ANNEX 1

to the ESMP

**The applicable principles and procedures**

**compatible with ESS5**

**Resettlement Policy Framework**

**(RPF)**

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# Acronyms

|  |  |
| --- | --- |
| BoE | Beneficiary of Expropriation |
| CC | Constitution Court |
| CFD | Central Feedback Desk |
| E&S | Environmental and Social |
| ESF | Environmental and Social Framework |
| ESS | Environmental and Social Standards of World Bank |
| ESS5 | ESS on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement |
| GoS | Government of Republic of Serbia |
| GM | Grievance Mechanism |
| GRS | Grievance Redress Service |
| LM | Local Municipalities |
| LGD | Local Grievance Desk(s) |
| MoE | Ministry of Education of the Republic of Serbia |
| MoF | Ministry of Finance of Republic of Serbia |
| PAP | Project Affected People |
| PIU | Project Implementation Unit |
| PIT | Project Implementation Team |
| RPF | Resettlement Policy Framework (this document) |
| RAP | Resettlement Action Plan |
| RS | Republic of Serbia |
| IPEIP | Serbia Inclusive Primary Education Improvement Project |
| SEL | Stakeholder Engagement Log |
| TA | Tax administration |
| WB | World Bank |

# Definitions glossary

|  |  |
| --- | --- |
| Cut-off date | This date shall correspond to any such date when an official request for determination of the Public Interest is sent to relevant authority. Person(s) encroaching into the project area after the Cut-off date, are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the Cut-off date will not be compensated. Project Implementation Unit (PIU) shall adequately advertise the Cut-off date informing the public, owners and users of assets about the expropriation process and the timing. The Cut-off date will also be publicly disclosed on notice boards in local communities and relevant municipalities and spaces commonly and frequently used by the community, informing general public, and at consultation meetings, with an accompanying guidance note. The public announcement be posted, as necessary, on frequently visited locations throughout the affected areas. This information will include posted warnings that persons and assets settling in the project area after the cut-off date may be subject to removal without compensation. |
| Economic displacement | Includes all loss of income sources or means of livelihood as a result of land acquisition or restricted access to resources (land, water, or forest) as a result of Project implementation, regardless of whether affected persons must move to another location or not. |
| Entitlement | Compensation and other forms of assistance that Project Affected Persons (PAPs) have the right to receive in accordance with this Resettlement Project Framework (RPF) in the respective eligibility category. |
| Expropriation | Refers to dispossession or limitation of ownership rights on property against compensation pursuant to market value of the property and is based on the Governments eminent domain power, regulated by the Law on Expropriation |
| Forced Eviction | Refers to permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in this RPF. The exercise of eminent domain, compulsory acquisition or similar powers will not be considered to be forced eviction providing it complies with the requirements of national law and the provisions of this RPF, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate, or excessive force). |
| Involuntary resettlement | Refers to Project-related impacts of resettlement without persons affected having the right to decline land acquisition or restrictions on land use, physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. |
| Land Acquisition | Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies. |
| Livelihood | Refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods (ecosystem services), petty trade and bartering. |
| Moving allowance | Compensation for costs directly associated to moving/relocation of the household or business. This may be paid in cash or by direct moving support (logistics such as moving trucks, labor and alike). In-kind arrangements shall be subject to request and agreement by the PAPs. |
| Physical displacement | Loss of shelter and assets resulting from the property acquisition associated with the Project that requires PAPs to move from home, workplace or business premises to another location. |
| Project Affected Person (PAP) | Any person who, as a result of the implementation of the (sub)-project suffers impacts is referred to as a Project Affected Person. |
| Replacement cost | Replacement cost is 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. 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. |
| 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, and restrictions on land use within utility easements or safety zones. |
| Stakeholders | Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a Project, or having interest in and the ability to influence the Project. |
| Transitional allowance | Refers to one-off (cash or other) assistance to be provided for relocation of household members and their possessions (or business equipment and inventory) to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available. |
| Moving allowance | Refers to one-off (cash or other) assistance to cover relocation costs of household members and their household inventory (or business equipment and inventory) |
| Vulnerable group/individuals | Refers to people below the poverty line, the landless, the elderly, women and children, and those who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others or who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. |

# Introduction

## Resettlement Policy Framework (RPF) Background

Operations and activities for which the World Bank`s Investment Project Financing (IPF) is sought after October 1,2018, fall under the application of the Environmental and Social Framework (ESF)[[1]](#footnote-2). The ESF comprise, inter alia, the 10 Environmental and Social Standards which set out mandatory requirements for the Ministry of Education, of the Republic of Serbia) and the Project. In response to the Bank’s requirements, the MOE has prepared a Resettlement Policy Framework (RPF) for the Project – this document, which sets out principles to be followed for project related to land acquisition, restrictions on land and Involuntary Resettlement consistent with ESS5. The RPF is a risk management instrument and has been activated for the Project as a precautionary basis. The primary objective of activating the RPF is to proactively mitigate any potential risks associated with land use restrictions or involuntary resettlement that may arise from the implementation of various project activities, including technical assistance. Given the low probability of such risks occurring, a standalone RPF has not been prepared. Instead, this requirement is outlined in the ESCP and ESMF and must be fulfilled before starting any construction work. By deploying the RPF, the project aims to ensure the safety and protection of individuals and properties in case these would be affected by the project.

## Objectives of this RPF

The objectives of this RPF are to establish rules, principles, procedures, actions, and organizational structures to minimize and mitigate the loss of private lands, non-land assets, and livelihoods for affected people during the Project. It also guides the creation of Resettlement Action Plans (RAPs) for sub-projects.

## Fundamental principles guiding resettlement

This RPF sets binding principles for physical resettlement, economic displacement, and other social impacts from the Project's land acquisition. These principles guide the PIU, contractors, and state and local institutions involved in the Project. Key principles for land acquisition and resettlement are outlined below:

* involuntary resettlement should be avoided by exploring all viable alternatives after taking into consideration all facts such as public health or safety.
* when unavoidable, minimize involuntary resettlement by exploring Project design alternatives with the goal that adverse effects should be rendered to the bare unavoidable minimum.
* Forced eviction is prohibited. This however does not prevent action by the Government to remove a person who continues to occupy land upon completion of the legal process of eminent domain or compulsory acquisition. Eviction is not considered to be forced eviction if it conforms to national law, including compliance with, and completion of, all relevant legal and administrative procedures, including appeals processes; complies with all the relevant requirements of ESS5, and is carried out in a way that respects basic principles of due process.
* When unavoidable, adverse effects and social impact occurs, all loss of property shall be mitigated by providing timely compensation for loss of assets at least at the value of replacement costs.
* PAPs will be assisted in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of Project implementation, whichever is higher.
* Negotiated settlements with affected persons are encouraged by this RPF prior to formal expropriation with the goal to help avoid administrative or judicial delays, and to the extent possible to reduce the impacts on affected persons.
* Resettlement must be managed in accordance with national applicable laws, ESS5 and accepted international good practices. Where gaps exist, more stringent provisions will prevail. Fundamentally, rules and policies that benefit the PAPs most will always prevail.
* The PIU will oversee all resettlement activities from the early onset of project design, facilitating cost-effective, efficient and timely implementation of principles and objectives set by this RPF, as well to promote innovative approaches for improving the livelihoods and standards of living of those affected by involuntary resettlement.
* The Project will improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
* Additional targeted support will be provided to vulnerable groups and/or individuals affected by the Project, during resettlement process, as well as during implementation of all phases of the Project according to their specific vulnerability.
* The Project will ensure a gender sensitive approach by inclusion of women, part of affected households, in all public consultation and discussions on specific mitigation measures. All activities in this RPF will aim to be gender tailored, with the goal to empower women and provide with the possibility to participate in mitigation measures provided for resettlement impact. The documentation for ownership or occupancy, such as title deeds and lease agreements (including the bank accounts established for payment of compensation), will be issued in the names of both spouses, if the expropriated assets are part of marital property of both spouses.
* Activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.
* Sub-Project specific RAPs, and other resettlement instruments as appropriate, will be prepared, publicly disclosed and consulted on before final approval.
* Activities under the Project causing physical or economic displacement are not allowed to commence before RAPs are adopted to allow affected persons and stakeholders to participate in Project development, planning and implementation of resettlement programs.
* Accessible GM will be developed for affected people grievances before start of any civil works that can cause relevant physical or economic displacement per this RPF. During the Project implementation and resettlement cycle, stakeholders will be provided with full information about their grievance rights, possibilities and procedures. All grievances will be considered during Project implementation and resettlement activities.
* All resettlement activities should be conceived and conducted as sustainable projects by providing sufficient investment resources to enable principles and goals of resettlement defined by this RPF and RAPs to be fully achieved.

