

REPUBLIC OF TÜRKİYE
MINISTRY OF AGRICULTURE AND
FORESTRY

DIRECTORATE GENERAL OF
STATE HYDRAULIC WORKS



TÜRKİYE FLOOD AND DROUGHT
MANAGEMENT PROJECT
(P179313)

RESETTLEMENT FRAMEWORK
(RF)

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List of Abbreviations and Acronyms

DSI	: Directorate General of State Hydraulic Works [Devlet Su İşleri Genel Müdürlüğü]
E&S	: Environmental and Social
EPSA	: Ex-Post Social Audit
ESCP	: Environmental and Social Commitment Plan
ESF	: (World Bank's) Environmental and Social Framework
ESIA	: Environmental and Social Impact Assessment
ESMF	: Environmental and Social Management Framework
ESMP	: Environmental and Social Management Plan
ESMS	: Environmental and Social Management System
ESMU	: Environmental and Social Management Unit
ESSs	: (World Bank's) Environmental and Social Standards
EWS	: Early Warning System
GM	: Grievance Mechanism
LMP	: Labor Management Procedures
LRP	: Livelihood Restoration Plan
MoAF	: Ministry of Agriculture and Forestry
NBS	: Nature-Based Solutions
PAPs	: Project Affected Parties
PDO	: Project Development Objective
PIU	: Project Implementation Unit
Project	: Türkiye Flood and Drought Management Project
RF	: Resettlement Framework
RP	: Resettlement Plan
SEP	: Stakeholder Engagement Plan
SYGM	: Directorate General of Water Management [Su Yönetimi Genel Müdürlüğü]
TATUS	: Flood Forecasting and Early Warning System [Taşkın Tahmini ve Erken Uyarı Sistemi]
TEUS	: Flood Early Warning System [Taşkın Erken Uyarı Sistemi]
WB	: World Bank

Executive Summary

The World Bank will be supporting Directorate General of State Hydraulic Works (DSI) and the Directorate General of Water Management (SYGM) under Ministry of Agriculture and Forestry in implementing the Türkiye Flood and Drought Management Project - P179313 (Project). **The objective of the Project is to increase flood protection for people living in selected areas of Türkiye, and to strengthen the Country's capacity for flood and drought risk management.** The Project will support the following activities: enhancement of flood control infrastructures to mitigate flood risks in selected river basins and improve flood risk management through an optimal combination of structures (e.g., check dams, levees, retaining walls, embankments, reservoirs, polders, etc.); piloting applications of nature-based solutions (NBS) and implementation of innovative techniques for flood and drought risk management at river basin scale; review of existing early warning systems (EWSs) to identify gaps and needs and improvement and expansion of existing EWSs; preparation of feasibility studies, designs, and technical documents for implementation of integrated flood risk management at river basin scale with consideration of impact of climate change; improvement of drought monitoring capacity of DSI by expansion of the observational networks for drought monitoring and forecasting; and development of a web portal and associated modelling focusing on agricultural drought.

The Project has four components: Component-1 “Flood Management” (*Subcomponent-1.1 “Flood Control” and Subcomponent-1.2 “Flood Monitoring, Forecasting and Warning Systems”*), Component-2 “Drought Management”, Component-3 “Capacity Development and Institutional Strengthening”, Component-4 “Project Management”. Within the Project, only the activities under Subcomponent-1.1 Flood Control Infrastructure will require land acquisition due to construction of flood control infrastructures. Details about the Project are presented in Section 1 of this document.

This **Resettlement Framework (RF)** is developed to establish the principles and procedures to be used in subsequent preparation of Resettlement Plans (RPs) or Ex-Post Social Audits for the land acquisition requirements of the flood control infrastructures.

Implementation Arrangements. An Environmental and Social Management Unit (ESMU) will be established at DSI, and this unit will be responsible for monitoring the implementation of E&S requirements of the Project at national level including the preparation and monitoring of the RPs. However, since according to Article 18 of the Flood and Sediment Control Regulation, the expropriation of lands required for the construction of flood control structures is carried out in line with the Expropriation Law by the corresponding municipalities or coordinated by the corresponding governorships, when a subproject is decided to be financed through this Project, DSI will sign a protocol with the corresponding municipality or the institution appointed by the governorship stating that the municipality/institution will carry out the land acquisition process in line with the RP that will be prepared. A draft protocol will be added to the Project Operations Manual (POM).

Monitoring. Social specialist of the ESMU will monitor the implementation of RPs. Semiannual resettlement plan progress reports will be prepared by respective municipalities/institutions and will be sent to ESMU. ESMU will compile these reports and send them to the World Bank semiannually.

Grievance Mechanism. The grievance mechanism (GM) of the Project defined in the SEP will be used also for resettlement related grievances such as the displaced persons' complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters. The GM does not preclude displaced persons from pursuing legal remedies available to them.

1. Introduction

This Resettlement Framework (RF) is developed to establish the principles and procedures to be used in physical or economic displacement because of land acquisition or restrictions on access or use of natural resources regarding activities financed by the World Bank in the Türkiye Flood and Drought Management Project - P179313 (Project). The objective of the Project is to increase flood protection for people living in selected areas of Türkiye, and to strengthen the Country's capacity for flood and drought risk management. The Directorate General of State Hydraulic Works (DSI) and the Directorate General of Water Management (SYGM) under the Ministry of Agriculture and Forestry will be implementing the Project activities.

The proposed Project is anticipated to have four components: (i) Flood Management; (ii) Drought Management; (iii) Capacity Development and Institutional Strengthening; and (iv) Project Management. For further information refer to the Project Appraisal Document (PAD) of the Project.

Component 1. Flood Management: The objective of this component is to mitigate the climate change exacerbated flood risk in selected basins through improvement and expansion of the existing flood control infrastructure and flood monitoring, forecasting and warning systems in selected parts of Türkiye focusing on Areas of Potential Significant Flood Risk, incorporating future risk due to climate change, as per the implementation of the existing Flood Risk Management Plans.

Subcomponent 1.1: Flood Control: This Subcomponent will finance consultancy services, goods, and works related to construction and operation and maintenance (O&M) of flood control structures by DSI to mitigate flood risks that are projected to increase due to climate change in selected river basins and improve flood risk management through an optimal combination of structures (e.g., check dams, levees, retaining walls, embankments, reservoirs, polders, etc.). The investments will focus on development of new infrastructure but also include rehabilitation efforts, with a primary focus on directing resources toward the development of new infrastructure. The provisional 29 flood protection works are located in eight basins: East Black Sea, East Mediterranean, Büyük Menderes, Kizilirmak, North Aegean, Yesilirmak, West Black Sea, and West Mediterranean. Under this Subcomponent, applications of nature-based solutions (NBS) will be also piloted and innovative techniques for management of floods that are projected to increase due to climate change will be implemented at river basin scale.

Subcomponent 1.2: Flood Monitoring, Forecasting and Warning Systems: This subcomponent will finance (i) expansion and modernization of observation stations for DSI maintained Flood Early Warning System (TEUS) and its monitoring and flood forecasting capacity, (ii) expansion of river basins covered under Flood Forecasting and Early Warning (TATUS) and strengthening Flood Forecasting and Early Warning Center (TATUM) operated by SYGM, (iii) assessment of the status and gaps of the existing national warning systems to synchronize and optimize activities implemented by DSI and SYGM, and (iv) activities enhancing complementarity of TEUS and TATUS such that both systems provide complementary warnings and alerts at different lead times.

