



Republic of Türkiye

Ministry of Environment, Urbanization and Climate Change

Türkiye Earthquake Recovery and Reconstruction Project (TERRP)

Project ID: P180849

Resettlement Framework (RF)

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TABLE OF CONTENTS

ABBREVIATIONS.....	iii
GLOSSARY	1
EXECUTIVE SUMMARY.....	4
1. Introduction	5
1.1. Project Overview.....	5
1.2. Objective and Scope of the RF	6
2. Land Acquisition Principles for the Project	7
3. Process for the Preparation and Approval of the Resettlement Plans	9
4. Potential Impacts of the Project on Project-Affected People	12
5. Eligibility Criteria	13
6. Legal Framework	14
6.1. National Legal Framework for Land Acquisition and Resettlement.....	14
6.1.1. Land Acquisition	14
6.1.2. Involuntary Resettlement	15
6.2. The WB Standard on Resettlement (ESS-5)	16
6.3. Gap Analysis.....	17
7. Methods of Valuing Assets	23
8. Organizational Procedures & Implementation Process.....	27
8.1. Implementation Process for Due Diligence of Government-owned Land being Proposed for Settlements.....	28
9. Grievance Mechanism & Right for Litigation	30
10. Funding	31
11. Consultation & Participation	32
12. Monitoring.....	33
ANNEXES.....	34
ANNEX 1 Outline for Resettlement Plan.....	34
ANNEX 2 Progress Reporting Format.....	35
ANNEX 3 Ex-Post Social Audit Format.....	36
ANNEX 4 Grievance Form	42

ABBREVIATIONS

AFAD	: Disaster and Emergency Management Presidency
EPSA	: Ex-Post Social Audit
ESF	: Environmental and Social Framework
ESMF	: Environmental and Social Framework
ESMP	: Environmental and Social Management Plan
ESF	: Environmental and Social Framework
ESS	: Environmental and Social Standard
GDCA	: Directorate General of Construction Affairs
GoT	: Government of Türkiye
GRM	: Grievance Redress Mechanism
GRS	: Grievance Redress Service
MoEUCC	: Ministry of Environment, Urbanization and Climate Change
MoTF	: Ministry of Treasury and Finance
PAP	: Project Affected People
PDoEUCC	: Provincial Directorate of Environment, Urbanization and Climate Change
PIU	: Project Implementation Unit
RF	: Resettlement Framework
RP	: Resettlement Plan
SEP	: Stakeholder Engagement Plan
SuTP	: Syrians under Temporary Protection
TERRP	: Türkiye Earthquake Recovery and Reconstruction Project
WB	: World Bank

List of Tables

Table 1. Gap Analysis on Legislative Framework.....	20
Table 2. Project Entitlement Matrix	24

GLOSSARY

Adequate Housing: Adequate housing means housing which meets minimum structural, heating, lighting, ventilation, sanitary, occupancy, and maintenance standards compatible with applicable building and housing codes, as determined under rules of the authority/government.

Affected Persons: Persons (whether natural or legal) experiencing either physical or economic displacement. See also *displaced person and project-affected person*.

Allowance: Cash paid in respect of losses or resettlement-related expenses other than losses of immoveable assets. For example, tenants can be provided with a cash allowance to support their effort to secure alternative housing. A moving allowance can be paid to people who have to relocate as a result of project land access. An allowance should be distinguished from *compensation*, which is aimed at replacing specific lost assets due to land acquisition in the project, especially immoveable assets.

Area of Influence: The project area of influence encompasses, as appropriate: The area likely to be affected by: (i) the project and the client's activities and facilities that are directly owned, operated or managed (including by contractors) and that are a component of the project (ii) impacts from unplanned but predictable developments caused by the project that may occur later or at a different location; or (iii) indirect project impacts on biodiversity or on ecosystem services upon which project-affected communities' livelihoods are dependent.

Compensation: Payment in cash or in kind for loss of an immoveable asset or a resource that is acquired or affected by the project. It is typically understood to include all forms of compensation, including the provision of replacement land, housing, structures, crops and other assets affected by the land acquisition for the project. In some jurisdictions, compensation in cash is referred to as *indemnification* to distinguish it from other forms of compensation. Compensation does not include allowances paid or provided for various inconveniences not directly related to the loss of an immoveable asset or vulnerability. It may include livelihood- restoration allowances or activities, though these are usually managed separately through livelihood restoration plans.

Cut-off Date: The date that establishes eligibility for compensation and other benefits related to land acquisition. The date refers to the commencement of date of the census of persons and inventory of assets affected by the Project. If (a) person(s) should occupy the project area after the cut-off date, they will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated. The Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal without compensation.

Environmental and Social Management Framework (ESMF): The framework that defines E&S activities that the MoEUCC, the Supervision Consultants and Contractors will have to implement to meet MoEUCC and World Bank environmental and social standards.

Expropriation: Refers to a dispossession or a limitation of ownership rights on property with compensation pursuant to market value of the property, as well as other valuation criteria.

Economic Displacement: Refers to loss of income streams or means of livelihood due to land acquisition or obstructed access to resources (land, water, etc.) resulting from the construction or operation of a project or its associated facilities.

Eligibility: Refers to criteria identifying which affected persons are entitled to receive compensation, resettlement assistance and/or other benefits as a result of resettlement. Usually established either by law or via policies.

Footprint: Land that is directly affected by the project and has to be acquired (per the definition of land acquisition in this glossary).

Informal Right Holder: Person or group of persons recognized by custom, unwritten rules, or other socially accepted processes as holding certain ownership or usufruct rights over an asset or resource, although these usufruct rights are neither formalized in a legal document, such as a title, nor officially registered.

Informal ownership or occupation of agricultural land may or may not enjoy a certain level of recognition in written law. Land-tenure legislation in some jurisdictions does recognize customary community rights over land or other resources and formally empowers traditional institutions to informally manage these resources. Other jurisdictions ignore customary rights completely.

Informality of occupation or ownership is not a black-and-white situation: informal right holders may be illegal from the standpoint of some authorities and legal or even encouraged by others (both of which can be the case for roadside businesses above).

As opposed to informal right holders: Formal right holders include those people with a formal title to land and/or other immovable assets (typically a registered ownership deed).

Squatters include those people whose occupation is recognized neither by law nor by socially accepted processes: for example, opportunistic settlers that move into an area after it has been lawfully and broadly declared prohibited for settlement.

Involuntary Resettlement: ESS-5 of the World Bank recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land, or loss of shelter), economic displacement (loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. This occurs in cases of expropriation or restrictions on land use based on eminent domain and negotiated settlements in which the buyer can resort to expropriation. *Resettlement* understood as a compensation measure is often used in a broad sense that covers all forms of compensation, not only those entailing physical relocation to replacement housing.

Land Access: The ability to use land and other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities.

Land Acquisition: Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

Land-Based: The term “land-based” includes livelihood activities such as rotational cropping and grazing of livestock as well as the harvesting of natural resources.

Livelihood: Refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

Livelihood Restoration: The term includes all efforts to be undertaken to assist PAPs impacted by physical or economical displacement to improve their livelihoods and standards of living or at least to restore to level before displacement or to level prior to the beginning of project implementation, whichever is higher.

Orphan Land: Land that is not directly located within the project's direct footprint but becomes uneconomic as a result of land acquisition and should be acquired and compensated as a result.

Project-Affected Person (PAP): Same as Affected Person

Physical Displacement: Refers to the loss of shelter and assets resulting from the expropriation of land associated with the Project that requires PAPs to move from home, workplace or business premises to another location.

Replacement Cost: "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs and any economic or other improvements to the land. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.

Resettlement: Relates to all cases of land acquisition and compensation for loss of assets, whether it involves actual relocation, loss of land, shelter, assets, economic displacement or other means of livelihood and includes all the measures taken to mitigate any and all adverse impacts of the Project on PAP's property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation.

RP (Resettlement Plan): Refers to the document consistent with the principles and objectives ESS-5 and with the RF.

Restrictions on Land Use: Refers to limitations or prohibitions on the use of agricultural, residential, commercial, or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

Security of Tenure: "Security of tenure" means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate.

Vulnerable Groups: Vulnerable or at-risk groups include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable groups in the context of displacement also include people living below the poverty line, the landless, the elderly, women - and children-headed households, ethnic minorities, natural resource - dependent communities, or other displaced persons who may not be protected through national land compensation or land titling legislation.

EXECUTIVE SUMMARY

Türkiye Earthquake Recovery and Reconstruction Project (TERRP) supports the Government of Türkiye's (GoT) recovery efforts to restore access to essential municipal and health services for affected Turkish citizens and Syrians under Temporary Protection (SuTPs) and reconstruct resilient rural housing in areas affected by the February 2023 earthquakes. It also supports the provision of temporary facilities and equipment, rehabilitation/structural strengthening and resilient reconstruction of damaged infrastructure and rural houses, barns, haystacks, workplaces required for the restoration and continued operation of essential services, including health, water, sanitation, and emergency services.

The Project includes four components: (1) Restoration of Municipal Infrastructure and Services conducted by İLBANK; (*Subcomponent 1.1: Resilient rehabilitation and reconstruction of municipal infrastructure; Subcomponent 1.2: Resilient recovery of municipal service facilities*) (2) Restoration of Health Services conducted by The Ministry of Health; (*Subcomponent 2.1: Ensuring continuity of primary-level and hospital-level health services; Subcomponent 2.2: Providing mobile diagnostic services; Subcomponent 2.3: Supporting access to vaccination, disability services, and medical equipment*) (3) Rural Housing Reconstruction and Recovery conducted by the Ministry of Environment Urbanization and Climate Change (*Subcomponent 3.1: Resilient rural housing and village reconstruction; Subcomponent 3.2: Capacity building for resilient recovery and post-disaster housing support*) and (iv) Project Management, Monitoring and Evaluation for all implementing agencies.

The purpose of preparing this Resettlement Framework (RF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied related to component 3 of the Project (Rural Housing Reconstruction and Recovery conducted by the Ministry of Environment Urbanization and Climate Change). This RF has been prepared to address the potential land based social risks and impacts identified in the environmental and social assessment, particularly with regard to the proposed sub-projects' land take requirements. This RF establishes eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances.

