

1 INTRODUCTION

This Land Acquisition and Livelihood Restoration Framework (LALRF) is part of the disclosure package for the planned Mitrovica Wastewater Project, which is planned by the Mitrovica Regional Water Company (MRWC) and financed by the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB).

The LALRF has been prepared to comply with Kosovar legislation and EBRD's Environmental and Social Policy (2014), more specifically Performance Requirement 5 on Land Acquisition, Involuntary Resettlement and Economic Displacement and the EIB Environmental and Social Standards (2010).

The purpose of the LALRF is to describe the objectives, principles and approaches to compensate for land acquisition and economic displacement arising from Project implementation and ensure compensation and livelihood restoration is carried out in line with EBRD PR 5. No physical resettlement is anticipated and it is not covered in this framework. Should any unforeseen future physical resettlement be required then its impacts and mitigation measures will be included in the Land Acquisition and Livelihood Restoration Plan (LALRP) which will be prepared for the Project.

1.1 OBJECTIVES

The objectives of the LALRF are to:

- Set out a framework to minimise physical and/or economic displacement and where displacement is unavoidable to improve, or at a minimum restore, the livelihoods and standards of living of displaced persons following project implementation to pre-project levels.
- Ensure that affected persons without title to land or any recognizable legal rights to land are eligible for compensation for loss of non-land assets and livelihood restoration. In accordance with EBRD's requirements, these persons may include owners or non-owners, and people using land without formal, or recognisable usage rights.
- Determine requirements for the disclosure of information, consultation, and the informed participation of affected persons. Special provisions that must be made for individuals belonging to vulnerable groups, to make sure that these persons are included in the process.
- Set out how monitoring and assessment of livelihood restoration outcomes, their impacts on the standards of living of displaced persons is carried out, and whether the objectives of the livelihood restoration plan have been achieved.
- Outline specific Grievance Redress Mechanism or Procedure that must be followed in order to receive and facilitate the resolution of affected person's concerns.

A more detailed Land Acquisition and Livelihood Restoration Plan (referred to as LALRP in this document) will be developed during the design period by MoESP and Mitrovica Municipality, and incorporated into the final project design. The development of the LALRP is described in chapter 3 below.

1.2 DESCRIPTION AND CONTEXT OF THE PROJECT

The Government of Kosovo requested the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) to support the implementation of wastewater treatment plants (WWTPs) and related sewage infrastructure of Mitrovica and

Vushtrri. An update of the existing Feasibility Study was carried out in 2018 and a technical addendum in 2019, which has resulted in a Priority Investment Programme (PIP).

This LALRF relates to the design and construction activities in connection with the proposed EBRD and EIB supported PIP, which will be implemented from 2019 to 2022, and the subsequent operations.

The following project for Priority Investment have been proposed:

- ➔ Construction of a wastewater treatment plant in South Mitrovica with a proposed capacity of 123,000 PE;
- ➔ Collect and treat wastewater flows from urban Mitrovica, Vushtrri and the surrounding villages including Trepca, Broboniq, Vaganice and Koshtove.