## Estimated displacement impacts and justification of RPF

Although exact locations are not defined, the civil works activities will be confined within the schools' land owned by the Republic of Serbia or local self-governments (public property) therefore, no land acquisition is expected. The project specifically targets school spaces or areas owned by the RS or municipalities. However, the criteria for selection will prioritize schools serving poor communities and those catering to vulnerable student populations, including Roma beneficiaries. Though rare, there is still a possibility of encroachers occupying old or abandoned school premises, especially in areas with a shortage of affordable housing or where informal settlements have developed. The ESS5 has been triggered on a precautionary basis to tackle potential issues related to encroachers and displacement induced by the project. This RPF will outline the applicable principle and procedures compatible with ESS5 and with Serbian laws.

Once sub-project sites are identified, due diligence will be conducted as per this RPF. If necessary, RAPs will be created proportional to potential risks and impacts, with no displacement occurring until plans are finalized, consulted upon, and approved by the World Bank.

# Legal framework

## National legal framework guiding resettlement

**Constitution of the Republic of Serbia**[[2]](#footnote-3).

Article 58 ensures peaceful tenure of property rights, which can only be revoked for public interest with compensation at market value or higher. This aligns Serbian laws with WB resettlement standards in ESS5. The provisions of the Constitution do not differentiate formal from informal properties relevant from the perspective of the structures constructed without a construction permit, a practice common for the past 30 years in Serbia. The Constitution further proclaims that all human rights (including the right of property) and minority rights guaranteed by the Constitution shall be implemented directly.

Article 16 integrates internationally accepted laws and treaties into Serbia's legal system, allowing direct implementation of ESS5 resettlement standards alongside Serbian laws. This provision helps bridge gaps between local and international resettlement policies if included in future WB Loan agreements ratified by the Parliament.

**The Law on Public property**[[3]](#footnote-4)

Enacted in 2011 and amended in 2020 and 2024, this law governs public ownership and property rights of the State, autonomous provinces, and local governments. It is relevant for the project as it oversees the public ownership regime. The law's strengths include decentralizing ownership, providing rules for public property use and disposal, and setting a framework for public-private partnerships.

**The Law on foundations of legal relations over properties[[4]](#footnote-5).**

**The RPF implementation and eligibility identification are guided by the 1990 law, amended in 2005 ("Official Gazette of the SFRY", No. 6/80, 36/90; "Official Gazette of the FRY", No. 29/96; "Official Gazette of the RS", No.115/2005). This law addresses property relations, including ownership rights, co-ownership, joint ownership, adverse possession, and ownership rights when structures are built on others' land. Key provisions affecting resettlement include those on ownership acquired by construction and joint spouse property obtained during marriage.**

**The Law on Construction and Planning[[5]](#footnote-6).**

**Relevant** for the Project. The planning and construction law was published in "Official Gazette of the RS", No. 72/09 of September 3, 2009, corrected "Official Gazette No. 81/09 (Corrigendum), changed by Constitution Court of RS ruling 64/10 (CC), 24/11, 121/12, 42/13 (CC), 50/13 (CC), 98/13 (CC), 132/14 145/14, 83/2018, 31/2019, 37/2019 (other law), 9/2020, 52/2021 and 62/2023, and it governs the following issues: the conditions and modalities of spatial planning and development, the development of general and detailed regulation plans, the development and use of construction land and the construction of facilities, predominant use of land when the land has multiple uses, public use of land and other issues of significance in the development of space, landscaping and use of construction land and the construction of facilities. It prescribe procedure for: issuance of site conditions; issuance of building permit; notice of works; issuance of occupancy permit; attainment of conditions for design, i.e. connection of a facility to the infrastructure network; obtaining legal instruments and other documents issued by the holders of public authorities required for the construction of facilities, i.e. for the issuance of site location conditions, building permit and occupancy permit within their competence, as well as for the provision of conditions for connection to the infrastructure network and for the registration of title to the built facility and for designating a house number (unified procedure).

**The Law on legalization of structures[[6]](#footnote-7).**

**Relevant** for the Project. Building legalization law, published in "Official Gazette of the RS ", No. 96/15, 83/18, 81/20 – CC ruling and 1/23 – CC ruling) regulates the conditions, procedure and manner for legalizing buildings, parts of buildings, auxiliary buildings and other buildings constructed without a building or construction permit. The custom of constructing buildings (houses, shops, even apartment buildings), or adding auxiliary buildings to existing, legal building (garage, additional floors on houses or rooms) without a construction permit became quite usual during the past 30 years. The governments over the years always maintained the intention to legalize all illegally constructed buildings, if constructed on own land and/or with consent of the owner, but most of the buildings have not yet been legalized. It is without any doubt that if the Project will have any resettlement impact, some of the assets will be buildings without building permits so provisions of this law can be important, but in those cases, the RPF, in terms of eligibility, shall prevail if more stringent. This law now imposes restrictions to title transfer for structures constructed without building permits. In line with Article 28, all structures subject to the formal process of legalization shall within 6 months be registered as such by the relevant cadastral authority together with the note that any commercial transaction in terms of transfer of title is forbidden.

**The Law on Extra-Judicial Proceedings**[[7]](#footnote-8) . The law as published in the "Official Gazette of RS", No. 25/82 and 48/88, amended "Official Gazette of the RS" No 46/95, 18/2005, 85/2012, 45/2013, 55/2014, 6/2015 and 106/2015- other law) defines the rules by which courts decide on personal, family, property-related and other rights and legal interests, which are resolved in extra-judicial proceedings, pursuant to the Law. In accordance with this Law, the court in extra-judicial proceedings determines compensation for an expropriated property after it establishes the important facts and approves a decision which defines the type and amount of compensation. Participants may conclude an Agreement about type and amount of compensation, and the court will then base its decision on their agreement, if the court finds that the agreement is not contrary to mandatory regulations. Following ESS5 proclaimed standards and principles of resettlement, endorsed by this RPF in Chapter 1.4, RS institution in charge of the land acquisition process will be obliged to strive to reach a negotiated settlement with previous owners of property, in accordance with the Expropriation law prior to the administrative proceedings (as will be described in the next Chapter 2.2) or pursuant to this Law.

**The Law on Administrative procedures[[8]](#footnote-9) .**

**The 2016 law ("Official Gazette of RS No18/16, 95/2018, 2/2023) outlines rules and procedures for government decisions affecting individuals and entities in administrative processes. Decisions are issued as decrees following legal procedures, and parties may appeal first-instance decisions. This law administratively governs the expropriation process.**

**The Law on State Survey and Cadaster**[[9]](#footnote-10).

**Relevant** for the Project. The Law on State Survey and Cadaster ("Official Gazette of the RS" No 72/2009, amended on 18/2010, 65/2013, 15/2015, 47/17, 113/17, 27/18, 41/18- other law and 9/20 – other law ) regulates the professional activities and affairs of the state administration related to land, buildings and other structures survey, real estate cadaster, records and registration of property, registration of possession, registration of illegal buildings and buildings legalized according to provision of the latest Building Legalization Law of RS, utilities cadaster, basic geodetic works, address register, topographic and cartographic activities, valuation of real estate, geodetic and cadastral information system.

## Expropriation process in Serbia

Two laws govern the overall expropriation process in Serbia[[10]](#footnote-11):

**The Law on Expropriation**[[11]](#footnote-12)

Passed in 1995 and enacted on January 1, 1996 ("Official Gazette of RS" No 53/95, …20/2009, 55/2013-CC ruling and 106/2016 – authentic interpretation) enables government institutions to acquire property for projects that are deemed to be of public interest, while protecting the interests of all persons with legal title, whose assets are to be expropriated. The Law on expropriation does not use the term "involuntary resettlement”, but instead uses the term "expropriation" and is based on the Governments eminent domain power. The Law in conjunction with the project RPF will guide potential land acquisition and resettlement needed for the Project.

