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LAND ACQUISITION AND LIVELIHOOD RESTORATION CLOSE -OUT AUDIT

SECTION MOSTAR SOUTH - TUNNEL KVANJ - BUNA

MAY 2024

Table of Contents

1	<i>Introduction</i>	3
2	<i>The Assignment</i>	4
3	<i>The BiH Context in Relation to Returnees</i>	5
4	<i>Key Findings</i>	7
5	<i>Methodology for Carrying Out the Assignment</i>	21
6	<i>An Overview of Expropriation</i>	25
7	<i>Findings by Topic</i>	31
7.1	Overall Opinion of the Land Acquisition Expressed by Affected People	31
7.2	Level of Physical and Economic Displacement	32
7.3	Disclosure of Information, Consultations and Grievance Management	35
7.4	Compensation at Full Replacement Cost	37
7.5	Vulnerable Individuals and Households	39
7.6	Livelihood Restoration and Livelihood Opportunities	42
7.6.1	Livelihood Restoration in Relation to Project Land Acquisition	42
7.6.2	Livelihood Opportunities in Relation to the Project	43
7.7	Impact on Returnees	44
8	<i>Recommendations</i>	46
8.1	Completion of Implementation of the LALRP	46
8.2	Future Projects	47

1 Introduction

The European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD), collectively also referred to as ‘the lenders’, are funding the construction of the Corridor Vc motorway in Bosnia and Herzegovina (BiH), specifically the Mostar South to Buna¹ section (approx. 15 km), running through the Federation of BiH (the Project). The public company ‘JP Autoceste FBiH’ (JPAC) is managing the Project and is responsible for acquisition of land needed for construction and operation of the motorway.

The section Mostar South to Buna is divided into two subsections: Mostar South - Tunnel Kvanj and Tunnel Kvanj - Buna. A map of the Project footprint is provided in the Figure below, highlighting the names of the communities and cadastral municipalities to which the affected land belongs.



Ortiješ, Kosor, Blagaj, Malo Polje and a part of Hodbina. The second section, Tunnel Kvanj to Buna, also includes land in Hodbina, as well as Gubavica, Stanojevići and Rotimlja.

As can be seen on the map, approximately half of the project footprint, in the north, passes through more agricultural areas, while the remaining half (in the south) passes through mainly forest and pasture land, to a large extent in inaccessible locations.

The Environmental and Social Impact Assessment (ESIA) study (available at: <https://www.jpautoceste.ba/wp-content/uploads/2021/04/Studija-uticaja-na-okoliš-i-društvo-ESIA-2020.pdf>) for the section Mostar South to Tunnel Kvanj provides an overview of the project history and approval process (Chapter 2.3), as well as an analyses of the alternatives which were considered in the defining of the project footprint (Chapter 3).

The first section, Mostar South to Tunnel Kvanj, includes land in Gnojnice Donje,

¹ Although the name of the village Buna has been historically used to describe the relevant section of the Corridor Vc motorway, none of the land expropriated for the project is located within the territory of the village or cadastral municipality Buna.

Public interest for the motorway on Corridor Vc, which provides a basis, in accordance with national legislation, for expropriation of land needed for the project was adopted and published in July 2018 for the section Tunnel Kvanj to Buna and in December 2018 for the section Mostar South to Tunnel Kvanj. In August 2018 for the Tunnel Kvanj to Buna section and in January 2019 for the Mostar South Tunnel Kvanj section, JPAC initiated expropriation of affected land and assets, based on expropriation studies which were developed on the basis of the Project Preliminary Designs. As is the case on all projects in BiH and the region, it is expected that some further land will need to be acquired when the detailed designs are prepared. This additional, but limited in scale, land acquisition is needed to ensure that local road networks are fully restored and for the construction of access roads, including to all land plots which have not been acquired but need access so that their owners can continue using them.

Based on the Preliminary Designs, a total of 547 plots are known to be affected by the Project (as more plots will be acquired for the access roads in the Main Design stage). Of these, 476 (87%) have been completely acquired and 13% (71) are pending. Of the 71 pending plots, 40 are privately owned and 31 are public plots of land.

A total of 91% (409 plots) of the affected privately owned land plots have been acquired through amicable agreements. The remaining 9% (40 plots) remain to be acquired. Detailed information on affected plots and their status, including a map for the section Mostar South to Tunnel Kvanj, is provided in section 6 of this report.

A Land Acquisition and Resettlement Framework for the entire Corridor Vc was prepared and published by JPAC in early 2017 with the aim of outlining the general principles, procedures and entitlements with regard to the potential impacts of land acquisition required for the Project. The Framework served as a basis for the development of detailed Land Acquisition and Livelihood Restoration Plans (LALRPs) for the two Corridor Vc sections which are the subject of this report. The LALRP for the Tunnel Kvanj to Buna section was prepared in October 2018, while the LALRP for the Mostar South to Tunnel Kvanj section was prepared in July 2020. Both documents were developed with the aim of ensuring that land acquisition and associated impacts are addressed in compliance with, not only national legislation, but also with relevant lenders' requirements.

2 The Assignment

A team of independent, external consultants (the consultants) have been operationally contracted through Technital S.p.A., a company providing technical assistance to the JPAC Project PIU, to carry out a **Land Acquisition and Livelihood Restoration Close -Out Audit for the Mostar South - Buna Section of the Corridor VC Motorway**.

According to the ToR, the assignment comprises an audit of the implementation of the Land Acquisition and Livelihood Restoration Framework (LALRF) and related Plan (LALRP) and, as a minimum, should address the following:

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- Have the objectives of the LALRF/LALRP been met in line with Standard 6 of the EIB?
 - Have PAPs had access to entitlements as appropriate to their status?
 - Did stakeholder engagement, disclosure and dispute resolution mechanism work as intended?
 - Were vulnerable groups duly identified and accorded appropriate protection measures?
 - Were livelihoods of displaced persons restored/improved?

In addition, the ToR requires an assessment of project impacts on minorities and returnees who might be vulnerable and at risk of suffering adverse, compounded or disproportionate impacts, and as a minimum, should address the following:

- Have vulnerable persons and groups been identified in the project area of influence by the LALRF/LALRP in line with EBRD PR 5 and Standard 7 of the EIB?
- Does the identification process of vulnerable people and groups follow a sound methodology in line with EBRD PR 5 and Standard 7 of the EIB?
- Have “returnees” been identified and has their level of vulnerability to land acquisition related impacts been duly assessed?
- Were adequate compensatory measures and mitigation plans accorded to vulnerable people and returnees?
- Were livelihoods of vulnerable people and returnees restored/improved?

Although the ToR specifies in the first section that the benchmark standards to be used for the assessment are those of the EIB, because of the similarities of these standards with EBRD requirements, the assessment also takes into account the provisions of EBRD’s Performance Requirement 5 on Land Acquisition, Involuntary Resettlement and Economic Displacement². Throughout the document the standards and requirements of both EIB and EBRD are jointly referred to as ‘lenders standards or requirements’.

In the event that there are gaps in relation to any of the above issues, the consultants are expected to prepare a rectification plan to be agreed with JPAC and the lenders and implemented by JPAC.

3 The BiH Context in Relation to Returnees

Having in mind that a part of this assignment refers to understanding of impacts on minorities and returnees, the following text is meant to provide a brief overview of the relevant BiH context and has been prepared using the information found in the UNHCR Policy Paper: From the

² From the 2014 Environmental and Social Policy which was applicable at the time when the Project was initiated.

unmixing to the remixing of peoples: UNHCR and minority returns in Bosnia, by Rebecca Brubaker from August 2013³.

In BiH, before the 1992 to 1995 war, most of the municipalities were ethnically mixed. During the war over half of the population was forcibly displaced (estimated by UNHCR as over 2 million people). When the conflict ended a very small percentage of ethnic Croats and Bosniaks remained in the Serb controlled areas and conversely, a very small percentage of Serbs remained in the joint Croat and Bosniak controlled areas, thus maintaining the presence of mixed ethnicity, but creating majority and minority groups in terms of the overall population ratio, in each ethnic group residing in those areas.

The General Framework Agreement for Peace in BiH, also known as the Dayton Agreement, signed in December 1995, established the right of all Bosnian and Herzegovinian⁴ refugees and displaced persons to return to their homes of origin, with the aim of ensuring that ethnic cleansing that had occurred could be reversed. The Dayton Agreement divided Bosnia into two administrative entities, one governed by ethnic Serbs (Republika Srpska) and one governed by a union of ethnic Bosniaks and Croats (the Federation of BiH, or FBiH).

Return of displaced persons came in two forms:

- return of individuals to areas in which they make up part of the ethnic majority, and
- 'minority returns'⁵, referring to the return of individuals following ethnic conflict to regions controlled by another ethnic group.

As the mentioned UNHCR report states, return, in general, inhibited by damage or destruction of property and lack of basic services, unfolded slowly in the years after the war. Minority returns were additionally constrained by security challenges, the occupation of returnees' homes, lack of representation at local political level and other challenges, and were even slower by comparison.

Minority returns were recorded based on reclaiming of their properties which was not a realistic parameter, as many sold their reclaimed properties and continued to reside in their new place of residence, whether in other parts of BiH (as internally displaced persons) or in other countries (as refugees). The reasons why people in such circumstances decide not to return are not specific to BiH and can universally be described as: people preferring to live with their own ethnic group, people already establishing roots in new places, lack of opportunities, lack of basic infrastructure, etc.

³ Available at: <https://digitallibrary.un.org/record/759266?ln=en>. The report contains references for various statements made throughout the document.

⁴ all inhabitants/citizens of BiH, regardless of any ethnic, cultural or religious affiliation.

⁵ It is important to note that all three ethnic groups (Bosniaks, Croats and Serbs) represent constituent peoples of BiH, so the term 'ethnic minority' does not refer to their legal status (i.e. of a national minority as defined by BiH legislation), but only to the smaller size of the population belonging to one of the three constituent ethnic groups, in a certain location.

The mentioned report states that *'some scholars contend that minority return efforts generally failed in Bosnia because when individuals are forcibly displaced, they lose far more than their houses. They lose their social and economic networks, their life patterns and their trust in former friends and neighbours, all of which comprise their sense of "home." From this perspective, return is impossible. Lives have to be rebuilt from scratch, and this rebuilding may be more difficult in a place that holds traumatic memories than in an entirely new place.'* The report further states that *'For those who do choose to return to their original homes, however, reconciliation takes time, sometimes generations'.*

Before the war 80% of Bosnians and Herzegovinians lived and worked in rural communities, however as many found refuge in larger towns and cities, they became more accustomed to city life and employment outside of the agricultural sector. After the war, mainly elderly people returned to homes in isolated villages and towns and this was compounded by the lack of economic opportunities compared to cities, especially for individuals from an ethnic minority. In these villages, returnees were also faced with severely lacking infrastructure and basic utilities.

The City of Mostar with its surroundings, has been an area of significant and persistent conflict during the war from 1992 to 1995. The population, in general, has been severely affected by the war and forced to flee at various times, often facing destructed properties upon return. In line with what is presented from the UNHCR policy paper above, all returnees, regardless of their ethnic background, have had to invest significant efforts into re-establishing their properties, including their livelihoods and standards of living, and some have never fully recovered. In the case of Mostar, Serbs are the minority returnees who, according to people interviewed for this assignment, began coming back to their homes, in the late 1990-ies, peaking in the early 2000's. There are no official sources to quote in relation to numbers, but according to different internet articles there were approx. 25 to 30,000 Serbs living in Mostar before the war and up to 5,000 have returned. Further information specifically received from people affected by Project related land acquisition, is provided in Section 7.7 of the report.

4 Key Findings

Overall, the acquisition of land for the project has been implemented in accordance with lenders' requirements and has, for the vast majority of the affected population, fully managed to mitigate adverse social and economic impacts. The most significant achievements are:

- Physical displacement was almost entirely avoided;
- The positioning of the footprint significantly reduced the amount of agricultural land that would be left inaccessible or unviable after acquisition. Where this was not achieved, JPAC compensated affected owners for such land, at full replacement cost, minimising economic displacement;
- Upon involvement of the lenders', with the development and disclosure of project related E&S documents, including the LALRPs, and the additional consultations held, the Project's overall environmental and social performance was improved. JPAC continues to make progress and

engage with key stakeholders during the land acquisition stage, with plans of cooperation in future project stages (construction);

- The socio-economic surveys recorded information on affected people, including their contact details, which made it possible to reach them and carry out this assignment and to have background information on them;
- The majority of land was acquired through amicable agreements (91% of affected land plots), meaning that compensation offers from JPAC were accepted and court disputes were minimised;
- Detailed valuations of land and assets were carried out by experts, including repeated valuations in cases of grievances from affected people, to ensure that amicable agreements were reached;
- Both formal and informal assets were valued and compensated at full replacement cost;
- There were no differences in how people of the three different ethnic backgrounds were treated in the land acquisition process or compensated;
- All registered and rightful owners of land (or their heirs) were contacted by the expropriation authority and compensated for that land, including owners who no longer live in the affected area or in BiH;
- The majority of interviewed people expressed satisfaction with the offered compensation rates and amounts and believe that they were compensated at full replacement cost or higher and this significantly reduced the possibility of impacts on livelihoods;
- A procedure for assisting vulnerable people whose livelihoods were impacted by the land acquisition was implemented and they were given additional financial compensation;
- JPAC also provided individual additional assistance to affected people, in accordance with their needs, such as making house visits to the elderly in the process of expropriation and providing advice for administrative and legal issues where possible;
- Through the provision of compensation at or above replacement cost and additional compensation to vulnerable households, the majority of impacts on the category of minority returnees (in the case of this project, Serbs) were mitigated;
- Affected people are aware of the persons in JPAC which they may contact in case of any questions of concerns;
- JPAC regularly follows the expropriation procedure to update its own files on completed and outstanding cases and is in regular contact with affected people whose cases are still ongoing.