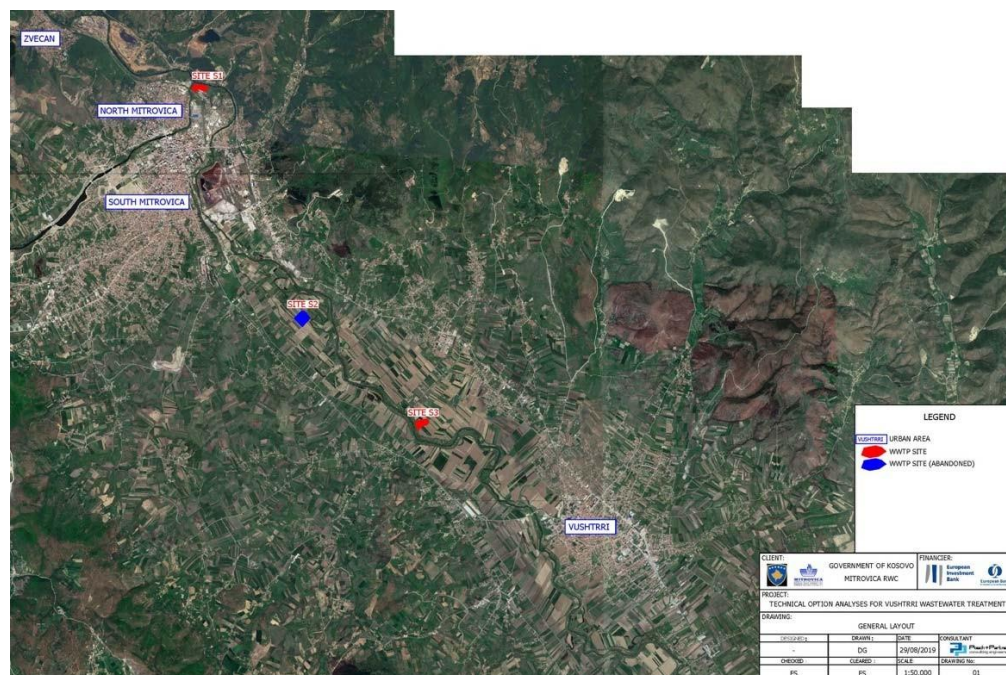


Figure 1-1. General overview map

1.3 SUMMARY OF PROJECT RELATED LAND ACQUISITION IMPACTS

The construction of the WWTP and access road requires the acquisition of approximately 3.8 ha of land. A site located at the confluence of the Ibar and Sitnica rivers, next to a railway, has been selected for the WWTP. The proposed site S1 in South Mitrovica is located in an industrial area next to a railway.

According to the information received from the Directorate for Geodesy, Cadastre and Property of Mitrovica, the site is divided into plots of private and public ownership (see Figure 1-2), with four different owners:

- ➔ Private owners,
- ➔ Private companies,
- ➔ Infrakos, public company responsible for railway maintenance in Kosovo,
- ➔ Hidrotekničko Odeljdi. This company doesn't exist anymore and the Ministry of Environment has all the competences on these parcels.

The privately owned land is classified as agriculture/arable land not in use or unproductive land.

A concrete factory owned by the company ACI, expanded into public land of the proposed site without permission from the authorities. It is planned that the whole concrete factory will be expropriated and the owner compensated for economic displacement in accordance with PR5. The expropriation process will be undertaken by the MoESP and the Municipality. According to the Municipality the factory owners have been contacted to discuss the issue and the outcome was positive.

