

# Land Acquisition Plan Kllokot-Gjilan

Kosovo: Regional Roads Project – Project  
Implementation Unit (PIU) Support

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**Ministry of Environment, Spatial Planning and  
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## 1. INTRODUCTION

### 1.1. OBJECTIVE AND SCOPE OF DOCUMENT

This document is the Land Acquisition Plan (LAP) for the Kosovo Regional Roads Project implemented by the Kosovo Ministry of Infrastructure, for the Project section **M25.3 Klllokot - Giljan road**. It has been prepared in accordance with the laws of Kosovo as well as the requirements of the European Bank for Reconstruction and Development (EBRD), Environmental and Social Policy 2014<sup>1</sup> and its Performance Requirements (PRs), particularly PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement. Separate detailed LAPs are being prepared for the other road sections under this Project.

The LAP specifies the procedures to be followed by the Government of Kosovo through its Ministry of Infrastructure (MI) and the actions it will take to properly compensate affected people. The document provides a description of the land, households and businesses that will be affected by property acquisition in the Municipalities of Klllokot, Viti, Partesh and Gjilan. The objective of this LAP is to mitigate the negative impacts of land acquisition and restrictions on affected persons' use of and access to land, and to set out the entitlements of the different categories of affected persons, paying particular attention to the most vulnerable ones.

The LAP applies to all affected persons regardless of the total number affected and whether or not they have a legally registered title to the land. The severity of the impact will however affect the nature of the compensation and other assistance provided.

This LAP document is the result of consultations, data collection and analyses done by the Consultant, iC consulenten and includes measures to protect the livelihood of affected people. It has been prepared on the basis of the Land Acquisition Framework (LAF) developed in 2015 as part of the due diligence project "Kosovo – Regional and Local Roads – Environmental and Social Assessment" which was carried out by Enova, Consultants and Engineers, Sarajevo.

The requirements of this LAP are binding to both the Government of Kosovo, through MI and the Contractors to be hired to undertake the construction and operation of the Project.

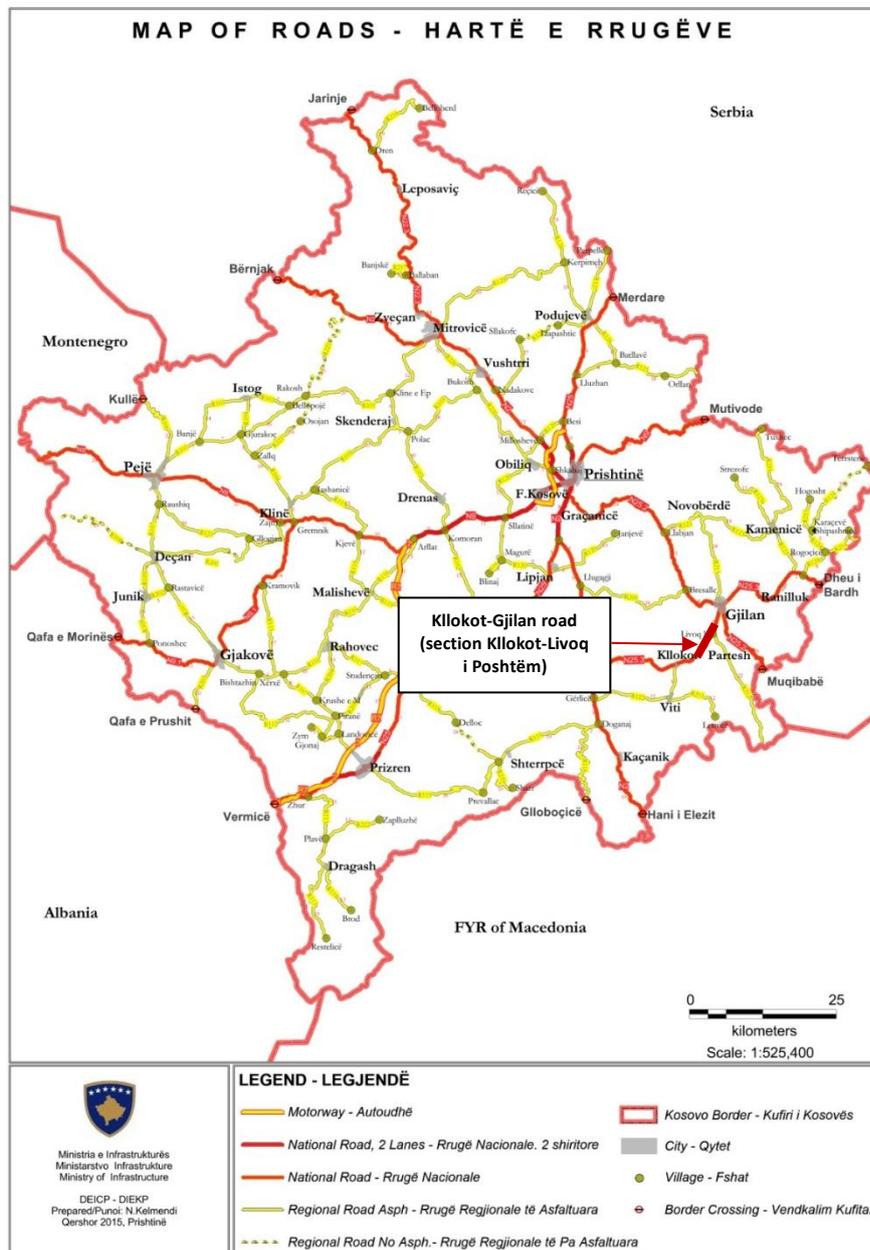
### 1.2. PROJECT DESCRIPTION

The European Bank for Reconstruction and Development (EBRD) is considering providing financing to MI in support of national road improvement works within the Kosovo Regional Roads Project (the Project). The Project involves widening to four lanes the entry/exit roads in the Municipalities of Gjilan, Ferizaj, and Prizren, and the rehabilitation of the Klllokot – Gjilan road section. These sections are considered priority projects under the *Multimodal Transport Strategy (2012-2021)* and *Action Plan (2012-2016)* of Kosovo. Due diligence for the Project was completed in 2015 and a Land Acquisition Framework (LAF) was produced for the Project sections using information then available to the consultant<sup>2</sup>. Separate LAP for Prizren road section has been developed, and two Land Acquisition and Livelihood Restoration Plans (LALRPs) for Ferizaj and Gjilan road sections. National Road M 25-3 belongs to the core network of national roads in Kosovo and it is a branch of the National Road M 25 coming from Nis (Republic of Serbia) to the north-eastern border with the Republic of Serbia, through Pristina and Prizren, to the southern

<sup>1</sup> The full text of the EBRD ESP is available at: <http://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>

<sup>2</sup> The LAF is publicly available at: [http://mi-ks.net/repository/docs/2016\\_02\\_15\\_081438\\_Kosovo\\_Roads\\_LAF\\_final\\_8\\_Dec\\_2.pdf](http://mi-ks.net/repository/docs/2016_02_15_081438_Kosovo_Roads_LAF_final_8_Dec_2.pdf)

border with Albania. This road corresponds to Route 7 of South-East Europe Transport Observatory (SEETO) Core Road Network<sup>3</sup> (Figure 1). This section is a significant transit road between the settlements of Klllokot and Livoq i Poshtëm just outside the urban area of Gjilan Municipality. It is also a transit road between the municipalities of Ferizaj and Gjilan.



**Figure 1: Map of Roads of Republic of Kosovo (Source: Ministry of Environment, Spatial Planning and Infrastructure)**

According to the design documents<sup>4</sup>, the length of the section is 14.5 km, as follows:

- two lane section between Klllokot and Livoq i Poshtëm with a length of 11,000 m (this sub-section is going to be financed by the EBRD); and

<sup>3</sup> According to the Memorandum of Understanding for the Development of the South East Europe Core Regional Transport Network signed in June 2004 by the Participants: Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244/99), the Core Network is a multimodal network which includes road, rail and inland waterway links in the seven Participants, together with a number of designated seaport, river port and airport nodes.