Some gaps in the land acquisition process have also been identified and the most significant ones can be summarised into one point. The approach in addressing the needs of affected people was more legalistic than social, which would entail more communication and discussing with affected people options to assist them in a non-financial way, in cases of physical and economic displacement and with regards to vulnerability. This is a common difficulty encountered on public sector projects in the whole region and is not easily addressed in a short period of time particularly for lack of resources, but should be something to strive for, to ensure that overall performance of projects, in this respect, improves.

To rectify some of the identified problems to an extent possible and to improve performance on future projects, recommendations are summarised at the end of this report, in section 8. A more detailed presentation of key findings and how they compare to lenders requirements is provided in Table 1 below.

Table 1 Presentation of key findings in relation to lenders' requirements

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
Avoid / minimise displacement	<p>The LALRP provides an overview of changes made from the concept design stage to the preliminary design stage, to minimise impacts. It states that originally the footprint was to affect newly constructed houses in Malo Polje, however their owners did not agree with the acquisition, which is why the footprint was moved to affect two older houses whose owners agreed with the acquisition.</p> <p>The LALRP states that involuntary resettlement will be avoided where feasible, or minimised, exploring additional viable alternative project designs as needed during the development of the Main Design for this section.</p>	<p>Physical displacement was almost entirely avoided, which, in the consultants' experience is a very positive outcome compared to similar, linear projects in BiH and the region. On the Mostar South to Tunnel Kvanj section, only two residential structures were directly affected by the Project, and both were not permanently inhabited (they were not permanent residences). Three more structures were acquired, upon request of the owners, on the basis of Article 11 of the Expropriation Law (allowing owners to request the purchase of their remaining land if it becomes inaccessible or economically unviable after expropriation of the directly affected land). Only one of these three structures, acquired on request of the affected owner, is permanently inhabited, requiring physical displacement of his household. This household has accepted JPAC's offer and has been compensated already, however its residents have not relocated yet. The remaining two were not permanent residences – one, a weekend house and the other, an unfinished, informally constructed structure. On the Tunnel Kvanj to Buna section, no residential structures were impacted.</p> <p>On the Mostar South to Tunnel Kvanj section of the footprint, the positioning of the Project footprint away from inhabited areas and closer to existing infrastructure (the airport and a local road), particularly in Ortiješ, and avoiding going through the middle of agricultural areas, has reduced the amount of unviable or inaccessible, 'orphan land', which has been created. In the consultants' view, this is also a demonstration of an approach taken to ensure that land take, and consequently displacement, was avoided and/or minimised where possible, which is in accordance with lenders' requirements.</p>	<p>Compliant.</p> <p>Efforts to minimise displacement need to be continued and demonstrated during the development of the Main Design.</p>
Planning process:	The LALR Framework requires that a census and socio economic will be carried out to	The census (expropriation study data) and socio-economic surveys were carried out for the development of LALRPs. JPAC	Compliant. No further action.

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
Implement a census and a socio-economic baseline assessment to identify affected people and define entitlements	identify affected people and prepare a socio-economic baseline, in accordance with lenders' requirements.	<p>and external consultants undertook all possible measures to contact as many affected owners of land and assets as possible, to include them in the socio-economic survey. This was met with constraints, which are no different than on other similar projects in BiH, but also in the region, including: no contact details of owners available from the cadastre, absentee owners who no longer live in nearby communities and are difficult to reach, lack of interest or refusal to participate in the activity, etc.</p> <p>For the section Mostar South to Tunnel Kvanj 94 interviews were carried out comprising approx. 45% of expropriation cases (207 according to expropriation reports) and for the section Tunnel Kvanj to Buna, 36 interviews were carried out, comprising also approx. 45% of expropriation cases (80 according to the expropriation reports).</p>	
Prepare a Resettlement Action Plan	The LALR Framework states that LALRPs shall be prepared ahead of the actual implementation of resettlement and compensation activities, for every component of the Corridor Vc Project and will be publicly disclosed.	<p>The LALARPs were prepared when lenders became involved in the process, commissioned a due diligence procedure and requested the preparation of the relevant E&S documentation. As a result, a consultation process took place in September 2020, in accordance with lenders' requirements improving JPAC's and the Project's performance in addressing environmental and social issues.</p> <p>Resettlement Action Plans were developed for the Mostar South to Tunnel Kvanj section in July 2020 and for the Tunnel Kvanj to Buna section in October 2018. In both cases, expropriation was already underway when the preparation of the LALARPs took place. The LALARP for Mostar South to Tunnel Kvanj section provides an overview of the current status of expropriation at the time of developing the document and provides a status of completion, including the number of agreements reached and court cases (3 in cadastral municipality Kosor, at the time), but does not provide any indication that there may be difficulties encountered by JPAC in the process, with regards to individual cases (of several</p>	<p>Compliant. No further action.</p> <p>Suggestions for future Projects:</p> <ul style="list-style-type: none"> • prepare LALARPs when expropriation studies become available. Particularly ensure that consultations regarding land acquisition and provision of adequate information to affected people is implemented at the earliest possible stages. • if land acquisition is already underway, as part of doing the LALRP, a more detailed assessment of completed

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
		returnee households who opposed land acquisition) and measures for addressing these difficulties.	cases should be carried out to determine if there are gaps that need to be fulfilled or other constraints and difficulties in any of the ongoing or completed cases and to propose measures to address them.
Define and implement a cut off date for eligibility	<p>The LALRF states that affected people without a formal land title, occupying the area at the time of the cut-off date, will not be compensated for land, but will be compensated for any structures, or other assets on the land.</p> <p>The LALRP states that the cut off date is the date when the City of Mostar notified a PAP that JPAC submitted the Expropriation Proposal. For structures built without permits or not registered in the land registry, the cut-off date will be the date of the Socio-Economic Survey.</p>	<p>There is a limited number of cases with competing claims to the land between different owners (historical ownership issues and differences between land books and the cadastre). Where possible, these claims have been resolved at expropriation hearings before the expropriation authority and where it was not possible, the cases have been referred to the court, for resolving. Once completed, the court recognised owners will be compensated.</p> <p>Apart from a few court cases (as described above), no eligibility issues or concerns, were raised by affected people in any of the interviews carried out by the consultants. Informal land use is not common, however one affected owner reported that JPAC compensated him for fruit trees which he planted on public land bordering his affected land (he did so to prevent creation of an illegal dumpsite near his weekend house), and this is fully compliant with lenders' requirements.</p>	Compliant. No further action.
Favour negotiated settlements	The LALRP states that JPAC will make maximum efforts to conclude negotiated settlements with PAP in order to avoid expropriation.	<p>The majority of land was acquired through amicable agreements, within the expropriation procedure, meaning that the compensation offer from JPAC was accepted and the affected owner did not initiate a court dispute. In cases when affected people had grievances in relation to valuations of their properties, JPAC hired valuers to carry out new assessments, until an agreement was reached.</p> <p>A total of 91% of the 449 affected land plots were amicably acquired. The consultants would like to highlight that this</p>	Compliant. Continue to attempt to reach negotiated settlements in all outstanding cases.

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
		<p>result is above average compared to other similar projects in BiH and the region, demonstrating that the offered compensation rates were favourable and that generally the process was acceptable for affected people.</p>	
<p>Provide compensation for loss of assets at full replacement cost (market value of the assets plus the transaction costs related to restoring such assets)</p>	<p>The LALRP states that valuation of properties will be conducted by official court experts. Both formal and informal assets will be valued.</p> <p>The LALRP states that replacement value is calculated as the market value of the property plus legal costs of acquiring another property, such as taxes and fees related to purchase of another property, registration in land registry, etc.</p>	<p>A review of project documentation shows that detailed valuations were carried out by certified experts (in case of grievances from affected people, more than one valuation was sometimes carried out) and that all of the affected assets were considered, and their value determined separately, i.e. the value of land, structures, trees, etc. Both formal and informal structures were valued taking into account all costs associated with constructing a replacement structure, of a similar size and quality, in a nearby location.</p> <p>The majority of interviewed people expressed satisfaction with the offered compensation rates and amounts and believe that they were compensated at full replacement cost or higher. Only one person invested in new land, of a similar quality, in the area, and bought more than what was lost. The majority of people did not replace their lost assets, which is their own free will after receiving compensation, either because they have other land they own or they have no intention to return to their place of origin (owners who no longer live in the affected area), or they had other needs and priorities, including investments into their houses.</p>	<p>Compliant.</p> <p>Continue to compensate at full replacement cost in all outstanding cases.</p>
<p>Provide other resettlement assistance as needed</p>	<p>The LALRP states that affected people who are to be physically displaced are entitled to moving allowance and compensation for other resettlement related expenses.</p>	<p>The one household that is to be physically displaced is still living in the affected home and the owner of a weekend house is still using it. Both have been compensated at full replacement cost, however they have not yet moved their furniture or belongings.</p> <p>The owners of three other affected residential structures which were not permanently used, have vacated them and have salvaged some of the materials.</p>	<p>To be completed.</p> <p>Provide assistance (or moving allowance) to the owners of the two residential structures to resettle their furniture and belongings.</p>

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
<p>Offer compensation in kind in lieu of cash compensation where feasible</p>	<p>The LALRP states that an affected owner of land / structure is entitled to cash compensation OR replacement land / structure.</p>	<p>The vast majority of people requested cash compensation and this is coherent with experience from all projects in the region. Only one person interviewed for this assignment stated that he asked for replacement land as compensation but was told that no adequate land is available.</p> <p>JPAC as a company whose mandate is to construct roads in FBH does not have its own land readily available to provide as replacement land to affected people in the moment when land acquisition is ongoing. However, land that has been acquired as orphan land, and will not be used for the project, is now available for use.</p>	<p>Partly compliant, however moving towards compliance with the following recommendation: JPAC to consider renting land for agricultural use (acquired as orphan land and will not be needed for the Project), under favourable conditions, to any affected persons who were interested in receiving replacement land, but such land could not be provided.</p>
<p>Excerpts from EIB Standard 7</p> <p>Identify and avoid potential project risks and impacts that would affect the lives and livelihoods of vulnerable, marginalised or discriminated against persons and groups.</p> <p>Vulnerable or marginalised persons and groups are those that... (b) are more sensitive to project related risks and impacts, often having been subject to pre-existing discrimination ...</p> <p>Identify appropriate measures needed and present the evidence of efforts already made, if any, by the time of the</p>	<p>The LALRP for the Mostar South to Tunnel Kvanj section identified the following vulnerable groups: elderly, persons with disability or chronic illness and unemployed persons. The LALRP also states that steps will be taken to identify their needs in relation to land acquisition as well as to find a way how to satisfy the identified needs.</p> <p>The Project ESIA states that, additionally, two potential vulnerable groups have been identified: female population which may be exposed to GBVH issues from influx of workers and Serb returnees, who live in the settlements near to the motorway section and who put several efforts in past years in reconstructing their houses and livelihoods.</p> <p>The LALRP states that access to information and assistance for vulnerable persons / households will be facilitated by JPAC according to their specific needs, on the basis of case-by-case screening. Examples of possible assistance are also listed in the document as follows:</p>	<p>JPAC has implemented an internal procedure, in line with Article 47 of the Expropriation Law, for providing additional compensation to vulnerable individuals affected by land acquisition. A total of 18 affected people (9 of whom were interviewed during the assignment) on the Mostar South to Tunnel Kvanj section, recognised as being vulnerable, based on the criteria defined by the internal procedure were provided with additional compensation.</p> <p>In the consultants' view, the LALRP needed a more clearly defined connection between vulnerability and physical and / or economic displacement caused by project related land acquisition. JPAC reported that when implementing the procedure for providing additional compensation, they considered the connection to people's use of and dependence on land and livelihoods, which is in compliance with lenders' requirements.</p> <p>JPAC also provided individual additional assistance to affected people, in accordance with their needs, such as making house visits to the elderly in the process of expropriation and providing advice for administrative and legal issues where possible. This type of assistance, which interviewed people reported in conversations with the consultants and which was also mentioned by the expropriation authority (City of Mostar</p>	<p>Partly compliant, however moving towards compliance, with the following recommendations:</p> <p>Finalise agreements on community investment measures, including for communities of minority returnees and implement them.</p> <p>As mentioned earlier, consider renting land for agricultural use, under favourable conditions, to any affected persons who were interested in receiving replacement land, but such land could not be provided and as a measure to additionally assist any impacted vulnerable households.</p>