Throughout the Project, the Supervision Consultant will be responsible for preparing a Resettlement Plan (RP) for any sub-project requiring land acquisition/expropriation. Besides, if land acquisition procedures were completed at the time this RF is approved, an Ex-Post Social Audit will be carried out and remedial actions will be undertaken as per this RF with the format provided in ANNEX 3 by the Supervision Consultant and submitted to MoEUCC for their review and approval.

Primary monitoring responsibility will rest with the Supervision Consultant. The Supervision Consultant has the responsibility to ensure that project implementation is fully consistent with the RF and also to provide for adequate monitoring and reporting of the activities set out in the RP. The monitoring requirements, the scope/outline of the monitoring reports and responsibilities are provided in Section-12 and ANNEX 2 of this document.

1. Introduction

1.1. Project Overview

Türkiye Earthquake, Recovery and Reconstruction Project (TERRP) will support the GoT's recovery efforts to restore access to essential municipal and health services for affected Turkish citizens and SuTPs and provide resilient rural housing in areas affected by the February 2023 earthquakes. It will support the provision of temporary facilities and equipment, rehabilitation/structural strengthening and resilient reconstruction of damaged buildings and repairing infrastructure and continued operation of essential services, including health, water, sanitation, and emergency services. It will also support the GoT's post-disaster rural housing reconstruction program covering resilient reconstruction of damaged rural houses and associated basic infrastructure in villages.

The Project includes four components: (1) Restoration of Municipal Infrastructure and Services conducted by İLBANK; (Subcomponent 1.1: Resilient rehabilitation and reconstruction of municipal infrastructure; Subcomponent 1.2: Resilient recovery of critical municipal service facilities) (2) Restoration of Health Services conducted by The Ministry of Health; (Subcomponent 2.1: Ensuring continuity of primary-level and hospital-level health services; Subcomponent 2.2: Providing mobile diagnostic services; Subcomponent 2.3: Supporting access to vaccination, disability services, and medical equipment 3) Rural Housing Reconstruction and Recovery conducted by the Ministry of Environment Urbanization and Climate Change (Subcomponent 3.1 : Resilient rural housing and village reconstruction; Subcomponent 3.2: Capacity building for resilient recovery and post-disaster housing support) and (iv) Project Management, Monitoring and Evaluation for all implementing agencies.

This RF has been prepared to address impacts arising from Component 3 of the Project that includes two sub-components: (a) Rural housing and village reconstruction; (b) Capacity building for resilient recovery and post-disaster housing support) and Component 4: Project Management, Monitoring and Evaluation for all implementing agencies.

Sub-Component 3.1. Resilient rural housing and village reconstruction This component will finance civil works, consulting, and non-consulting services to support reconstruction of rural villages, barns, haystacks and workplaces and the recovery and/or repair of infrastructure earthquake-affected under the GoT's existing post-disaster housing reconstruction program. Only full reconstruction of damaged housing will be financed; repairs and retrofitting activities are not eligible given the poor condition of the existing rural housing stock and the difficulties in retrofitting such damaged housing to higher, more resilient standards.

Sub-Component 3.2. Capacity building for resilient recovery and post-disaster housing support. This subcomponent will finance technical assistance and advisory services to Disaster and Emergency Management Presidency's (AFAD) General Directorate of Housing and Construction Works, and MoEUCC's General Directorate of Construction Affairs (GDCA) to support planning for medium/longer-term resilient reconstruction and improve post-disaster housing programs for future disasters.

Component 4. Project Management, Monitoring and Evaluation. This component will finance consulting and non-consulting services, goods, training, and operating costs for supporting the Implementing Agencies in project management and implementation activities under the Project, including but not limited to, monitoring and evaluation, reporting, procurement, financial management, environmental and social management, grievance redress mechanism, citizen engagement, and project communication and outreach.

The project activities encompass initiatives to be implemented in the provinces affected by the earthquake, as designated by Presidential Decree No. 6785. These include Kahramanmaraş, Adana, Adıyaman, Diyarbakır, Gaziantep, Hatay, Kilis, Malatya, Osmaniye, Elazığ, and Şanlıurfa. Subsequently, the provinces of Tunceli, Bingöl, Mardin, Batman, Kayseri, Niğde, and Sivas were also added to this list.

1.2. Objective and Scope of the RF

The purpose of preparing this Resettlement Framework (RF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects or project components to be prepared during project implementation. This RF has been prepared to address the potential land based social risks and impacts identified in the environmental and social assessment, particularly with regard to the proposed sub-projects' land take requirements. This RF establishes eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances.

This RF clarifies resettlement principles to be applied during implementation and the organizational arrangements for preparing Resettlement Plans (RPs) for each of the subprojects. The RF lays out the principles for resettlement and the institutional arrangements for the Supervision Consultant to prepare RPs for the subprojects. The RF also includes arrangements for MoEUCC to supervise RP preparation and implementation and to ensure consistency with the national legislation and the World Bank's Environmental and Social Framework¹ (ESF) - particularly Environmental and Social Standard 5 [ESS-5]: *Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*.

The procedures presented in this RF detail the actions, which will be taken to ensure the compliance with Turkish Legislation and Procedures (listed below in Section 6) and the ESF.

In summary, below are the specific objectives of this RF;

- Provide information on the national legislation and international standards governing land expropriation,
- Define potential land-based impacts and their magnitude, affected parties including vulnerable groups,
- Set out the steps of land acquisition process and institutional arrangements,
- Define potential entitlements and prepare a strategy for achieving the objectives of the resettlement / land acquisition,
- Provide a framework implementation to ensure timely acquisition of assets, provision of compensation and delivery of other benefits to project affected persons (PAPs),
- Provide information on consultation, participation and grievance mechanisms in project planning and implementation,
- Provide required resources for implementation of Resettlement Plan,
- Provide an accessible mechanism for lodging grievances and a system for managing the grievances received,
- Provide a framework for supervision, monitoring and evaluation of resettlement implementation , and
- Provide guidance for preparing a resettlement budget.

¹ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

2. Land Acquisition Principles for the Project

To the extent possible, the project will finance in-situ reconstruction of rural houses, barns, haystacks and workplaces and the recovery and/or repair of infrastructure of earthquake-affected areas under the GoT's existing post-disaster housing reconstruction program. Where in-situ reconstruction is deemed not feasible because the locations are found to be seismically active, experience soil liquefaction and/or flooding, the GoT will resettle earthquake affected eligible households on encumbrance free public/treasury land. However, in some limited cases, minimal amount of private land acquisition may be required for construction of infrastructure such as roads, drainage and other utilities for newly constructed houses. Moreover, ESS-5 will be applicable to individuals/households that may be using public/treasury land identified for resettlement of earthquake affected households/villages or private land owners who are affected due to implementation of project activities. Therefore, Project - Affected Persons (PAP) in this instance, are those who will be affected as a consequence of land acquisition undertaken for project activities being implemented. In this context land acquisition and resettlement, including establishing easement rights, will be governed by the following principles:

- The relevant Turkish legislation and World Bank ESS-5 will both be followed, in cases where there are gaps between the legal regimes, measures will be taken to meet the standards set in ESS-5.
- Sub-projects may necessitate ownership rights or easements to be established on subject lands. Where permanent land take is required for infrastructure related activities such as access roads and utilities, ownership rights will be established while easement rights will be established on lands that will require temporary land take. On lands where easement rights are established, land may be handed back to rightful owners with some restrictions, such as not building any structures or planting deep rooted plants, crops and trees, allowing for the land to be used to a certain extent. The property and inheritance rights of persons will be respected.
- Potential economic and social impacts resulting from changes in land use that restrict access to resources, minimal land acquisition/resettlement of project affected persons (impacts on livelihood of PAPs as well) will be assessed. However, economic displacement of people due to land acquisition is highly unlikely as mostly public/treasury land that is encumbrance free will be used.
- Where resettlement of PAPs is required, the process will be based on a detailed census/survey which provides baseline household data for project-affected people, along with the full inventory of land and assets to be affected.
- Categories of stakeholders, including vulnerable groups, will be identified and consulted.
- Categories of affected persons and their respective entitlements will be identified.
- The public will be fully informed, and processes will be transparent. Furthermore, affected persons will be meaningfully consulted and they will be given opportunities to participate in planning and implementation of resettlement programs.
- All possible steps will be taken to select encumbrance free public/treasury land for resettlement of villages where in-situ reconstruction is not possible, and minimize acquisition of productive, privately owned land; and to avoid acquisition of residential areas (and thus involuntary resettlement) through careful selection of the needed sites.
- When private land acquisition is required, then valuation of land, businesses, and other assets for which compensation is given will be based on the full replacement cost as defined in ESS-5².
- In the case of agricultural land, valuation of the land will include crops value as well as other land related livelihoods and assets.

² The Bank's Environmental and Social Standards require that all affected assets (land and structures) are compensated at their replacement cost. Replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition. The replacement cost of structures should be equal to the cost of constructing/purchasing a new structure, without making any deductions for depreciation.