<sup>4</sup> Raporti Teknik, Rehabilitimi i rruges Nationale N25.3,segmenti Klllokot-Gjilan (Vizion Project, 2016)

- four lane section between Livoq i Poshtëm and Gjilan, with a length of 3,125 m (this sub-section is financed by the Government of Kosovo and construction works are going on already on site).

This LAP pertains to the first section only (located between the settlements of Kllokot and Livoq i Poshtëm) as it falls under the tender package to be financed by the Bank. The length of the road which is the subject of this LAP is 11.000 m between Kllokot and ending in Livoq i Poshtëm.

Carriageway and pavement design: Rehabilitation of the existing carriageway single lane road base and sub-base layers within the existing alignment 7 m wide carriageways, with shoulders (2m).

The land surrounding the road section is partially urbanized and in other parts it is along the agriculture plots on both sides. In the vicinity of the road, in addition to individual residential houses, where it passes through or near settlements, of Kllokot, Radivojc, Budrikë e Epërme, Partesh, Cernicë, Budrikë e Poshtme and Livoqi i Poshtëm, there are a number of business activities. Impacts will be limited to non-agricultural commercial structures and activities (as defined in Section 3.3 of this document).

It is expected that a total of **11 parcels** (formally owned by one or more owners) will be affected by land take as a result of Project implementation. Land take to individual parcels is a result of bringing the road design to standard, and not a consequence of road widening, as it is planned to maintain the road within the existing alignment. Therefore, the impacts to individual parcels are very limited and do not affect the overall function of the affected plots.

No particular vulnerable groups were recorded during the field visits in 2015 during the due diligence project, and this was confirmed during the census in September 2017. No cultural heritage structures of any type were recorded as of 2015 and confirmed in 2017.

### **1.3. STATUS OF LAND ACQUISITION ACTIVITIES**

#### **1.3.1. Present Status of Land Acquisition**

The MI, as the Applicant, has sent the Request for Expropriation (Reference: 5197/2017, dated 22 June 2017) to the MESP's Office for Expropriation, thus officially initiating the expropriation procedure in line with national legislation (please see Chapter 2 of this document for description of the procedure), after having commissioned and completed the Expropriation Elaborate Rehabilitation of National Road N25.3, Section: Kllokot - Gjilan (Vizion Project, August 2016). The request for Expropriation was amended by Decision No. 09/11 dated 07.05.2021, published on the Official Gazette on 18.05.2021<sup>5</sup>. Based on the most recent data given by the Ministry of Infrastructure, MESP has accepted the application during December 2017 (Decision No. 11/21 from 22.12.2017), submitted by MI earlier this year. The legal deadline according to the Expropriation Law of Kosovo was 15 days after receiving the application, i.e. the Request for Expropriation (Annex 1 of this document). The government of Kosovo has notified the identified property right holders. The Decision 11/21 on approval was published in the Official Gazette, and in a daily newspaper in Kosovo enjoying wide circulation, which publication is repeated again

<sup>5</sup> Ref: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=41373>

after 7 to 10 days, followed with a 10-day period during which interested parties are entitled to submit written comments to the expropriating authority. Following the publication, the expropriating authority was required to hold a public hearing within 15 days in each respective Municipality where the properties subject to expropriation are located, which was undertaken during January 2018.

It is expected that a total of 11 private parcels in the Cadastral zones of Klllokot, Radivojc, Budrike e Eperme and Partesh will be affected by land take, with a total of 4.452 m<sup>2</sup>, as identified in the Expropriation Elaborate.

The entire process was initiated for formal land owners/ land users only 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). However, it is not expected that informal users will be affected by Project implementation since the project is mostly a requalification of the existing road track.

During the period January-March 2019, the change to the project design has been done to include the modifications regarding the bus stations and sidewalks for pedestrians with aim of upgrade of the road and overall safety. However, the required land take remains the same since the changes are within the previously planned expropriation line.

### **1.3.2. Planned Land Acquisition Process**

According to the procedure set out in national legislation, the MESP was required to liaise with the Kosovo Cadastral Agency (KCA) to ensure that the information set out in the Expropriation Elaborate is up-to date and correct. Once it was confirmed that the Expropriation Elaborate is correct, the MESP adopted the Decision No. 11/21 from 22.12.2017, on accepting the application for further processing and sent a copy of the application and accompanying documents to the Office of Immovable Property Valuation within the Ministry of Finance (MF) for valuation of the affected properties. The Expropriation Elaborate is currently being held in the Ministry of Finance, respectively Office of Immovable Property within Department for Tax Property pending the administrative procedure set out in the Expropriation Law of Kosovo (please see section 2.4). The request for Expropriation was amended by Decision No. 09/11 dated 07.05.2021.

Therefore, there is no defined timeline yet for the pending land acquisition process. According to Article 16 of the Expropriation Law, "*the amount of expropriation compensation specified in a Final Decision shall be paid in full within two (2) years from the effective date of the decision*". According to PIU's experience from similar projects, the estimated duration of the whole expropriation procedure lasts approximately 2 - 3 years.

## **2. LEGAL AND INSTITUTIONAL FRAMEWORK**

### **2.1. THE EXPROPRIATION LAW OF KOSOVO**

The procedure of land expropriation and resettlement in Kosovo is primarily regulated by the *Law No. 03/L-139 on Expropriation of Immovable Property with amendments and supplements made on the Law No.03/L-205 dated 28 October 2010* (the Expropriation Law of Kosovo). The Law outlines the procedure, including remedies, to safeguard individuals

from disproportionate interferences with the right to immovable property<sup>6</sup>. The key provisions of this Law are summarized below.

### **2.1.1. Public Interest**

Expropriation may be undertaken only when all of the following conditions are satisfied (Article 4):

- i. expropriation is directly related to the accomplishment of a legitimate public purpose;
- ii. the legitimate public purpose cannot practically be achieved without expropriation;
- iii. the public benefits to be derived from expropriation outweigh the interests that will be negatively affected thereby;
- iv. the choice of the property to be expropriated has not been made for, or in the furtherance of, any discriminatory purpose or objective; and,
- v. the expropriating authority has complied with all applicable provisions of the Law.

### **2.1.2. Application for Expropriation**

The initiation of the expropriation procedure is carried out by the expropriating authority itself (MESP) or through an application for expropriation submitted to the expropriating authority (Article 7). The application contains the necessary information on the property right holders and affected properties, the description of all rights relating to a parcel, detailed description of the public purpose for which the expropriation is being requested, accompanied by documents that include property records, cadastral, spatial or urban plans, and evidence that sufficient financial means are or will be available for the timely payment of compensation.

After receiving the application, the expropriating authority reviews the application and may approve or reject the application, in whole or in part.

In case of approval, the expropriating authority sends a copy of the application and all documents attached thereto to the Office for Valuation of Immovable Property, and notifies the identified property right holders. The decision on approval is published in the Official Gazette, and in a daily newspaper in Kosovo enjoying wide circulation, which publication is repeated again after 7 to 10 days, followed with a 10-day period during which interested parties are entitled to submit written comments to the expropriating authority. Following the publication, the expropriating authority is required to hold a public hearing within 15 days in each Municipality where the properties subject to expropriation are located.

### **2.1.3. Preliminary Decision on the Legitimacy of Proposed Expropriation**

After the review of written comments and the concerns expressed at the hearings, the expropriating authority adopts a Preliminary Decision within 30 days (Article 10). The authority may reject the expropriation based on such comments and concerns, or in case it determines that the proposed expropriation does not meet the legal requirements. The Preliminary Decision is published in the Official Gazette of Kosovo and in daily newspapers.