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
<p>assessment to avoid, minimise, mitigate or remedy negative impacts and, as appropriate, to reinforce positive effects, including identifying opportunities and actions to promote benefit-sharing arrangements for the affected communities, including these groups.</p>	<ul style="list-style-type: none"> • direct visits to the homes of vulnerable persons/households (in particular for elderly people and people with disability/ chronic illnesses) • assistance during the payment process, i.e. ensuring that compensation documents and payment process are well understood (in particular for elderly people) • assistance to exercise the right to receive vulnerable people benefits provided under the Law on Bases of Social Welfare, Protection of Civilian Victims of War, and Protection of Families with Children, as applicable • assistance in identifying and buying new property • assistance in moving (special transport measures for persons with physical disabilities, etc.) • assistance during the post-payment period (e.g. assistance in finding training courses to enhance employability and giving priority in employment, where possible, in particular for poor and/or unemployed people; assistance in securing the compensation money and reduce risks of misuse or robbery). 	<p>Administration), was not systematically recorded and reported on by JPAC, which should be done in the future to better demonstrate the level of compliance with lenders' requirements and the LALRP.</p> <p>The ESIA states that Serb returnees are potentially vulnerable, but provides no further description in how this vulnerability was determined and provides a very scarce definition of how it correlates with land acquisition. The LALRP, which addresses specifically land acquisition and physical and economic displacement has no mention of this vulnerable group, although a part of the description of the ESIA recognises that they are vulnerable on account of the efforts they put in reconstructing their houses and livelihoods, suggesting that any acquisition of such properties would have a greater impact on this group than the non-minority returnee population. The LALRP lists that a meeting with the Association of Serb Returnees from Mostar was held in December 2019 but provides no information about the discussions and conclusions from that meeting. Consequently, no measures for addressing this vulnerability, if any were needed, are defined in the LALRP. The issue of impacts on returnees (and not only Serb returnees) was already publicly raised before the development of the LALRP and, in the consultants' view, should have been assessed and addressed, in more detail, in that document.</p> <p>Based on interviews with affected people, the consultants have concluded that most of the vulnerabilities of returnees are contained in the already defined vulnerability categories: elderly, persons with disability or chronic illness and unemployed persons, and as such have been addressed with additional compensation for people who fit these criteria, in correlation with loss of property. It should also be noted that some of the affected people, who are returnees, stated in interviews that they opposed the land acquisition before it started, because they were concerned that they would not be compensated for their losses. Once they realised that compensation would be adequate, their concerns were put to</p>	<p>Suggestions for future Projects:</p> <ul style="list-style-type: none"> • Record and report on all individually provided non-financial assistance measures, (house visits, legal and administrative assistance, etc.) • Consider and assess any publicly raised concerns (same as those raised during stakeholder meetings or socio-economic surveys) during the LALRP development stage, with clear conclusions and mitigation measures, if such measures are needed. • Provide information on all discussions and conclusions reached at any held meetings.

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
		<p>rest and in that way a part of the vulnerabilities were also addressed.</p> <p>However, there still remain affected people who feel that the loss of their land is an impact they will not be able to put behind them, regardless of the compensation that was, or will be received, by the fact that, after all the difficulties they've faced in re-establishing their homes and sources of livelihood after returning to their place of origin after the war, their land is being expropriated. In the view of the consultants, more effort to understand and present their concerns, which were already publicly raised, and to find ways of assisting them to address those concerns in the LALRP development stage, needed to be made. The consultants would also highlight that having in mind the context in Bosnia, all people who have had to reconstruct their houses and re-establish their livelihoods after the war, regardless of their ethnic background, and whose properties will be subject to expropriation, should be viewed as potentially vulnerable. If they raise these issues publicly or in individual meetings, such issues must be explored and addressed. Additional (or specific) vulnerabilities of 'minority returnees' if they exist among affected people and voice their concerns, also need to be explored and, if identified, appropriately addressed.</p> <p>The consultants also note that, since the development of the LALRP, JPAC has made additional efforts to meet with and understand concerns of returnee communities and a list of possible community assistance measures during the construction phase has been defined. The results of such efforts will contribute to ensuring that these communities are able to take advantage of development benefits, as required under the lenders' policies.</p>	
Execute compensation prior to taking possession of acquired properties	The LALRP states that compensation will always be effected prior to land entry or taking of possession over property by JPAC	All properties are still available for use to the affected people, years after they have been compensated, as construction has not started yet and JPAC has not prevented those who want to continue to use their properties from doing so. Although this	Compliant. If compensation is not executed prior to entry into possession for any currently

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
	and in case of a court dispute, the amount will be deposited in an interest bearing account.	has been another benefit of the project, only a few continue to use their affected assets, until the land becomes needed for the project and JPAC is aware of this. JPAC will notify those owners in a timely manner when construction is expected to start.	unresolved court cases, the compensation must be deposited into an interest-bearing account. JPAC to notify people using their properties when construction is planned to start, at least six months in advance of land entry.
Provide livelihood restoration assistance in case of economic displacement, including lost net income and transitional support	<p>The LALARP states that upon request of the affected owner, JPAC will assess whether the remaining part of a land plot will become unviable (orphan land) after the acquisition of the directly affected part of the land plot and if so, the remaining part will be compensated at full replacement cost.</p> <p>The LALARP for Mostar South to Tunnel Kvanj section states that assistance for livelihood restoration (for example: assistance to identify and access other income/livelihood generation activities, assistance to access training, skill development, job opportunities, agricultural development support, etc., identifying improvements which could help affected PAP to increase their yield and income on land), will be identified and provided by JPAC on a case-by-case basis. For this purpose, JPAC will cooperate with REDAH (Regional Development Agency for Herzegovina) which provides assistance to local and regional partners in designing, implementing and preparing projects with regard to entrepreneurship, rural development and agriculture.</p> <p>The LALARP for Tunnel Kvanj to Buna section has no mention of livelihood restoration</p>	<p>JPAC has considered affected owners' requests for the purchase of the remainder of their land plot and has acquired 'orphan land' which will be inaccessible upon construction of the motorway or if that remaining part is no longer economically viable for the affected owners to use. JPAC has a legal obligation to secure access to all land plots which have not been acquired and if after construction it is determined that this is not possible for some land plots, they will also be acquired.</p> <p>The compensation offered, and largely accepted by affected people, has been adequate. In the consultants' view, this has enabled any impacts on livelihoods to be significantly mitigated. However, provision of compensation, even increased compensation, is not efficient enough in some cases for people to restore their livelihoods. More efforts needed to be invested in offering and providing assistance to some people, to identify and acquire other land that they can use, to increase their production, to change the way they use land, etc. This is particularly important for any vulnerable individuals and, in the consultants' view, should have been offered, and if accepted, implemented by JPAC.</p>	<p>Partially compliant. No attempts to offer non monetary assistance to people whose livelihoods are land based.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • If any land plot remains inaccessible after construction of the motorway, acquire the land plot and compensate the owner at full replacement cost. • Consider all remaining cases where land acquisition has not been completed and if livelihoods are significantly affected, discuss with affected owners ways in which they can be assisted.

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
	assistance measures and notes that very little of the affected land is arable land.		
Establish and implement a grievance procedure to receive and address in a timely fashion specific concerns about land acquisition	The LALARP established a grievance mechanism presented in the document which was made public together with the document in July 2020 and is still available on the JPAC website.	<p>The grievance procedure has been established in both RAPs and a leaflet for submission and management of grievances is available on the JPAC website, for all Projects implemented by JPAC, including the two sections constituting this Project. The ESIA disclosure package, including the SEP with a description of the grievance procedure has also been delivered to local community offices. No formal grievance has been submitted to JPAC and, based on previous experience, the company expects that this will happen when construction starts.</p> <p>All affected people interviewed for the assignment are aware of the fact that JPAC is acquiring land and that they can contact the company for any questions or grievances. Most of the people interviewed know the JPAC staff members responsible for their case, by name and have their mobile phone numbers.</p> <p>The consultants were made aware by JPAC representatives of some of the issues raised by affected people throughout the land acquisition process and how they were or will be addressed during construction. Even though these were not specifically submitted as a LALRP grievance on the LALRP grievance form and some only related to requests for information, the consultants recommend that in the future, all issues raised are briefly noted in the grievance log together with the response and proposed solution.</p>	<p>Compliant.</p> <p>Suggestions for future Projects:</p> <ul style="list-style-type: none"> Record and report on all issues raised by affected people during land acquisition, including requests for information, regardless of whether they have been submitted as formal grievances, together with the response and proposed solution, if any.
Consult affected people during the development of the RAP and throughout implementation of land acquisition, disclose the RAP	The LALARP presents how affected people were consulted in the expropriation procedure and in the development of the LALARP. The disclosure of the draft document for comments and the public consultation meeting were carried out as part of the ESIA disclosure and approval process and presented in the ESIA consultation report.	For the Section Tunnel Kvanj to Buna, public interest was declared and published in July 2018, and expropriation began in August 2018. For the Section Mostar South to Tunnel Kvanj, public interest was declared and published in December 2018 the expropriation process began at the beginning of 2019. The first step, in line with national legislative requirements, was the publishing of public notices and invitations for affected land-owners to conclude compensation agreements with	<p>Compliant.</p> <p>Suggestion for future Projects:</p> <ul style="list-style-type: none"> Consider ways of cooperating with local authorities to ensure that field visits and staking of the corridor is

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
		<p>JPAC. After that, the implementation of individual expropriation hearings began.</p> <p>In the actual expropriation process, people were informed individually about the proposal for the expropriation of their land and invited to hearings which were facilitated by the City of Mostar Administration and attended by JPAC responsible persons. At the expropriation hearings, people were informed about their rights in the expropriation process and those who were eligible for vulnerability assistance were informed of the types of documents they can submit as proof to justify their claims, as well as whom to submit them to. As required under national legislation, people were also made aware of their rights to request the purchase of remaining land, under Article 11.</p> <p>Five of the interviewed affected households mentioned that the staking of the project footprint by geo-surveyors from the City of Mostar Administration caused discontent at the beginning of the expropriation procedure. Although these owners must have already been aware of the proclaimed public interest and upcoming expropriation, they did not receive notifications that such activities would occur in the field on their land. This is not under the jurisdiction of JPAC and occurred before the lenders became involved in the projects, however it is mentioned as it had an impact on how people reacted to land acquisition and how the process continued after that.</p> <p>Socio economic surveys and a meeting with the Association of Serb Returnees from Mostar were carried out, as described in previous rows.</p> <p>The development and publication of the LALRP for the Tunnel Kvanj to Buna section of the project occurred in October 2018. For the Mostar South to Tunnel Kvanj section the LALRP was publicly disclosed in July 2020 and was a subject of discussion at the Project ESIA public meeting in September 2020. The steps taken to develop and disclose the document were in line with lenders' requirements and improved the Project's</p>	<p>announced to affected people (even if not JPAC's responsibility), to avoid any negative reactions which can influence future cooperation</p>

Summary of EIB/EBRD Requirement	LALRF and LALRP provisions	Audit Findings	Conclusions / Recommendations
		performance in addressing environmental and social issues, as intended.	
Carry out regular monitoring and undertake corrective actions when necessary.	The LALARP presents how monitoring will be carried out and provides a detailed overview of monitoring indicators that should be used as tools to evaluate the success of LALARP implementation and fulfilment of its aims and objectives.	JPAC regularly follows the expropriation procedure to update its own files on completed and outstanding cases. The responsible persons are also in contact with individuals whose cases have not been completed, as new documents or facts become known, to initiate or re-initiate the relevant land acquisition procedures. More effort needs to be put into systematically following up with owners who are being physically displaced or whose livelihoods are being disrupted to a greater degree than others (i.e. are losing larger areas of land and are engaged in agriculture). The purpose would be to determine if they are managing to replace their lost assets (buying or constructing a house, buying new land, constructing new greenhouses, etc.) and, if they need any further assistance to re-establish their standard of living and their livelihoods, to prepare an action plan in line with the provisions of the LALARP to provide that assistance.	Compliant. Suggestion for future Projects: More frequent monitoring and follow up with households who are planned to physically relocate because of the project and those whose livelihoods have been affected. Continue monitoring until displacement impacts have been fully mitigated.

5 Methodology for Carrying Out the Assignment

At the beginning of the assignment, the consultants carried out a review of all available project documents, as well as previous reports, expropriation data, maps and internet articles in relation to the project and in particular in relation to land acquisition related issues. Two site visits were carried out to the affected area, one in April and the other in June 2023, where the consultants met with the responsible JPAC staff, a representative of the City of Mostar Administration who facilitated a large number of expropriation cases for the section Mostar South – Tunnel Kvanj, visited some of the project affected locations, met with some of the people affected by land acquisition, in person, as well as a representative of several affected households who have open complaints regarding the project. Three of the households affected by land acquisition were met more than once.

During the site visits it was not possible to meet with more affected people in person, as people generally have other obligations and because many are not living in the area but only visiting occasionally. Therefore, following the site visits, the consultants carried out phone interviews. Phone numbers of project affected people were obtained from the LALRP socio economic survey data base (where some affected owners voluntarily provided their contact details), from JPAC and from some of the affected people themselves or people from local communities who had neighbours' and relatives' phone numbers. All in all, counting the 'in person' meetings and successful phone calls, the consultants carried out 63 interviews out of an attempted 81 interviews, which is the total number of individuals whose contact details they were able to attain. The table below provides an overview of the interviews, by local community where the interviewed individual's affected land is located and road section. It should be noted that some of the affected interviewed individuals have affected land in more than one local community and in that case they were assigned to one of the relevant communities for easier processing.

Table 2 Overview of number of interviews carried out by consultants for the assignment, by location

Section ⁶	Municipality	Cadastral municipality	Number of attempted interviews	Number of successful interviews	Of whom women ⁷	Of whom returnees ⁸
MS - TK	Mostar	Gnojnice Donje	6	5	0	2
MS - TK	Mostar	Ortiješ	37	27	6	14
MS - TK	Mostar	Blagaj	3	3	1	1

⁶ MK stands for Mostar South, TK stands for Tunnel Kvanj and B stands for Buna

⁷ This column specifies where interviews were held with female respondents. In some cases, the actual affected owner is a female, however the consultants spoke to a relative who is a male (for example, in case of deceased or elderly female owners) and these cases are not included in the column.

⁸ This column specifies people who during the interview stated that they came back after the war in the late 1990-ies or later and are living in communities near the Project location permanently. The question was not specifically asked of everyone and there may be more people who fall into this category but did not raise the issue themselves during the interview.

Section ⁶	Municipality	Cadastral municipality	Number of attempted interviews	Number of successful interviews	Of whom women ⁷	Of whom returnees ⁸
MS - TK	Mostar	Kosor	11	8	1	1
MS - TK	Mostar	Malo Polje	5	5	0	2
MS - TK	Mostar	Hodbina	4	3	2	1
MS - TK			66	51	10	21
TK - B	Čapljina	Stanojevići	6	5	0	1
TK - B	Stolac	Rotimlja	9	7	1	1
TK - B			15	12	1	2
TOTAL			81	63	11	23

The interviews were done in a semi structured way, recognising that land acquisition happened some time ago and that not all people could remember the details or were interested in providing in depth feedback. The consultants attempted to ask everyone at least the key questions, while some more questions were asked and in depth topics discussed with people who were willing to engage in the conversation more than others. The consultants asked about the general view of the land acquisition process and any particular problems or complaints which people wanted to raise themselves, with follow up questions on whether the household used, or still uses the affected land, for what, whether compensation was adequate, whether people bought new land with the compensation they received or if they invested into something else, whether they are now living in the affected area, etc. As mentioned, some people were more interested in the conversation and provided their specific views on the project, the selected footprint, the general attitudes of other people, their views on return after the conflicts in the 1990-ies, etc.

The interviewed individuals were not asked for their ethnicity, however for those who were previously recorded in the LALRP socio economic survey, this information was already available. In the consultants' view and professional judgement, having in mind the potential sensitivity of some individuals to this issue, because of the general context described in section 3, it is not appropriate to ask this question directly, without the context of a socio-economic survey or other similar activity. This is particularly inappropriate to ask in phone interviews which is how the majority of affected people were reached. In addition, because a part of the task was to identify whether ethnicity or status of a returnee or minority returnee was a factor contributing to how people were affected by land acquisition for the Project, the consultants allowed people in interviews to bring this issue up (or not) as they themselves chose. In addition to data already available from the LALRP socio economic survey, gaps were filled in based on feedback from interviewed people on where they fled to during the war, their current place of residence, in some cases, their first and last names, and other topics raised and discussed. The consultants can confirm that more than 60% of the individuals who were interviewed were Serbs and of those, close to 60% were persons who could be classified as minority returnees.

Four owners of affected residential structures (out of 5 in total for the Project) were interviewed and 22 interviewed individuals (35% of the interviewed individuals) also had nonresidential structures affected. A total of 6 interviewed individual owners did not receive compensation at

the time when the phone interviews took place. The area of affected land per interviewed household ranges from 250 m² to close to 43,000 m² (4.3 Ha), which was the largest plot on the footprint, owned by more than 45 owners. Some further information on the interviewed households is provided in the table below but additional topics and specific data is provided all throughout the document, in the relevant sections.

Table 3 Key features of interviewed people and their affected properties, by location

Section ⁹	Cadastral municipality	Number of successful interviews	Sole owners of properties	Residential structures affected	Other structures affected	Additional compensation (Art. 47) ¹⁰	Compensation not yet executed
MS - TK	Gnojnice Donje	5	2	0	3	0	1
MS - TK	Ortiješ	27	20	0	10	5	1
MS - TK	Blagaj	3	1	0	0	0	2
MS - TK	Kosor	8	5	1	3	2	0
MS - TK	Malo Polje	5	4	3	0	2	0
MS - TK	Hodbina	3	1	0	0	0	0
MS - TK		51	33	4	16	9	4
TK - B	Stanojevići	5	2	0	5	0	0
TK - B	Rotimlja	7	0	0	1	0	2
TK - B		12	2	0	6	0	2
TOTAL		63	35	4	22	9	6

The consultants contacted all affected owners of land and assets whose phone numbers they could obtain in ways which are explained earlier in the text. This approach was the only option available to the consultants and although the views expressed are not based on a strictly statistically representative sample, the consultants believe that they are relevant to draw conclusions on the overall land acquisition process and to highlight areas for future action.

Firstly, the consultants attempted to reach all owners of affected residential structures and managed to speak to four out of five owners. Only the owner of the unfinished, informal structure, was not reached. Efforts were focused on reaching people whose affected land was agricultural and particularly people who belong to the category of minority returnees, who are ethnic Serbs in the case of this Project. As can be seen from the table above, the majority of interviews (51 or over 80% of interviews) were carried out with people whose land was located on the section Mostar South to Tunnel Kvanj, where most of the used agricultural land, affected by the Project, is located and particularly on the territory of the cadastral municipality Ortiješ (27 or 43%), a location where the majority of minority returnees own land. In addition, the consultants interviewed half of the individuals who received vulnerability allowance (9 out of 18) and those who have not yet received compensation, either because the expropriation process

⁹ MK stands for Mostar South, TK stands for Tunnel Kvanj and B stands for Buna

¹⁰ Article 47 of the FBiH Expropriation Law which allows for increased compensation for affected owners under certain circumstances. This is discussed in more detail later in the report.

has not been completed or their case is in court due to ownership disputes or non-agreement regarding the offered compensation price. The consultants also targeted people who lost more than the average affected area of 1,000 m² per individual owner and of the interviewed 63 owners, 51 fell into this category (81%).

Looking at the number of interviews carried out in comparison to the overall numbers of affected people can also provide some indication. The basic unit used for comparison is an expropriation case, which either involves one or more owners of the same plot, or several plots. Speaking to at least one of the owners involved in one expropriation case, it was possible to gain a good understanding of the views of all other owners involved in that case. The acquisition of land for the Project involves 338 cases, of which 287 involve private owners, who were the focus of investigation, and the remaining 51 relate to publicly owned land. The consultants interviewed at least one owner from 62 land acquisition cases out of a total of 287 cases involving private owners (approx. 22%). In the section Mostar south - Tunnel Kvanj at least one owner from 51 cases or 25% of the total number of cases involving private owners on this section, was interviewed. On the section Tunnel Kvanj to Buna, at least one owner from 12 cases or 15% of the total number of cases involving private owners on this section, was interviewed.

As can be seen, from the above, although the results should not be strictly viewed as statistically representative data demonstrating a particular point, they should be viewed as the various opinions that people have and the problems or observations they raised in discussions with an independent interlocutor. The results of discussions are presented in the various relevant sections of the report.

Based on all of the discussions and an analyses of the available data, the consultants drafted this report, which will be subject to comments and questions from involved stakeholders, after which it will be finalised and publicly disclosed.

After having conducted interviews, the consultants would like to highlight some of the constraints and factors that need to be taken into account when considering expressed views and opinions which are sometimes quoted in the report. As with any process involving people, the views and opinions are largely subjective and due to a number of limiting factors could not be explored in more detail to determine the exact validity of what each person said. Some of these limiting factors are: it has been several years since expropriation was carried out and not everyone remembers all details, some people did not participate in the process directly but through representatives (lawyers or relatives), people have limited knowledge of legal and administrative issues to be able to clearly explain a grievance that they (or their lawyers) raised, interviews were carried out with a significant number of people who, due to their old age or even illnesses, have difficulties expressing their views with complete clarity, some people did not wish to spend time in responding to detailed questions, some people have compared the compensation they received with statements from other affected people (relatives, neighbours) and have drawn conclusions, without all of the necessary facts and considerations, etc. The consultants

triangulated the data that was received from all sources to be able to draw relevant conclusions and present them in this report.

6 An Overview of Expropriation

The consultants reviewed the expropriation data and prepared summary tables. The expropriation elaborate which is prepared at the beginning of the land acquisition process is the basis for land acquisition and therefore, the end result is very close to the original numbers of land plots and areas of affected land, presented in the LALRP, meaning that no more, or less, land has been acquired than what was anticipated. The difference is that by the end of the process, all expropriation cases have been defined and they present a better unit for analyses of impacts, than a land plot which was used as a basis in the LALRP. This is why the results are not in all cases compared to the LALRP in this report but are being presented in a way more suitable to understand the outcomes of land acquisition, which is the aim of this assignment.

The table below provides some basic data to demonstrate the scale of acquisition of public land compared to land that is privately owned. The acquisition of land in total for both sections involves 338 cases, of which 287 involve privately owned land and were the focus of investigation (207 on the Mostar South to Tunnel Kvanj section and 80 on the Tunnel Kvanj to Buna section). A case either involves one or more owners of the same plot, or several plots. At least one owner from 62 cases (approx. 22%) was interviewed by the consultants for the assignment. In the section Mostar south - Tunnel Kvanj at least one owner from 51 cases (25%) was interviewed and on the section Tunnel Kvanj to Buna, at least one owner from 12 cases (15%) was interviewed.

For the two sections in question, around 15% of cases (51) involve acquisition of public land and the rest involve privately owned land. The total number of affected land plots is 547 (98 public and 449 privately owned). The representation of privately affected land plots (449) does not include additionally purchased land plots, i.e. parts of land plots that were also acquired as they are no longer accessible or their use is no longer economically viable, on request of the affected owner, as per Article 11 of the Expropriation Law (orphan land)¹¹.

Table 4 Number of expropriation cases, affected public and private land plots, by location

Section	Municipality	Cadastral municipality	Number of cases	Public land cases	Number of public plots	Private land cases	Number of private plots
MS - TK	Mostar	Gnojnice Donje	33	7	35	26	47
MS - TK	Mostar	Ortiješ	98	7	9	91	127
MS - TK	Mostar	Blagaj	9	3	8	6	9

¹¹ Article 11 of the Expropriation Law states that: “At the request of the owner, the remaining part of the property will also be expropriated if, during the expropriation of one part of the property, it is determined that the owner has no economic interest in using the remaining part, i.e. if, as a result, his previous means of existence (livelihood) on the remaining part is prevented or significantly worsened, or he is prevented from using the remaining part of the property in the usual way”.

Section	Municipality	Cadastral municipality	Number of cases	Public land cases	Number of public plots	Private land cases	Number of private plots
MS - TK	Mostar	Kosor	81	16	19	65	78
MS - TK	Mostar	Malo Polje	13	3	4	10	29
MS - TK	Mostar	Hodbina	12	3	3	9	16
MS - TK			246	39	78	207	306
TK - B	Mostar	Hodbina ¹²	19	5	7	14	30
TK - B	Mostar	Gubavica	15	2	6	13	15
TK - B	Čapljina	Stanojevići	12	2	4	10	34
TK - B	Stolac	Rotimlja	46	3	3	43	64
TK - B			92	12	20	80	143
TOTAL	3	10	338	51	98	287	449

A further look into affected privately owned land shows that around 750 entities (individuals or companies) own the land. These are mostly physical persons, meaning individual owners of private land and at least 37% of them are women¹³.

Table 5 Key features of privately owned acquired land and its owners, by location

Section	Municipality	Cadastral municipality	Number of private plots	Number of private owners / users	of which companies	of which physical entities	of whom at least X number of women
MS - TK	Mostar	Gnojnice	47	43	2	41	16
MS - TK	Mostar	Donje	127	191	1	190	29
MS - TK	Mostar	Ortiješ	9	9	0	9	0
MS - TK	Mostar	Blagaj	78	173	0	173	80
MS - TK	Mostar	Kosor	29	11	0	11	5
MS - TK	Mostar	Malo Polje	16	78	0	78	44
MS - TK			306	505	3	502	174
TK - B	Mostar	Hodbina	30	49	0	49	28
TK - B	Mostar	Gubavica	15	49	0	49	22
TK - B	Čapljina	Stanojevići	34	24	0	24	6
TK - B	Stolac	Rotimlja	64	137	0	137	51
TK - B			143	259	0	259	107
TOTAL	3	10	449	764	3	761	281

¹² The cadastral municipality Hodbina is partly affected by one section and partly by the other. Since expropriation data for the different sections is split by section, the results of the analyses are also presented in that same way in these tables.

¹³ The reason why a more precise number and percentage of women is not provided is because in some of the cases in the expropriation tables, the names of all owners are not cited (for example, the tables list the concrete name of only one owner, who may be a man or woman, and further states X more co-owners without providing their name or sex) and it was not possible to determine how many women are among those whose names are not provided.

A total of three private companies own some of the affected land. Two of these companies, both of which produce wine and other beverages, also formally, under contract, use some of the affected public land. With both companies, a full agreement has been reached on compensation for all affected land and assets. The third owner is a small business engaging in wholesale trade and renting of properties, whose one small plot of land is affected (275 m²) and has not been acquired yet, as the owner has not agreed with the offered compensation. The land plot is unused and has no structures on it, however in the LALRP it was classified as a business that needs to be relocated. Another business, described in the LALRP as a producer and seller of fruits, was also classified as having to relocate. According to expropriation records, the land in question (940m² in total) was owned by a physical person (not a company). Nevertheless, the owner of the land (and business, according to the LALRP) signed an agreement with JPAC and was compensated in full, in June 2019. The consultants tried to contact the owner, however the number that was given by her as a contact number during the socio economic survey is no longer in use.

In addition to the above mentioned businesses, there is also a company which was using only public land (without any of its own land affected) under a concession for the exploitation of rock (stone quarry). The process of acquisition of this land and determining compensation for the business, is still ongoing.

As seen in the table below, the project footprint requires the acquisition of only approx. 60 Ha of privately owned land and an estimated 13 Ha of privately land will be additionally acquired as orphan land, for a total of only 73 Ha. The footprint affects less land in the Mostar South Tunnel Kvanj section of the road (27 Ha), however the amount of additional land acquired, on request of owners as per Article 11 of the Expropriation Law (see footnote 11), in this section is much higher (12 Ha) than in the section Tunnel Kvanj Buna (less than 1 Ha). The reason for this is that the footprint in the Mostar South to Tunnel Kvanj section cuts horizontally across agricultural land, leaving orphan land on one or both sides, for which owners requested acquisition, as per Article 11 of the law (see footnote 11). Graphic representations of acquired land, including orphan land, can be viewed further in the document, in Figure 1 and Figure 2.

Analysed at the level of an individual owner, the average affected area of land is less than 1.000 m². In Malo polje, this area is more than four times higher. This is the location where three of the affected residential structures are located and where JPAC acquired not only the structures but also all of the other land belonging to the affected households, as orphan land and on request of the affected owners themselves in line with the law. In the section Tunnel Kvanj Buna, the average areas of affected land per person are also somewhat higher because the affected land plots are larger and comprise mainly pastures, meadows and forest land. On average, a land owner will lose less than one land plot (59% of one land plot), however these numbers are higher on the section Mostar South Tunnel Kvanj, particularly in Malo Polje, for the reasons already presented.

Table 6 Areas of affected privately owned land and average number of plots per owner, by location

Section	Municipality	Cadastral municipality	Total area of private land plots, in m2	Total area of additionally acquired private land, in m2	Average acquired area by owner (privately owned), in m2	Average acquired no. of private plots by owner
MS - TK	Mostar	Gnojnice Donje	52.027	20.480	1.686	1,09
MS - TK	Mostar	Ortiješ	77.900	55.004	696	0,66
MS - TK	Mostar	Blagaj	9.439	0	1.049	1,00
MS - TK	Mostar	Kosor	49.993	13.814	369	0,45
MS - TK	Mostar	Malo Polje	24.811	23.670	4.407	2,64
MS - TK	Mostar	Hodbina	55.368	7.320	804	0,21
MS - TK			269.538 (27 Ha)	120.288 (12 Ha)	772	0,61
TK - B	Mostar	Hodbina	14.141	265	294	0,61
TK - B	Mostar	Gubavica	72.165	2.253	1.519	0,31
TK - B	Čapljina	Stanojevići	48.246	1.666	2.080	1,42
TK - B	Stolac	Rotimlja	194.463	1.044	1.427	0,47
TK - B			329.015 (33 Ha)	5.228 (<1 Ha)	1.291	0,55
TOTAL	3	10	598.553 (60 Ha)	125.516 (13 Ha)	948	0,59

Additional compensation on account of vulnerability, as defined in the JPAC internal protocol described in section 7.5, was provided to a total of 18 households, whose affected land was in Ortiješ, Kosor and Malo Polje. These are also the locations where most of the affected arable agricultural land is located. A total of 91% of the privately owned land plots were amicably acquired, i.e. through compensation agreements while another 9% remain to be acquired. The percentage of amicably acquired plots is lowest in Blagaj (44%), however this is due to the fact that on the 5 plots that remain to be acquired (out of 9 in total), there is a legal dispute between the army and private land owners which has to be resolved prior to acquisition. Similarly, in Gnojnice Donje (66% completion) and Ortiješ (94% completion), there are a number of land plots that are used by several households, which remain to be acquired and whose owners are strongly opposing the land acquisition or have opposed it in the past. Progress was made during the assignment in re-starting discussions with one of these affected households, which will lose the most land used as a vineyard, and at present valuations of properties are being done, to serve as a basis for the compensation offer. Among the pending cases there are still another few where the owners have not agreed to the compensation offered and some plots where internal disputes between owners have not been completed yet.

The consultants would like to highlight that the percentages of amicably achieved agreements are above average compared to other similar projects in BiH and the region, demonstrating that the offered compensation rates were favourable and that generally the process was acceptable to the majority of affected people.

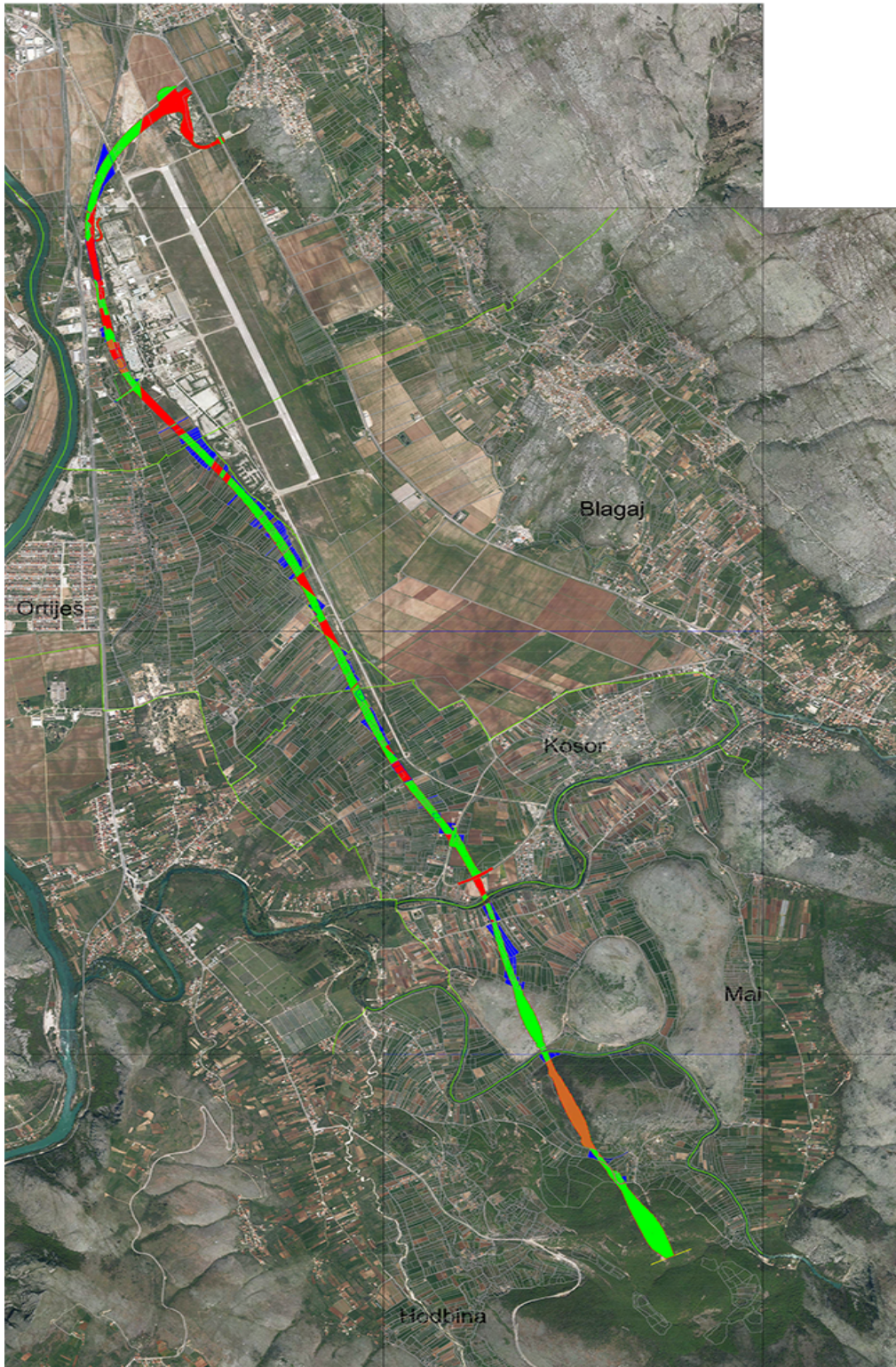
Table 7 Number of additional compensation cases, % completed amicably and still to be completed, by location

Section	Municipality	Cadastral municipality	Additional compensation (Article 47)	Percentage of privately owned plots amicably acquired	Completed number of plots	Pending number of plots
MS - TK	Mostar	Gnojnice Donje	0	66%	31	16
MS - TK	Mostar	Ortiješ	8	94%	120	7
MS - TK	Mostar	Blagaj	0	44%	4	5
MS - TK	Mostar	Kosor	4	87%	68	10
MS - TK	Mostar	Malo Polje	2	97%	28	1
MS - TK	Mostar	Hodbina	0	100%	16	0
MS - TK			14	87%	267	39
TK - B	Mostar	Hodbina	0	100%	30	0
TK - B	Mostar	Gubavica	0	100%	15	0
TK - B	Čapljina	Stanojevići	0	100%	34	0
TK - B	Stolac	Rotimlja	4	98%	63	1
TK - B			4	99%	142	1
TOTAL	3	10	18	91%	409 (91%)	40 (9%)

The status of completion of all land (public and private) for section Mostar South to Tunnel Kvanj is graphically represented in Figure 1 on the following page.

The green colour represents the completed cases and agreements concluded. The brown colour also represents completed cases, where entry into possession has been granted by the FBIH government. The blue represents additionally acquired land under Article 11 of the Expropriation Law and the red represents the land plots for which acquisition has not been completed yet.

Figure 1 Status of completion for the section Mostar South to Tunnel Kvanj



Source: JPAC, based on records of expropriation, status as of July 2023

7 Findings by Topic

As mentioned earlier, and for reasons explained in the methodology section, the data collected through individual interviews (in person and by phone) should not be considered as strictly statistically representative, but should allow the reader to understand the different positions and opinions of people regarding land acquisition and the project in general.

7.1 Overall Opinion of the Land Acquisition Expressed by Affected People

A total of 63 affected people were interviewed by the consultants for this assignment. Of them, 54 respondents (86%) had an overall positive view of the land acquisition process, compared to 9 (14%) who had a negative view. The negative views expressed are to a large extent connected to people 'wishing that their land was not affected' (5 people), two were unsatisfied because of the legal difficulties they were faced with in the process (disputes among owners), one owner was unhappy because of the price offered (although accepted) and because he believes his remaining land will lose access to water and one more owner, because JPAC acquired only a part of his land while he believes that more will be impacted and needs to be compensated. The negative views presented here are no different than on other similar projects and some are based on perceptions and not facts.

Of the 54 with a positive view, 18 are minority returnee households (see footnote 8) which represents 78% of all interviewed minority returnee households (23 in total). The remaining 5 have an overall negative view of the land acquisition process and the answers are described above. For three out of the five mentioned households, the land acquisition process has not been completed, and they have not received compensation yet. People whose families fled the area during the war and never came back to settle there permanently, and have no intention of doing so in the future (16 interviewed individuals), were to a large degree positive about the land acquisition process (14 were positive or 88%).

A total of 51 people (81% of 63 interviews) expressed satisfaction with the level of compensation that was offered, 6 people (10% of 63 interviews) consider that the prices offered were not adequate, two people had a mixed view and the rest did not comment on the price, as their land has not been acquired yet (6 individuals). Of the 6 people who considered the prices were not adequate and two who had a mixed opinion, only one person refused compensation and his case is in court, while all the others have signed amicable agreements.

A total of 8 interviewed people (13%), affected by land acquisition, of whom 7 live in villages near the Project location, in the Mostar South to Tunnel Kvanj part of the footprint, where agricultural land and the few residential structures were acquired, stated that they wished their land was unaffected and that the road passed through the uninhabited hillside rather than through the fertile Neretva valley. Among them were people who were positive regarding the land acquisition in general, however they still wish their properties had not been acquired. Some elaborated on the subject, stating various reasons why it would have been better to move the footprint to this

location and why, in the end, the footprint was selected as it has been. The reasons given for believing that it would have been better if the road went through the hillside, were that, in the view of respondents, land there is not fertile and is unused, as opposed to their valuable and fertile land which is being acquired. These people stated that they would never have sold their land on the market, as it is something that generations before them have acquired and it should not be sold. One person also added that if the footprint had gone through the hills, there would be no pollution of adjacent, fertile land (land next to the future motorway) and no impact on the valuable Buna river and the beautiful nature around it. The reasons stated for believing that the footprint was selected in the way that it was, were largely of a political nature and are not stated here as they are not relevant for this assignment. In the consultants' experience, it is not unusual for a certain percentage of people to generally support development and investments into infrastructure, expecting benefits, but still wishing that their land was unaffected and that someone else's land was, instead, acquired. In the case of this project, this is even less surprising given that there were public protests against the selected footprint and despite argumentation publicly presented, people still have a perception that better options existed.