- In cases when there are people working on the identified land or businesses, but they are not landowners (tenants, users, or wage earners), the compensation should be in an amount or manner to ensure that they will not be worse off than before the project.
- Regardless of the formality of ownership, for those whose livelihood depends on land and common resources for livelihood purposes, (including common lands such as pasturelands or lands used for animal grazing), the compensation provided would be at the level to ensure that the affected people could restore their livelihood to pre displacement levels.
- If the land needed for expropriation is public/treasury land used informally, the project affected people (PAP) without formal title will be compensated for the crops, assets on the land, and any investment they have made on the land.
- In the case where land is needed on a temporary basis, owners will be compensated at full market rental price for the period during which the land is used, and the land will be given back to the owner in the same condition as before it was rented.
- In exceptional cases if resettlement of PAPs (who lose their land due to project activities) is unavoidable, in addition to the full replacement cost, affected people will be provided assistance for relocation and related expenses in line with the resettlement plans.
- Special outreach, consultation and assistance programs for PAPs deemed as vulnerable groups (if any) including the persons without any immovable property, will be provided.
- The project will provide and prepare the plans for grievance redress and Resettlement Plan (RP) implementation monitoring in line with the WB procedures.
- Land acquisition and resettlement activities of PAPs will be monitored and reported on a regular basis to ensure timely and effective implementation of RPs. The effectiveness of the livelihood assistance in restoring livelihoods will also be monitored and evaluated in case there is need for additional assistance to be provided.
- Preparation and implementation of the RP will be done in a transparent manner with the participation of affected persons and relevant institutions.
- All relevant stakeholders will be informed and updated as deemed necessary on the sub- projects' land requirements, their RP implementation process, entitlements and grievance mechanisms etc.
- Any such infrastructure facilities as roads, water pipelines, and communication networks etc. disrupted by the construction of sub-projects will be replaced.
- All needed steps will be taken to ensure compensation, registration and transfer issues are resolved with owners without seeking court intervention, unless unavoidable.
- Affected people will be compensated fully before construction begins and all activities and procedures will be formally documented.
- Expropriation Law No:2942 shall be taken into consideration in the determination of compensation amount to be paid to the affected people. In cases where the full replacement value required by ESS-5 is higher than that awarded by the Expropriation Law, full replacement value will be used. In cases where easement right will need to be established, there would be partial compensation. For long term easement, the plot price determination for compensation cannot surpass 50% (35% in a rural area) of value of the market price of the whole parcel in an urban area if the land were sold. However, in those exceptional cases where the market value of the land acquired for the long term easement is higher than the 50% (or 35%) threshold for compensation, then the project would expropriate the entire parcel of land and provide full compensation to the owner for the acquired land.

3. Process for the Preparation and Approval of the Resettlement Plans

An RP (See ANNEX 1 for the outline) is required for any land acquisition, resettlement and/or a new infrastructure from private individuals or private commercial entities carried out by MoEUCC after the RF has been approved. This is regardless of when the corresponding sub-loan/sub-financing agreement is signed. The sub-project level RPs that will be prepared to mitigate their specific land acquisition issues will follow the below principles of the RF and be consistent with this RF:

- (a) **For sub-projects with minor land acquisition or restrictions on land use, as a result of which there will be no significant impact on incomes or livelihoods,** *sub-project specific RPs establish eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances,*
- (b) **For sub-projects causing physical displacement,** *the plan will set out the additional measures relevant to relocation of affected persons, (physical displacement of people due to land acquisition is highly unlikely as mostly public/treasury land will be used for resettlement villages where in-situ reconstruction is not possible; minimal amount of private land may be acquired for access roads and utilities)*
- (c) **For sub-projects involving economic displacement with significant impacts on livelihoods or income generation,** *the RP will set out the additional measures relating to livelihood improvement or restoration; (economic displacement of people due to land acquisition is highly unlikely as mostly public/treasury land will be used for resettlement villages where in-situ reconstruction is not possible; minimal amount of private land may be acquired for access roads and utilities.*
- (d) **For projects that may impose changes in land use that restrict access to resources in legally designated parks or protected areas or other common property resources (such as pasturelands or lands used for animal grazing) on which local people may depend for livelihood purposes,** *the RP will establish a participatory process for determining appropriate restrictions on use and set out the mitigation measures to address adverse impacts on livelihoods that may result from such restrictions.*

The expropriation procedure starts after the MoEUCC determines the need to acquire land or other properties and related assets as a result of a given sub-project. The feasibility studies carried out and relevant documents prepared for each sub-project will provide information on the need to carry out a land acquisition process or resettlement. Where relocation is inevitable due to geotechnical and/or climate hazards (such as flooding, landslides, etc.), resettlement plots for reconstruction of earthquake affected persons shall be to the extent possible on encumbrance free government-owned land and in full compliance with the World Bank's ESF. Rights holders whose structures will be reconstructed on government-owned land will maintain the rights of the land they vacate but are not allowed to build structures on that land if it has been designated as prone to geophysical or climate hazards; in addition, GoT will transfer the rights for the new land to them. Expropriation may only occur in areas where village roads or infrastructure lines will pass through, if needed. Rural housing and livelihood buildings will be reconstructed in full compliance with the latest building codes or better (ensuring seismic and climate resilience) and incorporate energy efficiency measures through siting, orientation, and design to achieve at least Turkish Class C (or better) Energy Performance Certification.

The principles and measures in the RF shall be used as part of the land due diligence of the proposed government land and set forth mitigation measures if there is informal occupation and use before these land plots can be considered as "free of encumbrances". Consistent with best practice as indicated in ESS-5, the Supervision Consultant will conduct a survey of the land, crops, buildings, and a household survey of all project- affected persons (formal or informal land users). This will form the basis of land acquisition and/or resettlement plans.

This survey, along with the census of project-affected people should be carried out as soon as possible after the identification of a given sub-project for which there is a need for displacement, land acquisition, or resettlement. The household survey is the primary means of data collection, which should be conducted as soon as the project area is defined. The household survey should establish the status of the affected persons and cover all the persons who will be affected by the project, land and assets to be affected, who will be eligible for compensation and assistance. It will include household composition and characteristics, socio-economic status, and sources of livelihoods. The household survey should be carried out prior to land acquisition works which should be planned to commence within a maximum of 1 year from the execution of the household survey. Should land take works commence after 1 year from the time of household survey, the information collected should be updated by the implementing agency for any changes that might have occurred within that period.

Following the completion of the census/survey, the Supervision Consultant will prepare a RP (The RP will only be prepared for projects where land expropriation will be carried out.). Since the RF sets out the policy principles and spells out the entitlements, eligibility criteria (See Section 5), institutional arrangements for monitoring and evaluation, the framework for participation as well as mechanisms for grievance redress, the RPs to be submitted need not include details on this information and can refer to the RF.

The RP will be submitted to GDCA by the Supervision Consultant for initial review and clearance. After being cleared by GDCA, the plans will be subject to WB's review and clearance. Based on mutual agreement between the GDCA and WB, during implementation the approval of the RPs that do not have significant impacts on livelihoods or RPs of subprojects categorized as Moderate or Low Environment & Social risk can be transferred to GDCA.

The Supervision Consultant is responsible for the implementation of the RPs; the Supervision Consultant and GDCA (GDCA will carry out expropriation and other related legal procedures) are responsible for the supervision of the implementation of the RPs; and the WB will ensure compliance in implementation through supervision. The RPs should be completed, disclosed and implemented before the construction starts on the site.

If the GDCA will acquire public/ treasury lands or from public institutions only, again the subject land will need to be assessed for any formal or informal land use before the sub-project is considered not to have any land-based impacts and thus exempt from the application of ESS-5. The Supervision Consultant will be responsible to reflect the land acquisition procedures (expropriation, easement, allocation, transfers, permits etc.) in a semi-annual Monitoring/Progress Report by using the format provided in ANNEX 2 of this RF. However, if the evaluation concludes there is use of public land by users (both formal and informal), the Supervision Consultant will be responsible for preparing a RP to address measures for land-based livelihood losses of the land users.

Ex-Post Social Audit

ESS-5 also applies if land was acquired in anticipation of or in preparation for a project and the land is directly linked to the WB project. If land acquisition procedures were completed at the time this RF is approved, an Ex-Post Social Audit will be carried out and documented in accordance with the format provided in ANNEX 3 by the Supervision Consultant and submitted to GDCA for their review approval. However, the Ex-Post Social Audit Report will also be subject to the WB's review and clearance to ensure that land acquisition was completed in accordance with the objectives and principles of the national legislation and ESS-5. Should an Ex-Post Social Audit Report reveal that a sub-project is non-compliant with ESS-5, GDCA will take necessary actions defined under this RF to ensure that all land acquisition works are scaled up and gaps are bridged, mitigation or compensation for impacts generated by the sub project(s).

The Ex-Post Social Audit prepared by the Supervision Consultant shall be submitted to GDCA for review and comments. Once GDCA is satisfied with the document, the plans will then be submitted to the World Bank for review and clearance. After the clearance, the GDCA and Supervision Consultant are responsible for disclosing these documents at the local level in a manner that is accessible to Project Affected People (PAPs) and other stakeholders in Turkish language and any other languages that the affected population or stakeholders would require, such as Arabic and Kurdish in areas with refugees and migrants. MoEUCC and World Bank will disclose the plans on their respective websites both in Turkish and English.

4. Potential Impacts of the Project on Project-Affected People

The Project Affected People (PAP) are the users of land, properties, and businesses that will be used for the implementation of the sub-projects, either permanently or temporarily. PAPs also include those whose livelihoods are connected to the affected land or properties. They include the following categories:

- Landowners who lose all or part of their land,
- Owner of businesses affected by temporary or permanent land acquisition or who have access restrictions to land, including informal businesses,
- Employees and workers of businesses that may be affected by temporary or permanent land acquisition,
- Property owners who, as a result of the project, have to be resettled,
- Property owners whose land will be needed during the construction on a temporary basis,
- Formal renters of land or property affected by land acquisition, and
- Those who are not owners or formal renters of the affected land or properties, but they either reside on or their livelihoods are directly dependent on the affected land or properties (e.g., tenants, those earning wages from working on the affected agricultural land or affected businesses or are using the land informally with or without the permission of the owner, informal businesses like street vendors).

In case the sub-project is located in rural areas and agricultural land could be affected, the impact goes beyond the value of the land which is taken and can include crops and other affected land-related livelihoods and assets.

Land requirements of the sub-projects may necessitate ownership rights or easements to be established on subject lands. Permanent land take will require ownership rights to be established while easements may be established on lands that will require temporary land take. In some cases, land on which infrastructure has been established may be handed back to the rightful owners for their use, with some limitations (such as not planting trees, not building structures etc.). Compensation will be based on the loss of value due to these restrictions, for example on restoring livelihoods. The RPs will include methodology to determine such value loss.

5. Eligibility Criteria

PAPs should be assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them to pre-project level whereby lack of legal title does not exclude individuals from the eligibility to receive compensation and/or rehabilitation assistance. Any person who will suffer loss or damage to an asset, business, trade or loss of access to productive resources as a result of land acquisition or restrictions on land use undertaken or imposed in connection with the project will be considered eligible for compensation and/or resettlement assistance.

Affected persons may be classified as persons:

- Who have formal legal rights to land or assets.
- Who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law.
- Who have no recognizable legal right or claim to the land or assets they occupy or use.