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<sup>6</sup> According to the Law, immovable property includes: (i) land, (ii) buildings or specific parts of a building constructed on, above or under the land surface (iii) any fixtures and accessory parts that have been permanently attached to land or a building and that cannot, without unreasonable or uneconomic effort, be removed, and (iv) any unsevered fruits attached to such land.

#### 2.1.4. Final Decision on Expropriation

The expropriating authority adopts the Final Decision approving or rejecting the application during a 12-month period after the Preliminary Decision becomes effective (Article 11). The Final Decision is published in the Official Gazette of Kosovo and in daily newspapers. The Final Decision may not be adopted in case any complaints against the Preliminary Decision regarding affected properties are still pending before the court. If the application covers more than one parcel of property, the expropriating authority may issue one or more Final Decisions, with each such Final Decision covering one or more of the concerned parcels.

#### 2.1.5. Compensation

Compensation is regulated both by the Expropriation Law of Kosovo and the *Administrative Instruction on Approval of Technical Valuation Methods and Criteria for Calculation of Compensation Amounts for Expropriated Immovable Property and Damages Relating to Expropriation, No. 02/2015*, adopted in 2015 by the Ministry of Finance on the basis of the *Law*. According to the *Law*, compensation is paid on the basis of the *market value* of the property<sup>7</sup>, including its accessory parts and fruits, plus any demonstrable *direct damages* incurred due to expropriation. Compensation is paid in cash<sup>8</sup>, and includes the amount determined in the Final Decision plus interest on such amount that has accrued between the effective date of the Final Decision and the date of payment.

No changes in the ownership or other rights of affected persons are affected or implemented until the Final Decision becomes effective, and the compensation required by the Final Decision has been paid. Only after the mentioned conditions have been fulfilled, the property is registered in the name of the Government of Kosovo.

#### 2.1.6. Valuation of Property

The Office of Immovable Property Valuation is responsible for valuing property in the expropriation process (Article 21 and Article 22), on the basis of the abovementioned *Administrative Instruction* which regulates the detailed methodology for calculating the compensation to be paid for expropriated property and expropriation-related damages<sup>9</sup>. One of the following methods or combined methods of property evaluation can be selected during the assessment of immovable property:

- comparative sales method,
- cost method, and
- method of income.

The value of property deemed as agricultural land, considers the qualities of land, proximity to residence, access to infrastructure, the size and shape of the parcel, the irrigation system or the potential of irrigation, as well as other environmental conditions related with the physical characteristics of the terrain (altitude and slope). The value of

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<sup>7</sup> The market value is defined as: "the price that the buyer is willing to pay and the seller to sell the immovable property in an official transaction, where neither is obliged to act by force and there is no relationship between parties based on blood, marriage, joint ownership or business connection."

<sup>8</sup> Compensation in kind by means of land-for-land (or a combination of in kind and in cash) is provided exclusively in cases where the Government is the expropriating authority, and more than 20 parcels of immovable property are expropriated, if the owners of such property agree.

<sup>9</sup> The Expropriation Law states that "Compensation shall include the compensation of any demonstrable direct damages incurred by the expropriated person due to the expropriation plus the value of the immovable property expropriated, including – if applicable - its accessory parts and fruits"

forestland and forests is determined considering soil quality, environmental value of land, geographical location, quantity and quality of biomass, level of investment and access to infrastructure, transportation conditions, and environmental conditions. Assessment of residential and other constructed areas considers criteria such as: type of building, construction material, the area in m<sup>2</sup> for residential and non-residential structures, year of construction, access to roads, access to public services, heating system, the condition of the facility, renting and rent conditions, cost of operation and maintenance, etc. During the valuation process, owners and interest holders are entitled to submit their written views concerning such valuation to the Office, and to challenge the final valuation decisions of the Office before the courts.

#### **2.1.7. Cut-off Date**

The Expropriation Law of Kosovo (Article 7) establishes the cut-off date with the Decision of Acceptance<sup>10</sup> of the application for the expropriation and the disclosure of the decision in the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo. The Expropriation Law of Kosovo specifically provides that the following will be excluded from the amount of compensation:

- the cost or value of any improvements to the property, facilities constructed or enlarged on the property, or trees and crops planted on the property after the date of Decision of Acceptance of the application for further processing of expropriation (issued prior to the Preliminary Decision) is published in the Official Gazette,
- any changes in the market value of the property occurring after either the date of adoption of the decision authorizing preparatory activities on such property, or the date of the initial submission of the application for expropriation, whichever comes earlier,
- any other changes in the market value of the property prior to the initiation of the expropriation procedure, if such changes can be demonstrated to be attributable to price or market manipulation or speculation by persons (or their relatives or associates) who were in possession of information about the impending or potential expropriation of property in question.

#### **2.1.8. Public Consultation**

The Expropriation Law of Kosovo provides affected persons with formal public consultation mechanism (Article 9), following the publishing of the Decision of Acceptance of the application for the expropriation in the media when any interested party has the right to submit to the expropriating authority written comments on the expropriation in question. Following this, the expropriating authority organizes a public hearing in the Municipality where the expropriation is to take place. Persons who desire to attend such public hearings are required to provide proof that they are a public official of the Municipality where the hearing is being held, or an Owner or Interest Holder with respect to concerned property lying with the Municipality where the hearing is being held, or the lawful attorney or representative of such a public official, Owner or Interest Holder.

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<sup>10</sup> The Prime Minister's Decision is still open and yet to be Published due to additional partial Expropriation updates.

**2.1.9. Grievance Management**

Grievances set out by the Expropriation Law of Kosovo include: (i) complaints challenging the Preliminary Decision on the Legitimacy of Proposed Expropriation, (ii) complaints challenging the adequacy of compensation, (iii) complaints for compensation of damages arising from partial expropriation; (iv) complaints challenging the legitimacy of the Decision on temporary use of property.

**2.2. OTHER RELATED LEGISLATION**

Other legislation in Kosovo relevant for the Project implementation is summarized in Table 1.

Law	Summary and key points
Constitution of Republic of Kosovo	The Constitution prohibits arbitrary deprivation of property (Art. 46) - the authorities may expropriate property only if such expropriation is authorized by law, is necessary or appropriate to the achievement of a public purpose or the promotion of the public interest, and is followed by the provision of immediate and adequate compensation to the person(s) whose property is expropriated.
Law on Property and Other Real Rights No. 03/L-154 dated 15 July 2009	Governs the creation, content, transfer, protection, and termination of real rights such as ownership, limited real rights, possession, real security rights and real rights of use.  Stipulates that ownership and other real rights can only be limited or taken away against the will of lawful holders in accordance with conditions and procedures as defined by the applicable laws.
Law on Cadastre No. 04/L-013 dated 12 August 2011	Regulates the Cadastre of immovable property, national and cadastral surveys, geodesic and cadastral works as well as acquisition, registration, keeping, maintenance and use of cadastral data.
Law on Amending and Supplementing the Law No. 2002/5 on the Establishment of the Immovable Property Rights Register No. 04/L-009 dated 21 July 2011	It sets out the principles of implementing and validating immovable property rights in Kosovo through the mechanism of the Immovable Property Rights Register. Immovable property rights including (i) ownership, (ii) mortgages, (iii) servitudes, (iv) the rights of use of municipal, public, social and state property and (v) property burdens and charges are recorded in the Register. It sets out the authority over overall administration of the Register to the Kosovo Cadastral Agency (KCA) and appoints the Municipal Cadastral Offices (MCO) to record, in writing, immovable property rights in the Register under the authority of the KCA.
Law on the Administrative Procedure No. 02/L-28 dated 22 July 2005	It sets out principles to be adhered to by all bodies of public administration along exercising their functions through individual or collective administrative acts.  Public administration bodies, in exercising their administrative activity, are required to establish a fair balance between public and private interests involved, in order to avoid unnecessary infringement of rights and interests of natural and legal persons.