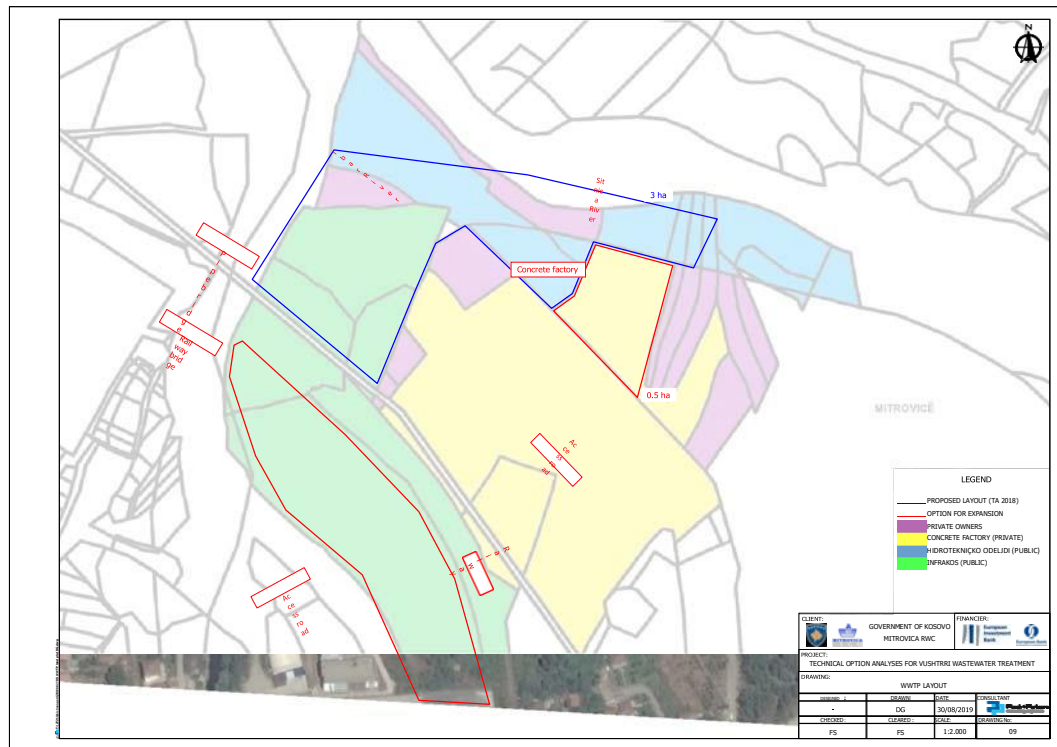


Figure 1-2. Land plots at the proposed WWTP site

Land from private owners shall be expropriated according to the relevant laws and requirements of PR5. The land from the two public companies will be transferred between the different governmental institutions for the Project, which according to the Municipality is a matter of formality and common practise.

The layout proposed for acquisition is shown in Figure 1-3, it has been arranged considering the current cadastre plots, minimizing the private expropriation and optimizing the available public land. The parcel 03669 has been included after the TA 2018 to increase the area.



Figure 1-3. Cadastre map of the WWTP site

Red: layout as per TA 2018; Blue: expanded area

A table with parcel references and surface areas is included below.

Table 1-1: Land ownership of the WWTP site

Private ownership			Public ownership		
Parcel Ref.	Surface (m ²)	Ownership	Parcel Ref.	Surface (m ²)	Ownership
02608/1	5,463	Privat owner	02610/0	8,126	Infrakos (Railways)
02613/1	762	Privat owner	02611/0	2,627	Infrakos (Railways)
02612/1	199	Privat owner	03503/0	6,998	Infrakos (Railways)
02612/3	70	Privat owner	03502/0	8,450	Infrakos (Railways)
02608/2	1,680	Privat owner	02609/1	2,709	Hidrotekničko Odeljdi
02609/2	917	Privat owner	02626/2	2,257	Hidrotekničko Odeljdi
02627/1	706	Privat owner	02627/2	659	Hidrotekničko Odeljdi
02629/1	1,414	Privat owner	02628/2	622	Hidrotekničko Odeljdi
03671/0	38,097	ACI	02644/2	3,412	Hidrotekničko Odeljdi
02618/0	4,646	f.BETONI			

It is planned that the land acquisition process in Mitrovica will be undertaken by the MoESP. A realistic timeframe for the whole process, considering the displacement of the concrete factory is 12 months.

The WWTP site is only accessible via a road that crosses the parcel 03671/0, property of ACI, as shown in the layout in Figure 1-2. The rights of way to use the access road across property of ACI has to be obtained.

No land acquisition is needed for the sewers and collectors, which will be laid along rivers and roads, however, the right of way should also be obtained for some section of the length of sewers and collectors along Sitnica in Vushtrri.

2 LEGAL AND REGULATORY FRAMEWORK

The project will meet the requirements of national legislation and EBRD/EIB policies, notably EBRD's Performance Requirement 5 on Land Acquisition, Involuntary Resettlement and Economic Displacement. Where disparities exist between national law and EBRD/EIB's requirements, MoESP/Mitrovica Municipality undertakes to follow EBRD/EIB requirements when these are more beneficial for the economically displaced citizens.

2.1 KOSOVAR REGULATORY FRAMEWORK

The legal framework for land acquisition in Kosovo is governed by the following legislation.

Constitution of Republic of Kosovo

The Constitution prohibits arbitrary deprivation of property (Art. 46). The authorities may expropriate property only if such expropriation is authorized by law, is necessary or appropriate to the achievement of a public purpose or the promotion of public interest, and is followed by the provision of immediate and adequate compensation to the person(s) whose property is expropriated.

Law on Expropriation of Immovable Property

The procedure of land expropriation and resettlement in Kosovo is primarily regulated by the Law on Expropriation of Immovable Property No 03/L-205. The Law outlines the procedure, including remedies to safeguard individuals from disproportionate interferences with the right to immovable property.

