connections.

The study area is as the area surrounding the project at a distance of 0,5km from the axis of the project, taking into account the proposed interchanges and the accompanying works (service roads).

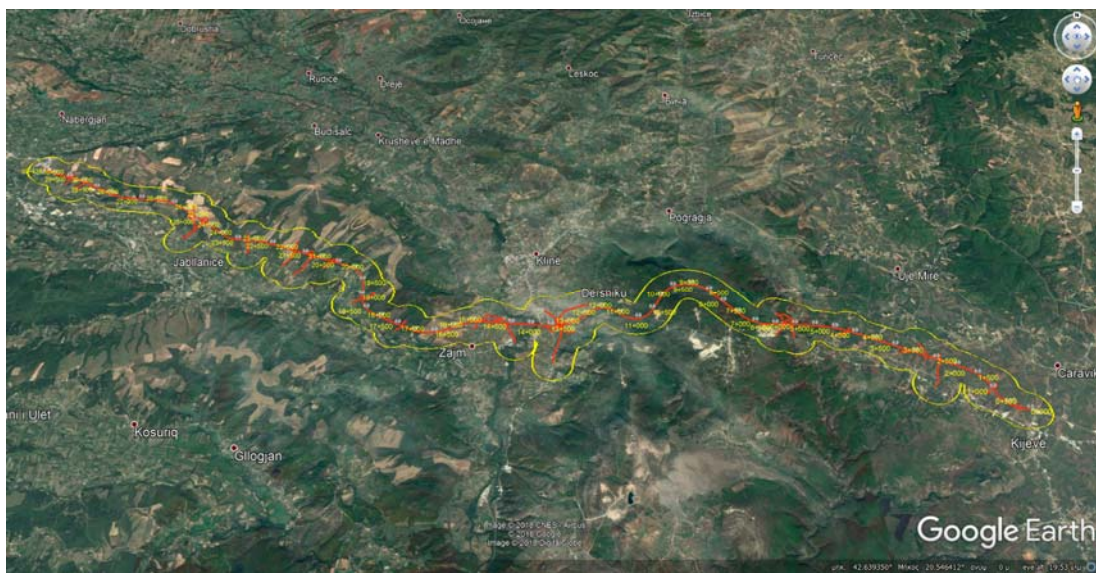


Figure 3.1: Detailed Design of the motorway (red line) - Study area in yellow line.

The Alignment starts near Kijeve (38 km west of Pristina) north to the village of Kijeve and ends at the village of Zahaq, 7 km east of the town of Peja. The terrain includes mild slopes crossed by many short streams with inconsiderable drainage basins. The motorway runs through the Dukagjini region (plain) which is formed by the valleys of the rivers 'Drini I Bardhe' and 'Bistrice e Pejes'. The Drini I Bardhe river is crossed by a bridge near Klina. 'Bistrice e Pejes' river runs in parallel with the alignment. The existing road N9 is located in between the new motorway and the river.

The Project (planned motorway) will be a dual-lane carriageway designed to comply with national and international standards and specifications, with a design speed of 100-120 km/h.

The motorway crosses the territory of the municipalities of Malishevo, Kline and Peja. The larger towns which are located along the wider Route are Pristina and Peja.

The alignment bisects the settlements Dollc and Zajm and bypasses the villages Kijeve, Gllareve, Demaj, Drsnik, Drenoc, Pjerteq I Eperm, Pjerteq I Poshtem, Jabllanice, Klicine, Leshan, Lugagji, Gllavigjine, Ramun and Zahaq.

The following table presents settlements near the alignment, the distance of the village's closest residence and their population density.

**Table 3.1: Settlements' Location, Position and Distance from the Alignment**

Settlements	Position on alignment Km	Density of residential area	Minimum distance from the Alignment (m)
Kijeve	0+000	Medium density populated residential area with scattered housing objects. Some commercial properties also exist.	200
Caravik	0+000	Medium density populated residential area with scattered properties.	900
Qabiq	2+700	Low density populated residential area with scattered properties.	260
Gllareve	3+500	Low density populated residential area with scattered properties.	100
Krivoc	4+900	Medium density populated residential area with scattered properties.	130
Demaj	6+000	Low density populated residential area with scattered properties.	170
Drsnik	11+350	Low density populated residential area with scattered properties.	210
Dollc	13+000	Medium density populated residential area with scattered properties.	10
Zajm	15+000	Medium density populated residential area with scattered properties.	10
Drenoc	20+100	Low density populated residential area with scattered properties.	40
Pjeterq i Poshtem	21+000	Low density populated residential area with scattered properties.	600
Pjeterq i Eperm	22+600	Low density populated residential area with scattered properties.	350
Jabllanice	23+900	Low density populated residential area with scattered properties.	160
Klicine	25+000	Medium density populated residential area with scattered properties.	450

Settlements	Position on alignment Km	Density of residential area	Minimum distance from the Alignment (m)
Leshan	25+500	Medium density populated residential area with scattered properties.	420
Lugagji	26+750	Low density populated residential area with scattered properties.	90
Gllaviqice	28+600	Low density populated residential area with scattered properties.	350
Ramun	30+350	Low density populated residential area with scattered properties.	20
Zahaq	30+420	Medium density populated residential area with scattered properties.	200

The settlements that are situated in close proximity to the proposed motorway and the existing National Road are presented in the table that follows, as well as the respective population.

**Table 3.2: Settlements in close vicinity to the motorway (inside the study area)**

Municipality	Settlement	Distance from the motorway	Apartments 2011	Households 2011	Inhabitants 2011
Malishevë	Kijevë	Is situated south of the motorway, at a distance of 210m.	239	188	1279
Klinë	Zabërgjë	Is situated north of the motorway, at a distance of 150m.	127	102	728
Klinë	Gllarevë	Is situated south of the motorway at a distance of 90m.	275	218	1784
Klinë	Rixhevë (Gllareve/Rixheve)	Is situated south of the motorway at a distance of 90m.	122	112	870
Klinë	Dobërdol	Is situated north of the motorway, at a distance of 280m.	76	54	339
Klinë	Drsnik	Is situated north of the motorway at a distance of 220m. Isolated buildings are located in the area of the alignment.	485	304	1770
Klinë	Dollc	The motorway divides this settlement.	72	53	276
Klinë	Zajm	The settlement is divided by the motorway alignment.	215	184	1267
Klinë	Drenoc	The motorway moves in the area of the north part of the settlement.	67	60	440
Klinë	Pjetërq i Poshtëm	Is situated south of the motorway at a distance of 610m.	42	23	160
Klinë	Pjetërq i Epërm	Is situated south of the motorway at a distance of 330m.	120	97	563
Pejë	Jabllanicë	Is situated south of the motorway, at a distance of 140m.	115	88	573
Pejë	Kliqinë (Klicine)	Is situated south of the motorway at a distance of 360m.	146	118	833
Pejë	Leshan	Is situated south of the motorway at a distance of 420m.	71	52	354
Pejë	Llugaxhi	Is situated south of the motorway at a distance of 80m.	165	119	702
Pejë	Gllaviçicë	Is situated south of the motorway, at a distance of 340m.	45	35	193
Pejë	Ramun	Is situated south of the motorway, at a distance of 50m.	127	87	492

Municipality	Settlement	Distance from the motorway	Apartments 2011	Households 2011	Inhabitants 2011
Pejë	Zahaq	Is situated west of the end of the motorway, at a distance of 450m.	287	199	1120

SOURCE: DATA FROM THE KOSOVO STATISTICAL AGENCY<sup>3</sup>

The local economy in the Project area is heavily dependent on agriculture, with some commercial activities and mining also taking place. A trend of economic migration out of the local area and towards urban centres and abroad is noted. Overall, the Project will improve connectivity, reduce journey times, and improve road safety, while simultaneously improving access to community services to settlements along the route. Some short-term local employment opportunities may arise during construction, and the improved connectivity will potentially contribute to stimulating growth and investment in the area in the long-term.

The Route crosses one regional and several local roads. Eight new grade-separated interchanges are planned. In addition, several structures, one bridge (over Drini I Bardhe River), two viaducts, underpasses/overpasses, and pipe/ box culverts are installed along the route. The grade-separated interchanges will enable traffic flow to the existing N9 road and the regional road R-4. Local communities will thus be able to access local roads and by extension their properties and agricultural land plots. Overpasses / underpasses will ensure continuity of the traffic along the local roads.

<sup>3</sup> NOTE: THE SETTLEMENTS PERLINE, KRIVOC AND DEMAJ SITUATED IN KLINË MUNICIPALITY ARE NOT INCLUDED IN THE CENSUS 2011 DATA OF THE KOSOVO STATISTICAL AGENCY ([HTTP://ASKDATA.RKS-GOV.NET/PXWEB/PXWEB/EN/ASKDATA/ASKDATA\\_\\_CENSUS%20POPULATION/?RXID=6C75A9AA-627C-48C6-AE74-9E1B95A9C47D](http://askdata.rks-gov.net/PXWEB/PXWEB/EN/ASKDATA/ASKDATA__CENSUS%20POPULATION/?RXID=6C75A9AA-627C-48C6-AE74-9E1B95A9C47D))

## 4. PROJECT LAND ACQUISITION REQUIREMENTS AND IMPACTS

### 4.1 LAND ACQUISITION REQUIREMENTS

Permanent land acquisition (during the operation phase) will be required for the construction of the Motorway, including junctions and other associated structures. Land take will also be required for the construction phase including the necessary earthworks. Areas for the disposal of soil (i.e. excess excavated fill material) will be defined by the Contractor during construction phase and elaborate in his SSIP.

Three municipalities are impacted by the project and by economical & physical expropriation: **Malishevo** (only for land/economical expropriation), **Klina** and **Peja**.

In accordance with the Law on Roads a 20 m Right-of-way (road reserve) on each side of the Motorway will be established; within this buffer the construction of any residential or non-residential buildings will be prohibited for the entire operational life of the Motorway. Existing structures within the safety zone road reserve will be compensated if it is proven that no noise abatement measures can feasibly be undertaken to protect existing structures within that zone.

The Project will also require some temporary land take (during the construction phase) for haulage/construction routes, construction laydown areas and camps, temporary storage of excavated materials/soil, cut trees etc. Agreements for additional temporary land take required by the Contractor will, to the greatest possible extent, be agreed upon through negotiation and amicable agreement by landowners.

**The surface of the project footprint (permanent occupancy) during operation is 3,55 km<sup>2</sup> (355 ha).** Land uses in the project footprint (occupancy) during construction and operation phases are shown in the following table and figures.

**Table 4.1: Areas that will be occupied by the proposed alignment**

Habitat	Land_Use	Area into the study area (Ha)	Occupancy during construction (Ha)	Occupancy during construction (%)	Occupancy during operation (Ha)	Occupancy during operation (%)
<b>Natural Habitats</b>						
Hill pastures	Seminalural grasslands	92,62	15,41	16,64%	11,75	12,69%
Meadows	Seminalural grasslands	47,30	0,66	1,40%	0,55	1,16%
Ruderal site	Seminalural grasslands	8,16	0,31	3,80%	0,28	3,43%
Black locust stand	Forest	28,59	2,33	8,15%	1,79	6,26%
Italian and Turkey oak patch	Forest	610,76	57,2	9,37%	41,47	6,79%
Mixed tree stands	Forest	53,57	5,47	10,21%	4,11	7,67%
Oriental hornbeam and White oak forest	Forest	500,51	43,7	8,73%	34,11	6,82%
Robinia stand	Forest	5,15	0,02	0,39%	0,02	0,39%

Habitat	Land_Use	Area into the study area (Ha)	Occupancy during construction (Ha)	Occupancy during construction (%)	Occupancy during operation (Ha)	Occupancy during operation (%)
Tree lines	Forest	5,90	0,02	0,34%	0,02	0,34%
Willow and Poplar belts and woodlands	Forest	79,57	0,42	0,53%	0,35	0,44%
<b>Sub Total</b>		<b>1432,13</b>	<b>125,54</b>	<b>8,77%</b>	<b>94,45</b>	<b>6,60%</b>
<b>Manmade land uses</b>						
Infrastructure object	Artificial areas and settlements	92,73	4,17	4,50%	3,27	3,53%
Quarry	Artificial areas and settlements	23,22	1,36	5,86%	1,08	4,65%
Rural settlement	Artificial areas and settlements	291,41	5,47	1,88%	3,56	1,22%
Fallow fields	Agricultural land	355,74	38,35	10,78%	28,1	7,90%
Fields and acres	Agricultural land	1843,90	138,6	7,52%	92,17	5,00%
Orchard	Agricultural land	3,43	0,23	6,70%	0,16	4,66%
<b>Sub Total</b>		<b>2610,44</b>	<b>188,18</b>	<b>7,21%</b>	<b>128,34</b>	<b>4,92%</b>
<b>Total</b>		<b>4042,57</b>	<b>313,72</b>	<b>7,76%</b>	<b>222,79</b>	<b>5,51%</b>

## 4.2 LAND ACQUISITION IMPACTS

During the route alignment selection and design of this alignment, land acquisition requirements were a key consideration. Physical displacement of households has generally been avoided. However, some buildings have to be expropriated and demolished. Cadastral maps of these buildings are presented in Annex 1.

Different stages of the design and corresponding ESIA's, deal with the number of affected properties and minimizing their number by proper selection of the alignment. As a result of the designers' efforts, minimal physical resettlement was reached.

The footprint of the Project includes three municipalities and goes through 18 cadastral zones. In the tables presented in Annexes 3 and 6, the land areas as per cadastral zones and number of expropriated land parcels are presented.

Based on the socio-economic census the total number of buildings that will be affected (expropriated) for the construction of the Project is 40, of which 21 are residential houses (6 of which are under construction), 8 are ruins, 4 are auxiliary buildings and 6 are commercial buildings-warehouses, garages or motel.

The residents who will have to be resettled for the construction of the motorway may experience additional impacts such as:

- Changes in type and tenure of housing;



- Disconnection with their precious memories related with their homes which has high sentimental value;
- The resident's present social relationships will be disrupted, and they will have to establish new relationships in a different social environment. This may cause social and psychological impacts;

The former cemetery was located in village Zajm, Municipality of Klina. The PIU of this project, established within the MIT – Ministry of Infrastructure and Transport – managed to collect the relevant information and to lead appropriate action to tackle this issue.

The PIU informed IPF6 that the Municipality of Klina assumed responsibility for the removal of graves in the village of Zajm in 2010, following flooding events that led to landslides, collapse of the land occupied by the graves and ultimately to collateral pollution of the surrounding water resources. Therefore, the relocation of these graves occurred prior to implementation of the project covered by this RAP. One grave remained therefore on the parcel. After the family agreed to the relocation, the Islamic community performed all the rituals and the grave was relocated on 25 of July 2019. Relevant documentation is provided in annex of this RAP.

Another cemetery was recorded by the project teams in the village of Dresnik (Klina). A meeting with the local authorities in Klina, the Orthodox Priest and some villagers from Dersnik village, along with KFOR and relevant NGOs as observers was held. Archaeologists from the Kosovo Archaeological Institute participated.

An agreement was reached between PIU and Archaeological Institute to proceed to the excavation works, with an estimated duration of 2 to 3 months. The cost of the works is estimated around 33,610.00 €, that will be funded by the MIT. In case of a discovery of archaeological sites of interest. In this case, the Tender Documents for the works would be updated accordingly in order to notify Contractors of their additional obligations.

### **Land affected**

The Project goes through 1.111 parcels, of which 918 (82,6%) are private, 139 (12,5%) are public and 54 (4,9%) are in leasehold of 99 years. The expropriation zone of the Project is 3,550,138m<sup>2</sup> of which 2 051 877 m<sup>2</sup> (57,8 %) is private property, 757 180 m<sup>2</sup> (21,3 %) is public property and 741 080 m<sup>2</sup> (20,9 %) is in leasehold of 99 years.

The Project land take requirements predominantly affect plots of privately-owned land and assets. A summary of the potential impacts from economic and physical displacement is presented below. The impacts accompanied by the results of the socio-economic survey are described in the next section.

During construction some land may need to be temporarily acquired by contractors for storage or machinery, construction materials, temporary offices, etc. For these purposes, preference will be given to the use of publicly owned land or, if privately owned land is needed, such land will be acquired by contractors through voluntary lease agreements, without the use of expropriation.

Any land outside of what is addressed through this RAP and has been or will be permanently acquired for the Project, which is disturbed during construction will be fully reinstated by the works contractors. Any damages caused to the owner or the user of such land (damage to crops, trees, structures), will be compensated by the contractors at full replacement cost and Ministry of Finance will monitor this process.

**Table 4.2: Summary of Physical & Economic Displacement Impacts Table**

Phase/Type of Loss	Summary of Losses/ Impact	
<b>PRE-CONSTRUCTION - Prior to Construction<sup>4</sup></b>		
	<ul style="list-style-type: none"> <li>• <b>Loss of land (agricultural, forest and/or pasture land – may be a small number of vineyards, orchards &amp; construction land):</b> The Project will result in the loss of land, predominantly agricultural (in-use and abandoned) and pasture/grassland areas with some forestry areas and pockets of small-scale cropping (e.g. tobacco etc.) and vineyards and orchards also being affected.</li> <li>• <b>Loss of Residential Buildings (physical displacement):</b> The risk of physical displacement of properties used for residential purposes has been largely avoided/minimized by the route alignment.</li> <li>• Loss of sources of income and/or livelihoods associated with any of the above losses and particularly ‘Agricultural’ Livelihoods: Some of the households in the local villages are dependent on land-based livelihood activities which could be affected by loss of land or access to land they use (e.g. customary use with potentially no legal rights – which needs to be confirmed during the future land acquisition process).</li> <li>• <b>Orphan Land:</b> (i.e. part of an affected land plot which remains after expropriation and for which the owner has no more economic interest in using and/or is an economically unviable plot).</li> </ul>	<ul style="list-style-type: none"> <li>• 1,111 privately owned land plots will be affected by permanent land acquisition. 187 will be fully expropriated, whereas the remaining 924 will be partially expropriated. The total surface to be acquired is 3 550 138 m2.</li> <li>• Project is affecting 238 parcels used by annual crops (692,503 m<sup>2</sup>), 110 parcels used by perennial crops (466,336 m<sup>2</sup>), including 3 vineyards (11,670 m<sup>2</sup>) &amp; 19 orchards (74,477 m<sup>2</sup>) and 254 for pasture use (745,764 m<sup>2</sup>).</li> <li>• <b>40 buildings to be expropriated</b>, of which 21 are residential houses (6 of which are under construction), 8 are ruins, 4 are auxiliary buildings and 6 are commercial buildings-warehouses, garages or motel.</li> <li>• Orphan Land issue will be addressed during RAP implementation with affected landowners.</li> </ul>
<b>CONSTRUCTION PHASE</b>		
Temporary Impacts:	<ul style="list-style-type: none"> <li>• Temporary loss of land (agricultural, forest and/or pastureland – may be small orchards &amp; construction land) - required during the construction period.</li> <li>• Loss/damage to annual/perennial crops and trees, including trees within orchard.</li> <li>• Damage/temporary disruptions to certain agricultural infrastructure (e.g. irrigation).</li> <li>• Temporary loss of and/or more difficult access to land for farming or other livelihood related land uses and disturbance to agricultural vehicles/livestock etc. using existing N9 and other existing routes to land etc.:</li> <li>• The Works for the new Motorway during construction will result in localized access effects and could, if not properly managed, result in severance of communities from areas of their productive land. Retaining access to agricultural</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary impacts will have to be assessed, mitigated and addressed during construction phase in collaboration with the Contractor.</li> <li>• Any activity linked to the project during construction period leading to temporary impacts listed in this table will have to be compensated by the Contractor.</li> <li>• Positive social impact will occur during the construction phase through the employment</li> </ul>

<sup>4</sup> As payment of compensation for losses and resettlement will occur prior to access to land being taken the effect of permanent loss of land and assets will occur in the Pre-Construction phase.