Law	Summary and key points
	<p>Public administration bodies are not allowed to differentiate natural and legal persons during administrative proceeding on the basis of gender, language, political or other affiliation, national or social origin, wealth, birth or any other status.</p> <p>Any natural and legal person is entitled to (i) obtain information available to public administration bodies, (ii) obtain such information in a timely fashion, (iii) obtain it in the same manner as any other person and (iv) obtain it in a convenient and effective means or format.</p>
<p><b>Law No. 04/L-020 on Amending the Law on Protection and Promotion of Rights of Communities and their Members in Kosovo No. 03/L-047 dated 21 December 2011</b></p>	<p>Defines Kosovo communities and their special rights with regard to their identity, religion, education, use of languages, culture, health, media, economic and social opportunities, and their political representation in all state mechanisms.</p> <p>Provides measures for protecting cultural and religious heritage, public employment programs especially for Roma, Ashkali and Egyptian communities, education in their own language, etc.</p>
<p><b>Law on the Use of Languages No. 02/L-37 dated 21 October 2006</b></p>	<p>Regulates the use of official languages, as well as languages of communities whose mother tongue is not an official language, in Kosovo institutions and other public organizations and enterprises.</p> <p>Grants equal status to Albanian and Serbian as the official languages of Kosovo.</p> <p>Provides the right of all communities in Kosovo to preserve, maintain and promote their linguistic identity.</p>
<p><b>Law on the Protection from Discrimination No. 05/L-021 dated 15 June 2015</b></p>	<p>Establishes a general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment.</p> <p>Aims to prevent all acts or omissions, of all state and local institutions, natural and legal persons, public and private sector, who violate, violated or may violate the rights of any person or natural and legal entities, amongst others in relation to (i) access to housing, which is available to the public, and the access to other forms of property (movable and immovable) and (ii) fair and equal treatment in court proceedings and all other authorities administering justice.</p>
<p><b>Law on Gender Equality No. 05/L-020 dated 15 June 2015</b></p>	<p>Aims to protect and promote equality between genders as a basic value of democratic development of society.</p>
<p><b>Law on Spatial Planning No. 04/L-174 dated 19 August 2013</b></p>	<p>Sets out the basic principles of spatial planning, methodology of spatial development and regulations, as well as the responsibilities</p>

Law	Summary and key points
	of administrative bodies at central and local level for drafting and enforcement of spatial planning documents.
Law on Construction No. 04/L-110 dated 19 June 2012	Regulates the procedure of issuing construction permits, compliance with the construction permit requirements, issuing of occupancy certificates, design, construction, reconstruction, demolition, professional supervision, building inspection
Law on the Inspectorate of Environment, Waters, Nature, Spatial Planning and Construction No. 04/L-175 dated 21 October 2013	<p>Regulates the principles, organization and inspection supervision, coordination of surveillance inspection, rights, duties, powers of inspectors, rights, obligations and supervision entities, the procedure for performing inspection and other important issues dealing with inspection supervision.</p> <p>Stipulates that inspection supervision and control through urban inspection by implementing this law and other laws related to the field of urbanization and spatial planning is the responsibility of Inspectorate of spatial and urban planning.</p>

**Table 1: Legislation in the Republic of Kosovo Relevant for Project Implementation**

### 2.3. EBRD REQUIREMENTS

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

- All feasible alternative project designs should be explored to avoid or at least minimise physical and/or economic displacement, while balancing environmental, social, and economic costs and benefits;
- Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly;
- Adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land should be mitigated by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that land acquisition activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- The livelihoods and standards of living of displaced persons should be improved or, at a minimum, restored to pre-project levels;
- Informal occupants of land are not entitled to compensation for land; however, they should be compensated for any other improvements to land and provided resettlement assistance. They shall also be compensated at full replacement cost of any lost assets other than land (no informal users were identified in the Project area);
- A grievance mechanism must be established as early as possible in the process in order to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

## 2.4. INSTITUTIONAL FRAMEWORK FOR LAND ACQUISITION IN KOSOVO

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, Spatial Planning and Infrastructure (MESPI)**, acting as the expropriating authority on behalf of all central level authorities<sup>11</sup>.

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.

## 2.5. GAP ANALYSIS AND BRIDGING MECHANISMS

Table 2 provides an overview of the comparison of the Kosovo legal framework on expropriation and EBRD PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement requirements and actions to be undertaken to bridge any inconsistency of national legislation with that of EBRD requirements.

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
Avoiding or minimising displacement	No provisions on avoiding or minimizing displacement.	Consideration of feasible alternative project designs to avoid or at least minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits.	The Project will enable the consideration of micro realignments in order to avoid land acquisition where possible, in line with the Key Land Acquisition / Compensation Principles set out in the LAP.
Resettlement planning and implementation	Requires only an Expropriation Study as the baseline census, no explicit requirement related to socio-economic surveys or development of resettlement plans.	A census and a socio-economic baseline assessment must be carried out to identify the persons who will be displaced and determine who will be eligible for compensation and assistance, and a resettlement action plan	This Land Acquisition Plan (LAP) contains a census and socio-economic survey and an entitlements matrix.

<sup>11</sup>According to Government Decision No. 05/147 dated 05 October 2010 an Office for Expropriation was established within MESPI.

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
		must be prepared and implemented.	
<b>Negotiated settlements</b>	Does not require or encourage negotiated settlements.	Encourage negotiated settlements to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly.	Negotiated settlements will be carried out where possible, even before the expropriation process is initiated, in line with the Key Land Acquisition / Compensation Principles set out in the LAP.
<b>Compensation eligibility and formality of ownership</b>	Expropriation is undertaken only for immovable property and building structures on private immovable property. The process is applicable only for structures that are legalized or may be legalized under applicable laws in Kosovo on the date of issuance of the final decision on expropriation.	The lack of documentation of ownership does not disqualify from the eligibility for compensation and assistance any contender or pretender holders of property, regardless of their formal status.	Immovable property is to be compensated regardless of formality status.
<b>Informal land users and entitlements</b>	Informal land users are not recognized. No provisions for entitlement to this category of persons.	Compensation to be provided for improvements made to land and loss of assets other than land and resettlement assistance provided to informal land users at full replacement cost.	Informal land users affected by loss of assets and/or improvements to land made will receive compensation at full replacement cost. No informal users were identified along this Project section.
<b>Provision of compensation at replacement value</b>	Compensation is paid on the basis of the market value of the property.  No specific guidelines in cases where livelihood restoration is needed.	Compensation to be provided at full replacement cost, usually calculated as the market value of the assets plus the transaction costs related to restoring such assets (registration and transfer taxes).	People affected by permanent loss of land plots will receive compensation at full replacement value.  Persons affected by loss of any assets on land will receive compensation at full replacement cost.
<b>Cut-off date</b>	Sets out provisions on cut-off date but does not require such date to be well-documented and disseminated throughout	Individuals who move into the project affected area after the cut-off date will not be eligible for	The cut-off-date will be disclosed and disseminated publicly in the media and public meetings in the concerned affected

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	<p>the project area. According to national legislation, the cut-off date will be the date the Expropriating Authority publishes the Decision accepting the application for further processing in the Official Gazette and in a newspaper enjoying wide circulation in Kosovo.</p> <p>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.</p>	<p>compensation and other types of assistance.</p> <p>Information regarding the cut-off date will be well-documented and disseminated throughout the project area.</p>	<p>communities, in line with the Key Land Acquisition /Compensation Principles set out in the LAP.</p>
Vulnerable individuals and groups	No special measures relating to vulnerable groups.	Particular attention to be paid to vulnerable groups.	Identification of vulnerable persons assessed in the LAP. No such persons were identified.
Grievance mechanism	Owners or interest holders are entitled to file complaints in various stages of the process (during the assessment of the need for expropriation and the legality of the process and during the defining of the compensation package	A project-specific grievance mechanism must be established as early as possible in the process, to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or	A grievance procedure has been set up by the Stakeholder Engagement Plan (SEP) and included in the LAP, and will be implemented by the MI.