Component 2. Drought Management: This Component will support DSI in drought monitoring and help reduce the vulnerability of population to climate change exacerbated drought in selected basins through implementation of non-structural measures which are (i) technical study on drought monitoring in Türkiye, (ii) pilot for real-time drought monitoring and forecast in Ceyhan Basin, (iii) scaling-up the real-time monitoring and drought forecast system and (iv) technical studies for designing larger-scale future investments for drought management.

Component 3. Capacity Development and Institutional Strengthening: This component will support (i) institutional strengthening of related DSI departments, (ii) establishment of an Environmental and Social Management System (ESMS) for DSI, (iii) trainings and study visits, and (iv) technical study on impact of climate change on water resources.

Component 4. Project Management: This component will include consulting and non-consulting services for DSI and SYGM for implementation of the Project according to World Bank policies and guidelines. This support will also include (i) preparation of site-specific E&S instruments (e.g. Environmental and Social Impact Assessment [ESIA], Environmental and Social Management Plan [ESMP], Resettlement Plan [RP], etc.), (ii) hiring individual consultants by DSI and SYGM for various aspects of project implementation including procurement and financial management aspects, technical and contract management, E&S management and Monitoring and Evaluation (M&E) system.

Implementation Arrangements

The Project will be implemented by DSI and SYGM. While DSI will be responsible for implementing Subcomponents 1.1 and 1.2 and Components 3 and 4, SYGM will implement some of the activities under Subcomponent 1.2, and Components 3 and 4. The Project will establish one Project Coordination Unit (PCU) chaired by DSI and two Project Implementation Units (PIUs) – one in DSI and the other in SYGM, governed by a project deputy Director General. The ESMS established under Component-3 will include the establishing an Environmental and Social Management Unit (ESMU) at DSI-PIU consisting of qualified environmental, social and OHS specialists to ensure effective E&S risk management in line with the national regulatory and World Bank's Environment and Social Framework (ESF) requirement throughout the lifetime of the Project as per the Project's Environmental and Social Commitment Plan (ESCP). The ESMU will be responsible for overseeing implementation of requirements of the project vis-à-vis ESCP, Environmental and Social Management Framework (ESMF), RF, etc., and guide, supervise and monitor the work done by the contractors' E&S specialists. DSI-PIU will also include regional staff located in each of the DSI regional directorates corresponding to the Project activities, i.e., each relevant DSI regional directorate will have a coordinator and an E&S focal point. These E&S focal points will be responsible for regular supervision of construction, O&M, and the E&S aspects of the activities. Details on implementation arrangements are given in Section 6.2.

1.1. Description of RF

The Project is being prepared under the World Bank's Environment and Social Framework (ESF). Per Environmental and Social Standard ESS5 on *Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*, the implementing agencies should avoid or minimize any adverse impacts associated with physical or economic displacement, and ensure arrangements are in place to mitigate any adverse impacts that may occur.

This RF utilizes the existing national legal and policy framework, incorporating any supplementary measures necessary to achieve consistency in land acquisition with ESS5 principles and standards. Since the information on the subprojects are limited prior to appraisal of the Project, this RF is developed to establish the principles and procedures to be used in subsequent preparation of RPs or Ex-Post Social Audits for the land acquisition requirements of the activities in the Project. World Bank approval of RP(s) is required before DSI invite bids for any contracts in which works are expected to involve physical or economic displacement because of land acquisition or restrictions on access or use of natural resources. Within the Project, only the activities under Subcomponent-1.1 will require land acquisition due to construction of flood control infrastructures. This RF should be read together with other plans and procedures prepared by for the Project, including the ESCP, ESMF, Labor Management Procedures (LMP), and Stakeholder Engagement Plan (SEP).

2. Legislation and Requirements

2.1. National Legislation

The land acquisition needs of the flood control structures are governed according to the Flood and Sediment Control Regulation (May 3, 2019, N° 30763). According to the Article 18 of this regulation, in case of need for land for the construction of flood control structures, the expropriation of these lands is carried out in line with the Expropriation Law (N° 2942) by the relevant municipalities, if the areas to be acquired are within the borders of the municipality and adjacent areas, or coordinated by the governorship (governorship appoints an institution for land acquisition) if the areas to be acquired are not within the borders of the municipality and adjacent areas. In addition, Zoning Law (N° 3194) also has provisions regarding the land arrangements for flood control structures.

Expropriation Law (N° 2942)

Administrations may carry out expropriation to carry out public services by taking a public interest decision. Instead of expropriating the ownership of immovable property, an easement can be established if it is sufficient for the purpose.

The administrations carry out the following procedures for expropriation:

- a. Determines the title deed records or possessions of the immovable properties that will be affected and ensures that an annotation is made in the land registry by applying to the land registry office.
- b. Establishes the valuation commission. The estimated value of the immovable property is determined in accordance with the evaluation standards. In addition following criteria taken into account for valuation: (i) for lands, the net income that the immovable property will bring if used as it is and according to its location and conditions, (ii) for the lots, comparable sales that do not have a specific purpose before the expropriation day, and (iii) for buildings, by taking into account official unit prices, building cost calculations and depreciation.

In case of partial expropriation of the immovable property, whether the part remaining outside the expropriation is suitable for use or whether there is a decrease/increase in its value is also considered in calculating the estimated value of the immovable property.

- c. Notifies the owner in writing that the Administration wishes to purchase the immovable property through bargaining or barter.
 - i. If the owner accepts this request, the Administration negotiates and exchanges the price with the owner, provided that it does not exceed the estimated price of the immovable property. If an agreement is reached, the immovable property is registered ex officio or left to the title deed, and the expropriation fee is paid to the owner in advance or bartered.
 - ii. If the owner does not accept this request or if an agreement cannot be reached or if there is possession; He/she applies to the civil court of first instance to determine the expropriation fee of the immovable property and to pay this amount in advance and to register the immovable property in the name of the administration or to cancel the registry.

In cases where the rightful owner is unknown or the rightful owner cannot be reached, the expropriation fee is deposited into the bank account specified by the court to be paid to the rightful owner in the future.

In the expropriation of land that is titled in the name of someone else, is ownerless and/or has not been acquired by the possessor, nothing else but the minimum cost of the buildings and the price of the trees, as determined within the framework of Article 11, are paid to the possessor.

Draining of cultivated land is left until the end of harvest. In cases where it is not possible to wait for the harvest time, the expropriating administration may request the evacuation of the land, provided that it compensates for the crop cost to be determined by the court. If the cost of the crop has been taken into consideration in determining the expropriation value in accordance with Articles 11 and 12, this amount does not need to be determined and paid again for the evacuation of the immovable property.

In some special cases, the Administration may take an urgent expropriation decision and the immovable property may be seized by depositing the expropriation fee to the bank specified in the invitation and announcement made in accordance with Article 10. In urgent expropriation, the owners do not have the right to apply to the court for the annulment of expropriation, but they can file a lawsuit to re-determine the expropriation price.