Compensation is regulated both by the Law on Expropriation of Immovable Property and the Administrative Instruction on Approval of Technical Valuation Methods and Criteria for Calculation of Compensation Amounts for Expropriated Immovable Property and Damages Relating to Expropriation, No. 02/2015. According to the Law, compensation is paid on the basis of the market value of the property, including its accessory parts and fruits, plus any demonstrable direct damages incurred due to expropriation. Compensation paid shall include the amount determined in the Final Decision plus interest on such amounts that has accrued between the effective date of the Final Decision and the date of payment. Compensation in kind by the means of land-for-land (or a combination of in kind and in cash) is provided exclusively in cases where the Government is the expropriating authority, and more than 20 parcels of immovable property are expropriated, if the owners of such property agree.

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

2.2 EBRD REQUIREMENTS

The EBRD PR 5 Land Acquisition, Involuntary Resettlement and Economic Displacement states that 'involuntary resettlement refers both to physical displacement and to economic displacement which result from project-related land acquisition or restricted access to livelihoods and natural resources'.

'Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition which results in displacement.'

'Displaced persons may be classified as persons i) who have formal legal rights to the land, ii) who do not have formal legal rights to the land at the time of the census, but who have a claim to land that is recognised or recognisable under the national law; or iii) who have no recognisable legal right or claim to the land they occupy'.

The objectives of PR 5 include:

- Avoid or, when unavoidable, minimise, involuntary resettlement by exploring alternative project designs;
- Mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to assets and land by: i) providing compensation for loss of assets at full replacement cost; and ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- Restore or, where possible, improve livelihoods and standard of living of displaced persons to pre-displacement levels.
- Implement, in line with the strategy set out in the Stakeholder Engagement Plan (SEP), a grievance mechanism for the affected households and private entities.

2.3 GAP ANALYSIS

A comparison of national legislation and EBRD/EIB requirements is provided below. The LALRF is designed to meet national legislation and EBRD/EIB requirements, however, where gaps exist the LALRF process will follow the standards most beneficial to the affected persons and entities. The table below summarises these gaps where EBRD/EIB requirements shall be followed as they are more beneficial for the affected persons.

Table 2-1: Summary of gaps between Kosovo legislation and EBRD/EIB requirements

Issue	Provision of Kosovo Law	EBRD/EIB requirement	Measures to bridge gap
Avoiding or minimising displacement	No provision on avoiding or minimizing displacement	Consideration of feasible alternative project designs to avoid or at least minimize physical and/or economic displacement, while balancing environmental, social and financial costs and benefits	The project has considered alternative sites for the WWTP

Issue	Provision of Kosovo Law	EBRD/EIB requirement	Measures to bridge gap
Planning process	Requires only an Expropriation Study as the baseline census, no explicit requirement related to socio-economic surveys or development of land acquisition and livelihood restoration plans	Preparation of a Land Acquisition and Livelihood Restoration Plan, including a census and detailed socio-economic baseline. Affected persons are to be informed and consulted during the planning process. Special provision must be made in respect of consultation with vulnerable groups	Detailed LALRP will be developed for the Project once the exact nature and magnitude of the of the land acquisition are known, i.e. after the development of the expropriations studies required by national legislation, and a detailed census and socio-economic survey will be carried out
Negotiated settlements	Does not require or encourage negotiated settlements	Encourage negotiated settlements to help avoid expropriation	Negotiated settlements will be carried out where possible, before the expropriation process is initiated
Provision of compensation at replacement value	Compensation is paid on the basis of the market value of the land and the property	<p>Compensation for lost assets to be provided at replacement cost, usually calculated as the market value of the assets plus transaction costs related to restoring such assets</p> <p>Compensation must be provided prior to the affected person/persons experiencing a loss</p>	<p>People affected by permanent loss of land will receive compensation at full replacement value.</p> <p>Factory owner will receive compensation for the structures</p>