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	value) and submit written comments to the expropriating authority during the consultation process, but no requirement for Project-specific grievance mechanism. No informal consultation processes recognized outside the above-described two-stage grievance mechanism.	members of host communities.	
<b>Consultations and information provision</b>	<p>The Expropriation Authority conducts the following information disclosure: notifies the property holder on the submitted application for expropriation, publishes the Decision on approving the Application, holds a public hearing in the Municipality where the properties are located, notifies the affected owners/ interest holders of their right to file a complaint with the competent court on challenging the Decision, publishes the Final Decision on accepting or rejecting the application.</p> <p>There are no provisions on owners who are absent from the property during the expropriation process, i.e. there are no 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.</p> <p>There are no provisions on information disclosure or consultations with other stakeholders not</p>	<p>Information contained in the LAP (and other disclosure documents such as the SEP) should be publicly disclosed to ensure that affected people understand the compensation procedures and know what to expect at various stages of the project. Consultations with all PAPs will continue throughout the Project lifecycle in line with the LAP, i.e. they will be undertaken during implementation of compensation and monitoring and evaluation of compensation payment.</p>	<p>In addition to the information disclosure stipulated by national legislation the PIU will ensure that the LAP is publicly disclosed and that information provision and consultations are carried out in line with the LAP with all PAPs regardless of formality status.</p> <p>With regard to any absent property owners, the MI should clearly commit itself to use reasonable efforts to properly identify and locate any absent property owners to ensure adequate and timely information provision and consultations in line with the LAP. No absent property owners identified in the LAP.</p> <p>No confidential or personal data will be disclosed</p>

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	identified in the Application for Expropriation (e.g. informal users)		
Monitoring of resettlement implementation	No provisions.	Monitoring of the land acquisition and livelihood restoration process will be carried out by Project developer and should involve the participation of key stakeholders such as affected people and communities. The Project developer is required to prepare regular annual progress reports on land acquisition and compensation process along with land acquisition completion report when available sent to EBRD.	Monitoring will be carried out by the Ministry as defined in the LAP and SEP with participation of all concerned and affected stakeholders. The Ministry's Project Implementation Unit will be responsible for monitoring, maintaining and regularly updating a land acquisition database on the owners/users of affected properties. Summaries of progress reports will be published on the website of the Ministry. In addition, the Ministry will facilitate the development of a Completion Audit at the end of the land acquisition process by an independent expert...

Table 2: Gap Analysis Relevant for Expropriation and Proposed Bridging Mechanisms

### 3. **BASELINE INFORMATION**

#### 3.1. **CENSUS**

The potentially affected population and land plots were identified based on the available project documentation for the rehabilitation of Klllokot-Gjilan road. Cadastre data (data on exact ownership and use situation) from the Expropriation Elaborate were used. Additional methods used for data collection for the Census preparation included observations on the field and transect walks.

For the Census, sections along the route with the biggest clustering of structures were selected and special attention was paid to structures present in the locations of the planned roundabouts. The Census was developed in order to gather and analyse data and information required to identify all categories of impacts. The Census database contains data on the following:

1. location and Cadastral Municipality,
2. land plot number,
3. type of land plot,
4. identified type of impact,
5. total area of land plot (m<sup>2</sup>).

The full database is in the form of a separate Excel document. Confidential information about individual persons and properties will not be publicly disclosed by MI and/or EBRD. Since no impact was identified based on the project, a total of 2 persons were visited and interviewed. The interviewed respondents stated that the land they occupy is used for business activities. However, the interviewed persons will not be affected by the Project in terms of expropriation.

#### 3.2. **SOCIO-ECONOMIC SURVEY**

The Socio-economic Survey was conducted during September 2017 to solicit the opinions of the PAP about the Project impacts and compensation payments as well as to obtain specific data on current livelihoods and living conditions of PAP, including the identification of vulnerable categories of PAP.

The Survey was conducted in the period 25 September 2017 by a team of trained surveyors, on the basis of Survey questionnaires prepared by land acquisition experts. The team of surveyors visited the identified properties. On a more recent stage, PIU posed the necessity to verify if all affected parcels are included in the Expropriation Elaborate. The consultant has verified that all affected parcels are included in the Expropriation Elaborate. The Consultant team undertook a desk review of the documentation and concluded that the Expropriation Elaborate was complete, thus there was no need of a second Socio-Economic survey.

#### 3.3. **IDENTIFIED IMPACTS**

According to the Expropriation Elaborate, the Project will require partial land acquisition of **11 privately owned land plots with a total area of 44.452 m<sup>2</sup>** located in the Municipalities of Klllokot, Gjilan, Partesh and Viti. It is not expected that physical relocation of households or businesses will occur as a consequence of Project implementation. Table 3 provides an overview of the Project impacts on private property in terms of land acquisition.

**No informal users** of land are expected to be affected by Project implementation.

It is expected that it will be necessary to temporarily occupy a number of private and state-owned land plots for purpose of placement of staff, machines and material. However, at this stage of Project design, the exact locations of construction camps have not been defined and no estimates on the number of private land parcels that might be affected in such a way may be provided yet.

Impact	Cadastral Municipality	Number of land plots affected / Total number of land plots along the carriageway	Approximate area of land to be acquired/ Approximate area of road footprint(m <sup>2</sup> )	Comments <sup>12</sup>
Partial land acquisition	Gjilan	-/222	-/18630	
	Viti	4/160	284/27990	
	Partesh	6//227	4160/37080	
	Kllokot	1/53	8/15300	

**Table 3: Overview of Project Impacts Related to Land Acquisition in Line with Expropriation Elaborate amended by Decision 09/11 on 07.05.2021**

By overlaying Project design with cadastral data and based on verifications conducted during the survey on the ground, the Consultant was able to produce the expected impacts on structures present on privately owned parcels listed in the Expropriation Elaborate for Municipalities of Kllokot, Partesh, Viti and Gjilan. This exercise showed that it is **not expected** that privately owned parcels will be affected by **structure** take. However, the magnitude of impact to formal PAPs will be verified during the expropriation process in line with the Expropriation Law, during the valuation of property, and this is indicative information only.

Detailed information on the magnitude of these impacts is elaborated in the following sections.

### 3.4. AFFECTED PEOPLE AND PROPERTIES

#### 3.4.1. Household Members

No residential buildings or households will be affected by land expropriation as a result of Project implementation.

#### 3.4.2. Ethnic Background

Given that the question on nationality and/or ethnic background is a sensitive socio-political issue, the respondents were given the opportunity to respond to the question in an open-ended format. 100% of respondents declared themselves as Albanians.

<sup>12</sup> According to Expropriation Elaborate developed for this section.

**3.4.3. Agricultural Production**

No land used for agricultural production along the Project section will be affected by land expropriation as a result of Project implementation.

**3.4.4. Vulnerability**

No vulnerable groups such as minorities, people living in extreme poverty, ethnic communities etc. that would be affected by expropriation were identified during the census.

**3.4.5. Perceived Losses**

The respondents were asked to rank each potential type of loss caused by the Project on a scale of 1-3 according to its importance, with 1 being most important: loss of customers, obstruction of business due to construction activities, damage of equipment and other impacts. One respondent did not provide a ranking of impacts and the other considers all equally significant.

**3.4.6. Compensation Preferences**

None of the respondents provided an answer regarding compensation preference, or specified any specific compensation preferences or requirements.

**3.4.7. Businesses**

Both of the surveyed persons along the Project route were identified as businesses. However, these will not be affected by Project-related expropriation.