	<p>land and for agricultural vehicles &amp; livestock movements etc. for the local villages is considered essential.</p> <ul style="list-style-type: none"> <li>• The Contractor will be required to have a good Traffic Management Plan supported with effective engagement with the local community and the careful sequencing of the works</li> <li>• to ensure either the existing road is accessible, or the local new parallel roads are available to ensure access is retained at all times. Assuming these measures are implemented no significant residual effects are anticipated during construction withstanding there may be a slight increase in journey length for some of the local communities.</li> <li>• Loss of sources of income and/or livelihoods associated with any of the above losses and particularly 'Agricultural' Livelihoods and disruption to businesses</li> </ul>	<p>opportunities related to the works.</p>
<b>OPERATION PHASE</b>		
<p>Permanent Access Impacts</p>	<p><b>Loss of and/or more difficult access to land, commercial facilities and/or the road network:</b></p> <ul style="list-style-type: none"> <li>• Permanent changes in local access arrangements associated with the implementation of the Motorway could increase journey times etc. In the design of the Project there is sufficient provisions to ensure access to local communities is retained by the inclusion of underpasses, overpasses. As the agricultural vehicles will not be able to use the Motorway this is essential.</li> <li>• A very small number of households own or use land for agricultural livelihood activities on the opposite side of the Motorway to where they live. If this issue is identified, it will be discussed with the affected parties the increase in journey time to their land and assistance options which will consider the vulnerability and dependency of the affected parties on land-based activities. This is covered in the entitlement's matrix.</li> </ul>	<ul style="list-style-type: none"> <li>• Usual impacts (slight increase in time journey to schools, doctor, etc. for affected people, pollution, etc.) have been raised by Project Affected People during various social surveys and will have to be mitigated during Operation Phase.</li> <li>• The operation of the motorway is expected to have an impact on businesses located along the existing road between Klina and Peja. A social survey has been implemented to the affected business owners by IPF6. While there likely be an indirect impact on businesses and livelihoods along the existing road associated with diversion of traffic to the new road, these shouldn't be considered impacts of economic displacement within the context of this RAP. These would better be considered as project impacts that can be mitigated through the project community investment projects or other targeted mitigation measures (e.g. signage for these businesses on the new road and access roads to bring in traffic from the new road).</li> </ul>

## 5. AFFECTED PEOPLE AND ASSETS

### 5.1 COLLECTION OF SOCIO-ECONOMIC DATA

Identification of project affected people was done in few phases in the period from April 2017 till August 2019 aimed to identify both formal and informal owners and tenants and possible impacts. The summary of the social activities carried out for this project is presented here below:

**Table 5.1: Summary of social-related activities related to the project**

	Period	Task	Description	Team
1	October- November 2017	Environmental surveys	Mainly focused on environmental topics but PAPs were informed about project and related Public Hearings	IPF6
2	6 <sup>th</sup> and 7 <sup>th</sup> November 2017	Public Hearings	Public Hearings informing Project Affect People (PAPs) about the project.	IPF6
3	August – September 2018	Socio-economical survey	Focus on building owners	IPF6 PIU
4	June – July 2019	Social and asset surveys	Focus on land owners	PIU IPF6

#### 5.1.1 Environmental Survey

**In October-November 2017** IPF6 Environmental team was on terrain and among environmental issues they were identifying owners and informing people about affected areas and possible impact on their properties. People were informed that Public hearing would be organised in coming period and they should come to the Municipalities for more detailed information.

#### 5.1.2 Public Hearings, 6<sup>th</sup> and 7<sup>th</sup> of November

The IPF6 team assisting the Ministry of Transport (MoI) was composed by the two International Environmental and Social Experts, the Albanian-speaking Country Manager, the Albanian-speaking Lead Design Engineer, the International Sectoral Project Manager and the Project Support Coordinator from HQ. The Team was present on site throughout the Hearings and duly provided adequate graphic material, plus a presentation of the Environmental and Social impacts.

Besides the consultants of the Suez-IPF6 Consortium, representatives of the Ministry of Infrastructure, Ministry of Environment and spatial Planning (MoE), Western Balkans Investment Framework (WBIF) and EBRD also participated.

The materials provided at the Public Hearings included:

- Informative posters in Albanian and English, posted at the entrance to the municipal buildings.
- One copy of the initial ESIA in Albanian was delivered to each municipality. More than 50 NTS were prepared and made available at the public hearings.
- A power point presentation of the Non-Technical Summary took place at each public consultation except in Malishevo, where there was no attendance.

- Attendance was approximately 50 people participated in Peja, 100 in Kline and none in Malishevo.

Report on Public consultations was prepared and submitted in November 2017.

### 5.1.3 Socio-economic Survey

During August-September 2018, a socio-economical survey took place, which was implemented through two separate phases:

1. Social survey along new alignment
2. Social survey along existing road

The first phase consisted of a social survey carried out to people affected by land acquisition along the new alignment. The list of affected householders and/or tenants was identified at an earlier stage by relevant experts. Taking into account the proposed alignment of the motorway, topographical information and proper cadastral data as well as detailed field surveys, the objective was to identify informal eligible owners and tenants.

Information regarding first round of Public Hearings held in November 2017 and the questionnaire-completion sessions (part of the Socio-economic Survey) were publicly disclosed and reached the residents of the three affected municipalities. Around 150 people, including many people who will eventually be affected landowners, attended the first round of Public Hearings.

Social survey was conducted in Mid -September by Social and expropriation experts from IPF6 and PIU/MI. The full database is disclosed in Annex 3. Confidential information about individual persons and properties will not be publicly disclosed by IPF6 and/or EBRD. Householders were interviewed in the Municipalities and during the door-to-door visits from experts' team. The table here below shows the proportion of PAP, building and landowners, interviewed during the social survey.

**Table 5.2: Summary of socio-economic survey**

Municipality	Number of people affected	Number of people interviewed	% of affected people interviewed
Peja	162	15	9.3
Klina	892	146	16.4
Malisheve	57	25	43.86
Public Properties	186		
<b>Total</b>	<b>1,111</b>		<b>29.3%</b>

The second social survey was led in September 2018 through direct interviews with the owners of the businesses along existing road. While there likely be an indirect impact on businesses and livelihoods along the existing road associated with diversion of traffic to the new road, it has been agreed between EBRD, PIU and IPF6 that it shouldn't be considered impacts within the context of the project RAP. These would better be considered as project impacts that can be mitigated through the project community investment projects or other targeted mitigation measures (e.g. signage for these businesses on the new road and access roads to bring in traffic from the new road).

The preconditions fulfilled before the start of Socio-Economic Survey were:

**Table 5.3: Preconditions fulfilled before the start of Socio-Economic Survey**

Task Description	Note/Comment	Task carried out by:
Cadastral list with number of lots and name of affected owners to be identified;	The informal owners or tenants or interest holders are included too.	Survey company with design team support
The lists of the affected persons classified as vulnerable to be identified	<ul style="list-style-type: none"> <li>• Three Municipalities difficult in delivering these lists</li> <li>• the Ministry of Social Affairs should be checked.</li> </ul>	<ul style="list-style-type: none"> <li>• IPF local expert</li> <li>• PIU</li> </ul>
Nomination of MoF and Municipality representatives who will be present during interviewing, if requested from the Beneficiaries;	The low involvement of the three Municipalities could represent a serious risk.	<ul style="list-style-type: none"> <li>• IPF local expert</li> <li>• PIU</li> </ul>
Decide the location in the Municipality where the interviews will be organized.		<ul style="list-style-type: none"> <li>• IPF local expert</li> <li>• PIU</li> </ul>

### Preparatory activities

The Socio-Economic Survey along new alignment is mainly related to people affected by physical expropriation along it whereas economical expropriation of land was further addressed during field surveys in summer 2019. The list of affected landowners, householders and/or tenants was identified by different technical teams of the project (topographers, road designers, social and environmental experts, PIU) by taking into account the proposed alignment of the motorway, topographical information and proper cadastral data as well as through field surveys to identify informal eligible owners and tenants, considering the last field social surveys last day as the cut-off date.

Methodology for survey was described in the Social Survey Methodology approved by EBRD on 28/06/18.

Every municipality was provided, by our team, with copies of LARF and maps that were presented to the people before and during the interviews. A week in advance maps and information about the project were on display in the Municipality together with information about the date when social survey and interviews will be organised.

**Table 5.4: Organisation of Socio-economic surveys**

Task Description	Note/Comment	Task carried out by:
Hard copies of LARF and in Albanian language.	Since LARF is complex document a non-technical very concise summary was presented.	<ul style="list-style-type: none"> <li>• PIU from Ministry of Infrastructure and Transport (MIT)</li> </ul>
Organization of logistics related to questionnaires completion sessions	In collaboration with the Mayors of affected municipalities	<ul style="list-style-type: none"> <li>• PIU</li> <li>• IPF6 experts</li> </ul>

Delivery of invitation letters to owners of buildings which will be expropriated in Albanian language.	<ul style="list-style-type: none"> <li>Recommended letters sent through municipalities postal service</li> <li>An additional verification was implemented to check if the affected persons had received information.</li> </ul>	<ul style="list-style-type: none"> <li>PIU</li> <li>IPF6 experts</li> </ul>
Affected formal or informal owners not able to attend the questionnaire completion sessions were interviewed in their home.	<ul style="list-style-type: none"> <li>A mission was organized by IPF6 in Jagodina (Serbia) to meet one of the owners belonging to the Serbian ethnicity, considered as vulnerable group in the project covered by this RAP.</li> </ul>	<ul style="list-style-type: none"> <li>PIU</li> <li>IPF6 experts</li> <li>Additional Social expert adequately selected and trained.</li> </ul>

### Scheduling the interviews

The affected people were invited to the three relevant Municipalities in order to complete the questionnaire in a secure place. The invitation was sent by letter from the relevant Authority (Ministry of Infrastructure or Municipality). The place and exact time for the interview was specified in the invitation letter along with the contact person, whom people could confirm the attendance or can ask any questions.

The meetings were planned in coordination with the Department for Urbanism, geodesy and Minorities & Returnees within Municipality of Klina. For identified non-formal owners/tenants or owners not capable to come (vulnerable groups) selected interviews went on the field at the relevant households.

The same action (interview at household) was organized for people who didn't appear at scheduled interviews in the Municipalities. In this case, staff from Municipal Social Services Secretariat and Ministry of infrastructure joined and assisted the experts' team.

Appropriate time period for each landowner to be separately interviewed and to check the approved LARF was scheduled.

**Table 5.5: Information and Organisation of interviews**

Task Description	Note/Comment	Task carried out by:
<ul style="list-style-type: none"> <li>Technical drawings with the proposed alignment and the cadastral properties</li> </ul>	In hard copy and PDF format	<ul style="list-style-type: none"> <li>Surveyors</li> <li>Design team</li> </ul>
<ul style="list-style-type: none"> <li>The type and the magnitude of the envisaged social impact on their asset;</li> </ul>		Social expert has trained the interviewers to describe the predicted magnitude.
<ul style="list-style-type: none"> <li>The expropriation procedures and the grievance mechanisms.</li> </ul>		Social expert together with PIU staff trained the interviewers

## Interviewing

The following preconditions were fulfilled during the interviews:

- Experts speaking the Albanian & Serbian language were in the interview team;
- Female interviewers carried out the survey with women;
- Confidentiality was high, especially for issues concerning personal income;
- The experts printed technical drawings with the proposed alignment and the cadastral properties;
- The experts were filling the questionnaires during the interview;
- The affected people were properly informed of:
  - The type and the magnitude of the envisaged social impact on their asset;
  - the expropriation procedures and the grievance mechanisms.

Same procedure was applied for the interviews done on field.

## Period for interviews

The interviews were conducted in September 2018. The interviews were organized for two (2) days in Klina and Peja.

The questionnaires were provided in Albanian or Serbian languages, according to native language of the owners. The questionnaire's template is provided right after the table summarizing the data gathered through the surveys.



*Source: IPF6, questionnaire filling-in session in the municipality of Peja, 2018.*

## Survey for Serbian owners

Nine out of 14 owners from municipality of Klina are of a Serb ethnicity. The Social survey team visited the cadastre office in the municipality of Klina to verify whether the Serbian owners who sold the properties were currently in Kosovo or reside in Serbia, to find out that the properties were not translated into the names of the new owners at all. The PIU team verified several parcels in the



cadastre sold by Serbian to Albanian owners, to find out that the assets have been sold but not translated.

As most of the Serbian owners have left the region, it was not possible to meet them during the posterior field surveys to interview them directly in their property. On 18<sup>th</sup> of December 2018, IPF6 Social survey team went to Jagodina to meet one of these owners. Description of the meeting can be found in Annex 2 as personal information cannot be publicly disclosed.

**On 2019 June 27<sup>th</sup>, mayors of Klina and Peja were informed by email that the PIU was looking for additional information among the HH and affected people in order to finalize the RAP. On 28<sup>th</sup> of June the PIU staff visited the head of Department for Minorities and Returnees in Municipality of Klina. The issue of properties of affected people from Serbian community was raised, and it was found out that letters sent by the Ministry of Environment and Spatial Planning were not delivered to affected people since the owners either died or do not reside in Kosovo.**

As more of the Serbian affected people reside nowadays in Serbia, IPF6 tries to get into contact with them. PIU provided a list of addresses to IPF6 of the Serbian PAPs, around 60 to 70 people.

Regarding Serbian land users, IPF6 managed to contact to date 50% of them (29 landowners on 58), some of them indicated having sold part of the expropriated land and 4 of them sold all the expropriated land. These Serbian families living in Serbia, have been interviewed and received related questionnaires to fill up. They were informed about the ongoing project, expropriation procedure, ongoing activities, their rights and grievance mechanism and institutions within the Municipalities they can address for information and their rights. The report on findings is attached to RAP - Annex 2.

IPF6 will continue to put every effort until all this category of vulnerable people have been informed about the project.

#### 5.1.4 Social field surveys

**In June-July 2019** additional field social surveys were implemented. PIU and IPF6 teams surveyed the properties and people affected by the project and elaborated expropriation reports.

The preconditions that were fulfilled by PIU during the surveys:

- The interview team was speaking the Albanian and Serbian languages;
- Female interviewers carried out the survey with women;
- Confidentiality was high, especially for issues concerning personal income;
- The questionnaires were filled during the interviewing;
- The affected people were properly informed of the type and the magnitude of the envisaged social impact on their asset and the expropriation procedures and the grievance mechanisms.

The surveyors of the PIU recorded the structures and crops of all affected people. The engineers calculated the costs as per instructions and methodology provided by the Ministry of Finance-Department for Tax Administration (ADMINISTRATIVE INSTRUCTION MoF - NO. 02/2015 ON THE APPROVAL OF TECHNICAL VALUATION METHODS AND CRITERIA FOR CALCULATION OF THE COMPENSATION AMOUNT FOR THE IMMOVABLE PROPERTY EXPROPRIATED, AND DAMAGES RELATING TO EXPROPRIATION).

## 5.2 AFFECTED PEOPLE, ASSETS AND PROPERTIES – RESULTS

A summary of the categories of people likely to be affected by the project is provided in the table 5.1. The PIU established by the Ministry of Infrastructure proposed some modifications of the alignment to the Detailed Design between January and April 2019. The households affected by these modifications have not been interviewed in the framework of the social surveys conducted in September 2018. The people affected by these late changes should be monitored in priority during the implementation period of this RAP.

**Table 5.6: Categories of affected people**

Social group situated in motorway vicinity	Problems connected with motorway localization	Results (Effects)	Possible actions
People having own business	Difficulties connected with access to working places (by-passes, lengthening of access road) resulting in increase of production costs, problems with exporting products, difficulties with commuting to workplaces, economic loss.	Resignation and closing working places - claim for property acquisition (where working place is localized), claim for cash compensation .	Identification of all group –every affected Businessmen and working places, providing assistance in resolving problems.
Farmers, owners of agricultural fields,	Difficulties connected with access to agricultural fields, meadows and pastures (by-passes, lengthening of access road). Fields will be divided by the road. Area of cultivation will be decreased. Danger connected with driving farming machines. Possible: soils and air pollution, increase of noise, worsening water conditions, changing of local climate, economic loss, decreasing of surcharges for agricultural fields – as a result of area dependence and kind of cultivation.	Resignation of cultivation works - claim for property acquisition (where farm is localized), claim for cash compensation	Identification of all group –every affected farmer or owner of agricultural field, providing assistance in resolving problems.
Householders owners	Resettlement of residential houses.	Claim for property acquisition), claim for cash compensation .	Identification of all mentioned owners. Purchase of property or amicable agreement. Providing assistance in resolving problems.
Owners of properties localized on proposed area of restricted use or areas situated in zone of motorway .	Health hazard connected with increase of noise and air pollution.	Claim for property acquisition), claim for cash compensation	Identification of all owners. Purchase of property or amicable agreement. Providing assistance in resolving problems.
Owners of properties - partly purchased - which are located within the motorway construction corridor	No possibility to use the rest of real property in up to now way.	Claim of owner for purchasing the rest of property.	Identification of all owners. Purchase of property or amicable agreement. Providing assistance in resolving problems.

As discussed with EBRD in April 2018, businesses located along the existing road and affected by the project should not be included in the present RAP. The results of the socio-economic survey related to these affected businesses (mainly petrol stations) are presented in the ESIA.

### 5.2.1 Affected household owners

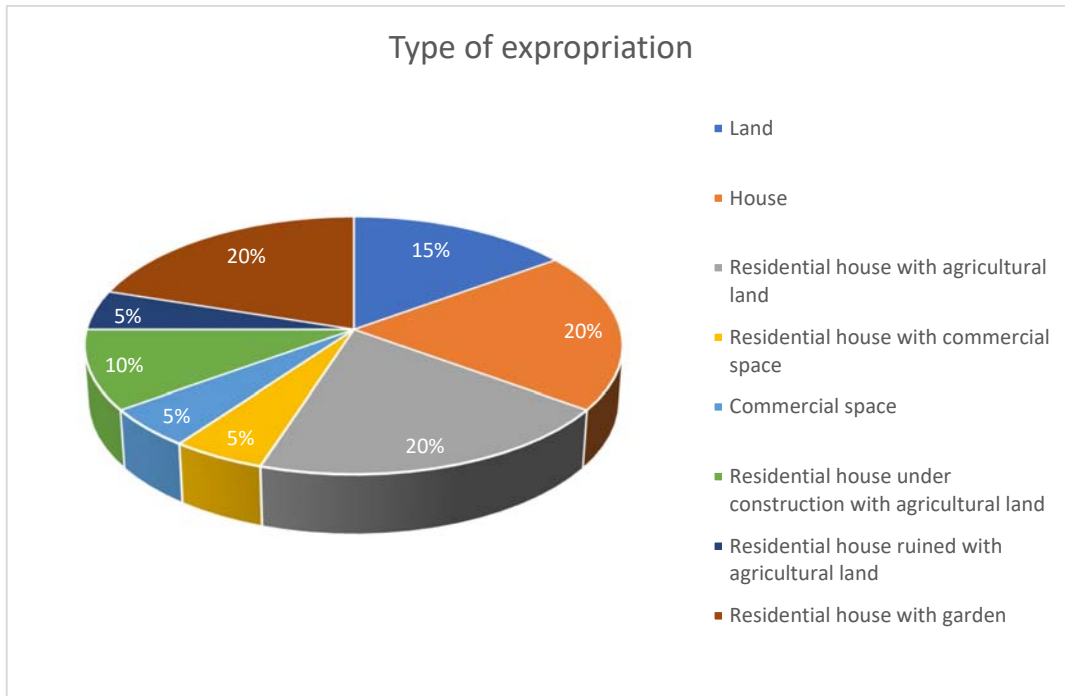
This section describes the needs of physical expropriation required for the implementation of the project. The table here below summarizes lists the buildings which will have to be demolished in the frame of this project.