Four of the eight respondents who wished their land was unaffected (or 6.3% of all interviewed individuals), still firmly believe that the current footprint will be abandoned and that the road will not be constructed in this location. When asked why they believe so, the answers amount to one key point. People are aware that there are formal complaints to the financing institutions and they have a perception that the financing for the project may be revoked, and the project, at the very least, postponed until new financing can be secured.

7.2 Level of Physical and Economic Displacement

Physical displacement of households was almost entirely avoided, which, in the consultants' experience is a very positive outcome, compared to similar, linear projects in BiH and the region, and having in mind that physical displacement can be one of the most severe impacts associated with infrastructure projects. The entire footprint, of around 15 km, required the acquisition of only two residential structures in Malo Polje. Three more were not on the footprint (one in Malo Polje and two in Kosor), however their owners requested that they are expropriated, under Article 11 of the Expropriation Law, which allows the owner to submit such a request if a part of his property is affected and the remaining part would be left inaccessible or economically unviable, after expropriation (see footnote 11).

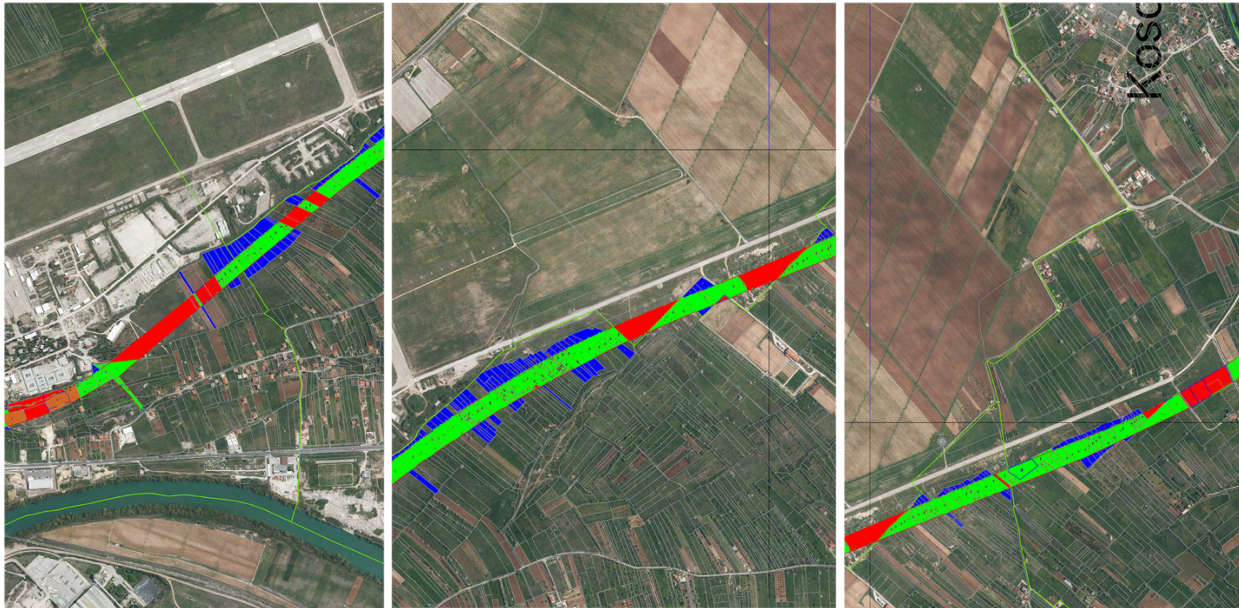
Of the five structures, only one was permanently inhabited by the owner and his household, who is still living on the property. This owner is among the three who requested acquisition under Article 11 (orphan land), accepted the compensation offer from JPAC, but has still not vacated the property. Three residential structures were used occasionally, of which one as a weekend house. The remaining two houses were used as residences before the war, while one was also occasionally used to house workers engaged to assist the household with farming the land, after the war. The use of the last affected structure has not been confirmed with the owner, as he was not reached for an interview. The consultants dialled the phone number provided as a contact

number by the owner during the LALRP socio economic survey several times, but there was no response. This structure was in a remote location and partly constructed (unfinished) without a permit and according to JPAC was not used as a permanent residence. According to the four interviews carried out, the structures were compensated at full replacement cost at the time of the acquisition, meaning that valuations took into account all costs associated with constructing a replacement structure in another location. None of the interviewed owners have opted to construct replacement structures to date (and may not ever do so, which is their own free will after receiving compensation), so it is impossible to substantiate this information with a comparison of the affected and new structures / properties. Of the affected interviewed owners, three who occasionally resided in the structures did not have an intention to construct new ones, however they all invested the compensation into their permanent residences and one invested into the household's new businesses in another location in Mostar city, not affected by the Project. The one permanent residence has not been vacated or replaced yet, although the owner received the full compensation amount after signing an agreement with JPAC. An additional difficulty at the moment is that, according to the affected household, prices of land and construction have soared in the meantime. The household additionally derives its income from agriculture and needs to replace its affected agricultural land as well, for which compensation was also already received, along with compensation for affected structures, including greenhouses and water well.

In terms of ***economic displacement***, and the type of land acquired for the Project and how it is used, there are differences between the various cadastral municipalities crossed by the future road footprint. As explained earlier, the northern half passes through generally agricultural areas (Gnojnice donje, Ortiješ, Kosor, Malo polje), while the southern half passes through a limited amount of agricultural land and mostly forest land, largely in inaccessible locations (Hodbina, Gubavica, Stanojevići and Rotimlja). In Blagaj, the few affected land plots (9) were not used for agricultural production.

In the agricultural locations, particularly in the area of Ortiješ, the footprint has been moved as far east as possible, to make it closer to the existing road and airport and reduce the amount of left over (inaccessible or unviable, 'orphan') land, which is a very positive attempt of reducing impacts on land and consequently avoiding and minimising economic displacement. However, as can be seen in Figure 2 below, it was not possible to avoid impacts altogether and the footprint still cuts across agricultural fields, splitting some of them into two or three smaller parts. JPAC has considered affected owners' requests for the purchase of the remainder of their land plot, as per Article 11 of the Expropriation Law, and has acquired 'orphan land' which will be inaccessible upon construction of the motorway or if that remaining part is no longer economically viable for the affected owners to use. Furthermore, JPAC has a legal obligation to secure access to all land plots which have not been acquired and if after construction it is determined that this is not possible for some land plots, they will also be acquired.

Figure 2 The position of the project footprint in relation to the airport and existing local road to avoid creating orphan land



Source: JPAC, based on records of expropriation, status as of July 2023

The LALRP for Mostar South to Tunnel Kvanj section provides an overview of land use according to cadastral data, by which the total affected area of agricultural land is only 9 ha. It should however be noted that the registered land use data does not fully mirror actual land use, as the data is not regularly updated and depends on the owners' application to update it, which most owners have no interest in doing. In the consultants' experience on other projects, and discussions with some of the affected owners, the use of the land in the affected area has been declining in the past thirty or more years, as people have been moving to urban centres or have not returned after the war, and have found other sources of livelihood. Therefore, some of the land, although registered as agricultural, has not been used for years. The opposite situation, where land is registered as non agricultural, but is in fact used as agricultural land, is highly improbable. To conclude, the total affected agricultural land is not larger than 9Ha, In total, for the section Mostar South to Tunnel Kvanj.

In addition, as the Project is a linear project, the impact on any one individual owner's area of land, in most cases, is not significant. The average affected area of land per owner (before the acquisition of additional, orphan land) on the whole footprint is less than 800 m² (0,08 Ha). In the northern section, Mostar South to Tunnel Kvanj, the average affected area per owner is lower (534 m²) than in the section Tunnel Kvanj to Buna (1.270 m²). When taking into account the additional land that was acquired on request of affected people, as it would be unusable or become economically unviable, these areas of land are somewhat larger: 950 m² for the whole footprint, close to 800 m² for the northern section and 1,300 m² for the southern section.

In addition to the analyses above, all surveyed affected people also reported having other (unaffected) land available which they continue (or can continue) to use, including the three households from Malo Polje who have had larger areas of land expropriated than others (all on their own request under Article 11). This is generally the situation for all households living in these areas, and people who are losing the only land or the major part of the land they possess, if they exist, are an exception.

This is why it is necessary to highlight that not everyone who lost land will suffer livelihood losses and impacts. Determining the existence of such an issue can only be done in individual discussions with affected people and this was done at expropriation hearings (when discussing impacts with individuals). The issue of land based livelihoods has been considered at expropriation hearings and people who were identified as being vulnerable as a result of land acquisition have been compensated in line with Article 47 of the Expropriation Law.

7.3 Disclosure of Information, Consultations and Grievance Management

The consultants considered disclosure of information and consultation only in the land acquisition process and the findings are presented further in the text. The consultation process and outcomes regarding the selected footprint for the Project, are presented in the Project ESIA, and are not a subject of this report.

For the Section Tunnel Kvanj to Buna, public interest was declared and published in July 2018, and expropriation began in August 2018. For the Section Mostar South to Tunnel Kvanj, public interest was declared and published in December 2018 the expropriation process began at the beginning of 2019. The first step, in line with national legislative requirements, was the publishing of public notices and invitations for affected land owners to conclude compensation agreements with JPAC. After that, the implementation of individual expropriation hearings began.

In the actual expropriation process, people were informed individually about the proposal for the expropriation of their land and invited to hearings which were facilitated by the City of Mostar Administration and attended by JPAC responsible persons. The City of Mostar Administration had the obligation to identify contact details of affected people and they did so in many different ways. This process was especially difficult since a large part of the local population was displaced during the war, whether to other parts of BiH as internally displaced people or to other countries in the region, as refugees, and many people never came back to reside the affected area. The City of Mostar Administration cooperated with the police to find official information on residence, but they also enquired through relatives and neighbours, local post offices, even social media, to find all affected owners or their heirs and contact them. Some people came in person to the hearings, even though they do not live there permanently anymore, and some appointed representation either from lawyers or their relatives who live in the affected area. A part of the process was carried out during the Covid 19 pandemic and it is worth praise that the City of Mostar Administration and JPAC recognising the severity of the situation for the elderly population, which

is in the majority among affected people, and made house visits to them to complete the paperwork when it was needed.

At the expropriation hearings, people were informed about their rights in the expropriation process and those who were eligible for vulnerability assistance were informed of the types of documents they can submit as proof to justify their claims, as well as whom to submit them to. As required under national legislation, people were also made aware of their rights to request the purchase of remaining land, under Article 11.

One of the issues mentioned by five of the interviewed affected households as something that contributed to significant discontent among affected owners before the start of expropriation, was that geo-surveyors from the City of Mostar Administration who came to stake the land acquisition corridor in preparation of expropriation, accessed people's properties without prior notification that such activities would take place in the field. Although these owners must have already been aware of the proclaimed public interest and upcoming expropriation, which many of them strongly opposed at that time, seeing the stakes in their properties meant that someone had accessed their land without the owners presence and in that way provoked additional unrest. While it is recognised that this is not under the jurisdiction of JPAC and that affected people were informed about expropriation through a number of public announcements and some even through directly posted expropriation proposals and invitations to expropriation hearings, before the staking of the road, it has impacted future relationships with affected owners of land. While people may be aware of an upcoming expropriation process, good practice suggests that they are informed about individual steps throughout the process and it would be important to hold meetings before any field activities take place, regardless of who implements them. The consultants provide this suggestion to JPAC for consideration on future projects and for thinking of ways how the issue can be prevented in cooperation with local authorities, as it is one of the first activities in the expropriation process and something that can influence future relationships and cooperation with affected people.

During the expropriation meetings, in September 2018 for the Tunnel Kvanj to Buna Section and in April and May 2019 for the Mostar South to Tunnel Kvanj section, socio economic surveys were carried out with affected people, as a starting point for developing the LALRP. In addition, during the development of the LALRP, a consultation meeting with the Association of Serb Returnees from Mostar was held in December 2019. The outcomes of that meeting are not specifically presented in the LALRP, however it can be expected that the relevant information shared at the meeting influenced the development of the document.

The development and publication of the LALRP for the Tunnel Kvanj to Buna section of the project occurred in October 2018. For the Mostar South to Tunnel Kvanj section the LALRP was publicly disclosed in July 2020 and was a subject of discussion at the Project ESIA public meeting in September 2020. The steps taken to develop and disclose the document were in line with lenders' requirements and improved the Project's performance in addressing environmental and social issues, as intended.