**4. KEY COMPENSATION PRINCIPLES, DEFINITIONS AND ISSUES**

The following principles of land acquisition and compensation have been committed upon by the Ministry of Environment, Spatial Planning and Infrastructure of Kosovo, and shall be adhered to during Project implementation:

1. **Land acquisition** will be carried out in compliance with the *Law on Expropriation of Immovable Property in Kosovo*, the EBRD Environmental and Social Policy 2014 and its Performance Requirement 5 (*Land Acquisition, Involuntary Resettlement and Economic Displacement*), this LAP and good international practice. The Project will enable the consideration of micro realignments in order to avoid land acquisition where possible.
2. **All affected persons will be informed** and consulted during Project preparation and implementation. All owners, occupants and users shall be visited and explained the land acquisition process and the specific impacts on their land, so as to give an opportunity for micro re-alignments to be made in order to reduce potential impacts and inconveniences.
3. **Negotiated settlements will be carried out** where possible to help eliminate the need to use governmental authority to remove people forcibly.
4. The detailed **Land Acquisition Plan (LAP) in compliance with PR 5** shall be subject to public consultation. Any information/data on affected properties and persons contained in the LAP shall be treated as confidential information and will not be publicly disclosed by the Ministry, any Municipality and/or EBRD.<sup>13</sup> The LAP is based on reliable up-to-date

<sup>13</sup> The LAP containing confidential information/data will be named “for internal use only”, and a second version of LAP named “public version” will not contain such information/data.

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 LAP has identified formal land/property users.

5. The **cut-off date** for the establishment of eligibility for **formal land owners/users** will be **the date on which the decision on accepting<sup>14</sup> the application** for further processing of expropriation (issued prior to the Preliminary Decision) is published in the Official Gazette. Persons who have settled in the Project area after the cut-off date will not be eligible for any compensation. The cut-off-date will be disclosed and disseminated publicly in the media and public meetings in the concerned affected communities.  
In accordance with the *Law on Expropriation on Immovable Property*, the following will be excluded from the amount of compensation:
  - the cost or value of any improvements to the property, facilities constructed or enlarged on the property, or trees and crops planted on the property after the date on which the decision on accepting the application for further processing of expropriation (issued prior to the Preliminary Decision) is published in the Official Gazette,
  - any changes in the market value of the property occurring after either the date of adoption of the decision authorizing preparatory activities on such property, or the date of the initial submission of the application for expropriation, whichever comes earlier,
  - and any other changes in the market value of property prior to the initiation of the expropriation procedure, if such changes can be demonstrated to be attributable to price or market manipulation or speculation by persons (or their relatives or associates) who were in possession of information about the impending or potential expropriation.
6. **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 (Table 4 of this document).
7. **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 (Table 4 of this document).
8. **Standards of living** and/or livelihoods of affected persons will be restored and potentially improved, in as short a period as possible.
9. **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 on the basis of a public procurement procedure.
10. **Compensation** will be provided before land acquisition. 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.
11. **Project Affected People and communities will be provided with information and consulted** in order to facilitate their early and informed participation in the decision-making process related to land acquisition.

<sup>14</sup> The decision is still open due to additional partial expropriation updates and that the Prime Minister's decision on the additional land expropriation is still open.

12. An **effective grievance mechanism** will be in place for receiving and addressing in a timely fashion specific concerns about compensation and relocation raised by displaced persons.
13. MESPI 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 CSOs to be involved in monitoring the process (please see Chapter 7.3 for details).

## 5. COMPENSATION AND ENTITLEMENTS

All persons occupying Project-affected land, recorded in the census have the right to compensation and/or livelihood restoration or other assistance as outlined in Table 4. The level and magnitude of assistance may differ across different categories of PAP, as per the impact identified in Section 3.3 of this LAP.

Type of Impact	Category of PAP	Entitlement
<b>PERMANENT LOSSES</b>		
Permanent loss of structures, construction land (including loss of access to privately owned land or public land / resources).	Owner of land	Cash compensation at full replacement cost OR Replacement construction land
	Formal user of land (tenant)	Information about land acquisition at least three months in advance of land possession entry, to enable the tenant to find other land for lease
Loss of non-residential structures (fences, sheds, etc.) and infrastructure	Owner of non-residential structure and infrastructure (business or economic activity)	Cash compensation at full replacement cost  AND Moving allowance for movable assets or assistance to move them (if required) Transition support during the period it takes to re-establish the business at an alternate location, but not exceeding in any case the duration of the project which is expected to be developed in maximum 24 months (transition period compensation). Provide support in finding an alternate location for the business. Cash compensation for lost net income during the construction phase and / or wages for employed workers in a form of 6 months salary as transition allowance.
<b>TEMPORARY LOSSES</b>		
Temporary loss of construction land.	Owner of land	Cash compensation at full replacement cost for temporary land occupation in the amount of lease at market prices  AND

Type of Impact	Category of PAP	Entitlement
For users of land, this refers to access to privately owned and or public land / resources		Restoration of affected land and infrastructure to pre-project conditions  AND  Cash compensation for any lost/damaged assets (e.g. structures, fences, sheds) at replacement cost
	Formal user of land (tenant)	Information about land acquisition at least three months in advance of land possession entry, to enable the tenant to find other suitable/similar land for lease
Temporary loss of business income and/or sources of livelihood (economic displacement) resulting from more difficult access to land, impacts of construction related nuisances (noise, dust)	Owner (business or economic activity)	Cash compensation for lost net income (or estimated income and / or loss of livelihood) during the disruption period  Alternative access during construction. If alternative access cannot be provided, cash compensation for lost net income during the construction phase and / or wages for the duration of the impact  Assistance in providing alternative parking arrangement for the business and its clients if parking is affected.
Temporary loss of working place and/or sources of livelihood (economic displacement) resulting from more difficult access to land and impacts of construction related nuisances (noise, dust)	Employees	If alternate access cannot be provided, compensate for lost wages during the construction phase OR provide support in finding alternate employment.
<b>OTHER UNDETERMINABLE LOSSES</b>		
Any undetermined impact (permanent or temporary loss)	All PAPs	Any undetermined impacts will be mitigated in accordance with both the Kosovo Law on Expropriation and EBRD Policy principles and requirements. In case of discrepancies between the Law on Expropriation and EBRD Policy in a particular case, the provision more favourable for the affected owner/user shall prevail

Table 4: Entitlements Matrix

### 5.1. CALCULATION OF COMPENSATION

The land will be compensated based on the market value in line with the *Law on Expropriation of Immovable Property in Kosovo* and also in line with the EBRD Environmental and Social Policy 2014 and its Performance Requirement 5 (*Land Acquisition, Involuntary Resettlement and Economic Displacement*) to include informal

land users as well. The final calculation is under process and will be determined by the Office for Immovable Property.

Calculation of the compensation for loss of business net income or loss of wages for workers is calculated for the cases when (i) business is severely affected and needs to be relocated (economic displacement), therefore the transition period will be covered for wages (6 months' salary as transition allowance) and business net income (6 months net income during transition), and (ii) if the alternative access cannot be provided during the period of disturbance. For eventual temporary disturbance resulting from construction works, the presumed duration of construction works is considered as well for businesses that have a plan to continue their activity at the same location after completion of this phase. The maximum duration of construction works is 24 months as per tender documentation, however it is expected to last less if the construction works at particular parts of the road end sooner. For the case of transferring the business on other location the compensation to cover 6 months of transition period is foreseen since it is presumed that during this period the PAP may reinstate the business activity at another location.