**Table 5.7: List of buildings to be demolished**

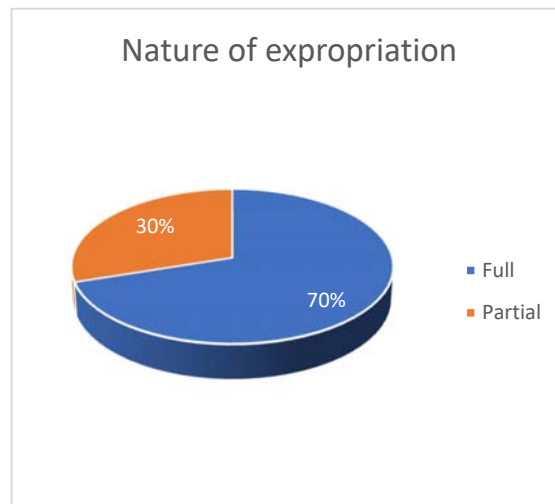
Municipality	Kline			
Cadastral Zone	Dresnik			
No.	Building	Floors	Description of building	
48 /49	2	P+0	Houses-ruins	
51	1	P+0	Houses-ruins	
53/54	1	P+0	Houses-ruins	
56	1	P+0	Houses-ruins	
65	1	P+0	Houses-ruins	
<b>TOTAL</b>	<b>6</b>			
Municipality	Kline			
Cadastral Zone	Dollc			
No.	No. off Buildings	Floors	Description of building	
7,1	1	P+0	House under construction	
49	1	P+1	Residential house	
54	1	P+1	Residential house	
81	3	P+1	Residential houses	
82	1	P+1	House under construction	
84	1	P+2	Residential house + garage	
85	1	P+1	House under construction	
125	1	P+0	Residential house	
127	1	P+1	Residential house	
128	1	P+0	Commercial Property	
131	1	P+0	Auxiliary building	
	<b>13</b>			
Municipality	Kline			
Cadastral Zone	Novosellë e Zajmit			
No.	No. off Buildings	Floors	Description of building	
10	1	-	cemetery	
14	1	P+1	Residential house	
31	1	P+1	Residential house	
38	1	P+1	Residential house	
100	1	P+1	House under construction+ Garage (P+0)	
101	1	P+1	House under construction+ Garage (P+0)	
	<b>6</b>			
Municipality	Kline			
Cadastral Zone	Poterq i Poshtëm			
No.	No. off Buildings	Floors	Description of building	
63	1	P+0	Houses-ruins	
82	1	P+1	Houses-ruins	
	<b>2</b>			

<b>Municipality</b>		<b>Kline</b>		
<b>Cadastral Zone</b>		<b>Drenoc</b>		
<b>No.</b>	<b>No. off Buildings</b>	<b>Floors</b>	<b>Description of building</b>	
45	1	P+1	<b>Residential house</b>	
89	1	P+0	<b>Auxiliary facility-barn</b>	
90	1	P+0	<b>Auxiliary facility-barn</b>	
130	1	P+1	<b>Residential house</b>	
131	1	P+0	<b>Auxiliary facility-barn</b>	
	<b>5</b>			
<b>Municipality</b>		<b>Peje</b>		
<b>Cadastral Zone</b>		<b>Kliqinë</b>		
<b>No.</b>	<b>Building</b>	<b>Floors</b>	<b>Description of building</b>	
22	2	P+0	<b>Residential house</b>	
	<b>2</b>			
<b>Municipality</b>		<b>Peje</b>		
<b>Cadastral Zone</b>		<b>Ramun</b>		
<b>No.</b>	<b>Building</b>	<b>Floors</b>	<b>Description of building</b>	
13	3	P+0	<b>Motel</b>	
25	1	P+0	<b>Commercial building-warehouse</b>	
32	0	NA	<b>Foundations</b>	
33	0	NA	<b>Foundations</b>	
34	1	P+1	<b>Residential &amp; Commercial building</b>	
35	0	NA	<b>NA</b>	
36	0	NA	<b>Walls</b>	
37	1	P+1	<b>Commercial building</b>	
	<b>6</b>			

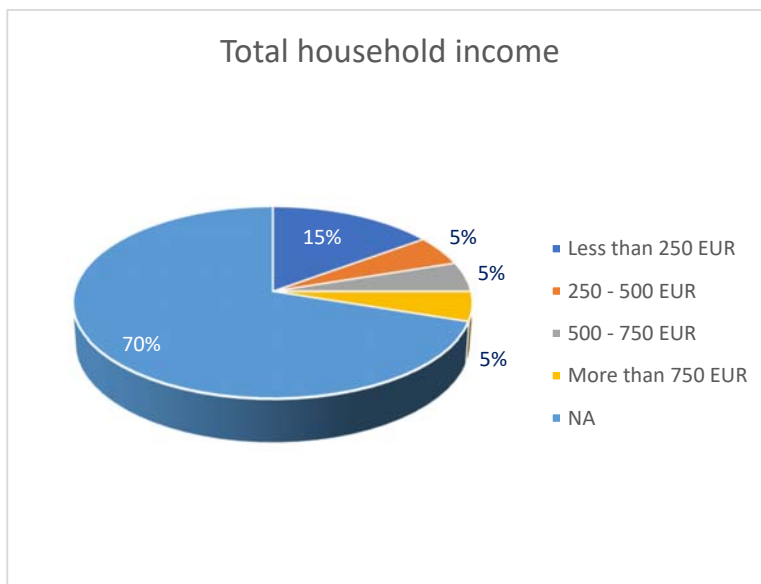
Relevant statistical analysis of the socio-economic survey results is presented in the following pages. Rough data of the interviews are presented in Annex 4 as the data contains personal information and will not be publicly disclosed.



**Graph 5.1: Type of property expropriated**



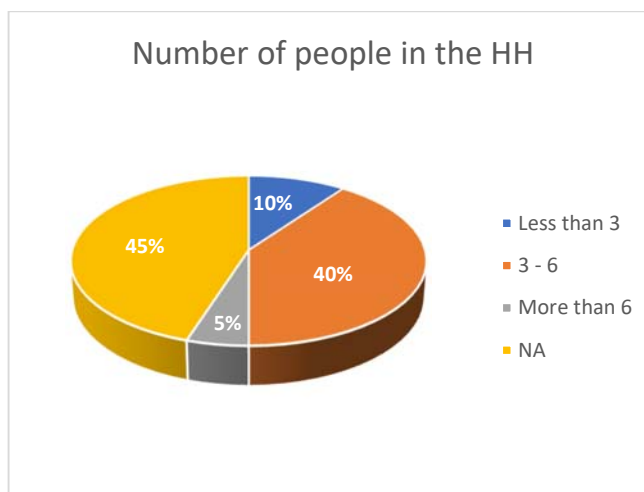
**Graph 5.2: Nature of expropriation**



**Graph 5.3: Total income of expropriated households**

In 2014, a sample of 205 people living in the project area indicated an average income of 450€ per month<sup>5</sup>. The category of people affected by physical expropriation claiming a monthly income of less than 250€ should be carefully monitored. They could constitute a distinct category of vulnerable people affected by the project if their income would be confirmed.

**Compensation:** All respondents seek compensation in money, only one asks for compensation with land.

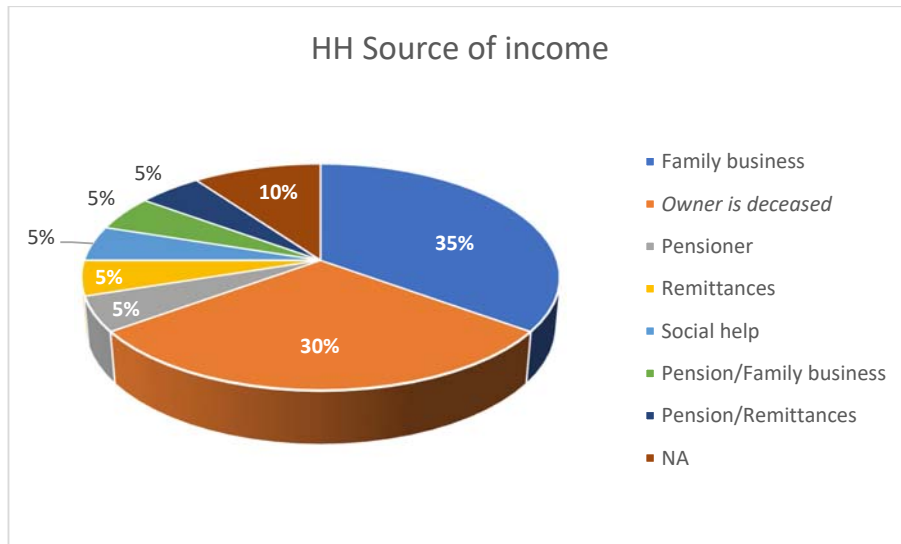


**Graph 5.4: Number of people under the responsibility of the head of family**

Only 5% of surveyed HH constituted the families with more than 6 persons under the responsibility of the head of family.

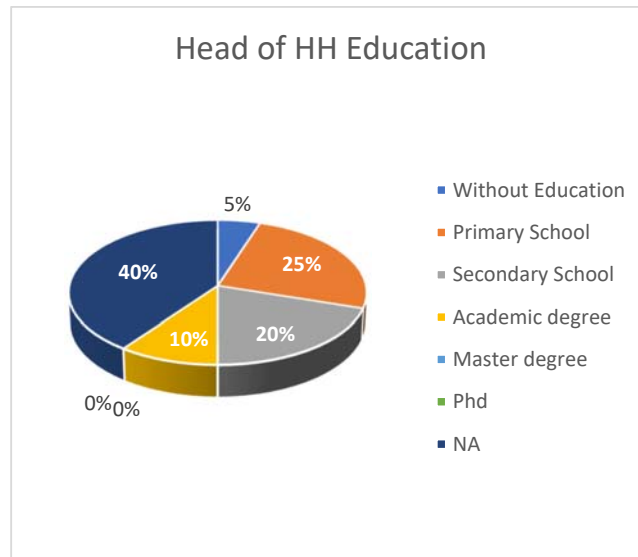
<sup>5</sup> "Social Impact Survey Report of the Road N9 Prishtine – Peje, section from Kijeve – Klina to Zahaq", IPF3, 2014

The important size of the “NA” category can be explained by the fact that only basic information has been collected from most of the Serbian owners involved in the expropriation process. They constitute the largest part of the so-called “NA” group.



**Graph 5.5: Main source of income of the household**

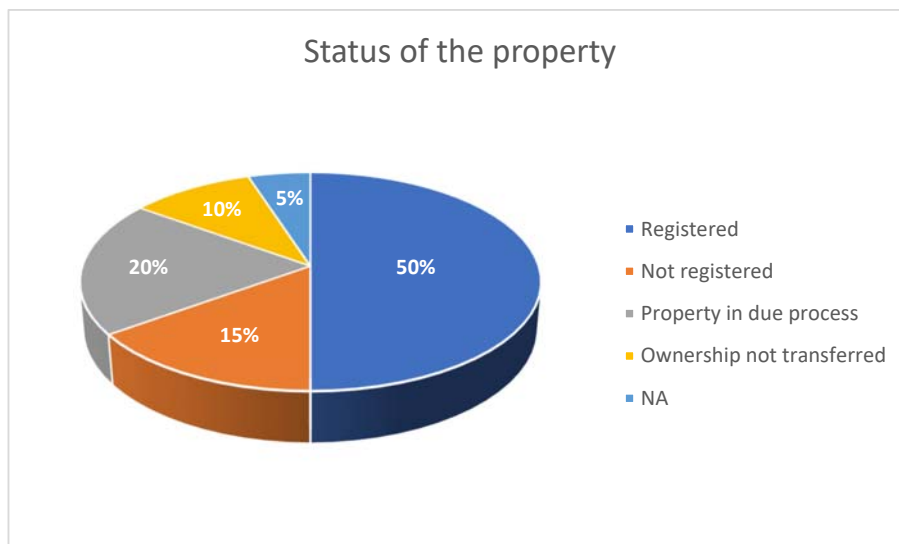
According to survey, 35 % of HH has live from family business, 5 % receive pensions, 5 % receive remittances from diaspora, and 5 % receive social assistance.



**Graph 5.6: Level of education of the head of the HH**

A total of 25 % of the HH happen to be only with primary education, 20 % with secondary schools and 10 % with academic degree.

The important size of the “NA” category can be explained by the fact that only basic information has been collected from most of the Serbian owners involved in the expropriation process. They constitute the largest part of the so-called “NA” group.



**Graph 5.7: Legal status of the property at the time of the survey**

In terms of legality of property, 50 % of HH have their properties registered, 15 % not registered, 20 % property in due process and 10 % the ownership was not transferred. The rest of 5 % belong to NA category. One family in Kliqina did not possess relevant documentation that verified the ownership of the property but owned three constructions in the property.

Klina municipality had many shortcomings. Only two out of 14 owners attended meeting organized in municipality. Municipality of Klina was not able to contact several Serbian owners who, therefore, did not show up at the questionnaires fill-in sessions held in the Municipalities. Five owners were able to provide registered property document, the property of three owners is in due process, while two owners did not, yet, transferred the property in their names. One owner faces family dispute over property ownership, and one property is not registered.

Based on the analysed questionnaires, the following can be concluded regarding owners of building which will be expropriated:

### **Household Members**

In most cases, the property doesn't constitute the main source of income for affected households. One family from the village Ramun (Epja) is indicating that the project would make their access to school and doctor more difficult during the road construction.

### **Vulnerability**

Socio-economic characteristics of expropriated households tells us that over half of surveyed owners are more than 50 years old, and the proportion of women among the household owners is equal to none, which is characteristic ownership structure in Albanian traditional communities. The share of single households is non-existent.

***None of the households surveyed indicated that they would have disabled persons in their families.***

***Both Serbian building and landowners who have left the region and informal users of the land should be considered as vulnerable people affected by this project and specific assistance should be provided to them during the RAP implementation, as explained here below.***



## **Ethnic Background**

Most registered Serbs families from municipality of Klinja are not living in the region anymore and should be considered as Vulnerable Group during the implementation period of this RAP. Details about vulnerable groups are provided in the section 8.3 of this document.

## **Eligibility and Formality**

There are many discrepancies between owners' registers in the cadastre and actual inhabitants of the affected properties. In general, surveys indicate that the ownership is not clear and temporary users cannot prove their ownership. An important part of the owners registered in the cadastre are not living on Kosovo territory anymore.

IPF6, together with PIU team members, worked on identifying land users along alignment (both formal and informal). It was done during social surveys undertaken in 2018 and 2019. People were informed through Municipalities, directly and by formal letters. Social survey conducted in June-July 2019 was done over individual visits to all landowners and landusers. No data was provided by the Municipalities regarding NGO's, local communities, informal users or vulnerable groups, despite IPF6 demands. In the case such users should be identified during the RAP implementation period, detail of their compensation is provided in the section 8.2 of this document and in the entitlement matrix.

***63 informal users were identified by the teams performing the surveys during the summer 2019. All of them are tenants cultivating lands on an informal agreement with the land formal owners, without written agreement. Particular attention should be paid to this category of PAP during the RAP implementation.***

***PIU informed IPF6 that no other category of informal users (fishermen, hunters, etc.) were identified to date.***

## **Compensation Preferences**

**All the household owners, except one, are expecting money compensation for the property loss.** Similarly, most of landowners expect money compensation.

Detailed information about the household owners are provided in the Annex 3 of this RAP as their confidential character does not allow their public disclosure.

## **Businesses affected by the expropriation**

7 household family business involving culture of fruits & vegetables and cattle breeding (chickens, goats, sheep and/or cows) and a motel will be affected by the project.

Moreover, 3 people are claiming that their formal business (one marble, one car mechanic and one fishing) will be totally lost due to the project implementation. Eventually, one project affected people claims that his restaurant business will be affected during road construction and operation.

Detailed explanations of these claims are described in the questionnaires and additional information can also be obtained from the PIU upon request.



Source: IPF6 & PIU, Socio-economic field surveys, September 2018.

## 5.2.2 Affected Landowners

The Project is expected to involve permanent land acquisition for the purpose of construction of the motorway and the access roads, junctions and underpasses / overpasses only in the Municipalities of Malishevo, Klina and Peja.

According to initial estimates, 1,111 privately owned land plots will be affected by permanent land acquisition. The total surface to be acquired is 3,550,138 m<sup>2</sup>.

Land acquisition will mostly affect a portion of these land plots (out of 1,111 land plots, only 187 will be expropriated as a whole, whereas the remaining 924 will be partially expropriated).

The detailed database of the nature of the parcels for the three municipalities can be found in Annexes 3 and 6, as this database includes personal information that can't be disclosed in the main part of this RAP.

In order to finalize the data for the RAP document, a new field survey of affected properties along the new motorway Kijeve-Zahaq has been implemented during the summer 2019.

On June 27<sup>th</sup> the mayors of Klina and Peja were informed by email that the PIU and IPF6 teams were conducting a new mapping and survey for assets and parcels in order to finalize the RAP document.

PIU and IPF6 field teams aimed to meet as many landowners and users during these social missions. As requested by the Ministry of Finances, the PIU used the questionnaires prepared by the Ministry of Finance of Kosovo to conduct the surveys. The PIU estimated that all (100%) of landowners were contacted and the MoF questionnaire was completed and additionally a 15% to 20% of those were interviewed (regarding socio-economic condition and impacts) either on the field or through meetings in PIU office and during recording of structures and crops at their properties. The notes gathered during these interviews are in Albanian language and available from PIU upon request. In August 2019, PIU sent to IPF6 socio-economic data gathered during these meetings with landowners and users, which were analysed by IPF6. The results are described in the following pages.

According to the Expropriation report, number and area of expropriated lots in three affected Municipalities is described in the table below.

**Table 5.8: Land to be expropriated**

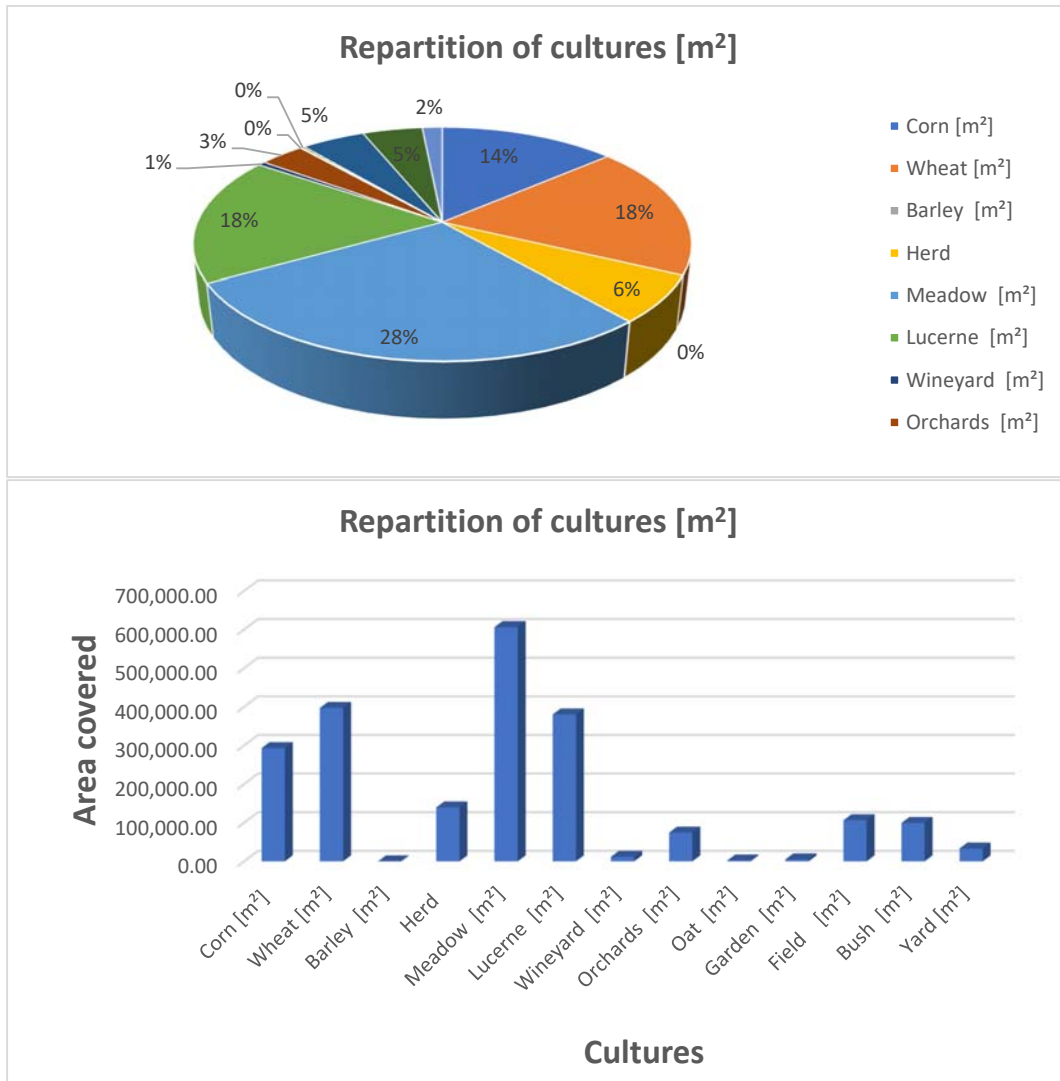
MUNICIPALITY		MALISHEVO				
No.	Cadastral Zone	Number of plots	Number of landowners affected <sup>6</sup>	Number of plots partly expropriated	Number of plots fully expropriated	Area to be expropriated [m <sup>2</sup> ]
1	Kievë	57	43	50	7	113,461
MUNICIPALITY		KLINA				
1	Cabiq	7	7	7	0	19,897
2	Zabergja	59	55	52	7	126,544
3	Gllareva	138	130	127	11	395,762
4	Gjurgjevik	40	30	31	9	291,729

<sup>6</sup> Landowners affected category reflects the private owners of the land, state ownership and lease is not included in this category

5	Dresnik	110	91	77	33	448,908
6	Dollc	141	130	82	59	230,472
7	Gremnik	13	11	11	2	17,408
8	N_Zajm	124	99	108	16	321,218
9	Grabanice	2	2	2	0	18,550
10	Drenoc	144	118	126	18	380,627
11	Poterq i Poshtem	91	79	81	10	195,040
12	Poterq i Eperm	23	15	20	3	102,609
	<b>TOTAL</b>	<b>892</b>	<b>767</b>	<b>724</b>	<b>168</b>	<b>2,548,764</b>
<b>MUNICIPALITY</b>		<b>PEJA</b>				
No.	Cadastral Zone	Number of plots	Number of landowners affected	Number of plots partly expropriated	Number of plots fully expropriated	Area to be expropriated [m2]
1	Jabllanicë	18	11	16	2	144,043
2	Kliçinë	35	24	35	0	291,655
3	Leshan	21	14	17	4	116,975
4	Gllaviqiceë	47	26	44	3	214,816
5	Ramun	41	22	38	3	116,445
	<b>TOTAL</b>	<b>162</b>	<b>97</b>	<b>150</b>	<b>12</b>	<b>883,934</b>
<b>GLOBAL</b>		<b>1,111</b>	<b>907</b>	<b>924</b>	<b>187</b>	<b>3,550,138</b>

Land along the Project section is partly used for agricultural production. During the design phase the target was to design road alignment with minimum land surface to be expropriated.