## Key provisions of the Law on Expropriation

Key principles of the law may be classified as below:

* Immovable assets (in terms of the law defined as land, buildings and other structures, perennial plants, crops, logging forest, and other attachments) can be expropriated only once the public interest is declared either by law, or individual decision of the Government of RS. The Public interest can be declared if construction of facility is intended for public utility infrastructure, education, public health, social welfare, culture, water management, sports, transport, power, national defense, local/national government needs, environmental protection, protection from weather-related damage, exploration for, or exploitation of, minerals, land needed for resettlement of people holding mineral-rich lands, property required for certain joint ventures, and housing construction for the socially disadvantaged.
* As the potential Beneficiary of Expropriation (BoE) the law recognizes the Republic of Serbia, autonomous province Vojvodina, cities, the city of Belgrade, municipalities, public funds, public companies, companies that are established by public companies, as well as for companies with majority state capital and/or founded by the above-mentioned state institutions.
* Expropriation can be either complete or incomplete. Complete expropriation allows the BoE to obtain ownership over the expropriated property, while the ownership by the owner and other rights cease to exist. Incomplete expropriation provides the BoE with specific easement rights on the land and structures, as well as the lease of the land for a definite period of time (not longer than three years in both cases). At the end of the easement or lease period full ownership rights over the property are returned to the owner, and the property is restored to conditions prior to expropriation.
* Owners of immovable property partially affected are entitled to request expropriation of the remaining part against corresponding compensation, in cases when the expropriation has deteriorated their economic situation, or the remaining part of the property has become unviable. Owners can request expropriation of the remaining part within two years from the date when construction has been completed.
* As a general rule, compensation is cash based. When agricultural land is subject to expropriation for construction of linear infrastructure facilities (railways, highways, pipelines, etc.), suitable agricultural land of the same type and quality, or the corresponding value in the area or its surroundings shall be offered as a primary type of compensation. If such land is not available, the compensation shall then be offered cash based.
* To lessee of socially or state-owned flats, or to persons with occupancy rights in residential building or apartment subject to expropriation, tenure rights (use, lease or occupancy rights) of same kind of another equivalent, social or state-owned property in the vicinity shall be provided.
* Taking over is not allowed prior to the day the decision on compensation becomes legally valid, or before the date of conclusion of an agreement on compensation for expropriated property, unless the Law stipulates otherwise. This does not apply in cases of physical resettlement. There are exceptional cases allowing the BoE to take possession of the expropriated property immediately upon the final decision on expropriation, provided that the BoE has defined the basis for compensation under the provisions of the Law.

## The expropriation process

This is a step-by-step presentation of the expropriation process, as defined by the Expropriation law:

* Declaration of the public interest: The National Assembly of RS by enacting a law, or GoS by decision declares public interest for a certain development project (within 90 days from submission of the request) thus enabling the use of eminent domain power to acquire land and assets. The Expropriation law defines institutions, entities and bodies eligible to exercise this power in the capacity of BoE.
* Commencement of the process: The first administrative step is submission of expropriation proposal to the relevant administrative authority (Municipality administration governed by the geographic location of the property) by the BoE. The proposal, inter alia, contains details on the owners and properties for which expropriation is proposed, and evidence that adequate funds are available for compensation either through secured funds within the budget, or a bank guarantee, securing the payment of compensation, in accordance with the regulations governing public finances.
* Stakeholder engagement: Prior to deciding on the request, the relevant authority shall hold individual hearings informing the owners of all facts of importance for the expropriation. If all conditions are met, the expropriation decision will be issued. Compensation: Within 15 days upon legal validity of expropriation decision written compensation offers based on evaluation of assets made by proper authority shall be made by the BoE.
* The municipal authority shall without delay supply the owner with a copy of the offer and will collect information that may be of importance for the compensation from administrative and other institutions and organizations. The compensation agreement cannot be in contradiction to the Law on Expropriation provisions.
* Competence of the Judicial system. If within two months upon the date of legal validity of the Expropriation decision, the parties have not come to a settlement agreement, the municipal administration shall refer such case without delay to the basic court. The court will determine the compensation in a process driven by urgency.

## WB standards on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5)

Bank supported projects involving Land Acquisition, Restrictions on Land Use and Involuntary Resettlement are subject to ESS5[[12]](#footnote-13). The relevance of ESS5 is established during the due diligence process and environmental and social assessment described in ESS1.

The ESS5 also applies to facilities or activities identified as “Associated Facilities” which mean facilities or activities that are not funded as part of the project and, in the judgment of the Bank, may meet all three criteria and are: (a) directly and significantly related to the project; and (b)  carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist.

The policy describes the procedures and instruments for mitigating negative economic and social issues that may arise. ESS5 is relevant in all cases when 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.

The overall objectives of ESS5 are the following:

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

## Gap analysis

ESS5 aims to avoid involuntary resettlement when possible and ensure compensation principles restore PAPs' livelihoods at least to pre-project levels. Serbia's expropriation framework does not fully comply with ESS5. Major differences are in the area of requirements to compensate at replacement cost for land vis-à-vis the national requirement of compensating land at market value without payment of transitional costs as part of compensation package. Additionally, the national law includes decrease of value for structures by depreciation and it does not recognize informal users, occupiers and settlements to the meaning assigned in ESS5 while de facto users without formal title but with title recognizable under the national system are recognized Informal users and settlements are not acknowledged as in ESS5. There is also a lack of project-specific grievance mechanisms, social impact assessments, gender-disaggregated data, and public consultation processes. Assistance for vulnerable groups is not predefined but may be considered during compensation determination. The table below outlines gaps between national laws and ESS5, with recommendations for compliance.

Table 1 - Gap analysis

| **Subject** | **Law on Expropriation** | **WB ESS5 and good international resettlement standards** | **Gaps and measures for bridging the gaps** |
| --- | --- | --- | --- |
| Resettlement instruments, census and social impact assessment | The only documents prepared are part of construction plans, the Expropriation study is an inventory of land impacted and formal owners without tackling socio-economic issues. | Resettlement Plan is prepared proportionate to the risks and impacts associated with the (sub)projects. Where the likely nature or magnitude of the land acquisition or restrictions on land use is unknown, RPF is prepared. Census and socioeconomic survey must be conducted to identify PAPs, their demographic and socioeconomic characteristics, inventory of assets affected, magnitude of losses and extent of displacement, information on vulnerable groups or persons and additional studies the Bank may deem relevant. | This RPF and a site-specific RAPs, if necessary, will be developed per ESS5, in addition to national legal requirements. Census and socioeconomic survey conducted according to WB requirement in addition to requirements under national legislation |
| Avoidance and minimization of involuntary resettlement | There are no specific requirements to minimize involuntary resettlement although a multi-criteria analysis is part of the adaptive design process. | Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.  The Borrower will consider feasible alternative project designs to avoid or at least minimize displacement. | The PIU will seek to minimize physical and/or economic displacement. All alternatives and measures explored to avoid or minimize negative impact will be recorded in the internal periodical (monthly or quarterly) report required by the WB. |
| Public consultations on resettlement instruments | The formal title holders (including those with recognizable rights) are contacted only at the very process of expropriation. There is no requirements for public consultation apart from the spatial planning phase under the Planning and construction law. | Meaningful consultations with affected persons and communities, local authorities, and other stakeholders need to be carried out during the preparation and implementation of resettlement instruments and throughout all phases of the Project. | National legislation does not require public consultation with affected persons and communities at the extent and reach of those envisaged by ESS. The PIU shall disclose RPF and RAP (if applicable) to PAPs and stakeholders and conduct consultation meetings as described in this RPF throughout all phases of the Project. |
| Cut-off date for eligibility and census | Investments made after being notified of the Expropriation proposal shall not be compensated, unless such investments were unavoidably needed. | Normally, the cut-off date is when census begins but could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. | The cut-off date shall correspond to any such date when the official request for determination of the Public Interest is sent to relevant authority. This will be publicly announced and published by the BoE, at their official website, in local newspapers, on notice boards on local governments and spaces commonly and frequently used by the community, informing general public, owners and users of the cut-off date and the contact persons who may be contacted by PAPs for further information. This information will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal. |
| Eligibility for compensation | The Expropriation Law recognizes only formal title holders and holders of rights recognizable under national laws (factual ownership). | Besides formal owners, ESS5 also recognizes those who have no recognizable legal right or claim to the land they are occupying on Cut-off Date as eligible for relocation and rehabilitation assistance and compensation for loss of non-land assets at replacement value. | Compensation and assistance to PAPs without legal right or claims will be made per principles and entitlements provided in the entitlement matrix of this RPF, if they are present in the Project affected area at the time of the cut-off date. Asset inventory and valuations of their affected properties will be conducted and all measures will be recorded in the internal periodical (monthly or quarterly) Project progress report. |
| Valuation methodology for compensation for assets attached to the land | Compensation for loss of properties and assets should be at least equal to the market price.  Depreciation is deducted from compensation (or included by decreasing the market price value appraisal). The Expropriation Law does not specifically mention compensation for the costs of any registration fees and transfer taxes. | Compensation equal to full replacement cost without depreciation. | Compensation and assistance to PAPs will be equal to full replacement cost as provided in the entitlement matrix of this RPF. |
| Escrow accounts | There is no requirement to have an escrow account. However, the BoE is required to submit proof of financial funds for compensation prior to start of expropriation. If there is a court process about the compensation value, court can order funds to be deposited in court deposit account. | If there are significant difficulties related to the payment of compensation to particular affected persons, on an exceptional basis, with prior agreement of the Bank, the PIU may deposit compensation (plus contingencies) into an interest-bearing escrow or other deposit account. | Compensation funds as required by the RAP/RPF including contingencies, can be deposited into interest-bearing accounts, if necessary, however only under exceptional circumstances and with prior approval obtained from WB. Compensation placed in escrow will be made available to eligible persons in a timely manner as issues are resolved. |
| Taking possession of land and related assets | The expropriated land and related assets can be taken into possession when the agreement on compensation is signed or the decision on compensation, when determined by the judicial authorities, becomes legally binding. However, if BoE can prove urgency needs or damages if possession is not allowed, administrative authority in charge of expropriation can allow taking possession prior to compensation payment, which in practice happens often. | Taking possession of assets only after full payment of compensation is a rule. In certain cases there may be significant difficulties related to the payment of compensation to particular affected persons, for example, where repeated efforts to contact absentee owners have failed, where project-affected persons have rejected compensation that has been offered to them in accordance with the approved plan, or where competing claims to the ownership of lands or assets are subject to lengthy legal proceedings, Borrower may be allowed to take possession of the property but only with prior consent of the WB and after showing adequate funds has been placed in the escrow account. | Taking of land and related assets after payment of compensation (or depositing to an escrow account as applicable) shall apply as a rule. If the offer is rejected, the land and related assets can be taken once the funds equal to the offered amount plus 10% have been secured and earmarked in a designated interest-bearing escrow account, and with prior approval of WB, and the MoF has endorsed such taking by rendering case to case based decisions in compliance with the Law. |
| Transitional Support | The Expropriation Law doesn't recognize any form of transitional allowance. | Transitional support will be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. | The PIU will ensure that displaced persons receive transitional support per entitlement of this RPF. |
| Loss of benefits and income for workers and employees | Compensation for loss of income related to expropriation is outside the scope of the pertinent law. Such loss shall be compensated subject to a court decision on merits and amount payable | In addition to compensation at full replacement cost and transitional support, displaced persons must be assisted in their efforts to improve, or at least restore, their livelihoods and living standards. | Each site-specific RAP shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap, and all measures must be demonstrated and documented to the satisfaction of the WB. |
| Gender aspects | Men and women are equal under the law of the Republic of Serbia, including the right to hold titles. | Women’s perspectives must be obtained through consultation and their interests factored into all aspects.  Documentation of ownership or occupancy and compensation should be issued in the names of both spouses wherever possible, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs. | Particularly in some rural areas, women’s participation in consultations may be limited. Women only consultation may be held as relevant.  Documentation of ownership or occupancy and compensation should be issued in the names of both spouses, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs. |
| Grievance  Mechanism (GM) | Project specific grievance mechanisms, alongside institutional mechanisms, are not required. | The Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. | The PIU shall establish a Project Grievance Mechanism as described in the RPF scaled to the risks and adverse impacts of the Project. Appropriate, affordable (free) and accessible procedures to address concerns and grievances will be established; such grievance mechanisms should consider the availability of judicial recourse and community and traditional dispute settlement mechanisms. |
| Monitoring & Evaluation | No specific monitoring procedures are required other than procedural administrative institutional oversight | The Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of the ESS. The extent of monitoring activities will be proportionate to the project’s risks and impacts. For all projects with significant involuntary resettlement impacts, the Borrower will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with the ESS and produce periodic monitoring reports. | The PIU will be responsible for monitoring in line with the requirements set out in the ESS, this RPF and any subsequent RAPs. All monitoring and evaluation measures must be demonstrated and documented to the satisfaction of the WB, and will be recorded in the internal periodical (monthly or quarterly) project progress report. Affected persons will be consulted during the monitoring process as described in the Chapter of this RPF about the SEL. |