The calculation will be undertaken on the basis of the annual net income (if known) and wages amount. Office of Immovable Property undertakes calculation of the compensation in line with the local Law, respectively the Office is allowed to require official reports from the banks where the PAPs have their bank accounts, tax reports etc. or makes a comparative analysis with same or similar business with known profit/salaries

## **6. INFORMATION DISCLOSURE AND PUBLIC CONSULTATIONS**

The requirements for disclosure of Project relevant information and public consultations have been set out in the Stakeholder Engagement Plan (SEP) prepared by the MESPI in 2015 for the purpose of enhancing stakeholder engagement throughout the life cycle of the Project, and carrying out stakeholder engagement in line with local legislation and EBRD's requirements.

A Project Implementation Unit (PIU) within the MESPI has been established for the Project, consisting of representatives of the MESPI responsible for ensuring the proper implementation of the LAP and in charge of communicating with the communities within the Municipalities of Klllokot, Viti, Partesh and Gjilan and consultations with PAP as well as representatives of Local Community Offices (LCO).

The PIU together with the representatives of the Municipalities of Klllokot, Viti, Partesh and Gjilan and MESPI (in charge of expropriation) are responsible for communicating with the affected communities and people.

### **6.1. DISCLOSURE OF INFORMATION AND CONSULTATIONS HELD TO DATE**

During the past three years, the Municipalities of Klllokot, Viti, Partesh and Gjilan and the MI have held presentations of the Project in the Municipality. Representatives of local non-governmental organisations (NGOs), minorities (such as the Roma population), media and other stakeholders were invited to these presentations.

In July 2016 a joint meeting was held with the MESPI and Mayors of the municipalities of Gjilan, Kamenicë, Viti, Klllokot, Ranillug and Novobërda to discuss the infrastructure

improvements in the road sector in this area and the importance of MESPI support to the local communities.

Brief information on the Project was also published in the local media and online news portals, as well as the websites of the MESPI<sup>15</sup>.

The disclosure pack of the 2015 due diligence (SEP, NTS and LAF) have been published on the MESPI and EBRD web sites in English, Albanian and Serbian.

On 16 January 2018, the LAP Kllokot - Gjilan Road has been publicly disclosed in three languages on the web site of the MESPI and other respective and other respective Municipality's web sites, and updated in October 2018. The first public hearing in accordance with the local legislation on expropriation process has been undertaken during the period January 2018, respectively on:

- January 16 for Municipality of Partesh (cadastre zones: Partesh and Budrigë) and Gjilan (cadastre zones: Gjilan, Livoq i Epërm, Livoq i Ulët dhe Cërnice)
- January 17 in Municipality of Viti (cadastre zones: Budrigë e Epërme dhe Radivojcë) and Kllokot (cadastre zone Kllokot).

The PIU also organized the public consultation meeting in line with this LAP, on 04.12.2018 in Kllokot Municipality Hall, however no external stakeholders, PAPs etc attended to the meeting. The present to the meeting were representatives of the Kllokot Municipality, that is Director of Cadastre Department, PIU and the PIU support Consultant. The public meeting is planned to be re-organized due to the poor response of the stakeholders/PAPs. The public meeting was postponed and organized during 2019, after finalisation of all design changes and public disclosure of the new LAP, and prior to initiation of construction works. Another meeting was foreseen to be organised by September 2021 when the new Engineer / Supervisor was contracted, but all the Public meetings are being postponed due to COVID restrictions.

## **6.2. AVAILABLE COMMUNICATION TOOLS**

MI utilizes the following channels of stakeholder engagement, communication and information disclosure:

- Publishing information on the official website of MESPI (<http://mi-ks.net>)<sup>16</sup> 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.

## **6.3. PLANNED DISCLOSURE OF INFORMATION AND CONSULTATIONS**

The MESPI will carry out public consultations and information dissemination that will reflect main issues of relevance to the Project as it progresses through the next implementation stages. All stakeholders will be timely informed about the Project's scope and contacts for further information inquiries, as well as the availability of the publicly available documents.

<sup>15</sup><http://mi-ks.net/sg/lajme/ministria-e-infrastruktures-do-te-realizoje-kater-projekte-rrugore-permes-kredise-nga-berzh-i-1087> - This link is no longer active but a record of the information is attained by Project Implementation Unit - Ministry of Infrastructure

<sup>16</sup> This link is no longer active but a record of the information is attained by Project Implementation Unit - Ministry of Infrastructure

Due to the COVID restrictions, it has not been possible for the PIU to organise further public consultation events. In particular, the public consultation events relating to the commencement of works on site have not been held due to the COVID regulations. It is intended to restart these public consultation events as soon as regulations permit.

As it was agreed on the meeting with the PIU on 02.12.2021 in Pristina the PIU (with the support of the Consultant and that of the Engineer) will act safely and positively to respond and support Government efforts in the prevention of spreading the COVID-19 and instead of public meetings, a leaflet will be prepared with updated information for local stakeholders regarding the continuance of the execution of the Project Construction Works. The leaflet will be published and disseminated at the same time as the publishing of the updated version of the SEP.

### **6.3.1. Documents and Information to be Disclosed**

The MESPI has disclosed and/or intends to disclose the following documentation and information regarding the Project:

- This Land Acquisition Plan (LAP) (disclosed in January 2018 and updated in October 2018, May 2019 and October 2021)
- 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 consultation meetings and public discussions held;
- Non-technical Summary of the Project's Environmental and Social Assessment (disclosed in 2015);
- Stakeholder Engagement Plan (SEP) (disclosed in 2015 and to be updated prior to construction activities);
- Grievance form (see Annex 2);

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 serves for collecting remarks, suggestions and propositions of the public) on the websites of the MESPI and Municipalities of Klllokot, Viti, Partesh and Gjilan, as well as in printed copies in the MESPI premises at the following addresses:

#### **Ministry of Environment, Spatial Planning and Infrastructure**

Address: The building of Kosova Chamber of Commerce, 1<sup>st</sup> Floor, Office no.2, 10000, Prishtina, Republic of Kosova

Adresa: Bulevardi i Pavarësisë p.n., 60000, Gjilan, Republic of Kosova

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

### **6.3.2. Planned Meetings**

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

- Public consultation meetings will be held on a regular basis, at least every 6 months, during Project preparation and 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 LAP on the MESPI website, and was first planned to be held during February 2018. The public consultation meeting in line with LAP was initiated on 04.12.2018 in Kllokot Municipality Hall, however no external stakeholders, PAPs etc. attended to the meeting, therefore the public meeting is planned to be re-organized due to the poor response of the stakeholders/PAPs. As stated in Chapter 6.1, second public meeting was organized during 2019, after finalisation of all design changes and upon public disclosure of the new LAP. A new public meeting will be organized prior to initiation of works by the new Engineer/ Supervisor who was elected on September 2021, but all the public meetings are postponed due to COVID restrictions. 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 regards 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 and project information update process, and will be organized on a need's basis in Local Communities.
- Individual consultation meetings are aimed at engaging individual stakeholder groups regarding specific issues, and will be organized on a need's basis. This type of meetings can be initiated by the Municipality, MESPI or by any identified stakeholder groups/individuals.

### **6.3.3. 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 the websites and bulletin boards of the MESPI 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.

## **7. IMPLEMENTATION OF THE LAP**

### **7.1. IMPLEMENTATION RESPONSIBILITIES**

All parties involved in the Project, including the MESPI, MF (namely, its Office of Valuation of Property<sup>17</sup>), the relevant Municipalities and the Contractor to be engaged by the MESPI to work on Project sites, are required to implement the requirements of this LAP.

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<sup>17</sup> The Office for Valuation of Immovable Property (within the Department of Property Tax) within the Ministry of Finance is the only public authority competent for valuation of any immovable property that is subject to expropriation

Responsibilities will be shared between the MESPI, MF, the Municipalities of Klllokot, Viti, Partesh and Gjilan, the Contractor and other agencies, according to Table 5.

The PIU set up within the MESPI will ensure the proper implementation of the LAP and will be in charge of communicating with the communities and consultations with PAP as well as representatives of Local Community Offices (LCO).