Zoning Law (N° 3194)

According to Article 18 of the Zoning Law, municipalities (governorships outside the areas of responsibility of the municipalities) are authorized to combine lots and lands with or without buildings with each other, without seeking the consent of their owners or other right holders, to divide them into blocks or lots in accordance with the zoning plan, to distribute them to the right holders and to have ex officio registration procedures. Up to 45% of each of the lands and plots subject to this regulation can be used for the public service areas—including the flood control structures—in return for the increase of lots in value. It is essential for municipalities/governorships to make and approve this regulation (parceling plan) within five years from the finalization date of the zoning plans, and municipalities/governorships are responsible for all kinds of expropriation works and transactions that may arise due to their failure to prepare a parceling plan.

If there are trees/structures in the areas reserved for public services, these are removed/demolished by the municipality or governorship, with the cost/debris fee being paid.

If the required land for flood control structures cannot be met through land adjustments, then the Municipality/Governorships expropriates the land as stated in the Flood and Sediment Control Regulation and hands over to DSI for the construction of the flood control structure.

2.2. World Bank Requirements

The WB's Environmental and Social Framework (ESF)'s Environmental and Social Standard ESS5 on *Land Acquisition, Restrictions on land Use and Involuntary Resettlement*, recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Therefore, involuntary resettlement should be avoided and where involuntary resettlement is unavoidable, it should be carefully planned and implemented to minimize and provide appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons). Specifically, the objectives set out by ESS5 are the following:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction¹.
- 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;² 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 tenure³
- 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.

2.3. Gap Analysis between the National Legislation and ESS5

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 ESS5. The gaps and the measures to bridge those gaps are provided in Table 1.

In the event of discrepancies between the national legislation/arrangements and ESS5, the present RF congruent with ESS5 shall prevail within the scope of the project.

¹ "Forced eviction" is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5.

² "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.

³ "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.

Table 1. Gap Analysis and Measures to Bridge those Gaps

Gap	Turkish Legislation	World Bank Policy Requirements	Measures for the Elimination of Deficiencies
Resettlement action planning	No legal arrangements exist concerning the preparation of an RP to cover all displaced persons and host communities.	WB policy requires the preparation of an RP.	Project specific RP will be prepared and implemented by DSİ.
Value Appraisal Method	For lands that are disposed of, the applicable legislation does not require the institution performing the expropriation to carry out an investigation into alternative lands of equivalent value; which means that the 'land-for-land' method is not applied in Türkiye. Buildings are compensated for over the cost of construction with the deduction of depreciation. Lands for dwelling are compensated for over their market price.	Loss of fixed assets and immovable property such as land and the like should be compensated over the full replacement cost before construction. The 'land-for-land' method is another option for lands which are disposed of. No such deductions may be made with connection to depreciation.	The full replacement cost shall be paid in return for the land and buildings disposed of.
Reinstatement of Livelihood	Expropriation Law does not contain any provisions on the reinstatement of livelihood and the assistance to be provided during the transition period.	WB policy requires that displaced persons are assisted in their endeavors to improve their former living standards, income generation capacities and levels of production or that at least such standards and capacities are brought back to the pre-project levels.	Whereas the impacts on livelihood are expected to be positive rather than negative, mitigating measures against possible negative impacts which may stem from construction activities within the scope of the Project will also be taken. The assistance to be provided in reinstating the livelihood, transition period and creation of alternative sources of income requires expertise and resources. Collaborating with the Provincial Directorate of Agriculture and Forestry, the Provincial Directorate of Family and Social Policies, the Governorate, District Governorates and Municipalities at the provincial level, DSİ will try and reinstate livelihoods to the extent possible in line with the alternatives proposed under the Entitlement Matrix.

Gap	Turkish Legislation	World Bank Policy Requirements	Measures for the Elimination of Deficiencies
<p>Losses of squatters and unauthorized users including vulnerable groups.</p>	<p>According to the legislation, PAPs are legal owners who lose land. Seasonal workers/migrants or economically displaced persons are not considered to fall within the scope of PAPs. The law requires that the buildings and crops of both legal owners and unauthorized users of public lands are compensated. However, no provision for compensation exists for unauthorized users on pastures and forest lands.</p>	<p>Economically displaced persons, seasonal workers and other vulnerable groups should be considered within the scope of PAPs as well. Regardless of their status of ownership, all PAPs shall be compensated for the losses they incur.</p>	<p>Within the scope of the project-specific RPs, all PAPs regardless of the status of ownership shall be identified and measures shall be taken for the compensation of all land users.</p> <p>One or several of the following measures shall be implemented by DSİ in the reinstatement of livelihoods for all PAPs having the status of unauthorized user:</p> <ol style="list-style-type: none"> (1)DSİ shall support unauthorized users in obtaining the legal ownership of their lands to the extent possible. (2)DSİ will provide unauthorized users with purchase options on DSİ-owned lands to the extent possible. (3)Unauthorized users will be informed about such land rental or purchase options by the General Directorate of National Estate. (4)DSİ will provide information to those interested on how to apply to district governorates to benefit from İŞKUR's Social Benefit Program or to the relevant Social Aid and Solidarity Foundations to obtain funds. (5)DSİ will ensure that contractors prioritize unauthorized users within the framework of the job/employment opportunities under the project.

Gap	Turkish Legislation	World Bank Policy Requirements	Measures for the Elimination of Deficiencies
Consultation and Disclosure of Information	<p>Turkish legislation on land acquisition contain limited provisions concerning the disclosure of information to the public, taking the opinion of the public and public participation.</p> <p>The institution performing the expropriation is legally obligated to notify PAPs of such decision for expropriation.</p> <p>Negotiations and consultations and the appraisal of assets is also carried out by the institution performing the expropriation.</p> <p>Whereas no obligation exists for the preparation of a SEP, no further consultations are legally required.</p>	<p>As per ESS 5:</p> <ul style="list-style-type: none"> • The RF and subproject specific RPs will be disclosed to the public in full. • All stakeholders are provided with an equal opportunity in accessing Project instruments and voicing their opinions on such instruments. Consultation sessions shall be held at a location accessible to all who wish to participate. • Consultations shall also be made with vulnerable groups. 	<p>DSİ will announce the RF and the RPs to the public on its website as well as providing information on the issue at hand in public locations which all affected persons including vulnerable groups have access to. During expropriation processes, DSİ will ensure the continuity of the consultations with its own personnel. In addition to those legally entitled, DSİ will also notify other stakeholders including those who have invested in public lands or those who use the land without a legal right and tenants through official correspondence and consultation sessions in the same way that owners of lands and properties are notified. Such correspondence shall provide information on the relevant sub-projects and impacts stemming from the need for land.</p> <p>DSİ will prepare a SEP.</p>
Grievance Mechanism	<p>A GM at the national level is made available for the use of all Affected Persons.</p>	<p>A GM designed specifically for the Project is needed.</p>	<p>Currently, DSİ operates a three-stage GM. This mechanism shall be developed further for the collection of project-specific objections and grievances (for details see Section 6 of the SEP). Said GM at the project level are complementary elements and cannot substitute the legal mechanisms extended to PAPs upon their request.</p>
Monitoring and evaluation	<p>The Turkish law does not house any monitoring and evaluation practices relevant to land acquisition.</p>	<p>Arrangements for the monitoring, implementation and impact assessment of RPs should be prepared in accordance with the requirements of WB policies.</p>	<p>Project-specific monitoring and evaluation will take place and defined within the scope of the subproject-specific RPs.</p> <p>DSİ will determine basic performance indicators for monitoring and perform internal and external monitoring activities at regular intervals (see Section 9).</p>