# Resettlement strategies applicable to the Project

## Key Principles

Key principles which will govern all land acquisition and resettlement activities by the PIU or conducted on behalf of the PIU, including for Associated Facilities (in the meaning as assigned in this RPF) will be incorporated into all site-specific RAP(s). These are summarized as follows:

* Involuntary resettlement will be avoided, or if not possible, minimized by exploring feasible alternatives in Sub-project designs.
* Resettlement and compensation of Project-Affected People will be carried out in compliance with Serbian legislation and World Bank’s ESS5, were the more stringent (more beneficial to PAPs) requirement will take precedence.
* All PAPs will be compensated for their losses at replacement cost and additional assistance will be provided appropriate to individual impact and suited to individual needs of PAP, in order to allow restoration to at least pre-displacement level.
* Taking of land and related assets may occur once payment of compensation is completed (this includes depositing the amounts of compensation to escrow accounts, or accounts alike in justified situations and cases).
* Differentiated measures will be adopted and carried out so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable groups/individuals, if any.
* Besides mandatory stakeholder engagement and public consultations, PIU will keep an open dialog channel through-out the full life of the (sub-)projects with stakeholders, PAPs and the impacted local communities.
* The RAP implementation and outcomes will be monitored and evaluated by the PIU, and all measures must be demonstrated and documented to the satisfaction of the WB, and be recorded in the internal periodical (monthly or quarterly) report required by the WB.

## Estimated displacement impacts

As sub-projects designs are not yet developed the scale, magnitude and type of displacement impacts cannot be estimated. Once sub-projects are known, they will undergo a screening and social analysis to identify and assess the potential social risks and impacts of the proposed sub-projects. These processes and their findings inclusive of mitigation measures will be documented as part of the project/subproject package, as described in the Chapter 4.1 of this RPF.

## The Cut-off date

To prevent land and asset speculations, influx and encroachment to the project area a Cut-off date for compensation eligibility will be established. This will correspond to the date on which the request for determination of Public Interest for expropriation is submitted to the relevant authority. At the same time the household/assets survey will commence. A moratorium notices together with the announcement of the beginning of the household/asset survey together with appropriate dissemination of the information (including the closing date) to all potentially interested parties, including illegal/informal occupant will be ensured. Public Disclosure that the request has been submitted, together with the moratorium notice shall be publicly announced by using the:

* website of the PIU and Ministry of Education
* websites and notice boards of affected local municipalities and beneficiary schools, and
* through printed media announcements,
* notice boards on the future construction sites.

Any question, concern or request for clarification on the effects and consequences of the Cut-off date are to be directed to the project specific Grievance Mechanism via designated channels as provided under chapter 6.

Persons who encroach on the project area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

## Eligibility criteria

The unit of entitlement is any individual eligible to receive compensation or rehabilitation benefits. The determination of eligibility is based on the Census and inventory of all assets impacted by the Project to allow full compensation in line with the Entitlement Matrix. All PAPs identified prior to the Cut-off date shall be entitled to compensation, according to the compensation principles of the law, this RPF and ESS5, whereas the more stringent (more beneficial to the PAPs) requirements shall prevail.

PAPs are defined to include the following categories:

* PAPs with formal title ownership on the land, that lose all or part of their land;
* PAPs with formal title ownership, who have immovable property with or without building permissions on the land to be expropriated;
* PAPs with formal title over businesses that are affected by the loss of all or part of the land on which businesses are located;
* PAPs with formal title over animal husbandries and agricultural processors that are affected by the loss of all or part of the land on which they are based;
* PAPs with formal title of tenancy on private or public land;
* PAPs with formal title over land that will be needed during construction on a temporary basis;
* PAPs without formal title on affected land or businesses but their livelihoods are directly dependent on the affected land or businesses (e.g., those working on affected agricultural land or working in the affected businesses);
* PAPs without formal title of ownership or use but who have established usage of public or private land by investing in immovable objects, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them;
* PAPs without any formal or recognizable legal right to the property they are occupying prior to the Cut-off date; and
* Any affected community facilities will also be reconstructed or necessary support will be provided.

## Entitlement matrix

The entitlements for different categories of impact and PAPs shall be as per the Entitlement Matrix as adopted in this RPF. As a general rule, in case of:

Physical displacement PAPs will be offered choices among feasible resettlement options, including adequate replacement housing or cash compensation at replacement cost and provided with relocation assistance suited to the needs of each group of displaced persons and appropriate to their loss of assets.

In all cases of economic displacement, when sub-projects affect livelihoods or income generation, measures will be designed to allow affected persons to improve, or at least restore, their incomes or livelihoods.

The universe of entitlements, eligibility for compensation and compensation evaluation methods for land acquisition and resettlement under this RPF are summarized in the Table 2 below.