Task	Responsible Authority
Information disclosure to all Project Affected People and communities	MI via the PIU and Municipalities of Klllokot, Viti, Partesh and of Gjilan
Valuation of property	MF (Office of Valuation of Property)
Direct communication with and visits to owners/ occupants	MI 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	MI via the PIU
Monitoring and reporting in respect of temporary land occupation carried out after construction commencement	Contractor
Grievance management	MI via the PIU and Contractor

**Table 5: Implementation Responsibilities of the LAP**

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

1. Disclosure of the LAP (and other Project relevant information, as outlined in Section 6.3.1 of this LAP) on the MESPI website and website of the Municipalities of Klllokot, Viti, Partesh and Gjilan upon its approval by EBRD. Provision of hard copies of the LAP in the premises of MESPI and Municipalities of Klllokot, Viti, Partesh and Gjilan 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 Chapter 8 of this LAP;
3. Organization of meetings with stakeholders as outlined in Sections 6.3.2 and 6.3.3 of this LAP and individual consultation meetings with affected people as outlined in Section 6.3.2 of this LAP.
4. Valuation of property, negotiations and expropriation activities in line with national legislation (by the Expropriating Authority) as defined in Section 1.3.2 of this LAP which upon approval will serve as the basis for the Final Decision as defined in section 2.1.4.;
5. Setting up and maintaining a land acquisition database and monitoring of the land acquisition process as outlined in Section 7.3 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.

## 7.2. COSTS

The costs of the land acquisition will be borne by the MESPI as the expropriation authority. The land acquisition budget will be prepared after the Expropriation Requirement is processed by MESPI, MF and the Government of Kosovo and approximate costs are defined in line with the Expropriation Law of Kosovo.

## 7.3. MONITORING AND REPORTING

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

- ensure that principles and requirements outlined in the project Land Acquisition Framework (LAF) and this LAP are implemented
- 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 address grievances from the stakeholders; and
- identify methods to mitigate any identified issues,
- oversee/monitor additional land-access or acquisition carried out by contractor(s).

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.

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

- Overall spending on expropriation and compensation
- Number of Project Affected People by categories and number of projects affected households by categories
- Number of public meetings and consultations with affected people
- Number and percentage of individual compensation agreements signed before the beginning of construction activities
- Number of persons requesting special assistance and types of assistance provided to vulnerable individuals/households in a timely manner
- Number of people having received cash compensation during the monitoring period with distribution by compensation type and by classes of amounts
- Number and amount of payments to restore loss of income
- Number and type of grievances, including any court cases, related to land acquisition (submitted and resolved and how long it took for them to be resolved).

The PIU will prepare and submit to EBRD Annual Environmental and Social Report (AESR) including the progress achieved in the implementation of the LAP.

In addition, the PIU will facilitate the development of a Completion Audit at the end of the land acquisition process by an independent expert. The audit report will assess whether the LAP objectives have been achieved, identify any remedial actions if needed. The audit report will be shared with EBRD.

## 8. GRIEVANCE MECHANISM

The PIU will establish a Grievance management process and will keep updating internal Grievance Registry for management and monitoring purposes, and will ensure that all

stakeholders are fully informed of the grievance mechanism by communicating the availability of project grievance resolution function, the contacts of responsible 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 2) (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. PIU will protect confidentiality of grievance records and personal data contained in submitted grievances. Complainants can request that their personal data is deleted from the Registry at any time.

All grievances will be recorded in the Grievance Registry and assigned a number, and acknowledged within 7 calendar days (the flowchart for processing grievances is provided in Annex 3). 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:

- grievance number,
- date grievance is received and logged into register,
- description of grievance,
- date of receipt acknowledgement returned to the complainant,
- details of the Complainant and parcel number if applicable,
- description of actions taken (investigation, corrective measures),
- date of resolution and closure / provision of feedback to the complainant,
- Complainant's satisfaction status: yes or no,
- Note if grievance escalated into legal action.

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.

Upon receiving a grievance, PIU will issue a receipt acknowledgement within 7 calendar days. The PIU will make all reasonable efforts to address the complaint upon the acknowledgement of grievance within 7 calendar days. 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 30 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.

A separate grievance mechanism is available for workers.

**Contact information for enquiries and grievances:**

Attention: Mr. Gjynejt Mustafa - Head of PIU,  
Ministry of Environment, Spatial Planning and Infrastructure

Address: The building of Kosova Chamber of Commerce, 1<sup>st</sup> Floor, no. 2,  
10000, Prishtinë, Republika e Kosovës

E-mail 1: [mi.info@rks-gov.net](mailto:mi.info@rks-gov.net)

E-mail 2: [mGjynejt.Mustafa@rks-gov.net](mailto:mGjynejt.Mustafa@rks-gov.net)

E-Mail 3: [Besa.Orana@rks-gov.net](mailto:Besa.Orana@rks-gov.net)

Tel.: +381 (0) 38 200 28 620

**Contact information for enquiries:**

Public Information Office within the Ministry of Environment, Spatial Planning and  
Infrastructure

Tel/fax.: +381 (0)38 200 28 ext. 507

Tel/fax.: +381 (0)38 200 28 ext. 041

Tel/fax.: +381 (0)38 200 28 ext. 048

**Annex 1 Request for Expropriation (courtesy translation)**

**REPUBLIC OF KOSOVO**  
**MINISTRY OF ENVIRONMENT, SPATIAL PLANNING AND INFRASTRUCTURE**  
**THE DEPARTMENT OF ROAD INFRASTRUCTURE**  
**ROUTING SLIP**

	22/06/2017
Reference	5197/2017
To:	Arben Citaku-General Secretary/MMPH Afrim Murati-Director of Expropriation Department/MMPH
CC:	
Through:	Rame Qupeva- Director of the Department of Road Infrastructure
From:	Hysen Merovci- Manager of Geodesic services
Subject:	Initiate procedures of expropriation survey for the project: “Rehabilitation of National Road N25.3, Section: Klllokot - Gjilan”, L=14.5km

Dear Mr. Spahiu,

For the following procedures, you can find attached to the submittal letter the:

- Expropriation survey for: “Rehabilitation of National Road N25.3, Section: Klllokot - Gjilan”, L=14.5km

We request that you proceed further with the parcels attached in this survey, with the following procedures based on the Law for Expropriation of Immovable Property for evaluation in the Ministry of Finance.

Attached to this submittal letter you can find the survey with cadastral areas specified for this road section, 3 hard copies and CD.

Thanks for your cooperation!

**Annex 2 Grievance Form**

Reference number:	
Full name (optional)	
Contact information Please mark how you wish to be contacted (mail, telephone, e-mail).	By Post (Please provide mailing address): _____ _____ _____ By Telephone: _____ By E-mail: _____
Preferred language of communication	Albanian Serbian English (if possible)
Description of Incident for Grievance	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
Date of Incident / Grievance	
	One-time incident/grievance (date _____) Happened more than once (how many times? _____) On-going (currently experiencing problem)
What would you like to see happen?	

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

Please return this form to:  
**PROJECT IMPLEMENTATION UNIT - MINISTRY OF ENVIRONMENT, SPATIAL PLANNING  
AND INFRASTRUCTURE**

Attn: Mr. Gjynejt Mustafa, Head of PIU  
Address: The building of Kosova Chamber of Commerce, 1<sup>st</sup> Floor, Office no. 2,  
10000, Prishtina, Republic of Kosova  
E-mail 1: [mi.info@rks-gov.net](mailto:mi.info@rks-gov.net)  
E-mail 2: [Gjynejt.Mustafa@rks-gov.net](mailto:Gjynejt.Mustafa@rks-gov.net)  
E-mail 3: [Besa.Orana@rks-gov.net](mailto:Besa.Orana@rks-gov.net)  
Tel.: +381 (0) 38 200 28 620

**Annex 3**      **Grievance Processing Flowchart**