Issue	Provision of Kosovo Law	EBRD/EIB requirement	Measures to bridge gap
Eligibility for compensation	Only persons with recognisable rights and claims are entitled to compensation	<p>PR5 distinguishes three main categories of affected people:</p> <p>i. those who have formal legal rights to affected assets are eligible to full compensation at replacement cost for land and structures as applicable</p> <p>ii. those who have no formal rights to affected assets at the time of the census, but who have a claim to land that is recognized or recognizable under national laws, are eligible to similar compensation</p> <p>iii. those who have no recognisable legal right or claim to the land they occupy are not necessarily eligible to compensation for land but should receive: i) compensation for structures that they own and occupy and for any other improvements to land at full replacement cost; and ii) in case of physical displacement, a choice of options for adequate housing with security of tenure and resettlement assistance</p>	Eligibility for compensation and livelihood restoration will be extended to affected persons who have no recognisable legal rights or claim to the land they use for their livelihood
Cutt-off date	Established with the Decision of Acceptance of the application for the expropriation and the disclosure of the decision in public media	Cut-off data will be the date of the beginning of the census of the losses of the affected persons	Establish the cut-off date for eligibility for compensation and assistance as the date of the census and socio-economic baseline
Vulnerability	No consideration of vulnerable persons	Ensure that no disadvantaged or vulnerable persons or groups are disadvantaged in the land acquisition process	Ensure that vulnerable persons are identified and assisted

Issue	Provision of Kosovo Law	EBRD/EIB requirement	Measures to bridge gap
Information disclosure and public information	The expropriating authority has to consult affected people with formal legal rights and legally recognised claims before the decision on expropriation is passed	The client should summarise the information contained in the LALRF for public disclosure and ensure that affected people understand the compensation procedures and know what to expect at the various stages of the project Consultation will continue during the implementation, monitoring and evaluation of compensation payment and resettlement	Consultation will be extended to affected people who have no recognisable legal rights or claim to the land they use for their livelihood
Grievance mechanism	Owners or interest holders are entitled to file complains in various stages of the process and submit written comments to the expropriating authority during the consultation process, but no requirement for Project-specific grievance mechanism	A project-specific grievance mechanism must be established as early as possible in the process, to receive and address in a timely fashion specific concerns about compensation that are raised by affected persons	A grievance procedure will be set as part of the implementation of the Stakeholder Engagement Plan (SEP) and will include aspects of land acquisition and expropriation of property
Monitoring of LALRP implementation	No provision	Arrangements for livelihood monitoring must be defined by the LALRP	Monitoring will be carried out by the MoESP/Municipality

3 LAND ACQUISITION AND LIVELIHOOD RESTORATION PROCESS

Land acquisition and livelihood restoration will be undertaken in accordance with Kosovar national legislation and EIB/EBRD PR5 requirements. This section describes the planned process of LALRP implementation involving the steps detailed below.

3.1 OVERVIEW OF THE PROCESS

This LALRF is a framework outlining the principles of land acquisition/occupation and livelihood restoration. Based on the legal guidelines summarized in

Table 2-1, MoESP/Mitrovica Municipality will develop a Land Acquisition and Livelihood Restoration Plan (LALRP) following the detailed steps below. It is important that this process is implemented simultaneous with the preparation of the detailed designs for WWTP:

The Land Acquisition and Livelihood Restoration Plan will include the following steps:

1. Identification of project impacts and affected people involving:
 - a. Mapping of the project area and affected households/land plots including the class of land, owners, leasers and land use patterns.
 - b. Census of affected plots, assets and persons to establish a list of people with formal and informal land rights and livelihood and to identify those who will be eligible for compensation and/or assistance in particular paying attention to vulnerable persons/households, such as single mothers, widows and widowers, disabled and elderly people, or those living in poverty.
 - c. Socio-economic survey to complement the census data and gather detailed information on the socio-economic background of affected people and evaluate the impacts on their livelihoods in order to establish fair compensation and livelihood restoration measures.
 - d. Public consultation meetings to provide information on the project, scheduling temporary land acquisition/occupation, people's rights and the process for establishing entitlements, compensation and livelihood restoration measures. Affected persons will be provided with opportunities to discuss the approach to compensation and livelihood restoration and ask any questions they may have regarding the processes.
 - e. Setting up of an effective grievance mechanism for receiving and addressing in a timely fashion specific concerns about compensation raised by displaced persons.
2. Development of an Entitlements Matrix and Compensation Framework based on the information from the above steps and in line with the national legislation and EBRD/EIB requirements.
 - a. The Entitlement Matrix will outline the groups of affected persons and the assistance, compensation and livelihood restorations they are entitled to receive.
 - b. Public consultation meetings shall inform the affected persons categories and entitlement measures.
 - c. A cut-off date will be established for eligibility according to EBRD / EIB requirements and national legislation. Information regarding the cut-off date will be widely published throughout the project affected area.