The RF concerns (involuntary) acquisition of additional land plots (i.e., for the purpose of relocation of damaged housing if in-situ reconstruction is deemed not technically viable due to safety risks). Hence, such acquisition shall be considered as the last resort when "free of encumbrances" government lands are not available. The deadline for qualifying for compensation and/or resettlement support is the deadline for completing the asset count/inventory. The public will be informed about the deadline by the responsible institutions, media etc.

6. Legal Framework

6.1. National Legal Framework for Land Acquisition and Resettlement

6.1.1. Land Acquisition

The legal basis for the acquisition of the land will be as follows:

1. Expropriation Law (Law No. 2942-approval date: 04.11.1983) and Laws concerning amendments to the Expropriation Law (which includes Law No. 4650-approval date: 24.4.2001 and other laws);

In the scope of Turkish legal framework, land acquisition/expropriation is based on the Expropriation Law No: 2942 (amended by Law No: 4650 in 2001). In addition, Article 46 of the Turkish Constitution explains that state and legal public entities, in cases of public benefit, are entitled to entirely or partially expropriate immovable properties in private possession, on condition that the real value of those immovable properties are paid in advance and in cash; and to establish easement rights on these immovable properties in compliance with the procedures and principles set by expropriation law. In other words, the Constitution implies that any immovable property cannot be confiscated unless its expropriation compensation is paid to the owner/s in advance and in cash.

Compensation for the expropriated estate is determined pursuant to procedures and principles in Articles 8, 10 and 11 of the Expropriation Law No: 2942. Valuation criteria are stated in the Article 11 of the Law. The Expropriation Law defines that determination of the compensation for the expropriated land depends on average annual net income derived from that land by taking into account rotation system, valuation of structures includes the calculation of construction unit prices, and valuation of plots (housing) depends on peer assessment. The valuation commission is internally established by the organization responsible for land acquisition and comprised of at least three members. In case of a necessity, this commission can get information from the Chamber of Industry and Commerce, real estate agencies and other individual or institutional authorities that are specialized on those points.

Announcement:

The valuation commission delivers the valuation document to the negotiation commission, which is internally established by responsible agency. This negotiation commission is also comprised of three members (from the Provincial Directorate of Environment, Urbanization and Climate Change) and conducts negotiations with property owners on the compensation package for the acquired land and assets that will be lost/displaced. Then, the GDCA notifies the affected people through an official registered mail and invites them for negotiations. In the case of land and property owners, the notification mentions the intent of the GDCA to purchase the land (or to establish easement right on the land in question) through a negotiated settlement and clearly describe steps in the land acquisition process. The notification also sets out provisions for litigation available to the landowner and relevant steps, should the landowner wish to petition the courts for a higher compensation amount.

In case of the owners who do not live on the land, reasonable efforts are made to reach them by: 1) Local inquiries for current address research from villagers and village head (mukhtars), 2) Inquiry of last known residence from land registry and cadaster records, and law enforcement records through their national identification number, and 3) Official advertisement in newspaper pursuant to Article 10 of the Expropriation Law 2942. If the owners can still not be reached, the compensation for the land is deposited in their name to a Bank account. The owner can withdraw the compensation from the deposited Bank account at any point in time.

If the land has multiple owners, each owner is notified and compensated in the same manner as described above, according to their percentage ownership as recorded in the title deed in government records. If there is an active

dispute among multiple owners as to the ownership percentage of each, the entirety of the compensation will be placed in an escrow account and paid out to each after the dispute is resolved.

Transaction:

The purchase of land and affected properties can take place through two processes: negotiated settlement, or court settlement.

Negotiated Settlement: The process for purchasing the land and the related immovable property through negotiated reconciliation, pursuant to the principles and procedures set out in Article 8 of Expropriation Law No: 2942 and this RF. If the owner agrees to a negotiated settlement, then discussions between the owners and the GDCA take place to finalize the transaction. Minutes of the proceedings regarding this agreement are signed by two sides. Then the expropriation compensation is paid to the rightful owner within 45 days and the property is registered in the name of government following alienation. This way of purchase is considered as expropriation and right to sue against this expropriation and amount of expropriation compensation cannot be processed. The GDCA should make it clear that negotiations will last for no more than 3 months and will provide the landowner a description of the land acquisition steps and the owner's rights to due process and litigation at each step. Failure to reach a negotiated settlement will result in a court settlement.

Court Settlement: A court settlement will occur if: a) the negotiated settlement fails; or b) the owner, after receiving notification from the GDCA, declines to negotiate; c) in case of customary rights;

in case of deceased or absentee owners. Prior to requesting a court settlement, rights to due process and litigation will be explained fully to the landowner.

A lawsuit will be filed by the GDCA with a relevant court of first instance for valuation and registration, pursuant to (Article 10 of the Expropriation Law). The costs of the court process are borne by the responsible agency according to the Expropriation Law. Particularly, in case of the court process cannot be concluded within 4 months, legal interest rate is applied to determined compensation amount as from this deadline.

In general, according to the Article 12 of the Expropriation Law, if a land is partially expropriated and in case of the remaining part is not usable, this part shall also be expropriated upon the request of the owner within 30 days following receiving expropriation decision.

Urgent Expropriation:

Article 27 of the Expropriation Law authorizes the organization responsible for expropriation to confiscate the immovable assets required by the project earlier than the time needed in normal expropriation procedure. This process does not prevent challenges of the property owners against the determined valuation. If the urgent expropriation is unavoidable, right owners (displaced persons) should be meaningfully informed about the expropriation of needed immovable properties and initial compensation at initial phase of land acquisition by responsible agency.

In the activities carried out within the scope of the project, land acquisition will be avoided as much as possible. Site selection for rural housing will mostly be determined through a participatory approach, based on the evaluation of existing treasury lands and obtaining the prior, free, and informed consent of the local people. Due to requests from stakeholders and force majeure conditions specific to the site, the administration may resort to urgent expropriation for land acquisition when necessary.

6.1.2. Involuntary Resettlement

In case of physical or economic resettlement comes into agenda in any project, GDCA can provide collaboration

with other organizations related with resettlement planning and implementation according to the Expropriation Law (Law No.2942).

6.2. The WB Standard on Resettlement (ESS-5)

The World Bank ESS-5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement includes safeguards to address and mitigate risks resulting from involuntary resettlement under development projects and covers any involuntary land taking .

The overall objectives of the Bank's policy on involuntary resettlement are the following:

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

To address the impacts covered under involuntary settlements of this policy, the policy requires the borrower to prepare the RF whereas the Supervision Consultant will prepare the RPs where necessary. RP will cover the following:

- (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are:
 - i. informed about their options and rights pertaining to resettlement;
 - ii. consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
 - iii. provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
- (b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are:
 - i. provided assistance (such as moving allowances) during relocation; and
 - ii. provided with residential housing, or housing sites, or as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site, compensation for their losses at full replacement cost and assistance in improving their former living standards, income earning capacity and production levels or at least

restoring them.

ESS-5 requires that no land shall be acquired before compensation is paid completely to the affected people.

Moreover, ESS-5 requires the Project to create and implement a resettlement plan, the preparation of which involves those who will be resettled and hosts in planning. In this regard, ESS-5 requires the Project to systematically inform and consult affected persons about their options and rights during the preparation of the resettlement plan.

“Replacement Cost” is the method of valuing assets endorsed by ESS-5: “For agricultural land, it is the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.”

ESS-5 also recognizes that some types of loss, such as access to public services, customers and suppliers, grazing or forest areas, cannot easily be compensated for in monetary terms and, therefore, requires the Project to attempt to make or establish access to equivalent and acceptable resources and earning opportunities.

While ESS-5 covers all affected people, it calls on the project to pay particular attention to the needs of the vulnerable people.

6.3. Gap Analysis

National legislation and processes regarding land acquisition have a long-lasting history in Türkiye. They have been updated in the years of implementation to improve the process to solve the problems encountered and to incorporate some requirements from international best practice. However, there are still some issues creating gaps between Turkish legislation and World Bank ESS-5. In this regard main gaps can be summarized under the following issues:

a. Compensation/assistance to renters, and other informal users of lands, who do not own property:

According to Bank’s ESSs, as well as official users of the land, unofficial users of the land are also defined as PAPs. Turkish legislation does not require payment of compensation to tenants and unofficial users of land/properties. However, according to Bank’s procedures, persons who have spent money, planted crops, or constructed buildings or other structures on the lands of other persons are compensated at full replacement cost. They are also compensated for standing crops and economic trees they planted on the land they use unofficially, and assistance if needed to restore income/livelihood lost as a result of being displaced from the land in question.

Compensation provided will ensure that the livelihoods of renters and other informal users of land are not affected. In addition to the legal compensation amount for the official landowners, for other people who have no legal rights, costs will be provided from Ministry of Treasury and Finance.

b. Replacement Cost: According to the World Bank’s policies, loss of immovable such as land and other fixed assets should be compensated at full replacement cost before the construction starts. Considering that the cash equivalent to replacement cost will be used as a compensation method, legal landowners will be compensated for loss of land and tenants, public land users and squatters would be entitled to the replacement cost of what they have invested in the land. According to Turkish legislation, only the legal property owners can get monetary compensation and there is a clause in the law indicating that depreciation shall be deducted in the valuation process for the buildings (for expropriation), which may cause the expropriation value to be less than the full replacement cost as defined in ESS-5 (which does not allow for applying depreciation). The compensation for the loss of income, access to common properties or social losses (such as opportunity costs) are not clearly stated in the Turkish legislation.

The difference between full replacement cost and compensation to be paid will be provided from Ministry of Treasury and Finance.

- c. **Request for the expropriation of unviable land due to partial expropriation:** According to the law, landowners subject to partial expropriation have a right to request the expropriation of the remaining land within 30 days. ESS-5 does not define a time limit for such requests. During the notification of land acquisition stage, GDCA will clearly communicate to land owners that they have 30 days to make such a request and offer to provide legal services if they need such services.
- d. **Scope of project affected people:** According to Turkish legislation, only people who lose legally owned land are considered as project affected people (PAP). Thus, the possible losses of other project affected persons such as non-title holders and users of public lands, host populations, nomadic people/migrants (using the project area) or economically displaced people are not recognized and there are no provisions to mitigate the adverse effects of the projects on these people. In Turkish legislations, most of these groups are not considered as PAP.