Table 2 - Entitlement matrix

| **Type of loss**  **Economic Displacement** | **Person with rights** | **Compensation policy** |
| --- | --- | --- |
| ***LAND*** | | |
| Agricultural land regardless to severity of loss (whether partial or complete loss) | Owner with formal property title (including owner with legally recognisable claim) | Replacement land of equal or higher value and similar productivity in direct proximity or in the surroundings of the expropriated land together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any.  Or, Cash compensation at replacement costs;  +  Transitional allowance equal to 3-month minimum wage at country, if needed. |
| Lessee with valid documents of the right of lease who cultivates agricultural land pursuant to agreement | Compensation for all improvements on land (such as irrigation, hail protection etc.). Compensation will be paid at replacement cost.  +  Moving allowance i.e. Costs of equipment relocation and installation  +  Offer replacement land for lease, if land was leased from state, ortransitional allowance equal to 3 months’ minimum wage at country level while identifying a viable alternative location,  +  Lost net income during the period of transition (measured based on census survey) |
| PAPs without formal title (users of agricultural land and livelihood is land based) | PAPs without a formal title who were in possession of the cultivated land on Cut-off date will not receive compensation for the land but will be compensated for all investments made on land at replacement cost and will be offered use of other land with safe and long-term agricultural use (lease of state land), or  compensation for the cost of identifying a viable alternative location,  +  Moving allowance i.e. Costs of equipment relocation and installation  +  Lost net income during the period of transition (measured based on census survey)  +  Transitional allowance equal to 3-month minimum wage at country level, if needed. |
| Construction land used for business enterprise, regardless to severity of loss (whether partial or complete loss) | Owner with formal or recognisable title, or users of publicly/state owned construction land, and pre-nationalization owners | Cash compensation at replacement costs, or  At property owner demand, if legal terms are met, replacement land of equal or higher value and similar value in direct proximity or in the surroundings of the expropriated land together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any,  +  Compensation for all investments on land at replacement cost  +  Costs of equipment relocation and installation  +  Lost net income during the period of transition measured based on census survey  +  Transitional allowance and assistance, equal to 3-month minimum wage at country level if needed. |
| Lessee with valid documents of the right of lease | Compensation for all investments on land at replacement cost  +  Costs of equipment relocation and installation  +  Lost net income during the period of transition measured based on census survey  +  Replacement land for lease, if land was leased from state, or transition support equal to 3 months’ minimum wage at country level while identifying a viable alternative location,  +  Compensation for all rent paid in advance, for the period not expired |
| PAPs without formal title | PAPs without a formal title who were in possession of the land on Cut-off date will not receive compensation for the land, but will be compensated for all investments made on land at replacement cost.  Moving allowance i.e. Costs of equipment relocation and installation  +  Lost net income during the period of transition (measured based on census survey)  +  Transitional allowance equal to 3-month minimum wage at country level, if needed |
| Agricultural or commercial (construction) land becoming economically unviable | Property owners, or users of publicly/state owned construction land | In case the remaining area of land is not viable (viability of land will be assessed on a case to case basis by an independent expert and will take into account economic indicators, and safety and accessibility for human use or occupancy), it can be expropriated upon PAPs request and compensated according to type of property. |
| ***PLANTS AND STRUCTURES ON AGRICULTURAL LAND (other than houses)*** | | |
| Loss of annual crops, that could not have been harvested prior to land repossession | Owners of crops without regard to the legality and types of their tenure rights over the land | Cash compensation at replacement cost. Loss of annual crop will be avoided by adjusting construction schedule |
| Loss of perennial plants and trees (fruit bearing trees, vineyards and fruit bearing plants) | Owners of plants without regard to the legality and types of their tenure rights over the land | The right to collect fruits or lumber  +  Cash compensation at replacement cost based on sort, year and productive value, including the value of time needed to produce such crop and net income loss, as well as costs of investment (work and labour force), to plant a new vineyard, orchard or similar, till the moment it reaches the full fructuous potential. |
| Affected vineyards and orchards not yet fruit bearing | Cash compensation sufficient to re-establish or buy a similar vineyard or orchard, including the value of time needed to reproduce a replacement vineyard or orchard and net income loss. |
| Wood mass (mature or nearly mature) | The replacement cost determined based on the value of the “wood on the stump” at market value |
| Forests without mature wood mass | Cash compensation sufficient to re-establish a similar forest, including the value of time needed to reproduce a replacement forest and net income loss. |
| Nursery not yet yielding | Cash compensation sufficient to re-establish planting material (nursery and other reproductive material). |
| Buildings used for keeping and raising livestock (sheds, stables, etc.) | Owners of structures used for keeping livestock | Cash compensation at replacement costs, or;  At property owner demand, if legal terms are met, appropriate replacement property + costs of resettlement and administrative fees needed for transfer of ownership rights, if any;  +  transition support equal to 3-month minimum wage at country level while identifying a viable alternative location, if owner doesn't own alternative location.  +  Lost net income during the period of transition (measured based on census survey)  +  Transitional allowance equal to 3-month minimum wage at country level, if needed, if needed. |
| Impact on agricultural employees, or processors | Workers, employees | In case of disturbance of income source transition support equal to 3-month minimum wage at country level,  +  Training for alternative jobs if possible and if needed;  +  Priority in employment on the Project, if possible and on a case by case basis (In accordance with social assessment processed in RAPs) |
| ***BUSINESS (but not agriculture)*** | | |
| Business structures (shops, offices buildings) etc. | Owners with formal title (including owner with legally recognisable claim) | Cash compensation at replacement costs, including taxes  +  Costs of equipment and inventory relocation and re-installation  +  transitional support equal to 3-month minimum wage at country level while identifying a viable alternative location  Lost net income during the period of transition (measured based on census survey) |
| Lessee operating in the premises under a valid lease contract | Compensation for all improvements on premises (such as reconstruction, refurbishment etc.). Compensation will be paid at replacement cost.  +  Costs of equipment and inventory relocation and re-installation,  +  transitional support equal to 3-month minimum wage at country level while and Compensation for the cost of identifying a viable alternative location  +  Replacement premises for lease, if premises were leased from state  +  Lost net income during the period of transition (measured based on census survey) |
| PAPs, owners without formal title (building constructed without building permit on land they own, or land owned by third persons- commonly state owned) | Cash compensation for the building at replacement cost of the structure, including taxes  +  Transitional allowance up to 3-month at the value of operation costs including Costs of equipment and inventory relocation and re-installation  Compensation for the cost of identifying a viable alternative location |
| Loss of any non-agricultural business | Owner of business (regardless if formally registered or not as long as the activity is not sanctioned under the law) | Cost of moving, including compensation for immovable inventory and replacement cost of investment.  +  Transitional allowance for 3-month of loss of net income during the period of transition (net income measured based on census survey)  +  Appropriate level of support for improving the skills if necessary, to restore and/or diversify source of livelihood. |
| Loss of non-agricultural businesses | Workers, employees | If employment is terminated or disrupted due to land acquisition allowance on a one-off basis in the amount of three month’s salaries will be paid commensurate with income loss. To be determined on a case-to-case basis  +  Training for alternative jobs if possible.  +  Priority in employment on the Project, if possible and on a case-to-case basis (In accordance with social assessment processed in RAPs) |
| Loss of buildings (houses, flats) leased and providing source of livelihood | Owner of property | Cash compensation for lost assets at full replacement cost  +  Relocation cost (moving allowance) and cash compensation on a one-off basis (transitional allowance, if the rent was the main source of livelihood). |
| ***PHYSICAL RESETTLEMENT*** | | |
| Buildings (residential, houses, apartments etc.) | Owner with formal title (including owner with legally recognisable claim) | Cash compensation at replacement costs, or;  replacement property of equal or higher value, in direct proximity or in the surroundings of the expropriated property together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any;  +  Payment for relocation costs (moving allowance) and compensation for other costs during relocation i.e. transitional support equal to 3-month minimum wage at country level (transitional allowance). |
| Informal owner - building constructed without building permit on one’s own plot of land if subject to legalization |
| Informal owner - building constructed without building permit on one’s own plot of land or constructed without building permit on someone else’s or state-owned - not eligible for legalization | Cash compensation for the building at replacement cost of the structure  +  Provide arrangements to allow them to obtain adequate housing with security of tenure (if they don't own other structures)  +  Payment for relocation costs (moving allowance) and compensation for other costs during relocation i.e. transitional support equal to 3-month minimum wage at country level |
| Lessee of the affected property | Payment of moving allowance and compensation for other costs caused by relocation and cash compensation i.e. transitional support equal to 3-month minimum wage at country level. |
| Lessee or person with occupancy right to state owned flat | Provide lease or occupancy rights of same kind of another equivalent, social or state-owned property in the vicinity.  If equivalent state or socially owned flat is not available in the vicinity, PAP will be offered state or social owned flat more remote from the area of expropriated flat,  +  Payment for relocation costs (moving allowance) and compensation for other costs during relocation i.e. transitional support equal to 3-month minimum wage at country level  +  Transitional assistance suited to the needs of each group of displaced persons. |
| ***OTHER RESETTLEMENT SITUATIONS*** | | |
| Publicly or state-owned buildings, or part of buildings | Informal users, squatters | Provide arrangements to allow them to obtain adequate housing with security of tenure (if they don't own other structures)  +  Payment for relocation costs (moving allowance) and compensation for other costs during relocation and cash compensation on a one-off basis (transitional allowance).  +  Transitional assistance suited to the needs of each group of displaced persons. |
| Loss of access to usual natural resources and buildings | Communities, businesses, individuals or households | Replacement of public ownership or conveniences (roads and similar) and provide access to equal conveniences or services. Measures will be implemented to either allow continued access to affected resources or to provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where community property resources are affected, compensation associated with restrictions on natural resource usage may be collective by nature |
| Impacts caused by temporary occupancy of land and any damages to the property | Property owner (including owner with legally recognisable claim) | Market price of lease for duration of the occupancy. The land must be returned to original condition. Improved quality of the land due to top soiling work should not be removed, except if agreed differently with PAP.  +  Replacement cost in accordance with this matrix for affected crops, orchards, nurseries etc.  +  Compensation for any damages to the property evaluated at replacement costs. |
| Established permanent easement rights on the property (i.e. right of way over land or property) | Property owner (including owner with legally recognisable claim) | Compensation for decrease of market value of land or building due to easement rights implementation  +  Compensation at replacement cost for affected crops, orchards, nurseries etc. in accordance with relevant sections of this matrix.  +  Compensation for any permanent loss of income due to easement evaluated at replacement costs as assessed by accredited experts by assessing net gains potential of land after easement. |
| Impact on vulnerable groups | Vulnerable PAPs: persons below the poverty line in accordance with national laws, households led by women, single parents, elderly, disabled person or those with long-term health problems. | On top of all rights defined in this matrix, vulnerable PAPs will be provided additional assistance including legal assistance and help. Any additional support required for any affected vulnerable households will be determined on case-to-case basis during socio-economic survey. Main drivers of vulnerability will be taken into account and in consultation with PAPs. RAPs shall develop a detailed methodology based on the socio-economic surveys.  These PAPs are given priority of employment on the project if possible. |
| Undetermined impact | Owner or formal beneficiary | Any undetermined impact will be mitigated in accordance with principles and aims of this RPF |

