

Sava and Drina River Corridors Integrated Development Program

Sub-project: Infrastructure works on the construction of embankments at the Grncar and Lim rivers

Resettlement Plan for Municipality of Berane

May 2022

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Abbreviations

Administration	Administration for Cadastre and State Property of Montenegro – Local State Property Administration Unit of Berane
Committee	Central Evaluation Committee
ESS	Environmental and Social Standards of the World Bank
ESPC	Environmental and Social Commitment Plan
LC	Local Community
Ministry	Ministry of Agriculture, Forestry and Water Management
PAP	Project Affected People
PIU	Project Implementation Unit
RPF	Resettlement Policy Framework
RAP	Resettlement Action Plan
SDIP	Regional Sava and Drina River Corridors Integrated Development Program
SEP	Stakeholder Engagement Plan
WB	World Bank

LIST OF DEFINITIONS

CATEGORIES OF DISPLACED PERSONS	<p><i>Category 1:</i> Affected persons who have formal legal rights to land or assets are those who have formal documentation under national law to prove their rights, or are specifically recognized in national law as not requiring documentation.</p> <p><i>Category 2:</i> Affected persons who do not have formal rights to land or assets at the time of the census, but who have a recognized or recognizable claim to land or assets under national.</p> <p><i>Category 3:</i> Affected persons who have no recognizable legal right or claim to the land or assets they occupy or use.</p> <p><i>Category 4:</i> Affected persons or communities who do not have the right to refuse land acquisition or restrictions on land use that result in displacement (involuntary resettlement).</p>
CENSUS SURVEY AND BASELINE SOCIO-ECONOMIC STUDY	<p>The census identifies affected persons, and includes pertinent demographic (age, gender, family size, births, and deaths) and related social and economic information (ethnicity, health, education, occupation, income sources, livelihood patterns, productive capacity, and so forth). The census helps to determine eligibility of affected persons. It includes undertaking an inventory and valuation of assets and establishing, documenting, and making known the rights of those affected.</p> <p>The information gathered in connection with the census is the baseline, which serves as a reference point against which income restoration and the results of other rehabilitation efforts can be measured.</p>
CUT-OFF DATE	<p>The date after which anyone who moves into the project area is no longer entitled to compensation and/or assistance. It is intended to help prevent encroachment by opportunistic settlers. The cut-off date for this subproject for the establishment of eligibility for formal land owners is the date of submission of decision on expropriation by the expropriation beneficiary to relevant authorities. Decision on expropriation for the purpose of implementation of the project in Municipality Berane was published in the “Official Gazette of Montenegro – municipal regulations”, No. 016/21, from 7th June 2021.</p>
ECONOMIC DISPLACEMENT	<p>Loss of assets or access to assets which affects livelihoods or income generation as a result of the project. People or enterprises may be economically displaced with or without experiencing physical displacement.</p>
ENTITLEMENT	<p>Compensation and assistance which affected people have the right to receive during resettlement. Entitlements for this sub-project have been defined in the Resettlement Policy Framework. Entitlements are defined for each individual project, and are listed in the form of an Entitlements Matrix, i.e. a table containing information on who is entitled to what type of compensation and/or assistance.</p>
INVOLUNTARY RESETTLEMENT	<p>Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both.</p> <p>Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.</p>
LAND ACQUISITION	<p>Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.</p>
LIVELIHOOD	<p>Refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.</p>
MARKET VALUE	<p>Value calculated based on prices of property in the area in which the particular property is acquired, which can be achieved for a particular property on the market, depending on supply and demand at that moment of setting the price.</p>

MOVING ALLOWANCE	Cash compensation for costs directly associated to moving/relocation of a household or business.
PHYSICAL DISPLACEMENT	Loss of house/apartment, dwelling or shelter as a result of project-related land acquisition which requires the affected person to move to another location.
PROJECT AFFECTED PEOPLE (PAP)	Any person who, as a result of the land acquisition required by the project, loses the right to own, use, or otherwise benefit from a built structure, land, annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
REPLACEMENT COST	<p>Defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety.</p> <p>The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.</p>
RESTRICTIONS ON LAND USE	Refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.
RESETTLEMENT POLICY FRAMEWORK	<p>A document developed when the exact nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown due to the project development stage. The purpose of a framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared.</p> <p>Once the subprojects and individual project components are defined and the necessary information becomes available, the framework is expanded into a specific plan proportionate to potential risks and impacts (see item Resettlement Plan below).</p> <p>A Resettlement Policy Framework for the entire Sava and Drina River Corridors Integrated Development Program was developed in early 2020 in order to guide the preparation of this Resettlement Action Plan.</p>
RESETTLEMENT PLAN	<p>The document in which a client specifies the procedures it will follow and the actions it will take to mitigate adverse effects, compensate losses and provide development benefits to persons and communities affected by an investment project.</p> <p>Resettlement plans are prepared for any project that results in economic or physical displacement. The scope and level of detail of the plan varies with the magnitude of displacement and complexity of the measures required to mitigate adverse impacts.</p>
NEGOTIATED SETTLEMENTS	Refers to situations where the Borrower needs to acquire specific land or restrict its use for project purposes, but rather than doing so through an expropriation proceeding, the Borrower first tries to arrive at a mutually agreeable negotiated settlement with the landowner/user. In many cases, both parties might find it advantageous to reach a negotiated settlement to avoid the delays and transaction costs associated with the full judicial or administrative process of expropriation or compulsory acquisition. In fact, many national laws require governments to first explore this more consensual approach.
VULNERABLE PEOPLE/ GROUPS	Vulnerable people are people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

	<p>Groups or persons who may be particularly vulnerable within this sub-project include, but are not limited to:</p> <ul style="list-style-type: none">▪ poor people▪ people with disabilities▪ children, women, the elderly or ill persons
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1 INTRODUCTION

DESCRIPTION AND CONTEXT OF THE PROJECT

The World Bank (WB) is providing finance to the Regional Sava and Drina River Corridors Integrated Development Program (SDIP) aimed at improving flood protection and enable transboundary water cooperation in the Sava and Drina Rivers Corridors. The SDIP will be implemented over the period of the next 10 years on the territory of Montenegro, Bosnia and Herzegovina and Serbia. Specifically, the sub-component of the program which will be implemented in Montenegro is aimed to improve watershed management in the Lim and Grncar River basins of Montenegro, as well as works related to flood protection measures within the Lim River Basin to mitigate flood risks and promote sustainable use of natural resources (the Project). This includes sub-project works in Berane, Bijelo Polje, Plav and Gusinje. The Project is implemented by the Ministry of Agriculture, Forestry and Water Management (the Ministry) and its dedicated Project Implementation Unit (PIU). More details on the Project-specific institutional framework are provided in Chapter 2.

A Resettlement Policy Framework (RPF) was developed for the purposes of the Project in early 2020 in order to guide the preparation of Resettlement Action Plans (RAPs) with the aim to satisfy the provisions of WB's Environmental and Social Standard 5: "Land Acquisition, Restrictions on Land Use and Involuntary Resettlement" (ESS5) and the requirements of local legislation regarding land acquisition. Additionally, a number of environmental and social framework documents have been prepared and disclosed for the purpose of this Project, and each of these documents are reviewed and taken into account for the purpose of the development of this RAP. These are: Environmental and Social Commitment Plan (ESPC), February 2021; Labor Management Procedure, February 2020; Environmental and Social Management Framework, February 2020; Stakeholder Engagement Plan, February 2020.

SCOPE AND PURPOSE OF THIS RESETTLEMENT ACTION PLAN

This RAP has been prepared in accordance with the applicable legislation in Montenegro, as well as the WB requirements outlined in ESS5. It is based on the **RPF which was developed in February 2020**, and approved by the Ministry and WB. The RPF outlines the general principles, procedures and the entitlement framework with regard to the potential impacts of land acquisition required for the sub-projects. The RPF therefore is the basis for the development of this detailed RAP.

This RAP provides more precise details on Project Affected People (PAP), the eligibility criteria and the procedures to be followed by the Ministry and the Municipality of Berane (the Municipality), and the actions they will take to properly compensate affected people and communities.