3. Valuation of all assets that are subject for compensation, including buildings, crops, interrupted economic activities and list access to natural resources and compensation offers will be made by designated certified valuers.
4. The procedure of valuation shall be undertaken in line with legislation of the Republic of Kosovo and with EBRD/EIB requirements.
5. Payment of compensation made by MoF prior to land acquisition/occupation or lost access to economic activities and natural resources to the bank accounts specified by the owners/users, with agreement of all affected members of the household.
6. MoESP/Mitrovica Municipality will monitor the implementation of the land acquisition and livelihood restoration process through internal institutional arrangements as well as through an independent, external monitor.

3.2 IMPLEMENTATION RESPONSIBILITIES

MoESP/Mitrovica Municipality will be responsible for the implementation of all aspects of the LALRP. Parties involved in the different aspects of project implementation will be required to comply with the requirements set out in this LALRF.

The implementation of the LALRF/LALRP shall start prior to construction activities. In general, the LALRP implementation will have three key stages:

- Public meetings, census and socio-economic survey conducted and the negotiation process related to land acquisition.
- Provision of land rights, payment of compensation, livelihood restoration.
- Monitoring and reporting process of the LALRP.

Table 3-1: Organizational responsibilities and arrangements

Task	Responsible Entity
Information disclosure to all Project Affected People and communities	Mitrovica Municipality
Direct communication with and visits to owners and occupants	Mitrovica Municipality
Negotiations and expropriation activities, prior to construction commencement	MoESP/Mitrovica Municipality
Provision of assistance to vulnerable persons	MoESP/Mitrovica Municipality
Payment / provision of compensation	MoESP/Mitrovica Municipality
Monitoring and reporting with respect to expropriation	Mitrovica Municipality
Monitoring and reporting in respect of temporary land occupation carried out after construction commencement	Contractor/Mitrovica Municipality
Grievance management	Mitrovica Municipality

3.3 ELIGIBILITY AND ENTITLEMENTS

A preliminary entitlement matrix is presented below to set out the principles of compensation for the different groups of affected people depending on the assets, properties and livelihood loss as a result of the project. This matrix will need to be updated and tailored to the identified land acquisition and economic affected persons as part of the LALRP. In accordance with EIB (2010) and EBRD Environmental and Social Policy (2014) economic activities and livelihoods

will be assessed to identify appropriate compensation and mitigation measures. The eligibility is determined based on the census of affected households/land plots and the date of the census will serve as a cut-off data for compensation for persons with no formal claims to land.

Table 3-2: Entitlement Matrix

Description of affected persons /land	Number of affected properties /households / amount of affected land	Entitlement
<p>Persons who are using the land plots which will be acquired for the WWTP and the access road, whose crops may be affected by construction</p> <p>Apart from land owners of land, this category may include persons who are leasing land using it under other arrangements</p>	<p>3 private land owners at the WWTP site</p>	<p>Cash compensation for lost assets resulting from land acquisition at full replacement cost¹ or through replacement land equal in value and productivity to the plot lost, and at locations acceptable to the affected people where feasible</p> <p>For annual crops: the right to harvest crops or if harvesting not possible, cash compensation for annual crops at replacement value</p> <p>For perennial crops: the right to pick fruits, vegetables etc and cash compensation for perennial trees/plants at replacement value</p> <p>Livelihood restoration assistance, in case compensation alone is not sufficient to enable restoration of livelihoods</p>
<p>Persons who are using the land which will be disrupted during construction, whose crops may be affected</p> <p>Apart from land owners of land, this category may include persons who are leasing land using it under other arrangements</p>	<p>The number is unknown at present, but includes:</p> <p>Right of way for the access road owned by ACI</p> <p>Right of way for some section of the length of sewers and collectors in rural areas</p>	<p>Information about the construction and obtain the right of way on the land at least three months in advance of land entry</p> <p>Cash compensation for all affected crops at full replacement cost</p> <p>Cash compensation at full replacement cost for the right to use land under contract, for the land use period and reinstatement of land after use</p>
<p>Businesses operating on the land which will need to be removed</p>	<p>Owner of the ACI concrete factory at the WWTP site</p>	<p>Compensation for affected structures, at full replacement cost</p> <p>Livelihood restoration assistance, in case compensation alone is not sufficient to enable restoration of livelihoods</p>

¹ Replacement value indicates market value of the property plus legal costs of acquiring other property, such as taxes and fees related to purchase of other property, registration in land registry etc.