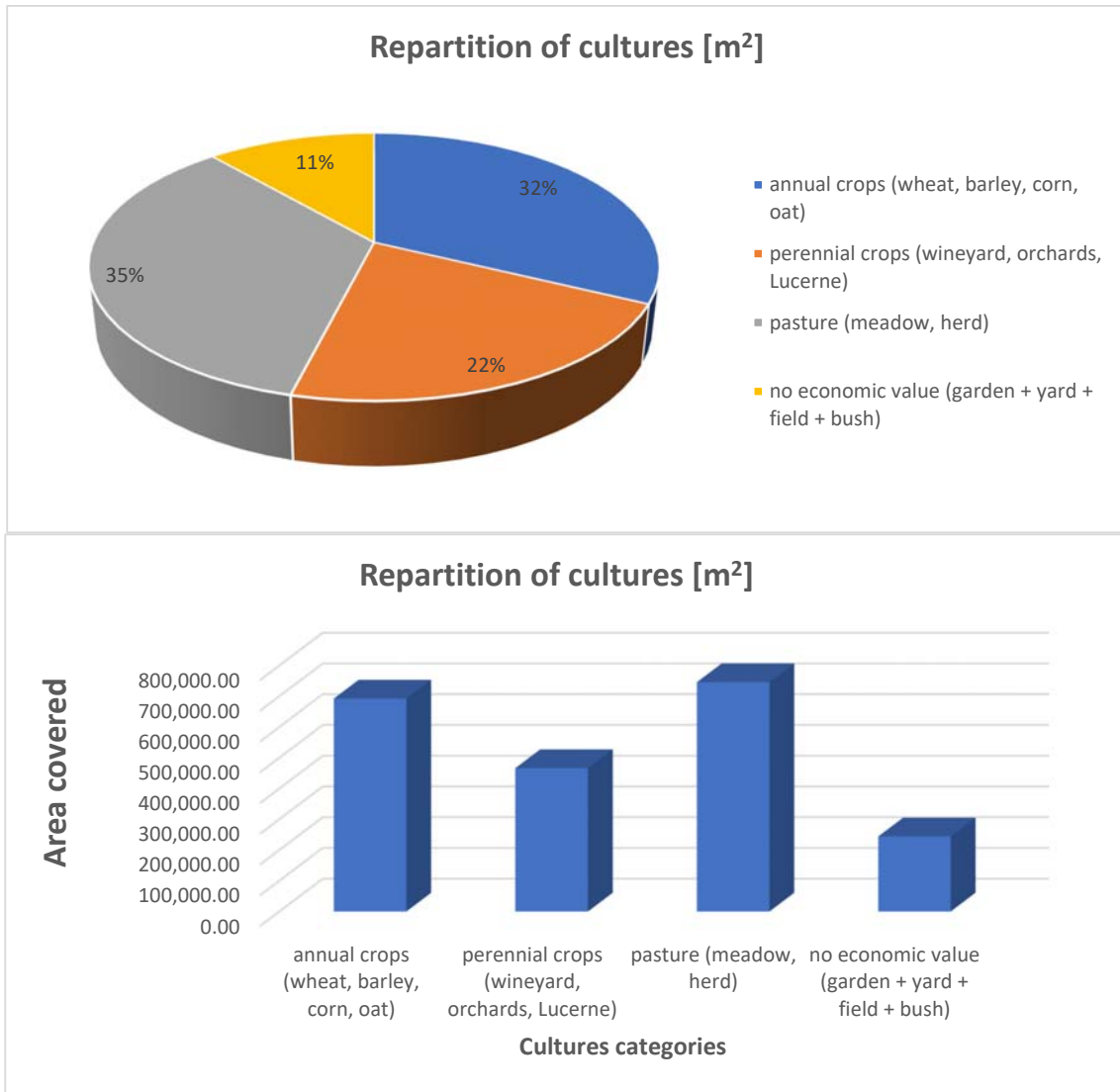
The graphs 5.8 and 5.9 below show that the land owners rather cultivate annual crops (corn, wheat, oat, etc.) than perennial cultures (Lucerne, vineyards, orchards, etc.). The “pasture” category is the most important land use category by square meters of use. However, field surveys teams didn’t identify any herd actually occupying these parcels. **This assumption will have to be doubled-checked during the RAP implementation period.**



**Graph 5.8: Nature of the cultures to be expropriated**

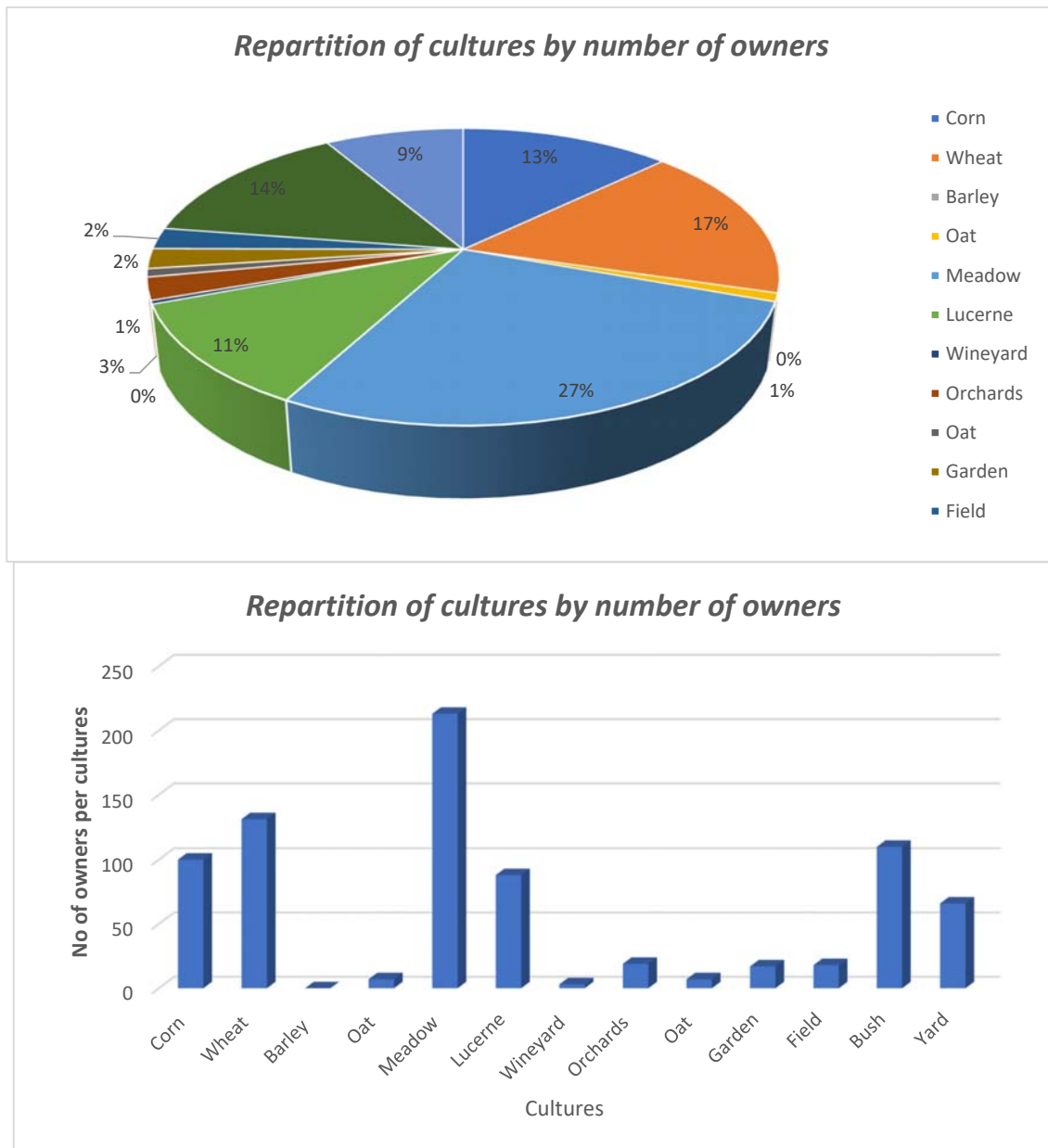
According to overall surveys' results obtained during social surveys, public hearings and last survey done during preparation of expropriation reports in 2019, the average size of the parcel ranges from less to 200m<sup>2</sup> (perennial crops) to around 300m<sup>2</sup> (annual crops). This is consistent with the data obtained for the whole region presented in previous studies<sup>7</sup>.

<sup>7</sup> "Social Impact Survey Report of the Road N9 Prishtine – Peje, section from Kijeve – Klina to Zahaq", IPF3, 2014



**Graph 5.9: Category of the cultures to be expropriated**

The graphs 5.10 and 5.11 below show that the land owners affected by the project mostly cultivate corn, wheat or lucerne. The result related to “meadow” category must be tempered by the fact that both field surveys and interviews of land owners led by PIU failed to identify herd using the land affected by the project.

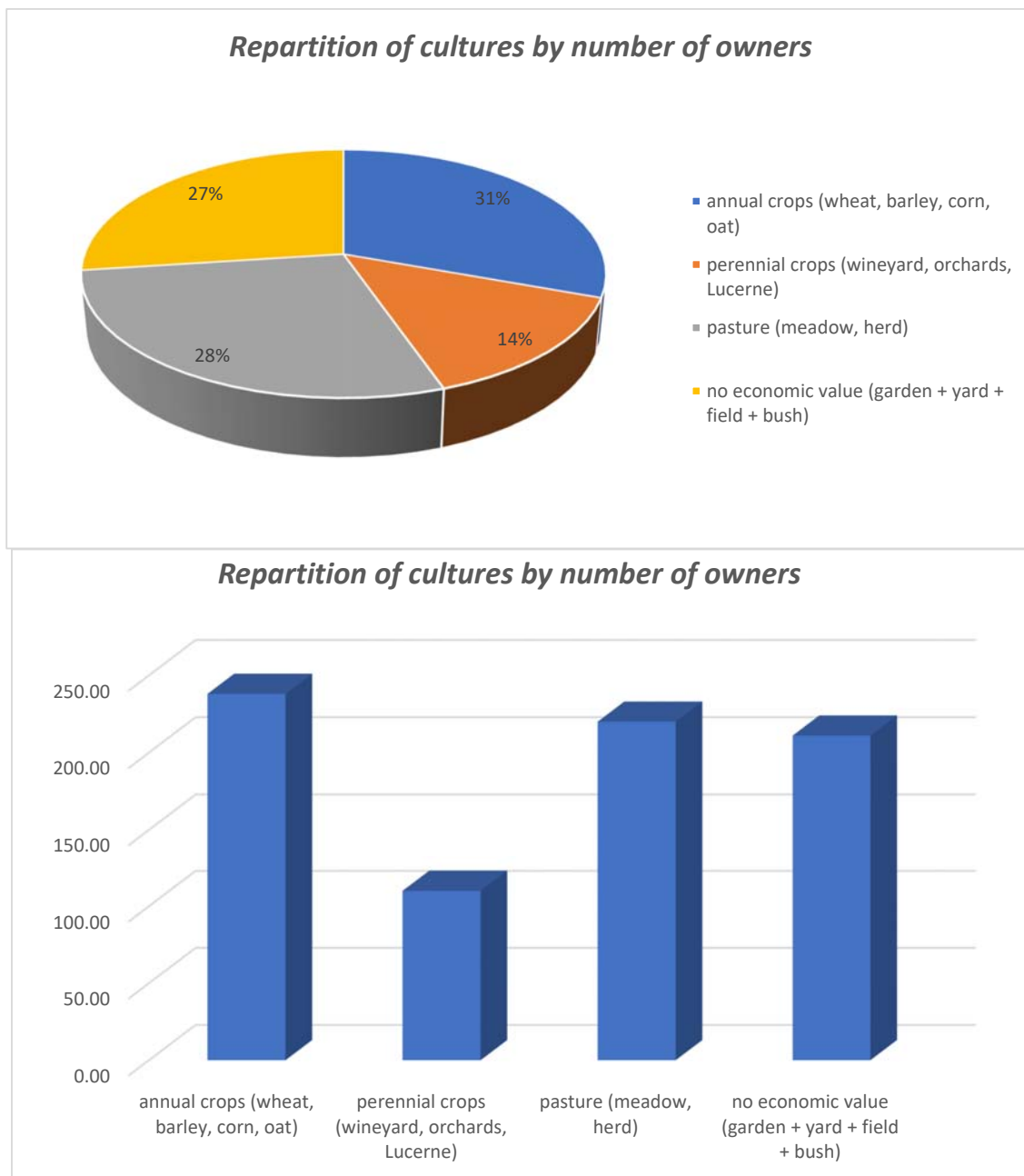


**Graph 5.10: Number of owners per nature of the parcel to be expropriated**

Data gathered to date indicate that the income received from agricultural activities by cultivated landowners usually represents half of the average income in the region<sup>8</sup>.

These results, along with previous data gathered during project implementation, let us think that the quality and the size of expropriated land indicates that the landowners are mainly not making **only** living out of land to be expropriated.

<sup>8</sup> "Social Impact Survey Report of the Road N9 Prishtine – Peje, section from Kijeve – Klina to Zahaq", IPF3, 2014



**Graph 5.11: Number of owners per category of culture of the parcel to be expropriated**



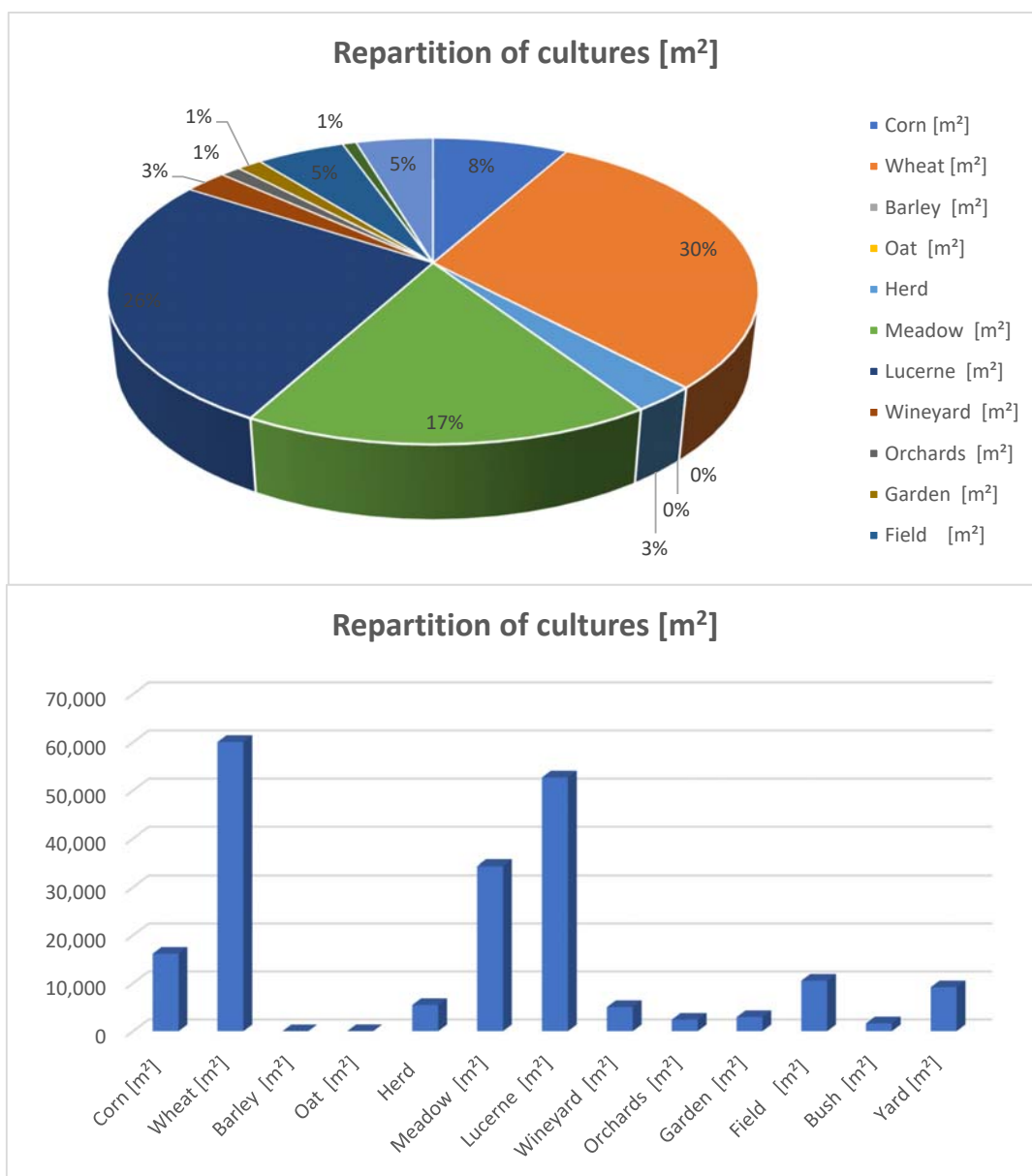
**Table 5.9: Land use of parcels to be expropriated**

Nature of the parcel	Category of culture	Number of owners	Area of culture [m <sup>2</sup> ]	Average area of culture per owner [m <sup>2</sup> ]
Corn	Annual Crop	100	293,160	2,932
Wheat		131	397,005	3,031
Barley		0	0	NA
Oat		7	2,338	334
Sub-total		238	692,503	2,910
Herd	Pasture	41	139,493	3,402
Meadow		213	606,271	2,846
Sub-total		254	745,764	6,780
Lucerne	Perennial Crop	88	380,189	4,320
Vineyard		3	11,670	3,890
Orchards		19	74,477	3,920
Sub-total		110	466,336	1,840
Garden	Other	17	5,178	305
Field		18	106,194	5,900
Bush		110	99,504	905
Yard		66	33,249	504
Sub-total		211	244,125	1,160

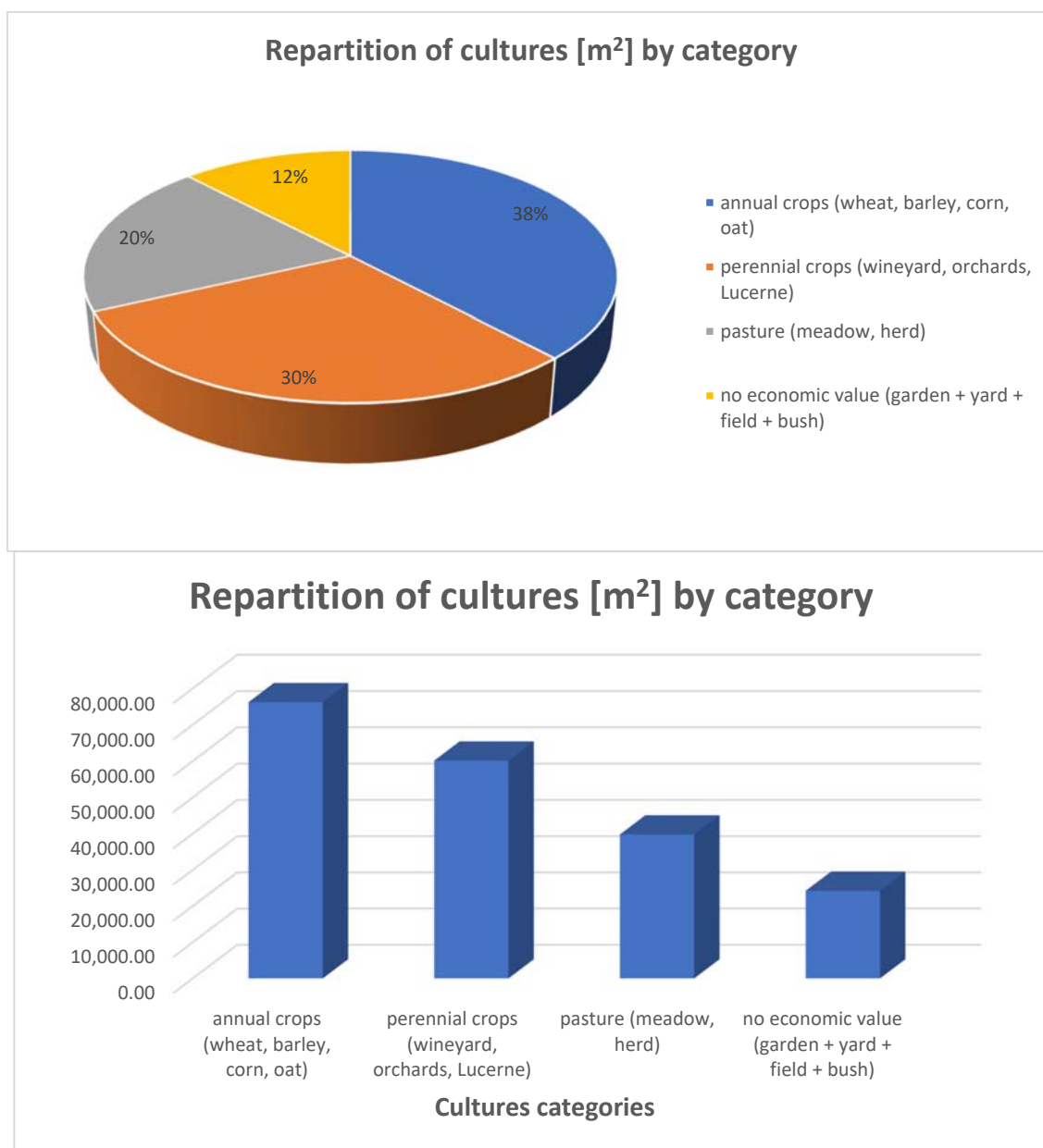
### 5.2.3 Affected informal users

Additional field social surveys implemented by PIU and IPF6 in summer 2019 managed to identify **50 informal users, using a total of around 100 parcels of various use**. All of them are either tenants who cultivate the land of another person on the basis of a verbal agreement or situation where the transmission of the related parcel between family members has not been formally processed.