For such people who are affected and fall under the definition of ESS-5, mitigation measures such as occupational education, job opportunities or assistance in using or working on land legally etc. will be provided. Such mitigation measures should ensure that livelihoods of affected people are, at a minimum, restored to pre-project levels, all of their affected assets are compensated for, and their housing, at a minimum, is restored to a pre-project level of quality and tenure.

- e. **Resettlement Action Planning:** There is no statutory arrangement for preparation of a Resettlement Action Plan covering all displaced persons and host families. Therefore, the preparation of RPs by the supervision consultant will be required. If government or private land is acquired before the supervision consultant agreement is signed, Ex-post social audit (retroactively) reporting procedures will be carried out (outline provided in Annex 3). Also, for the projects that entail additional land acquisition in the future, proactive study and reporting will be carried out by the supervision consultant.
- f. **Public Information Disclosure, Consultation and Participation:** There are no provisions regarding information disclosure to public, public consultation and participation in the Turkish legislation regarding land acquisition. In the scope of normal expropriation procedures, an invitation letter is sent to property owners with the aim of informing and inviting rightful owner to negotiations within 15 days. Therefore, the rightful owner becomes aware of land acquisition and has the opportunity to negotiate and/or challenge the proposed compensation amount.

ESS-5 requires full public disclosure of RF and RPs.

For this project, Supervision Consultant in collaboration with GDCA is responsible for arranging consultation meetings with affected persons before land acquisition procedures begin to inform them about the land requirements of the sub-projects as well as the availability of a RF, the draft RPs that include entitlements, and resettlement planning and implementation if any.

In addition, the RF and RPs will be disclosed at the local level and on Project website.

GDCA will also notify the other affected groups and stakeholders without formal rights, including those who have made investments in the public land or are occupying the land without formal rights, as well as tenants, through an official letter which would be sent at the same time as they are notifying the land and property owners. In the letter, information about the related sub-projects and impacts due to land requirements will be provided.

- g. **Grievance Redress Mechanism (GRM):** There are channels for lodging grievances under different laws

of Türkiye (2942 Expropriation Law, 3071 Grievances Law, and 4982 Access to Information Law), but these are through more formal and legalistic mechanisms.

For this project, grievance mechanisms will be developed within the MoEUCC, consisting of accessible and documented grievance handling at sub-project and Supervision Consultant, Contractor Level and PDoEUCC levels. These project level grievance mechanisms are supplementary, but do not substitute for the formal legal mechanisms, which remain available to PAPs who choose to pursue them.

Table 1 gives further details about the gaps between ESS-5 and pertinent national legislation.

Table 1. Gap Analysis on Legislative Framework

Gap	Turkish Legal Framework	Word Bank ESF Requirements	Measures to Bridge the GAPS
Replacement cost land	Valuation of agricultural lands depends on capitalization of annual net income which is calculated by taking into account the market prices.	Full replacement cost will be applied.	As the process takes into account the value of equal productive potential (such as; distance to location centers and access roads, irrigation status and easiness of irrigation, health conditions, shape and size of the land, pieces composition of the land, cadaster, location/position of the land) during valuation and complementary parts on the land are separately valued and added on the land value, there is no gap at this point, but the cost of any registration and transfer taxes regarding new land will be added to reach full compensation value in line with WB requirements.
Replacement cost buildings/structures	Construction cost approach is used and depreciation (for wear and tear) of the building/structure is deducted. Valuation methodology is the same both in rural and urban area.	Full replacement cost will be applied.ESS-5 Annex A. Involuntary Resettlement Sourcebook. (Compensation is evaluated in net terms, and should allow the affected person to obtain replacement assets of equivalent value. In areas with functioning secondary markets, this does not imply compensation at the cost of new structures. Depreciation is not appropriate if it would result in under- compensation. In these cases, some combination of supplemental devices can be used to reach replacement value. Salvage material should be left the owner.	Depreciation will not be deducted. Since the Expropriation Law entails deduction of depreciation, compensation at replacement value will be sought to secure replacement assets of equivalent value in line with WB requirements.
Entitlement to expropriation compensation	Renters of house and / or work places, tenant users of the land, legal / illegal users of forest areas and merchants without immovable property	They should be compensated for immovable assets, in addition assisted in their efforts to restore (if possible improve) their livelihoods. In this	Assistance by the RP will be provided for them. It is essential that all persons adversely affected are identified, and that resettlement plans will provide a context-specific description of relevant issues relating to compensation and, if relevant, livelihoods restoration measures. For these kinds

TURKIYE EARTHQUAKE RECOVERY AND RECONSTRUCTION PROJECT (TERRP) - RESETTLEMENT FRAMEWORK

	are not entitled to expropriation compensation.	respect, ESS-5 states that lack of full legal title should not be a barrier to assistance.	of assistance, project specific mechanisms e.g. alternative forms of assistance will also be provided.
Entitlement to expropriation compensation	Persons building structures or planting trees on the land titled in the name of other persons or ownerless, and / or has not been acquired by its customary owner are entitled to receive expropriation compensation as the minimum material value and valuated value of trees.	Full replacement cost will be applied.	Compensation will be paid to cover the full replacement cost for entitled people in line with WB requirements.
Pastureland and/or forest users' compensation	Displaced persons benefiting from public properties area are not being compensated since the compensation is paid by the organization (or Borrower).	They should be provided assistance within the content of RP.	Sub project's simplified resettlement plans will provide Project specific mechanisms for those persons, under Project's Grant Program such as providing animal feed supports and alternate income generation tools.
Resettlement planning	There is no statutory arrangement for preparation of a RP covering all displaced persons and host families.	World Bank policy requires preparation of RP.	Preparation of a RP by the Supervision Consultant. This will be a full or abbreviated RP depending on the number of people affected and whether physical relocation involved. If Government or private land is identified/acquired before financial assistance is sought, ex-post (retroactively) reporting procedures will be carried out. Also, for the projects that entail additional and acquisition in the future, proactive study and reporting will be carried out.
Institutional status, capacity and coordination training	A number of different private and government institutions legally deal with one segment (e.g. cadaster / land registry, drillings, operations, power generation, land acquisition and resettlement; activities of various ministries, local	World Bank Policy requests a coordinated organizational framework for resettlement implementation between all agencies involved.	Responsible organizations will provide such co-ordination under Project Implementation Unit (PIU). Technical assistance, in the form of training and on the job support will be provided.

TURKIYE EARTHQUAKE RECOVERY AND RECONSTRUCTION PROJECT (TERRP) - RESETTLEMENT FRAMEWORK

	governorates and private bodies) of the land acquisition and involuntary resettlement processes, with a lack of co-ordination between all agencies involved.		
Public information, consultation, participation	There are inadequate provisions regarding public information, consultation and participation in the Expropriation procedure while Resettlement procedure includes more activities on public information, consultation and participation.	PAPs, their communities, and any host communities are to be provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.	This will be done by the Supervision Consultant through application of SEP.
Monitoring	There are no provisions for monitoring land acquisition activities in the Turkish legal framework.	Arrangements for monitoring, implementation of RPs and an evaluation of its impacts should be developed in line with the WB policy requirements.	Project specific monitoring and evaluation program will be established and included in RP. Also, monitoring and grievance redress mechanism will include information on how grievances were addressed.
Grievance Redress Mechanism	The existing system does not match the WB requirements	Appropriate and accessible grievance mechanisms are to be established.	Mechanism will be established by MoEUCC. Also, the RPs will include a detailed GM.

7. Methods of Valuing Assets

Under Turkish Law, when a government agency needs to acquire land for a public investment, the government agency sets up a valuation committee to oversee this process. This committee needs to determine the estimated expropriation value of an asset, based on reports by expert persons, institutions and organizations or, if needed, information from chambers of industry and commerce. The Expropriation Law defines that the compensation for the expropriated estate equals the commercial value of the asset.

The valuation commission determines the estimated ceiling value of immovable properties in the expropriation area. During the valuation of immovable assets or resources, the valuation commission has to take into account the following valuation criteria, which is mentioned in Article 11 of the Expropriation Law:

- The nature of the immovable property or resource,
- The size of the immovable property or resource,
- All characteristics and elements, which could affect the value of the immovable property or resource, including the individual value of each element,
- Tax declaration (taxes paid on that immovable property or resource), if any,
- Previous values of property determined by official bodies at the date of expropriation,
- For lands, the net income that could be derived from the immovable asset or resource (without undertaking any changes, using the immovable property or resource in the same conditions as of the expropriation date),
- For trees, there is criteria of being a fruit orchard or not. If the trees in a land are meeting the criteria of being a fruit orchard the valuation method of that land will be valuation of the land as a fruit orchard otherwise, value of each tree will be added to the value of the land.
- For house plots, the amount for which equal (similar) house plots have been sold without any special purpose, prior to the date of expropriation,
- For structures, official unit prices (annually issued by the Ministry of Environment and Urbanization) at the expropriation date, calculations of the cost of building, and depreciation for wear and tear, and
- Any other objective criteria that could affect the value of the property or resource.

Valuation of Easement Rights:

As a basic principle for the indemnification of temporarily acquired land, the landowner shall be compensated for the restricted access and usage rights as well as the loss of productivity and income experienced during the period of limited or restricted land usage.

During the production of expropriation plans, the area on which an easement right will be established is determined together with its coordinates, and then the plan is produced.

In areas where a permanent easement right will be established; the loss of value caused on the property by the easement (for example, due to loss of productive land) is taken as the cost of easement

right. Permanent easement right is annotated to the land register and its cost is paid to the right-holder.

In areas where temporary easement right will be established; the loss of income caused on the property by the easement is taken as the cost of easement right and paid to the right-holder.

For easement rights, the procedures required under ownership rights shall be applied; however, the areas subjected to establishment of temporary and permanent easement right are restored before they are handed over to their owner.

To ensure accurate calculations, appraisers firstly visit the expropriation area, take account of its current status of use and determine all the factors (soil structure, status of use, topography, climate, proximity to settlements and roads, favorable transportation conditions, location, current pattern of rotating plants in the region and whether or not irrigated and dry agricultural activities are carried out) that may affect the value of the relevant immovable property in accordance with Article 11 of the Expropriation Law.