The grievance procedure has been established in both RAPs and a leaflet for submission and management of grievances is available on the JPAC website, for all Projects implemented by JPAC, including the two sections constituting this Project. The ESIA disclosure package, including the SEP with a description of the grievance procedure has also been delivered to local community offices. Based on feedback from JPAC, no formal grievance has been submitted to the company and, based on previous experience, the company expects that this will happen when construction starts.

While it appears based on discussions with affected people that they are not aware of the existence of the formally established LALRP grievance mechanism, although information has been published on the JPAC website and delivered in hard copy to local community offices, it should be noted that all people spoken to, knew the names of the individuals who represented JPAC in the process and that these individuals could be contacted for more information or any complaints. The consultants were made aware by JPAC representatives of some of the issues raised by affected people throughout the land acquisition process and how they were or will be addressed during construction. Even though these were not specifically submitted as a LALRP grievance on the LALRP grievance form and some only related to requests for information, the consultants recommend that in the future, all issues raised are briefly noted in the grievance log together with the response and proposed solution.

7.4 Compensation at Full Replacement Cost

A review of all expropriation data, and as confirmed in stakeholder meetings and phone interviews, all affected assets were compensated, meaning land and any assets on the affected land. The value of land was determined separately in the process of defining compensation and then anything else found on that land, including structures (residential, non residential, fences, sheds, wells, etc.), crops, trees, etc. The value of all affected assets was determined by certified valuers with appropriate expertise (agriculture, forestry, civil engineering) and in some cases several valuations were carried out by different experts, until an agreement between JPAC and the affected owner was reached. It should be noted that structures with permits (formal) and without permits (informal), as required by lenders' requirements, were valued and compensated to their owners.

For the section Mostar South to Tunnel Kvanj, the overall budget estimate for land acquisition was 15 million BAM (approx. 7.7 million EUR) and according to JPAC reports, so far, approx. 12 million BAM (6.1 million EUR) has been spent. For the section Tunnel Kvanj to Buna, the overall budget estimate for land acquisition was 4 million BAM (approx. 2 million EUR), and so far, approx. 3.5 million BAM (approx. 1.8 million EUR) has been spent.

The consultants would like to highlight that according to feedback from interviewed owners as well as a review of all available data, there were no differences in how people of the three different ethnic backgrounds were treated in the land acquisition process or compensated.

Of the 63 interviewed people, a total of 59 had already received compensation or had been offered compensation and could comment on the compensation rates. The majority of interviewed people (51 of 59 who could comment, or 86%) expressed full satisfaction with the offered compensation rates and amounts and believe that they were compensated at full replacement cost or higher. As mentioned earlier, it is difficult to substantiate this information with concrete data on whether people could buy replacement properties and assets with the compensation they received, as almost no one bought new land to replace what they had lost, which is their own free will and does not point to a conclusion that securing replacement land for use, was not a priority for majority of affected people. Out of the interviewed people, only three individuals declared that they bought land with the compensation they received and one of them bought a construction plot (and built a house on it) and not agricultural land. Construction land is significantly more expensive than agricultural land but construction plots are also smaller in size than agricultural plots. One of the three interviewed individuals reported that he bought more land than what was expropriated from him (some 600 m² more).

All of the interviewed people also stated that they have other land for use. The majority continued to say that they do not need more land, or that they were not engaged in farming the land at all before expropriation, meaning that their livelihoods were not land based, and had no wish to buy more land. Again, the fact that many people did not return to live in the affected areas needs to be taken into account. The majority of these households engaged in agriculture before the war (cherries and other fruit), however they have not used the land in the last 30 years, the original owners have aged or passed away, while their children started new lives in other places. Of these people, no one bought replacement land with an intention of farming it, not even in their new places of residence. A total of 12, out of 63 interviewed individuals (19%) stated that they invested the compensation into their homes (renovation or acquiring new homes) or businesses.

Of the 8 people who were not satisfied or partially satisfied with the compensation received, out of 59 who could comment (or 14%), 7 accepted the offer of compensation without going to court and for the one remaining person a court process is still ongoing.

Four of the unsatisfied or partially satisfied people were not using the affected land for anything before it was acquired and their dissatisfaction can in no way be connected to concerns of replacing land for use. One person stated that the land price was too low and he wanted to get replacement land, because his livelihood is land based. However JPAC informed him that this was not possible, as the company has no suitable land to offer him in this location. When asked by the consultants if he used the compensation for acquiring any new land, the respondent stated that he invested into another immovable property (most likely referring to a new house or other type of structure), suggesting that acquisition of replacement land may not have been a priority for the household. Another person who was unsatisfied with the compensation amount stated that overall compensation was adequate, but he was not aware that he could have received additional compensation on account of vulnerability and as a war veteran he believed that he fit the criteria. The specific category of war veteran, on its own, is not one that is recognised under the

Expropriation Law under Article 47 as a basis for determining vulnerability in relation to land acquisition. One person was happy with the price of one plot but not the other (a very small difference of 2 KM per m² between the two) and another, who lives from fruit growing, was not satisfied with the price of cherry trees he was offered (as he said he could compare with the sales he made on the market), but he agreed, as he had no time to waste with valuers and courts.

From the experience on other projects, the consultants can state that regardless of the level of compensation, which in the case of this project appears to have been above average (judging also by the fact that 91% of the land plots were acquired based on amicable agreements), there will always be a certain number of people who will not be completely satisfied and will have expected more. The fact that valuations were repeated in cases when affected people had complaints also shows that JPAC had an intention of listening to people's concerns and suggestions and of reaching negotiated settlements, which is fully in line with lenders' requirements.

A total of 10 people (out of 63 interviewed, or 16%) expressed regret that their request for the purchase of the remaining part of the plot was not accepted or was accepted only in part. In the consultants' experience, such regrets are sometimes articulated when the price provided as compensation is much higher than what people would get on the open market and they want the Project to acquire as much as possible under these favourable conditions. Some of these interviewed people added that in their opinion, their remaining land plots will be unusable in the future as they are too small, too close to the road for agriculture and/or they do not have a water source any longer as it used to be located on the acquired land plot. It should be noted that all affected water sources (wells) and irrigation infrastructure are being compensated to the owners, and with the compensation received, they can construct new water sources and irrigation systems to replace them. The fact that securing water sources in the area is difficult came up in many of the conversations with people who engage in agriculture and a considerable number of them expressed concern that the road may cut through their water supplies during and after construction, and as a result, their remaining land will lose its productivity and value. In discussions with JPAC, it was clearly articulated that all existing registered water sources will be fully preserved and that, in addition, the contractor will be instructed to preserve all unregistered (informal) water sources and irrigation systems encountered in the field during construction, to avoid impacting any unacquired land in the vicinity of the Project.

7.5 Vulnerable Individuals and Households

Both Project LALRPs presented three categories of vulnerable people, as determined during the socio economic survey: elderly, persons with disability or chronic illness and unemployed persons. The Project ESIA for the section Mostar south to Tunnel Kvanj also states that additionally, two potential vulnerable groups have been identified, of which one pertains to land acquisition: Serb returnees, who live in the settlements near to the motorway section and who put several efforts in past years in reconstructing their houses and livelihoods.

The documents state that JPAC will meet with vulnerable individuals, identify their specific needs in relation to land acquisition and provide them with assistance to satisfy these needs. Examples of possible assistance are also listed in the document as follows:

- direct visits to the homes of vulnerable persons/households (in particular for elderly people and people with disability/ chronic illnesses)
- assistance during the payment process, i.e. ensuring that compensation documents and payment process are well understood (in particular for elderly people)
- assistance to exercise the right to receive vulnerable people benefits provided under the Law on Bases of Social Welfare, Protection of Civilian Victims of War, and Protection of Families with Children, as applicable
- assistance in identifying and buying new property
- assistance in moving (special transport measures for persons with physical disabilities, etc.)
- assistance during the post-payment period (e.g. assistance in finding training courses to enhance employability and giving priority in employment, where possible, in particular for poor and/or unemployed people; assistance in securing the compensation money and reduce risks of misuse or robbery).

While the categories of vulnerable individuals have been defined in the LALRPs, there was no further analyses of what type of land acquisition related impacts have the potential to affect them more adversely than others and depending on the type of impact, who would be entitled to what (e.g. people who belong to one of the affected categories and in addition, depend on agriculture as a source of livelihood and are losing a significant portion of their land or the only land they have would be entitled to enhanced livelihood restoration measures, or, people who are elderly or ill and have to be physically displaced would be entitled to additional assistance in moving, etc.). In the consultants' experience, this distinction is very important as it is necessary to understand that not all elderly or disabled or unemployed people would be entitled to all types of assistance in a land acquisition process, if their vulnerability will in no way be exasperated by it (for example, if they do not use the affected land, if a very small part of it is affected, if their houses are not affected, they would not be entitled to an additional compensation payment but may be assisted in other ways, for example with house visits to complete the expropriation procedure).

The analyses of vulnerability in the LALRP also did not elaborate on the impact identified in the ESIA, i.e. that Serb returnees, who live in the settlements near to the motorway section and who put several efforts in past years in reconstructing their houses and livelihoods are a potentially vulnerable group. The LALRP does present information collected through the socio economic survey on the ethnic makeup of affected owners, as individually declared, and comments on the fact that the issues is a sensitive socio political issue. More on this topic is presented in section 7.7 of this report.

To be able to provide vulnerability assistance as per the ESIA (Section 6.6. on vulnerable groups) and LALRP, JPAC established a system for identifying vulnerable people / households, in relation to loss of land and impacts of livelihoods, as part of the expropriation process and providing them with increased compensation as a form of assistance. The system is described in the JPAC internal procedure for expropriation. The relevant chapter describes how Article 47 of the Expropriation Law should be implemented in practice.

Article 47 states that the personal and family circumstances of the owner of the expropriated property will be taken into account and the amount of compensation increased, if these circumstances are of essential importance for the material existence of the owner. The article further explains that this will be the case if due to the expropriation of a large part or the entire land or business premises in which the owner was carrying out a permitted business activity, his material (financial) existence is threatened, as well as in the case when, due to expropriation, the members of the agricultural household have to move from the area where they permanently or temporarily resided.

The JPAC procedure states that the purpose of this article is to ensure that compensation is determined in a way that will ensure that the owner has the same economic and living standard as before expropriation. When the person facilitating the expropriation hearing (City of Mostar Administration), based on a request from the affected person, determines that there is a basis for implementing Article 47 of the law, the responsible person from JPAC will consider if the request is justified and if so, will act as follows:

- If the increase in the amount of compensation is below 3,000 KM, the JPAC responsible person has the authority to decide and accept this amount to be a part of the agreed compensation.
- If the proposed increase goes above 3,000 KM and up to 10% of the total offered compensation amount, there is an internal written approval procedure and the decision is made by JPAC management. The increase can be requested only if there are a minimum of two circumstances from Article 47 (cumulatively) and the request has to be substantiated with proof.
- If the proposed increase ranges from 10 to 15% of the total offered compensation amount, the request has to be approved by the Director of JPAC.

Documentation which may be provided by an affected person as proof to substantiate the claim of circumstances from Article 47 is:

- Certificate of unemployment from the National Employment Institute
- Certificate of earnings (pay slip, pension slip, etc.) or a list of household income by member of household
- Medical documentation not older than two years, as proof of a medical condition
- Birth certificate (of a person over 65 years of age), who has no relatives
- Certificate of disability (stating the degree of disability) not older than 3 months, as proof of disability

Based on the above procedures, JPAC awarded increased compensation to 18 individuals / households, 14 of which were awarded for land affected on the section Mostar South to Tunnel Kvanj. A total of 9 interviewed individuals (14% of all interviewed individuals) received this assistance and of these, 6 were members of the minority returnees' group.

The payment of additional compensation to affected vulnerable individuals should be commended as an assistance measure and has been important to affected people, as reported in some of the interviews. By using Article 47 of the Expropriation Law, which in fact targets people... " whose personal and family circumstances, if these circumstances are of essential importance for the material existence of the owner" or in other words who are vulnerable to land acquisition, the connection between vulnerability and land acquisition is made. JPAC reported that when implementing the procedure for providing additional compensation, they considered the connection to people's use of and dependence on land and livelihoods, which is in compliance with lenders' requirements.

However, more needs to be done and registered in relation to actual assistance provided to vulnerable affected people, as payment of additional compensation is not always enough or sometimes not even adequate as it will not produce the desired outcome. There is evidence that people have been assisted in other ways, for example, house visits to elderly households, some advice on legal and/or administrative issues, however this type of assistance is not systematically recorded by JPAC. Other types of assistance, including assistance to physically resettle, acquire new/replacement land or houses, restore livelihoods, etc. have to be defined in cooperation with affected people and implemented, and if this is not accepted by affected people, at least fully documented (measures undertaken, offers made, etc.). Local institutions must be involved in the process to the extent possible and JPAC needs to invest efforts into mobilising them, when needed.

7.6 Livelihood Restoration and Livelihood Opportunities

7.6.1 Livelihood Restoration in Relation to Project Land Acquisition

For livelihood restoration, the LALRP for Mostar South to Tunnel Kvanj, foresees the following: 'assistance for livelihood restoration (where applicable) to be identified and provided by JPAC on a case- by-case basis and based on the socio-economic survey, particularly in cooperation with the Regional Development Agency for Herzegovina (e.g. assistance to identify and access other income/livelihood generation activities, assistance to access training, skill development, job opportunities, agricultural development support etc., identifying improvements which could help affected PAP to increase their yield and income on land)'

In the LALRP for the section Tunnel Kvanj to Buna, there is no specific reference to livelihood restoration activities which will be implemented, however the LALRP notes that very little of the affected land is arable land, which is consistent with the review of affected land carried out by the consultants.