This RAP should be read in conjunction with RPF, particularly for issues not repeated in this document such as:

- World Bank Requirements
- Legal Framework in Montenegro
- Compensation for Different Categories of Assets / Principles of Valuation of Property

CURRENT STATUS OF LAND ACQUISITION ACTIVITIES

The land acquisition process has not started yet. An Expropriation Study required under local law has been prepared, but no other activities (such as valuation of properties) have been undertaken to date.

In June 2021, the Municipal Assembly of Berane adopted a Decision on determining public interest for the complete expropriation of property for the construction of the embankment on the Lim River¹. After the Decision

¹ Official Gazette of Montenegro - Municipal Regulations, No. 16/21

was adopted, an Expropriation Study² was developed by an authorized geodetic organization on the basis of the Detailed Design³.

After the verification of the Expropriation Study by the Administration for Cadastre and State Property – Local State Property Administration Unit of Berane (the Administration)⁴, the procedure for division of land plots and registration of the Expropriation Study in the cadastre was initiated. In early March 2022, after the land plots affected by expropriation were defined in the cadastral office, the Directorate for Property and Protection of Property Rights of the Municipality of Berane submitted a request for valuation of properties for the needs of the expropriation procedure to the Central Evaluation Committee (the Committee)⁵. The Committee will determine the amount needed for land acquisition, which will be then deposited by the Municipality to the special account of the Ministry of Finance and Social Welfare.

² Prepared by "Geo-start" d.o.o. Podgorica, February 2021.

³ Designer: "CESTRA" d.o.o. Beograd, June 2020.

⁴ As of January 5, 2021, the Real Estate Administration and the Administration for Property have merged into the Administration for Cadastre and State Property, on the basis of the Decree on the Organisation and Operation of Public Administration.

⁵ The Committee is appointed ex officio by Administration and has 5 members, of which at least three members must be court experts of appropriate professions. The valuation methodology is defined by the Rulebook on Methodology for Assessing Property Value (Official Gazette of Montenegro, No. 64/18)

2 INSTITUTIONAL FRAMEWORK

The Ministry of Agriculture, Forestry and Water Management, including the Water Management Authority, is the main beneficiary of the SDIP in Montenegro as the recipient of WB financing for implementation of the Project on territories of Bijelo Polje, Berane, Plav and Gusinje.

Other institutions involved in Project implementation are the Ministry of Finance and Social Welfare, the Ministry of Ecology, Spatial Planning and Urbanism, and the Administration for Cadastre and State Property. Additionally, local authorities have a significant institutional and implementation role in the Project, as well as the PIU, which acts as an intermediary between the Ministry, the WB and local municipalities. General provisions related to competencies and authorities of the relevant ministries, as stipulated in the *Decree on Organisation and Operation of Public Administration*⁶ are presented in the table below.

Table 1: Project-specific institutional framework

Public administration body	Relevant institutional responsibilities and authorities	Role and responsibilities in the Project
Municipality	In the municipality, activities of direct and common interest for the local population are performed. The municipality also performs tasks that have been transferred to it by law or entrusted by a regulation of the Government.	Beneficiary of expropriation. Responsible for initiation of expropriation process.
Ministry	Responsible for development policies and measures of agricultural policy and water protection/management; proposing legal regulations in the area of agriculture and rural development, water management and other areas; harmonisation of national legislation with the EU acquis;	Beneficiary of WB's funds allocated for Project implementation. Responsible for Project implementation, monitoring of Project activities, hiring contractors and supervision for carrying out construction works. Coordination between the PIU and the WB.
PIU	Established under the Ministry of Agriculture, Forestry and Water Management. Responsible for coordination of activities among the Ministry of Agriculture, Forestry and Water Management, the World Bank and the local administration.	Project management and implementation, oversight, reporting, implementation program, environmental and social risk management, grievance management, RPF/RAP/SEP implementation and coordination. Responsible for RAP implementation in coordination with Municipality. The PIU will disclose this RAP to Municipality and assist in understanding the requirements set out in this document.
Water Management Authority (Administrative body)	Responsible for regulation of waters and water management; water protection; issuing water permits; establishment and management of the water information system, water cadastre, registry of waters .	Responsible for issuing water conditions and water permits for the Project.
Ministry of Finance and Social Welfare	In charge of preparation and implementation of legal regulations related to property issues, Government property, real-estate survey and cadastre, land acquisition, real-estate lien, and other property related rights.	Responsible for the financial aspects of land acquisition, following deposition of cash for land acquisition by the relevant municipalities.
Ministry of Ecology, Spatial Planning and Urbanism	Responsible for the system of integral environmental protection and sustainable use of natural resources; environmental impact assessments and strategic environmental impact assessments, preparation and	Responsible for defining the conditions and requirements regarding environmental studies and environmental protection for all infrastructural projects in Montenegro.

⁶ Official Gazette of Montenegro, No. 118/20, 121/20, 1/21 and 2/21

Public administration body	Relevant institutional responsibilities and authorities	Role and responsibilities in the Project
	development of planning documents; issuing urban-technical conditions; etc.	
Administration (Administrative body)	Responsible for initiating the regulation of property related legal issues; development of standards for geodetic works, development of cadastre of real-estate and underground installations; conducting administrative procedures for property and cadastre; valuation of real-estate; planning, design, analysis and assessment of validity of geodetic surveys, real-estate cadastre and cartographic works; development, maintenance and improvement of the Geographic Information System (GIS); etc.	<p>In charge of the expropriation process..</p> <p>Development of standards for geodetic works, development of cadastre of real-estate and underground installations; valuation of real-estate; planning, design, analysis and assessment of validity of geodetic surveys, real-estate cadastre and cartographic works; development, maintenance and improvement of the Geographic Information System (GIS); etc.</p> <p>Conducting the process of valuation of properties, proposing and making decisions on expropriation and carrying out the overall expropriation process with all owners.</p>

3 LEGAL FRAMEWORK FOR LAND ACQUISITION

The *Law on Expropriation*⁷ guides the land/property management in Montenegro. A comprehensive overview of its provisions is provided in the RPF. Therefore, only several key aspects are repeated here in this RAP as follows:

- Persons who have formal legal rights on land and structures, as registered in the cadastre, are entitled to compensation.
- Compensation is defined as “fair compensation” in cash or in kind (replacement property). When compensation is provided in cash, it is determined “in the amount of the **market value** of similar properties in the area, **plus any losses of income** during the resettlement period and **relocation costs**”. When compensation is provided in kind, the owner is provided with replacement property at the same value as the previous property, plus any losses of income during the resettlement period and relocation costs.
- The Law regulates in detail the types of compensation for different assets (agricultural land, construction land, residential facility, commercial premises, forests, crops, etc.).
- Valuation of property is performed by the Central Evaluation Committee in line with the provisions of the Law on Expropriation and the *Rulebook for Methodology for Assessing Property Value*⁸. The Committee is appointed ex officio by Administration and has 5 members, of which at least three members must be court experts of appropriate professions.
- Compensation must be based on fair value of property, calculated as the market price with an increase due to lost income and relocation costs. The market value of assets is defined based on recent market transactions in the affected area (or in a relevant nearby area). Replacement cost of land must correspond to the market value of land with similar characteristics in the vicinity of affected land including transaction costs. Appraisal of plants and trees takes into account features such as their age or the resources and amount of time that would be needed to grow a new tree/plant.

⁷ Official Gazette of Montenegro, No. 55/00, 12/02, 28/06, 21/08, 30/17 and 75/18

⁸ Official Gazette of Montenegro, No. 64/18

4 KEY LAND ACQUISITION / RESETTLEMENT PRINCIPLES AND COMMITMENTS

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

1. Compliance with local legislation and WB requirements

Any involuntary acquisition of property, restriction of access to assets or resettlement that may arise in conjunction with the implementation of this sub-project will be conducted in compliance with the applicable legislation in Montenegro, the requirements of ESS5, this RAP and good international practice.

2. Avoiding or minimizing resettlement

Involuntary resettlement will be avoided where feasible, or minimized, exploring all viable alternative project designs.

To the extent possible, amicable negotiations and agreements with Project Affected Persons will be sought to avoid or minimize the extent of involuntary resettlement.

3. Cut-off date

The cut-off date for the establishment of eligibility for formal land owners will be the date of submission of proposals for expropriation by the expropriation beneficiary to relevant authorities (as stipulated by the local legislation on expropriation), and the cut-off date for informal owners not recognized by the local legislation was the date of the baseline survey.