PIU informed IPF6 that no other category of informal user affected by the project has been identified.



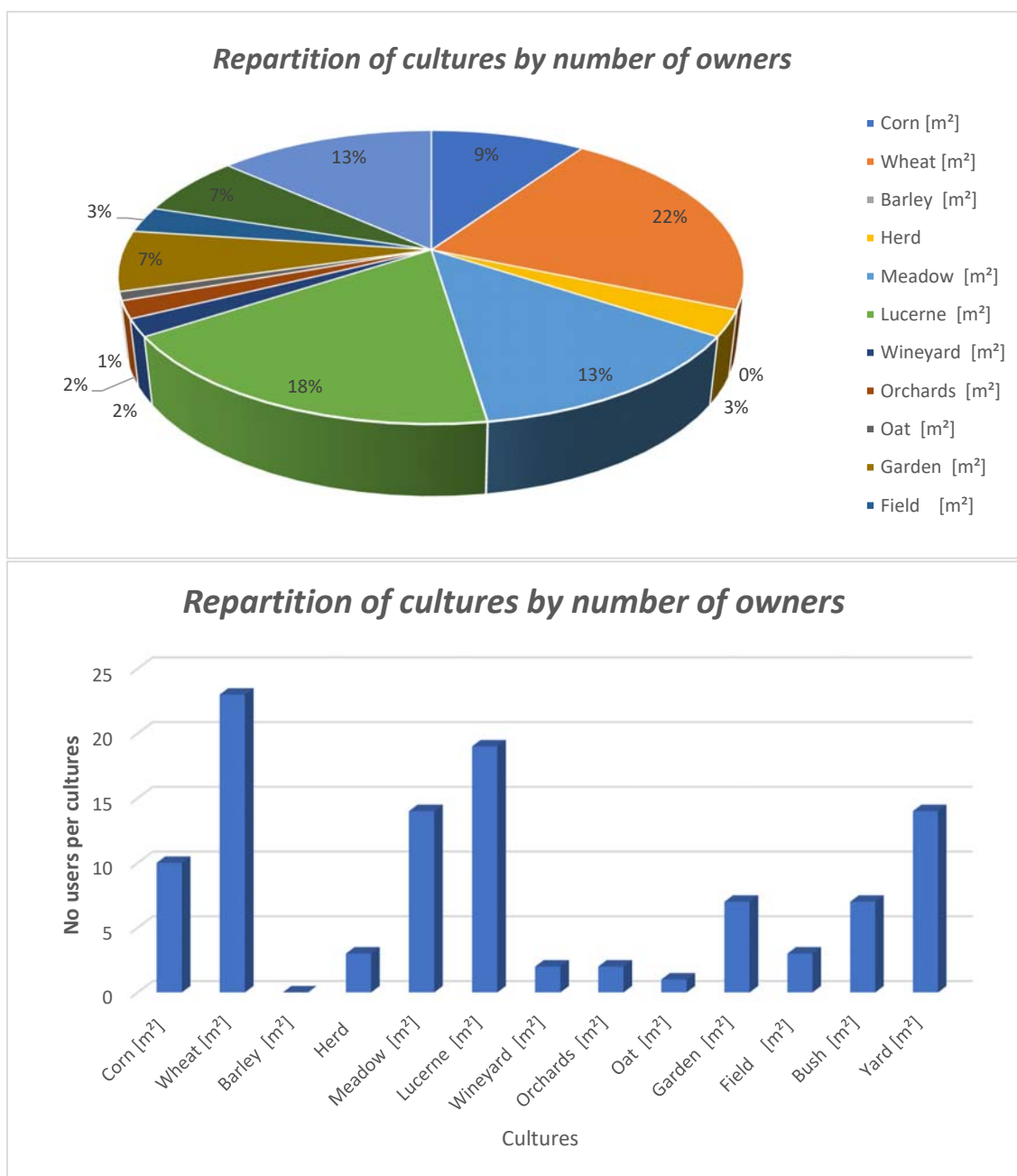
**Graph 5.12: Nature of the parcels to be expropriated used by informal users, in m2**



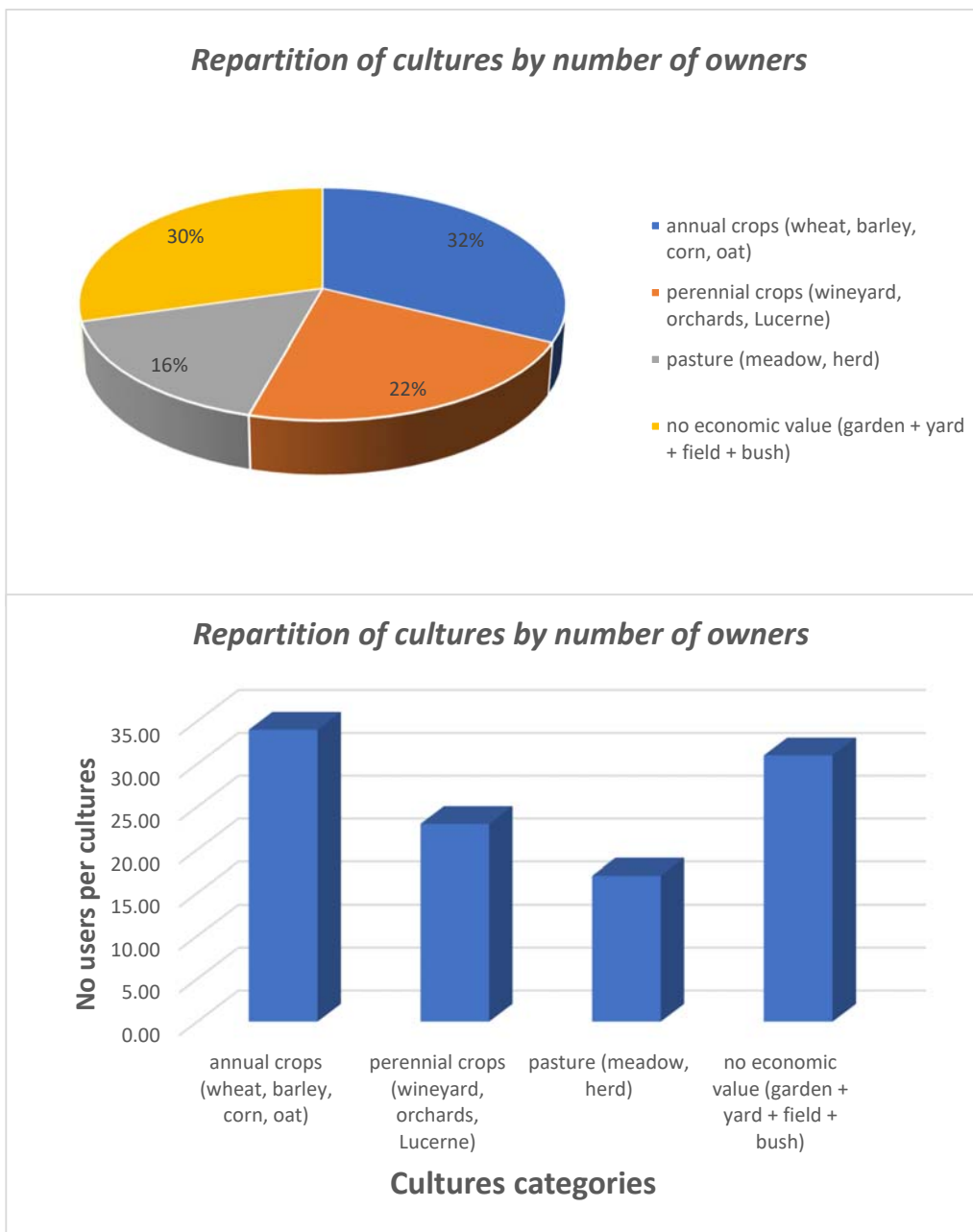
**Graph 5.13: Category of the cultures to be expropriated used by informal users, in m2**

The results obtained in regard to informal users are similar to the general data for the land use affected by the project. It is worth noticing nevertheless the importance of the category “Perennial crops”, which should be, along with the annual crops, appropriately compensated during the RAP implementation period.

The result related to the pasture category should be clarified as it would mean that herd belonging to informal users are actually using land affected by the project. If it happens to be the case, informal users owning animals should be appropriately compensated.



**Graph 5.14: Repartition by cultures of the parcels to be expropriated used by informal users**



**Graph 5.15: Repartition by category of cultures of the parcels used by informal users to be expropriated**

**Table 5.10: Land use of parcels used by informal users to be expropriated**

Nature of the parcel	Category of culture	Number of parcels used by informal users	Area of culture [m <sup>2</sup> ]	Average area of culture per user [m <sup>2</sup> ]
Corn	Annual Crop	10	16,132	1,613
Wheat		23	60,054	2,611
Barley		0	0	NA
Oat		1	30	30
Sub-total		34	76,216	2,242
Herd	Pasture	3	5,454	1,818
Meadow		14	34,323	2,452
Sub-total		17	39,777	2,340
Lucerne	Perennial Crop	19	52,695	2,773
Vineyard		2	5,022	2,511
Orchards		2	2,398	1,199
Sub-total		23	60,115	2,614
Garden	Other	7	2,931	419
Field		3	10,508	3,503
Bush		7	1,622	232
Yard		14	9,155	654
Sub-total		31	24,216	781
TOTAL		105	200,324	1,903

## 6. LEGAL FRAMEWORK<sup>9</sup>

### 6.1 NATIONAL LEGISLATION AND EBRD REQUIREMENTS

#### 6.1.1 Expropriation Law and Authority

The expropriation process of immovable property in Kosovo is governed by the Law on amending and supplementing the Law no. 03/L-139 for the expropriation of immovable property, namely the Law no. 03/L-205 approved by the Kosovo Assembly in 2001. The law guarantees that the expropriation of private property occurs for public interest only and within a fair compensation process.

If all applicable conditions specified in Article 4 of the Law no. 03/L-205, Law on Expropriation are present<sup>10</sup>, the concerned Expropriating Authority (may proceed to carry out the concerned expropriation in accordance with the applicable procedures and requirements further established by the law).

An expropriation procedure may be initiated by the responsible Expropriating Authority (as specified in the glossary it is Department for the Expropriation within Ministry of Environment and Spatial Planning), as determined in accordance with Article 4 of the present law, on its own initiative or pursuant to an application submitted to the Expropriating Authority.

Applications may be submitted by a Public Authority (government agency) or a Publicly Owned Enterprise. If the Expropriating Authority is the Government<sup>11</sup>, an application may also be submitted by:

- a Public-Private Partnership;
- a party to an Infrastructure Contract awarded by a Tendering Body; or
- any lawful heir, successor, assignee or transferee of such a Partnership or party.

If the Expropriating Authority is acting on its own initiative, it shall cause one or more of its members or officials to prepare and submit the application.

**The Expropriation Authority is the Government of Kosovo, specifically the Department of Expropriation within Ministry of Environment and Spatial Planning. The Ministry of Infrastructure is the applicant. It will apply for the Expropriation Procedure under the control of the Public Authority.**

#### 6.1.2 Expropriation Procedure

##### Introduction

According to article 8 of expropriation law the application for expropriation contains the following information:

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<sup>9</sup> Land and Resettlement Framework, IPF6, 2017

<sup>10</sup> An Expropriation Authority shall have the authority to expropriate immovable property only when all the following conditions are satisfied: 1.1. the Expropriation is directly related to the accomplishment of a legitimate public purpose within its competence as specified in paragraph 2 or 3 of this Article; 1.2. the legitimate public purpose cannot practically be achieved without the Expropriation; 1.3. the public benefits to be derived from the Expropriation outweigh the interests that will be negatively affected thereby; 1.4. the choice of the property to be expropriated has not been made for, or in the furtherance of, any discriminatory purpose or objective; and 1.5. the Expropriating Authority has complied with all applicable provisions of this law.

<sup>11</sup> Expropriation authority can also be a Municipality. In this case applicant could not be PPP or party to an Infrastructure Contract.

- The name and address of the Expropriating Authority and, if the Expropriating Authority (Expropriation Department at the ESP) is not acting on its own initiative, the name and address of the Applicant (here, the Applicant will be Ministry of Infrastructure - Implementing Agency).
- The name and address of each person who is, or who claims to be, an Owner or Interest Holder with respect to each and every concerned parcel of immovable property in so far as this information may be readily ascertained from the available cadastral and other official immovable property records in Kosovo, including the records of the Kosovo Property Agency and the most recent property tax records;
- The location and number of each and every concerned parcel of immovable property, and - if less than the entire area of any such parcel is to be expropriated and/or if less than all rights relating to any such parcel are to be expropriated - a specific description of the part and/or rights that are the subject of the application;
- For each such parcel, a description of any and all rights (whether confirmed or claimed) relating to such parcel that the Applicant is requesting to be expropriated.
- A detailed description of the public purpose for which the expropriation is being requested;
- Any significant documents demonstrating the legitimacy of the public purpose and/or the necessity of the applied for expropriation (or, if any such document is publicly available electronically, a clear indication of where such document may be obtained);
- Information on whether, and to what extent, the requested expropriation includes fixtures, accessory parts and/or fruits of the immovable property; and
- Detailed information, to the extent this is ascertainable from the records specified in item 1.2 of this paragraph, on any limitations on or disputes regarding the ownership or other rights or interests held or claimed to be held by Persons identified under item 1.2 of this paragraph.

The Expropriation Authority takes the final decision for approval or denial, in whole or in part of the application for expropriation. As long as a complaint is not resolved at the competent court, the Expropriation Authority does not approve the Final Decision on any concerned property or entitlement.

Expropriation Authority should carry out the Valuation of real estate (see § "valuation of assets" below). The law provides that the amount of compensation for expropriation specified in the final decision is paid in full within two (2) years from the date of entry into force of the decision.

An Expropriation procedure, or the relevant aspect thereof, shall be concluded or terminated when:

- Transfer of ownership cannot be passed without completion of the procedure and the payment of the compensation. The ownership right over the expropriated property is lawfully registered in the name of the Municipality (if the Expropriation was conducted by the Expropriating Authority of such Municipality) or the Republic of Kosovo (if the Government is the Expropriating Authority) after the conduct of the procedure and the payment of the compensation required by the present law;



- If the Expropriating Authority issues a decision that rejects, in whole or in part, the application for Expropriation:
- upon the expiration of the time period during which the Applicant may file a complaint with the competent court challenging such decision, if the Applicant has not timely filed such a complaint, or
- if the Applicant has timely filed such a complaint, the date on which a final non-appealable judgment has been issued by that court, or if applicable, an appellate court;
- Prior to the adoption of an Expropriation decision, the Applicant withdraws its application, in whole or in part; or
- A final non-appealable judgment of a competent court requires such conclusion or termination.

From the day the Expropriation becomes effective: all pre-existing ownership and possessory rights, security interests, servitudes, construction rights, pre-emption rights and any other rights in or to the property expropriated by the Expropriation decision shall be terminated.

### **Valuation of the assets**

Valuation of real estate is managed through the Law no. 03/L-205 and Administrative Instruction (no.13 / 2011) for approval of technical evaluation methods and criteria that is used to calculate the amount of compensation for expropriated immovable property and damages relating to expropriation.

Property valuation is done by the Office of the Immovable Property Assessment at the Property Tax Department, exercising its responsibilities under law no. 03/L-139 on "Expropriation of Immovable Property". Office of Immovable Property Assessment evaluates the property and damages relating to expropriation, which requires information or data as requested at institutions such as Municipal Cadastre Offices, respective Courts, Kosovo Property Agency (KPA), Kosovo Cadastre Agency (KCA), Property Tax Department (PTD) within Ministry of Finance (MF), and in any other state institution which administers property or can give information about it. Officials of the Office of the Immovable Property Assessment receive additional information from real estate agencies, lawyers, and construction companies.

Office for Valuation of the Immovable Property within the Property Tax Department in the Ministry of Finance is the public competent authority for valuation and calculation of the compensation amount and damages relating to expropriation for the immovable property which is subject to the expropriation procedure by whatever Expropriation Body.

### **Buildings affected**

Upon the valuation of the immovable property affected by the expropriation process, Office for the Valuation of Immovable Property use one of methods of valuation according to the criteria set in the Instruction:

- Comparative selling method
- Cost method
- Income method.

### **Comparative selling method**

Comparative selling method is the primary method for the valuation of immovable properties, if there are sufficient data, within a certain period of time, on the transactions that occurred in a certain region, where the expropriation is foreseen to occur for the public interest, as well as data for the market study. During the process of the valuation of the immovable property, only the transaction indicators or other realistic data are taken into account, which have occurred during the three year period, which precedes the date of the approval of decision for authorisation of the discharge of preparatory works or the date of submission of initial expropriation request.

### ***Cost method***

For buildings, parts of buildings or accessory parts for which the market information or transaction indicators is limited or is inexistent, the valuation is done through the use of the cost method, using as basis the price or the substitution cost, taking it from three construction companies which will provide for the cost of the value of buildings, part of buildings or accessory parts. The substitution cost may be expressed as value for the entire premises or per m<sup>2</sup>. Depreciation which includes physical deteriorations, functional and economic aging of premises is deducted from the substitution cost of building. The remaining durability of the premises is considered in the determination of depreciation of building, parts of buildings or accessory parts. In order to determine the overall property value, cost of buildings or accessory parts, the value of land is added, if such value exists.

### ***Income method***

The valuation method based on income is used for the property which has typically been leased or it means regular property income. The income method is used for the compensation of increased or decreased costs of income from one property unit due to expropriation. Income based valuation “capitalises” income which are received by the owner in order to achieve the market value. Capitalisation is achieved by dividing property income with the appropriate market rate or by multiplying income with a permanent capitalisation factor. The necessary information relating to rents, maintenance, operational costs and other necessary data are obtained from the Office of the Valuation of Immoveable Property. The criteria for determination of the value of agriculture land are:

- Quality – classification of agriculture land according to quality/solvency for the purposes of this Administrative Instruction will be based on the existing cadastre classification up to the moment of drafting classification maps of agriculture lands which are prepared and retained by relevant Ministry for Agriculture, in accordance with the legislation in force for agriculture land.
- Vicinity to the dwelling place;
- Access to infrastructure;
- Size;
- Form;
- Irrigation;
- Obliquity in degree.

and other criteria, such as environmental conditions, risk from flooding and erosion, biodiversity value, landscapes and other similar criteria, can be taken into account if they have a significant impact in the valuation of the agriculture land.

The criteria for determination of the value of forest land and forests are:

- Solvency of forest lands;
- Environmental and ecological value and the function of forest land, be it production, preservation, tourist, protected area, and other similar values;
- Geographical location, if the land is mountain or forest area;
- The vicinity or the remoteness from the dwelling areas, depending on the function;
- The vicinity or the remoteness from the tourist and recreational centres;
- Wood volume;
- Value of wood and non-wood material, unused medical, ether and tannin plants; Investment level and access to infrastructure; and
- Transport conditions where upon the determination of transport conditions it takes into account the obliquity of terrain and relief, structure of area and coordination conditions.
- Environmental conditions if have a significant impact in the valuation of forest land.