# Resettlement instruments

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

The PIU will receive preliminary information from municipalities once the locations of proposed sub-projects are known. The required information shall include a description of the nature, scope and location of the proposed sub-project, accompanied by location maps and any other details as may be required. By using the resettlement screening checklist provided in Annex 2 of this RPF, the Public communications, social specialist within the PIU will verify on site the information provided in cooperation with local authorities, to confirm whether the project has potential involuntary resettlement impacts

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

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

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

## Resettlement action plan (RAP)

### Minimum elements of the RAP

The scope and level of detail of the RAP vary with the magnitude and complexity of resettlement caused by the sub-project. The plan is based on up-to-date and reliable information about (a) the proposed sub-project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

Any site-specific RAP shall include at the minimum following elements as specified in the ESS5:

* Description of the project: General description of the project and identification of the project area;
* Potential impacts identification: activities that give rise to displacement, scope and scale of land acquisition and impacts on structures and other fixed assets, or imposed restriction of use, alternatives considered to avoid or minimize displacement, mechanisms to minimize displacement during project implementation etc.;
* Objectives: The main objectives of the resettlement program;
* Census survey and baseline socioeconomic studies;
* Legal framework: compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment, applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process, laws and regulations relating to the agencies responsible for implementing resettlement activities, gaps, if any, between local laws and practices and ESS5, and the mechanisms to bridge such gaps etc.;
* Institutional framework: identification of agencies responsible for resettlement activities, assessment of the institutional capacity of such agencies, steps that are proposed to enhance the institutional capacity of agencies etc.;
* Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates;
* Valuation of and compensation for losses: methodology to be used in valuation of losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and supplementary measures as are necessary to achieve replacement cost value,
* In the case of projects affecting livelihoods or income generation, the Borrower’s plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods
* Community participation: Involvement of displaced persons (including host communities, where relevant), strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities, summary of the views expressed and how these views were taken into account, resettlement alternatives presented and the choices made by displaced persons, institutionalized arrangements by which displaced people can communicate their concerns to project authorities, and measures to ensure that vulnerable groups are adequately represented;
* Implementation schedule: providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities;
* Costs and budget: showing categorized cost estimates for all resettlement activities;
* Grievance mechanism: sub-project specific affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement;
* Monitoring and evaluation: Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors, performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities, involvement of the displaced persons in the monitoring process, etc.

Provisions for adapting resettlement implementation should be included in the RAP to order to respond to unforeseeable project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

* Transitional assistance: describes forms of assistance to be provided for relocation of household members and their possessions and in transitional period;
* Environmental protection and management of the planned relocation sites;
* Consultation on relocation arrangements: describes process of consultation with physically displaced persons on their preferences regarding relocation alternatives, choices related to forms of compensation and transitional assistance etc.;
* transitional support equal to 3-month minimum wage at country level while identifying a viable alternative location.

The predicted scope of land acquisition activities is minor, but in case land acquisition or restrictions on use of, or access to, land or natural resources should cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the RAP, or into a separate livelihoods’ improvement plan.

These include:

* Direct land replacement: for agricultural livelihood based PAPs, the RAP provides an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable, etc.;
* Loss of access to land or resources: describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods;
* Support for alternative livelihoods: describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods;
* Consideration of economic development opportunities: identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements etc.;
* Transitional support**:** describes transitional support to those whose livelihoods will be disrupted.

### Process of development and approval of RAPs

Activities on the preparation of site-specific, sub-project RAPs will be disclosed in the way to enable meaningful participation of PAPs. That assumes the phase of preliminary preparations will include disclosure of preparations for population census, disclosure of census results while respecting privacy of personal information, disclosure of socio-economic baseline assessment, as well as disclosure of RAP drafts. The purpose of public disclosure and discussions is to ensure meaningful participation of PAPs in the process of preparation, implementation and monitoring of resettlement instruments.

Census survey and baseline socioeconomic studies make the core element of the RAP. The purpose of a household-level census is to identify and enumerate PAPs and develop an inventory of affected assets. The census survey also serves other essential functions:

* identify characteristics of displaced households, including a description of production systems, labor, and household organization;
* provide baseline information on PAPs livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
* provide information on vulnerable groups or persons for whom special provisions may have to be made;
* identify public or community infrastructure, property or services that may be affected;
* provide a basis for the design of and budgeting for the resettlement program; and
* establish baseline conditions for monitoring and evaluation purposes

As the WB may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

* land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, etc.;
* the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
* social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

The first draft of RAP shall be submitted to the World Bank for review and clearance to be then disclosed (in English and in Serbian language) by the PIU in areas accessible to affected people, local newspapers in the community(s) affected by the relevant sub-project and on internet portal of the PIU, followed by public consultation with local communities and stakeholders. The PIU shall also issue a summarized information on the RAP, as a guide to land acquisition and compensation, to be distributed either during public consultation or during the first following engagement meeting with PAPs once the expropriation commences. This is to ensure that affected people understand the compensation procedures and know what to expect at the various stages of the sub-project (for example, when an offer will be made to them, how long they will have to respond, grievance procedures, legal procedures to be followed if negotiations fail etc.). Outcomes of the consultation shall be documented and reported with the final document of the RAP and sent to WB for "No Objection". The final RAP will again be disclosed in areas accessible to affected people, published in local newspapers in the community(s) affected by the relevant sub-project and on internet portal of the PIU, and made available throughout the sub-project life cycle.

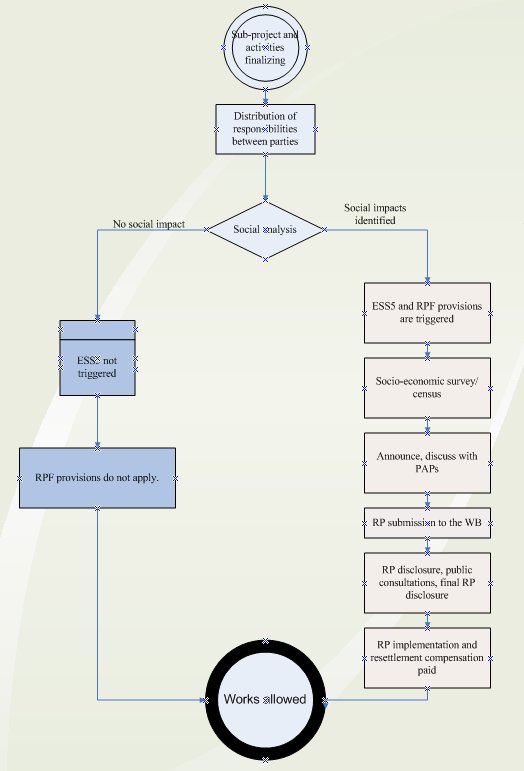
* 

Figure 1 - RAP approval flow chart

### RAP implementation

* No physical and/or economic displacement for any given sub-project will occur until the site-specific RAPs have been finalized and approved by the Bank, and mitigation measures provided in the respective RAP have been implemented.