3. Land Acquisition Principles for the Project

The principles adopted by the Project for compensation and assistance in accordance with the ESS5 are stated below:

- a) For land acquisitions, in addition to national legislation, this document and the RPs to be prepared based on this RF will be applied to close the gaps between the national legislation and the requirements of ESS5.
- b) The project area will be selected in a way that minimizes privately owned land acquisition and the economic and social impacts on the affected people.
- c) The preparation and implementation of the RP will be carried out in a transparent manner with the participation of affected people and relevant institutions. For this purpose, stakeholder definitions and identification, information disclosures and consultation meetings will be held in accordance with the SEP.
- d) All affected persons will be informed about the grievance mechanism.
- e) Compensations and allowances will be given in accordance with the entitlement matrix.
- f) Infrastructure facilities such as roads, water pipelines and communication networks etc. interrupted due to the construction of subprojects will be replaced or compensated.
- g) Land acquisition and resettlement activities will be regularly monitored and reported through semi-annual monitoring reports to ensure timely and effective implementation of the RPs.
- h) Compensation for land, structures, unharvested crops, and all other fixed assets should be paid prior to the time of impact or dispossession.
- i) Negotiated settlement processes are acceptable as an alternative for legal expropriation if appropriately implemented and documented.⁴ Pursuant to Article 8 of Expropriation Law, land acquisitions will be realized primarily through negotiations. Negotiated payments cannot be less than full replacement cost. The amount to be paid through negotiated payments will be a compensation sufficient to cover the full replacement cost. Where negotiations fail, acquisition will be done through national legislation (by independent courts) and per the requirements of ESS5 (where there are gaps between requirements).
- j) Land donation is acceptable only if conducted in a wholly voluntary manner and appropriately documented.⁵

⁴ Appropriate principles for negotiated settlement transactions include (a) intended project sites are screened to identify competing claims to ownership or use, or other encumbrances that would impede two-party negotiations; (b) if the site is collectively or communally owned or used, the negotiation process includes those individuals or households who directly occupy or use it; (c) prior to negotiations, owners or users are informed by project authorities of their intent to obtain relevant land (and other assets) for project use; (d) owners or users are 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 present 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 are informed that they may make counterproposals as they may see fit; (g) negotiations are conducted without resort to coercion or intimidation in any form; (h) an agreement establishing payment amounts or other agreed considerations is written, signed, and recorded; (i) payment of compensation and provision of any other agreed considerations is completed prior to taking possession for project use; and (j) owners or users retain the right of access to the grievance mechanism if they have complaints regarding any aspect of the negotiated settlement process.

⁵ Any land or asset donation for project use will be consistent with these principles: (a) the potential donor is informed that refusal is an option, and that right of refusal is specified in the donation document the donor will sign; (b) donation occurs 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 to be donated is free

- k) DSI bears official responsibility for meeting all costs associated with obtaining project sites, including compensation and other considerations due to displaced persons. RP(s) will include an estimated budget for all costs, including contingencies for price inflation and unforeseen costs, as well as organizational arrangements for meeting financial contingencies.

DSI agrees to take all actions necessary to ensure full and effective implementation of RPs prepared in accordance with the RF, and to otherwise take actions necessary to achieve all relevant provisions of ESS5.

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.

4. Eligibility and Categories of Project Affected Persons

ESS5 classifies Project Affected Persons (PAPs) into three categories which will be used in compensation calculations within the scope of the Project.

- **Who has formal legal rights to land or assets:** Title owners and the persons who have leases on the land are among the persons classified in this category.
- **Who does 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:** The cadastre of 99.48% of the lands in Türkiye has been completed.⁶ Therefore, although the likelihood of the presence of this category is very small, in cases where exists, their claims will be considered in the context of the Project.
- **Who has no recognizable legal right or claim to the land or assets they occupy or use:** Seasonal resource users, such as herders, grazers, fishers, or hunters unless they have a lease agreement and persons occupying land in violation of applicable laws are classified in this category. To define the persons in this category, a census will be performed which has a clear, well-disclosed and well-announced cut-off-date. The people in the project area will be well informed that the claims after the cut-off-date will not be considered.

All PAPs, irrespective of their status or whether they have formal titles, legal rights or not, will be eligible for compensation and/or assistance, if they occupied the land before the entitlement cut-off date.

4.1. Project Activities Related to Resettlement and Categories of PAPs

According to preliminary assessments, the proposed subprojects under Subcomponent 1.1 that require expropriation are given in Table 2. However, this list is not exhaustive within the scope of resettlement. During the preparation of subproject specific E&S assessments, resettlement requirements other than expropriation may also arise.

Table 2. Proposed Subprojects that Require Land Acquisition

#	Subproject Name	DSI Region	River Basin	Province	Area to be Expropriated
1	Construction of Flood Protection Structures in Upper Goksu Basin and Side Tributaries	4	East Mediterranean	Konya	35 ha
2	Rehabilitation of Coruhözü Stream – 3 rd Section	5	Kizilirmak	Kirikkale	6 ha
3	Construction of Flood and Sediment Control Structures on Aşağıyanlarboğazi Stream	5	Kizilirmak	Cankiri	6 ha
4	Construction of Flood Protection Structures on Karacay Stream	13	West Mediterranean	Antalya	21.56 ha
5	Recreation and Rehabilitation of İkizdere	22	East Black Sea	Rize	The expropriation needs are under study.
6	Rehabilitation of Soganli Stream – 2 nd Section	23	West Black Sea	Karabük	2.18 ha
7	Rehabilitation of Upper Basin of Eskipazar Stream	23	West Black Sea	Karabük	The expropriation needs are under study.

⁶ <https://www.tkgm.gov.tr/kadastro-db/turkiye%27nin-guncel-kadastro-durumu>

#	Subproject Name	DSI Region	River Basin	Province	Area to be Expropriated
8	Rehabilitation of Upper Basin of Ova Stream	23	West Black Sea	Karabuk	The expropriation needs are under study.
9	Construction of Flood Control Structures on Incedere and its Tributaries	23	West Black Sea	Karabuk	The expropriation needs are under study.
10	Construction of Flood Control Structures on Nikita Stream	25	North Aegean	Balikesir	32.4 ha
11	Rehabilitation of Karınca Stream – 3 rd Section	25	North Aegean	Balikesir	1.9 ha

The PAPs of this Project are any persons who are eligible (as defined in the previous section) and directly affected from the activities either economically or socially, and lost land, asset, income, means of livelihood or lost access to them.

The approximate numbers of PAPs and potential relocation areas are not known at the time of drafting this Resettlement Framework. Once the subproject details are defined and necessary information becomes available, this information will be incorporated into RPs.

4.2. Vulnerable Groups

The vulnerable groups that may be affected by subprojects will be identified through consultations, site visits and census studies during land acquisition.

Potential vulnerable groups who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits are envisaged as people with disabilities, farmers with low socio-economic status and women farmers. These groups will be identified and informed about the Project activities/impacts and their rights/entitlements. Specific measures for vulnerable groups are defined in the Entitlement Matrix and will be taken to address their subproject-related losses.