Compensation for the expropriation of forest in the stage of complete maturity presents the value of wood assortments and other forest productions set forth according to the market price in truck (way) or some other cargo or decreased storage for the price of cutting down and transport.

Compensation for the expropriation of new forest is set forth by the cost of expenditures for cultivation of such forests, adding the growing factor up to the stage of complete maturity.

The criteria in the determination of the value of fruits in agricultural land to be expropriated are:

- Types of cultures;
- Age of cultures and multiyear wood;
- For fruit tree plants (orchard) or vineyards, the valuation will be done taking into account the investment made and maintenance expenditures, for planting and maintenance of fruit tree plants (orchard) or vineyards. The factual investments executed are taken as the basis in the valuation, as well as the entirety of expenditures, thus reflecting annual depreciation values, health depreciation and other indicators.

If the fruit tree plant (orchard) or vineyard has become mature at the time of expropriation, the loss of net income in production will be added to the value of factual investments executed, as well as the entirety of maintenance expenditures, taking into account the expected production, valued with the market price, for as long as it is necessary that the seedling of the same fruit tree plant (orchard) or new vineyard becomes completely mature.

If the necessary time needed for a seedling of the same fruit tree plant (orchard) or vineyard to become completely mature is longer than the remaining time of maturity of the fruit tree plant (orchard) or vineyard expropriated, the loss of net income in production will be added to the value of factual investments, executed, as well as the entirety of maintenance expenditures, taking into account the expected production, valued with the market price, for the remaining time of maturity of fruit tree plant (orchard) or vineyard.

Seed plot, small trees, decoration trees or other plants which do not give fruits, the valuation will be done taking into account the investment done and maintenance expenditures, invested for their planting and maintenance. The factual investments, executed, as well as the entirety of maintenance expenditures are taken into account, thus reflecting annual depreciation values, health depreciation and other indicators. Valuation for fruit tree pants, vineyards, decorative trees, small trees and orchard is carried out per seedling. Valuation for one-year plants during the period of vegetation is

calculated as loss of net income in production, taking into account the expected production, valued with the market price

### **Consultation with persons affected with expropriation**

- The Kosovar Law no. 03/L-139 for the expropriation of immovable property stipulates, notably in its article 9, conditions in which public hearing and public consultations shall be conducted. Main steps of these legal consultations are resumed below.
- Within ten (10) Business Days after adopting an application for expropriation a Decision accepting an application for further processing is made. The Expropriating Authority shall publish this Decision in the Official Gazette and in a newspaper enjoying wide circulation in Kosovo. Within same period the Expropriation Authority informs affected persons for the decision and convenes public hearing with the affected persons in each municipality where expropriation is needed.
- Beginning on the date of that publication requirement, there shall be a thirty (30) calendar day period during which any interested Person shall have the right to submit to the Expropriating Authority written comments on the requested Expropriation.
- Immediately following the conclusion of the written comment period specified above, there shall be a fifteen (15) calendar day period during which the Expropriating Authority shall hold a public hearing on the requested expropriation in each Municipality where concerned property is located. Any Person who is a public official of the Municipality where such a hearing is being held, or an Owner or Interest Holder with respect to concerned property lying within the Municipality where the hearing is being held, or the lawful attorney or representative of any such Person, shall have the right to attend such hearing. Each such Person shall be given a reasonable opportunity to orally provide his/her views on the applied for expropriation.

EBRD requirements pertaining to land acquisition and displacement, relevant for this Project can be summarised as follows:

- To avoid or, at least minimize permanent or temporary project induced physical or economic displacement whenever feasible by exploring alternative project designs; where displacement is unavoidable, appropriate compensation, resettlement and livelihood restoration action plans shall be developed;
- To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land, physical assets or natural resources by:
  - providing compensation for loss of assets at replacement cost<sup>12</sup>, prior to taking possession of acquired assets; and
  - ensuring that compensation, resettlement and livelihood restoration activities are planned and implemented with appropriate disclosure of information, consultation, and the informed participation of those affected. Wherever possible existing social

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<sup>12</sup> This is usually calculated as the market value of the assets plus the transaction costs related to restoring such assets.

and cultural institutions of the affected people should be used to the greatest possible extent;

- To improve or, at a minimum, restore the livelihoods, income earning capacity and standards of living of displaced persons, including those who have no legally recognisable rights or claims to the land (present in the project affected area at the time of the cut-off date), to pre-project levels and support them during the transition period;
- To make special provisions for assisting disadvantaged or vulnerable individuals or groups (present in the project affected area at the time of the cut-off date) that may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of livelihood assistance and related development benefits;
- To establish a grievance mechanism to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons, including a recourse mechanism designed to resolve disputes in an impartial manner.

The above list is only a summary of the main EBRD PR 5 requirements and is qualified by reference to the full text of the applicable policy<sup>13</sup>.

### 6.1.3 Gaps Between Kosovo Legislation and EBRD Standards

#### **Eligibility and formality/informality**

In the legislative framework of Kosovo, expropriation is undertaken only for immovable property and building structures on private immovable property and not for property and facilities built illegally or encroaching on public property. Under Kosovo legislation the expropriation process applies only to facilities that are legalized or have been able to be legalized under applicable laws in Kosovo on the date of issuance of the final decision on expropriation. The law provides that the costs of the evaluation procedure shall be paid by the Expropriation Authority. If a facility or other building structure illegally constructed is able to be legalized, but is not legalized, compensation for the loss of this facility or the building structure will be limited only to the documented costs for its construction. The law also provides compensation in case of termination of the tenancy contract and temporary housing.

This is not in accordance with the principles of suggested value of expropriation in Performance Standards for Land Acquisition, Involuntary Resettlement and Economic Displacement further mentioned as Performance Standard 5. The EBRD Performance Standards includes principles that the lack of documentation of ownership does not disqualify from the eligibility for assistance any contender or pretender holders of property, while under the legislation of Kosovo, discrepancies with this principle are highlighted. **The practice is that immovable properties are to be compensated regardless of their location on private or public land. Informal land users affected by loss of assets and/or improvements to land will receive compensation at full replacement cost.**

<sup>13</sup> <http://www.ebrd.com/who-we-are/our-values/environmental-and-social-policy/performance-requirements.html%20>

## Baseline and surveys

Kosovar legislation requires inventory of lost assets. It does not necessarily require socio - economic surveys for identifying all the impacts, including lost livelihood. EBRD policy though requires a socio-economic assessment of the impacts from the land takes.

For the Project public hearings and social surveys have been carried out (see Annex 3). The recently completed socioeconomic survey (September 2018) helps to understand the nature of impacts, thus enabling the development of appropriate compensation measures, including any special assistance required. The baseline survey also provides information for the monitoring of land acquisition and resettlement to assure that affected people are not left worse off as a result of the project.

## Grievance

The Law on Expropriation enables grievance during two stages of the expropriation process. During the first stage owners can dispute the need for expropriation and the legality of the process. During the second stage, the affected persons can challenge the size of the compensation package. Existing law does not recognize any informal consultation processes outside the above-described two-stage grievance mechanism, however in practice such informal consultation takes place as a means of dispute resolution.

As per EBRD PR5, it is required to establish affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms. In such cases the project will offer an additional step of effort to solve a potential dispute in addition to existing formal judiciary mechanisms.

## Public Consultation

Kosovar legislation requires formal public consultation with the affected persons. As per the Kosovar framework, the first consultation centres around the expropriation process and the delineation of areas of public interest, while the second consultation concerns the compensation determined by the Office of Immoveable Property Assessment.

As per Performance Requirements 5 and 10 the consultation is an on-going process. In addition to the project affected people, also the broader community is informed about the project and the related impacts and consulted with meaningfully and in an appropriate way. **Within the land acquisition and resettlement context, it is required that the affected people are consulted with regarding entitlements, compensation and mitigation measures, and fully informed about the resettlement and land acquisition processes, including their rights and redress mechanisms.**

For the Project several public consultations have been carried out (see Annex 3). The recent social survey for the Project took place on 19-28 September 2018.

## Cut-off Date

The Cut-Off Date is the date after which persons found to settle in the Project area are not eligible to Project compensation or other resettlement benefits, while similarly immoveable assets or crops established after the Cut-Off Date are not to be compensated.

The Kosovo Law on Expropriation provides that compensation will not be paid for the cost or value for any improvements to the property after the date on which the decision accepting an application for further processing of expropriation is published in the Official Gazette, or for any changes in the market value of the property, after either the date of adoption of the decision authorizing preparatory activities or the date of the initial submission of the application for expropriation, whichever comes first. The cut-off date applies to formal or recognizable legal rights to property (category 1 and 2 of eligibility).

As per EBRD policy requirements the date of completion of the census and assets inventory represents the cut-off date for eligibility. Individuals who move into the project affected area after the cut-off date will not be eligible for compensation and other types of assistance. Information regarding the cut-off date will be well-documented and disseminated throughout the project area.

For the under-study project, the cut-off date is considered the 29 July 2019, when the additional field social surveys with landowners and users of affected parcels were completed.

### **Compensation and transfer of property rights**

Kosovo Legislation specifies that the transfer of property ownership can take place only upon completion of the expropriation process and the payment of the compensation. The compensation should be completed within two years from the adoption of the Decision for Expropriation.

Similarly, per EBRD performance requirements the project can take possession of the property after compensation and other assistance is provided to the affected persons.

### **Compensation**

While Kosovo's Legislation provides a detailed methodology for the valuation of lost assets, it does not provide any specific guidelines in such cases where livelihood restoration is needed. The framework developed to address land expropriation does include land improvements such as crops and land preparation.

The Project will impact livelihoods through the acquisition of agriculturally cultivated land. In cases where the acquired land is cultivated, the compensation will include both value of the land and compensation for crops and preparation of the land. Additional assistance will be provided as necessary.

## 7. KEY COMPENSATION AND ASSISTANCE PRINCIPLES

The key principles committed upon by Ministry of Infrastructure in respect of compensation and resettlement, associated with the Project are:

- Alternative project designs have been considered to avoid or at least minimize physical and economic displacement, i.e. through alignment of the road, construction of over and underpasses to account for people's traditional movement patterns between areas below and above the future road, through ensuring that none of the settlements are left without access after the construction of the road, etc.
- People were informed about the project and invited to come to Municipalities and get information about designed alignment and affected plots along it. Public Hearings have been organized to inform affected people in the premises of the relevant municipalities.
- A socio-economic survey of physically displaced people has been implemented in 2018. They were organised in order to survey all affected people and to assess all individual impacts, provide baseline information and design appropriate compensation / resettlement / livelihood restoration measures which are described in the RAP.
- Socio-economic survey was publicly announced, information was displayed in the Municipalities and some owners of the lots were also directly informed during the surveys of the environmental, social survey and IPF6 teams. However, if most of owners of the affected buildings showed up in the municipalities to fill in the questionnaires, only a very small amount of landowners and users have attended the socio-economic survey sessions which were held in september 2018.
- It was therefore decided to impement additional social field surveys in summer 2019, considered as a census of both land owners and persons who have no recognizable legal right or claim to the land they occupy (informal users); the last day of this social survey is the cut-off date for the project.
- Consultations have been organized in the Municipalities of the Project and information has been provided to affected people.
- The detailed Resettlement Acquisition Plan (RAP) in compliance with PR 5 will be subject to public consultation in 2019. Any information/data on affected properties and persons contained in the RAP shall be treated as confidential information and will not be publicly disclosed by the Ministry, any Municipality and/or EBRD.<sup>9</sup> The RAP is based on reliable up-to-date information and includes basic information about the Project, Project impacts, affected people and assets, entitlements for all categories of affected people as well as any legal issues relating to resettlement or any gaps between the Kosovo legislation and PR 5. The baseline socio-economic survey and census for the RAP has identified formal land/property users.
- Compensation for all affected assets will be provided at full replacement cost.
- All owners, occupants and users of affected land at the time of the cut-off date, whether with or without fully recognized ownership rights, are eligible for compensation and/or assistance, as outlined in the Entitlements Matrix (see Chapter 9). The **Cut-off Date** is established on 29



of July 2019, date of the conclusion of the additional social field surveys. All investments into properties made after this date will not be considered for compensation in the valuation process. For persons who have no legal rights or claims to the land they occupy, the cut-off date for the value of affected properties will be the date of the valuation of their affected assets.

- Temporary occupation of land for construction purposes will be compensated in accordance with the Law on Expropriation of Immovable Property, as stipulated in the Entitlements Matrix (see Chapter 9).
- Standards of living and/or livelihoods of affected persons will be restored and potentially improved, in as short a period as possible.
- Negotiated settlements will be carried out where possible to help eliminate the need to use governmental authority to remove people forcibly.
- Specific assistance shall be provided to vulnerable groups identified through the socio-economic survey. Project Affected People and communities will be provided with information and consulted in order to facilitate their early and informed participation in the decision-making process related to land acquisition.
- All compensation and livelihood restoration assistance will be provided equally to men and women;
- Official valuation of properties/improvements to land will be carried out by designated certified valuers from the Office for Valuation of Immovable Property (Department of Property Tax within the Ministry of Finance) or by selected certified valuers.
- Compensation will be provided prior to taking possession of acquired assets where possible, and as a rule prior to the occurrence of physical and economic displacement. Issues related to payment of cash compensation will be discussed and agreed with owners and all affected members of households. Cash compensation will be paid in full to the bank accounts specified by the owners, with agreement of all affected members of the household. In cases where there is more than one owner of property (i.e. co-ownership of married couples), compensation amounts will be divided and paid to the bank accounts they specify.
- A grievance mechanism will be implemented through which all affected people can submit their complaints and grievances in relation to compensation and resettlement and expect a timely answer;
- Monitoring of all compensation, resettlement and livelihood restoration activities will be regularly carried out. MI will monitor the implementation of the land acquisition process, both through internal, official institutional arrangements, as well as through an independent, external monitor. MI will encourage also other institutions, international organisations, and local NGOs to be involved in monitoring the process (see Chapter 14 for details).

## **8. ELIGIBILITY FOR COMPENSATION AND ASSISTANCE**

All individuals occupying project affected land are entitled to compensation and/or livelihood restoration or other assistance as outlined in the Entitlements Matrix in the following section.

### 8.1 Persons with formal legal rights and with rights which are recognizable under national law

Persons with formal legal rights are recorded in the Cadastre and this information will be updated in accordance with national legislation when the expropriation process is initiated by the Expropriation Authority. Persons with a claim that is recognized or recognizable under national legislation are also invited to a hearing and the Cadastre is appropriately updated. In cases of disputes, affected people can turn to the courts for their resolution, which has to be processed prior to the passing of the expropriation decision. Examples of persons with a claim that is recognized or recognizable under national legislation include heirs of deceased owners, persons who purchased properties with a valid sale purchase contract, however, did not transfer property rights to their name in the Cadastre and similar.

### 8.2 Persons with no formal legal rights to the land they occupy, at the time of the census

The date of the completion of the survey on informal users coincides with the cut-off date (29.07.2019), meaning that any individuals / households that use/occupy Project affected land (without legal rights or claims) after this date are not entitled to compensation and/or livelihood restoration assistance. Examples of persons with no legal rights or claims include persons who have constructed barns or any other structure on public land or those that are farming public land or even private land, without the knowledge and/or approval of the owner. Such persons will not be entitled to compensation for land, as they do not own it, however they will be entitled to compensation of assets which they own for example, the construction value of structures, crops, trees, etc.

Initial identification was done by IPF6 environmental experts who were implementing environmental survey and interviewed people on the spot about their awareness of the project and their rights. People identified as affected by the project were invited to attend to Public Hearings which were organised in their Municipalities. They were also suggested to visit the Municipalities to ask for further information.

First Social survey was organised in September 2018. Information about time and location of the socio-economic survey was published and documentation (ESIA and Design details) was provided in the Municipalities and available for investigation. Building owners were invited, beside public announcement and notices published in the Municipalities, in writing to be sure that they are aware of survey. Landowners were publicly informed and expected to come too, and some individuals appeared on the session.

HH and majority of land users which attended to the socio-economic survey were interviewed and questionnaires were completed. No informal users were identified during this survey. Measures for identifying possible informal land users during RAP implementation and resolving grievances are proposed in entitlement matrix.

During second social survey, done in the period of June-July 2019 by PIU and IPF6 representatives, users were contacted either in their home or on the affected parcel and about 20% were interviewed.

At the same time, documentation for Expropriation reports was prepared by MoF authorised experts. HH and landowners were informed about their rights and further activities which will be carried out by the PIU during the RAP implementation.

**50 informal users, informal tenants of expropriated land parcels, were identified during the field surveys implemented in July 2019.**

### 8.3 Vulnerable groups

Some individuals or groups are considered more vulnerable than most of the affected population and, if affected by the Project, require the implementation of special livelihood restoration and/or assistance measures. Such groups might include:

- Informal users of affected land who have no sources of income or assets of their own;
- Owners of informal residential structures (built without construction permits), with no other property or place of residence;
- Project Affected People living below the poverty line or below the extreme poverty line, thresholds respectively set at €1.82 and €1.30 per adult equivalent per day<sup>14</sup> for Kosovo in 2015;
- Persons who depend on the affected land for incomes/livelihoods and it is the only land they own or use;
- Elderly single headed households, single parent households, households with multiple members, etc. who have to be physically re-located;
- Persons who will be affected by physical and/or economic displacement, whose socio-economic status is low, for example beneficiaries of social welfare;
- Illiterate persons who may have difficulties accessing information about the project and land acquisition or understanding contracts and other important documents, etc.

The results of the interviews indicate that none of the household surveyed claimed to have disabled persons in their families.

#### 8.3.1 Serbian owners

The socio-economic survey shows that an important part of the households and landowners belongs to the Serbian Ethnicity. They have left the region and the ownership status of their properties was most of time unclear. Some (4) of the families have already sold their properties and majority of contacted families, who are still landowners, were not informed about ongoing expropriation process and were not contacted by the MoF or any other Kosovo authority. **They should be considered as a vulnerable group in the framework of this project.** The results of the relevant IPF6 survey are attached to this RAP (Annex 2).

The compensation of this category of PAP, particularly difficult to inform and follow as most of them are living outside the territory of Kosovo, should carefully monitored during the RAP implementation.

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<sup>14</sup> CONSUMPTION POVERTY IN THE REPUBLIC OF KOSOVO 2012-2015, World Bank, 2015

Special assistance should be provided to all individuals in administrative procedure needed to prove PAP ownership and in safe movement over Kosovo territory while dealing with administrative issues. Special assistance should be provided to all individuals in administrative procedure needed to prove PAP ownership and in safe movement over Kosovo territory while dealing with administrative issues. This assistance will be provided by the PIU of this project, settled within the MIT of Kosovo, with the assistance of the concerned municipalities. The PIU will help the Serbian owners living abroad to get a remote assistance (by phone, email, etc.) as much as possible. If a trip to the affected municipalities is requested for an administrative reason linked with the project, PIU will assist affected Serbian owners in the travel logistics. PIU will also make appropriate measures to make sure that this category of vulnerable people can be helped by Serbian speakers while visiting affected municipalities or PIU. All the people belonging to this category of Vulnerable People contacted to date have indicated that the best option to restore their livelihoods would be to be financially compensated for their buildings or land losses.

IPF6 will continue to put every effort until all vulnerable people of this category have been informed about the project. IPF6 suggest PIU to contact appropriate representatives of the Serbian community living in Kosovo during RAP implementation, in order to monitor compensation of this vulnerable group in a satisfactory manner.

### 8.3.2 Informal users

The Informal Users affected to this project are either tenants who cultivate the land of another person on the basis of a verbal agreement or situation where the transmission of the related parcel between family members has not been formally processed. Their socio-economic profile is described in the section 5.2.3. The PAPs belonging to this category of Vulnerable People have been indicated that they would prefer to be compensated with money, when interviewed by PIU.

They should also receive special attention from the PIU to assist them dealing with administrative issues in order to get compensated as per EBRD standards.

**Table 8.1: Vulnerable People affected by the project<sup>15</sup>**

Category	Number of PAP in this category	Compensation Preference
Serbian building owners	58	Financial Compensation
Serbian landowners	14	Financial Compensation
Informal Users	50	Financial Compensation

Affected persons / households and landowners (formal /informal) who are in need of assistance and are identified later, during implementation of RAP, will get appropriate assistance from local authorities. These cases and applied measures/assistance will be reported on to EBRD by PIU and MoF. Types of possible assistance / measures are provided in section 10 of the RAP.

<sup>15</sup> Results inferred from the results of the various social surveys implemented by PIU and IPF6 in the timeframe of the project

## 9. ENTITLEMENTS MATRIX

Table 9.1: Entitlements Matrix

Type of loss / impact	Category of PAP	Number of PAP in this category	Entitlements
<b>PERMANENT LOSSES/IMPACTS PRIOR TO CONSTRUCTION</b>			
Permanent loss of structures, agricultural, forest land and/or pastures. For users of land (formal and informal), this refers to access to privately owned land or public land / resources <sup>16</sup>	Owner of land	907	Cash compensation at full replacement cost OR Replacement construction, agricultural, residential, forest land and/or pastures
	Reserved road area	To be identified	Compensation for difference between construction and agricultural land
	Formal user (i.e. tenant) of land	844	Information about the acquisition of the land at least three months in advance of land entry, to enable the tenant to find other land for lease
	Informal user of land	50 – using 105 parcels	Ministry to identify existence of state land nearby during RAP implementation, if informal users are identified, these lots will be available for compensation. Assistance to identify replacement land / resources for use will be obtained. The replacement land from state will be for use, with a security of tenure for minimum 5 years.
Orphan land (a part of a plot of land that is to be left over after expropriation, for which the owner has no economic interest in continuing to use)	Owner of land	To be identified during RAP implementation	If a request of the affected owner of land has been made and has been declared as being justified based on the expert valuation report: Cash compensation at full replacement cost. Landowners will be contacted notified of the entitlement for compensation at full replacement cost. They will also be informed about the procedure to make a claim.
Loss of annual crops	Owner of crops	238	Cash compensation for lost annual crops / plants at full replacement cost Compensation calculated for different categories of plants according to Administrative instruction MoF – No.02/2015 on the approval of technical valuation methods and criteria for calculation of the compensation

<sup>16</sup> Restrictions that result in people experiencing loss of access to physical assets or natural resources are not covered by the Law on Expropriation.

Type of loss / impact	Category of PAP	Number of PAP in this category	Entitlements
			amount for the immovable property expropriated and damages relating to expropriation (document attached to RAP - Annex 6)
Loss of perennial crops and trees	Owner of crops and trees	110	Cash compensation for lost income for the period requested to achieve similar level of productivity of the relevant crop. Compensation calculated for different categories of plants according to Administrative instruction MoF – No.02/2015 on the approval of technical valuation methods and criteria for calculation of the compensation amount for the immovable property expropriated and damages relating to expropriation.
Loss of non-residential structures (fences, barns, sheds, etc.) and infrastructure (irrigation)	Owner of non-residential structure and infrastructure	To be identified	Cash compensation at full replacement cost and Moving allowance for movable assets or assistance to move them (if required)
Loss of business structures (shops, office space, workshops or similar)	Owner of business structure	3	compensation for the structure at full replacement cost AND moving allowance for movable assets or assistance to move them. Or Cash compensation at full replacement cost Or Replacement business structure
Loss of residential houses (physical displacement) <sup>17</sup>	Owner of house	15 houses currently inhabited	Resettlement assistance, including moving allowance or assistance to move AND, Either Replacement residential structure of equal or higher value (with equivalent of better characteristics and advantages of location) OR Cash compensation at full replacement cost

<sup>17</sup> The Law on Expropriation does not foresee in-kind compensation, and therefore the provision of adequate housing with security of tenure and does not include any provisions on resettlement sites. Those who have no recognizable legal right or claim to the land they occupy should receive Compensation for structures that they own and occupy and for any other improvements to land at full replacement cost and a choice of options for adequate housing with security of tenure and resettlement assistance. The Law on Expropriation does not regulate the procedure for dealing with absent property owners and does not contain any measures for ensuring the rights of such owners to be timely and properly informed of any administrative action taken against their property and to effective legal remedies.

Type of loss / impact	Category of PAP	Number of PAP in this category	Entitlements
			If the owner has no other place of residence and the value of the house is so low that the affected person and his/her household cannot resettle to adequate housing as required by EBRD, the affected household shall be entitled to: A choice of options for adequate housing with security of tenure (e.g. social housing)
	Formal/informal user (i.e. tenant) of house	25 households	Information about the acquisition of the house at least six months in advance of demolition, to enable the tenant to find other accommodation AND Resettlement assistance, moving allowance or assistance to move and assistance in finding accommodation (e.g. social housing)
Loss of business income and/or sources of livelihood associated with loss of land <sup>18</sup>	Owner (formal or informal business or economic activity)	7	Cash compensation for lost net income during the period of transition (until the re- establishment of business/economic activities in another location) AND Livelihood restoration assistance
Loss of jobs	Employees	5	Assistance to employees in cooperation with Institute for employment in each Municipality to find available jobs opportunities. Transition allowance in the form of compensation equal to monthly salary coinciding with the number of months when the business is not active, up to a maximum of 6 months.
<b>TEMPORARY LOSSES/IMPACTS DURING CONSTRUCTION</b>			
Temporary loss of construction, agricultural, forest land and/or pastures. For users of land, this refers to access to privately owned land or public land / resources	Owner	To be identified	Cash compensation at full replacement cost for the right to use land under contract, for the land use period AND Reinstatement of land after use

<sup>18</sup> The Law on Expropriation does not recognize economic displacement. In addition, the Law focuses on compensation, not livelihood loss, restoration or improvement.

Type of loss / impact	Category of PAP	Number of PAP in this category	Entitlements
Note: for loss of crops /plants / trees, see permanent losses	Formal user (i.e. tenant)	To be identified	Information about the acquisition of the land at least three months in advance of land entry, to enable the tenant to find other land for lease
	Informal user	To be identified	Assistance to identify replacement land / resources for use, prior to land entry
<p>Temporary loss of business income and/or sources of livelihood (economic displacement) associated with:</p> <ul style="list-style-type: none"> <li>Loss of and/or more difficult access to land above the proposed road for farming or other land use, for example, animal grazing, mushroom picking, tea or herb collection and similar</li> <li>Impacts of construction related nuisances (noise, dust) on tourism or other activities</li> <li>Damage / temporary disruptions to infrastructure (for example, irrigation systems)</li> <li>Any other project activities</li> </ul>	Owner (formal or informal business or economic / livelihood generation activity)	To be identified	<p>Cash compensation for lost net income (or estimated informal income and / or loss of livelihood) during the disruption period AND Livelihood restoration assistance</p>
<b>LOSSES/IMPACTS ON VULNERABLE GROUPS</b>			
Any other specific losses / impacts on vulnerable groups <sup>19</sup> , associated with land acquisition for the Project, identified during the development of the RAP	Vulnerable groups / individuals	<ul style="list-style-type: none"> <li>Around 60 land and building owners from Serbian ethnicity</li> </ul>	Special measures for effective participation, compensation, resettlement and livelihood restoration, to be defined in the RAP/LRP.

<sup>19</sup> The Law on Expropriation does not foresee provision of relocation costs and specific resettlement assistance for vulnerable groups.



Type of loss / impact	Category of PAP	Number of PAP in this category	Entitlements
		<ul style="list-style-type: none"><li>50 informal users of the expropriated land</li></ul>	

## 10. COMPENSATION AND ASSISTANCE

### 10.1 Implementation of census, assets survey and socioeconomic survey

According to expropriation procedure, the Expropriation Authority invite all parties who are not satisfied with offered compensation or have some other interest to fill in a grievance form. Issues of eligibility for compensation will be amicably resolved if possible. In cases, where amicable solution can't be reached between affected parties and Expropriation Authority, affected parties will turn to the courts.

Initial recording of persons who have no recognizable legal right or claim to the land they occupy in the project affected area, was done through the implementation of the census/socio economic survey in 2018. First step was to invite people to come to the Municipalities for interviews. Since land users didn't respond in satisfactory percentage, teams were going on spot and visiting HH and land users on their properties. Since the number of identified land users was still proven insufficient, social survey was repeated during preparation of Expropriation Study in June-July 2019 in order to identify informal land users.

The date of the first socio economic survey was the cut-off date for eligibility, meaning that persons who occupy land in the affected area after this date, are not eligible for compensation and/or assistance.

With the Expropriation Study, an assets inventory is completed. The assets inventory provides detailed information on the affected land plot (total area and area to be acquired, land use, land category) and all assets located on it (crops, trees, orchards, structures, businesses, etc.), both those registered in the Cadastre and those that are not.

A socio-economic survey (section 5 of this RAP) has been carried out by trained surveyors, covering **affected people / households**. These surveys serve as a tool for establishing a baseline for affected individuals/households that will assist in identifying the significance of impacts and developing and implementing effective and suitable ways to resettle people and restore or improve their livelihoods.

The Project land take requirements affects 1111 parcels of 355 ha.

The survey also includes questions on the basic household information (names, ages, sex, educational status of household members and any vulnerabilities), as well as questions in relation to existing standard of living and sources of income/livelihoods, with preferred choices for compensation and assistance.

Depending on the type impact and the category they belong to, affected people will be entitled to cash compensation for affected assets and / or resettlement / livelihood restoration assistance, as presented in the Entitlements Matrix (see Section 9).

### 10.2 Compensation for Land, Crops, Plants, Trees

Compensation rates for land affected by the Project (agricultural, commercial and residential) will be determined based on an assessment which will be carried out by an independent valuator and approved by the Ministry of Finance.

As per the law, the independent valuator carries out an assessment of registered market transactions in the affected areas to determine the market value of land. In the absence of such information, the valuator

determines the replacement cost of land, which is defined as the value of land in the vicinity of the affected land, of equal productive potential or use, with similar or improved infrastructure and services, plus the cost of preparing the land to the level similar to that of the affected land, plus the cost of any registration and transfer fees. If both methods can be applied, the method that provides higher rates is selected.

Affected people can choose to receive cash compensation or replacement land (land of an equal size and quality).

Municipal land will be compensated to the relevant municipality as per the law. Persons/companies who are renting municipal land will be notified of the planned acquisition and will be assisted to find other land for lease. If the area of land to be acquired is not significant, their lease contracts will be amended to reflect the reduced amount of land for lease.

Owners of crops, plants and trees were informed about the cut-off date during the various social surveys implemented by IPF6 and PIU. Crops and plants and trees will be harvested prior to acquisition, however if that is not possible, they will be compensated in cash at market prices. Fruit bearing and non-productive trees are compensated as presented in entitlement matrix (see Section 9).

For crops and plants planted after the cut-off date owners will be informed when the commencement of works is planned, so the crops can be harvest prior to start of works.

### 10.3 Compensation for Residential, Commercial and Non-residential Structures

Compensation for residential, commercial and non-residential structures (auxiliary structures and improvements made to the land such as fences, animal shelters, water pumps, irrigation channels, etc.) is estimated on the basis of full replacement costs on the day of the expropriation decision. Full replacement cost is defined based on market price updated with transaction costs and other costs enabling full reconstitution of the assets at another location.

Registered and unregistered structures are compensated equally, as well as structures constructed on land which does not belong to the owner of the structure (which could be private land belonging to someone else or public land). Affected structures will be assessed individually, to assess their quality (quality of used materials) as well as their size.

Persons who are residing in the affected properties can be provided with a hardship payment, to facilitate their move. The hardship payment is defined by the law.

### 10.4 Compensation for Loss of Income

If the acquisition of commercial structures causes loss of business income the affected owner will receive compensation for lost net income during the period of transition, i.e. until the re-establishment of business activities in the same location (in case of partly acquired businesses) or in another location (in case of fully acquired businesses). This compensation will be provided for every month when the business is not active, up to a maximum of 6 months.

Calculation of lost net income will be based on tax records carried out by the official valuator, or if such records are not available (informal businesses), an estimation of the net income (per month, week, day, as

appropriate) and/or loss will be made based on comparable local incomes from similar, formal income earning activities.

When the affected person is an employee of an affected active business, he/she will be entitled to compensation equal to monthly salaries for the number of months when the business is not active, up to a maximum of 6 months. The amount will also be obtained from business and tax records, or if such records are not available (informal employees), it will be equal to the official minimum wage.

## 10.5 Livelihood Restoration Assistance

In case the owners of affected active businesses, who have received compensated for loss of commercial and non-residential structures and compensation for loss of income, have not re-established their income generating activities, the owners of such businesses and their employees will be entitled to livelihood restoration assistance. The need to provide such assistance, as well as the type of assistance to be provided, will be assessed during monitoring and reported on to EBRD. In performing these tasks, as well as in providing the actual assistance, Ministry of Infrastructure (MI) will closely cooperate with local authorities who are well acquainted with locally affected businesses, as well as with any locally available service providers (local employment agencies, training facilities, credit facilities, etc.).

Livelihood restoration measures may include:

- Access to employment opportunities created by the Project
- Access to other locally available employment opportunities (e.g. public works, employment in municipal enterprises, etc.)
- Assistance to identify and access other income/livelihood generation activities (opportunities with other local businesses)
- Assistance to access job training, skill development, etc.
- Assistance to access credit facilities

The measures of Livelihood Restoration Assistance implemented during the RAP implementation period will be focused on restoring present livelihoods of Project Affected People at a different location or access to alternative livelihoods which will meet the expectations of PAP. The most important input is therefore an appropriate assistance in finding adequate substitute land, building and/or assets which will enable realization of these monetary and non-monetary expectations.

## 10.6 Assistance for Vulnerable Individuals and Households

None of the household and landowners surveyed, during conducted social surveys, claimed to have disabled persons in their families.

The owners belonging to the Serbian ethnicity, regardless of the status of the property, are considered as a vulnerable group. Most of them have left Kosovo and the ability to have access to the information related to this project for this category of owners is limited. In addition to assistance proposed to all other identified vulnerable individuals, assistance through PIU (and appropriate NGOs if possible) should be implemented in order to help Serbians to be kept informed about their rights, to be assisted in administrative issues (transforming ownership in case of sold or inherited properties and properties occupied by informal users) and to follow the realisation of the compensation to be paid to the owners living out of Kosovo. Information

about provided assistance and realised payments should be part of the report send to EBRD as part of regular project reporting.

Special assistance will be provided to all individuals in administrative procedure needed to prove PAP ownership and in safe movement over Kosovo territory while dealing with administrative issues. This assistance will be provided by the PIU of this project, settled within the MIT of Kosovo, with the collaboration of the concerned municipalities. The PIU will help the Serbian owners living abroad to get a remote assistance (by phone, email, etc.) as much as possible. PIU will also take appropriate measures to make sure that the owners from Serbian ethnicity can be assisted by Serbian speakers while visiting affected municipalities or PIU.

The PIU will contact the Serbian owners listed in the Annex 2 of the RAP, inform them about the mechanisms and make available to them the relevant contact inside the Ministry of Finance who can inform them about their compensation. The contact of some of the members of the Serbian communities still present in the region can be provided to PIU as a focal contact point to inform the Serbian owners absent from Kosovo about the procedures and their entitlement. If a trip to the affected municipalities is requested for an administrative reason linked with the project, PIU will assist affected Serbian owners in the travel logistics. For security reasons, some PAP from this vulnerable group would have to limit their trips in Kosovo. In the event these Serbian owners would need to obtain Kosovo documents (ID Cards) in order to apply for the compensation, PIU will provide appropriate assistance.

Social field surveys implemented during July 2019 allowed to identify 63 informal land users of land which will be expropriated by the Project. These people are tenants who have informal, non-written agreements with the landowners to cultivate their land. PIU informed IPF6 that no other category of informal users, like fishermen or hunters were identified to date. If such a group would be identified during RAP implementation, they should be considered with particular attention by the PIU to assist them dealing with administrative issues in order to get compensated as per EBRD standards.

Possible categories of vulnerable persons are presented in section 8.3 of this RAP.

Assistance to vulnerable persons will be provided through NGO-s registered on Kosovo, international organizations and PIU and reported to the bank.

In case these categories get identified in coming implementation of RAP period, types of possible assistance include but are not limited to:

- Assistance to legally acquire a land plot from the municipality, on which it will be possible to construct a new, formally registered house;
- Assistance to organise construction of a new house (hire contractors, monitor works, manage payments, etc.);
- Moving allowance or organised transport of household belongings, furniture and other movable assets including animals, for PAPs who reside in the house for less than 5 years (and are therefore not entitled to the hardship payment);
- Assistance to prepare documents for land acquisition, appropriate documents proving ownership / usership of the land or any requested document to get compensation.
- Regarding PAP leaving outside the region, remote assistance should be preferred. However, if the travel to the region is absolutely required to address administrative issues in order to get compensated, PIU will organize the logistics.
- Legal assistance in relation to land acquisition issues;

- Assistance through the implementation of livelihood restoration measures (see section 10.4).

Every process of this assistance should be mandatory provided to Project Affected People free of charge.

Every interviewed PAP has favoured the option of financial compensation rather than other ones (physical resettlement of house or land, etc.).

## 10.7 Compensation for Absentee owners

If an owner of an affected property is missing or absent from the project area and his/her whereabouts could not be identified (by the local police who collect information from neighbours, family members and in other ways), the determined compensation amount is deposited to an escrow account. If the affected person appears and wishes to claim compensation, he/she is directed to the court with a valid ID card or passport. The court provides permission for accessing compensation from the escrow account, based on which the Bank executes payment to the affected person. **This category of compensation will be applied for Serbian owners who could not have been contacted/identified by PIU or IPF6.**

# 11. ORGANISATIONAL RESPONSIBILITIES FOR RAP DEVELOPMENT & IMPLEMENTATION

In line with the Expropriation Law of Kosovo, the administrative body (“the expropriating authority”) in charge of land expropriation for this Project is the **Government of Kosovo via the Ministry of Environment and Spatial Planning (MESP)**, acting as the expropriating authority on behalf of all central level authorities.

Other key institutions involved in the expropriation process are:

- **Office for Valuation of Immovable Property (within the Department of Property Tax)** within the Ministry of Finance, the only public authority competent for valuation of any immovable property that is subject to expropriation by any expropriating authority (municipality or Government).
- **Kosovo Cadastral Agency (KCA)**, the highest authority of cadastre, geodesy and cartography in Kosovo, responsible for the overall administration of the computerized Kosovo Immovable Property Rights Register.
- **Municipal Cadastral Offices**, required to register (in the Immovable Property Rights Register) the final decisions on expropriation of immovable property (submitted by the expropriating authority), in order to prevent owners or interest holders from transferring or granting to any third person any ownership or other rights or interests in or to the concerned property, and undertaking any construction work on the concerned property.
- **MEST- The Expropriation Department**, is the Department responsible for Expropriation, within Ministry of Environment and Spatial Planning.

All parties involved in the Project, including the MI, Ministry of Finance (namely, its Office of Valuation of Property), the relevant Municipalities and the Contractor to be engaged by the MI to work on Project sites, are required to implement the requirements of this RAP.

Responsibilities will be shared between the MI, MF, the Municipalities, the Contractor and other agencies, according to Table 11.1.

The PIU set up within the MI will ensure the proper implementation of the RAP and will be in charge of communicating with the communities and consultations with PAP.

**Table 11.1: Implementation of the RAP responsibilities**

Task	Responsible Authority
Information disclosure to all Project Affected People and communities	MIT via the PIU and relevant Municipality (Peja, Klina or Malishevo)
Valuation of property	MF (Office of Valuation of Property)
Direct communication with and visits to owners/ occupants	MIT as the expropriation beneficiary and MESP as the expropriating authority

Negotiations and expropriation activities, prior to construction commencement	MESP
Payment / provision of compensation packages	MESP
Monitoring and reporting with respect to expropriation	MIT via the PIU
Monitoring and reporting in respect of temporary v	Contractor via the PIU
Grievance management	MIT via the PIU and Contractor
Overall project implementation compliant with RAP	MIT via the PIU

The next steps in the implementation of this RAP are outlined below:

1. Disclosure of the RAP (and other Project relevant information, as outlined in Section 12.3 of this RAP) on the MI website and website of the Municipalities of Peja, Klina and Malishevo upon its approval by EBRD. Provision of hard copies of the RAP in the premises of MI and Municipalities upon request by interested parties;
2. Setting up of the Grievance Registry and disclosure of Grievance Form on the MI website and provision of assistance to all interested persons as outlined in this RAP;
3. Organization of meetings with stakeholders and individual consultative meetings with directly affected people as outlined in Section 12 of this RAP.
4. Valuation of property, negotiations and expropriation activities in line with national legislation (by the Expropriating Authority) as defined in Section 6.3.2 of this RAP;
5. Setting up and maintaining a land acquisition database and monitoring of the land acquisition process as outlined in Section 14 of this LAP and reporting to the EBRD;
6. Development of Completion Audit at the end of the land acquisition process and reporting to the EBRD.
7. Payment of the appropriate compensations, responsibility of the MEST- The Expropriation Department.



## 12. DISCLOSURE OF INFORMATION AND CONSULTATIONS

### 12.1 DISCLOSURE OF INFORMATION AND CONSULTATIONS HELD TO DATE

A Project Implementation Unit (PIU) has been established for the Project, consisting of representatives of the MI responsible for ensuring the proper implementation of the LARF / RAP. This PIU is in charge of communications with the communities within the Municipalities and consultations with PAP.