For long term easement, the plot price determination for compensation cannot surpass 50% of value of the market price of the whole parcel in an urban area if the land were sold (35% in a rural area). This represents the top allowable price according to Turkish law. There is no change in ownership and restrictions are removed when the use of the area ends. In those exceptional cases where the market value of the land acquired for the long-term easement is higher than the 50% (or 35%) threshold for compensation, then the project will expropriate the entire parcel of land and provide full compensation to the owner for the land.

During implementation, the GDCA will determine the compensation amount according to the entitlement matrix below by using the gap analysis. If there are further gaps to be found by GDCA, measures will be taken to meet the ESS-5 standard of replacement cost.

There might be individual cases where negative or severe impacts are not addressed through providing full compensation at replacement cost. In such cases, additional assistance for livelihood restoration will need to be provided to PAPs. Table 2 given below, provides the Entitlement Matrix in cases where proposed government land has informal occupation and where private land acquisition may be required for construction of infrastructure such as roads and utilities.

Table 2. Project Entitlement Matrix

Affected Categories	Entitlement
Loss of entire land holding	Full replacement cost (market prices + transaction costs). Maximum effort to avoid land take before harvest (on agricultural lands)
Partial loss of land	Full replacement cost of the part of land lost (market prices + transaction costs). Maximum effort to avoid land take before harvest (on agricultural lands)
Loss of land for the establishment of easement rights	Easement value for permanent and temporary easement right determined by GDCA in accordance with criteria specified by law, considering the decrease of the total land value as a consequence of the installation and relevant land use restrictions

	Loss of future land productivity for the construction period considered during determination of easement value and included in the payment for the easement to the landowner
Loss of common land usage i.e., pasture	The losses and damages will be assessed by independent expert from the Provincial Directorate of Agriculture and Forestry, contracted, verified and funded by GDCA.
Unviable, redundant parcels of land/structures	If the remaining parcel of land after expropriation of a part of it is not economically viable, it will also be acquired and compensated (at full replacement cost), if the owner so desires.
Structures and other fixed assets on the land (barns, shacks, wells, fences, etc.)	All above ground assets at full replacement cost. Depreciation will not be deducted.
Crops, trees, and other land-based products	The crop value (market price) and investment amount made for the crop (input, labor, age of trees). Each crop and/or tree will be considered according to its characteristics (annual or perennial, maturity, average yield of a minimum of 3 years etc.)
Land needed on temporary basis	The market rental price for the duration of the lease. The land should be returned to the project affected individual in the same condition as it was taken. If agricultural land and crops are lost during the lease, the owner should be compensated for the crop losses for the duration of lease. If land is used for business and income is affected during the lease, the business shall be compensated for losses for the duration of the lease.
House	Full compensation based on the replacement cost in a similar/comparable area plus moving and transitional allowance (depending on the case, income restoration assistance package such as equivalent of 6 months of minimum wage or a job opportunity or other social support mechanisms facilitated by government agency/municipality). Depreciation will not be deducted.
Legal Renters	Assistance with finding a new place and moving and transition allowance. If the lease is terminated early, compensation to ensure that renters do not suffer losses.
Employees or workers on the land or businesses	Compensated for their income earned from the land, crops, and any investments made on the land in a manner that they will be the same or better off than before the project. For employees and workers additional allowance (depending on the case, income restoration assistance package such as equivalent of 6 months of minimum wage or a job opportunity or other social support mechanisms facilitated by the Municipality and/ or other institutions) will be paid.
Informal users	Compensated for the crops and the value (at full replacement cost) of other investments made on the subject land. Assisted in their effort to improve their livelihoods and standard of living to restore them to pre-displacement levels.
Businesses affected, including informal businesses	Full replacement cost of affected business place. Transitional assistance to re-establish business in new location and compensation for lost income (depending on case and time lost), as necessary.

People who have lost more than 10% of their total land holdings	Assist PAPs to ensure that livelihoods are restored. Replacement cost of the loss of land/assets; additional compensation measures, as required.
Community lands	Rehabilitation/substitution or cash compensation at full replacement cost of the affected structures and utilities
Vulnerable groups (such as single women headed households, households with disabled members, households under poverty line as determined by household receiving social assistance) who demonstrate they have suffered negative livelihood impact	Assist PAPs to ensure that their livelihoods are restored. Depending on case, livelihood restoration package such as Equivalent of 6 months of minimum wage or depending on case, a job opportunity or other social support mechanisms facilitated by the Municipality and/or other institutions.

In addition to the national legal requirements, the GDCA will follow the Entitlement Matrix above which details the entitlements in accordance with the World Bank's ESS-5.

8. Organizational Procedures & Implementation Process

GDCA will sign a protocol with AFAD defining their respective roles and responsibilities in the implementation of this Project. The protocol will set forth the functions to be undertaken by MoEUCC and by AFAD for the implementation of project activities in line with relevant national regulations³ and the Bank's policies and procedures. As part of its ongoing organizational and legal mandates under the national regulations, AFAD's General Directorate for Housing and Construction Works will carry out the following tasks:

- Facilitating the selection of relocation sites for villages where necessary,
- Facilitate identifying private land required for easements, infrastructure such as roads and utilities,
- Ensure that sites selected for re-location are encumbrance free public/ treasury owned land to the extent possible. Where public/treasury land may have informal users, ensure that the required RP as per the RF is prepared.
- Ensure that private land acquisition is kept to minimum, and only for infrastructure such as roads and utility construction.
- Ensure that compensation for private land owners and informal users (if any) including impacts on livelihoods are aligned to the Entitlement Matrix.

The tasks and responsibilities of GDCA in the Resettlement Framework are as follows:

- GDCA will ensure that any land acquired or/and any resettlement⁴ which may result from any of the sub-projects financed by the Bank loan will be in compliance with this framework document,
- Before financing the sub-projects, GDCA will make sure that the social safeguards issues are identified by the Supervision Consultant, the processes spelled out in this framework are followed, and in the cases when there will be a need for land acquisition or resettlement, an RP is prepared in accordance with this framework, submitted to the World Bank for review and clearance and disclosed, locally, on the Project website and on the World Bank's external website,
- The GDCA's role includes instructing and building capacity of Supervision Consultant to understand and implement the RF; through support, review and comments, ensuring that Supervision Consultant prepare RP or Ex Post Social Audit according to the RF; monitoring and implementation of the RPs by the Supervision Consultant, and reporting to the Bank, using the reporting format attached to this RF (ANNEX 2); and
- GDCA will ensure that, to the extent possible, sub-projects, which involve land acquisition or resettlement, are avoided. In other words, land acquisition is kept to a minimum level based on the technical requirements within this framework document.

³ Including Law No. 7269 on Measures to be Taken and Aids to be Provided Due to Disasters Affecting Public Life and Presidential Decree No. 4 regulating the post-disaster duties and responsibilities of AFAD.

⁴ Under ESS 5, Involuntary Resettlement is referred to the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets, including land or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. In summary, "involuntary resettlement" under the ESS 5 not necessarily involves physical relocation and refers to all types of land taking and the impact on all assets, which can include physical relocation. However, for the purpose of this RF the term "land acquisition" is used in addition to "resettlement", former only refers to taking of land and latter includes physical relocation.

During the implementation of the project, when land acquisition or resettlement is necessary, GDCA will inform the Bank of the need to carry out an expropriation or resettlement process for the proposed sub-investments. GDCA then will follow that the Supervision Consultant carry out the procedures in this framework in a satisfactory manner and prepare the relevant safeguards documents.

During the implementation of the RP, Supervision Consultant will monitor the implementation. Upon the transfer of ownership of the land to the Ministry of Treasury and Finance (MoTF), based on appropriate documentation inform the Bank that the expropriation or resettlement process is over and the MoTF has full control of the land. Only after the expropriation process is over, following the specifications included in this framework policy document and including payment of all compensation and provision of all assistance required, the construction process financed by the World Bank project would commence.

8.1. Implementation Process for Due Diligence of Government-owned Land being Proposed for Settlements

Due to the nature of the project, the MoTF may have acquired land before, either through private transactions or expropriation. In such cases, an Ex-Post Social Audit needs to be undertaken to determine compliance with ESS-5 and to address any gaps to such compliance. The Ex-Post Social Audit would make sure all of the PAPs were compensated at their replacement cost, PAPs were aware of their rights and entitlements under the RF and had knowledge of and access to the grievance redress mechanism for any possible claims, and vulnerable or severely impacted people were the same or better off.

In order to apply this framework retroactively and assess that all individual compensation payments were made at replacement cost or under other specified standards, the following procedure will be applied:

An Ex-post Social Audit Report (ANNEX 3) will be prepared and shared with the WB for their review and clearance. Any gap filling measure should be implemented prior to any construction financed by the World Bank. The social review should include the following information:

- Project description and key components.
- A census of project affected people listed in a Land Acquisition table with parcel number, % of that parcel affected or acquired under the sub-project, land type (dry land, fig tree etc.), any assets on land, compensation unit price and compensation amount etc. The land acquisition table (in excel format) will be an annex to the social review.
- Methodology of land valuation in order to indicate how the compensation prices were determined and demonstrate if the compensations are at replacement cost or not. According to ESS-5, “replacement cost” would be calculated taking into account any taxes and fees that would be required for PAPs to purchase/register replacement land or assets.
- Impact categories according to Entitlement Matrix.
- Socio-economic information should be collected on all the project affected people regarding their main livelihoods, whether the land-based activity is a significant source of income for them and whether there are any adverse impacts on their livelihoods resulted from the related sub- project.

- Information at the household level that would enable to identify any specific individuals who fall into vulnerability categories and/or suffer livelihood impacts that are not fully compensated by receiving cash at the replacement value for land and assets. Vulnerable people could be (but not limited to) single persons, women-headed households, disabled, elderly, illiterate, poor households.
- If there were any gender specific measures, good practices taken by the municipalities or governorships.
- In cases where the PDoEUCCs or governorships had conducted any consultations, description (i.e. dates, content, level of participation, concerns raised etc.) of consultations with PAPs, headman(s) and other stakeholders if any.
- Grievance Redress Mechanism, Management of Grievances, and if there were any grievances recorded.

In case of any non-compliance/discrepancies to be found within the ex-post social review then mitigation measures will be taken, and this will be part of an action plan attached to the ESMP of the sub- project. These mitigation measures for land acquisition need to be implemented before any funds are disbursed and construction begins.