Particular attention will be paid to these measures in the RPs.

4.3. Cut Off Date

As also mentioned in the previous sections, a census and asset inventory study will be conducted in order to identify the affected assets to be acquired, their usage and ownership status and formal/informal users, vulnerabilities and the eligible parties. The cut-off date for being eligible for compensation and/or resettlement assistance is the last day during which the census/inventory of assets is completed. Sufficient public awareness of the cut-off date will be given to the community through the responsible agencies, community elders and leaders.

The information about the cut-off date will be published in local newspapers, notice boards in local communities by the corresponding municipalities/institutions and at consultation meetings, with an accompanying explanation informing all owners and users of the initiation of the expropriation process.

5. Entitlements

All the categories defined under Section 4 are eligible to get compensation or assistance, which varies according to their category as set in Table 3, in entitlement matrix. Entitled persons have free will to choose the compensation they want. However, general and special considerations that are identified in Table 3 will be taken into account by the organization that will acquire land.

5.1. Calculation for Compensation Payments

Under the Turkish legal framework, a valuation commission consisting of a minimum of three persons internally appointed by the agency responsible for land acquisition determines the estimated value of the immovable property to be expropriated, having regard to the information and documents to be obtained from expert persons, institutions and authorities (such as Provincial Directorate of Ministry of Agriculture and Forestry), the Ministry of Industry and Technology, where necessary, and from local real estate agencies as per Article 8 of the Expropriation Law. According to Article 11 "Principles of determination of expropriation value" of Law no. 2942, below factors are taken into consideration while defining expropriation value:

- The nature of the immovable property or resource,
- The size of the immovable property or resource,
- All the characteristics and elements, which could affect the value of the immovable property or resource, including the individual value of each element,
- Tax declaration, 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 property or resource (without undertaking any changes, using the immovable property or resource in the same conditions as of the expropriation date),
- 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 Climate Change, Environment and Urbanization) at the expropriation date and calculations of the cost of building including labor and materials),
- Any other objective criteria that could affect the value of the property or resource, including market values for land and assets.
- For trees, there are 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.

Table 3. Entitlement Matrix

Entitlement Subject	Affected Persons/Communities	Type of Compensation	Additional Provisions
Land			
1. Indefinite loss of land/proprietary right	1.1. Land owners	<ul style="list-style-type: none"> • Compensation in cash over the replacement cost to cover the acquisition of the equivalent immovable. • Exchangeable lands of equivalent characteristics and value will be searched for the willing, if available, effort will be shown for exchange. 	Expropriation works and transactions will be performed in accordance with the legislation in force. Lands and fixed assets are compensated with a suitable replacement cost and in a manner allowing Affected Persons to acquire equivalent assets (to be appraised on the project commencement date).
	1.2. Land users whose rights are legitimizable (i.e. those with customary rights to land)	<p>The land users with customary rights to land will be helped to obtain title deeds for the subject lands. If temporary loss is suffered for such lands with title deed, the following method of compensation shall apply:</p> <ul style="list-style-type: none"> • Compensation in cash over the replacement cost to cover the acquisition of the equivalent immovable. • Exchangeable lands of equivalent characteristics and value will be searched for the willing, if available, effort will be shown for exchange. 	Expropriation works and transactions will be performed in accordance with the legislation in force. Lands and fixed assets are compensated with a suitable replacement cost and in a manner allowing Affected Persons to acquire equivalent assets (to be appraised on the project commencement date).
2. Temporary loss of land (establishment of easement rights and restrictions on land use)	2.1. Land owners	The easement right fee for the land stipulated by the Law will be compensated.	The mentioned land will be restored to a usable status before it is delivered to the owner.
	2.2. Land users whose rights are legitimizable (i.e. those with customary rights to land)	<p>The land users with customary rights to land will be helped to obtain title deeds for the subject lands. If temporary loss is suffered for such lands with title deed, the following method of compensation shall apply:</p> <ul style="list-style-type: none"> • The easement right fee for the land stipulated by the Law will be compensated. 	The mentioned land will be restored to a usable status before it is delivered to the owner.
Buildings / Trees and Crops			
3. Structures (residential buildings)	3.1. Immovable owners and immovable users (including unauthorized users)	Cash compensation over full replacement cost in accordance with the legislation.	Leaving the salvaged materials after demolition of the building to the entitled, for the willing.
4. Non-residential structures (barns, irrigation)	4.1. Immovable owners and immovable users	Cash compensation over full replacement cost in accordance with the legislation.	Leaving the salvaged materials after demolition of the building to the entitled, for the willing.

Entitlement Subject	Affected Persons/Communities	Type of Compensation	Additional Provisions
facilities, fences, etc.)	(including unauthorized users)		
5. Trees	5.1. Immovable owners and immovable users	Compensation at net present value for trees with economic value (considering the type, age, market price etc. of the tree)	Leaving the salvage to the entitled, for the willing.
6. Crops	6.1. Crop owners with title deed for the land	Cash compensation over sales value received by the producer at harvest time for expected crop quantity.	Waiting for a period to harvest crops to avoid crop loss, when possible.
	6.2. Crop owners with no title deed for the land (including unauthorized users)	Cash compensation over sales value received by the producer at harvest time for expected crop quantity. Affected persons submitting a document of ownership ⁷ for the crops or DSI determining ownership or DSI giving enough time to harvest the crops	<ul style="list-style-type: none"> • Waiting for a period to harvest crops to avoid crop loss, when possible. • Informing the affected persons about the requirement to obtain a document of ownership
7. Loss of land based livelihoods	7.1. Land owners (who lost more than 20% of their land of total agricultural landholding)	DSI will fulfill one or more of the listed opportunities to restore livelihoods: <ul style="list-style-type: none"> • Helping surplus treasury immovable to be transferred to the ownership of unauthorized users. • When possible, DSI will allow the sale of lands it owns for the unauthorized users in accordance with the Law in force. • DSI will inform project-affected persons about the possibilities of renting or purchasing a new land from General Directorate of National Estate. • DSI will provide suitable support in the event that the entitled PAPs apply to benefit from İŞKUR's Social Benefit Program and receive it or obtain funds from Social Aid and Solidarity Foundations. • DSI guarantees to give priority to unauthorized users and/or families of vulnerable communities regarding possible temporary or permanent employment opportunities relevant to the project. 	<ul style="list-style-type: none"> • DSI choosing to benefit primarily from public lands for the project's permanent land acquisition requirements during the modernization of irrigation schemes • When possible, permanent land acquisition requirements being evaluated within the 10% Layout Arrangement Partnership Share (LAPS) deduction for land consolidation and avoiding expropriation • Additional consultation regarding vulnerable communities and their rights regarding loss of livelihoods
	7.2. All other entitled individuals (such as customary land users and informal land users)		
	7.3. Vulnerable groups		
8. Damages to structures, houses and products during construction	8.1. All other PAPs	Contractor of the construction will conduct necessary examination and assessment to compensate and fix damages. In cases where the damage and injuries cannot be fixed, damaged structures will be compensated as per the Resettlement Framework.	<ul style="list-style-type: none"> • PAPs will be informed of rights regarding the effects of construction phase and the grievance redress mechanism in place. • Leaving the salvaged materials after demolition of the building to the entitled, for the willing.