The cut-off date will be publicly disclosed in the local media and consultation meetings, with an accompanying explanation.

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

4. Improving livelihoods and standards of living

Livelihoods and standards of living of affected persons shall be improved or at least restored to pre-displacement levels or to levels prior to the beginning of sub-project implementation, whichever is higher, in as short a period as possible.

5. Compensation

All owners, occupants and users of affected properties at the time of the cut-off date, whether with or without fully recognized ownership rights, will be eligible for certain type of compensation or assistance as outlined in the Entitlements Matrix. Both loss of shelter (physical displacement) and loss of livelihoods (i.e. "economic displacement") shall be taken into account and mitigated.

Compensation eligibility will be limited by a cut-off date.

Compensation will always be effected prior to land entry or taking of possession over property by the expropriation beneficiary. The land cannot be taken physically (i.e. any civil works or construction cannot start) before compensation has been paid to the affected persons. In the case of absentee owners (e.g. people with legal rights to the land but who are living elsewhere), they will still be eligible for compensation and the Municipality and Administration should make, and document, good faith efforts to find them and inform them about the process. These efforts may include efforts to reach them through their neighbors, publication of an ad in newspapers informing about the process, etc. If they cannot be found, and in accordance with local requirements, the compensation amount must be allocated in an escrow account and be readily available should the absentee owner reappear.

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

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

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

6. Information disclosure and consultations

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

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

Access to information and assistance for vulnerable persons/households will be facilitated by the PIU according to the specific needs of such persons, on the basis of case-by-case screening to be carried out with support from the relevant Municipal social department.

In addition, the PIU will disclose this RAP and assist Municipality in understanding the requirements set out in this document. The PIU, in cooperation with local authorities, will ensure that procedures for submitting grievances are communicated and available to PAPs.

7. Temporary occupation of land

Short-term impacts related to temporary occupation of land for construction purposes will be compensated in accordance with the local legislation on expropriation, as well as in accordance with the requirements of ESS5 for any informal owners/users affected by such temporary land occupation, as stipulated in the Entitlements Matrix .

8. Assistance to vulnerable persons

Particular attention and consideration must be paid to the needs of vulnerable groups. Vulnerable people will be identified and appropriate measures will be provided to such people, based on the personal situation of such vulnerable people..

9. Relocation assistance

Relocation assistance should cover the cost of moving furniture and other personal belongings in case of physical resettlement of households, and the costs of transfer and reinstallation of equipment, machinery or other assets for affected businesses. Where applicable, the moving assistance should also

include support to cover the cost of identifying and securing a new dwelling, as well as other relocation costs such as the cost of transferring utilities to the new address.

10. Grievance mechanism

An effective grievance mechanism will be in place for receiving and addressing in a timely fashion specific concerns about compensation and relocation raised by displaced persons, in the manner described in more detail in Chapter 10.

11. Monitoring and evaluation

The PIU will monitor and evaluate the implementation of the RAP, both through internal, official institutional arrangements, as well as through an independent, external monitor, in the manner described in more detail in Chapter 11 of this RAP.

5 STAKEHOLDER ENGAGEMENT

The World Bank's Environmental and Social Framework defines 10 standards, whereby the ESS 10 Stakeholder Engagement and Information Disclosure ("ESS10") addresses stakeholder engagement. This standard recognizes the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.

In terms of stakeholder engagement, the following activities have been undertaken to date:

- The first public hearing was held in Municipality of Bijelo Polje⁹ in January 2020, at which the Environmental and Social Framework documents were presented to the local communities (LC).
- Notices relevant to the implementation of the sub-project are continuously published on Municipality's website;
- Decision on determining public interest for the complete expropriation of property for the construction of the embankment on the Lim River was published in Official Gazette of Montenegro - Municipal Regulations.

With regard to further stakeholder engagement for the need of the sub-project, the Municipality and the PIU will jointly implement the provisions of the SEP. All the relevant sub-project progress information and official sub-project documentation, as well as information about the stakeholder engagement activities is going to be duly published on the Ministry's/PIU's website.

Finally, Municipality is responsible for implementation of all the activities related to informing the land owners about expropriation, valuation of properties, in cooperation with the Local Department of the Real Estate Cadastre. Representatives of Municipality are to maintain an ongoing communication with the PIU and be present at all stakeholder engagement/public consultation meetings.

⁹ The Municipality of Bijelo Polje was chosen as the central place for the presentation of documentation, and representatives of all other municipalities of Plav / Berane / Gusinje and their local communities were invited.

6 SUB-PROJECT IMPACTS

6.1 METHODOLOGY

Census/inventory

The census of all affected land plots/assets and Project Affected Persons (PAP) was developed in order to gather and analyse data and information required to identify all categories of impacts, the PAP affected by land acquisition and the expected loss of assets within the sub-project area. The census was prepared on the basis of:

- cadastral data provided in the Expropriation Study,
- google earth maps of the sub-project section overlapped with affected cadastral plots,
- specific techniques for data collection such as observations and transect walks.

The census database contains data on the following:

- location and Cadastral Municipality,
- land plot number,
- type of ownership (private or public),
- type of asset acquired (e.g., land plot, residential/commercial structure, auxiliary structure, productive assets, natural objects on land),
- name of PAP,
- total area of land plot (m²) and % of plots affected by land acquisition.

All identified properties were first visited and observed on 24 February 2022, and photographic records were created.

The summarised version of the census database containing non-confidential data is provided in ANNEX 4: SUMMARISED VERSION OF THE CENSUS DATABASE CONTAINING NON-CONFIDENTIAL DATA of this RAP (the full database is in the form of separate Excel documents). Confidential information about individual persons and properties will not be publicly disclosed by Ministry, Municipality of Berane and/or WB.

Socio-economic survey

A socio-economic survey was conducted in period from 3 March 2022 to 13 March 2022 to solicit the opinions of the PAP about sub-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.

The survey and field observations were conducted by a team of trained surveyors, supervised by a field coordinator. During field visits, the surveyors were provided with:

- cadastral maps,
- a census table for data collection/verification,
- survey questionnaires prepared by land acquisition experts, and
- printed guidelines for surveying.

The residents of the sub-project area were notified about the survey 7 days in advance – written notifications containing information about the planned survey and the sub-project were posted on visible locations within the sub-project area. The notification contained information about the survey and the sub-project, and confirmation that collected data would not be publicly disclosed. The letters of notification and photographs of posted notifications are provided in ANNEX 5: NOTIFICATION OF SOCIOECONOMIC SURVEY to this RAP.

Given the situation caused by the COVID-19 pandemic and respecting the prescribed measures of competent institutions to prevent the spread of the virus, the surveyors were obliged to adhere to the measures during the survey.

The surveyors personally visited the affected land plots and conducted face-to-face interviews with affected owners/users who were willing to participate in the survey. Unfortunately, the co-owners of one land plot did not respond to the invitation for survey nor were they present on their land plot during the field visit. **The condition of properties of PAP who were not interviewed were recorded in the Field Observation Table.**

Before the start of the survey, **each respondent was instructed that the condition to participate in survey was to sign a Statement of Consent for the Processing and Use of Personal Data¹⁰**, which were intended to be collected through questionnaires. Furthermore, each respondent was made aware of his/her rights in relation to the above, as well as the fact that the statement is signed on a voluntary basis and can be withdrawn at any time.

The questionnaire and the Statement of Consent for the Processing and Use of Personal Data used for the survey are provided in ANNEX 2: QUESTIONNAIRE USED FOR PRIMARY DATA COLLECTION and ANNEX 3: STATEMENT OF CONSENT of this RAP.

6.2 DESCRIPTION OF SUB-PROJECT IMPACTS

A total of two land plots will be affected by the sub-project, both privately owned. One is owned by a single PAP, and the other co-owned by three PAP. Both land plots will be affected only partly, meaning that they will only lose a part of land along the river – one will lose 1.2% of the entire plot, and the other 9.1%. A summary of impacts is presented in table below:

Table 2: Sub-project impacts

Number of affected land plots	A total of two land plots are affected, but only partially
Percentage of land affected in relation to the total area of the land plot	1.22%-9.19%
Number of PAP	A total of 5 land owners (1 owner and 3 co-owners)
Type of impact	Partial loss of land
Structures on affected land	On one land plot there are 4 business structures. The business structures are not located in the area designated for expropriation.
Other assets on acquired land (natural objects)	Two orchards on both affected land plots. The orchards are not located in the area designated for expropriation.