## Resettlement Audit

This ESS 5 applies to permanent or temporary physical and economic displacement undertaken prior to or in parallel to the implementation of the project, but in anticipation of, or in preparation for, the project. If such cases are identified through the Social analysis of sub-projects, an audit will be undertaken by a Resettlement specialist (to be hired on a need basis in such cases) to: (a) document and assess the adequacy of the mitigation measures employed in light of the ESS5; (b) assess compliance with national legislation; (c) identify gaps in meeting the requirements of ESS5 and this RPF; (d) identify any complaints, grievances, or other outstanding issues; and (e) determine measures to close identified gaps and address complaints. This due diligence is undertaken within an agreed upon time frame that takes into account the context of the project and significance of the prior resettlement. It may not be possible to retroactively satisfy certain aspects of ESS5, such as consultation and disclosure. The due diligence may include review of relevant documents, field visits, interviews, and consultations held with affected persons and other key stakeholders. The Bank’s clearance of such audit report, and the implementation of gap filling measures, is the pre-requisite for the start of subprojects in such cases.

# Consultation and disclosure

## Public consultations

## The PIU will engage with affected communities early in the sub-project planning process and throughout the Project. This includes consulting on impacts, participation, mitigation measures, benefits, and implementation issues. Individual meetings with PAPs may be held upon request. All documents (RPF, RAP, Resettlement Audit) will be available in Serbian and English for public feedback. For site specific RAP announcements for consultations will be made through local newspapers, social media, notice boards, and the PIU's website. Disclosure of documents

This RPF and RAPs will be prepared in Serbian, English, and other necessary languages. Documents must be publicly accessible throughout the project, including its evaluation, on the Ministry's and PIU's websites, and local municipalities' sites. During land acquisition, particular attention will be given to vulnerable groups, and project impacts, mitigation measures, and resettlement assistance will be communicated clearly to all PAPs. Hard copies will be available in frequently visited locations to ensure access despite IT barriers. The PIU will handle all disclosure activities.

## Stakeholder Engagement Log (SEL)

The SEL will document all stakeholder engagement activities, including meetings, calls, written exchanges, and virtual engagements. Each entry should detail the stakeholders involved, date, time, place/method of communication, a brief description of topics discussed, feedback received, and how it was addressed or why it was not. Supported by multimedia records and relevant documents if available, the SEL will provide an overview of key engagement phases, facilitating monitoring of SEP, Sub-Project, and RAP implementation, resettlement process feedback, and evaluation of PAP empowerment during compensation package agreements. The Public Communications, Social and Citizen Engagement Specialist of the PIU will manage the SEL.

# Grievance mechanism

1. Project Grievance Mechanism has been described in details in section 6 of SEP and in ESMF. The grievance mechanism should be established as early as possible in the project development phase. This allows for timely addressing of concerns raised by displaced persons or members of host communities. The mechanism typically consists of multiple tiers:
   * **Local Community Level**: Initial complaints are raised and addressed at the local level.
   * **Project Level**: If unresolved at the local level, the complaint is escalated to the project level grievance mechanism.
   * **National Judicial Level**: If still unresolved, the complainant can proceed to the judicial/legal system as per the national laws .

The process of closing out appeals is the same as for first degree decisions, with a request for confirmation from the complainant. If the complainant is not satisfied and will not confirm that the grievance is satisfactorily closed, he/she is advised of the option to seek resolution from the competent court.

Graphical user interface

Description automatically generated

Figure 3 Steps for processing grievances

## Local and Contractor Grievance Desk Details

The table below is regularly updated in this document by the Central Grievance Manager, as relevant information becomes available.

|  |  |  |  |
| --- | --- | --- | --- |
| **Sub Project / Territory** | **Locations of GM announcements** | **Contact details for Local Grievance Manager** | **Contact details for Contractor Grievance Manager** |
|  |  |  |  |

## Submitting a Grievance

**Any person who has a question or complaint in relation to the Serbia Inclusive Primary Education Improvement Project, should fill out the grievance form provided as ANNEX 1, or use it as guidance for preparing his/her submission.**

## World Bank Grievance Redress Service

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

# Monitoring and evaluation

## Institutional monitoring

The PIU will keep a resettlement and expropriation database with a minimum of following information: volume of land required, land acquisition completed, inventory of persons and property affected, inventory of expropriation cases disaggregated by different phases of the process (submission of proposal, decision on expropriation, valuation, compensation offer, settlement agreement, payment of compensation, payment of assistance during relocation, judicial processes etc.). A suggested template for monitoring is presented in Annex 3.

In addition to the above activities, the table below presents a list of institutional responsibilities during the land acquisition & resettlement process:

Table 3 - Institutional responsibilities

| **Task:** | **Responsibility:** |
| --- | --- |
| Disclosure and arranging public consultations on the RPF | MOE (PIU) |
| Information disclosure to all PAPs about the procedure of the beginning of expropriation and during all phases of expropriation | PIU and Local Municipalities (LM) |
| Communication and consultation with PAPs | PIU and LM |
| Activities prior to commencement of works | PIU and LM |
| Providing assistance during resettlement | BoE |
| Compensation payment | BoE |
| Grievances management | PIU |
| Monitoring and reporting on expropriation and resettlement | PIU / E&S |
| Monitoring and reporting after commencement of works | Contractor |

## Monitoring of resettlement process

The PIU will conduct internal periodical (monthly or quarterly depending on the duration of land acquisition processes) monitoring so that efficiency of the expropriation process and level of satisfaction of PAPs can be assessed.

* Indicators for implementation of monitoring are as follows:
* Number of PAPs by categories;
* Number of public meetings with affected persons;
* Number and percentage of negotiated settlements signed;
* Number of physical resettlement cases;
* Number of economical resettlement cases;
* Number of completed land acquisition cases compared to expected total number;
* Number of PAPs compensated compared to the expected total, disaggregated by types and reason for compensation;
* Amount of compensation paid compared to the expected total;
* Number of temporary occupied private property land plots by the contractor for construction;
* Comparison of data on livelihood of affected persons before and after the (sub)-Project
* Number and type of assistances provided to vulnerable groups compared to total; and
* Number and type of grievances, including legal actions arising from expropriation and resettlement (submitted cases, resolved cases, time needed for their resolution).
* The PIU shall monitor the implementation of the resettlement process both through internal, official institutional arrangements, as well as periodically by an independent external consultant, to be appointed. The external monitoring and evaluation consultant may be appointed during RAP preparation, if necessary, based on consultation with the World Bank. A RAP Completion report will be prepared and submitted to the World Bank within 2 months of the RAP completion. The report should verify that all entitlements have been delivered in line with the site-specific RAPs. In addition, the report should evaluate whether the mitigation actions prescribed have had the desired effect. The socioeconomic status of the affected population should be measured against the baseline conditions of the population before The PIU will monitor the resettlement process through internal arrangements and periodic reviews by an independent external consultant. The consultant may be appointed during RAP preparation in consultation with the World Bank. A RAP Completion report will be submitted to the World Bank within 2 months of completion, verifying that all entitlements have been delivered per site-specific RAPs and evaluating the effectiveness of mitigation actions. The socioeconomic status of the affected population will be compared to baseline conditions established before displacement.

# Institutional arrangements

## Institutions responsible for Project implementation

The SRMP will be **managed by the MOE through Project Implementation Unit (PIU).  The PIU will have primary responsibility for Project execution ensuring that the Project development objectives are met** and ensuring that financial resources are budgeted, disbursed, expended, accounted and audited. If necessary, the PIU will be strengthened with appropriate managerial and technical capacity to enable it to (i) manage and monitor progress of the entire Project, (ii)carry out and be responsible of day-to-day implementation of Project activities, (iii) oversight of all other Project activities implemented by the companies; (iv) prepare technical documentation for activities that will be financed under the Project; and (iv) participate in tender preparation and evaluation. MOE, through PIU, will be directly responsible for implementation of all components. The PIU will be staffed with experts specifically hired for the Project, They will have capabilities in contract management, safeguards, and monitoring and evaluation. PIU will mainly consist of the employees within subject institutions that might be strengthen with specific expertise relevant for the effective Project implementation.