⁷ Document obtained from the local authority, confirming that the relevant crops belong to the affected person.

Value of compensation for easement right establishment corresponds to the decrease in the value of asset or resource stemming from this expropriation. The easement value (compensation) of the land includes income losses. This compensation is determined by expropriation experts of the responsible organization. In the calculation of the permanent easement right, the value of the entire immovable is calculated first, taking into account the criteria mentioned above. Then, the rate of value decrease that will occur in the immovable due to this easement is determined as a percentage. The easement value is determined by multiplying this percentage rate with the entire value of the immovable. The rate of depreciation to be determined in easement expropriations cannot be more than 35% in the lands. If temporary easement is applied, there will be no calculation of loss of value on the entire immovable like permanent easement expropriation. In this case, the value is determined by considering only the agricultural income or rental income deprived during the easement on the part where the easement is established. As a basic principle for the indemnification of temporarily acquired land, the landowners are 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.

In order to ensure that valuation of assets follows ESS5, in addition to the Turkish legal requirements listed above, the ESMU will follow the Entitlement Matrix which details the entitlements that will be necessary for each type of loss that can be suffered by project affected persons.

Any person who will suffer loss or damage to land, an asset, business, trade or loss of access to productive resources, as a result of the project will be considered eligible for compensation and/or resettlement assistance.

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6. Organizational Procedures and Implementation Process

As described in Section 4.1, the land acquisition will be required only for the activities that will be carried out under Subcomponent 1.1 which will be implemented by DSI. Therefore, the social specialist of the ESMU will be responsible for preparing or outsourcing the preparation of subproject specific resettlement plans (RPs), ex-post social audits (EPSAs), livelihood restoration plans (LRPs) or any other ESS5 related plans in line with this RF.

As a standard procedure, DSI signs protocols with respective municipalities/institutions before the tendering of flood control structures. The protocols that will be signed within this Project will have additional provisions to ensure that municipalities/institutions will carry out land acquisition needs for the subprojects in line with the ESS5. This protocol will also ensure that the municipality/institution will appoint a focal point for resettlement. A draft protocol will be prepared and annexed to the Project Operations Manual (POM).

The monitoring of the ESS5 related plans will be carried out by ESMU.

In case the governorship appoints DSI for land acquisition, no protocol will be prepared and the social specialist of the ESMU will guide the related department for the implementation of the RPs and also will be responsible for the preparation of semiannual resettlement plan progress reports of the corresponding subproject.

Trainings

The training of the units that will carry out the expropriation in line with the World Bank's ESS5 standards and principles will be provided by ESMU and technical support will be provided. Additional support and refresher trainings will also be provided if needed during implementation.

7. Preparing a Resettlement Plan

DSI will be required to prepare RP(s) for all subprojects causing physical or economic displacement through land acquisition or subproject-related restrictions on resource access or use. As stated in the Article 18 of the Flood and Sediment Control Regulation, the expropriation of lands required for the construction of flood control structures is carried out in line with the Expropriation Law by the respective municipalities or institutions. Therefore, when a subproject is decided to be financed through this Project, DSI will sign a protocol with the respective municipality/institution stating that the municipality/institution will carry out the land acquisition process in line with the RP that will be prepared. In case the governorship appoints DSI for land acquisition, no protocol will be prepared and the related department of the DSI will carry out the land acquisition process in line with the RP that will be prepared. In case the governorship appoints DSI for land acquisition, no protocol will be prepared and the social specialist of the DSI-PIU will guide the related department for the implementation of the RPs and also will be responsible for the preparation of semiannual resettlement plan progress reports of the corresponding subproject.

RP preparation begins once the physical footprint of a proposed investment has been determined, establishing that a particular site (or sites) must be acquired for project use. ESMU initially screens proposed sites to identify current usage and tenurial arrangements and identifies the site (or sites) that will minimize physical and economic displacement. ESMU subsequently carries out a census survey to identify and enumerate all displaced persons on the selected site (or sites) and to inventory and value land and other assets that are to be acquired for project use.

Each RP will be based on the principles, planning procedures, and implementation arrangements established in this RF.⁸ An indicative outline for RP is provided in Annex-1.

The RP should be complemented by a separate set of individual compensation files for each displaced household or persons. These files are to be handled confidentially by the borrower to avoid any prejudice to displaced persons.

Eligibility criteria for compensation and all other forms of assistance are summarized in Table 3 that can be also used for consultation with displaced persons.

Additional planning measures must be incorporated into RPs for projects causing physical displacement, or significant economic displacement, as described below.

For projects causing physical displacement,⁹ the RP should include planning measures relating to the following, as relevant for project circumstances:

- a) Description of relocation arrangements, including options available to displaced persons, and including transitional support for moving or other expenses,
- b) Description of resettlement site selection, site preparation, and measures to mitigate any impacts on host communities or physical environment, including environmental protection and management,
- c) Measures to improve living standards and otherwise address needs of relocating poor or vulnerable households, including measures to ensure that replacement housing is at least consistent with minimum community standards and is provided with security of tenure,
- d) Description of project design measures to improve living standards, access to or functioning of community services or facilities, or for providing other project-related benefits,
- e) Any measures necessary to address impacts of resettlement on host communities.

⁸ Additional details regarding preparation of an RP are provided in Annex-1 of ESS5.

⁹ Additional details regarding planning measures for physical displacement are provided in ESS5, Annex 1, paras. 17–23.

The Project has mostly positive impacts as it will improve flood services. The limited potential negative impacts of the Project are limited to the loss of land used for horticulture/agriculture and the structures and products on this land due to land acquisition and the economic displacement of those living on these lands. It is anticipated that there will be no physical displacement due to the Project.

For projects causing significant economic displacement,¹⁰ the RP describes (as relevant):

- a) The scale and scope of likely livelihoods-related impacts, including agricultural production for consumption or market, all forms of commercial activity, and natural resource use for livelihoods purposes,
- b) Livelihoods assistance options (for example, employment, training, small business support, assistance in providing replacement land of equivalent productive value, other) available to persons losing agricultural land or access to resources,
- c) Assistance measures available to commercial enterprises (and workers) affected by loss of assets or business opportunities directly related to land acquisition or project construction,
- d) Project measures to promote improvement of productivity or incomes among displaced persons or communities.

The RPs will be subject to the World Bank's review and clearance.

7.1. Ex-Post Social Audit

ESS5 also applies to permanent or temporary physical and economic displacement resulting from land acquisition or land use restrictions occurring prior to the project (maximum five years), but which were undertaken or initiated in anticipation of, or in preparation for, the Project. In this case, although it may not be possible to retroactively satisfy certain aspects of ESS5, such as consultation and disclosure, a due diligence review (an ex-post social audit [EPSA]) will be undertaken by the ESMU in coordination with the municipality/institution to:¹¹

- 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 ESS5,
- d) identify any complaints, grievances, or other outstanding issues, and
- e) determine measures to close identified gaps and address complaints.

The EPSA may include 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 ESS5 (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

¹⁰ Consideration of scale of loss of productive assets as well as changes in institutional, technical, cultural, economic, and other factors may be important in determining the significance of economic displacement. In general practice, however, loss of 10 percent or more of productive land or assets from a household or enterprise often is considered significant. Additional details regarding planning measures for economic displacement are provided in ESS5, Annex 1, paras. 24–29.