3.4 CENSUS AND SOCIO-ECONOMIC SURVEY

A detailed census of all affected people, households, plots, properties and other assets is necessary to identify the number of affected people and plots. The census should be undertaken by MoESP/Mitrovica Municipality or a third party with experience in census and survey activities. The census will collect information on cadastre identification and coordinates of land plots, assets, category of land, size of the plot and any cultivated crops, trees and structures that will be affected by the Project. The Census shall utilise cadastral information to identify formal land owners and users. Further investigations may be needed to identify any informal owners and users of the affected land plots.

The socio-economic survey will provide detailed information on formal and informal livelihoods, assets, activities and structures. All affected people regardless of having formal title who are recorded during the census will be eligible for compensation in accordance with national legislation and EBRD/EIB's requirements as set out in this LALRF.

The socio-economic survey should identify:

- Patterns of land use, crops cultivated and use of natural resources.
- Livelihood and income levels of affected persons, especially income from temporarily lost land and income for both formal and informal land users.
- Seasonal resources users who might be affected by the project.

Vulnerable people who require additional attention in order to be equally compensated as entitled.

3.5 VALUATION AND PAYMENT OF COMPENSATION

The valuation of land etc. is based on the current market value and is defined in the legal transaction contract. To reach full replacement value, transaction costs related to restoring land and assets, such as taxes and registration fees, and value of land improvements will be added to the market value.

The agricultural land on the WWTP site is not in use. However, provisions for enabling crop harvest before land entry will be made, where land is found to be cropped. Annual crops that are harvested before land entry shall not be compensated. Compensation rates for remaining crops will be calculated based on replacement value taking into consideration the productivity of the land based on the estimated annual yield of the crop per hectare multiplied with the market price of the crop.

Where full replacement property cannot be offered to the affected landowners, livelihood restoration assistance will be included in the compensation package.

In cases where partial expropriation of agricultural land occurs and the remaining land is assessed by the landowner to be unsuitable for further agricultural use, compensation will be considered for the value of the full land parcel.

Payments of compensation to the owners or land users according to national legislation should take place no later than 30 days after the date of signing the land use agreement or from the date a decision of the court is entering into force. As this LALRP is aligned with EBRD/EIB requirements, all compensation for lost livelihood, settling of accounts will take place prior to restricting access to livelihood or natural resources.

Structures will be compensated at full replacement value, based on the cost of purchasing a replacement structure of similar quality, including labour, contractor's fee and transaction costs.

Stakeholder meetings will inform the preferred channels for compensation payments. Channels preferred according to international good practice include bank transfers, smaller

instalments of cash and land-for-land compensation to avoid mismanagement of compensation payment.

3.6 LIVELIHOOD RESTORATION

Under EBRD's PR5 people whose livelihoods are affected by the project are entitled to livelihood restoration measures aimed at improving or at least restoring their standards of living or livelihood to pre-project levels.

MoESP/Mitrovica Municipality will design appropriate livelihood restoration support, based on the findings of the socio-economic surveys undertaken to measure and quantify livelihood and income that is likely to be impacted by the project.

3.7 DEVELOPMENT OF DETAILED LALRP

Once all the necessary information is collected, MoESP/Mitrovica Municipality will prepare a detailed Livelihood Restoration Plan. This plan will be based on this LALRF and will use the details of affected land plots and land users and their socio-economic status to determine appropriate mitigation and compensation measures. The detailed LALRP will contain a tailored Entitlements Matrix, consultation activities, implementation arrangements, list of affected plots and land users, and plans for monitoring and evaluation of livelihood restoration activities. The detailed LALRP will be developed simultaneous with the detailed designs of the WWTP. It will be shared with all relevant stakeholders and approved by the appropriate authorities. The LALRP will be finalised before any land negotiation, land acquisition/occupation or economic displacement starts.