Consultation and Disclosure of Ex-post Social Audit: The land acquisition table prepared by the GDCA and Supervision Consultant should be consulted with the PAPs individually and under their consent. Each individual PAP should be able to verify her/his impact defined in the table.

9. Grievance Mechanism & Right for Litigation

Under Turkish Law, the landowner can file an annulment lawsuit at administrative jurisdiction and correction lawsuit against mistakes of fact at jurisdiction within thirty (30) days of the official announcement of intent to expropriate. After failure or refusal to negotiate and at the conclusion of a court settlement, the owner can appeal the compensation level stated in the judgment at the Supreme Court of Appeals.

Moreover, to comply with ESS-5 and to reduce the cases of litigation, the following will be implemented:

The Supervision Consultant will assign a Social Expert. The Social Expert will be in close contact with the representative of the affected people as well as the affected people individually, as needed. The expert also needs to be accessible to the affected people. Depending on the severity of impact, contact numbers of responsible officers will be provided to the affected people. The social expert, in collaboration with the GDCA, will arrange meetings during the implementation of the RF in a place and time which is accessible to the affected people and will be in communication with them in advance, depending on a given situation. The social expert may need to reach out to certain vulnerable groups or persons in a tailored manner to ensure their participation. In either case, the GM will keep a grievance logbook where he/she documents all received grievances, how these were responded to and resolved, and the time taken for these actions to happen. Besides keeping the logbook, two grievance forms will be used for grievance mechanism. The first form is a “grievance application form”. Following corrective action and redressing the grievance, a second “close out” form is completed by the expert.

GDCA established a Grievance under the Project. The details on different levels of GM are provided in the Stakeholder Engagement Plan of the Project that has been prepared and disclosed on Project’s webpage⁵. The sample Grievance Form is also provided in ANNEX 4.

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

⁵ The SEP of TERRP is available at https://webdosya.csb.gov.tr/db/kadiyap/icerikler/paydas-katilim-plani_kadiyap-20230508091245.pdf

10. Funding

The land acquisition and resettlement process for the investments will be carried out by the GDCA. The Supervision Consultant will confirm that the process followed is in line with relevant Turkish laws and World Bank standards, mainly ESS-5. The GDCA-PIU will assist in monitoring the processes of land acquisition and resettlement, noting when the process is out of compliance, and reporting to the Bank regularly on progress made. MoTF will finance the land acquisition and resettlement from their own sources of financing.

11. Consultation & Participation

A key step in World Bank policies on resettlement, land acquisition and compensation is a framework for public consultation, participation, and the establishment of a process to redress the grievances of affected people.

The RF will be officially disclosed on the website of the Project (<https://kadiyap.csb.gov.tr/>) in both English and Turkish. It will also be made available through the WB's external website. This RF, together with ESMF and SEP will also be consulted on by GDCA with relevant stakeholders.

In the Stakeholder Consultation Meeting, the "Environmental and Social Management Framework (ESMF)," which has been prepared in line with ESS-1 and Turkish Regulations, and the RF, which has been prepared in line with WB ESS-5 and Turkish regulations, will be discussed.

During the preparation of the RPs at the Supervision Consultant level, consultations will be held with project affected people to discuss the RF and/or the draft RP to ensure participation in the project and that everyone's opinions are taken into account. Consultation and participation will be held in an accessible and meaningful manner. RF and/or RPs will be disclosed before meetings for affected persons to view and discuss. GDCA will respond to affected persons' questions in the consultation meetings. Consultation meetings, attendees and issues raised will be documented.

In addition, AFAD will carry out tasks as part of its ongoing organizational and legal mandates in close collaboration with the MoEUCC PIU regarding the identification of and consultation with project affected persons who will be impacted by sub-project activities under Component 3. AFAD will assign at least one of its staff in the project provinces to attend the consultation meetings.

All plans should be cleared and disclosed before construction begins on the affected land.

Prior to appraisal of the project, the GDCA will inform potentially affected persons and other relevant stakeholders through dissemination of the RF online and through holding public consultations as described in this RF.

Dissemination activities will be implemented through well-targeted mechanisms listed below but not limited to:

- online channels (<https://kadiyap.csb.gov.tr/>) where project information and project outcomes are displayed,
- social media channels of the Project,
- printed dissemination materials (posters, brochures, infographics etc.) to be disseminated through information desks of PDoEUCC that will illustrate where/why/how the project interventions take place,
- consultation/informative meetings that will provide timely, relevant, and life-enhancing information about the work to be carried out under the project and address land acquisition risks while specifying vulnerabilities if any.

12. Monitoring

The purpose of monitoring will be to verify that:

- Actions and commitments described in the RP are implemented fully and on time,
- Livelihood measures are in place, and they are being implemented to the satisfaction of the PAPs,
- Eligible affected people receive their full compensation entitlements within agreed timeframes,
- Complaints and grievances lodged by project affected people are followed up and that where necessary, appropriate corrective actions are implemented

For monitoring, Supervision Consultant will insert above-mentioned bullets into their reporting formats and they will send these reports to GDCA to be submitted to the Bank. The Supervision Consultant and GDCA has the responsibility to ensure that project implementation is fully consistent with the RF and also to provide for adequate monitoring and reporting of the activities set out in the RP.

In addition to the quarterly monitoring reports of the Supervision Consultant, GDCA will carry out its own due diligence and supervision monitoring on the processes of land acquisition and resettlement, noting when the process is out of compliance, and reporting to the Bank on progress made every six months in accordance with the reporting format in ANNEX 2. The Reporting Format in ANNEX 2 will also be used by Supervision Consultant to report to GDCA on RP progress.

In addition, the World Bank will, as noted above, in its regular supervision missions also monitor the processes and, if needed, recommend mitigation measures to resolve any outstanding issues.

ANNEXES

ANNEX 1 Outline for Resettlement Plan

1. Description of Project and Potential Impacts
2. Objective and Rationale for Preparing RP
3. Legal Framework
4. Survey of Affected Persons and Assets (baseline census, asset inventory and socioeconomic survey information)
5. Valuation, Compensation (specific compensation rates and standards)
6. Policy entitlements related to any additional impacts identified through the census or survey, Entitlement Matrix
7. Description of Resettlement Sites and Programs for Improvement or Restoration of livelihoods and Standards of Living, (*including Resettlement Implementation Plan – RIP- and Income Restoration Plan – IRP-*) – description of resettlement sites can be explained only should there be any physical displacement, otherwise the document will discuss livelihood restoration strategy if need be for economic displacement
8. Implementation Schedule for Resettlement Activities
9. Public Consultation and Disclosure Activities for RP
10. Institutional Responsibility of Implementation
11. Procedures for Grievance Redress
12. Monitoring and Implementation
13. Timetable and Budget with Detailed Cost Estimate

ANNEX 2 Progress Reporting Format

RP Progress Report

The cover of the Report should include date of preparation and the reporting period as (month) to (month) 20XX

1- Sub-project Description

Brief description / overview of the sub-project, including: any associated or linked facilities needed for its functionality and success, including those linked facilities financed by other sources; key components; reports should up-date any changes or variations in design which may change land access requirements. ***(This section remains relatively unchanged in the reports unless there is change in design).***

2– Implementation Summary

The summary of all tasks and activities undertaken up to date on land acquisition and/or resettlement should be provided. Progress on issues such as negotiations for land, court cases, compensation payments, community engagement, site selection, physical relocation, livelihood restoration and grievances should be explained.

3- Emerging Issues and Recommendations

This section should describe the key issues and report on its state of resolution / non-resolution.

4–Follow-up on Previous Recommendations

This section will not exist for the first report as it will not have any follow up requirements from a previous period. As of the second report this section will provide information on key issues brought up in the previous report and measures taken to mitigate them. Any unresolved issue will once again be pointed out in this section.

5– Conclusion

General progress of RP implementation will be evaluated and future actions in line with the recommendations will be discussed in this section.

6- Summary Tables for RP Implementation

In line with its monitoring indicators set out in the RP, this section will provide through several tables, both period specific and accumulated information on RP implementation. The tables can be provided separately in an excel worksheet or directly under this section depending on the content of information presented. ***(An excel sheet with several tables have been provided as reference and can be adapted as necessary to each sub project.)***

ANNEX 3 Ex-Post Social Audit Format

A. Introduction

1. This document constitutes a simplified template for an Ex-Post Social Audit (EPSA), consistent with requirements of the World Bank Environmental and Social Framework.⁶ The EPSA is a due diligence review which in accordance with ESS-5, para 4(h) will be undertaken by the Borrower in case of projects where land acquisition or land use restrictions have occurred prior to the project, but undertaken or initiated in anticipation of, or in preparation for, the project.
2. The template is intended for use in projects where land acquisition has preceded the project with a maximum of five years and there are indications that the procedures and outcomes of the land acquisition process did not meet the requirements of the Environmental and Social Standards.⁷ Its fundamental purpose is to establish terms of agreement between relevant authorities in [formal sovereign borrower name] and the World Bank regarding principles and procedures to be used in subsequent preparation of an Ex-Post Social Audit (EPSA) and implementation of time-bound Mitigation Plan. World Bank's approval of an EPSA is required before project appraisal.
3. The Borrower will undertake the EPSA to:
 - (a) document and assess the adequacy of prior mitigation measures to address the environmental and social impacts of the past resettlement;
 - (b) assess compliance with national legislation;
 - (c) identify gaps in meeting the requirements of ESS-5;
 - (d) identify any complaints, grievances, or other outstanding issues;
 - (e) determine measures to close identified gaps and address complaints.
4. The EPSA is undertaken within an agreed upon time frame that considers the context of the project and significance of the prior resettlement. It may not be possible to retroactively satisfy certain aspects of ESS-5, such as consultation and disclosure.⁸ If activities resulting in displacement are ongoing at the time of project identification, they would normally need to stop until the due diligence review has been undertaken, and/or the requirements of ESS5 are being followed.