The social specialist will be responsible for the Social Safeguards and ensuring that the GM is functional. RAP if required will be prepared by a Resettlement Specialist to be hired by the PIU for this specific activity.

## Key institutions in the process of resettlement

The resettlement process involves the Government of RS, the Beneficiary of Expropriation the tax authority, accredited valuation experts, the local Governments and the Relevant Courts in cases no settlement agreement is achieved. An overview of all institutions is presented below. The in-depth assigned responsibilities and arrangements for implementing the requirements of this RPF and each site-specific RAP shall be covered in the RAPs itself.

Table 4 - Institutions involved in expropriation / resettlement

| **Institution:** | **Key responsibility during resettlement:** |
| --- | --- |
| National assembly of RS | Declaration of public interest by law |
| Government of RS (GoRS) | Declaration of public interest (other than by law as above) |
| PIU Housed under MOE | Coordination of resettlement activities under this RPF and individual RAPs through:   * Appointment of a Resettlement Specialist to assist and monitor the implementation and report on social components of the (sub)-project, particularly implementation of RPF, * Announcement of the Cut-off date. * Preparation and disclosure RPF, RAPs and all other project safeguard documents * Conducts public consultations in all Project phases, * Engages with relevant stakeholders * Establishment and administration of the grievance mechanism of PAPs and stakeholders; * Monitoring and evaluation of the resettlement process and reports to WB on all issues under this RPF, * Monitoring of land entry-land exit protocols in cases of temporary land occupation until the land is given back to their owners in accordance with this RPF. |
| Beneficiary of Expropriation | Administration of the expropriation process |
| Ministry of Finance (MoF) | Borrower and 2nd tier authority to the expropriation decisions |
| Tax administration offices (decentralized to municipality units, but under MoF) | Provides assessment of market value of agricultural or construction land |
| Local-Self Governments, including its administration | Local municipalities govern the expropriation process (Department of property affairs) |
| MoAFWM | Provides information about available replacement land |
| Republic Geodetic Authority, State Cadaster of immovable property, decentralized units | Provides official information on all immovables, including land, structures, houses, etc.  Provides official legal information on owners of immovables  Provides information on possessors of immovable property  Annotation of expropriation process  Executes legal title changes of immovable property owners after land acquisition, expropriation etc. |
| Relevant municipal courts | Determines fair compensation if amicable agreement has not been reached |
| The Administrative Courts | Decides on lawsuits filed against final and binding decisions issued by the MoF |
| Municipalities | Participate in Sub-Project specific Local Grievance Admission Desks (LGAD) |

# Budget and funding of resettlement

Land acquisition costs are born by the Beneficiary of Expropriation i.e MOE and need to be budgeted within the Budget for the upcoming fiscal years. Costs for the implementation of this RPF include categories: (a) administrative costs including cost associated with expropriation (if necessary), and (b) compensation for land acquisition, and asset loss, including transitional and any other allowance as necessary.

Given the early stage of the Project and unknown scale, type and magnitude of impact no estimation can be given on the required cost.

This RPF as referenced in the Loan Agreement complement the national legal requirements guiding involuntary land acquisition and resettlement, and shall once ratified serve as a legal basis to close gaps to meet the ESS5 standards.

# . Sub-Annex 1

|  |
| --- |
| **Reference No.** (leave empty, will be filled in by the responsible person)**:** |
| **Section 1 Contact Information (optional):**  *Note: you can remain anonymous if you prefer. In case of anonymous submissions, a response will be posted on the Project website*  ❏ I wish to raise my grievance anonymously |
| *Note: Your name and contact information will not be published or made publicly available. The data will be used exclusively for possible further communication with you regarding the submitted question, comment or grievance. Information on gender serves exclusively for statistical purposes, processing and analytical display; by declaring it, you are giving your consent for statistical data processing.*  First name:  Last name:  Gender of complainant (optional): ❏ Male ❏ Female  **Contact information:**  Address:  E-mail:  Telephone:  Please mark how you wish to be contacted: ❏ By Post ❏ By Telephone ❏ By e-mail  ❏ I will follow up on the response posted on the website as I want to remain anonymous  Preferred Language for communication: ❏ Serbian ❏ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*indicate)* |
| **Section 2 Question, Comment or Grievance (mandatory):**  *Note: In case your question, comment or grievance is connected to a specific event or incident, please briefly describe: What happened? Where did it happen? Who did it happen to? What is the result of the event / incident? When did the event or incident occur (date). Did it happen more than once (in what period)? Is it still happening?*  **What would you like to see happen to resolve the problem?** |

# Sub-Annex 2 - Social analysis template

| SOCIAL SCREENING FORM AND TRIGGERS FOR SUB PROJECTS | | | |
| --- | --- | --- | --- |
| This screening report shall comprise of the screening form, ownership evidence and pictures from the walkover survey.  Name of Sub project:  Location:  Type of Activity and Procurement Package as assigned in the Procurement Plan:  Nature of Project:  Size/Scale:  Project Implementing Agency:  Description of Project Surroundings: | | | |
| Screening indicators related to Land acquisition, assets and access to resources | | | |
|  |  | YES | NO | |  |
|  | Type of activity – Will/has the sub project: |  | | |  |
| 1 | Require that land (private) to be acquired (temporarily or permanently) for its development |  |  | |  |
| 2 | Acquired land in anticipation of the project? |  |  | |  |
| 3 | Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests |  |  | |  |
| 4 | Physically displace individuals, families or businesses |  |  | |  |
| 5 | Result in the temporary or permanent loss of crops, fruit trees or household infrastructure |  |  | |  |
| 6 | Result in the involuntary restriction of access by people to legally designated parks and protected areas |  |  | |  |
| 7 | Result in loss of livelihood |  |  | |  |
| 8 | Have negative impact to any vulnerable individuals or groups |  |  | |  |
| 9 | Have negative impact to informal side road shops, traders or any nomadic type of commercial activity |  |  | |  |
| 10 | Impact to community Health & Safety |  |  | |  |
| 11 | Impact internally displaced persons or refugees |  |  | |  |
| 12 | Disrupt access to health care and education |  |  | |  |

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

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

CERTIFICATION

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For the PIU

Public communication, social and citizen engagement specialist

# Annex 3 - Record keeping template

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **The World Bank supported Serbian Railway Modernization Project -General information-** | | | | | | | |  |  |
| No | Site | Land acquisition required | Land acquisition completed | No. of landowners (cases) | No. of landowners received compensation | No. of landowners (cases) on courts | No. landowners yet to be offered compensation | No. of landowners who did not receive compensation | No. of physically displaced households | Duration of expropriation based on sample |
| (in ha) | (in ha) |
| 1 | *To be added once selected* | 0.00 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  |  |  |  |  |  |  |  |
| TOTAL | | 0.00 |  |  |  |  |  |  |  |  |

1. The ESF is accessible at - <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>. Lates accessed on July 21, 2020 [↑](#footnote-ref-2)
2. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/74694/119555/F838981147/SRB74694%20Eng.pdf> provides English version for review, last accessed October 9, 2019. [↑](#footnote-ref-3)
3. <https://www.paragraf.rs/propisi/zakon_o_javnoj_svojini.html>, last accessed October 9, 2019 [↑](#footnote-ref-4)
4. <https://www.paragraf.rs/propisi/zakon_o_osnovama_svojinskopravnih_odnosa.html>, ibid [↑](#footnote-ref-5)
5. <https://www.paragraf.rs/propisi/zakon_o_planiranju_i_izgradnji.html>, ibid [↑](#footnote-ref-6)
6. <https://www.paragraf.rs/propisi/zakon_o_ozakonjenju_objekata.html>, last accessed October 9, 2019 [↑](#footnote-ref-7)
7. <https://www.paragraf.rs/propisi/zakon_o_vanparnicnom_postupku.html>, last accessed October 9, 2019 [↑](#footnote-ref-8)
8. <https://www.paragraf.rs/propisi/zakon-o-opstem-upravnom-postupku.html>, ibid [↑](#footnote-ref-9)
9. <https://www.paragraf.rs/propisi/zakon_o_drzavnom_premeru_i_katastru.html>, last accessed October 9, 2019 [↑](#footnote-ref-10)
10. Land acquisition process may be governed by laws enacted specifically for a certain project (Lex Specialis). This is not such project. [↑](#footnote-ref-11)
11. <https://www.paragraf.rs/propisi/zakon_o_eksproprijaciji.html>, ibid [↑](#footnote-ref-12)
12. <http://pubdocs.worldbank.org/en/837721522762050108/Environmental-and-Social-Framework.pdf#page=29&zoom=80> [↑](#footnote-ref-13)