¹¹ 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.

levels prevailing prior to the beginning of project implementation, whichever is higher.” An indicative outline for the EPSA is provided in Annex-2.

If activities resulting in displacement are ongoing at the time of project identification, these activities will be stopped until the EPSA has been undertaken, and/or the requirements of ESS5 are being followed.

The EPSA will be subject to the World Bank’s review and clearance to ensure that land acquisition was completed in accordance with the objectives and principles of the national legislation and ESS5. ESMU will ensure that all land acquisition works are scaled up and gaps are bridged, mitigation or compensation for impacts generated by the subproject(s).

8. Consultation and Disclosure Arrangements

In accordance with the ESS5, the ESMU and the respective municipalities/institutions will inform project affected persons (PAPs) about the resettlement process at an early stage and consider their views during planning.

The consultations will be carried out by ESMU in coordination with respective municipalities/institutions in line with the SEP prepared for the Project. Before the consultations, necessary documents including measurement of losses, detailed asset valuation, entitlements and special provisions, timing of payments, and displacement schedules will be disclosed on public notice boards, Project website of the DSI, websites of the respective municipalities/institutions, office of the mukhtars etc., considering the special needs of disadvantaged/vulnerable groups or individuals. During the consultations, assigned personnel of the municipalities/institutions will be introduced to PAPs, who will respond to their concerns, questions and complaints, and information will be provided on the land acquisition process, entitlements, applications and the grievance mechanism.

The subproject specific livelihood restoration plans, RPs, EPSAs that will be prepared in line with this RF will summarize the results of the measures taken to consult with displaced persons regarding the subproject in line with the SEP prepared for the Project, its likely impacts, and proposed resettlement measures. RPs will also summarize the meetings held with displaced persons (dates, locations, number of participants), including comments, questions, and concerns expressed by displaced persons during these meetings as well as responses provided to them. The ESMU will disclose draft RPs to the displaced persons (and the public) after World Bank review and solicits comments from displaced persons regarding the proposed plan. When necessary, in addition to draft RPs, simplified information sheets will be also prepared by ESMU and disclosed. Disclosure of the final RPs will occur following consideration of comments received and following the World Bank acceptance. Both the draft and final RPs will be disclosed at the Project website of DSI and the websites of municipalities/institutions.

The requirements for consultations and disclosure will be set in the respective protocols between the DSI and the municipalities/institutions. In case the DSI will be responsible for land acquisition the requirements of SEP will be applied.

The personal data acquired during the preparation of livelihood restoration plans, EPSAs, and RPs will be processed according to the Personal Data Protection Law N° 6698. Accordingly, the EPSAs and RPs will be disclosed so that they will not violate the said Law.

9. Monitoring and Evaluation

ESMU will make arrangements for monitoring implementation and will provide semi-annually monitoring reports to the World Bank regarding the status of land acquisition and implementation of the RPs. For projects with significant impacts, competent resettlement monitoring professionals will monitor implementation progress and provide advice to ESMU on any necessary corrective actions and will conduct an implementation review when all mitigation measures in the RP are substantially complete. The implementation review evaluates the effectiveness of mitigation measures in achieving RP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved.

DSI will cause municipalities/institutions to prepare semi-annual resettlement plan progress reports pursuant to the respective protocols between the DSI and the municipalities/institutions and send to ESMU. ESMU will compile these semi-annual monitoring reports and send them to the World Bank semiannually. An indicative outline for the resettlement plan progress reports is provided in Annex-3.

ESMU will carry out regular supervision missions to sites.

Indicators to be monitored and reported on a semiannually basis are given as a minimum in Table 4 below. RPs will utilize these but may also add sub-project specific indicators.

Table 4. Monitoring Indicators

Indicators	Source of Information
Total number of plots subject to acquisition (per project) <ul style="list-style-type: none"> • Public Lands • Privately Owned Lands • Purchase with consent • Judicially 	Expropriation records
Total of affected persons compensated (per project) <ul style="list-style-type: none"> • Land owners • Land users • Male/Female • Vulnerable groups 	Expropriation records and compensation payment records
Number of court hearings where the provisions of Article 10 are enforced <ul style="list-style-type: none"> • Open • Closed (registered) 	Expropriation records
Compensation payments made (per project) <ul style="list-style-type: none"> • Land owners • Land users (owner/unauthorized) • Vulnerable groups 	Compensation payment records
Number of plots subject to land consolidation (per project) <ul style="list-style-type: none"> • DSI 	Land consolidation records
Number of affected persons objecting land consolidation (per project) <ul style="list-style-type: none"> • DSI 	Land consolidation records
Consultations (per project) <ul style="list-style-type: none"> • Land acquisition • Land consolidation 	Regional/Provincial Directorate records
Number of affected persons briefed (in each province) <ul style="list-style-type: none"> • Male • Female 	Regional/Provincial Directorate records

Indicators	Source of Information
Number of grievances filed concerning land acquisition and consolidation (per project) <ul style="list-style-type: none"> • Open • Closed • Complainant F/M • Subject • Closed in due time 	DSİ grievance records

10. Grievance Mechanism

The grievance mechanism (GM) of the Project defined in the SEP will be used also for resettlement related grievances such as the displaced persons' complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters. In addition, DSI will cause municipalities/institutions to establish and implement a functional GM pursuant to the respective protocol between the DSI and the municipalities/institutions and to keep records of resettlement related complaints referred to the GM, including a description of issues raised and the status or outcome of the review process. Municipalities/Institutions will add these records into their resettlement plan progress reports (Annex-3) as a section and send to ESMU semi-annually.

In case the governorship appoints DSI for land acquisition, grievances related to land acquisition activities will be kept separately.

Judicial Recourse in National Legislation

The GM does not preclude displaced persons from pursuing legal remedies available to them. Expropriation Law N° 2942 states that the owners of the immovable property subject to expropriation may file a lawsuit for annulment in the administrative jurisdiction against the expropriation transaction and a lawsuit for correction against material errors in the judicial jurisdiction within thirty days from the date of notification made to them by the court (if the notification cannot be made since the owner(s) of the immovable property could not be identified, the date of announcement made by the court in the newspaper replaces the date of notification).

11. Budget

For physical relocations, expropriation costs are covered by the implementing organization and other transactions and expenses are covered by the Ministry of Environment, Urbanization and Climate Change. The contributions that might be provided by DSI (if any) will be determined in protocols between the DSI and the respective municipalities/institutions. The budget of the Project will not be used for implementation of RPs, EPSAs, LRPs. The non-exhaustive list of estimated budget items that will be included in the RPs, EPSAs, LRPs are:

- For physical displacements
 - expropriation costs (expropriation compensation will be sufficient to cover the full replacement cost),
 - relocation assistance, etc.

- For economic displacements
 - cost of identifying a viable alternative location,
 - cost of transfer and reinstallation of the plant, machinery, or other equipment, and
 - assistance in identifying alternative employment opportunities.

Annex-1. Indicative Outline for the Resettlement Plan / Land Consolidation Reporting Format

Resettlement Plan / Land Consolidation Reporting Format

1. INTRODUCTION

- *Location of the subproject (province, district, neighborhood)*
- *Size and type (private/public) of land required for the subproject etc.*
- *Presence of unauthorized users on the land*
- *Reasons for the selection of this land*
- *Information regarding other assets (if any) on land and their current status (utilization status etc.)*
- *Information regarding land acquisition process to be followed*
- *Size and type (private/public) of land to be consolidated within the scope of subproject, whether there are unauthorized users on the land etc.*
- *Any loss of livelihoods expected*
- *Subproject description: Describing irrigation establishment and land consolidation activities based on the status and stage of the project*
- *Information on approach to be followed for land consolidation in the subproject*

2. POTENTIAL AFFECTS OF EXPROPRIATION AND AFFECTED PERSONS

- *Definition of project impacts (temporary/permanent)*
- *Method to be used in land acquisition (depending on belonging to public or person; establishment of permanent ownership right, establishment of easement, renting, designation, transfer permit etc.)*
- *In the event that the ownership of chosen land belongs to persons, information regarding the number of legal right owners and how they use the land*
- *If there are structures on the chosen land, information on who the people using these structures are, how and for how long they were affected from the project*
- *If there is a non-agricultural use of chosen land (lodging, agricultural industry etc.), information on who the affected persons are, how and for how long they were affected from the project*
- *Whether there were effects on livelihoods of affected persons depending on the land use status*
- *Are there vulnerable communities within PAPs?*
- *Suitable criteria to be complied to for compensation as per the national legislation and ESS5.*

3. POTENTIAL AFFECTS OF LAND CONSOLIDATION AND AFFECTED PERSONS

- *Definition of any impacts related to consolidation and irrigation modernization (temporary, permanent)*
- *Description of the settlements subject to land consolidation and profile of the PAPs and local community*
- *Information on the land use (are there landowners, or tenants, how many registered water users, how many non-registered water users, number of women subject to land consolidation etc.)*
- *Perceptions of local community towards land consolidation*
- *Existence of vulnerable groups among project-affected people -Definition of their categories - Impacts on these certain groups, if any.*

4. BASELINE

Presentation of methodology and findings from surveys undertaken to inform baseline for persons affected by land acquisition and/or land consolidation. The surveys will be undertaken in line with WB requirements.

5. LEGAL FRAMEWORK

(Legal framework described within Resettlement Framework can be the same as expropriation and land consolidation. Legal framework may be shorter or longer due to varying land requirements of sub-projects.)

- *Brief information on the national legislation (only the laws/regulations applicable to the project)*
- *Summary of the Bank Policies and ESS5, and gap filling measures for differences*

6. IMPLEMENTATION, COMPENSATION AND OTHER ASSISTANCE

Summary of land acquisition process; legal responsibilities of DSI, how and in what period the land will be acquired, who will be compensated and for what kind of immovables, information on other assistance/support to be provided during the project implementation process (whether there will be additional measures for restoration of livelihoods if they are affected)

Summary of land consolidation process; legal responsibilities of DSI, how and in what period will Land Consolidation be carried out, mitigation measures for the impacts anticipated caused by Land Consolidation, information on other assistance/support to be provided during the project implementation process (whether there will be additional measures for income restoration if livelihoods are affected)

7. CONSULTATION AND ENGAGEMENT

Summary of consultations with the owners and users of the land subject to land acquisition or land consolidation, who the responsible persons for the consultation are, channels and tools to be used to inform project-affected persons, how vulnerable communities, if there are any, will be engaged in consultation process. For land consolidation processes, describe if there are owners who do not agree with the process.

8. GRIEVANCE/REQUEST SYSTEM

How the grievance/request system to be established within the scope of the project will work and in which stages of the project, who the responsible parties will be, tools and methods to be employed.

9. MONITORING AND REPORTING

How and how frequently the monitoring of RP to be implemented will be carried out, how and how frequently the monitoring activity will be reported.

10. TIMETABLE AND BUDGET

Envisioned estimated budget and work plan for land acquisition works.

Annex-2. Ex-Post Social Audit Template

EX-POST SOCIAL AUDIT (EPSA)

1. Project Background (0.5 page)

- a) **Summary Project Description** supported with appropriate maps and including identification of components, from the Project Appraisal Document (PAD) (link to the PAD can be provided for details). Focus should be the subproject subject to the EPSA not the main Project.
- 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.

2. About the Ex-Post Social Audit (EPSA) (0,5 -1 page, details can be provided in the Annexes)

- a) **Why EPSA is Required.**
- b) **Reference to Gap Analysis of Country Systems and Gap Filling Measures Identified** in relation to meeting ESS5 requirements, as these require particular attention in the EPSA.¹²
- c) **Description of the EPSA Methodology Used.**

3. Land Acquisition Carried Out and Gaps in Procedures (3-5 pages)

- a) **Description of Eligibility Criteria Applied** in the land acquisition for compensation and all other forms of assistance provided, including the cutoff date for eligibility.
- b) **Description of Land and Asset Valuation Procedures Applied**, and compensation standards followed.
- c) **Consultation and Disclosure Arrangements** followed in connection with the acquisition process.
- d) **Description of Grievance Mechanism Available for Affected Persons.**
- e) **Identification of Gaps in Applied Procedures, Process and Resulting Outcomes** of acquisition and displacement and compensation hereof vis-à-vis national law and ESS5.

4. Gaps in Eligibility Criteria and Compensation

- a) **List of all Affected Parcels** with reference to the gap analysis (see footnote 12), including information on affected parcels (usage status of the parcels, identified formal/informal users, landowners, shareholders, vulnerability situations, identified assets on the parcel, total parcel area / affected parcel area percentage, compensation paid for each parcel).

¹² The identified gaps comprise the following: (i) no provisions for livelihoods restoration; (ii) no coverage of Project Affected Peoples (PAPs) including non-title holders, public land users, squatters and customary owners, or special provisions for poor and vulnerable people, community engagement, gender impacts and grievance mechanisms (GMs); (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 GM during implementation of the resettlement plan (Türkiye. Comparison between World bank Environmental and Social Framework and with country laws)

Table XX: Number of parcels and PAPs subject to land acquisition (*this table is given as a template and can be adjusted to project scope in line with the guidance provided above in bullet 4.a)*

Component	Permanent		Temporary				Informal users (if any)		TOTAL	
	Purchased		Easement		Rental		# of parcels	# of	# of parcels	# of PAPs
	# of parcels	# of PAPs	# of parcels	# of PAPs	# of parcels	# of PAPs				
Component X										
Component Y										
Component Z										
TOTAL										

- b) List of Compensation Paid to PAPs
- c) Consolidated List of Gaps in PAP Identification and Compensation Paid, and List of All Grievances Submitted.

5. Conclusion

- a) Time-Bound Mitigation Plan to Address Gaps Identified. (1-2 pages)

Annexes

Annex-3. Resettlement Plan Progress Reporting Format

Resettlement Plan Progress Report

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

1 - Subproject Description

(This section remains relatively unchanged in the reports unless there is change in design)

Brief description/overview of the subproject, including: any associated facilities needed for its functionality and success, including those associated facilities financed by other sources; key components; reports should up-date any changes or variations in design which may change land access requirements.

2 – Implementation Summary

A 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 plan 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 the Implementation of Resettlement Plan

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. The tables will include the total area of land being acquired, number of affected persons (disaggregated by gender, and vulnerability status), number of affected households, the category of entitlement, status of land acquisition process, status of disbursement of compensation, etc.