No households were identified on the affected land plots as no one lives on these land plots. However, on one affected land plot, 4 small businesses (2 agricultural pharmacies-food for cattle/one coffee bar/one law office) with auxiliary structures (canopy and shed) have been identified – they are located approx. 60 m from the sub-Project area, i.e. the part of land to be acquired (Figure 1). All of these businesses were surveyed. Considering the distance of businesses from the sub-project area, as well as their location (entrances to businesses are oriented opposite to the sub-project area and have access directly from the local road), no significant impacts on these businesses are expected . There are also orchards on both affected land plots but the nearest trees are at a distance of about 10 m from the sub-project area, so it is not expected that fruit trees will be physically endangered during construction works (Figure 1). It is possible to expect that due to the dust that will be generated during the construction works, the yields from the surrounding orchards will be reduced or that the crops will not be usable. In this case, the owners/users of orchards will be entitled for the appropriate compensation as provided in the Entitlement Matrix

¹⁰ Personal data intended for collection through questionnaires were: name and surname, year of birth, sex, address of residence, e-mail address, telephone / mobile contact number, level of education, type and number of identification document. The *Law on Personal Data Protection* (Official Gazette of Montenegro No. 79/08, 70/09, 44/12 and 22/17), prescribes that the processing of personal data may be performed with the previously obtained consent of the person whose personal data are processed, which may be revoked at any time.



Figure 1 – Distance between the sub-project area, the four businesses and orchards

No state-owned land plots are affected by the sub-project. The sub-project also does not include state-owned land plots that are ceded to natural or legal persons.

Temporary occupation of land. It is expected that it will be necessary to temporarily occupy private and state-owned land plots for constructing access roads and placement of staff, machines and material. In the event of state-owned land, the right to use such plots will be regulated through an agreement with the Municipality or the Government of Montenegro. In the event of privately owned land, separate contracts with owners of such land will be concluded (lease contracts or other form of transfer of ownership or use rights in accordance with the Law), and adequate compensation will be paid in line with the Entitlement Matrix.

Results of the socio-economic survey

During the socio-economic survey, all business owners were found on-site.

The key results of the survey of the 4 surveyed businesses are summarised as follows:

Business structures	
Business managed by men or women	All 4 business are managed by men.
Type of businesses activities	2 agricultural pharmacies (food for cattle), one coffee bar, one law office
Satisfaction with the level of information received to date	All 4 surveyed representatives of businesses stated that they are absolutely dissatisfied with the level of received information
Number of employees	Ranging from 1 to 2
Year of establishment	Ranging from 2019 to 2020
Legality of business	100% are registered businesses
Legality of structure	3 were built with permits and 1 with a temporary permit
Level of information on planned land acquisition	Only 1 business confirmed receipt of official information on the Project and planned land acquisition
Perceived losses	Fear of loss of livelihood, fear of relocation of activities
Plans after land acquisition	All businesses are planning to continue business operations at the site

Detailed results of the socio-economic survey can be found in the ANNEX 7: SUMMARIZED RESULTS OF SOCIO-ECONOMIC SURVEY

7 COMPENSATION ENTITLEMENTS

The Entitlement Matrix lists types of losses and category of entitled persons and corresponding proposed entitlements.

TYPE OF PROJECT AFFECTED RIGHT OR PROPERTY OR LOSS	ENTITLEMENT
<i>LAND OWNERS/USERS</i>	
Partial loss of land plot (owner)	Request for full expropriation of the entire land plot (pursuant to Article 8 of the Law on Expropriation), in which case the owner should be provided with replacement property with similar or same characteristics or cash compensation for land plot at full replacement value for land plot
Loss of crops / orchards	Right to pick fruits, vegetables, etc. prior to start of works (if possible) / Cash compensation for planted annual plants at replacement value + Cash compensation for perennial plants and trees at replacement value
Owners/users of agricultural land (private and public) in case of reduced yield or other economic loss due to dust generated during the construction works	Cash compensation for demonstrable and quantified damage yields at full replacement value
The livelihood restoration assistance	Cash compensation for temporary loss of access to land and natural resources (e.g. orchards, water wells etc.)
<i>BUSINESSES</i>	
Temporary land occupation during construction works (business structures with permanent or temporary permits)	Affected land and infrastructure shall be restored to the pre-project condition + Cash compensation for temporary occupation of the land in the amount of a lease at market value + Compensation for any lost asset (such as structure, trees, etc.)
Loss of salaries (employees in affected businesses)	In case of temporary interruption of business operations and consequently temporary interruption of work of employees: compensation for loss of salaries to employees up to 6 months, in the amount of the average salary for the last six months (to be paid directly to the employer who shall submit proof of paid salaries in the transition period) In case of termination of business activities as a result of the Project: compensation for severance pay to employees in the amount of salaries paid in the last six months (to be paid directly to the employees)
Temporary losses of business income/rent during construction works	Cash compensation for loss of income until the completion of construction works which directly impact the business operations of the business entity, in line with assessment of the Committee.
The livelihood restoration assistance	Cash compensation for demonstrable loss of structures, assets, wages, rent, or sales earnings
<i>OTHER LOSSES</i>	
Loss of any public infrastructure	Public infrastructure will be replaced before destruction by infrastructure of the same or better specifications.

TYPE OF PROJECT AFFECTED RIGHT OR PROPERTY OR LOSS	ENTITLEMENT
Undefined impact (permanent or temporary loss)	Any undefined impact shall be mitigated in accordance with the principles and objectives defined in RPF. In case of discrepancies between national legislation and ESS 5 in a particular case, the provision more favourable for the affected owner/user shall prevail.

8 ASSISTANCE TO VULNERABLE PERSONS

Identified vulnerabilities

The results of the survey did not show the presence of vulnerable groups among the respondents.

Assistance to vulnerable people

In case vulnerable groups are subsequently identified, special attention shall be given for their needs based on their personal situation, and appropriate measures shall be taken to assist such persons.

Individual meetings will be held with each vulnerable person in order to explain criteria that will be taken into account for assistance and entitlements and to identify their needs in relation to land acquisition as well as to find a way how to satisfy the identified needs. Vulnerable people will be consulted on the assistance they need and will be provided with assistance in accordance with recognised rights from the Entitlement Matrix and other types of assistance.

Such assistance may include:

- direct visits to the homes of vulnerable persons (in particular for elderly people and people with chronic illnesses/disabilities)
- assistance to exercise the right to receive vulnerable people benefits provided under the Law on Social Welfare and Child Protection¹¹, as applicable
- assistance during the payment process, i.e. ensuring that compensation documents and payment process are well understood (in particular for pensioners)

¹¹ Official Gazette of Montenegro, No. 27/13, 1/15, 42/15, 47/15, 56/16, 66/16, 1/17, 31/17, 42/17 and 50/17

9 DISCLOSURE OF INFORMATION AND PUBLIC CONSULTATIONS

Institutions involved in the land acquisition procedure for the sub-project (the Ministry and the Municipality of Berane) are responsible for disclosure of information and consultations.

The draft RAP will be disclosed in both English and Montenegrin languages on the websites of the Ministry (<https://www.gov.me/mpsv>), the Municipality of Berane (<https://berane.me/>) and WB. Paper copies of the document will also be made available and easily accessible to interested parties on following locations:

- The Ministry, address: Rimski Trg No. 46, 81000 Podgorica, Montenegro
- The Municipality of Berane, address: IV Crnogorske Brigade No. 1, 84300 Berane, Montenegro

Notice of publication of draft RAP will be posted on the bulletin board of the LC "Hareme" with the following information:

- where the draft RAP can be accessed,
- date for public consultation meeting,
- contact details the responsible person to whom questions or comments may be submitted,
- the deadline for submission of comments.

Not earlier than 10 days after disclosure of draft RAP, a **public consultation meeting** will be organised in the premises of the Municipality of Berane to present the content of draft RAP and discuss all land acquisition issues and concerns with PAP. During the meeting, representatives of Ministry and Municipality will present, in particular:

- The exact sub-project footprint
- The status of land acquisition activities
- The key contents of this RAP

The **meeting will be announced** through the official website of the Ministry and the Municipality of Berane, and by posting the announcement on the bulletin boards of the Municipality and LC Hareme. The announcement will also be sent directly to the local fishermen's association that expressed a desire to be informed about the sub-project. The announcement will indicate: (i) where the draft document can be accessed, (ii) the date of the meeting, (iii) the contact details of the responsible person to whom any questions or comments can be submitted, as well as the timeframe for submission of comments.

Within 10 days from the day of the meeting, PAP have the opportunity to submit questions and comments. All justified comments and suggestions will be considered and incorporated in this RAP accordingly by the Ministry.

The final RAP will be published on the websites of the Ministry, the Municipality and WB. It will remain in the public domain for the entire duration of the sub-project together with the RPF.

Once the official land acquisition procedure is initiated, PAP will be individually visited by the representatives of the Municipality. They will be informed and consulted about the impacts of the sub-project on their property, particularly the precise sub-project area with regards to each land plot.

In addition, affected communities will be informed of **anticipated construction activities** 3 months prior to construction works and ongoing as necessary, through:

- Website of the Ministry
- Website of the Municipality of Berane
- Announcements in the local newspapers
- Announcements on local radio stations
- Posters/bulletin boards in the Municipality and the LC.

10 GRIEVANCE MANAGEMENT AND REDRESS

Grievance management is an integral part of a sound stakeholder involvement strategy that is necessary for the successful execution of the sub-project.

The PIU will establish a register of grievances, and ensure that Project Affected Persons 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.

A sample grievance form is provided in **ANNEX 1: SAMPLE GRIEVANCE FORM of this RAP**.

The PIU will ensure that Municipality dedicates at least one officer to the task of administering grievances. This officer will ensure that grievances are acknowledged receipt of within 7 calendar days, that grievances are allocated to the right person for review and proposal of resolution, and that resolution / closure letters are timely sent to the complainant and acknowledged receipt of. The officer in charge at Municipality level will have to provide updates to the PIU on the received grievances on a regular basis and upon any extraordinary or urgent developments. Any comments or concerns can be brought to the attention of the PIU or the local municipal officer verbally or in writing (by post, e-mail, phone, filling grievance form in the premises of Municipality or on the construction site) or by filling in a grievance form, without any costs incurred to the complainant. Grievances can also be submitted anonymously.

All grievances will be recorded in the register and assigned a number, and acknowledged within 7 calendar days. 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.

The PIU or the local municipal officer will make all reasonable efforts to address the complaint upon the acknowledgement of grievance. If the PIU or local municipal officer 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 particular issue raised through the grievance mechanism cannot be addressed or if action is not required, a detailed explanation/ justification will be provided to the complainant 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.

If the complainant is not satisfied with the implemented corrective action and/or a justification on why the corrective action is not required, the complaint will be directed to the Grievance Committee. The Grievance Committee will include at least:

- one member of the PIU,
- one member of the relevant Municipality/City,
- two representatives of PAP.

The Committee will re-evaluate previously carried corrective action and/or the justification on why an action is not required, and reconsider alternatives to address the complaint on the satisfactory manner. The complainant will be informed about the proposed alternative corrective action and follow-up of alternative corrective action within 3 months upon the acknowledgement of grievance.

At all times, complainants may seek other legal remedies in accordance with the legal framework of Montenegro.

Prior to start of construction works, the Ministry and the Municipality will make available the Project's Grievance Form on the construction site, as well as on their websites.

The contractor(s) will forward any received grievances to the local municipality officer for further action. Grievances in relation to construction activities will be addressed by construction contractor(s) and their management will be monitored by PIU and local municipality officer. It is also the obligation of the contractor(s) to actively participate in resolving complaints during the execution of works and to keep records of the above. It is recommended to the contractor(s) that during the implementation of this sub-project there is one person who will be in charge of grievances management.

Contact details for submitting comments and concerns regarding the sub-project are available below.

Government of Montenegro, Ministry of Agriculture and Rural Development
Attention: Mr. Željko Furtula, General Director of Directorate for Water Management
Postal Address: Rimski Trg 46, 81000 Podgorica/Montenegro
Telephone: + 382 20 482 108
E-mail address: zeljko.furtula@mpsv.gov.me

It is important to note that the PIU is hired a Junior Social Assistant, who will be responsible for providing ESF and safeguards to ensure compliance with the World Bank's ESF and safeguard policies, whereby they will be directly in charge of communication with the local municipalities, stakeholders, and the grievance mechanism.

Roles and responsibilities of the Junior Social Assistant are provided below:

- Work closely with the Senior Social expert to address ESF issues and challenges;
- Help to the Senior Social expert in order to Prepare Social Review Summaries and relevant social sections for the various social impact mitigation plans such as SEP work plans, Resettlement Action Plans, supervise Labor Management Procedures, and complete activities and reporting in the Social Management system;
- Assist in implementation support, supervision and monitoring of actions to ensure implementation of the Resettlement Action Plans, Labor Management Procedures and relevant aspects of the ESMPs.
- Undertake policy dialogue with stakeholders on social sustainability and safeguards issues and advise counterparts on technical options for social development, particularly involuntary resettlement, labor issues, mitigation plans and institutional development strategies;
- Participate and play a leading role in portfolio reviews on selected social development topics;
- Managing project website and social media, including working with website developers, posting regular social media updates and engaging with people on these channels;
- Overseeing media relations, including writing and distributing news releases, responding to media inquiries and maintaining a media kit about project;
- Enables wide and regular dissemination of information related to the Project, ensures its visibility and facilitates stakeholder engagement by managing social networks (Twitter, Facebook);
- Managing marketing materials, including brochures, newsletters and mailers;

- Finding the most suitable opportunities for informing stakeholders about project activities whether in print, on TV or online;
- Creating and implementing an annual work and communications plan, in cooperation with Senior Social expert and Project Manager;
- Help develop sustainable local and national consultation mechanisms and strategies by site visits in order to address adequately need of different groups;
- Ensure that communication and information channels for all identified stakeholders are designed in line with their needs;
- Maintain Grievance Log as a mandatory part of Grievance Mechanism to ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed;
- Supervise the work of consultants to ensure consistency and conformity to Bank standards;
- Participate in supervision activities, including operational missions, with a focus on implementation arrangements;
- Engage in project supervision and regular monitoring of project implementation, including helping to resolve emerging issues to ensure results on the ground and project implementation progress;
- Maintain active engagement with broad range of key stakeholders, including development partners, the private sector and civil society;
- Prepare Minutes of Meetings related to the Project implementation;
- Organizing relevant events with the support of PIU;
- Undertake other duties as per the requirements of the project or as directed by Project Manager and Project Coordinator.

Other roles and responsibilities of the Junior Social Assistant include:

- Under the guidance, on a daily and permanent basis, of the Project Manager (PM) he/she will enable continuously information exchange between institutions and PIU;
- Actively participate in project team and provide high quality technical support to project regarding the identification, preparation and implementation of social risk management measures, ESMP compliance and other efforts to enhance the social sustainability of project;
- Provide operational and technical support for the project, under the respective World Bank Environmental and Social Framework (ESF), working closely with and under guidance of assigned senior specialists;
- Engage in policy dialogue with government agencies on social development and related topics such as community driven development (CDD), social accountability, citizen engagement, local governance, social inclusion and gender equality;
- Generate reports based on the collection of information during the implementation of social management plans and public consultations in cooperation with environmental experts and social senior expert;
- Arrange gathering / sharing of information between ministries / institutions and other interested parties and the Bank and Consultants engaged in the concrete Project activities;
- Perform also other tasks and responsibilities assigned to him / her by the Project Manager.

Contact information of the Junior Social Assistant are provided below:

<p style="text-align: center;">Project Implementation Unit (PIU) Marina Bulatović, Junior Social Assistant Phone: +382 68 634 889 Email: mbulatovicsdip@gmail.com</p>

11 IMPLEMENTATION OF THIS LAND ACQUISITION PLAN

11.1 RESPONSIBILITIES FOR IMPLEMENTATION

The Ministry's PIU is responsible for sub-project implementation. However, processes related to land acquisition are also the responsibility of other institutions involved and presented in the table below.