Overall, the topic of livelihood restoration in the case of this Project is closely related to the issue of vulnerability how it connects to the loss of land. The identified impacts, on persons whose livelihoods are land based, and who fall under one of the categories of vulnerable individuals, were partly mitigated through the provision of increased compensation, as described in the previous section of the report. The same remarks made in the section regarding vulnerability assistance, in relation to increased compensation versus nonfinancial assistance measures, applies to the restoration of affected livelihoods. More effort needs to be placed on identifying possible assistance measures, in cooperation with partners (as suggested in the LALRP for Mostar Buna to Tunnel Kvanj section) and offering these measures to affected people.

The LALRP socio economic survey for the Mostar South to Tunnel Kvanj section identified 13% of households, who declared agriculture as the primary source of their income, while on the section Tunnel Kvanj to Buna, the percentage is slightly higher (16%). However not all were affected to the same degree, i.e. the amount of acquired land in some cases was not significant enough to require the implementation of livelihood restoration assistance. The analyses of this issue and crossing the information, is missing in both LALRPs, i.e. an explanation of the fact that the severity of impact depends on the way that land is being used, the amount of land being acquired in total and whether the affected owner has other land for use. In addition, as mentioned earlier, very few interviewed people bought replacement land, suggesting that their livelihoods were not significantly affected by the loss of land, but some invested the money into other income earning activities and were very satisfied with the results, also suggesting that they were not engaged (or no longer wished to be engaged) in agriculture.

7.6.2 Livelihood Opportunities in Relation to the Project

On a general level, based on a review of the available documentation and the conducted interviews, it has been established that the majority of people do not derive their livelihoods, or do not derive them to a large extent, from agriculture. In this situation, other income earning opportunities would be more applicable for affected local communities. The affected area is a booming tourism destination, and it is hoped that the highway itself will contribute to this growing trend. In connection to that, local communities may benefit from some small development activities, which could help them provide tourism related services, such as accommodation for rent. To support communities in these livelihood creation initiatives, there is a need for infrastructure improvements. In addition, the project will create some employment opportunities both during construction and later in the operations phase.

JPAC has already started discussions with some of the local communities in the Mostar South to Tunnel Kvanj section on possible community support programmes and they include investments into the local public sewage network, improvements of the local road network, investments into the local cemetery, bicycle paths and public street lighting. Improvement of local living conditions may even contribute to some further return of displaced households to these communities.

The local communities also highlighted the problem of unemployment of local people and requested that employment opportunities in relation to the Project both during and after construction are made available to local residents. To enable as many local people to benefit from such opportunities, they should primarily be announced locally and if local people satisfy the requested requirements, they should have priority in employment.

7.7 Impact on Returnees

The issue of impact of the project on returnees has been singled out as a specific topic of interest and of concern among many stakeholders. There have been claims that the Project, specifically the acquisition of land, will have a disproportionate impact on Serb returnees, or minority returnees in the case of this Project, because a part of the project footprint passes through land which is predominantly owned by them. The consultants have tried to explore this issue in greater detail and present their views after having spoken to 23 of affected people who can be described as falling into this category. A detailed description of the overall context in relation to returnees in BiH is provided in Section 3 of this report.

According to local people, there were around 450 Serbs living in the village Ortiješ and only 130 returned to live there after the conflict (less than 30 %). However, those who returned often comprised elderly people who came back to their homes, while their children, having spent time in other places where they already integrated through school or work, chose to remain there. Although the example of Ortiješ is given here, where Serbs make up the majority of the population, the same situation applies to other local communities and people of different ethnicities all throughout BiH.

Consistent with the issues presented in section 3 of the report, the most cited scenario from people who were interviewed were that the household left when the conflict began and after, the elderly came back to restore their houses to the extent possible, while children stayed in their new place of residence and continued to visit their parents occasionally, as they do even today. Most of the interviewed people who came back, never restored their agricultural production to a level before the war and some continued to engage in agriculture for subsistence or, where possible, for an additional income. As the years went by, the number of people reduced even further and with that, the scale of agriculture. According to five out of the 63 interviewed individuals (or 8%), impacted by land acquisition, but not all minority returnees, agriculture was also further impacted by other factors such as climate effects, import of products from other parts of the country or other countries, global trends in agricultural production, etc. The younger generations continue to visit the area, however very few decide to stay permanently and even fewer, to engage in agriculture. Among other things, a part of the reason why a significant number of people accepted offers of compensation for their affected land is the fact that they do not live in the affected area and do not use the land or have any intention of using it in the future. For them, the option of being compensated for this land was seen as a favourable one. As the registered and rightful owners of the affected land, they (or their heirs) were contacted by the

expropriation authority and fully compensated for their losses regardless of the fact that they are no longer living in the affected area or in some cases, in BiH.

It is however important to underline that although this scenario is the most widespread, there are exceptions. Some individuals returned to their homes after the conflict with their household members and continued to raise their families there. Among them, some have continued to engage in agriculture as a primary source of income. The exact numbers of all people falling into these two categories, affected by land acquisition, cannot be determined without interviewing every single affected person individually, which was not possible, for reasons explained earlier in the document. However, the consultants interviewed 23 individuals who fall under the category of minority returnees and of them, seven stated that their livelihoods are fully, or partially (supplemented by other incomes of the household such as employment or pension), land based. Of them, four received vulnerability compensation payments, two did not, and for one owner, the land acquisition process is still ongoing.

As presented in Section 3 of the report, all returnees, and particularly minority returnees, have had to invest significant efforts into rebuilding their lives and their sources of income after having returned to their places of origin after the war. Under such circumstances, they were, and continue to be, faced with numerous challenges in their places of origin and, although none of these challenges can be attributed to the Project, it is not surprising that any attempt to acquire their properties, which have been in their ownership for generations, can be perceived as a significant impact on them, if nothing else, then psychologically. In that sense, the consultants believe that is appropriate to say that the Project related land acquisition has had a more significant impact on returnees, and particularly minority returnees, than people who do not fall within this category. This is a consideration that has been mentioned in the Project ESIA, but not fully and clearly articulated in any of the Project documents.

The Project is not expected to mitigate circumstances that it has not caused, nor is that possible, but the Project is expected to be sensitive to the feelings of affected people and to invest all possible efforts into creating a more favourable environment for them to overcome the loss of their land. As stated earlier, JPAC has recognised that people who engage in agriculture in a more organised way than others need to be additionally supported and has provided increased compensation, as described in previous sections of the report.

It should also be noted that some of the affected people, who are returnees, stated in interviews that they opposed the land acquisition before it started, because they were concerned that they would not be compensated for their losses. Once they realised that compensation would be adequate, their concerns were put to rest and in that way a part of the vulnerabilities were also addressed.

In previous sections of the reports, the consultants pointed out the importance of assisting people who are vulnerable in the context of land acquisition and whose livelihoods are land based, who are economically displaced. Assistance (livelihood restoration and vulnerability) should go beyond

providing additional financial compensation. All of this, is even more important for persons who are, in addition to the above, members of the minority returnee category. Based on the results of the survey, out of 23 interviewed minority returnee owners, seven declared their livelihoods are, fully or partially, land based and the consultants believe that not many more such cases exist on the Project footprint, if any.

In addition to the above, although this is not to be viewed as being in direct response to mitigation of land acquisition impacts, the consultants believe that if minority returnees were supported at community level, to build on their own personal efforts, and to generally foster local development, others who may have not returned to their place of origin to date, could to re-evaluate their decisions in the future. If the Project itself and accompanying development efforts create more opportunities for livelihoods, people who still own properties there, could decide to renew and use them.

8 Recommendations

8.1 Completion of Implementation of the LALRP

The following is a list of key activities which should be undertaken by JPAC, to complete the implementation of the project LALRPs. Some of the listed activities are expected to continue through to the construction and operation phase.

- Consider engaging people in JPAC who will specifically focus on ensuring that all social aspects of land acquisition are being addressed in compliance with lenders' requirements or outsource such support. This pertains to identifying and organising livelihood restoration measures, vulnerability assistance, engaging with stakeholders including managing grievances, as well as monitoring and reporting.
- In cooperation with the few affected owners of land whose livelihoods are land based and who are losing a significant portion of their land, whose properties have not been acquired to date, attempt to reach amicable agreements and discuss individual assistance options, increased compensation and any other non-monetary measures, to assist them to restore their livelihoods. This also applies to any cases where land acquisition has been completed however the affected person has not abandoned the land and/or structure. In case of affected vineyards, if applicable, ensure that further impacts on any associated economic activities (e.g. wine production and sale), is properly assessed by experts and that compensation for lost net income is included in the offer of compensation.
- In the limited number of uncompleted cases where compensation has not been paid yet, it is necessary to commission new valuations as the prices of land and properties have increased since the original valuations were carried out, or to adjust (increase) the compensation amount to account for these increases in prices, ensuring that the principle of full replacement cost is achieved.

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- Provide assistance (or moving allowance) to the owners of the two residential structures who have not yet vacated them, to arrange removal/transportation of their furniture and belongings.
 - Continue efforts to minimise displacement and demonstrate these efforts, during the development of the Main Design.
 - Ensure that any remaining (unacquired) parts land plots can be accessed during and after construction and if not, that they are acquired, and their owners compensated.
 - Ensure that land plots which had access to water sources before the Projects even through unregistered irrigation networks, continue to have access to water during and after construction and if not possible, compensate the owners for their losses.
 - In local communities where agricultural land has been affected, particularly in the section Mostar South to Tunnel Kvanj, present possible local community investments and agree which ones will be implemented. It is important to hold open community meetings in these locations allowing all interested residents to participate. Make a commitment to implement these investments and keep the local communities regularly informed of progress.
 - Cooperate with local communities during construction and ensure that any land related impacts are mitigated in a timely manner, in accordance with the requirements set out in lenders' policies. One of the issues raised by a group of people in the Tunnel Kvanj Buna section is the need to ensure waste disposal is well organised, i.e. that trucks delivering waste and excavated materials, do not cause significant impacts on local roads and traffic or disrupt peoples' everyday activities with noise, dust, etc.
 - Ensure employment opportunities, during and after construction, are widely published in local communities and that local people have priority in applying for these positions and being selected when they have the appropriate skills.
 - Consider renting land for agricultural use (quality agricultural land acquired as orphan land under Article 11 which will not be needed for the Project), under favourable conditions, to any affected persons who were interested in receiving replacement land, but such land could not be provided.

8.2 Future Projects

The following is a list of key activities which should be undertaken to improve JPAC performance and produce better outcomes in land acquisition on future projects:

- Prepare LALRPs in accordance with lender standards as soon as expropriation elaborates are available and before initiating expropriation. If LALRPs are prepared when expropriation is already underway, carry out an audit of the completed land acquisition, to determine if there are any gaps or issues of concern and to define mitigation measures for addressing them before the full land acquisition process has been completed. In this process, assess any publicly raised concerns during the LALRP development stage, with clear conclusions and mitigation measures, if such measures are needed. Provide information in assessment and planning documents on all discussions and conclusions reached at any held meetings.

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- In the process of developing the LALRP, present the project footprint to affected people and ensure that information about the upcoming expropriation and all planned field activities including the staking of the project footprint, is widely available. The process should begin by cooperating with local community representatives who will be able to mobilise local residents, as is now being done by JPAC. Ensure that the grievance mechanism is properly presented to affected people, with contact details of the responsible person, and published in relevant locations in the local communities.
 - In locations where the local population was displaced as a result of conflicts, ensure there is communication with the people who have returned and that their views are taken into account in the development of the LALRP.
 - Organise training to JPAC field staff engaging with affected people and other stakeholders on communication and mediation.
 - Identify to the extent possible, households who have been previously displaced and have returned to their homes, who may be physically and/or economically displaced and identify, in cooperation with them and particularly with local authorities, possible solutions including rebuilding their homes in nearby locations, acquiring new land for farming or changing livelihood sources.
 - Ensure that people are provided with a copy of the grievance mechanism at expropriation hearings, register grievances and the grievance processing steps and final outcome in a grievance log. Record and report on all issues raised by affected people during land acquisition, including requests for information, regardless of whether they have been submitted as formal grievances, together with the response and proposed solution, if any.
 - Define possible livelihood restoration options for all economically displaced persons in cooperation with local authorities, relying on existing programmes of support at the local level. Outsource livelihood restoration if JPAC has no capacity to engage in the provision of advice and assistance to affected people.
 - Consider ways in which JPAC can acquire some other land and provide it as replacement land for affected persons who request it or cooperate with the local authorities to find other ways in which replacement land can be provided.
 - Ensure regular monitoring and visits to affected people, particularly those who will be physically displaced and have been compensated, to determine if they are taking steps to move as planned and if not, identify if any assistance can be provided to them.
 - Record and report on all individually provided assistance measures (house visits, legal and administrative assistance, etc.)