The LALRP should include the following content:

1. Introduction and project description
2. Baseline socioeconomic studies
3. Legal and institutional framework
4. Compensation and livelihood restoration
5. Public consultation and grievance procedures
6. Schedule and responsibilities for implementation of the LALRP
7. Costs
8. Monitoring and evaluation

4 PUBLIC CONSULTATION AND GRIEVANCE MECHANISM

4.1 PUBLIC CONSULTATION

Public meetings, consultation with land users and representatives of local communities will need to be organised in line with the Stakeholder Engagement Plan (SEP) for this project. MoESP/Mitrovica Municipality will commit to providing the public and affected persons with all relevant information to enable their informed participation in all phases of the project. This LALRF, will be made available on MoESP and Mitrovica Municipality website and the bulletin boards of the municipal buildings, while hard copies in Albanian and Serbian will be available at the municipal offices.

The schedule for consultation and stakeholder meetings will be distributed in the district and affected persons will be notified in a timely manner about dates and venues for the meetings. It is important to ensure meaningful stakeholder engagement and informed participation of affected persons and interested stakeholders throughout the project. Additional meetings with users of affected land will be organised separately to provide information on the land acquisition process.

4.2 GRIEVANCE MECHANISM

A grievance mechanism set up under the SEP will be used to collect feedback, questions and comments regarding this LALRF. It will be put in place early in the process to receive and address stakeholder comments and questions in a timely manner and provide further information on compensation and livelihood restoration measures to the people affected by physical or economic displacement. Grievance will be addressed in a timely manner according to the grievance mechanism presented in the SEP.

Grievances will be recorded in a grievance log with details of the issue, acknowledgement of receipt, action taken and data of resolution.

The SEP including grievance mechanism is available on the websites of Mitrovica Municipal Administration and MRWC, and information can be given through the following contact points:

Mitrovica Municipal Administration

Fisnik Ibrahim, Project Manager

Email: fisnik.ibrahimi@rks-gov.net

Tel: 028 532 104

<https://kk.rks-gov.net/mitrovicjeejugut>

MRWC

Sami Mifari, Coordinator

Email: sami.miftari@hotmail.com

Tel: 049 965 344

<http://www.kru-mitrovica.com/ujesjellesi>

5 MONITORING

On-going monitoring, evaluation and periodic reporting on LALRP implementation will be undertaken by MoESP/Mitrovica Municipality and will involve participation of key stakeholders including affected persons. A completion audit will be required to evaluate the success of activities under the LALRP.

Key monitoring indicators include:

- Overall spending
- Number of Project Affected People
- Number of public meetings and consultations
- Number of individual compensation agreements
- Number of persons requesting special assistance
- Number of people having received cash compensation
- Number and amount of payments that restore loss of income
- Number and type of grievances

MoESP/Mitrovica Municipality will include monitoring data and progress reporting on LALRP activities in its quarterly reporting during the land acquisition/occupation process and summarise relevant information in their annual reports to EBRD/EIB. MoESP/Mitrovica Municipality will also make monitoring data on livelihood restoration available to the public.

6 LALRP BUDGET

The budget needed for the implementation of the LALRP will be established after the completion of the census and survey activities, once the actual number of affected land users are identified. The budget will cover compensation, livelihood restoration, monitoring and evaluation as well as contingencies and administrative expenses.

6.1 ESTIMATED COSTS

The costs related to land have been considered are acquisition and compensation and they have been evaluated on the same basis as in the TA 2018.

After the expropriation procedures the registration in the cadastral records will be carried out without an administrative fee for registration.

Most of the land required in Site S1 is public property. The Table 6-1 show an estimate based on the private area subject to expropriation for the WWTP.

Table 6-1: Estimation of land acquisition costs

Location	Area (m ²)	EURO/m ²	Cost (EURO)	Observations
WWTP	1,680	40	67,200	Parcel 02608-2
WWTP	1,990	40	79,600	Parcel 02609-2
WWTP	5,000	40	200,000	Parcel 03669
Total	8,670		346,800	

The costs related to compensation are estimated considering only the concrete factory. Although the plant was built without municipal permission, the owner is eligible to moving allowance for the concrete plant and cash compensation at full replacement cost for the plant or provision of replacement structure. A provisional sum of 100,000 EUR is added to the overall costs for this purpose.

A sum of 500,000 EUR is also estimated to expropriate land for the new road in S1.

The total cost is therefore estimated to 946,800 EUR.

Provided the agricultural private lands are not under production, their owners won't be compensated for loss of crops.

All costs will be recalculated based on the socio-economic survey and evaluated by certified and approved valuers.