B. Key Principles and Definitions

5. The standards which the past land acquisition and physical/economic displacement will be assessed against are described in ESS-5 and in *Guidance Note for Borrowers. Environmental and Social Framework for IPF Operations. ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*.
6. The **fundamental objective of ESS-5** is to ensure that, if physical or economic displacement cannot be avoided, displaced persons (as defined below) are compensated at the replacement cost for land and other assets, and otherwise assisted as necessary to improve or at least restore their incomes and living standards.
7. **Displaced persons** (ESS-5, Para. 10) are defined as any persons subjected to project-related adverse impacts who (a) have formal legal rights to land or assets; (b) have a claim to land or assets that is recognized or recognizable under national law; or (c) who have no recognizable legal right or claim to the land or assets they occupy or use. The term incorporates all potential

⁶ World Bank Environmental and Social Policy for Investment Project Financing, para 18..

⁷ Specifically, Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), Annex 1B.

⁸ The EPSA does not supersede provisions of ESS5 or the ESF, and the World Bank remains solely responsible for determining what is required to achieve consistency with those requirements throughout the course of project implementation.

categories of persons affected by land acquisition and associated impacts; all of those adversely affected are considered “displaced” under this definition regardless of whether any relocation is necessary.

8. **Replacement cost** (ESS5, Para. 2, footnote 6) is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. In all instances where physical displacement results in loss of substandard shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets minimum community standards of quality and safety.
9. **ESS5 establishes key principles to be followed in resettlement planning and implementation. These include:**

- a) All displaced persons are entitled to compensation for land and attached assets, or to alternative but equivalent forms of assistance in lieu of compensation; lack of legal rights to the assets lost will not bar displaced persons from entitlement to such compensation or alternative forms of assistance.
- b) Compensation rates refer to amounts to be paid in full to the eligible owner(s) or user(s) of the lost asset, without depreciation or deduction for fees, taxes, or any other purpose.
- c) Compensation for land, structures, unharvested crops, and all other fixed assets should be paid prior to the time of impact or dispossession.
- d) When cultivated land is to be taken for project purposes, the [name of implementing agency] seeks to provide replacement land of equivalent productive value if that is the preference of the displaced persons.
- e) Community services and facilities will be repaired or restored if affected by the project.
- f) Displaced persons should be consulted during the land acquisition and resettlement planning and implementation, so that their preferences are solicited and considered.
- g) A grievance mechanism by which displaced persons could pursue grievances should have been available and operated in a responsive manner.
- h) Negotiated settlement processes are acceptable as an alternative for legal expropriation if appropriately implemented and documented.⁹
- i) Land donation is acceptable only if conducted in a wholly voluntary manner and appropriately documented.¹⁰

⁹ Appropriate principles for negotiated settlement transactions include (a) intended project sites were screened to identify competing claims to ownership or use, or other encumbrances that would impede two-party negotiations; (b) if the site was collectively or communally owned or used, the negotiation process included those individuals or households who directly occupied or used it; (c) prior to negotiations, owners or users were informed by project authorities of their intent to obtain relevant land (and other assets) for project use; (d) owners or users were informed of their rights and options to pursue legal remedies or other actions, and sign a declaration indicating willingness to negotiate; (e) at the onset of negotiations, project negotiators presented the owner or user with a proposed package of compensation or other beneficial considerations, along with an explanation as to the basis of this initial offer; (f) owners or users were informed that they may make counterproposals as they may see fit; (g) negotiations were conducted without resort to coercion or intimidation in any form; (h) an agreement establishing payment amounts or other agreed considerations was written, signed, and recorded; (i) payment of compensation and provision of any other agreed considerations was completed prior to taking possession for project use; and (j) owners or users retained the right of access to the grievance mechanism if they had complaints regarding any aspect of the negotiated settlement process.

¹⁰ Any land or asset donation for project should be consistent with these principles: (a) the potential donor was informed that refusal was an option, and that right of refusal was specified in the donation document the donor signed; (b) donation occurred without coercion, manipulation, or other pressure on the part of public or traditional authorities; (c) the donor may negotiate for some form of payment, partial use rights, or alternative benefits as a condition for donation; (d) donation of land is unacceptable unless provision is made to mitigate any significant impacts on incomes or living standards of those involved; (e) donation of land cannot occur if it were to necessitate any household relocation; (f) for community or collective land, donation can only occur with the consent of individuals directly using or occupying the land; (g) the land donated should at the time of donation be free of encumbrances or encroachment by others who may be adversely affected; (h) any donated land that is not used for its agreed purpose by the project is returned to the donor in a timely manner; and (i) each instance of land donation is documented, including a statement identifying the land or assets donated and terms of donation, which is signed by each owner or user. Persons donating land or assets for project use may use the project grievance mechanism to raise complaints regarding any aspect of the donation process.

C. Preparing an Ex-Post Social Audit

10. Each EPSA is normally based on review of relevant documents, field visits, interviews, and consultations held with affected persons and other key stakeholders. In Türkiye, land registers are in most cases updated, and the inheritance law results in sub-divisions of lands resulting in huge number of landowners holding tiny fractions of land. For the sake of the EPSA, this may render a focus on the land plot rather than the owner(s) the most practical approach, which, however, reduces the ability to determine the **livelihood impact** of Land Acquisition on the individual PAP, which is part of the defining objectives of ESS-5 (and **not** covered by Turkish law): “..(b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.”

The EPSA includes the following contents:

PROJECT BACKGROUND (0.5 page)

- a) **Summary Project Description** (with appropriate maps), including identification of components, from PCN, PAD or elsewhere].
- b) **Identification of components to utilize land in question** where physical displacement or land acquisition has taken place, including description of scale of land and number of people affected for all categories of affected assets. Description of any project-related restrictions on resource use or access.

EPSA (0,5 -1 page)

- c) **Why EPSA is required**
- d) **Reference to Gap Analysis of Country Systems and gap filling measures identified** in relation to meeting ESS-5 requirements, as these require particular attention in the EPSA ¹¹.
- e) **Description of the EPSA methodology used**

LAND ACQUISITION CARRIED OUT & GAPS IN PROCEDURES (3-5 pages)

- f) **Description of Eligibility criteria applied** in the LA for compensation and all other forms of assistance provided, including the cutoff date for eligibility,
- g) **Description of land and asset valuation procedures applied**, and compensation standards followed,
- h) **Consultation and disclosure arrangements** followed in connection with acquisition process,
- i) **Description of grievance mechanism available for affected persons**,
- j) **Identification of gaps in applied procedures, process and resulting outcomes** of acquisition and displacement and compensation hereof vis-à-vis national law and ESS-5.

GAPS IN ELIGIBILITY CRITERIA AND COMPENSATION

- k) **List of all actual PAPs** (with reference to the gap analysis (see footnote 16), particular focus on identification of any non-title holders, and public land users, squatters, and customary owners of the land at the time it was acquired.
- l) **List of compensation paid to PAPs** (quantify the deduction of depreciation and the cost of registration and transfer taxes)

¹¹ The identified gaps comprise the following: (i) no provisions for livelihoods restoration; (ii) no coverage of PAPs including non-titleholders, public land users, squatters and customary owners, or special provisions for poor and vulnerable people, community engagement, gender impacts and grievance mechanisms; (iii) Compensation is not fully aligned with replacement cost alignment, as Turkish law deducts depreciation from market value, and excludes cost of registration and transfer taxes; (iv) Turkish law does not cover compensation for common property resources. (v) No provision for continuous consultation and establishment of Grievance Mechanism during implementation of the resettlement plan. (Türkiye. Comparison between World bank Environmental and Social Framework and with country laws)

- m) Consolidated list of gaps in PAP identification and compensation paid, and list of all grievances submitted

CONCLUSION

- n) Time-bound Mitigation Plan to address gaps identified (1-2 pages)

Annex A - Suggested Outline for Preparation of EPSA findings – Example Only, to be adapted for specific project

IMPACT	AFFECTED PERSONS	COMPENSATION ISSUED	GAP VIS-À-VIS NATIONAL LAW AND ESS5	TIME-BOUND MITIGATION MEASURES
A. Loss of agricultural land - Irrigated land - Rainfed land - Pasture - Groves - Fishpond - Other	Owners Users with legalizable claims Renters/Lessees Other users (squatters, encroachers)			
B. Loss of residential land	Owners Users with legalizable claims Renters/Lessees Other users (squatters, encroachers)			
C. Loss of commercial land	Owners Users with legalizable claims Renters/Lessees Other users (squatters, encroachers, illegal businesses)			
D. Temporary loss of land	Owners, occupants, users			
E. Loss of agricultural production - crops	Producers			

-fruit/nut trees -timber trees -aquaculture -forest produce -livestock forage -livestock				
F. Loss of productive fixed assets -irrigation facilities -fencing -wells -troughs -sheds -barns -other	Asset owners/users			
G. Loss of residential structures (Often categorized by major building material, fixed improvements, or other features)	Owners Occupants with legalizable claims Renters/Lessees Illegal structures			
H. Loss of commercial structures (Often categorized by major building material, function and capacity, fixed improvements, or other features)	Owners Occupants with legalizable claims Renters/Lessees structures			
I. Loss of agricultural livelihood	Affected agricultural producer			
J. Temporary loss of business income (duration of disruption)	Owner, enterprise			
K. Temporary loss of employment or wages	Employees			

L. Loss of public or community infrastructure, facilities, or services	Public or private owners			
M. Material assistance to vulnerable or disadvantaged	<p>Displaced illegal residents, users or occupants</p> <p>Blind or otherwise disabled</p> <p>Other vulnerable individuals/households</p> <p>Occupants displaced from substandard housing</p>			

ANNEX 4 Grievance Form

Türkiye Earthquake Recovery and Reconstruction Project (TERRP)

Reference No	
Full Name (not mandatory, you can submit anonymously)	
Please mark how you wish to be contacted (by mail, telephone, or e-mail).	
Province/District/ Location	
Date	
Category of the Grievance	
1. On abandonment (public)	
2. On assets/properties impacted by the project	
3. On infrastructure	
4. On decrease or complete loss of sources of income	
5. On environmental issues (ex. pollution)	
6. On Employment	
7. On traffic, transportation, and other risks	
9-Other (Please specify):	
Description of the Grievance What did happen? When did it happen? Where did it happen? What is the result of the problem?	
What would you like to see happen to resolve the problem?	
<i>Although giving a name and address is not compulsory, it should be kept in mind that during the feedback process regarding the grievance, some problems may occur due to a lack of information.</i>	

Signature:

Date: