

RESETTLEMENT POLICY FRAMEWORK

NATIONAL URBAN TRANSPORT IMPROVEMENT PROJECT

Russian Federation

Client: World Bank

Moscow/ Rotterdam

April 2014

Table of Contents

Glossary	4
1 Project description	6
1.1 Background	6
1.2 Project Description	6
1.3 Resettlement Policy Framework for the NUTIP	7
1.4 Estimated population displacement and categories of affected people	8
2 Policy, Legal and Administrative Framework	10
2.1 Institutional Responsibilities	10
2.2 Resettlement Related Legislation of the Russian Federation	10
3 World Bank Policy, Safeguards and Legislation of the Russian Federation	12
3.1 The World Bank Safeguards and Involuntary Resettlement Policy	12
3.2 Comparison of Russian Legislation and WB Resettlement Policy	13
4 Principles of Resettlement and Land Acquisition Adopted for the project	15
5 Eligibility and Entitlements	16
5.1 Assessment of Compensation Unit Values	21
5.2 Public consultations	23
6 Implementation	25
6.1 Resettlement Screening and Scoping	25
6.2 Socio-economic census and asset inventory	25
6.3 Preparation of RAPs	26
6.4 Implementation of the RAPs	27
6.5 Monitoring	27
7 Grievance Redress Mechanism	29
8 Budget, and Funding Arrangements	30
9 Disclosure arrangements	31
Annex 1: Resettlement Plan Development Procedure	32
Annex 2: Resettlement Plan Format	39
Annex 3 – List of the effective Russian legislation and options of harmonization with OP 4.12.	43
Annex 4 – Resettlement screening form	49

Abbreviations

AF	Affected Family
AH	Affected Household
AP	Affected Person
DP	Displaced Person
EA	Executing Agency
GRF	Government of the Russian Federation
IPSA	Initial Poverty and Social Assessment
LAR	Land Acquisition and Resettlement
LG	Local Government
NUTIP	National Urban Transport Improvement Project
OD	Operational Directive
OP	Operational Policy
PAP	Project Affected Person
RAP	Resettlement Action Plan
ROW	Right of Way
RF	Russian Federation
RP	Resettlement Plan
RPF	Resettlement Policy Framework
PT	Public Transport
PIU	Project Implementation Unit
UPT	Urban Public Transport
WB	World Bank

Glossary

1. **Affected Person (or household)** - People (households) affected by project-related changes which include permanent and temporary loss of land, assets, and income. Affected persons entitled for compensation or at least rehabilitation provisions under the Project are: all persons losing land, or access to land, permanently or temporarily either covered by legal title/traditional land rights or without legal status; tenants whether registered or not; owners of affected buildings, or other objects attached to the land; and affected persons losing business, income, and salaries.
2. **Asset Inventory** - A complete count and description of all property that will be acquired.
3. **Compensation** - Loss reimbursement for the Project affected persons; Cash payment or in-kind compensation in the due amount in return for the loss of assets (property), resources or income
4. **Economic Rehabilitation** - Economic Rehabilitation implies the measures taken for income restoration or economic recovery so that the affected population can improve or at least restore its previous standard of living.
5. **Eligibility** - The criteria for qualification to receive benefits under a resettlement program.
6. **Expropriation** - Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise use
7. **Grievance Procedures** - The processes established under law, local regulations, of administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
8. **Income restoration** - Re-establishing income sources and livelihoods of people affected
9. **Involuntary resettlement** - Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, income and assets bases elsewhere.
10. **Land Acquisition** - The process of acquiring land under the legally mandated procedures of eminent domain.
11. **Population Census** - A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation.
12. **Rehabilitation** - Re-establishing incomes, livelihoods, living, and social systems
13. **Relocation** - Rebuilding housing, assets, including productive land, and public infrastructure in another location
14. **Replacement rates** - Cost of replacing lost assets and incomes, including cost of transactions

- 15. Resettlement** - Term – “Resettlement” in accordance to the World Bank Involuntary Resettlement Operational Policy Document 4.12 considers alienation of land parcels and/or physical relocation (moving to other place) of households being appeared within the project affected area
- 16. Resettlement Entitlements** - Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
- 17. Resettlement effects** - Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms
- 18. Resettlement plan** - A time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, action, responsibilities, monitoring and evaluation
- 19. Resettlement (Action) Plan** - A resettlement action plan [RAP] is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.
- 20. Resettlement Strategy (Rehabilitation Strategy)** - The approaches used to assist people in their efforts to improve (or at least to restore) their incomes, livelihoods, and standards of living in real terms after resettlement. The resettlement strategy typically consists of payment of compensation at replacement cost, transition support arrangements, relocation to new sites (if applicable), provision of alternative income-generating assets (if applicable), and assistance to help convert income-generating assets into income streams.
- 21. Socioeconomic Survey (SES)** - A complete and accurate survey of the project-affected population. The survey focuses on income-earning activities and other socioeconomic indicators.
- 22. Stakeholders** - A broad term that covers all parties affected by or interested in a project or a specific issue - in other words, all parties who have a stake in a particular issue or initiative. Primary stakeholders are those most directly affected - in resettlement situations, the population or businesses that lose property or income because of the project and host communities. Other people and institutions who have an interest in the project—such as the project authority itself, regional and local governments, other organizations (enterprises, companies) directly related to public transport
- 23. User** - Physical person not registered as the owner at the Public Register, or holding the right to use the land (property, assets)
- 24. Vulnerable groups** - Distinct group of people who might suffer disproportionately from resettlement effects

1 Project description

1.1 Background

This Resettlement Policy Framework (RPF) has been prepared for the forthcoming National Urban Transport Improvement Project (NUTIP), which is co-financed by the Government of the Russian Federation (GRF) and the World Bank (WB).

1.2 Project Description

The **objectives** of the NUTIP are to:

- improve the quality and condition of urban transport while reducing adverse environmental impacts of transport in three pilot cities, through physical investments and operational and technological improvements, and
- strengthen the institutional and technical capacity in several Russian cities in planning and managing urban transport systems.

In order to achieve these objectives it is foreseen that the project will finance technical assistance activities as well as investments under the three components of the NUTIP.

These **components of the NUTIP** are:

Component 1: Development of a Federal Framework for Sustainable Urban Transport Systems.

This component will support the Federal Ministry of Transport (MoT) creating an institutional framework at national level to promote the development of environmentally friendly urban transport in Russian cities.

Several technical assistance activities will be funded as part of this framework. Such activities will include, among others, support for: the further development and adoption of a national strategy for sustainable urban transport; legal reforms to achieve environmentally friendly urban transport conditions; knowledge exchange and capacity building for government officials and technical staff, and the facilitation of data collection and knowledge dissemination on sustainable urban transport development.

Component 2: Sustainable Urban Transport Pilot Program in Three Russian Cities. This component supports investments in pilot projects, with co-financing by participating cities (Saint Petersburg, Lipetsk and Balashikha), in the areas of:

- Improvement of traffic management systems, potentially including advanced technologies of intelligent transportation systems (ITS),
- Improvement of public transport infrastructure, vehicles and services,
- Development and implementation of a city-wide parking plan,
- Improvement of road traffic safety and non-motorized transport, and
- Implementation of various Transport Demand Management (TDM) measures.

Pilot projects will be selected by municipal administrations (in concurrence with the Ministry of Transport and the World Bank), based on their long-term transport strategy and investment programs within the Concept and the budget of the Project of around USD 75 million for each city.

During the implementation of the pilot projects, technical assistance will be provided to the pilot cities, as necessary for successful implementation of investment components of the pilot projects. Technical assistance will support the collection of data, development of measures and strategies and decision making on investments in the pilot cities.

The following project activities (investments) have already been agreed in the pilot cities:

Saint-Petersburg:

1. Implementation of on-street paid parking within the pilot area and development of the system "Monitoring and management of the city parking"
2. Integrated traffic management

Lipetsk:

3. *Measures to provide priority of public transport within the pilot corridor*
4. *Improvement of the quality of services and attractiveness of public transport*
5. *Modernization of tram and trolleybus infrastructure*
6. *Upgrade of municipal bus, trolleybus and tram rolling stock*

Balashikha:

1. *Improvement of the quality and attractiveness of the city public transport*
2. *Development of an integrated traffic management system*
3. *Activities to increase traffic safety.*

Component 3: Development of Institutional and Technical Capacity. Within this component technical assistance will be provided to municipalities other than the 3 pilot cities, to develop their institutional, managerial and technical capacity for dealing with urban transport system management and development issues.

1.3 Resettlement Policy Framework for the NUTIP

All renovation, reconstruction work and improvement of sites directly financed by the project will be done on federally owned property. Associated investments to the Sub-projects when they will occur (road improvement, parking lots, etc) will be done on public lands and will not require land acquisition. Both direct and indirect sub-projects investment will follow the Bank Safeguards requirements and this Resettlement policy framework.

The Resettlement Policy Framework (RFP) has been prepared in compliance with the World Bank (WB) requirements as stated in the WB'S Policy on involuntary resettlement (OP 4.12). The RPF is also designed to meet the legal requirements of the Russian Federation (RF). Although, the Project involves no land acquisition at any of the Project sites (any sub-project proposal requiring land acquisition will be refused), it is recognized that the activities to be undertaken under the various project components may lead to temporary physical relocation of people, loss of assets and loss of access to resources.

Involuntary resettlement may cause impoverishment for both individuals and legal entities. For these reasons, involuntary resettlement will be avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement programs.

Due to Project implementation displaced persons will at least have their livelihoods and standards of living to levels prevailing prior to beginning of project implementation or even improve them. Any displacement required for or directly linked to the Project implementation will be carried out following well-established procedures specified in Russian laws and World Bank Operational Policy (OP) 4.12 and Bank Procedures (BP) 4.12 on Involuntary Resettlement. Wherever Russian laws and World Bank policies are not in agreement, the principles agreed upon in the RPF will be followed. However, the total value of compensation provided for any displacement in any case should not be less than the amount which the individual or household would receive under the Government's legal framework.

This RPF applies to all Project activities, including activities directly stipulated and financed under each Sub-project, as well as all other relevant activities that are not stipulated and financed under any Sub-project but are carried out by state and/or municipal authorities / private investors in connection with the Project.

The RPF sets out principles and procedures to be applied in case any of these situations occur as a result of the NUTIP implementation. It sets out the principles and procedures that will govern resettlement activities, identify categories of affected persons, and describe the analytical work and documentation to be prepared before, during and after implementation of the RAPs.

The RPF has been prepared in line with World Bank Operational Policy (OP) 4.12 and the relevant laws and regulations of the Russian Federation. In cases of controversy between Russian Federation legislation and World Bank's operational policy, the principles and procedures described in OP 4.12 prevail (prevail within the project).

No Resettlement Action Plans (RAPs) for each of the pilot projects have been prepared at this stage, as the need to develop RAPs for the planned pilot project activities will be identified when implementation of the pilot projects begins, namely at the design stage.

During the project preparation, no activities were planned that could entail involuntary resettlement of residents from a project site, loss of property, loss/restriction of access to property or loss of sources of income /livelihood. In case when during project implementation such cases are identified, administrations of the cities where pilot projects are planned to be implemented should (i) find other solutions that will not cause involuntary resettlement, loss of property, loss / restriction of access to property, or loss sources of income /livelihood, OR (ii) will be required to develop, adopt and comply with the resettlement Action Plan (RAP) for such activities. Herewith, RPF will form a basis for RAPs, which will need to be approved by the Ministry of Transport and the World Bank prior to implementation of such activities.

1.4 Estimated population displacement and categories of affected people

Identification of the population subject to resettlement/affected by the Project and all associated activities (such as infrastructure development) financed by the municipal authorities will be carried out in two stages:

1st stage: Overall scale of resettlement as well as potentially affected categories of population are estimated during the preparation of preliminary Sub-project proposals.

2nd stage: Detailed assessment of resettlement needs, of all affected individuals / households /businesses, of properties / income to be lost and the resettlement plan

including resettlement procedures are to be developed during the preparation of final application for each Sub-project. To this goal a census of the affected population is organized during this stage using the formats presented in the Annex 4, tables 1-3 and following order, timing and data structure of the census of the affected population which is part of the Resettlement Plan Development Procedure presented in the Annex 1.

Based on the data collected the profile of the affected population is established and it is classified into the categories a), b) and c) to determine adequate resettlement approaches. In order to prevent appearing of new groundless claims the census must be singular and final, thus it will be carried out in a prompt and precise manner. Special attention must be paid to the task of identifying informal occupants at the Sub-project site.

The number of potentially affected population / private businesses is very small as Project activities will not entail any significant construction works and will focus on the improvement of transportation infrastructure in the participating pilot cities. Nevertheless some individuals and private businesses may be affected by the Project. These include:

- Individuals / households residing in areas, where Project activities will be conducted:
 - possessing formal property rights;
 - under formal rent contract;
 - claiming formal rights;
 - without any formal rights;
- Individual entrepreneurs / private businesses occupying sites which project activities will be conducted:
 - possessing formal property rights;
 - under formal rent contract;
 - claiming formal rights;
 - without any formal rights
- Individual informal entrepreneurs / individuals using sites where Project activities will be conducted for income-generating activities and/or living practices.

The opinion of affected persons and other stakeholders shall be sought through public consultations and incorporated into the resettlement planning and decision making process.

2 Policy, Legal and Administrative Framework

2.1 Institutional Responsibilities

In cases where any planned activities of pilot projects will entail involuntary resettlement, or will cause loss of property, loss /restriction of access to property, or loss of sources of income /livelihood, the city administration where pilot project are to be implemented will provide a clear scheme of cooperation between institutions and affected people to resolve the situation, with an indication of normative timeframe and standard forms of documents.

Major organizational functions regarding resettlement and the related safeguards are as follows

Institution	Responsibility
World Bank Ministry of Culture of the Russian Federation	<ul style="list-style-type: none"> approval of the resettlement plan evaluation of the outcomes of the resettlement and of the indicators of monitoring.
PIU	<ul style="list-style-type: none"> supervision over the resettlement process ensure that resettlement procedures meet the Resettlement Framework Policy and World Bank safeguards Hiring consultant to RAP preparation
Consultant hired by the PIU / municipalities	<ul style="list-style-type: none"> identify resettlement needs (1st stage); develop suggestions on the resettlement plans (2nd stage); develop recommendations on assets evaluation, on potential income and opportunity loss evaluation, on measures of social assistance to the affected population, on alternative sources of income for informal occupants of Sub-project sites; develop proposals on forms and approaches to informing the population and ensuring information transparency of the resettlement process; facilitate public participation in planning, implementing and overseeing the resettlement process; develop proposals on grievances resolution; develop the resettlement process monitoring methodology
Municipal authorities (in accordance with the level of responsibility)	<ul style="list-style-type: none"> develop resettlement plan and safeguards to be applied; conduct census of the affected population and maintenance of the actualized information regarding the affected population during resettlement preparation and implementation; evaluate losses eligible for compensation; development and implementation of measures of social support of the resettled population; finance the resettlement costs; organize public information procedures, public participation in decision-making regarding the resettlement; consider and resolution of grievances; monitoring of the resettlement.

Allocation of roles and responsibilities among the Project participants / stakeholders is to adopted in a form of a multi-party agreement for each sub-project.

2.2 Resettlement Related Legislation of the Russian Federation

This section seeks to highlight major issues related to legislation with regards to land taking and resettlement in the Russian Federation.

Norms and requirements regarding expropriation of land and property from citizens and legal entities for the realization of works that serve public needs can be found in the Constitution (Articles 34, 35 and 36), Civil Code, Town-Planning Code, Housing Code and Land Code of the Russian Federation.

Annex 3 provides a more elaborate overview of the relevant RF legislation and a comparative analysis of the relevant Russian legislation and the World Bank Operational Policy 4.12.

The legislation of the Russian Federation allows the involuntary acquisition of property from citizens or economic entities in limited cases only. Land and/or property acquisition is possible only if such land or property is acquired for public needs¹.

The laws place a strong emphasis on timely consultation and notification to ensure that all project affected persons participate in the process.

The general concept is based on the assumption that the property of physical/legal entities can be acquired only subject to prior and fair compensation (including the provision of equivalent dwelling or monetary compensation). Moreover, expropriation is seen as a matter of 'last resort' that should be avoided through appropriate project design and negotiation with project affected persons. If the parties cannot reach agreement on the matter, cases of involuntary resettlement are resolved in court.

¹ Other cases of involuntary resettlement (the house is recognized an emergency, or the status is changed from residential to non-residential, or the premise is recognized unfit for habitation) - all above mentioned is applicable only for the social rent and does not refer to the resettlement under the Project. So, the cases will not be considered further in this report.

3 World Bank Policy, Safeguards and Legislation of the Russian Federation

3.1 The World Bank Safeguards and Involuntary Resettlement Policy

All projects funded by World Bank must comply with the WB social and environmental safeguards. The WB's Policy on involuntary resettlement (OP 4.12) is one of the most important safeguards guiding land acquisition and related resettlement/compensation issues during project implementation.

OP 4.12, is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- In case of resettlement, affected persons should be provided with the opportunity to improve, or at least restore, pre-project incomes and living standards.
- Affected Persons should be provided prompt and effective compensation at full replacement cost² for losses of assets³ attributable directly to the project. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. For a detailed discussion on the calculation of market value and replacement costs, see section 5.1 below (pp. 21-22).
- Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based
- Compensation and resettlement subsidies will be fully provided prior to clearance of right of way/ ground levelling and demolition.
- Affected Persons should be fully informed on their options and rights pertaining to resettlement and be consulted on, and presented with, feasible resettlement alternatives.
- Affected persons shall be involved in the consultations at the stage of planning and realization of the resettlement action plan.
- Affected Persons' socio-cultural institutions should be supported/used as much as possible.
- Lack of legal title should not be a bar to compensation or alternative forms of assistance as needed to achieve policy objectives.
- Particular attention should be paid to the needs of vulnerable groups among those people below the poverty line, the landless, the elderly, women and children, or other displaced persons who may not be protected through national land compensation legislation.

The above described principles apply to all components of the NUTIP, as well as to any other activity directly and significantly related to the NUTIP, which result in involuntary resettlement, regardless of the source of financing.

²

³ If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.

The borrower is responsible for preparing, implementing, and monitoring this involuntary resettlement policy.

3.2 Comparison of Russian Legislation and WB Resettlement Policy

This section compares the similarities and differences between the laws of Russian Federation related to expropriation and the World Bank's safeguards on Involuntary Resettlement. Where the RF law differs with the Bank's OP 4.12' the latter will apply or take precedence with relation to implementation of the NUTIP.

Generally the norms and requirements concerning issues of expropriation and involuntary resettlement stipulated by Russian legislation are largely compatible with major provisions of the WB Resettlement Policy. However there are also some differences to be noted.

Main differences (leading to contradictions) between OP 4.12 and the Russian Legislation relate to the focus and definition of formal property rights when dealing with expropriation. Whereas RF legislation focusses on persons/entities possessing official rights, the OP 4.12 focusses on the compensation of both rightfully owned affected assets and on the general rehabilitation of the livelihood of the project affected persons or households.

These main differences between the RF legislation and OP 4.12 are outlined in table below. As indicated before: For all Bank-funded projects the principles the Bank OP 4.12 must take precedence in case of conflict with national legislation.

Table 3.1 Comparison of RF Laws/Regulations and WB Resettlement Policy

RF Laws and Regulations	WB Involuntary Resettlement Policy	Applicable rules for the Project
Land compensation only for titled landowners	Lack of title should not be a bar to compensation or alternative forms of assistance. Non-titled landowners may receive alternative forms of assistance in lieu of formal compensation payments.	Land compensation will be provided to titled owners and alternative forms of assistance may be granted to non-titled owners,
No provision for improving the living conditions of persons whose property is subject to expropriation	Ensure that displaced persons are assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation.	Displaced persons are assisted in their efforts to improve their livelihoods and standards of living or at least to restore them
Valuation of property possible based on its condition and with	Valuation of property possible with accounting for depreciation	Valuation of property possible with accounting for

RF Laws and Regulations	WB Involuntary Resettlement Policy	Applicable rules for the Project
account of depreciated value.		depreciation
Compensation, including the lost profit provided only to enterprises, commercial organizations and entrepreneurs, having a legal registered business.	Compensation or alternative forms of assistance whether entities are registered or not	Compensation or alternative forms of assistance whether entities are registered or not

4 Principles of Resettlement and Land Acquisition Adopted for the project

The World Bank has prescribed measures which must be followed by implementing agencies. The World Bank's current policy on involuntary resettlement, OP 4.12, complements regional and local laws in ensuring that adequate safeguards are made for persons affected by expropriation. OP 4.12 applies not only to the parts of the project financed by the Bank but also associated investments (co-financed) with the project (connection work, lightning, etc.).

The principles that guide resettlement issues arising from the NUTIP are:

1. No land acquisition will be done under NUTIP.
2. For each activity (investment, sub-project) that involves temporary or permanent income loss, physical displacement of households or businesses, or other impact that triggers the OP 4.12, a Resettlement Action Plan (RAP) will be developed in compliance with policies and procedures set out in this RPF, the WB OP 4.12 and RF legislation. In case of contradiction between the latter, the OP 4.12 prevails.
3. No civil work can start at the section where impacts that trigger OP 4.12 occur before a RAP is deemed acceptable by the World Bank.
4. Involuntary resettlement would be avoided where possible and where population displacement is unavoidable, it would be minimized by exploring all viable project options
5. Persons affected by relocation or loss of incomes associated with change in land use due to the project would be given compensation and assistance so that they can improve or at least maintain their former standard of living.
6. The estimation of the compensation will include all costs/losses occurred by the Project Affected Persons in accordance with the compensation matrix included in this RPF and in compliance with the WB OP 4.12 and RF legislation.
7. An independent valuator is to be chosen to determine the resulting proposed offer prices ensuring that they correspond to World Bank principle of "replacement value."
8. Project Affected Persons will receive compensation or support without regard to the status of land registration and ownership.
9. Project Affected Persons would be given full information on the qualification (eligibility), mode of compensation, the restoring plan of production income, and the project's progress and be involved in the design, implementation and monitoring of the resettlement arrangements (community participation).
10. Special resettlement assistance will be provided to vulnerable groups and those are severely affected by Project activities to restore their livelihood and standards of living.
11. Municipalities of the pilot cities that propose subprojects within the framework of NUTIP will be responsible for implementing the relevant RAP, under overall supervision of the MoT
12. Compensation measures are completed prior to start up of the particular construction activities that trigger OP 4.12.

5 Eligibility and Entitlements

Implementing agencies will follow appropriate procedures for assessing and delivering entitlements to affected persons. These procedures will be specified in the RAPs and will cover: Eligibility criteria and Entitlements.

Eligibility

PAPs entitled for compensation or at least rehabilitation provisions under the Project are:

1. All PAPs losing land, or access to land, permanently or temporarily either covered by legal title/traditional land rights or without legal status;
2. Tenants and sharecroppers whether registered or not;
3. Owners of affected buildings, crops, plants, or other objects attached to the land; and
4. PAPs losing business, income, and salaries.

Compensation eligibility will be limited by a cut-off date to be set for each subproject on the day of the beginning of the Census. Persons who settle in the affected areas after a locally publicized cut-off date will not be considered project-affected, and persons initiating improvements to land or structures after a locally publicized cut-off date will not be eligible for additional compensation. They, however, will be given sufficient advance notice, requested to vacate premises or dismantle affected structures prior to project implementation. Their dismantled structures materials will not be confiscated and they will not pay any fine or suffer any sanction.

Entitlements

At present, following categories of people are expected to be affected by the project (see Entitlement Matrix, below):

- Private landowners (with or without an established legal title to the land) whose land will be purchased or expropriated to implement subprojects.
- Private owners (with or without an established legal title to the property) whose assets such as residence, stables, workshops, fences, barns, warehouses, trees, standing crops, and other valuable assets need to be damaged, purchased, or expropriated.
- PAPs (including formal and informal businesses) who experience temporary loss of income or asset as a results of restriction of access to land or assets during civil works.
- PAPs (including formal and informal businesses) who experience loss of income or asset as a result of purchase or expropriation of land for implementation of subprojects.
- Leaseholders (individual and enterprise) who have lease agreements with the Municipalities or other owners in existing and alternative alignments and sites
- Informal/illegal occupants and land users on existing rights of way and new alignments and sites.

Affected persons will be compensated for land purchased for permanent structures and for servitude agreements (i.e., easements) on existing and new alignments for land they own or use, formally or informally. Affected persons (i.e., owners, informal users and leaseholders) will also be

compensated for damages and structures, standing crops, trees and other economic assets that are affected. If permanent relocation is involved, whenever possible, and when acceptable to MDF, the affected persons will be relocated to new properties of equal quality identified by the Project. Affected persons will be compensated for transportation costs if relocation is involved.

Persons affected temporarily by construction activities will be compensated for any lost income, assets and damages.

In compliance with OP 4.12 requirements special attention shall be paid to the poor and most vulnerable groups as such groups can not protect their rights in the process of the resettlement and as a result their living standards might drastically worsen.

As per RF legal framework there are some population groups considered especially vulnerable and subsidized by the government, i.e. the groups receiving the small allowances and payments) as listed below:

- pensioners by age
- disabled people
- large families
- single mothers
- families with disabled children (invalids)
- troubled families
- participants/veterans of the Great Patriotic War
- participant of war operations

The listed above categories fully correspond to the concept of poorly protected people in terms of international standards. In case of the involuntary resettlement such categories will be eligible for additional assistance.

The compensation matrix on the following page describes the eligibility for compensation and/or assistance for impacts/losses for different types of assets and categories of Project – affected persons. It should be emphasized that land acquisition will not be financed by the Project.

Table 5.1 Compensation matrix

Asset	Specifications	Category of PAP	Compensation Entitlements
Residential/ commercial land	Loss of land	Land owners with or without title	(i) Replacement land of the equal market value, agreeable to the PAP; or (ii) Lump-sum compensation at replacement cost free of taxes, registration and transfer costs
Houses, buildings and other permanent structures	(Marginal impact: without physical displacement of households or businesses)	Owners of permanent structures with or without property title	(i) Replacement/repair of the structure; or (ii) Lump-sum compensation at replacement rates for affected structure, based on material cost, construction and labor costs free of salvageable materials, depreciation and transaction costs. Any costs and taxes associated with land registration will be included in the compensation.
	(Severe impact: requiring physical displacement of households or businesses)		(i) House for house / building for building swap; if replacement is lower value, cash compensation for the difference, or (ii) Lump-sum compensation at replacement rates for affected structure and other fixed assets, based on material cost, construction and labor costs free of salvageable materials, depreciation and transaction costs. (iii) In addition to (i) or (ii), allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation
		Renters with leases	(i) Three months rent at prevailing local market rate and assistance in finding alternative property for rent; and (ii) Allowance for moving or storing belongings
Temporary structures (kiosks, stalls)		Owners of temporary, structures (kiosks, stalls)	(i) Approved and suitable site to re-locate, and (ii) If the structure is damaged, cash compensation at replacement rates for affected structure and other fixed assets, based on material cost, construction and labor costs free of salvageable materials, depreciation and transaction costs.
Residence	Temporary displacement from residence during construction	Occupants of affected housing structures with or without title	(i) Lump-sum compensation equal to the rental cost of alternative housing; or (ii) Temporary housing of adequate size and quality to house the members of affected household; (iii) In addition to (i) and (ii), allowance sufficient to cover transport expenses
Income	Permanent loss of business or employment	All affected persons, including squatters	(i) Compensation payment equal to one year income (calculated based on the average income of the worker in the previous year).
	Temporary loss of income due to loss of access to business location	All affected persons, including informal occupants of business location	(i) Lump-sum compensation at least equal to the lost income during construction

Asset	Specifications	Category of PAP	Compensation Entitlements
	Temporary loss of income due to restriction of access to land or natural resources	Domestic animal owners	(i) An alternative temporary access route or grazing land will be provided for the duration of impact
		Agricultural producers	(i) Lump-sum compensation equal to the lost income during construction

Analysis of planned project activities (sub- projects, investments) suggests that the number of individuals out of all categories listed above that, in accordance with OP 4.12, will be entitled to compensation will be minimal, if any. However, the table below lists activities in each of the pilot cities, the implementation of which may require compensations (compensation for damage).

In all three pilot cities, issues related to the disposition of property may arise only due to installation and equipping new bus stops ("smart PT stops"). In these areas, there may be legally or illegally located retail and service booths (tents, carts) that will be dislocated.

Pilot city	Activity/Type of damage	Category of people that will be eligible from compensation	Description of damage
Saint-Petersburg	Installation of smart PT stops/ harm for commercial activities	<input checked="" type="checkbox"/> A) People who are owners of property or assets, recognized in accordance with the legislation of the Russian Federation; B) People who do not have legal ownership rights to property or assets at the time of the census, but have claimed such rights- C) Persons who do not have legal ownership rights to the property or assets affected by the project and / or doing business (or other activities to ensure the livelihood) on illegally or informally occupied land plots.	Owners and employees of retail and service booths (tents, carts) located in the area of planned project activities
Lipetsk		A) People who are owners of property or assets, recognized in accordance with the legislation of the Russian Federation; B) People who do not have legal ownership rights to property or assets at the time of the census, but have claimed such rights- C) Persons who do not have legal ownership rights to the property or assets affected by the project and / or doing business (or other activities to ensure the livelihood) on illegally or informally occupied land plots.	Owners, tenants and employees of retail and service booths (tents, carts) located in the area of planned project activities
Balashikha		A) People who are owners of property or assets, recognized in accordance with the legislation of the Russian Federation; B) People who do not have legal ownership rights to property or assets at the time of the census,	Owners, tenants and employees of retail and service booths (tents, carts) located in the area of planned project

		but have claimed such rights- C) Persons who do not have legal ownership rights to the property or assets affected by the project and / or doing business (or other activities to ensure the livelihood) on illegally or informally occupied land plots.	activities
--	--	---	------------

5.1 Assessment of Compensation Unit Values

To calculate the amounts to be provisioned for compensation for the lost property, the property subject to expropriation should be evaluated. That means determining the value of the land parcel or of the buildings and other assets on it (structures, fixed improvements, businesses, crops and trees) located at it – both permanent and temporary (e.g., trading pavilions, kiosks).

Also, in accordance with Article 281 of the Civil Code of the Russian Federation, the amount of compensation should cover all the losses incurred by the owner whose property was subject to expropriation including the loss he/she will be incurring due to early termination of his/her obligations.

In case of expropriation of housing the owner should be compensated for the loss incurred due to change of residence, temporary use (rent) of other housing before acquiring new housing, as well as for transportation costs when moving and costs of third parties' services when searching for the new housing and registering ownership (see Part 7 of Article 32 of the RF Housing Code). Also the Housing Code (Article 32) states that in case of expropriation of housing its owner (subject to his/her agreement) may be provided with other real property, the value of which shall be deducted from the amount of compensation of property subject to expropriation.

The situation with those who are renting housing under contracts of social rent is more complicated. From the formal point of view such people are entitled for other improved housing (equivalent to the alienated housing in terms of general space and located within the borders of the same residential area) under the same type of social rent contract. However, the legislation stipulates for the possibility of compensatory provision of housing within the borders of a different residential area located in the same entity of the RF [region]) subject to agreement of the individual deprived of housing due to its alienation associated with government needs.

It should be highlighted that the requirement for the compensation to be fully equivalent does not always mean provision of housing of equal or bigger space, because in certain cases housing may be provided only in accordance with the effective norms. At the same time the "old" housing subject to expropriation may lack elementary amenities: sewage, centralized gas supply or heat supply, and the new housing provided as compensation may have all these amenities. That means the market value of the new housing is much higher even though its living space may be smaller.

All these specifics also need to be taken into account, because such kind of compensation, although it may at first sight seem "unfair", is nevertheless in full compliance with WB OP 4.12, clauses 2b and 2c with regards to "improving conditions and raising the living standards" for the resettled persons.

Preferably, such evaluation of property value and damages should be performed by independent valuation experts. Such valuers should be provided with a correctly developed Valuation Terms

of Reference developed with participation of the respective stakeholders (first of all – title holders and owners of the property subject to delineation). In the territory of Russia property shall be evaluated based on Federal Law No.135-FZ of July 29, 1998 “On Valuation Activities in the Russian Federation” (as amended on July 23, 2013). Article 7 of this Law stipulates for “determining the market value of property” in case a regulation (normative act) containing the requirement of mandatory valuation (or an agreement for property valuation) does not define a specific type of value to be determined.

This rule should also be applied in case the normative act contains such terms as “effective value”, “reasonable value”, “equivalent value”, “real value” and others which are not defined in Federal Law No.135-FZ or in valuation standards. It should be especially remembered that Article 35 of the RF Constitution contains exactly such “vague” definition. However, to assure there is no impairment of the rights of title holders / owners of property subject to delineation, the requirement to determine both the “*market value*” and the “*replacement cost*” for such property should be included in the Valuation Terms of Reference (“replacement cost” means the cost of building similar property at the newly allocated land parcel without accounting for depreciation and/or amortization).

If damages to residences or commercial structures occur, houses/buildings will be valued at replacement value based on the cost of materials, types of construction, labour, transport and other construction costs. No deductions will be applied for depreciation, salvaged materials and transaction costs.⁴

When determining the “market value” the assessor shall not be accounting for the negative factors arising in the course of implementation of the main project and negatively affecting the value of the respective property – construction of the road or adjacent infrastructure elements. All of these requirements should be stipulated for in the Valuation Terms of Reference. Article 8 of this Federal Law No.135-FZ contains the requirement for mandatory property evaluation “when buying out or other type of seizure of property stipulated by the Russian legislation for state or municipal needs”. After receiving the results of the independent valuation the person (entity) whose property is subject to expropriation will be able to choose the best acceptable option to determine the amount of the compensation due.

In cases where the loss is partial, disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property will be replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

Workers losing employment as result of the project in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the project while waiting for employment.

A clear valuation methodology for these cases should be detailed in RAPs. It should take account of all income sources that may decline as result of project implementation. Lump-sum compensation at least equal to the lost income should be considered.

⁴ The land tax rate is established by local authorities but cannot exceed the levels set by the Federal Legislation at 1.5% of cadastral value of land parcel.

5.2 Public consultations

The three participating municipalities held public consultations to discuss the project, explain the principles of the RPF, and respond to participants' questions.

a) Lipetsk

The consultations in the city were held on June 6, 2014 and organized by the Lipetsk administration. The administration was represented by N. A. Novikov, the acting first deputy mayor of the city of Lipetsk (chair); N. A. Sitnikova, the deputy chair of the Department of Transportation, Roads, and Welfare of the Lipetsk administration; and A. G. Sychikov, the head of the Unit of Organization of Road Activities in the Department of Transportation, Roads, and Welfare of the Lipetsk administration.

Participants included four additional representatives of the Lipetsk administration; three representatives of the municipal transportation company; one representative of the Lipetsk city council; director of the ecology safety unit of the Ecology Department of the Lipetsk administration; head of the city public council; representatives of the local Lipetsk TV station, and other representatives of public institutions in the city. Additionally, the consultations were attended by 65 city residents (33 women and 32 men).

The city administration discussed the components of the project and explained the basic principles of the RPF. It informed participants that compensation will be provided to eligible project affected people according to the provisions specified in the RPF, and noted that the project will not finance any activities that require land acquisition or physical resettlement. Participants did not have questions regarding the RPF, aside from a suggestion to hold additional public consultations after the beginning of project implementation in the city Public Council. The administration agreed to this suggestion and additional public consultations will be held as requested.

b) St. Petersburg

The consultations in the city were held on June 9, 2014 and organized by the St. Petersburg administration. The consultations were chaired by A. V. Mishanov (the acting director of the Committee for the development of public transportation in St. Petersburg). Participants included representatives from civil society organizations, private business (e.g., construction and parking companies), business associations, and local media – overall 31 participants (7 women and 24 men).

The chair explained during the consultations the components of the project and explained the basic principles of the RPF. It informed participants that compensation will be provided to eligible project affected people according to the provisions specified in the RPF, and noted that the project will not finance any activities that require land acquisition or physical resettlement. Participants asked the following questions:

- How will the implementation of the RPF be monitored? The chair responded that the PIU will hold monitoring activities at least once in a quarter.
- How will project activities affect historic buildings in the center of the city? The chair responded that project activities will not affect historic buildings, as they will all be implemented on city roads and not on sidewalks.
- Who will be affected by project activities? What will be their impact on vulnerable social groups? Project activities should not affect anyone, as they will be implemented on public lands and activities that require land acquisition will not be financed. However, a detailed

census will be conducted to identify any potential project affected people who may be eligible for compensation under the provisions of the RPF.

It was agreed that a detailed census will be conducted and a list of project affected people who may be eligible for compensation will be developed. Site-specific RAPs will then be prepared as needed and, if necessary, compensation will be paid before the beginning of any project activities. Additional public consultations will be organized as needed as part of RAP preparation and after the beginning of project implementation.

c) Balashikha

The consultations in the city were held on June 10, 2014 and organized by the Balashikha administration. Participants included S. E. Morozov (vice deputy mayor of the Balashikha municipal okrug), M. V. Sharygina (vice deputy mayor of Balashikha municipal okrug), S. S. Chizhov (head of the department of transportation, roads, and communications in the administration of the Balashikha municipal okrug), E. Yu. Bychkova (head of the department of strategic analysis of the Balashikha municipal okrug), S. Yu. Kirnos (procurement specialist at BEA, the project's PIU), A. Durova (transport specialist at the World Bank), three deputies at the municipal Deputies Council of the Balashikha municipal okrug, and six citizens – overall 15 participants (5 women and 10 men).

The city administration discussed during the components of the project and explained the basic principles of the RPF. It informed participants that compensation will be provided to eligible project affected people according to the provisions specified in the RPF, and noted that the project will not finance any activities that require land acquisition or physical resettlement. Participants suggested to hold additional public consultations after the beginning of project implementation. The administration agreed to this suggestion and additional public consultations will be held as requested. No additional questions were posed.

6 Implementation

For each project activity under NUTIP it will need to be identified whether resettlement will occur. If so, remedial action in a Resettlement Action Plan (RAP) will need to be prepared. Each of the proposed NUTIP projects that result in expropriation and resettlement will require the preparation of separate RAPs which will be submitted to the bank for review and approval. The plans will be prepared in full consultation with the population involved by the possible resettlement.

No RAP will be conducted before project effectiveness because, the investments supported by the project are demand driven and it is impossible before the project starts to identify precisely the scope and location of the Sub-projects. During project, preparation, possible sites have been pre-identified, to provide a scope and nature of possible work and impacts but those sites will only be confirmed after the project start as part of the Sub-projects selection mechanisms set by the project. At this stage, the procedures of the RPF will be followed and RAP will be prepared if/when necessary.

6.1 Resettlement Screening and Scoping

Resettlement screening is to provide sufficient information to determine whether the subprojects trigger OP 4.12 and to identify broad scope and scale of impact.

The first step in the process of preparing individual RAPs is the screening process to identify the land/ areas that may result in resettlement impacts. Screening is used to identify the types and nature of potential impacts related to the activities proposed under NUTIP, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key sub-project selection criterion.

This process will be in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified. The screening form will then be submitted to the project management unit for review.

Should the screening process show that resettlement will be required, the next step will be to conduct a socioeconomic census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for the Project.

6.2 Socio-economic census and asset inventory

An important aspect of preparing a RAP is to establish appropriate data to identify the persons and their assets who will be affected by the individual subproject, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

In essence, the census will achieve the following:

- provide initial information on the scale of resettlement to be undertaken;
- identifies gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic census will be initiated by the relevant authorities responsible for managing the Pilot project. The census will be accompanied by a land asset inventory. Together these documents will disclose all legal and physical entities affected by the project.

6.3 Preparation of RAPs

Following the socio-economic census and identification of affected parties and their assets, a RAP will be developed.

It is anticipated that the work will be undertaken by a private consultant or the city administration commissioned for this particular task under the responsibility and supervision of the local authority where a particular project under NUTIP is implemented.

The structure and contents of that plan/ abbreviated resettlement plan are presented in Annex 2.

The RAP will include the following sections:

- baseline census and socioeconomic survey information;
- specific compensation rates and standards;
- policy entitlements related to any additional impacts identified through the census or survey;
- description of resettlement sites and programs for improvement or restoration of livelihoods and stands of living;
- Describe the institutional responsibilities for RAP and the grievance redress procedure and mechanisms;
- Describe the monitoring and evaluation measures for the Project implementation
- Implementation schedule for resettlement activities; and
- detailed cost estimate.

The RAP will be prepared in **consultation** with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.

Russian legal framework stipulates for organizing open public hearings in such cases for discussing the plan of proposed compensatory measures. The date, venue and time of such hearings should be duly communicated (via telephone, as well as in writing by registered mail or by courier under personal signature in the detailed list) to all the affected persons (entities) according to the pre-approved list (persons registered in the territory not being subject to resettlement before a certain date formally agreed between the parties). In case any person is not able to be present at such public hearings for a valid reason (such reason needs to be stated and the respective person should be provided with a possibility to notify about it using the dedicated multichannel phone or via e-mail), this person should be provided with a possibility to acquaint himself or herself with the minutes of the hearings to the fullest extent possible. Such minutes shall include the list of discussed issues and the submitted proposals. For the purposes to implement all the above mentioned actions the Contractor shall hire a Consultant with the relevant experience capable of achieving the required results at minimal costs.

Practice shows that it is not enough to hold such public hearings just once. Moreover, many of the stake holders due to that or another reason (e.g., illness) will not be able to attend. So the most efficient solution would be to hold regular meetings on that topic. The PIU shall define the day for reception of the stakeholders and agree this day with all the organizations taking part in the project from the Borrower's side. People coming to such reception will have an opportunity to state all their

claims and demands, and to get a competent advice on the issues important to them. All the questions received from the citizens should be communicated to the Borrower, and a legitimate and justified solution satisfactory to all the parties should be proposed. Then such solution shall be communicated to the respective resident – preferably, in person.

6.4 Implementation of the RAPs

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation.

How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review, approval and disclosure.

6.5 Monitoring

Consultants contracted by the PIU or the municipalities will be responsible for monitoring the implementation of RAPs during the Project and for the evaluation of resettlement impact upon completion of Sub-project activities and all accompanying activities. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

The indicators to be monitored for each Sub-project include the following:

- Number of households to be resettled and their size (number of household members);
- Number of businesses to be relocated and their size (number of employees);
- Number of households that have been resettled and their size (number of household members);
- Number of businesses that have been relocated and their size (number of employees);
- Number of individuals / households whose income is negatively affected by Sub-project and accompanying activities (number of household members);
- Number of individuals / households who have been provided with assistance in finding alternative income sources (number of household members);
- Increase of the noise level or of pollution level due to exhaust gases
- Number of grievances filed;

- Number of grievances resolved;
- Amount of monetary compensation provided;
- Type and value of non-monetary compensation provided;
- Type of assistance provided (not including compensation).

Data collection forms are provided in Annex 4.

7 Grievance Redress Mechanism

Pursuant to the approval of individual resettlement plans and signature of individual compensation contracts, affected individuals will be informed of the process and allowed to express dissatisfaction or seek redress. There are mechanisms available to affected people for complaints about aspects of their treatment under this policy framework.

Engaged parties (PIU and the municipalities) will take steps to minimize the potential for disputes. Solutions to grievances related to compensation amounts, delays in compensation payments should be pursued directly by the designated authorities in liaison with external consultants hired by the PIU. The PIU will inform property owners and users regarding available channels for grievance redress and for solving complaints, and will maintain a record of grievances received and responses granted. Further details about the operationalization of the GRM will be provided in site-specific RAPs.

Aggrieved persons will also have a right of access to court. Where properties disputes are concerned, the participating municipalities will encourage aggrieved persons to find a mutual understanding of the case and come to an applicable mutual solution to the problem.

In case of persistent dispute concerning amount of compensation or person entitled to any form of compensation, the case may be brought to the court. An opportunity to appeal flawed decisions to project authorities and/or courts can be pursued as prescribed by law.

8 Budget, and Funding Arrangements

The full costs of resettlement activities necessary to for compensations according to RPF and specific RAPS will be fully financed by the funds of the participating municipalities. Further details about budget and funding arrangements will be provided in site-specific RAPS, if such RAPS will be necessary.

9 Disclosure arrangements

The draft of this RPF was disclosed Russian on the official website of the Ministry of Transportation on May 20, 2014,⁵ and on the websites of each of the participating cities during the week of June 2, 2014.⁶ The draft RPF was also disclosed in English on InfoShop on May 21, 2014. Information about public consultations on the RPF was made available on municipal websites in advance of the consultations.

The final version of the RPF will be disclosed in Russian on the website of the Ministry of Transportation and on municipal websites. Hard copies will also be made available in the offices of the Ministry of Transportation, the administration of the participating cities, and the PIU.

In case that site-specific RAPs will be required, they will be disclosed in Russian in all sites where Project activities will take place. Information about public consultations regarding the RAP will be made available in the local media, on public bulletin boards, on Project construction sites, in the local PIU offices, and in the local offices of the participating cities.

⁵ http://www.mintrans.ru/documents/detail.php?ELEMENT_ID=22167.

⁶ **Balashikha:** <http://balashiha.ru/%D0%B1%D0%B0%D0%BB%D0%B0%D1%88%D0%B8%D1%85%D0%B0-%D1%83%D1%87%D0%B0%D1%81%D1%82%D0%B2%D1%83%D0%B5%D1%82-%D0%B2-%D1%80%D0%B5%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0%D1%86%D0%B8%D0%B8-%D0%BF%D0%B8%D0%BB/>
St. Petersburg: http://gov.spb.ru/gov/otrasl/tr_infr_kom/current_activities/seminars/;
Lipetsk:
http://lipetskcity.ru/iblock/struktura_administracii/glava_goroda_lipecka/predsedatel_departamenta_transporta_dorog/departament_transporta_dorog_i_blagoustrojstva/e/obshhestvennie_obsuzhdenija

Annex 1: Resettlement Plan Development Procedure

Stages	Nature of activities	Timing
Defining properties/land plots to be used (only public land, no land acquisition will be done)	<p>Based on information provided by applicant in preliminary proposals determine categories of affected population for subprojects.</p> <p>Review and consider all feasible options for Project implementation to avoid or minimize the scope of resettlement for individuals/legal entities.</p>	Pre-project preparation

<p>Census of individual residents/legal entities to be resettled, defining their title on withdrawn immovable property, valuation of the withdrawn properties</p>	<p>1. Based on information in subproject application collect and analyze information on individuals/legal entities to be resettled and their immovable property:</p> <ul style="list-style-type: none"> - information on individuals residing in the project area; - characteristics of households/economic agents to be resettled; - scope of expected loss (full or partial) of property and other losses; - title information; - information on vulnerable groups and individuals eligible for special measures; <p>2. Putting the information into a system and splitting the population to be resettled into 3 categories:</p> <ul style="list-style-type: none"> a) individuals with formal land/property titles; b) individuals without formal land/property title at the beginning of the census who claimed their rights provided that such rights are recognized by national legislation or are recognized following the procedure spelled out by the resettlement plan; c) individuals without legal rights and claims to be recognized with respect to land plots and properties they occupy. <p>3. Census completion and ensuring regular information updates regarding conditions and standards of living of those to be resettled in order to have reliable information by the time of actual resettlement.</p>	<p>Early stages of Project preparation</p>
---	--	--

<p>Informing about resettlement, compensations and other assistance available during resettlement</p>	<p>Informing individuals/legal entities on the upcoming resettlement procedures applied to the above three categories as well as on possible reasons for resettlement:</p> <p>a) individuals/legal entities having ownership, social rent, rental lease rights:</p> <p><i>Action with respect to owners of residential properties:</i> residential property can be withdrawn only in case of disposition of occupied land for state/municipal needs on condition of providing pre-transaction compensation of equal value.</p> <ul style="list-style-type: none"> - decision to withdraw residential property made by the body of government authority or local government should be registered with the body responsible for state registration of property rights and transactions. - owner of the residential property at least <u>one year</u> prior to the withdrawal should be notified <u>in writing</u> about withdrawal of the residential property owned by him/her as well as about the date when such decision was registered by the body that had made the withdrawal decision. Redemption of the residential property before one year since such notification shall be made only with the owner's consent. - Redemption price of the residential property, timing and other conditions of the redemption shall be defined by an agreement with the owner. The agreement shall include a commitment of the Russian Federation, constituent member of the Russian Federation, municipality to pay the redemption price for the withdrawn residential property (cost of the residential property as well as all losses and opportunity cost). - Should the owner disagree with the withdrawal decision, or in case the agreement with the owner regarding redemption price of the residential property or other conditions of its redemption fails to be reached, the body of government authority or local self-governance making such decision may bring a law suit on acquisition of the residential property. The suit may be brought within <u>two years</u> upon forwarding respective notification to the owner. 	<p>Determined by a decision of a respective body of executive power at least one year prior to dispossession</p>
---	--	--

	<p><i>Action with respect to owners of residential housing in a block of flats recognized as uninhabitable:</i> in case a block of flats is recognized as uninhabitable and set for demolition, the body making such decision may demand that the owners of units in such house should demolish the house within reasonable timeframe. In case the owners fail to demolish the mentioned house by the mentioned deadline, the land on which the house is located shall be withdrawn for municipal needs and therefore each residential unit in this house shall be withdrawn on condition of providing pre-transaction compensation of equal value, except for housing owned by the municipality.</p>	Determined by a decision of a respective body of executive power
	<p><i>Action with respect to non-owners (living under social rent arrangements) when residential property is transferred to non-residential or is recognized as unfit for living:</i> in case the residential housing occupied under social rent is to be transferred to non-residential or is recognized as unfit for living, individuals evicted from such housing shall be provided by the renter with other residential housing with amenities under social rent arrangements. The new housing should have necessary amenities with respect to the given residential area, its total floor space should be equal to that of the previously occupied housing, and it should meet the established requirements and be located within the boundaries of the residential area. The housing provided to the individuals who are evicted by court (should they refuse to move voluntarily) should be mentioned in the court decision.</p>	Determined by a decision of a respective body of executive power
	<p><i>Action with respect to legal entities in case of lease termination:</i> termination of property (buildings, installations, premises) lease contract shall be made in the same format as the contract itself unless laws, other regulatory acts, contracts or business practice provide otherwise. Should the lessee refuse to amend or terminate the lease contract, the lessor may bring the case to court.</p> <p>If the lease term is not specified in the property lease contract, such contract may be terminated at any time with a 3-month notice of the other party.</p>	<p>The term specified in the lease contract or 30 days</p> <p>3 months</p>

	<p>b) individuals without formal land/property title at the beginning of the census who claimed their rights provided that such rights are recognized by national legislation or are recognized following the procedure spelled out by the resettlement plan.</p> <p>If the title can be confirmed with documents prior to resettlement, such individuals/legal entities move to category a) if no confirmation can be provided – to category c) The probability of addressing resettlement issues for this category in court is high.</p>	Between census completion and launch of resettlement
	<p>c) individuals without legal rights and claims to be recognized with respect to land plots and properties they occupy.</p> <p><i>Action with respect to residents who occupy housing illegally:</i> in case residential housing to be withdrawn is occupied by uncontrolled settlers/squatters, the issue shall be resolved based on the type of household to be deprived of housing. Temporary or permanent social housing, hostels, boarding homes, etc. options may be offered; however, no objective to maintain or upgrade residential standards of the evicted household would be pursued. Individuals in this category may be eligible for additional assistance by means of job placement, training, self-employment, social benefits, child allowances, etc. Special attention will be paid to the vulnerable populations (e.g. those below the poverty line, elderly, young individuals, women and children etc.).</p> <p><i>Action with respect to legal entities/individual entrepreneurs who occupy properties illegally:</i> with respect to legal entities/individual entrepreneurs who occupy land/property illegally, no protective measures in the course of their eviction shall be applied by the national legislation. Under the Project this category may be eligible for legal and technical assistance in seeking a new property and arranging its lease/ownership.</p>	Between census completion and launch of resettlement

Consultations with affected population regarding acceptable options	<p>Discussion of the conditions and progress of resettlement with the resettled includes:</p> <ul style="list-style-type: none"> - developing general approaches and policies for consultations with individuals to be resettled, their engagement in preparation and implementation of resettlement activities (by means of public hearings, collective discussions, individual interviews, written notifications, etc.); - solicitation of opinions and requests of the resettled by means of public hearings, apartment/house visits, collective gatherings and discussions, written complaints etc., their reflection and summary; - assessment of resettlement options and choices made by the individuals to be resettled, including with respect to: compensation formats; individual, family, household resettlement arrangements; need for additional social assistance; - assessment of resettlement options and choices made by legal entities/individual entrepreneurs to be resettled; - designing organizational measures that would ensure timely delivery of affected populations' requests to the project management during planning and implementation stages, as well as delivery of information on additional issues related to resettlement (community liaison office for the Project, use of IT, etc.); - designing measures to provide additional support to vulnerable populations (retirees, disabled, women, children). 	Between census completion and launch of resettlement
Designing resettlement schedule	Schedule for all resettlement activities, from preparation to completion, with deadlines for deliverables to the affected population and withdrawal of various types of assistance. The schedule should reflect interaction of resettlement activities with the overall Project work plan.	Within reasonable timeframe and considering the scope of resettlement activities

Developing resettlement budget	<p>Resettlement budget includes:</p> <ul style="list-style-type: none"> - cost estimates for all activities, by item, considering inflation and contingencies; - withdrawal schedules; - sources of financing; - measures to ensure timely arrival of necessary resources and financing of resettlement activities. 	Within reasonable timeframe and considering the scope of resettlement activities
Resettlement	Resettlement of individuals and legal entities pursuant to developed approaches and established agreements	Pursuant to specific conditions prior the start-up of restoration (construction) works at real estate property
Review and resolution of resettlement-related complaints	<p>Using a variety of means and channels to review complaints of the resettled :</p> <ul style="list-style-type: none"> - informal review of inessential complaints; - arbitration for resettlement disputes; - making decisions by respective municipal, regional and national bodies; - court proceedings. 	Between launch of resettlement and Project completion
Monitoring and resettlement impact evaluation	<ul style="list-style-type: none"> - developing guidelines for resettlement activities monitoring; - developing indicators for monitoring resettlement inputs, outputs and outcomes; - evaluation of resettlement impact upon completion of resettlement and all accompanying activities; - using monitoring outcomes in planning and implementation of similar future activities. 	Upon completion of resettlement and before the Project completion

Annex 2: Resettlement Plan Format

Resettlement plan is based on up-to-date and reliable information about:
the proposed resettlement and its impacts on the displaced persons and other adversely affected groups;
the legal issues involved in resettlement.

The base structure of the Resettlement Plan covers the elements below. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

1. *Description of the project.* General description of the project and identification of the project area.

2. *Potential impacts.* Identification of:

- a) the project component or activities that give rise to resettlement;
- b) the zone of impact of such component or activities;
- c) the alternatives considered to avoid or minimize resettlement; and
- d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

3. *Objectives.* The main objectives of the resettlement program.

4. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

- a) the results of a census survey covering:
 - i) current occupants of the affected area;
 - ii) standard characteristics of displaced households / economic entity (production system, labor force, household organization, living standards, income etc.);
 - iii) the magnitude of the expected loss--total or partial--of assets, and other losses;
 - iv) information on socially vulnerable groups and persons for whom special provisions may have to be made; and
 - v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- b) Other studies describing the following:
 - i) land tenure and transfer systems;
 - ii) the patterns of social interaction in the affected communities, including social networks and social support systems;
 - iii) public infrastructure and social services that will be affected by the project works; and
 - iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. *Legal framework.* The findings of an analysis of the legal framework, covering:

- a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons;
- c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights;
- d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project.

6. *Institutional Framework.* The findings of an analysis of the institutional framework covering:

- a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- b) an assessment of the institutional capacity of such agencies and NGOs; and
- c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

7. *Eligibility for compensation and social assistance.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance.

8. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

9. *Resettlement measures.* A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

10. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering:

- a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and;
- d) legal arrangements for regularizing tenure and transferring titles to resettlers.

11. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

12. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. *Community participation.* Involvement of resettlers and host communities:

a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;

c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as pensioners, disabled, women and children are adequately represented.

14. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including:

a) consultations with host communities and local governments;

b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;

c) arrangements for addressing any conflict that may arise between resettlers and host communities; and

d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

15. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

16. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

18. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

19. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the

Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Abbreviated Resettlement Plan

The abbreviated plan will covers the following elements:

- a) a census survey of displaced persons and valuation of assets;
- b) description of compensation and other resettlement assistance to be provided;
- c) consultations with displaced people about acceptable alternatives;
- d) institutional responsibility for implementation and procedures for grievance redress;
- e) arrangements for monitoring and implementation; and
- f) a timetable and budget.

In addition, in case some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the abbreviated plan will also cover a socioeconomic survey and income restoration measures.

Annex 3 – List of the effective Russian legislation and options of harmonization with OP 4.12.

The key legal provisions pertaining to this matter can be found in the RF Constitution (Articles 34, 35 and 36), the RF Civil Code, as well as the RF Land Code and the RF Housing Code, and also in certain decisions of the RF Supreme Court and the RF Constitutional Court, in certain federal laws and regulations adopted both at the federal and at the regional levels.

The WB Operational Policy clearly states that involuntary resettlement of citizens and/or alienation of property in relation with the “**government needs**” should be minimized and performed only upon comprehensive review and analysis of all available alternatives for project implementation. Unfortunately, there is no clear definition of what should be attributed to the “government needs” in the Russian legislation, which also leaves room for discretionary interpretation of this concept by Russian courts).

The WB Operational Policy states that in case resettlement of citizens becomes inevitable due to forced alienation of property including real estate and land parcels, all the compensatory measures should be developed and implemented as sustainable development programs for the resettled citizens to be able to benefit from the project. At the same time, Russian legislation does not stipulate for improving the living conditions of persons whose property is subject to delineation. Moreover, the practices of Russian courts often show quite the opposite: the amounts of compensations paid to such affected persons do not allow for talking about “benefits” or “improving living conditions” – they are not even sufficient for such persons to maintain their previous living standards.

This often leads to such a legal paradox: even complete reimbursement of nominal value or even of market value of the delineated property does not constitute “full reimbursement” as is required by the Constitution.

In the recent years in Russia due to implementation of a big number of projects associated with public infrastructure upgrading including road networks, airports, railways, re-distribution of commercial and cargos traffic, etc. the issues of citizens’ resettlement and alienation of their property have become quite acute.

The litigation practices of the RF courts, as well the essence of suits filed by Russian citizens with the Strasbourg Court; demonstrate that judgments of Russian courts on citizens’ claims do not always take into account the constitutional provision about “fully equivalent compensation paid in advance”. Often violations of the citizens’ ownership rights might not result in any judicial implications.

In relation with the above the issue of forced alienation of land or property (even a portion of real estate in connection with an easement) should be treated very prudently in the course of implementing the projects sponsored and supported by the World Bank. WB Operational Policy requires paying special attention to inadmissibility of deprivation of homes due to resettlement, as well as of forced restriction of access to the territories with official statuses of reserved areas and protected areas potentially having negative effect on the resettled persons’ living standards.

Russian legislation fixes the right of government to enforce alienation of private property, and the amount of compensation in such case is subject to the decision of the court.

In accordance with Part 3 of Article 35 of the RF Constitution no one may be deprived of property otherwise than by the decision of the court. Respectively, alienation of property for government needs should be performed through a judicial proceeding and in no other way than against “fully equivalent compensation paid in advance”. Thus, the Constitution stipulates for the compensation procedure precedent to the alienation procedure. The RF Civil Code clarifies the deadlines: owner (title holder) should receive official notification about refundable alienation of property from the respective authority no less than 1 year – 12 months – prior to the deadline for the owner to make the respective decision; such notification may contain a public offer listing the amount of compensation that the government is ready to pay the owner for the alienated property. The RF Civil Code also stipulates for the possibility of the owner to agree to a pre-judicial settlement in case he/she is satisfied with the amount of compensation or other compensatory measures.

Formally this entails buying out property with the buy-out price including market value of the real property (only the value of property existing as of the moment the above mentioned notification is received by the owner shall be taken into account; the court is not obliged to account for the property placed by the owner within the land parcel subject to alienation after the owner receives the notification), which may be determined either by mutual content of the parties or by resolution of the court in case of any disputes between them – with an independent assessor engaged. The role of the latter is extremely important, because the “replacement cost” can be proposed – that is equivalent to the price for similar property acquired by a person whose property is subject to alienation (including the cost of the land parcel). At the same time assessor may determine only the value of property subject to valuation based on its condition and with account of depreciated value. In the second case material loss for the owner is practically inevitable, and the owner’s rights will be impaired. There is not even a discussion about the possibility to improve living conditions (as WB Policy OP 4.12 stipulates for). That is why developing Terms of Reference for the assessor requires great prudence. Also, in accordance with Article 281 of the Civil Code of the Russian Federation, the buy-out price should cover all the losses incurred by the owner whose property was subject to alienation including the loss he/she will be incurring due to early termination of his/her obligations. Also, it is assumed that in case of housing alienation the owner should be compensated for the loss incurred due to change of residence, temporary use (rent) of other housing before acquiring new housing, as well as for transportation costs when moving and costs of third parties’ services when searching for the new housing and registering ownership (see Part 7 of Article 32 of the RF Housing Code). Also the Housing Code (Article 32) states that in case of alienation of housing its owner (subject to his/her agreement) may be provided with other real property, the value of which shall be deducted from the buy-out price of property subject to alienation.

The situation with those who are renting housing under contracts of social rent is more complicated. From the formal point of view such people are entitled for other improved housing (equivalent to the alienated housing in terms of general space and located within the borders of the same residential area) under the same type of social rent contract. However, the legislation stipulates for the possibility of compensatory provision of housing within the borders of a different residential area located in the same entity of the RF [region]) subject to agreement of the individual deprived of housing due to its alienation associated with government needs.

Court litigation is the main procedure for alienation of property. Administrative procedure may be used for those who have the right of permanent perpetual use of their property or the right

of lifetime inheritable possession, even though practice shows that in the last case extra-judicial settlement is practically impossible.

In case an individual or a legal entity exercises operational control or management of the property, and the ownership is given to the federal or municipal government or the constituent entity of the Russian Federation (sub-national government), such property (real estate) may be alienated through an administrative procedure by way cancellation of contracts subject to such procedure being stipulated by the respective contract (which is generally true). Otherwise the contract cancellation issue should be reviewed in court, which will also determine the level of compensation.

As has been already mentioned, extra-judicial settlement is possible if the proposed compensation is satisfactory for the owner property subject to alienation.

In the Russian Federation the issues of land titles and real property ownership rights are defined and regulated by the following main laws: the RF Constitution, the RF Civil Code, the RF Housing Code, the RF Land Code, as well as Federal laws and subordinate regulations at the level of sub-national or municipal governments.

The task of determining the value of property and, respectively, the amount of compensation for its alienation is assigned to sub-national judicial bodies (courts). Their resolutions on such matters might be very different (real estate prices may differ drastically depending on the RF entity and regions within the same entity), that is why sometimes the question of legitimacy of the court decision may be elevated to the RF Supreme Court.

The RF Constitution defines the most important criterion for compensation is case of forced alienation of property associated with government needs — such compensation should be “equivalent”. It is assumed that when determining the amount of compensation Russian courts shall account for the public interest in developing transportation, communication, etc. Compensation for property alienation should not reach the amounts which make socially meaningful projects or innovations economically unfeasible due to high compensation costs. The courts also have to take into account the fact that compensations to private property owners are paid out of the tax revenues paid by all other owners.

At the same time, because the RF Constitution stipulates for such compensation to be paid in advance, project implementation may be suspended until the moment the court delivers its final verdict. The litigation in court may take up to three years.

However, Russian law stipulates for the possibility to change the procedure by legislative action. For example, land and real property was alienated in connection with the Sochi Olympics during construction of the respective infrastructure based on the especially enacted Federal Law No.310-FZ of December 01, 2007 “On Organizing and Conducting XII Winter Olympics and XI Paralympics in 2014 in the City of Sochi, Development of Sochi Ski Resort and Amending Certain Laws of the Russian Federation”. This law significantly changed the deadlines for the owners to review proposals upon receiving notifications. It also deprived many individuals of their rights to claim compensations, because their ownership rights “were not recognized” due to certain violations in the process of registering such rights and/or due to missing title documents for certain real property and land parcels.

It should be especially noted that this rather “loose” interpretation of the RF Civil Code and even the RF Constitution provisions by the authors of Federal Law No.310-FZ created a precedent which may be referred to in the course of any other major infrastructure project if it’s sufficiently lobbied for, so prerequisites may be created for enactment of another similar Federal Law for another project.

Draft Federal Law No.391826-6 “On Amendments to Article 46 of the RF Urban Planning Code and Article 28 of the Federal Law “On General Principles of Local Self-Government Organization in the Russian Federation”” was introduced to the RF State Duma on December 31, 2013. This draft deprives local residents of their rights to participate in public discussions about laying new pipelines, highways, railways, electric power transmission lines and other linear structures through their land parcels. Thus, the authors of the law try to introduce limitation of usage (easement) in the form of a Federal Law, practically depriving the citizens of their right for fully equivalent compensation for the alienated property – the right granted to them by the RF Constitution. Also, according to this draft law, the decrease of the market value of land due to laying a high-voltage transmission line, gas pipeline or a water main limiting the owner's right to use or to develop the land will not be taken into account. According to Clause 11 of Article 1 of the RF Urban Planning Code “*linear structures*” are understood as electric power transmission lines, communication lines (including cable lines), pipelines, motor ways, railways and other similar structures.

Various regulations may interpret the concept of “*linear structures*” differently. For example, it may comprise the infrastructure for development of mineral resources if the field facilities installation plan requires lying of certain lines.

Within judicial practice (Perm District Court Resolution of January 26, 2012) pump stations, transformer sub-stations and other similar facilities may be also attributed to linear structures.

According to Article 46 of the RF Urban Planning Code and Article 28 of the Federal Law “On General Principles of Local Self-Government Organization in the Russian Federation” all area planning designs and boundary-setting plans including those developed for placing linear structures should be discussed at public hearings.

It is highly probable that the above mentioned draft law shall not pass the State Duma and the Federal Assembly (two chambers of the Russian parliament) because according to Article 15 of the RF Constitution the generally accepted principles and norms of international law and international treaties signed by the Russian Federation constitute an integral part of its legal framework.

The following international legal documents contain public participations norms: United Nations Convention on Environmental Impact Assessment in a Trans-Boundary Context (Espoo Convention), United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice on Environmental Issues” (Aarhus Convention); and Russia is getting ready to start their ratification process and to introduce the respective amendments into Russian laws.

Thus, eliminating the public hearings procedure on area planning designs and boundary-setting plans in the territories subject to laying linear structures contradicts to the norms of international law and to the process of alignment between the RF legislation and international conventions.

The issue of persons entitled for compensation and support is the most interesting for the World Bank, so we need to highlight the following:

The rights of persons which WB **OP 4.12, clause 15a** qualifies as “official legal owners of land parcels (including those with the rights based on tradition and common practices “recognized by the law of Russia”) are protected by Russian laws and subordinate legal acts practically in full extent. The only issue that may arise is the issue of the compensation amount to be paid for alienated

property. In case the parties fail to reach any agreement on the amount, the issue is to be reviewed by the respective court.

Similar norms apply to persons which WB **OP 4.12, clause 15b** qualifies as “persons without official legal titles for land parcels as of the moment of starting the census, but having claimed their rights for the land parcels and property – subject to such claims being recognized by the national legislation or under the resettlement procedure for the given project”. For example, persons whose rights are defined by Article 234 of the RF Civil Code may be qualified as the above described persons. They are not title holders, but they openly, continuously and in good faith possess either their own property for the period of 15 years or other property for the period of 5 years. Such persons in case they claim their rights shall acquire the titles for the respective property, and will unconditionally become entitled for compensation in case it is alienated.

It should be especially highlighted that the requirement for the compensation to be fully equivalent does not always mean provision of housing of equal or bigger space, because in certain cases housing may be provided only in accordance with the effective norms. At the same time the “old” housing subject to alienation may lack elementary amenities: sewage, centralized gas supply or heat supply, and the new housing provided as compensation may have all these amenities. That means the market value of the new housing is much higher even though its living space may be smaller. All these specifics also need to be taken into account, because such kind of compensation, although it may at first sight seem “unfair”, is nevertheless in full compliance with WB **OP 4.12, clauses 2b and 2c** with regards to “improving conditions and raising the living standards” for the resettled persons.

The most difficult situation is with persons qualified by **OP 4.12, clause 15c** as persons “not eligible for recognizing their legal rights and claims for the land parcels they currently occupy”.

Two categories of such persons should be identified. The first one comprises owners of mobile or temporary (non-permanent) retail facilities (kiosks, vending stands, carts) without officially registered agreements with local municipal administrations or other title holders for installation of such facilities. In case such persons prove that they had been making payments for using the land parcels to their legitimate owners or to persons with temporary managing rights for these parcels, these persons may count on receiving compensation subject to the positive decision of the court. They should also get back their temporary or mobile facilities (kiosks, vending stands, carts) in accordance with the procedures set by local regulations. As a rule, such facilities shall be evacuated to temporary storage sites and returned to their owners upon completion of all the documentation.

The second category comprises owners of mobile or temporary (non-permanent) retail facilities (kiosks, vending stands, carts) not only without officially registered agreements with local municipal administrations or other title holders for installation of such facilities, but also not having made any payments in the past for using the respective land parcels. While according to Russian legislation such individuals are not eligible for compensation, they will be eligible for assistance as part of **OP 4.12**.

It should also be taken into account that persons whose property may be alienated or is subject to alienation in the course of the project implementation should be invited to the public hearings conducted in association with the project (or officially notified about them). Thus, these persons shall be timely notified about the project and will be able to undertake the necessary steps: relocate their facilities to a different land parcel, start searching for a new job or new housing.

The issue of providing assistance for resettlement to a new residential area and “other types of assistance” shall be fully in the field of responsibilities of the duly authorized social services.

The most complicated thing in dealing with citizens is that the majority of individuals have very vague knowledge of the effective Russian legislation, of their rights and of the responsibilities of the authorities in charge of the resettlement. Property alienation procedures are also not very clear for Russian citizens. The situation is not much better for administration authorities, because many officials do not have sufficient expertise in law, and in some cases their actions may be interpreted as breach of national legislation, even though there might not be any malicious intent (the so-called “legal nihilism”). In relation with that consultations with professionally competent lawyers specialized in land law and real estate transactions may be considered as very important support. Because construction of linear structures and resettlement / property alienation must be accompanied by public hearings, consultations centers may be set up for working with individuals and categories of citizens described in **WB OP 4.12 clauses 15a, 15b and 15c**.

Besides, professional support may be rendered to all categories of citizens described in **WB OP 4.12 clauses 15a, 15b and 15c** to prepare their applications for compensations to be filed with the respective authorities or law suits to be instituted with courts.

It is especially important that we are talking here about compensation for alienated property to be paid in advance. Any other actions on behalf of the authorities shall be qualified as unconstitutional – with all the ensuing consequences.

ANNEX 4 – Resettlement screening form

GUIDELINES FOR THE EVALUATION

The evaluator to undertake the assignment during field visit of the site .

The evaluator to undertake the assignment after prior briefing of the exercise.

The form to be completed by consensus of at least three people.

Project Name:	Estimated Cost:
Project Location: Village: Traditional Authority: District:	Project Objectives
Land tenure status	Proposed Main Project Activities:
Name / Signature and Position of Evaluator	Date of appraisal

	SCOPE AND FOCUS OF SCREENING	METHODOLOGY OF SCREENING			
		Appraisal of Impacts		Evaluation of Impacts	
		No	Yes	Low	High
1.0	SCREENING CRITERIA FOR PROPOSED SITE FOR THE PROJECT				
	<i>Will construction/expansion of a school/college within proposed site generate the following socio-economic impacts?</i>				
1.1	Loss of private land/gardens				
1.2	Loss of private residential premises				
1.3	Loss of private commercial premises				
1.4	Loss of crops for a person/persons				
1.5	Loss of forest trees for a person/persons				
1.5	Loss of fruit trees for a person/persons				
1.6	Eviction of squatters/pirates				
1.7	Eviction of vendors				
1.8	Loss of rental accommodation				
1.9	Closure/blockage of public footpath/road				
1.10	Blockage of pathways for livestock				
1.11	Loss of grazing land				
1.12	Loss of cultural sites – graveyards, ritual sites				
1.13	Loss public facilities – church, borehole, water kiosks,				
1.14	Loss of access to natural resources				

OVERALL EVALUATION OF THE RESETTLEMENT SCREENING PROCESS.

The results of the screening process would be either - that there is no need of compensation and resettlement on the site or that there would be compensation and resettlements on the site and that a resettlement action plan be prepared. The basis of these options is listed in the table below:

There would be need of compensation/resettlement on the site and that Resettlement Action Plan be prepared.	No need of compensations and resettlement on the site and the project be implemented
1. An entry/entries of "YES" against each social impact in column 4 in table	1.Entries of "NO" against each of the social impact in column 4 in table
Completion by District Commissioner/Director of Planning and Development	
Date Received from	
Dated Reviewed:	
Date of Submission of inspection of the site	
Date of recommendation	
Date of clearance.	
Name & Signature of Officer:	