IPF6, in collaboration with The Ministry of Infrastructure, Government of Kosovo, undertook Public Hearings, the purpose of which was *inter alia* to elicit public opinions on the draft Land Acquisition and Resettlement Framework (LARF) proposed for application on the Project. The Public Hearings for the LARF took place concurrently with the Public Hearings required under Kosovo Law No. 03/L-214 on Environmental Impact Assessment.

Prior notice for the Public Hearings was done by publication on the website of the Government of Kosovo, and local newspapers.

The Public Hearings were organised as follows:

Municipality	Location	Date	Time
Peja	Peja Municipal Assembly Hall	06 November 2017	9.30
Kline	Klina Municipal Assembly Hall	06 November 2017	15.00
Malishevo	Malishevo Municipal Assembly Hall	07 November 2017	10.30

The three meetings were attended by approximately 150 citizens, mainly males.

The comments raised related to the LARF and the Ministry of Infrastructure Response are shown in the table below.

Issue raised by Public	MIT Response	Impact on draft LARF
Service station owners along the existing road raised concerns about the potential loss of income due to deviation of traffic on the existing road N9 to the new motorway. They queried why the existing road was not selected as the best option.	The selection of the alignment was based on a multi-criteria analysis taking, into account the technological, environmental, social, economic and financial aspects of five different options, including the on-line improvement. Based on this analysis, in May 2016, the Government of Kosovo selected the alignment currently proposed.	Nil

<p>Owners of properties and residential buildings in Kline municipality (mainly from the settlement of Zajm), raised their concern regarding the loss of properties, particularly residential buildings.</p>	<p>The conceptual and preliminary designs have sought to limit the number of affected households, especially loss of residential properties, within technically feasible constraints. Further modifications have been performed at the detailed design stage to reduce the number of affected properties. Further social surveys, and a more precise assessment of the impacts and further definition of the mitigation measures, have been followed during the Detailed Design stage.</p>	<p>Nil</p>
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Moreover, a social survey was carried out during 15-28 September 2018. This survey was implemented through two separate phases:

- Social survey along new alignment;
- Social survey along existing road.

This survey is described in detail in the section 5 of this RAP.

## 12.2 COMMUNICATION TOOLS

Ministry of Infrastructure, represented by the PIU for this project, utilizes the following channels of stakeholder engagement, communication and information disclosure:

- Publishing information on the official website of MI (<http://mi-ks.net>) which is well organized and contains relevant contact information and news;
- Publishing information on the public bulletin boards in the premises of the MI;
- Responding to telephone, mail, fax or e-mail inquiries;
- Public announcements communicated to the media (local radio/TV station, daily newspapers, etc.) on a need's basis.

## 12.3 PLANNED DISCLOSURE OF INFORMATION AND CONSULTATIONS FOR RAP IMPLEMENTATION

The final RAP will be publicly disclosed through the Ministry's website and provided in hard copy in the municipalities of Malishevo, Klina and Peja and the offices of the local communities, as well as in printed copies in the MI premises at the following address:

Ministry of Infrastructure

Address: Ish Ndërtesa e Germisë 10000, Prishtinë, Republika e Kosovës

The documents will be available in Albanian and Serbian (as well as English where available) immediately upon the commencement of the Project (but at least 30 days prior to the start of construction works – period which will be used for collecting remarks, suggestions and propositions of the public. The main principles of compensation, including submission and resolution of compensation claims for temporary economic displacement and the grievance mechanism will also be presented and open for discussion and feedback.

These documents and information will remain in the public domain for the entire duration of the Project cycle.

The privacy of affected people will be respected, and no private information will be publicly released. Implementing team has organized census/socio economic survey interviews by contacting owners of each affected land plot individually, through contact details provided in the Cadastre and in the RAP. Where the details are outdated or missing, the Ministry PIU will enquire about the owners and users of an affected land plot with presidents of local communities and/or owners and users of neighbouring or nearby plots of land and with any other community members who may be able to provide this information.

When implementation of the RAP begins, project will continue to regularly inform and consult affected people. All meetings and consultations will be documented by providing the date when the meeting/ consultation was held, list of attendees, and a summary of the discussions. The minutes will be included in reports provided to project management and EBRD.

Besides this RAP, the following documentation and information regarding the project will be publicly disclosed on the website of the Ministry of Information and be available in hard copy in the Municipalities affected:

- Information on community health and safety risks and impacts (including any construction works, road access restrictions and other nuisances), proposed mitigation measures and updates regarding the implementation progress of the Project;
- Summary of conclusions from the consultative meetings and public discussions held;
- Non-Technical Summary of the Project's Environmental and updated Social Impact Assessment (NTS);
- Stakeholder Engagement Plan (SEP);
- Grievance form (see Annex 5).

### **Planned Meetings**

The Municipality will schedule and hold the following meetings with the representatives of different stakeholder groups:

- Public consultative meetings will be held on a regular basis, at least every 6 months, during Project implementation, i.e. prior to and during the construction works. The first meeting is to be held within 30 days of the publication of the RAP on the MI website. At least one public meeting will be organized prior to initiation of construction works. Such meetings will be aimed at providing regular gatherings of all stakeholders and will be open for all interested parties.

During these meetings, the participants will be able to present their opinions and remarks with regards to the Project, as well as to suggest possible solutions of the issues raised, which will be documented and addressed appropriately in the Project Implementation Monitoring Reports in regard to the received grievances and follow up action taken to be prepared by the PIU. These meetings will be held at the Municipality premises.

- Local Community consultative meetings are aimed at engaging individuals, households and businesses affected by the construction activities into the consultation process and will be organized on a needs basis in Local Communities, with the participation of representatives of affected communities.
- Individual consultative meetings are aimed at engaging individual stakeholder groups regarding specific issues and will be organized on a needs basis. This type of meetings can be initiated by the Municipality, MI or by any identified stakeholder groups/individuals.

### Timetable for Public Meetings

The timetable and the venue designated for public consultative meetings will be precisely defined by the PIU after the Project's start date is determined. All stakeholders will be informed about the exact date, time and venue where a consultative meeting will be held, at least 7 days in advance, through disclosure through the websites and bulletin boards of the MI and Municipality, as well as local media (newspapers, online news portals) as necessary.

All available Project information and documents will be disclosed to the public prior to the first public meeting at least 7 days in advance.

**Table 12.1: Timing of consultation and communication**

Task	Responsible Entity	Timing of consultation and communication
<ul style="list-style-type: none"> <li>Information disclosure to all Project Affected People and communities</li> <li>Disclosure of the RAP</li> </ul>	Ministry of Infrastructure / Affected municipalities	<b>Prior of Valuation of property and assets</b> by the Ministry of Finance (Office of Valuation of Property) Organization of a second round of Public Hearings at the RAP disclosure and continuous information through the lifetime of the project.
Valuation of property and assets	Ministry of Finance (Office of Valuation of Property)	<b>Prior Negotiations and expropriation activities</b>
Grievance management: Grievance Registry set up and disclosure of Grievance Form on the MIT website	Ministry of Infrastructure/Contractor	<b>As detailed in section 14, during the lifetime of the project.</b>
Direct communication with and visits to owners / occupants	MEST- The Expropriation Department	<b>Public Hearings and individual meetings as appropriate during the lifetime of the project.</b>
Provision of assistance to vulnerable persons / households Organization of meetings with stakeholders and individual consultative meetings with directly affected people as outlined in previous paragraphs of this section.	Ministry of Infrastructure in cooperation with the Municipal departments responsible for social care, displaced persons and refugees, and other ministries	<b>Public Hearings and individual meetings during the lifetime of the project as appropriate.</b> PIU will held regular weekly meetings with relevant departments in order to exchange information on potential obstacles during the implementation process. PIU will welcome in its premises or meet on the field vulnerable persons and households on their request. Assistance to resettlement will be provided.
Negotiations and expropriation activities	Ministry of Finance (Office of Valuation of Property) Ministry of Infrastructure Municipalities	<b>After Valuation of property and assets</b> <b>Prior to Payment / provision of compensation packages</b>
Payment / provision of compensation packages	Ministry of Infrastructure (MIT)	<b>Prior to the start of construction.</b>
Monitoring and reporting with respect to expropriation	Ministry of Infrastructure (MIT)	<b>As detailed in section 14, during the lifetime of the project, PIU will monitor and report</b>
Monitoring and reporting in respect of temporary land occupation carried out after construction commencement	<ul style="list-style-type: none"> <li>Ministry of Infrastructure (MIT)</li> <li>Contractor</li> </ul>	The company has an obligation, according to the Terms of Reference, to establish an agreement between the contractor and the owner for the temporary use of any land for construction of the road, This agreement must mention that it is necessary to repair and restore the land

from any damages. If the contractor does not respect the agreement, then the PIU will act as arbitrator or send the case to the local court.

## 13. GRIEVANCE MECHANISM

A grievance mechanism will be established and be in place during construction, operations and to the end of the project.

In the process of implementing the RAP, all affected people will be able to submit their grievances and suggestions to the project at the Ministry of Infrastructure, in their offices (08:00 – 16:00), by post or by phone.

The Legal Department will ensure grievances are forwarded to and responded by appropriate Ministry departments or the contractors within a period of 15 working days, in writing. If necessary, the Legal Department or other department will explain the written response to the affected person by phone or in person. At all times, complainants will be able to seek legal remedies in accordance with the laws and regulations of the Republic of Kosovo.

The PIU will establish a Grievance Registry and will ensure that all stakeholders are fully informed of the grievance mechanism by communicating the availability of this registry, its function, the contact persons and the procedures to submit a complaint in the affected areas.

Any comments or concerns can be brought to the attention of the PIU or the Contractor verbally (personally or by telephone) or in writing by filling in the grievance form (see Annex 5) by personal delivery, post, fax or e-mail to the address/number given below), without any costs incurred to the complainant. Grievances may also be submitted anonymously.

All grievances will be recorded in the Grievance Registry and assigned a number and acknowledged within 5 calendar days (the flowchart and the form for processing grievances are presented in the next page) The Registry will have all necessary elements to disaggregate the grievance by gender of the person logging it as well as by type of grievance. Each grievance will be recorded in the registry with the following information:

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

If the grievance/complaint is vague and not clear enough, the PIU will assist and provide counsel in formulating/redrafting the submission, in order for the grievance/complaint to become clear, for purposes of an informed decision by the PIU, in the best interests of persons affected by the Project.

The PIU will make all reasonable efforts to address the complaint upon the acknowledgement of grievance. If the PIU is not able to address the issues raised by immediate corrective action, a long-term corrective action will be identified. The complainant will be informed about the proposed corrective action and follow-up of corrective action within 25 calendar days upon the acknowledgement of grievance.

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

At all times, complainants may seek other legal remedies in accordance with the legal framework of Kosovo, including formal judicial appeal.

The PIU, constituted by the MIT, will manage complaints regarding temporary land acquisition during the RAP implementation period. The PIU will visit the site on a weekly basis to address any issue related to the project. The PIU will assist contractor and owners of land affected by temporary use to reach necessary agreements. If an agreement cannot be reached through mutual understanding, works will be interrupted, and legal proceedings initiated. According to Law, PIU will deal with the issue of illegal constructions during this period until the permission for construction of highway has been granted.

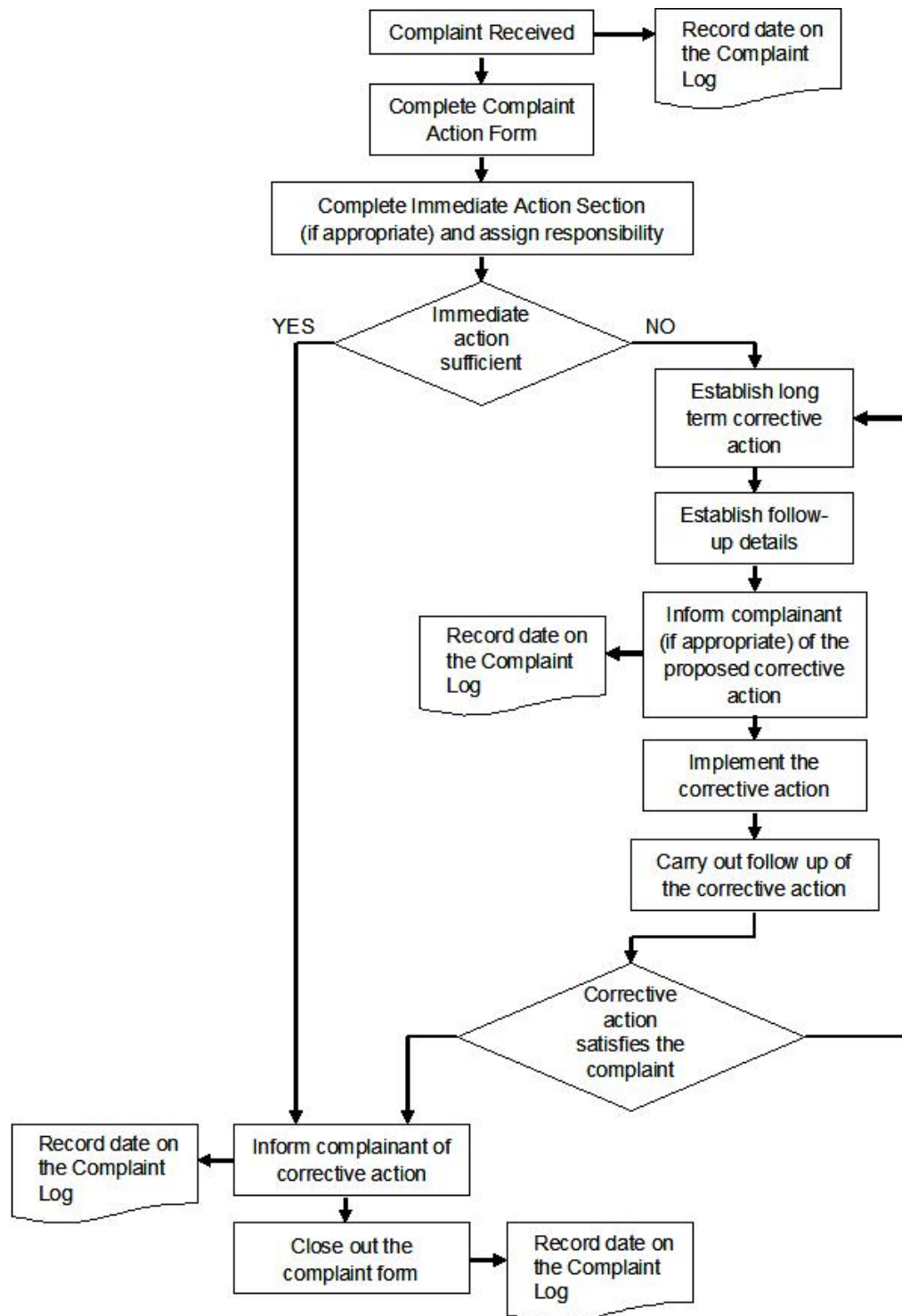
Grievances during construction phase can be submitted to the MoI or to the Contractor according to the grievance mechanism that will be described in EMP prepared by the Contractor before the works start.

Grievances, during all project phases, can be submitted to Ministry of Infrastructure, using the following contact details:

**Table 13.1: Contact details for submission of grievances**

<b>Responsible person</b>	Ms. Nora Ahmetaj (socio-economic matters) Mr. Daut Retkoceri (expropriation and environmental matters)
<b>Department</b>	Ministry for Infrastructure and Transport PIU Kijeve Zahac
<b>Address</b>	Str. Hamdi Mramori No.1
<b>Phone</b>	+383 38 200 28633
<b>E-mail</b>	nora.ahmetaj@rks-gov.net

**Graph 13.1: Grievance procedure flowchart**





**Table 13.2: Grievance form**

Grievance Reference Number (to be filled with number):			
Contact Details	Name:		
	Address:		
	Tel:		
	e-mail:		
How would you prefer to be contacted? Please tick box	By post	By phone	By e-mail
Name and the identification information (from identity card).			
Details of your grievance. Please describe the problems, who it happened to, when, where and how many times, as relevant			
	One-time incident / grievance (date:     ) Happened more than once (how many times?     ) On-going (currently experiencing problem)		
What is your suggested resolution for the grievance?			
How to submit this form to /[name of concessionaire]	By Post to:     [tbc]		
	By hand: please drop this form at [tbc]		
	By e-mail: Please email your grievance, suggested resolution and preferred contact details to: [tbc]		
Signature		Date	

## 14. MONITORING AND REPORTING

### 14.1 MONITORING

The Project will monitor implementation until all displacement impacts have been mitigated, as determined based on a Completion Audit, which will be carried out as agreed with EBRD.

An internal monitoring system shall be established in the Project at the ministry, consisting of:

- Progress monitoring of inputs and outputs which measures whether inputs are delivered on schedule and as defined in the LARF and the RAP;
- Periodic measurement of outcome indicators against baseline conditions, obtained through the socio-economic survey;
- Visits to the PAP every 6 months to check their quality of life. This will be reported to EBRD biannually until the end of construction and Defects Notification Period (DNP).

Independent social or resettlement specialists are also expected to undertake periodic supervision and monitoring of LARF/RAP and final audit of implementation and report back to the EBRD. The PIU will maintain a land acquisition database on the families/businesses whose properties have been affected (including the non-owners). The data/information will be updated periodically in order to keep track of the families' and businesses' progress.

Table below provides a list of indicators which will be used for monitoring.

**Table 14.1: Indicative monitoring indicators**

Indicator	Source of Information	Frequency of Measurement
<b>Input indicators</b>		
Number of consultation meetings focus group meetings, results of consultation activities	Meeting minutes	Biannually
Number of project-affected people/households requiring displacement	Project resettlement database and grievance management records	Biannually
Overall spending on compensation, resettlement and livelihood restoration	Project financial records	Biannually
Reinstatement of land - number of plots complete	Construction contractors' reports and grievance management records	Annually
Timing of implemented activities in comparison to the RAP implementation schedule	Compare status of implementation to RAP schedule	Biannually
<b>Output indicators</b>		
<ul style="list-style-type: none"> <li>• Number of compensation contracts signed</li> <li>• Number and % of compensation payments completed</li> <li>• Number and % of payments held in escrow.</li> </ul>	Project resettlement data base and financial records	Biannually

Indicator	Source of Information	Frequency of Measurement
Physical Displacement - number of people/households resettled, type of resettlement assistance provided	Project resettlement database	Annually
Livelihood restoration measures - types of measures implemented, implementation progress, number of beneficiaries	Project resettlement database	Annually
<b>Outcome indicators</b>		
Number and type of outstanding or unresolved grievances and trends	Grievance management records	Biannually
Average time for payment of compensation	Measure time between compensation agreement and payment	Annually
Does compensation represent adequate replacement cost?	Investigate whether recipients of cash compensation were able to purchase a similar property	Annually
Use of compensation	Project resettlement database	Annually
Physical displacement - satisfaction with new homes / assets	Individual meetings with people/households Project resettlement database	Annually
Income / livelihoods: <ul style="list-style-type: none"> <li>Changes in income level (maintained, increased, decreased)</li> <li>Reinvestment in livelihood activities (purchase of land, equipment, skill training, etc.)</li> </ul>	Individual meetings with people/households  Project resettlement database	Annually

## 14.2 REPORTING

Monitoring of the land acquisition process will be conducted by the PIU set up within the MI to:

- 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 measures are sufficient;
- identify any potential issues; and
- Identify methods to mitigate any identified issues.

The PIU will maintain a database of the individuals / households whose properties have been affected by the Project, compensation, resettlement and livelihood restoration measures that have been implemented. The PIU will be responsible for regularly updating the database. All information on individuals / families, their holdings and their compensation payments will be kept confidential.

Using the monitoring framework described in previous section of this document along with organized occasional visits to PAP, PIU will produce annual reports on the progress achieved with the implementation of the RAP. These reports will consolidate the information on compensation and resettlement/livelihood restoration measures, consultations, information on negotiations and results, provision of assistance to vulnerable groups, grievance management, etc. Project implementing team will document all meetings and consultations with minutes and photographs, and will submit these to EBRD, together with progress reports.

Information from these reports will be summarized and included in the Project annual Environmental and Social Management Reports, distributed to relevant stakeholders, including EBRD.

## 15. IMPLEMENTATION COSTS

The costs of the land acquisition are borne by the MESP as the expropriation authority. The resettlement and land acquisition budget has been prepared after the Expropriation Requirement was processed by MESP, MoF and the Government of Kosovo and approximate costs are defined in line with the Expropriation Law of Kosovo.

MoF has prepared a report about compensation rates and estimated compensation to be paid to the affected owners. The following budget has been communicated to IPF6 by MoF:

**Table 15.1: Estimated Implementation Costs**

category	Estimated amount [Euro]
<b>Total</b>	<b>37,700,000</b>
Estimated value of land expropriation	31,000,000
Estimated value of expropriation of assets	5,500,000
Estimated value of expropriation of accessories	1,200,000