Table 3: RAP implementation responsibilities

INSTITUTION/ORGANIZATION	ROLES AND RESPONSIBILITIES
PIU	<ul style="list-style-type: none"> ▪ Responsible for implementing RPF/RAP and other sub-project documentation. ▪ Developing municipalities' awareness of the requirements of RPF and RAP ▪ Disclosure of information and documents to all PAP and communities, and organization of public meetings in cooperation with the Municipality ▪ Keeping records of consultation activities ▪ Direct communication with and visits to owners and occupants; provision of assistance to vulnerable persons / households in cooperation with the municipal department responsible for social care, displaced persons and refugees ▪ In cooperation with municipality officer: grievance processing and management, receiving grievances, acknowledging receipt of grievances, keeping an integrated registry of grievances, everything else related to grievances mechanism ▪ Monitoring and reporting to WB with respect to land acquisition ▪ Joint public/community meetings and trainings/workshops with PAPs in cooperation with Municipality and Construction contractors ▪ Informing owners, land users and the general public about the location of construction works, progress, i.e. all news about construction activities; environmental and social monitoring reports, as well as any and all other official sub-project documentation (approved by the WB).
Ministry of Finance and Social Welfare	<ul style="list-style-type: none"> ▪ Securing funds for land acquisition
Administration	<ul style="list-style-type: none"> ▪ Establishing the Central Evaluation Committee which is responsible for appraising affected land and assets ▪ With its Implementation Unit in Berane, the Administration facilitates and manages the expropriation process
Municipality of Berane	<ul style="list-style-type: none"> ▪ Proclamation of public interest ▪ Cooperating with the PIU in various activities related to identification of affected owners/users of land, organizing meetings with affected persons, disclosure of information, public discussions, start of expropriation process, construction, traffic management, grievances etc. ▪ Negotiations and expropriation activities, prior to construction ▪ Administering grievances received by the Municipality ▪ Joint public/community meetings and trainings/workshops with PAPs in cooperation with PIU and Construction contractors
Designer	<ul style="list-style-type: none"> ▪ Organizing meetings with LCs in cooperation with municipalities regarding sub-project design matters ▪ Revision of the design in order to ensure that displacement is either avoided or minimized to the highest possible extent
Construction contractors	<ul style="list-style-type: none"> ▪ Informing owners and land users in the area where construction activities will be carried out regarding plan and start of construction activities. Informing owners and land users in the area where construction activities will be carried out regarding plan and start of construction activities via placement of the official construction notice boards, which will be located at each end of the sub-project section. This will be coordinated by the PIU. ▪ Taking all the necessary measures to secure construction sites, minimize construction nuisances and ensure uninterrupted access to properties along the footprint of sub-project section being constructed ▪ Forwarding received grievances to the local municipality officer for further action ▪ Joint public/community meetings and trainings/workshops with PAPs in cooperation with PIU and Municipality ▪ Disclosure of written information - Brochures, posters, flyers etc
Service providers (municipal centre for social welfare,	<ul style="list-style-type: none"> ▪ Provision of livelihood restoration assistance in cooperation with PIU, as needed

INSTITUTION/ORGANIZATION	ROLES AND RESPONSIBILITIES
employment bureau, training organizations)	
Independent third party contracted by PIU	<ul style="list-style-type: none"> ▪ Preparation of a Completion Audit at the end of the land acquisition process, in line with the RPF

11.2 MONITORING, EVALUATION AND REPORTING

The PIU will monitor and evaluate the implementation of the RAP, both through internal, official institutional arrangements, as well as through an independent, external monitor. Monitoring of the land acquisition process will be conducted by the PIU 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 / rehabilitation measures are sufficient;
- identify any potential issues; and
- identify methods to mitigate any identified issues.

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

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

- Overall spending on land acquisition and compensation,
- Number of project affected people by categories,
- Number of private land plots identified by the contractor as necessary to be temporarily occupied during construction works (type of land plot, amount of compensation paid, duration of land occupation),
- Number of public meetings and consultations with affected persons,
- Number and percentage of negotiated settlements signed,
- Number of persons requesting special assistance and types of assistance provided to vulnerable individuals/households in a timely manner,
- Number of people having received compensation in the period disaggregated by type of compensation and by classes of amounts,
- Number and type of grievances in relation to land acquisition (number of grievances, number and percentage of grievances resolved within set deadlines, number and percentage of persons satisfied with the outcome, e.g. response to their grievance/comment, disaggregated by gender) and number of court cases related to land acquisition,
- Number of successful relocations of households (new location, level of income),
- Number of successfully re-established agricultural activities after land acquisition or restriction of access as a result of the sub-project (level of income).

The PIU will prepare and submit to WB annual Project Progress Reports including the progress achieved in the implementation of RAP.

In addition, the PIU will facilitate the development of a Completion Audit at the end of the land acquisition process by an independent expert.

11.3 INDICATIVE TIMETABLE FOR RAP IMPLEMENTATION

The development of this RAP was preceded by the Loan Agreement between the Ministry of Finance and Social Welfare of Montenegro and WB in the amount of up to EUR 15 million for the implementation of the Project and construction of the embankments at the Grncar and Lim rivers.

During 2022, after the appraisal of the affected property has been made by the Committee, the Ministry will publish a public announcement to try to reach negotiated settlements with PAP and determine deadlines for completion of land acquisition. According to information provided by Municipality of Berane, the time schedule for this procedure has not been determined yet. Therefore, the timetable for RAP implementation is has still not been precisely defined at this sub-project stage. The Ministry and the Municipality will provide updates on the process on official websites and through direct contacts with PAPs on a needs basis and update this document as necessary.

However, an indicative schedule of activities confirmed by PIU is as follows:

- May 2022: Municipality is going to coordinate activities with the local department of the real estate cadaster, which is going to carry out the process of valuation of all the affected properties.
- June 2022: Upon completion of valuation of properties, the beneficiary of expropriation, i.e. Municipality is going to deposit the required amount of financial resources to the dedicated Escrow account of the Ministry of Finance and Social Welfare, which is in charge of making the payments.
- May 2022: The Ministry is going to publish an official tender for conducting the works which are planned to be carried out in Berane in terms of regulation of the Lim river.
- June 2022: Administration is going to send invitations for individual meetings to land owners at which they will be presented the proposed compensation (both the type and amount of compensation).
- July – August 2022: Property owners are fully paid and compensated for the affected properties
- August 2022: Commencement of construction works. It is important to note that construction works may only commence after all owners are fully paid and compensated for their expropriated properties.

11.4 BUDGET FOR RAP IMPLEMENTATION

The costs of land acquisition will be paid from the budget of the Municipality of Berane. Social assistance costs to vulnerable groups will be the responsibility of the Ministry and the Municipality.

Since valuation of properties has not been conducted to date by Committee, a detailed breakdown of compensation per categories of land or assets is not available at this stage of sub-project preparation. Following valuations of properties, a detailed budget will be prepared, including the following items:

- Compensation for affected land at replacement value, including crops and plantations
- Other compensation according to the Entitlement Matrix.

When detailed cost estimates are available this RAP will be updated.

12 ANNEXES

ANNEX 1: SAMPLE GRIEVANCE FORM

Reference number:	
Full name (optional)	
Optionally, select one of the listed options	<input type="checkbox"/> Please do not reveal my identity without my consent. <input type="checkbox"/> I want to file an anonymous complaint
Please mark how you wish to be contacted (mail, telephone, e-mail).	<input type="checkbox"/> By post: Please provide mailing address: _____ <input type="checkbox"/> By telephone: _____ <input type="checkbox"/> By e-mail: _____
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	
	<input type="checkbox"/> One-time incident/grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
What would you like to see happen?	

Signature: _____

Date: _____

Please return this form to the following address:

<p>Government of Montenegro, Ministry of Agriculture and Rural Development Attention: Mr. Željko Furtula, General Director of Directorate for Water Management Postal Address: Rimski Trg 46, 81000 Podgorica/Montenegro Telephone: + 382 20 482 108 E-mail address: zeljko.furtula@mpsv.gov.me</p>
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ANNEX 2: QUESTIONNAIRE USED FOR PRIMARY DATA COLLECTION

QUESTIONNAIRE FOR BUSINESSES (FORMAL OR INFORMAL)

Questionnaire reference number	
--------------------------------	--

Survey date:	
Start time of survey:	_____ hr, _____ min
Full name of surveyor:	

To be filled in by field coordinator:

Questionnaire checked by:	(signature)
Date of verification:	
Comments by field coordinator:	

Location /Local Community:	
Address:	
Cadastral land plot no. ¹²	
Photographs (ref. no.):	

Full name of respondent/name of business:	
Contact tel. of respondent:	
Position of respondent in the business (owner, employee, etc.):	

1. INTRODUCTION

1.1. Have you been informed about the planned expropriation? By whom? When?

1.2. Are you satisfied with the level of information received to date? (rate from 1 to 5, with 1 being the lowest)

1.3. In your opinion, what is the most effective way for you to become more informed about the details of this project?

- Meetings with municipal representatives
 Meetings with representatives of Ministry of Agriculture, Forestry and Water Management
 Through public meetings
 Through leaflets
 Through daily newspapers
 Through television
 Some other way _____

2. GENERAL DATA ON AFFECTED BUSINESS

Total area of land plot:	_____ m ²	
In case you don't know the exact total area of the land plot, please indicate the approximate land plot area	_____ m ²	
Is the entire land plot affected:	YES or NO	If NO, state the area of the affected part: _____ m ²
Type of business activities:		
Year of establishment:		
Owner (co-owner):		
Sex of owner:	M / F	
Is the business formally registered:	YES or NO	
Legal form of business (if formally registered):		

¹² If the owner owns several plots that will be subject to expropriation, list all land plots that will be subject to expropriation

Legal status of the business structure:	FORMAL WITH PERMIT or INFORMAL WITHOUT PERMIT or TEMPORARY PERMIT
Number of employees	
Typical annual turnover:	_____
Typical annual gross income:	_____
Typical annual profit: (income after deduction of the taxes)	_____

3. GENERAL DATA ON EMPLOYEES

No.	Level of education and occupation of employee	Age	Sex		Salary	Years of employment in the business	Number of dependents	How far does the employee travel to work? (km)
1.			M	F				
2.			M	F				
3.			M	F				

Notes and comments:

4. PROJECT IMPACTS AND PREFERRED COMPENSATION

4.1. What do you assume could be the main issues for you caused by the project?

Loss of livelihood	Relocation of agricultural activities	Other (specify):	Other (specify):

(5: most important, 4 second most important, etc.)

4.2. In your opinion, how could the issues be resolved?

4.3. What do you think would be the most adequate compensation for you?

Cash compensation	Provision of other business premises	Other (specify):	Other (specify):

4.4. What are your plans after expropriation?

Observation or comments:

Surveyor's comments and observations (any difficulties encountered, additional observations, etc.)

End time of survey: _____ | _____ hr, _____ min

ANNEX 3: STATEMENT OF CONSENT

I _____ (name and surname), ID card number: _____, inhabited in _____ (city, municipality and address of residence) as a respondent I voluntarily give:

STATEMENT OF CONSENT FOR THE PROCESSING AND USE OF PERSONAL DATA

By signing this Statement, I confirm that I have been previously informed by E3 Ltd., Serdara Jola Piletića 24, 81000 Podgorica (hereinafter the controller) of the reasons for collecting personal data and giving this consent in accordance with the Law on Personal Data Protection (Official Gazette of Montenegro No. 79/08, 70/09, 44/12 and 22/17), in order to implement the Project of construction of embankments on Grncar and Lim rivers.

In this regard, I voluntarily give my consent that the controller can process and use my personal data, and that it may submit it to the Ministry of Agriculture, Forestry and Water Management, Municipality of Berane and the World Bank, only for the purpose listed above. Personal data that I consent to be subject to processing by E3 Ltd. are: name and surname, year of birth, sex, address of residence, e-mail address, telephone / mobile contact number, level of education, health condition, type and number of identification document.

I am informed by the controller that at any time, in full or in part and free of charge, I am free to withdraw my statement by submitting a notice to E3 Ltd., Serdara Jola Piletića 24, 81000 Podgorica or by e-mail: office@e3consulting.co.me. Also, I am aware that the controller will keep my personal data for as long as necessary to fulfil the purpose for which they are processed, unless the controller is bound by additional legal deadlines for their storage.

Withdrawal of this statement will not affect the legality of processing before withdrawal of the statement.

Name and surname: _____

Signature: _____

Date and time of signature: __. __. 2022, at ___h ___min

The legal basis for the collection, processing and storage of personal data is your voluntary written consent given by signing this statement. By signing this statement, you consent to the further processing of your personal data that you will provide in the survey questionnaire that is an integral part of this statement. Personal data are collected for processing for the purpose of implementing the Project of construction of embankments on Grncar and Lim rivers.

The information within this project will only be used in ways that will not reveal who you are. You will not be identified in any of the publications within this Project and your identity as a Project participant is confidential.

Your data will be protected from unauthorized access or misuse, and will be handled in accordance with legal regulations with appropriate security measures.

ANNEX 4: SUMMARISED VERSION OF THE CENSUS DATABASE CONTAINING NON-CONFIDENTIAL DATA

No.	Cadastral Municipality	Land plot no.	Public/private	Complete or partial acquisition	Total area of plot (m ²)	Total affected area of plot (m ²)	% affected	Structure (commercial or residential) on affected or unaffected part of land	Other assets on acquired land (natural objects)	Other assets on acquired land (auxiliary structures)
1	Berane	Part of 777/1	Private	Part of the land plot	6.627	81	1.22%	4 business structures	No	Canopy and shed
2	Berane	Part of 777/2	Private	Part of the land plot	6.875	632	9.19%	-	Orchard	-

ANNEX 5: NOTIFICATION OF SOCIOECONOMIC SURVEY

SURVEY NOTICE

TO OWNERS / USERS OF LAND PLOTS AND STRUCTURES WITHIN THE PROJECT OF CONSTRUCTION OF THE EMBANKMENTS AT THE GRNCAR AND LIM RIVERS

We would like to inform you that in the period from 3 March 2022 to 13 March 2022 the owners/users of land plots and structures, which are intended for expropriation, will be surveyed in the area of the Municipality of Berane, at the site of the planned construction of the embankments at the Grncar river.

The map below shows the project area, and the land plots that are planned to be expropriated. Owners/users of land plots marked in green will be the subject of a survey.

The purpose of this survey is to collect socio-economic data on families and individuals living or working on properties covered by expropriation, in order to establish a fairer land acquisition system and so that the Municipality of Berane in cooperation with the Ministry of Agriculture, Forestry and Water Management can better plan its activities in that direction.

The data collected from the survey are confidential and will be used for the purpose of drafting the document "Resettlement Action Plan" for the needs of the Project.

The organization of the survey will be performed by consultants of the company E3 d.o.o. engaged in order to support the Project.

If you cannot or do not want to attend the survey in the specified period, please contact us by 13 March 2022, by calling the telephone number: 020/227-501 or via e-mail: office@e3consulting.co.me, so that we can contact you directly and agree on an alternative way of surveying at our expense.

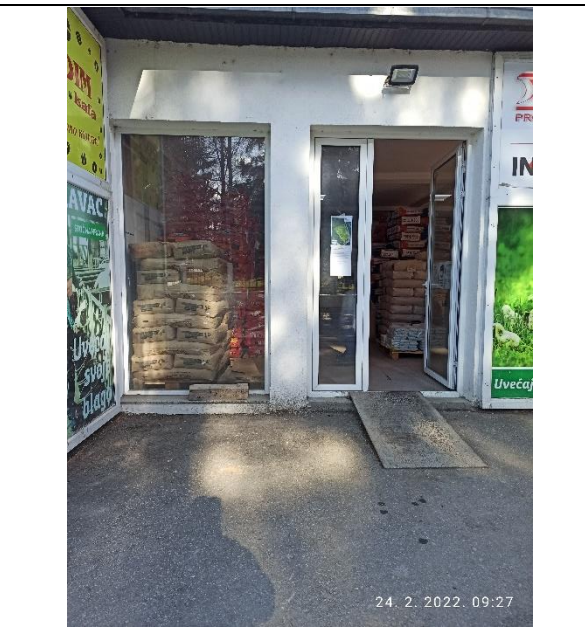
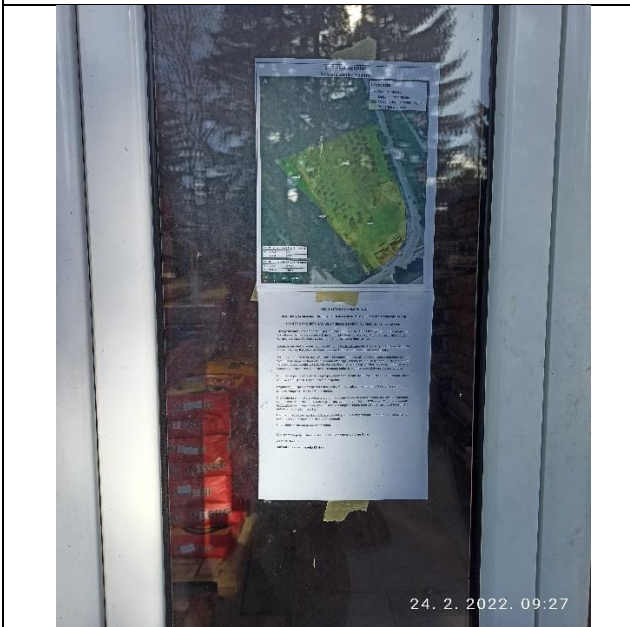
If you are not sure whether your land plot will be the subject of expropriation, please call the above number to help you.

We thank you in advance for your cooperation.

Ministry of Agriculture, Forestry and Water Management

Municipality of Berane

Consulting company E3 d.o.o.



Notification on socio-economic survey and map of project area – Municipality of Berane

ANNEX 6: SELECTED PHOTOGRAPHS FROM THE PROJECT SITE



Location of 4 surveyed businesses



Location of project area

ANNEX 7: SUMMARIZED RESULTS OF SOCIO-ECONOMIC SURVEY

1. Location /Local Community

	Frequency	Percent	Valid Percent
Berane/ Hareme	4	100.0	100.0

2. Position of respondent in the business

	Frequency	Percent	Valid Percent
Co-owner	1	25.0	25.0
The owner	2	50.0	50.0
Worker	1	25.0	25.0
Total	4	100.0	100.0

3. Have you been informed about the planned expropriation

	Frequency	Percent	Valid Percent
I am not informed	1	25.0	25.0
I did recently, through a decision published in a newspaper	1	25.0	25.0
I was not informed when I rented the facility	2	50.0	50.0
Total	4	100.0	100.0

4. Are you satisfied with the level of information received to date?

	Frequency	Percent	Valid Percent	Cumulative Percent
Absolutely dissatisfied	4	100.0	100.0	100.0

5. In your opinion, what is the most effective way for you to become more informed about the details of this project?

	Frequency	Percent	Valid Percent
Ministry of Agriculture, Forestry and Water Management of Montenegro	4	100.0	100.0

6. Total area of land plot

	Frequency	Percent	Valid Percent
1ha 30ar	1	25.0	25.0
Do not know	3	75.0	75.0
Total	4	100.0	100.0

7. Is the entire land plot affected

	Frequency	Percent	Valid Percent
Yes	3	75.0	75.0
No	1	25.0	25.0
Total	4	100.0	100.0

8. If NO, state the area of the affected part/ filter

	Frequency	Percent	Valid Percent
7-8 ar	1	100.0	25.0
Total	1	100.0	100.0

9. Type of business activities

	Frequency	Percent	Valid Percent
Agricultural pharmacy - food for cattle	2	50.0	50.0
Coffee bar	1	25.0	25.0
Law Office	1	25.0	25.0
Total	4	100.0	100.0

10. Year of establishment:

	Frequency	Percent	Valid Percent
2019	2	50.0	50.0
2020	2	50.0	50.0
Total	4	100.0	100.0

11. Owner (co-owner):

	Frequency	Percent	Valid Percent
Co-owner	1	25.0	25.0
Owner	1	25.0	25.0
Tenant for 10 years	2	50.0	50.0
Total	4	100.0	100.0

12. Sex of owner

	Frequency	Percent	Valid Percent
Male	4	100.0	100.0

13. Legal status of the business structure

	Frequency	Percent	Valid Percent
Formal with permit	3	75.0	75.0
Temporary permit	1	25.0	25.0
Total	4	100.0	100.0

14. Number of employees-average

	N	Minimum	Maximum	Mean
Number of employees	3	2.00	2.00	2.0000

15. Typical annual turnover- average

	N	Minimum	Maximum	Mean
Annual turnover	3	15000.00	350000.00	221666.6667

15.1 Typical annual turnover

	Frequency	Percent	Valid Percent
15000.00	1	25.0	33.3
300000.00	1	25.0	33.3
350000.00	1	25.0	33.3
Total	3	75.0	100.0
Total	4	100.0	

16. Level of education and occupation

	Frequency	Percent	Valid Percent
Secondary school	2	28.6	28.6
University	5	71.4	71.4
Total	7	100.0	100.0

17. Age-interval

	Frequency	Percent	Valid Percent
Up to 29	1	14.3	14.3
From 30 to 39	4	57.1	57.1
From 50 to 59	2	28.6	28.6
Total	7	100.0	100.0

1.1. Age-average

	N	Minimum	Maximum	Mean
Age	7	22.00	55.00	35.7143

18. Salary

	Frequency	Percent	Valid Percent
Up to 500 EUR	6	85.7	100.0
Didnt want to answer	1	14.3	
Total	7	100.0	

18.1.Salary- average

	N	Minimum	Maximum	Mean
Salary	6	450.00	500.00	483.3333

19. Years of employment in the business

	Frequency	Percent	Valid Percent
2 to 5 years	7	100.0	100.0

19.1 Years of employment in the business-average

	N	Minimum	Maximum	Mean
Years of employment in the business	7	2.00	3.00	2.4286

20. Number of dependents

	N	Minimum	Maximum	Mean
Number of dependents	2	4.00	5.00	4.5000

21. How far does the employee travel to work? (km)

	Frequency	Percent	Valid Percent
100m	1	14.3	14.3
2 km	5	71.4	71.4
3 km	1	14.3	14.3
Total	7	100.0	100.0

22. Notes and comments

	Frequency	Percent	Valid Percent
Didnt have a comments	6	85.7	85.7
The tenant entered into a contract with the landlord for 10 years and I invested and renovated the premises; they have all the contracts that bind them for 10 years	1	14.3	14.3
Total	7	100.0	100.0

23. What do you think could be your main problems caused by the project?

		Count	Table Valid N %
Loss of livelihood	Least important	1	25.0%
	Relatively important	0	0.0%
	Important	0	0.0%
	Very important	1	25.0%
	Most important	2	50.0%
	Total	4	100.0%
Relocation of agricultural activities	Least important	1	25.0%
	Relatively important	0	0.0%
	Important	0	0.0%

	Very important	2	50.0%
	Most important	1	25.0%
	Total	4	100.0%

23.1 What do you think could be your main problems caused by the project?- Rate (1 to 5 , where 1 - Least important and 5- Most important)

	N	Minimum	Maximum	Mean
Loss of livelihood	4	1	5	3.75
Relocation of agricultural activities	4	1	5	3.50

24. In your opinion, how could the issues be resolved?

	Frequency	Percent	Valid Percent
Agreement	1	25.0	25.0
I have no problem	1	25.0	25.0
I should talk like a tenant about project	2	50.0	50.0
Total	4	100.0	100.0

25. What are your plans after expropriation?

	Frequency	Percent	Valid Percent
I have no answer but the same activity	1	25.0	25.0
If the project is realized, we were looking for a new way of earning money	2	50.0	50.0
Same as before	1	25.0	25.0
Total	4	100.0	100.0

26. Observation or comments

	Frequency	Percent	Valid Percent
Didnt have a commentS	1	25.0	25.0
We need information by when will the project be completed, because it was announced before 3 years ago and it is not known when it will start and when it will end and whether it will be finished.	1	25.0	25.0
The facilities should not be demolished, another option should be found	1	25.0	25.0
There are several legal acts, the authorities need to talk with everyone	1	25.0	25.0
Total	4	100.0	100.0